



**FEDERAL REGULATORY ACTIONS**  
**IMPACTING**  
**OFFSHORE DRILLING**

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## ABBREVIATIONS AND ACRONYMS

<b>ACOE/ACE</b>	Army Corps of Engineers	<b>MPA</b>	Marine Protected Area
<b>AIS</b>	Automatic Identification System	<b>MRO</b>	Medical Review Officer
<b>ALJ</b>	Administrative Law Judge	<b>MPA</b>	Marine Protected Area
<b>APCD</b>	Air Pollution Control District	<b>MSHA</b>	Mine Safety and Health Administration
<b>ANPRM</b>	Advance Notice of Proposed Rulemaking	<b>MTSA</b>	Maritime Transportation Security Act of 2002
<b>API</b>	American Petroleum Institute	<b>MWQC</b>	Marine Water Quality Criteria
<b>BACT</b>	Best Available Control Technology	<b>NAAQS</b>	National Ambient Air Quality Standards
<b>BCT</b>	Best Conventional Pollutant Control Technology	<b>NMFS</b>	National Marine Fisheries Service
<b>BMP</b>	Best Management Practices	<b>NWA</b>	National Wildlife Area
<b>BOEM</b>	Bureau of Ocean Energy Management	<b>NEPA</b>	National Environmental Policy Act of 1969
<b>BPT</b>	Best Practicable Control Technology Currently Available	<b>NESHAPs</b>	National Emissions Standard for Hazardous Air Pollutants
<b>BSEE</b>	Bureau of Safety and Environmental Enforcement	<b>NIOSH</b>	National Institute for Occupational Safety and Health
<b>CAA</b>	Clean Air Act	<b>NMVOG</b>	Non-Methane Volatile Organic Compound
<b>CARB</b>	California Air Resources Board	<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>CBP</b>	U. S. Customs and Border Protection (DHS)	<b>NOIA</b>	National Ocean Industries Association
<b>CDL</b>	Commercial Driver's License	<b>NOx</b>	Nitrogen Oxides
<b>CEQ</b>	Council on Environmental Quality	<b>NPRM</b>	Notice of Proposed Rulemaking
<b>CFCs</b>	Chlorofluorocarbons	<b>NSPS</b>	New Source Performance Standards
<b>CFR</b>	Code of Federal Regulations	<b>NSR</b>	New Source Review
<b>COA</b>	Corresponding Onshore Area	<b>NTL</b>	Notice to Lessees and Operators
<b>COR</b>	Certificate of Registry	<b>NVIC</b>	Navigation and Vessel Inspection Circular
<b>COTP</b>	USCG Captain of the Port	<b>OCS</b>	Outer Continental Shelf
<b>CWA</b>	Clean Water Act	<b>OCSLA</b>	Outer Continental Shelf Lands Act
<b>CZMA</b>	Coastal Zone Management Act	<b>ONRR</b>	Office of Natural Resources Revenue
<b>DEIS</b>	Draft Environmental Impact Statement	<b>OOC</b>	Offshore Operators Committee (U.S.)
<b>DHS</b>	Department of Homeland Security	<b>OPA-90</b>	Oil Pollution Act of 1990
<b>DOE</b>	Department of Energy	<b>OTR</b>	Office of the U.S. Trade Representative
<b>DOL</b>	Department of Labor	<b>PATON</b>	Private Aid to Navigation
<b>DOT</b>	Department of Transportation	<b>PEL</b>	Permissible Exposure Limit
<b>EIS</b>	Environmental Impact Statement	<b>PHMSA</b>	Pipeline and Hazardous Materials Safety Administration
<b>EO</b>	Executive Order	<b>P.L.</b>	Public Law
<b>EPA</b>	Environmental Protection Agency	<b>PM</b>	Particulate Matter
<b>EPCRA</b>	Emergency Planning and Community Right-to Know Act	<b>ppm</b>	Parts per million
<b>FAA</b>	Federal Aviation Administration	<b>PSD</b>	Prevention of Significant Deterioration
<b>FCC</b>	Federal Communications Commission	<b>RCC</b>	Rescue Coordination Center
<b>FDA</b>	Food and Drug Administration	<b>RFA</b>	Regulatory Flexibility Act
<b>FEMA</b>	Federal Emergency Management Agency	<b>RIA</b>	Regulatory Impact Analysis
<b>FLSA</b>	Fair Labor Standards Act	<b>RIN</b>	Regulation Identifier Number
<b>FR</b>	<i>The Federal Register</i>	<b>RQ</b>	Reportable Quantity
<b>FRA</b>	Federal Railroad Administration	<b>RSPA</b>	Research and Special Programs Administration (DOT) – now PHMSA
<b>FPSO</b>	Floating Production Storage and Offloading Unit	<b>SAMHSA</b>	Substance Abuse and Mental Health Services Administration
<b>FMCSA</b>	Federal Motor Carrier Safety Administration	<b>SBF</b>	Synthetic-Based Drilling Fluid
<b>FTA</b>	Federal Transit Administration	<b>SBREFA</b>	Small Business Regulatory Enforcement Fairness Act
<b>FWPCA</b>	Fresh Water Pollution Control Act	<b>SIP</b>	State Implementation Plan
<b>HAPs</b>	Hazardous Air Pollutants	<b>SNPRM</b>	Supplemental Notice of Proposed Rulemaking
<b>HCFCs</b>	Hydrochlorofluorocarbons	<b>SOLAS</b>	International Convention for the Safety of Life at Sea
<b>HHS</b>	Department of Health and Human Services	<b>SOx</b>	Sulfur Oxides
<b>HME</b>	Hazardous Materials Endorsement (to a CDL)	<b>SSI</b>	Sensitive Security Information
<b>HMR</b>	Hazardous Materials Regulations	<b>STCW</b>	International Convention on Standards of Training, Certification & Watchkeeping
<b>IADC</b>	International Association of Drilling Contractors	<b>TLP</b>	Tension Leg Platform
<b>ICAO</b>	International Civil Aviation Organization	<b>TRI</b>	Toxics Release Inventory
<b>ICE</b>	U. S. Immigration and Customs Enforcement	<b>TSA</b>	Transportation Security Administration
<b>ILO</b>	International Labor Office	<b>TWIC</b>	Transportation Worker Identification Credential
<b>IMDG Code</b>	International Maritime Dangerous Goods Code	<b>U.S.C.</b>	The United States Code
<b>IMO</b>	International Maritime Organization	<b>USCG</b>	U. S. Coast Guard
<b>INS</b>	Immigration and Naturalization Service	<b>USCIS</b>	U.S. Citizenship and Immigration Services
<b>ISA</b>	International Seabed Authority	<b>VOC</b>	Volatile Organic Compound
<b>ISO</b>	International Organization for Standardization		
<b>HDE</b>	Heavy Duty Engine		
<b>LAER</b>	Lowest Achievable Emission Rate		
<b>LHWCA</b>	Longshoreman and Harbor Worker's Compensation Act		
<b>MACT</b>	Maximum Achievable Control Technology		
<b>MMC</b>	Merchant Mariner Credential		
<b>MMD</b>	Merchant Mariner's Document		
<b>MODU</b>	Mobile Offshore Drilling Unit		

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## U.S. Federal Regulatory Actions Impacting Offshore Drilling Contractors

This document reflects regulatory actions announced in the *Federal Register* or other sources through 31 December 2014. The dates given for anticipated regulatory actions are based on information in the most recent Semi-Annual Unified Agenda, or information obtained through contact with the agency.

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Access to copies of the *Federal Register* from 2 January 1994 onward is available from the Federal Register [Main Page](#). Hyperlinks to referenced regulatory and other documents are provided where they are known.

The public may identify rulemaking proposals that are open for public comment, and may submit comments on those rulemaking proposals via the “[Regulations.gov](#)” website.

To report errors in this document, provide comments, or for further information, please contact [Alan Spackman](#) or [John Pertgen](#).

“ ● ” This symbol denotes information added or significantly modified since the previous edition.

**Entries in red indicate regulations entering into force which may require immediate action on the part of drilling contractors to assure compliance.**

### Office of Management and Budget (OMB)

- **2012 North American Classification System (NAICS) Updates for 2017.** (RIN not applicable; CFR not applicable) On 22 May 2014 (79 FR 29626) OMB issued a notice of solicitation for proposals to revise portions of NAICS for 2017. The Economic Classification Policy Committee (ECPC) in part of this notice is soliciting comments on updating the structure of the oil and gas industries. The ECPC is also seeking comments related to consistent classification in an era of greater specialization and globalization. Comment due date: 21 July 2014

[On 21 July 2014 IADC submitted [comments](#) on this notice]

**Request for Comments on a Proposed Revision of OMB Circular No. A-119, “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities.** (RIN not applicable; CFR not applicable) On 11 February 2014 (79 FR 8207) OMB issued a request for comments regarding proposed revisions to Circular A-119. The circular was last revised in 1998. Among other things, the proposed changes to Federal policies would: (1) recognize certain standards not developed in a consensus-driven process; (2) provide guidance on governmental representative participation in standards processes; (3) encourage use of private sector conformity assessment schemes; and (4) require trade-related obligations to be considered. A 90-day comment period is provided. A discussion paper on the proposals is available ([link](#)). These changes would have

the potential to affect IADC/WCI programs as well as the regulations governing IADC-member activities in the US. Comment due date: 12 May 2014

## **Department of Commerce (DOC) / National Oceanic and Atmospheric Administration (NOAA)**

- **Changes in Nautical Chart Catalogue Format** (RIN not applicable; CFR not applicable) On 28 November 2014 ([79 FR 70854](#)) NOAA issued a request for comments. This is based on the Office of Coast Survey transitioning its nautical products to a wide range of digital formats and web mapping services to enable more frequent updating and allow easier uptake to users. The chart catalogue has been transformed into letter-sized documents that users can print at home. Before making any further changes the Coast Survey wants to know if demand remains for the large-format chart catalogues, and if users are willing to purchase these from commercial providers. They invite comments about:

(1) Maintaining the large format paper catalogue (with no reverse side) if available from commercial provider;

(2) The new free “print-at-home” PDF chart catalogue; and

(3) The online interactive chart catalog on the homepage of the *nauticalcharts.noaa.gov* website.

Comment due date: 30 April 2015

**Taking and Importing Marine Mammals; Geological and Geophysical Exploration of Mineral and Energy Resources on the Outer Continental Shelf in the Gulf of Mexico.** (RIN 0648-BB38; CFR not applicable) On 14 June 2011 ([76 FR 34658](#)) the National Marine Fisheries Service and NOAA issued a Notice, which indicated that they had received a revised application from BOEMRE for authorization to take marine mammals, by Level A (injury) and level B (behavioral) harassment, incidental to oil and gas industry sponsored seismic survey for the purposes of geological and geophysical exploration of the OCS in the Gulf of Mexico from approximately 2012 to 2017. Comment due date: 14 July 2011. The most recent Unified Agenda indicated that a NPRM is planned for September 2016.

## **Department of Homeland Security (DHS) / Office of the Secretary**

- **Minimum Standards for Driver’s Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes (DHS-2006-0030).** (RIN 1601-AA74 [previously AA63 and AA37]; 6 CFR 37) On 9 March 2007 a NPRM ([72 FR 10820](#)) was issued by DHS, which is proposing to establish minimum standards for State-issued driver’s licenses and identification cards that Federal agencies would accept for official purposes after 11 May 2008, in accordance with the REAL ID Act of 2005. This rule proposes standards to meet the minimum requirements of the REAL ID Act of 2005, including: information and security features that must be incorporated in each card; application information to establish the identity and immigration status of an application before a card can be issued; and physical security standards for locations where driver’s licenses and applicable identification cards are issued.

On 29 January 2008 ([73 FR 5272](#)) DHS issued a **Final Rule**, effective 31 March 2008. These standards involve a number of aspects of the process used to issue identification documents, including: Information and security features that must be incorporated into each card; application information to establish identity and immigration status of an applicant before a card can be issued; and physical security standards for facilities where driver’s licenses and applicable identification cards are produced. This final rule also provides a process for States to seek an additional extension of the compliance deadline to

11 May 2011, by demonstrating material compliance with the core requirements of the Act and this final rule. Taking into consideration the operational burdens on State Department of Motor Vehicles (DMV), this rule extends the enrollment time period to allow States determined by DHS to be in compliance with the Act to replace all licenses intended for official purposes with REAL ID-compliant cards by 1 December 2014 for people born after 1 December 1964, and by 1 December 2017 for those born on or before 1 December 1964.

Compliance Dates (Extensions): As of 11 May 2008, Federal agencies cannot accept driver's licenses or identification cards for official purposes, as defined herein, from States that have not been determined to be in compliance with the REAL ID Act unless a State has requested and obtained an extension of the compliance date from DHS. States seeking extensions must submit a request for an extension to DHS no later than 31 March 2008. As of 31 December 2009 any initial extension will terminate unless a State, no later than 11 October 2009, submits a request to DHS for an additional extension. As of 11 May 2011, driver's licenses and identification cards will not be accepted from States that are not in full compliance with the provisions of REAL ID.

Enrollment: As of 1 December 2014, Federal agencies cannot accept driver's licenses or identification cards for official purposes (such as airline travel) from any individual born after 1 December 1964, unless DHS has determined that the issuing State is in compliance with the final rule. As of 1 December 2017, Federal agencies will not accept any State-issued driver's licenses for official purposes unless issued by a State whose compliance was certified by DHS.

On 28 September 2009 ([74 FR 49308](#)) DHS has extended the deadline date for States seeking an extension of the date which they must begin to comply with the REAL ID requirements from 11 October 2009 until 1 December 2009. Effective 28 September 2009.

On 28 December 2009 DHS issued a **Final Rule Stay** ([74 FR 68477](#)). Pursuant to DHS' REAL ID regulations, States must be in material compliance with the REAL ID ACT of 2005, 49 U.S.C. 30301 notes, by 1 January 2010. This final rule "stays" that date until further notice. DHS will lift the stay and announce any new compliance dates by publication in the *Federal Register*. Effective date: 28 December 2009.

On 7 March 2011 ([76 FR 12269](#)) the Secretary issued a **Final Rule**, which changes the full compliance date of the REAL ID ACT of 2005 [from 11 May 2011] to 15 January 2013. This change will give the States the time necessary to ensure that driver's licenses and identification cards issued by States meet the security requirements. Effective date: 7 March 2011 Compliance date: 15 January 2013

On 5 October 2011 DHS ([76 FR 61723](#)) the DHS issued a change to the information they wish to collect regarding the REAL ID Act. This notice provides a summary of the proposed changes.

On 29 December 2014 ([79 FR 77836](#)) DHS issued a **Final Rule**, pursuant to the REAL ID regulations, beginning 1 DEC 2014, federal agencies may not accept State-issued driver's licenses or identification cards for official purposes from individuals born after 1 DEC 1964, unless the license or card is REAL ID-compliant and was issued by a compliant State as determined by DHS. Also, beginning on 1 DEC 2017, federal agencies may not accept driver's licenses or identification cards for official purposes from any individual unless the card is REAL ID-compliant and was issued by a compliant State as determined by DHS. This final rule changes both document enrollment dates to 1 OCT 2020. Nothing in this rule affects the prohibition against federal agencies accepting for official purposes licenses and identification cards issued by noncompliant States, pursuant to the REAL ID Act and in accordance with the phased enforcement schedule. Effective date: 29 December 2014

- **Petitions for Rulemaking, Amendment, or Repeal** (RIN 1601-AA56; CFR TBD) The Administrative Procedures Act requires all agencies to allow members of the public to petition for the issuance of new rules or changes to or repeal of existing rules. Pursuant to that requirement, DHS is proposing a petition process for departmental rulemaking actions. An NRPM is planned for October 2015.

**Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) (DHS 2008-0039).** (RIN 1601-AA34 [previously RIN 1650-AA04]; 8 CFR 215, 217, 231 and 235) On 24 April 2008 ([73 FR 22065](#)) DHS issued a NPRM to establish an exit program at all air and sea ports of departure in the US. This rulemaking would require aliens who are subject to the US-VISIT program biometric requirements upon entering the US to provide biometric information to commercial air and vessel carriers before departing the US at air and sea ports-of-entry. This rule proposes a performance standard for commercial air and vessel carriers to collect the biometric information and to submit this info to DHS no later than 24 hours after the vessel's departure from a U.S. port. DHS does not propose to apply these requirements to persons departing the US on certain private carriers or small carriers defined in the rule. The exit system under this rule meets the requirements of the 9-11 Commission Report and the requirement of section 711 of the Implementing Regulations of the 9/11 Commission Act of 2007. Comment due date: 23 June 2008.

On 3 June 2009 ([74 FR 26721](#)) DHS issued a notice to inform the public of the implementation of the US-VISIT program exit pilot program at two air ports-of-entry (Atlanta, GA; and Detroit, MI). The most recent Unified Agenda indicated that the next action is "to be determined."

## **DHS / Transportation Security Administration (TSA)**

**Protection of Sensitive Security Information (TSA-2003-15569).** (RIN 1652-AA08; 49 CFR 1520) On 18 May 2004 ([69 FR 28066](#)), TSA issued an **Interim Final Rule** with request for comments revising its SSI regulations in order to protect the confidentiality of maritime security measures adopted under the USCG's regulations, published on 20 October 2003, implementing the MTSA and other activities related to port and maritime security. According to the notice, the USCG also will supplement the MTSA regulations by exercising its authority under the Ports and Waterways Safety and Magnuson Acts. Sensitive information related to maritime security collected pursuant to these authorities should likewise be protected from public disclosure. In connection with this revision to the regulations, TSA is requiring employees, contractors, grantees, and agents of DHS and DOT to follow the same requirements governing protection of SSI as those in the transportation sector who are subject to the regulation. This rule provides standards for those persons employed by and acting on behalf of DHS and DOT regarding the obligation to safeguard SSI. The Office of the Secretary of Transportation (OST) is issuing this rule jointly with TSA to implement DOT's parallel authority to protect SSI. To promote the efficiency and effectiveness as well as ease of compliance, TSA and OST adopted identical regulatory standards governing SSI. Effective date: 17 June 2004.

On 7 January 2005 ([70 FR 1379](#)), the TSA and OST jointly issued a Technical Amendment to their 18 May 2004 rule. The amendment was effective when published. The SSI rules limit the disclosure of vulnerability assessments and other SSI to persons with a "need to know." The May 2004 rule added a restriction of "aviation or maritime" at several locations in the need-to-know section. This led to unintended situations; *e.g.*, transportation entities in land modes that transport hazardous materials are required by 49 CFR subpart I to perform vulnerability assessments, but the SSI regulation literally provides that, unless they were acting in the performance of a contract with or grant from DHS or DOT, they may share these assessments only with entities in the aviation or maritime industries, because the language of the regulation defines only these entities as having a "need to know." By removing the



limiting words “aviation or maritime” from 49 CFR 15.11 and 1520.11, this mistake is being corrected. The notice indicates that TSA and OST plan to publish a rulemaking document responding to comments received in response to the May 2004 rule related to subjects other than this issue. The most recent Unified Agenda indicated that a final action is planned for November 2015.

## DHS / U.S. Coast Guard

- **Foam Type Fire Extinguishing System.** (RIN 1625-AC21; 46 CFR162) The most recent Unified Agenda indicated that the USCG is proposing to set type approval standards for foam firefighting systems to be used on vessel tanker decks and machinery space, and helidecks on offshore platforms. Furthermore, they are proposing that certain firefighting systems, for use in fighting smaller fires, can be tested to a different standard than those used in fighting large-scale fires on oil tankers. An NPRM was planned for December 2014.
- **Seafarer’s Access to Maritime Facilities (USCG-2013-1087)** (RIN 1625-AC15; 33 CFR 101 and 105) On 29 December 2014 ([79 FR 77981](#)) The USCG issued an NPRM and a notice of public meeting. Therein the CG proposes to require each owner or operator of a USCG regulated facility to implement a system that provides seafarers and certain other individuals access between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Normally transit thru a facility requires a seafarer to hold a TWIC for unescorted access. This rulemaking would help to ensure that no facility owner or operator denies or makes it impractical for seafarers or other individuals to transit thru the facility. Comment due date: 27 February 2015
- **Guidance on Maritime Cybersecurity Standards (USCG-2014-1020)** (RIN not listed; CFR not listed) On 12 December 2014 ([79 FR 73896](#)) the USCG issued a Notice of public meeting and a request for comments. The meeting will be held in DC on 15 January and they request comments on the development of cybersecurity assessment methods for vessels and facilities that are regulated by the USCG. Comment due date: 29 January 2015

On 18 December 2014 ([79 FR 75574](#)) the USCG issued a Notice with request for comments on maritime cybersecurity. The USCG is developing policy to help operators (vessel and facility) identify and address cyber-related vulnerabilities that could contribute to a Transportation Security Incident. The current regulations require certain operators to conduct security assessments, and to develop security plans that address vulnerabilities identified in the assessments. Therefore, the USCG is seeking comments from the maritime industry et al on how to identify and mitigate potential vulnerabilities to the cyber-dependent systems. These comments will help the USCG develop relevant guidance, which may include standards, guidelines, and best practices to protect the maritime critical infrastructure. Comment due date: 17 February 2015.

On 31 December 2014 ([79 FR 78883](#)) the USCG issued a correction to their 18 DEC 2014 Notice. In it they mistakenly only referenced 33 CFR 104 & 105 in their footnote. To avoid any confusion that may have resulted from their omission of 33 CFR 106, they want to clarify that they are soliciting comments from all parties interested in maritime cybersecurity standards, including all parties regulated by the USCG under 33 CFR Chapter I, subchapter H.

- **Requirements for MODUs and Other Vessels Conducting Outer Continental Shelf Activities with Dynamic Positioning Systems.** (RIN 1625-AC16; 46 CFR 61, 62, and 33 CFR 140, 143, and 146). On 28 November 2014 ([79 FR 70943](#)) the USCG issued an NRPM, which proposes to establish minimum design, operation, training and manning standards for MODUs and other vessels using DP systems to engage in OCS activities. Establishing these minimum standards is necessary to improve the safety of



people and property involved in such operations, and the protection of the environment in which they operate. This notice would decrease the risk of a loss of position by a DP MODU or other vessel that could result in a fire, explosion, or subsea spill and supports the Coast Guard's strategic goals of maritime security and protection of natural resources. Comment due date: 26 February 2015.

[IADC has scheduled a meeting on 15 January 2015 for our members to discuss this NPRM]

**Mobile Offshore Drilling Unit Dynamic Positioning Guidance.(USCG-2011-1106)** (RIN not listed; CFR not indicated) On 4 May 2012 ([77 FR 26562](#)) the USCG issued a Notice of Recommended Interim Voluntary Guidance, which provides recommended interim DP System guidance and DP incident reporting criteria. This guidance is based on the previously issued USCG draft policy letter and the comments received on it, together with the input that was provided to them during the public meeting held on 9 February 2012. The Coast Guard recommends that owners and operators of DP MODUs (not leaseholders), operating on the US OCS, voluntarily follow the guidance provided in the "DP Operations Guidance Prepared through the Dynamic Positioning Committee of the Marine Technology Society to aid in the safe and effective management of DP Operations," March 2012 Part 2 Appendix 1 (DP MODUs), available at [http://www.dynamic-positioning.com/dp\\_operations\\_guidance.cfm](http://www.dynamic-positioning.com/dp_operations_guidance.cfm). The USCG further stressed the particular importance that the DP System's Critical Activity Mode of Operation (CAMO) is identified and that the Well Specific Operating Guidelines (WSOGs) are developed for operations at every well and location. In addition to following the MTS DP Operations Guidance, MODU owners/operators are encouraged to voluntarily report to the USCG reactive changes of the DP status from "green" to "red" as described in paragraph 4.11 using the procedures listed in 46 CFR 4.05. Effective date: 4 May 2012.

On 12 October 2012 ([77 FR 62247](#)) the USCG, in follow-up to the above listed guidance for MODUs, is now recommending owners and operators of all vessels (other than MODUs) conducting OCS activities on the US OCS follow the appropriate MTS DP operations guidance for these vessels. In particular the USCG recommends that these vessels operate within the Activity Specific Operating Guidelines for each activity and the CAMO when the activity is critical. Effective date: 12 October 2012.

- **Personal Flotation Devices Labeling and Standards (USCG-2013-0263).** (RIN 1625-AC02; 33 CFR 175 and 181, 46 CFR 160 and 169) On 22 September 2014 ([79 FR 56491](#)) the USCG issued a **Final Rule**, which removes references to type codes in its regulations on the carriage and labeling of USCG approved personal flotation devices (PFDs). It is their intent by this rulemaking to facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively conveys safety information, and ultimately moves towards harmonization with PFD requirements in Canada and other countries. Effective date: 22 October 2014.
- **Proposed Rule Consumer Price Index Adjustments of OPA 90 Limits of Liability—Vessels, Deepwater Ports and Onshore Facilities.(USCG-2013-1006)** (RIN 1625-AC14; 33 CFR 138 Subpart B) On 19 August 2014 ([79 FR 49205](#)), the USCG published a NPRM proposing to increase the limits of liability for vessels, deepwater ports, and onshore facilities, under the Oil Pollution Act of 1990, as amended (OPA 90), to reflect significant increases in the Consumer Price Index (CPI). According to the notice, they are also proposing a simplified regulatory procedure for the Coast Guard to make future required periodic CPI increases to the OPA 90 limits of liability for vessels, deepwater ports, and onshore facilities. These regulatory inflation increases to the limits of liability are required by OPA 90, and are necessary to preserve the deterrent effect and "polluter pays" principle embodied in OPA 90. Finally, they are proposing language to clarify applicability of the OPA 90 vessel limits of liability to two categories of tank vessels, edible oil cargo tank vessels and tank vessels designated as oil spill response vessels. This clarification to the existing regulatory text is needed for consistency with OPA 90. Comments are due on or before 20 October 2014.

[On 17 October 2014 IADC submitted [comments](#) on this notice because the USCG did not clearly indicate in the regulations that a MODU that is NOT “constructed or adapted to carry, or carries, oil in bulk as cargo or cargo residue” would qualify for the lower limits of liability under the “other” tank vessel category of OPA 90.]

- **Offshore Supply Vessels of at least 6000 GT ITC (USCG-2012-0208).** (RIN 1625-AB62; 46 CFR 2, 15, 61, 62, 110, 111, 125 thru 132, 134, and 174) On 18 August 2014 ([79 FR 48893](#)) the USCG issued an Interim Rule with a request for comments. This rule is issued to ensure the safe carriage of oil, hazardous substances, and individuals other than crew by requiring US-flagged OSVs of at least 6000 gross tonnage (measure under Convention Measurement System or ITC) to comply with existing regulatory requirements and international standards for design, engineering, construction, operations and manning, inspections and certification. This rule also affects any vessel of at least 500 GT under the Regulatory Measurement System where the owner wishes to have their vessel certificated as an OSV. The USCG intends to finalize this interim rule after considering, and incorporating to the extent appropriate, any comments from the public. Comment due date: 17 November 2014. The most recent Unified Agenda indicates that the next action is “to be determined.”

[On 13 November 2014 IADC submitted [comments](#) on this notice]

**Notice of Arrival Exception. (USCG-2013-0797)** (RIN 1625-AC12; 33 CFR 140 and 146) On 27 June 2014 the USCG issued a **Final Rule** ([79 FR 36401](#)), which amends the regulations to implement a statutory change, exempting U.S. mobile offshore units and other U.S. vessels from submitting a Notice of Arrival when moving directly from one OCS block area to another. Effective date: 27 June 2014

- **Workplace Safety and Health for Merchant Mariners (USCG-2014-0014).** (RIN not listed; 33 CFR 140, 142 and 150; 46 CFR 197) On 8 May 2014 ([79 FR 26391](#)) the USCG issued a request for comments on a petition for rulemaking. The petition from the National Mariners Association asserts that the USCG has failed to provide adequate workplace safety and health measures to protect the limited tonnage merchant mariners. Comment due date: 6 August 2014

**Outer Continental Shelf Units- Fire and Explosion Analyses. (USCG-2013-0316).** (RIN not listed; CFR not listed) On 2 May 2014 ([79 FR 25139](#)) the USCG issued a Notice of Interim Voluntary Guidelines, which provides recommended interim voluntary guidelines concerning fire and explosion analyses for MODUs and manned fixed and floating offshore facilities engaged in activities on the U.S. OCS. Recommended Effective date: 2 May 2014

The main considerations that the USCG is addressing, which are not contained in the current regulations, are as follows:

1. Minimum values are needed for explosion design loads for use in calculating the required blast resistance of structures
2. Explosion risk analysis of the design and layout of each facility should be performed to identify high risk situations
3. H-60 rated fire boundaries between the drilling area and adjacent accommodation spaces and spaces housing vital safety equipment may be necessary dependent on the arrangement of the facility
4. Uniform guidelines for performing engineering evaluations to ensure adequate protection of bulkheads and decks separating hazardous areas from adjacent structures and escape routes for likely drill floor fire scenarios are necessary
5. Performance-based fire risk analysis should be used to supplement the prescriptive requirements in the MODU Code; such analysis should use defined heat flux loads to calculate necessary levels of protection for structures, equipment, and vital systems that could be affected by fires on the drill floor

6. Maximum allowable radiant heat exposure limits for personnel at the muster stations and lifesaving appliance launching stations in anticipated evacuation scenarios should be implemented

NOTE: The USCG has also indicated that a future rulemaking will address these issues with comments invited in connection with that rulemaking.

**IMPORTANT IADC RECOMMENDATION:** For those members that have projects planned, it is strongly recommended that you inform your project team (s) about these voluntary guidelines and the expected future rulemaking that the USCG is contemplating regarding these issues, and the likelihood of the development of similar future IMO requirements.

- **Training of Personnel and Manning on Mobile Offshore Units and Offshore Supply Vessels Engaged in U.S. Outer Continental Shelf Activities. (USCG-2013-0175)** (RIN 1625-AC10; 33 CFR 140 thru 147 and 46 CFR 10 thru 15) On 14 April 2014 ([79 FR 20844](#)) the USCG issued an ANPRM wherein they propose to expand its maritime safety training requirements to cover all persons other than crew working on OSVs and MOUs engaged in activities on the US OCS, regardless of flag. Their reasoning is to enhance personnel preparedness for responding to emergencies. They are requesting comments on:
  1. Sufficiency of existing maritime safety training and the value of additional maritime safety training for persons other than the crew
  2. MOU's safety organizational structure (defining levels of authority and lines of communication)
  3. Professional education and service requirements for industrial officers on MOUs
  4. Sufficiency of manning regulations on MOUs and OSVs
  5. Available economic data on current labor market trends and conditions, as well as the current costs, benefits, and effectiveness of mandated maritime safety training courses and programs for persons other than the crew.

Comment due date 14 July 2014.

On 9 July 2014 ([79 FR 38841](#)) the USCG issued an extension to the comment period. New comment due date: 8 September 2014. The most recent Unified Agenda indicates that the next action is "to be determined."

[On 5 September 2014 IADC submitted [comments](#) on this notice]

**Tonnage Regulations Amendments (USCG-2011-0522)** (RIN 1625-AB74; 46 CFR 69) On 8 April 2014 ([79 FR 19420](#)) the USCG issued an NPRM which proposes to amend the tonnage regulations by implementing amendments to the tonnage measurement law made by the Coast Guard Authorization Act of 2010. This rulemaking would also codify principal technical interpretations issued by the USCG, and incorporate administrative, non-substantive clarifications of the updates to the tonnage regulations. Comment due date: 7 July 2014. The most recent Unified Agenda indicates that a final rule is planned for July 2015.

**Draft Guidance for Interpreting Regulations for Marine Casualty Reporting (USCG-2013-1047)** (RIN Not listed; CFR Not listed) On 14 January 2014 ([79 FR 2466](#)) the USCG announced the availability of draft guidance in the form of a NVIC entitled "Title 46, Code of Federal Regulations, Part 4 Marine Casualty Reporting Procedures Guide with Associated Standard Interpretation." This guide will assist regulated maritime industry stakeholders in determining if certain occurrences are reportable or not to the USCG. They are requesting public comments on the impacts that the interpretations and policies contained in the draft NVIC, available on the docket, would have upon vessel owners and operators or other affected parties. Comment due date: 14 April 2014

**Marine Casualty Reporting on the Outer Continental Shelf (USCG-2013-1057)** (RIN 1625-AB99; 33 CFR 1140 and 146 / 46 CFR 4 and 109) On 10 January 2014 ([79 FR 1780](#)) the Coast Guard issued an NPRM that proposes to broaden the regulatory requirements for reporting marine casualties that occur on the US OCS. This rulemaking would modify the currently limited reporting requirement of foreign flag OCS units to include the same requirements of US flag OCS units, in effect improving the USCG's ability to collect and analyze casualty data for incidents on the US OCS, in the interest of maintaining and improving safety on the OCS. Comment due date: 10 April 2014. The most recent Unified Agenda indicated that a final rule is "to be determined."

[On 10 April 2014 IADC submitted [comments](#) on this notice]

**Assessment Framework and Organization Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard.(USCG-2008-1259)** (RIN 1625-AB32; 33 CFR Part 1) On 27 December 2013 ([78 FR 79241](#)) the USCG issued an NPRM, which proposes a rule containing its assessment framework for, and restating its position regarding, the federalism implications of regulations issued under the authority of various statutes within Titles 33 and 46 of the US Code. This notice requests comments pursuant to Executive Order 13132, invites State and local governments during its development. Comment due date: 27 March 2014. The most recent Unified Agenda indicated that the next action is "to be determined."

**TWIC Not Evidence of Resident Alien Status. (USCG-2013-0916)** (RIN 1625-AC09; 33 CFR 141) On 19 November 2013 ([78 FR 69292](#)) the USCG issued a **Final Rule**, which removes the reference to the TWIC, including its related definition and recordkeeping reference from the OCS regulations as they are inconsistent with the requirement in the OCSLA. The TWIC reference incorrectly provides that a TWIC alone may be accepted by an employer as sufficient evidence of the holder's status as a US resident alien (as that term is defined). A TWIC may be issued to both US resident aliens and non-resident aliens and thus cannot serve as sufficient evidence that the person is a US resident alien. Effective date: 19 November 2013

**Safety and Environmental Management System Requirements for Vessels on the U.S. Outer Continental Shelf.(USCG-2012-0779)** (RIN 1625-AC05; 33 CFR 140 thru 147) On 10 September 2013 the USCG issued an ANPRM ([78 FR 55230](#)) stating their intent to promulgate regulations that will require vessels engaged in OCS activities (defined in Subchapter I, Subchapter N) to develop, implement, and maintain a vessel-specific SEMS that incorporates the management program and principles of API RP 75. This SEMS should be developed and implemented by the vessel's owner or operator and compatible with a designated lease operator's SEMS, which is required under BSEE regulations. The Coast Guard is seeking comments on whether a SEMS that incorporates the management program and principles of AP RP 75 is appropriate for vessels engage in OCS activities, would reduce risk and casualties, and improve safety on the OCS. They ask that comments address the feasibility of implementing a SEMS that incorporates API RP 75, the compatibility with BSEE SEMS regulations, potential methods of oversight, safety issues, costs and regulatory burdens, and other issues of concern to the regulated community and the general public. Comment due date: 9 December 2013

On 12 November 2013 ([78 FR 67326](#)) the USCG extended the comment period for this ANPRM. Revised comment due date: 23 January 2014. The most recent Unified Agenda indicates that an NPRM is planned for June 2015.

[On 9 December 2013 IADC submitted [comments](#) to this docket]

**Letter to Vessel Masters and Chief Engineers regarding continued use of 2007 Oil Record Book.** On 21 August 2013 the US Coast Guard issued a [Letter to Vessel Masters and Chief Engineers](#) regarding continued use of the 2007 Oil Record Book (CG-4602A). In 2009, the IMO adopted amendments to

MARPOL Annex I making changes to various entry requirements in the oil record book (ORB). The USCG proposal to implement the MARPOL amendments for US-flag vessels (including a proposed new US ORB) has yet to be implemented. In the interim, the Coast Guard recommends in its Letter that a copy of the Letter and its enclosure (Annex 3 to Res. MEPC.187(59)) be attached to the vessel's existing ORB. Additionally, the ORB should be amended to add the entries provided for in the enclosure. A copy of the new [draft ORB](#) is provided for guidance (*Courtesy of Bryant's Maritime Consulting*).

- **Draft Revisions to the Marine Safety Manual, Volume III, Chapters 20-26 (USCG-2013-0240)** (RIN not listed; CFR not listed) On 9 August 2013 the USCG issued a Notice of Availability with a request for comments ([78 FR 48696](#)) regarding their draft update to the MSM Volume III (Marine Industry Personnel). In particular this draft addresses the manning scales that the USCG recommends for the various types of vessels, along with the required credentialing of mariners. Comment due date: 8 October 2013

On 17 March 2014 ([79 FR 14714](#)) the USCG issued a Supplemental notice of availability with requests for comments. The USCG has drafted their changes to the MSW Volume III to announce the incorporation of the 2010 Manila Amendments (STCW) and to address the public comments received from their August 2013 Notice. Comment due date: 16 May 2014.

[On 8 October 2013 IADC submitted [comments](#) on the August 2013 notice]

On 5 August 2014 ([79 FR 45451](#)) the USCG issued a Notice of Availability regarding Change 1 to the MSM Volume III. This change provides information and interpretations on international conventions and U.S. statutory and regulatory issues relating to marine industry personnel. This change is in a new format to facilitate future revisions by creating three distinct parts; Part A: Mariner Credentialing (Chapters 1-17), Part B: Vessel Manning (legacy Chapters 20-26, now chapters 1-7), and Part C: Shipment and Service (legacy chapters 18-19, now Chapters 1-2). This change notice discusses the substantive changes to Part B and also includes the revisions to Part C to account for revised regulations, updated forms, and reformatting. Part A will be reviewed and revised in a separate initiative. Effective date: 5 August 2014

**Consolidation of Officer in Charge, marine Inspection for Outer Continental Shelf Activities; Eighth Coast Guard District (USCG-2013-0491)** (RIN Not listed; CFR Not listed) On 7 August 2013 ([78 FR 48180](#)) the USCG issued a Notice with a request for comments regarding their consideration of establishing a single OCMI to oversee marine inspections for all MODUs and Floating facilities on the US OCS that are engaged directly in, capable of engaging in, or being constructed to engage directly in oil and gas exploration or production in offshore waters of CCGD8. Comment due date: 6 September 2013

[On 5 September 2013 IADC submitted [comments](#) on this notice]

**Termination of Radiotelephone Medium Frequency 2182 kHz Watchkeeping, 2187.5 kHz Digital Selective Calling Channel Guard, and 2670 kHz Broadcasts. (USCG-2013-0521)** (RIN Not listed; CFR not listed) On 15 July 2013 ([78 FR 42102](#)) the USCG announced that they will no longer maintain a watch on 2182 kHz, will no longer guard the DSC channel 2187.5 kHz, and will no longer transmit broadcasts on 2670 kHz. This action is based on the minimal use of these channels by mariners for distress and safety, coupled with antenna site deterioration, costly upkeep, and extensive maintenance required to support the medium frequency system. They now direct the mariner to use the more modern safety and distress services, which can be more reliably received by the Coast Guard. Effective date: 1 August 2013



**Electrical Equipment in Hazardous Locations. (USCG-2012-0850)** (RIN 1625-AC00; 46 CFR 110 and 111) On 24 June 2013 ([78 FR 37760](#)) the USCG issued an NPRM that would be applicable to foreign MODUs, floating facilities, and vessels engaged in OCS activities for the first time after the effective date of the regulations. This proposed rulemaking would also be applicable to newly constructed U.S. MODUs, floating facilities, and vessels (excluding OSVs). The proposed regulations would expand the list of national and international explosion, protection standards deemed acceptable, as well as add the internationally accepted independent third-party certification system, the IEC System for Certification to Standards relating to Equipment for use in Explosive Atmospheres, as the accepted method of testing and certifying electrical equipment for use in hazardous locations. This rulemaking would also provide for existing US MODUs, floating facilities, and vessels (excluding OSVs) that carry flammable combustible cargoes the option of choosing between the compliance regimes contained in the existing regulations. Comment due date: 23 September 2013

On 25 September 2013 ([78 FR 58989](#)) the USCG extended the comment period until 30 November 2013 to ensure stakeholders have adequate time to submit complete responses. The most recent Unified Agenda indicates that a final rule was planned for December 2014.

[On 27 November 2013 IADC submitted [comments](#) to this docket]

**Revision of Crane Regulation Standards for MODUs, OSVs, and Floating OCS Facilities. (USCG-2011-0992)** (RIN 1625-AB78; 46 CFR 207, 108 and 109) On 13 May 2013 ([78 FR 27913](#)) the Coast Guard issued an NPRM, which proposes to revise the regulations regarding design, certification, inspection, and testing of cranes. These regulations would apply to MODUs, OSVs and floating OCS facilities. This revision would also update industry standards incorporated by reference with more recent versions. This proposed rule would further provide owners and operators of vessels the option and flexibility of using additional organizations and associations for crane certification. Comment due date: 12 August 2013. The most recent Unified Agenda indicates that a final rule is “to be determined.”

[On 12 August 2013 IADC submitted [comments](#) to this docket]

**USCG Report of Marine Casualty Forms 2692 & 2692B Revised Forms.** (RIN not listed; CFR not listed) On 11 April 2013 the USCG notified the industry that they have revised the previously titled Form CG-2692 (Report of Marine Accident, Injury or Death) and Form CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident). These revised forms are considered technically “new” but there are not many substantial changes from the previous versions. The titles were revised as follows: CG-2692 *Report of Marine Casualty*; CG-2692B *Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident*. These forms are now available in a fill-in, pdf-formatted version via the below listed links: [http://www.uscg.mil/forms/CG/CG\\_2692.pdf](http://www.uscg.mil/forms/CG/CG_2692.pdf), and [http://www.uscg.mil/forms/CG/CG\\_2692B.pdf](http://www.uscg.mil/forms/CG/CG_2692B.pdf)

**Implementation of MARPOL Annex V Amendments (USCG-2012-1049)** (RIN 1625-AB97; 33 CFR 151) On 26 February 2013 ([78 FR 13073](#)) the USCG issued a Notice of Availability of CG-CVC [Policy Letter 13-01](#), “*Interim Guidance for Revised MARPOL, Annex V Implementation*.” Based on IMO’s adoption of Resolution MEPC.201 (62), which amended MARPOL Annex V and established a general prohibition on discharges of garbage into the sea, the USCG has issued this policy letter to provide interim guidance to assist US flagged vessels and those foreign vessels operating within US jurisdiction, until such time as the USCG updates the applicable regulations in 33 CFR 151. The lack of updated regulations does not exempt ships from meeting the amended MARPOL requirements. The MARPOL amendments effective date was 1 January 2013. The Policy letter effective date: 26 February 2013.

On 28 February 2013 ([78 FR 13481](#)) the USCG issued an **Interim Final Rule** with a request for comments regarding the adopted MARPOL Annex V (garbage) amendments, which came into force on

1 January 2013. These regulations prohibit the discharge of garbage from vessels unless expressly allowed. The only allowed discharges will be certain food wastes, cargo residues, cleaning agents and additives in wash waters, and animal carcasses. This rulemaking is applicable to all U.S.-flagged vessels, wherever they operate, and non-U.S.-flagged vessels (including MODUs) operating in the navigable waters or Exclusive Economic Zone (EEZ) of the United States, with limited exceptions. Affected vessels will be required to replace their current garbage discharge placards with new ones since they contain language that is inconsistent with the MARPOL Annex V amendments. Effective date: 1 April 2013. Comment due date: 29 May 2013. The most recent Unified Agenda indicated that a final rule was planned for November 2014.

**Draft Guidance Regarding Voluntary Inspection of Vessels for Compliance with the Maritime Labour Convention, 2006. (USCG-2012-1066)** (RIN not listed; CFR not listed) On 11 February 2013 ([78 FR 9709](#)) the Coast Guard issued a Notice of availability and request for comments regarding a draft NVIC (Navigation and Vessel Inspection Circular). This draft would set forth the USCG policies and procedures regarding the inspection of U.S. vessels for voluntary compliance with the Maritime Labour Convention, 2006 (MLC 2006), which enters into force on 20 August 2013. The US has not yet ratified MLC 2006 and unless or until the U.S. ratifies the Convention, the USCG will not enforce its requirements on U.S. vessels or foreign vessels while on the navigable water of the US. However, US vessels that are not in compliance with the MLC may be at risk for Port State Control actions, including detention, when operating in a port of a ratifying nation. The NVIC will provide guidance to inspectors, the industry and other affected parties with regards to how the USCG plans to implement the new voluntary inspection program. The USCG is also asking for comments regarding the collection of information associated with the new voluntary inspection program. Comment due date for draft NVIC: 13 March 2013. Comment due date for information collection: 12 April 2013.

[On 13 March 2013 IADC submitted [comments](#) to this docket]

**Lifesaving and Fire-Fighting Equipment, Training, and Drills Onboard Offshore Facilities and Mobile Offshore Drilling Units (MODUs) Operating on the U.S. Outer Continental Shelf (OCS) (USCG-2012-0848)** (RIN not listed; CFR not listed) On 23 November 2012 ([77 FR 70172](#)) the USCG issued a Notice of Recommended Interim Voluntary Guidance with a request for comments. The guidance is based on the Report of Investigation into the Deepwater Horizon fire and explosion and relates to: (a) fixed deluge systems for drill floor protection; (b) carrying capacity of lifeboats; (c) training in the deployment of davit-launched life rafts; (d) carriage of dedicated rescue boats; and (e) quarterly man overboard drills. Comment due date: 21 February 2013

[On 20 February 2013 IADC submitted [comments](#) to the docket]

**Medical Waivers for Merchant Mariner Credential Applicants with Anti-Tachycardia Devices or Implantable Cardioverter Defibrillators. (USCG-2012-0734)** (RIN not listed; 46 CFR Part 10) On 7 September 2012 ([77 FR 55174](#)) the USCG issued a notice of proposed policy change and a request for comments regarding criteria for granting medical waivers to mariners, who have anti-tachycardia devices or implantable cardioverter defibrillators (ICDs). The current NVIC 04-08 states that these devices are generally not waivable. However, the USCG is considering issuing a policy change to possibly grant waivers for these devices, which would include setting the acceptable criteria. They are seeking public comments on whether the proposed criteria would adequately address the safety concerns regarding merchant mariners with ICDs. Comment due date: 9 October 2012.

On 17 December 2012 ([77 FR 74630](#)) the USCG issued a notice to re-open the comment period for granting medical waivers to mariners who have anti-tachycardia devices or ICDs. Comment due date: 16 January 2013.



On 23 September 2013 ([78 FR 58328](#)) the USCG issued a Change-1 to NVIC 04-08, which contains a summary and clarification of CG policies regarding the criteria for granting medical waivers to merchant marine credential applicants, who have either anti-tachycardia devices or implantable cardioverter defibrillators implanted, and to applicants who have had a seizure. Effective date: 23 September 2013.

- **Changes to the Inland Navigation Rules. (USCG-2012-0102)** (RIN 1625-AB88; 33 CFR 83 to 88) On 28 August 2012 ([77 FR 52175](#)) the USCG issued an NPRM, which proposes to amend the inland navigation rules and their annexes in 33 CFR to align the regulations with the amendments made by IMO to the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS), and to incorporate recommendations made by the Navigation Safety Advisory Council. These changes would harmonize domestic and international law by reducing and alleviating equipment requirements on vessels, addressing technological advancements, and increasing public awareness of the inland navigation rules. These changes would also make references to applicable requirements easier to locate by using the same format in the domestic regulations as those used in the international convention. Comment due date: 29 October 2012.

On 2 July 2014 ([79 FR 37897](#)) USCG issued a **Final Rule**, which amended the inland rules to harmonize domestic and international law by reducing and alleviating equipment requirements on vessels, addressing technological advancements, such as wing-in-ground craft, and increasing public awareness on the inland navigation rules. Effective date: 1 August 2014

On 18 November 2014 ([79 FR 68619](#)) the USCG issued the **Final Rule** (again) to make non-substantive changes to its regulations. This rulemaking makes conforming amendments and technical corrections to the Coast Guard's Inland Navigation Rules. Effective date: 18 November 2014

**Bulk Packaging to Allow for Transfer of Hazardous Liquid Cargoes. (USCG-2011-0088)** (RIN 1625-AB63; 46 CFR 98) On 9 March 2012 ([77 FR 14327](#)) the USCG issued a NPRM, which proposes to amend the regulations concerning the transfer of hazardous materials to and from portable tanks on vessels. Their proposal is to expand the list of portable tanks approved for these transfers, to include IMO Type 1 and Type 2 portable tanks, UN portable tanks, and Intermediate Bulk Containers (IBCs). Additionally, the USCG plans to expand the list of allowed hazardous materials. All of these proposed changes is geared towards providing great flexibility in selection and use of portable tanks and the transport of additional hazardous materials; and would reduce the need to obtain special permits that were previously required. Comment due date: 8 May 2012.

On 6 September 2013 ([78 FR 54775](#)) the USCG issued a **Final Rule** with amendments as proposed in the NPRM. Effective date: 5 December 2013

**Accommodation Service Provided on Vessels Engaged in U.S. Outer Continental Shelf Activities. (USCG-2011-0641)** (RIN not indicated; CFR not indicated) On 1 February 2012 ([77 FR 5039](#)) the USCG issued a Request for comments regarding the appropriate standards for the design, construction, and operation of all vessels providing accommodation services on the US OCS. Comment due date: 1 May 2012.

[On 4 April 2012 IADC submitted [comments](#) to this docket; IADC noted that the USCG had also tasked NOSAC with addressing this issue]

**Revision to Transportation Worker Identification Credential (TWIC) Requirements for Mariners.**(RIN 1625-AB80; 46 CFR 10, 11, 12, and 15) The USCG is planning to take both short term and long term steps to implement the requirements of section 809 of the Coast Guard Authorization Act of 2010. This section excludes certain mariners from the statutory requirement to obtain and hold a TWIC in order to receive a Merchant Mariner Credential (MMC). In the short term, while working to

promulgate implementing regulations, the USCG is relaxing its enforcement posture for mariners without a valid TWIC, who operate on board vessels that do not have a security plan. They are also allowing these mariners the ability to obtain an MMC without holding a TWIC. More specifically, mariners who already hold or held a TWIC, and who no longer require a TWIC, may skip the TWIC enrollment process and apply for an MMC renewal directly with the Regional Exam Center (REC). However, mariners that are being issued an initial MMC, who have never held a TWIC, will need to enroll for a TWIC at the TWIC Enrollment Center. Mariners will also have to pay all applicable fees associated with getting a TWIC. This is required because the TWIC enrollment center is the only place where the USCG can obtain biometric info (fingerprints) from the applicant. In the long term, as part of a rulemaking to promulgate implementing regulations, the USCG is considering waiving a portion of the fees for a MMC in order to compensate the mariner for the cost of enrolling for a TWIC. However, it is emphasized that such action is contingent upon the promulgation of a regulation to adjust the fee structure. The most recent Unified Agenda indicated that an Interim Final Rule is “to be determined.”

**Amendment to Marine Safety Manual, Volume III. (USCG-2011-0662)** (RIN not applicable; CFR not applicable) On 29 September 2011 ([76 FR 60511](#)) the USCG issued a notice of a proposed policy change with regards to their cancelling the USCG policy regarding the issuance of the credential as AB-MOU, which is currently found in Chapter 16 of Volume III of the Marine Safety Manual (MSM). If the policy is cancelled, a mariner holding a credential endorsed as AB-MOU would, upon renewal, have that endorsement converted to AB-Limited, or, if the individual is so qualified, to AB-Any Waters, Unlimited. Comment due date: 31 October 2011. There was no further action indicated in the docket as of 30 June 2014.

[On 31 October 2011 IADC submitted [comments](#) on this proposed policy change]

**Inspection of Towing Vessels. (USCG-2006-24412)** (RIN 1625-AB06; 46 CFR 2, 15, 136 thru 144)) On 11 August 2011 ([76 FR 49976](#)) the USCG issued a NPRM, which proposes to establish safety regulations governing inspection, standards, and safety management systems of towing vessels. The intent of the rulemaking is to promote safe work practices and reduce casualties on towing vessels by requiring them to adhere to prescribed safety standards and safety management systems or to an alternative, annual Coast Guard inspection regime. Comment due date: 9 November 2011. The most recent Unified Agenda indicated that a final rule is planned for August 2015.

**Ballast Water Management Reporting and Recordkeeping. (USCG-2012-0924)** (RIN 1625-AB68; 33 CFR 151) This planned rulemaking would propose to amend the ballast water management reporting and recordkeeping requirement in 33 CFR 151, Subparts C & D. Obtaining a more complete understanding of vessels’ ballasting operations supports the USCG’s broad roles and responsibilities of maritime safety and maritime stewardship. The most recent Unified Agenda indicates that an NPRM is planned for January 2013.

[On 15 November 2011 IADC submitted a [letter](#) to USCG for clarification that there are no reporting requirements for vessels beyond the territorial seas (12 NM); and a confirmation that preload tanks on jack-ups (self-elevating MODUs) are not considered “ballast tanks” for this regulation.

On 1 May 2012, the USCG [responded](#) to our clarification request. ~~The USCG stated that “...until further guidance is published...” ballast water reports must be received from MODUs equipped with ballast tanks moving from one COTP zone to another.~~ (Revised per 09 JAN 2013 EMAIL below) However, we did get the USCG to confirm that preload tanks on jack-ups are not considered ballast tanks, unless the MODU uses their preload tanks for the dual purpose of preloading and to control trim, draft, stability or stresses when they are underway.

On 9 January 2013 the USCG provided a [correspondence](#) reversing their earlier comment on applicability of 33 CFR 151 indicating that it did NOT apply to vessels, including MODUs, beyond the 12 nm territorial seas. In particular, they stated the following:

“The Coast Guards authority under 33 CFR § 151 (Subpart D), implements the provisions of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) (16 U.S.C. 4701-4751), as amended by the National Invasive Species Act of 1996 (NISA).

“Vessels operating exclusively beyond the waters of the United States (outside the territorial sea – 12 nm) regardless if the vessel changes Captain of the Port zones, anchors or moors are not subject to 33 CFR 151 (Subpart D) , including the reporting requirements as outlined in 33 CFR 151.2060. However, 33 CFR §151 (Subpart D) in its entirety is applicable upon a vessel (equipped with ballast tanks) entering and operating in waters of the U.S.”]

On 5 June 2013 ([78 FR 33774](#)) the USCG issued an NPRM that proposes to amend its existing BWM reporting and recordkeeping requirements. This proposed rulemaking is expected to update the current BW report to include only the data that is essential to understanding and analyzing BWM practices. Comment due date: 5 August 2013. The most recent Unified Agenda indicates that a final rule was planned for December 2014.

[On 5 August 2013 IADC submitted [comments](#) on this proposed policy change]

**Harmonization of Standards for Fire Protection and Extinguishing Equipment. (USCG-2012-0196).** (RIN 1625-AB59; 33 CFR 140 and 145, 46 CFR 28, 31, 32, 34,71, 72, 76, 91, 95, 107, 108, 116, 118, 132, 159, 161, 162, 164, 169, 175, 177, 181, 189, 190 and 193). The planned rulemaking would harmonize selected regulations for structural fire protection and fire detection equipment with international standards as set forth in SOLAS. This would also update the standards by referencing national industry standards. No FR entry has been published to date.

On 13 January 2014 ([79 FR 2254](#)) the USCG issued an NPRM to amend the regulations for certain design and approval standards for fire protection, detection, and extinguishing equipment on inspected and uninspected vessels, OCS facilities, deepwater ports, and MODUs. These amendments would harmonize the current USCG regulations with the appropriate national and international consensus standards, address advances in fire protection technologies and standards, update CG approval processes for fire detection and alarm systems, and revise the regulations for other types of equipment and components. Comment due date: 14 April 2014. The most recent Unified Agenda indicated that a final rule is planned for April 2015.

[On 14 April 2014 IADC submitted [comments](#) to this docket]

**Amendments to Chemical Testing Requirements (USCG-2010-1064)** (RIN 1625-AB58; 46 CFR 16 and 33 CFR 95) The USCG’s planned rulemaking proposes to support the Commandant’s Marine Safety strategic goal by making numerous small improvements to the drug and alcohol testing program. These changes will close loopholes; increase efficiency and reliability of the drug test reporting; and reorganize 46 CFR 1 into question and answer format.

On 20 January 2012 ([77 FR 2935](#)) the USCG published a Notice of Inquiry with a request for comments. The USCG is considering revising the regulations for drug and alcohol testing of mariners. They are seeking input from mariners, marine employers, agents, and substance abuse professionals on various

issues related to administering the chemical testing programs. Comments due date: 20 March 2012. The most recent Unified Agenda indicates that an NRPM is “to be determined.”

**Updates to Maritime Security.** (RIN 1625-AB38; 33 CFR Subchapter H) The USCG’s planned rulemaking proposes certain additions, changes, and amendments to 33 CFR Subchapter H. This is the first major revision for this subchapter. The proposed changes would further enhance the security of our Nation’s ports, vessels, facilities, and OCS facilities. No FR entry has been published to date. The most recent Unified Agenda indicates that an NRPM is planned for January 2015.

- **Vessel Documentation User Fees.** (RIN 1625-AB56; 46 CFR 67) On 4 March 2013 ([78 FR 14053](#)) the USCG has issued an NRPM to amend its regulations to separately list an annual fee for renewals of endorsements upon the Certificate of Documentation (CoD). This rulemaking would separately list a fee of \$26 to cover the costs of the vessel documentation services provided by the USCG. Comment due date: 3 May 2013.

On 12 July 2014 ([79 FR 47015](#)) the USCG issued a **Final Rule**, which amended its regulations to separately list a fee of \$26 for renewal or endorsement to a CoD. Effective date: 10 November 2014

- **Lifesaving Equipment: Production Testing and Harmonization with International Standards (USCG-2010-0048)** (RIN 1625-AB46; 46 CFR 108, 117, 133, 160, 164, 180 and 199) On 31 August 2010 ([75 FR 53458](#)) the USCG issued a NPRM, which proposes to amend its regulations for certain lifesaving equipment, including launching appliances (winches and davits), release mechanisms, survival craft (lifeboats, inflatable liferafts, and inflatable buoyant apparatuses), rescue boats, and automatic disengaging devices. This proposed rulemaking would also harmonize the Coast Guard’s design, construction, and performance standards for this lifesaving equipment with international standards. Additionally, this rulemaking would provide for the use of qualified independent laboratories, instead of USCG inspectors, during the approval process for production inspections of certain types of lifesaving equipment. Comment due date: 29 November 2010.

On 11 October 2011 ([76 FR 62962](#)) the USCG issued an **Interim Final Rule**, which amends its regulations as stated in the NPRM. Because the IMO recently changed its international standards for lifeboat release mechanisms, the USCG is issuing these amended regulations as an interim rulemaking and will finalize the regulations after proposing amendments as necessary to address the recent IMO changes regarding release mechanisms. Additionally, the USCG is proposing new changes to its regulations to implement the modified international standards for liferafts [these will be published separately]. Effective date: 10 November 2011.

On 11 October 2011 ([76 FR 62714](#)) the USCG issued a SNPRM, which proposes to amend the interim rule to harmonize the regulations for inflatable liferafts and inflatable buoyant apparatuses with the recently adopted international standards affecting capacity requirements for such lifesaving equipment. Comment due date: 25 November 2011.

On 21 February 2012 ([77 FR 9859](#)) USCG issued an Interim Rule, which harmonized the regulations for inflatable liferafts and buoyant apparatuses with the recently adopted international standards. This rulemaking mainly increases the mass of liferaft occupants from 75 kg to 82.5 kg for design and approval testing. The rulemaking adopted IMO Resolutions MSC .293(87), which increase the average mass of the liferaft occupants, and MSC.295(87), which specified revisions in the testing based on the new mass. This interim rule does not apply to liferafts currently in service aboard US vessels; and will only apply to those liferafts manufactured on or after 22 March 2012 for using the new occupant weight standard.

On 26 November 2012 ([77 FR 70390](#)) the USCG issued an SNPRM, which proposes to amend the interim rule addressing lifesaving equipment to harmonize USCG regulations concerning release

mechanisms for lifeboats and rescue boats with the recently adopted international standards affecting design, performance, and testing for such lifesaving equipment, and to clarify the requirements concerning grooved drums in launching appliance winches. Comment due date: 25 January 2013. The most recent Unified Agenda indicates that a final rule was planned for May 2014.

On 30 July 2014 ([79 FR 44129](#)) the USCG issued a **Final Rule**, which finalized the amendments to the requirements for Coast Guard approved release mechanisms in the SNPRM. This rule harmonizes the USCG's design, construction, and performance standards, while providing for the use of qualified independent laboratories, instead of USCG inspectors, during the approval process and for production inspections of certain types of lifesaving equipment. Effective date: 29 August 2014

**Nontank Vessel Response Plans and Other Vessels Response Plan Requirements (USCG-2008-1070)** (RIN 1625-AB27; 33 CFR Parts 151, 155 and 160) On 31 August 2009 ([74 FR 44970](#)) the USCG issued a NPRM, which proposes regulations requiring owners or operators of nontank vessels to prepare and submit oil spill response plans. The FWPCA defines nontank vessels as self-propelled vessels of 400 gross tons or greater that operate on the navigable waters of the US, carry oil of any kind as fuel for main propulsion, and are not tank vessels. The proposed rulemaking specifies the content of the response plan and also addresses the requirement to plan for responding to the worst case discharge and a substantial threat of a such a discharge. Additionally, this rulemaking would update the International Shipboard Oil Pollution Emergency Plan (SOPEP) requirements that apply to certain nontank vessels and tank vessels. This proposed rulemaking would also require vessel owners to submit their vessel response plan control number as part of their required Notice of Arrival information. Comment due date: 30 November 2009.

[On 19 November 2009 IADC submitted [comments](#) to this docket]

On 30 September 2013 ([78 FR 60099](#)) the USCG issued a **Final Rule**, which reiterated the requirements in the NPRM. Effective date: 30 October 2013. In this rulemaking the USCG clarified that an NTVRP is not required unless a vessel (including a MODU) comes into the navigable waters of the US (12 NM). They said:

“Thus, for example, a nontank vessel that did not operate on the navigable waters of the United States could operate upon the outer continental shelf (OCS) of the United States or within the EEZ and not require a NTVRP. On the other hand, a nontank vessel that operated upon U.S. navigable waters en route (to) a destination on the OCS outside U.S. navigable waters would be required to hold a NTVRP.”

On 7 April 2014 ([79 FR 19107](#)) the USCG cancelled NVIC 01-05 *Interim Guidance for the development and Review of Response Plans for Nontank Vessels*. This NVIC was cancelled based on the final rule being issued.

**Transportation Worker Identification Credential (TWIC) - Reader Requirements. (USCG-2007-28915)** (RIN 1625-AB21; CFR 33 CFR Parts 101, 104, 105, and 106) On 27 March 2009 ([74 FR 13360](#)) the USCG issued an ANPRM, which discusses their preliminary thoughts on the potential requirements for owners and operators of certain vessels and facilities regulated by the USCG under 33 CFR chapter I, subchapter H, for use of electronic readers to work with TWIC as an access control measure. They are proposing to set up three risk based categories (A, B, and C) with varying levels of document verification requirements. This proposed rulemaking also discusses the recordkeeping requirements for those owners or operators required to use an electronic reader, and amendments to security plans previously approved by the USCG to incorporate the TWIC requirements. Once finalized, it would complete the implementation of the Maritime Transportation Security Act (MTSA), as well as the requirements of the Security and Accountability for Every Port Act of 2006, for regulations on electronic readers for use with TWICs. Comment due date: 26 May 2009.



On 22 March 2013 ([78 FR 17781](#)) the USCG issued an NPRM that proposes to require owners and operators of certain vessels and facilities regulated by the Coast Guard to use electronic readers designed to work with the TWIC as an access control measure. This NPRM also proposes additional requirements associated with electronic TWIC readers, including recordkeeping requirements for those owners and operators required to use an electronic TWIC reader, and security plan amendments to incorporate TWIC requirements. The TWIC program, including the proposed TWIC reader requirements in this rule, is an important component of the Coast Guard's multi-layered system of access control requirements and other measures designed to enhance maritime security. This rulemaking action, once final, would build upon existing Coast Guard regulations designed to ensure that only individuals who hold a TWIC are granted unescorted access to secure areas at those locations. The Coast Guard has already promulgated regulations pursuant to the Maritime Transportation Security Act of 2002 (MTSA) that require mariners and other individuals to obtain a TWIC and present it for inspection by security personnel prior to gaining access to such secure areas. By requiring certain vessels and facilities to perform TWIC inspections using electronic TWIC readers, this rulemaking would further enhance security at those locations. This rulemaking would also implement the Security and Accountability for Every Port Act of 2006 electronic TWIC reader requirements. Comment due date: 21 May 2013

The Coast Guard also announces a public meeting to take place on April 18, 2013, from 1:00 p.m. to 5:00 p.m. at the Crystal City Marriott at Reagan National Airport, 1999 Jefferson Davis Highway, Arlington, Virginia 22202 to provide an opportunity for oral comments on the NPRM. Comment due date: 21 May 2013.

On 10 May 2013 ([78 FR 27335](#)) the USCG issued an extension to the comment period for this proposed rule. The new comment due date is 20 June 2013. The most recent Unified Agenda indicated that a final rule is planned for April 2015.

**Aligning Coast Guard Pollution Regulations with MARPOL Annex I Regulations/Amendments.** (RIN 1625-AB57; 33 CFR 151, 155, 156, 157 and 197) On 14 August 2009, the USCG (CG-52) approved the workplan for aligning CG pollution regulations (33 – Subpart O) with MARPOL Annex I. This included proposing requirements for some ship owners and operators to provide additional equipment, revise current operating procedures, and/or modify the design of future ships during the production process, as well as adopt incorporation of the Southern South African Waters as a Special Area. Subsequently, since the signing of the workplan, the 86<sup>th</sup> session of MSC adopted material safety data sheets (MSDSs) for MARPOL Annex I oil cargo and oil fuel, which entered into force 1 July 2009. In the interest of optimizing CG resources and ensuring timely publication of a rulemaking to bring the U.S. in compliance with international requirements, the rulemaking team recommends amending the scope of the current workplan for the Aligning Coast Guard Regulations with MARPOL Annex I Regulations/Amendments rulemaking with MARPOL Annex I Regulations/ Amendments for MSDS requirements for oil cargo and oil fuel, to be effective for the U.S. on 1 January 2011. This would mean updating the shipping regulations in title 46 to require MSDSs.

On 9 April 2012 ([77 FR 21360](#)) the USCG published a NRPM, which proposed to update the US regulations and harmonize them with international conventions (MARPOL and SOLAS) regarding oil pollution and safety of life at sea. Comment due date: 9 July 2012

On 26 July 2012 ([77 FR 43741](#)) USCG issued an extension of the comment period. Comment due date (extended): 7 September 2012. The most recent Unified Agenda indicates that a final rule was planned for December 2014.

**Vessel Requirements for Notices of Arrival and Departure, and Carriage of Automatic Identification System (USCG-2005-21869).** (RIN 1625-AA99; 33 CFR 160, 161 and 164) First announced in the October 2005 Unified Agenda, this rulemaking would expand the applicability for

Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the USCG to correlate vessel AIS data with NOAD data, enhancing its ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness.

The NOAD portion of this rulemaking would expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require that a notice of departure be submitted for all vessels required to submit a notice of arrival, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. This rulemaking will expand the applicability of NOADs to include all foreign commercial vessels, regardless of tonnage, more U.S. commercial vessels, and all U.S. commercial vessels arriving from a foreign port.

The AIS portion of the rulemaking would expand the AIS carriage requirements to all commercial vessels Congress specifically identified in the Maritime Transportation Security Act of 2002, and would include vessels carrying 50 or more passengers, vice the current 150 or more passengers for hire, carrying or towing certain dangerous cargo, certain dredges, and certain high speed passenger craft. The USCG do not have a current mechanism in place to capture vessel, crew, passenger, or specific cargo information on vessels less than or equal to 300 gross tons (GT) intending to arrive at or depart from U.S. ports unless they are arriving with certain dangerous cargo (CDC) or are arriving at a port in the 7th Coast Guard District. According to the USCG, the lack of NOA information on this large and diverse population of vessels represents a substantial gap in their maritime domain awareness (MDA). This gap can be minimized by expanding the applicability of the NOAD regulation beyond vessels greater than 300 GT, cover all foreign commercial vessels, more U.S. commercial vessels, and all U.S. commercial vessels coming from a foreign port; and enhance maritime domain awareness by tracking them (and others) with AIS. There is no current Coast Guard requirement for vessels to submit notification of departure information.

On 23 November 2005 ([70 FR 70862](#)), the USCG published a notice (under docket USCG-2005-22837) announcing the preparation of a Programmatic Environmental Impact Statement for the Nationwide Automatic Identification System project.

On 16 December 2008 ([73 FR 76295](#)) the USCG issued a NPRM and proposed to expand the applicability of the Notice of Arrival and Departure (NOAD) and automatic identification systems (AIS) requirements to more commercial vessels. The proposed rulemaking would expand the applicability of the Notice of Arrival (NOA) requirements to additional vessels, establish a separate requirement for certain vessels to submit notices of departure (NOD), set forth a mandatory method for electronic submission of NOA and NOD, and modify related reporting content, timeframes, and procedures. This rulemaking would also expand the applicability of AIS requirements beyond the vessel traffic service area, to all US navigable waters and require AIS carriage for additional commercial vessels. These vessels, heighten the overall maritime domain awareness, and aid the USCG in addressing threats to maritime transportation safety and security and mitigate the possible harm from such threats. Comment due date: 15 April 2009. The most recent Unified Agenda indicated that a final rule was planned for December 2014.

**Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486).** (RIN 1625-AA32; 33 CFR 151) On 4 March 2002 ([67 FR 9632](#)), the USCG issued an ANPRM seeking comments on the development of a ballast water treatment goal, and an interim ballast water treatment standard. On 5 August 2004 ([69 FR 47453](#)), the USCG published a "notice with request for comments" on its program to approve ballast water treatment systems. Information gathered from this notice will be used to develop a comprehensive approval program to ensure ballast water treatment systems meet the ballast water discharge standard regulations, which we intend to promulgate in the near future. Commenters should note that the approval program will have to accommodate many different



technologies as ballast water treatment options, as well as different types of vessels, and the costs associated with establishing this program. The USCG currently approve some equipment as a result of only land-based testing; the notice requests that the public comment on if this is an adequate approach for approving ballast water treatment systems or should approval of these systems involve shipboard testing. Comment are also requested on appropriate water quality conditions, whether or not testing should include testing from both fresh water and salt water sources, and other environmental conditions that treatment systems should be subjected to as part of the approval program. The USCG further notes that commenters should also consider that treated ballast water may be sampled for the life of the treatment system as part of compliance measures to enforce ballast water discharge standards. Comment due date: 3 December 2004. On 25 August 2004 ([69 FR 52301](#)) the USCG published a minor correction to the 5 August 2004 rule.

On 28 August 2009 the USCG issued a NPRM ([74 FR 44632](#)) which proposes to amend its regulations on ballast water management by establishing standards for the allowable concentrations of living organisms in ships' ballast water discharged in U.S. waters. The USCG proposes to amend its regulations for approving engineering equipment by establishing an approval process for ballast water management systems. The intent of the USCG in this rulemaking is to eventually eliminate the ballast water exchange method and, phased into its place, establish two ballast water discharge standards. This system would apply to all vessels that operate in U.S. waters, are bound for points or places in the U.S. (including vessels bound for offshore ports or places), and are equipped with ballast tanks. These vessels would need to install and operate with a USCG approved ballast water management system. Comment due date: 27 November 2009 (modified below)

On 15 October 2009 ([74 FR 52941](#)) the USCG extended the NPRM comment date to 4 December 2009.

[On 4 December 2009 IADC submitted [comments](#) to the docket for this NPRM]

On 23 March 2012 ([77 FR 17254](#)) the USCG issued a **Final Rule**, which establishes a standard for the allowable concentration of living organisms in ballast water discharged in water of the United States. The USCG is also amending its regulations for engineering equipment via establishment of an approval process for a BW management system. (Exceptions are section 33 CFR 151.1513 and 151.2036, which require OMB approval and will be published in a later Federal Register when approved.) Effective date: 21 June 2012.

On 13 June 2012 ([77 FR 35268](#)) USCG obtained OMB approval for the exceptions listed in the final rule. Effective date: 21 June 2012

[NOTE: On 9 January 2013 IADC received a [response](#) from our inquiry to the USCG that indicated that USCG's jurisdiction for the BW system regulations is 12 NM]

**OIM Licensing (USCG-2001-10015).** (RIN not assigned; 46 CFR 10). In a 31 August 2001 letter to IADC President, Dr. Lee Hunt, the USCG indicated that it would proceed with a rulemaking to provide an alternative to MMS approval of well control courses as a prerequisite for OIM certification. This action is in response to IADC's November 2000 petition for rulemaking. Current USCG regulations require OIM candidates to present a certificate of completion from a MMS "approved" well control training program. In August 2000, MMS amended its regulations to eliminate, effective 15 October 2002, its approval of well control training programs. Thus, unless the USCG modifies its rules it will eventually be impossible for OIM candidates to meet this prerequisite. Foreseeing possible delays in the rulemaking process, IADC also asked the USCG to direct its Regional Examination Centers to accept certificates issued by IADC WellCAP<sup>®</sup> accredited institutions as equivalent to the MMS "approved" certificates until an amended rule is issued. The opening of a rulemaking docket is a necessary step in the right direction,

but it is not a guarantee that the USCG will respond affirmatively, or in a timely manner, to the rulemaking petition.

In a 1 October 2002 letter, the USCG informed IADC that, due to the events of 11 September 2001, and a reprioritization of its efforts, it might be up to five years before a rule could be published to change its requirements. The USCG has indicated it will issue a policy letter directing that its Regional Exam Centers not require an MMS certificate from OIM license applicants. On 5 November 2002, the USCG issued [NMC Policy Letter 17-02](#) providing guidance on proof of training in blowout prevention and well control. It directs that Regional Examination Centers accept a letter or certificate from the employer or training provider certifying the completion of training in blowout prevention and well control.

**Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080, formerly 1998-4951).** (RIN 1625-AA25; 33 CFR 97) On 11 January 1999 ([64 FR 1648](#)), the USCG published a notice and request for comments and announced a public meeting to discuss potential cargo securing standards for vessels operating in U.S. waters carrying general cargo and hazardous materials. The USCG indicated that this project address both vessels in international and U.S. domestic coastwise trade. Comments were due on 28 February 1999, and a NPRM was scheduled for October 2000.

On 1 December 2000 ([65 FR 75201](#)), the USCG issued a NPRM proposing regulations “to implement recent amendments to Chapter VI and VII of SOLAS.” The text of the proposal incorporates the provisions of SOLAS by reference. This may be a source of some confusion because, while the USCG indicates it is limiting its proposed rule to ships in international trade, no such limit applies under the referenced chapters of SOLAS. Further, the USCG is using the NPRM to solicit comments regarding future domestic application of cargo securing standards. Comments were due on or before 1 March 2001. A final rule was scheduled for July 2001, but was rescheduled for December 2001.

On 15 November 2013 ([78 FR 68784](#)) the USCG issued an SNPRM, which proposed requiring cargo securing manuals (CSMs) on vessels of 500 gross tons or more traveling on international voyages and carrying cargo that is other than solid or liquid bulk cargo. These regulations would authorize recognized classification societies or other approval authorities to review and approval the CSMs on behalf of the USCG. They would also prescribe when and how the loss of jettisoning of cargo at sea must be reported. Comment due date: 13 February 2014. Comment due date: 13 February 2014. The most recent Unified Agenda indicated that a final rule was planned for November 2014.

**Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705).** (RIN: 1625-AA12; 33 CFR 154) This project would implement provisions of the Oil Pollution Act of 1990 that require owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. An ANPRM was issued on 29 February 1996 (61 FR 7890). This was followed by a NPRM on 31 March 2000 ([65 FR 17416](#)). An interim final rule was scheduled for June 2004.

On 17 February 2011 ([76 FR 9276](#)) the USCG reopened the comment period on this rulemaking. Comment due date: 18 May 2011. The most recent Unified Agenda indicates that the next action is “to be determined.”

**Tank Vessel Response Plans for Hazardous Substances (USCG 1998-4354).** (RIN 1625-AA13; 33 CFR 155) On 22 March 1999 ([64 FR 13734](#)), the USCG published a NPRM establishing requirements for response plans for certain tank vessels operating on the navigable waters or within the EEZ if they might discharge hazardous materials. Under the rules, as proposed, the transfer of certain materials to or

from an independent tank or marine portable tank while on board a MODU would cause the MODU to be subject to these rules.

[On 4 August 1999 IADC submitted comments to the rulemaking docket suggesting changes to the rule to exclude MODUs conducting such operations.]

On 15 June 1999 ([64 FR 31994](#)), the USCG announced a public meeting and an extension of the comment period until 30 August 1999. At the public meeting IADC presented oral testimony regarding the scope of the proposed rule.

On 17 February 2011 ([76 FR 9276](#)) the USCG reopened the comment period on this rulemaking. Comment due date: 18 May 2011. The most recent Unified Agenda indicates that the next action is “to be determined.”

**Outer Continental Shelf Activities (USCG 1998-3868).** (RIN 1625-AA18; 33 CFR 140 through 147) On 27 June 1995 ([60 FR 33185](#)), a notice and request for comments provided official notice that the USCG will amend its OCS Activities Regulations. Possible amendments include improvements to the personnel safety regulations for fixed OCS facilities, new regulations governing the operation of mobile inland drilling units on the OCS, and alignment of the requirements for foreign vessels engaged in OCS activities with those for U.S. vessels similarly engaged. A draft rewrite of these regulations was provided to the USCG by a subcommittee of the National Offshore Safety Advisory Committee (NOSAC).

On 7 December 1999 ([64 FR 68416](#)), the USCG published a NPRM proposing a complete re-write of its OCS Activities Regulations. In addition to the issues cited above, the USCG attempted to place the entire Subchapter in “plain language.” The issues of most concern drilling contractors relate to the establishment of regulations governing confined space entry, and the imposition of structural fire protection requirements on fixed platforms, including platform drilling units used on fixed platforms. Comments on the NPRM were originally due no later than 7 February 2000. On 22 February 2000 ([65 FR 8671](#)), the USCG published a notice providing **corrections** to the NPRM and on 16 March 2000 ([65 FR 14226](#)), the comment period was extended until 5 July 2000, at the request of IADC and other trade associations.

[On 1 February 2000 IADC submitted comments to the OMB and USCG regarding the reporting, labeling and recordkeeping requirements associated with the proposed rule. On 15 February 2000, IADC submitted preliminary comments taking exception to the safety performance information presented by the USCG in its economic analysis of the proposed rule. On 3 May 2000, IADC joined the Offshore Operators Committee, OMSA, API, NOIA and others in filing comprehensive comments attacking the validity of the USCG’s assumptions regarding the costs and benefits of the proposed rule. IADC has also collaborated with OOC and the other affected trade associations in compiling a detailed technical response to the USCG’s proposed rules.]

On 30 June 2000 ([65 FR 40559](#)), the comment period was extended until 30 November 2000 in response to a Congressional request. At the close of the comment period, nearly 100 comments had been submitted reflecting a wide range of views. A final rule was scheduled originally for June 2002, but has been repeatedly rescheduled. The most recent Unified Agenda indicated that an SNPRM is “to be determined.”

**Numbering of Undocumented Barges (USCG-1998-3798).** (RIN: 1625-AA14; 33 CFR 189) On 18 October 1994 (59 FR 52646), the USCG published a request for comments regarding regulations to implement the Abandoned Barge Act of 1992, which requires that all undocumented barges more than 100 gross tons operating on the navigable waters of the U.S. be numbered. A 6 July 1998 ([63 FR 36384](#)), an ANPRM sought additional input for establishing the statutorily mandated system. The comment

period closed on 3 November 1998. This was followed by an 11 January 2001 ([66 FR 2385](#)), NPRM. In the Spring 2002 Unified Agenda, USCG announced that it would be withdrawing this rulemaking; however; the May December 2003 Unified Agendas indicated the USCG was reevaluating that decision.

On 12 August 2004 ([69 FR 49844](#)) the USCG issued a notice reopening the comment period “taking into consideration the time since the publication of the NPRM. The most recent Unified Agenda indicated that a SNPRM is planned for April 2015.

**Commercial Diving Operations (USCG-1998-3786).** (RIN 1625-AA21; 46 CFR 197) On 26 June 1998 ([63 FR 34840](#)), an ANPRM requested comments on the type and scope of needed revisions to the commercial diving regulations. A petition by the Association of Diving Contractors initiated this rulemaking. Comment due date: 24 September 1998. A NPRM was scheduled for January 1999, but was rescheduled for July 1999, November 1999, and then April 2000.

On 6 January 2009 ([74 FR 414](#)), the USCG issued an ANPRM, which proposed to amend the commercial diving regulations. They are requesting comments from the public on industry standards and current practices that could be incorporated into the regulations or accepted as equivalents; the use of third party auditing; new requirements for compliance determination; the adoption of recommendations following the investigation of a 1996 fatality [Rig No. 12 Report]; and other additional regulatory revisions. Comment due date: 9 March 2009. The most recent Unified Agenda indicated that an NPRM was planned for December 2014.

**Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472).** (RIN 1625-AA59; 33 CFR 20 and 46 CFR 5) This rulemaking would consolidate all procedural rules for administrative adjudication’s for class II civil penalties, and allow the USCG to promulgate regulations implementing the OPA 90 authority. The USCG issued an **Interim Rule** with request for comments on 24 May 1999 ([64 FR 28054](#)), with an effective date of 24 June 1999. A correction to the interim rule was published on 28 June 1999 ([64 FR 34540](#)). The comment period was opened again on 5 October 1999 ([64 FR 53970](#)). The USCG indicated that an NPRM, rather than an affirmation of the Interim Rule, was to have been issued in May 2001. The most recent Unified Agenda indicated that this was an **Interim Final Rule** and that an SNPRM is “to be determined.”

- **Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978. (USCG-2004-17914)** (RIN 1625-AA16; 46 CFR 5, 10, 12 and 15) On 26 June 1997 ([62 FR 34505](#)) the USCG issued an **Interim Rule**, effective 28 July 1997, implementing the 1995 STCW amendments. This rule differed significantly from the preceding NPRM; accordingly, the USCG sought comments on the rule. The comment period closed on 23 December 1997. On 25 July 1997 (62 FR 40139), the USCG issued a correction to the interim rule. On 28 July 1997 (62 FR 40281), another correction was issued. Because the IMO is still developing interpretations and procedural corrections to the STCW Convention, additional changes to the rule can be anticipated. A final rule affirming the interim rule was to be issued in December 1999, was rescheduled for February 2002 to coincide with the international entry into force, and subsequently rescheduled for February 2003.

On 17 November 2009 ([74 FR 59353](#)) the USCG issued a proposed rule, which proposes to amend the regulations to fully incorporate the STCW Convention and STCW Code amendments into the requirements for the merchant mariner credentialing found in 46 CFR Parts 10, 11, 12 and 15. The proposed changes are to incorporate the lessons learned from implementation of the STCW Convention & Code through the interim rule and attempt to clarify those regulations that have generated confusion in the past. Comment due date: 16 February 2010.

On 23 March 2010 ([75 FR 13715](#)) the USCG announced that it is revisiting the approach proposed by the NPRM published in November 2009. Based on the large number of comments to the rulemaking, coupled with the expected adoption by IMO of the updated amendments to the STCW Convention and Code, the Coast Guard is considering publication of a Supplemental NRPM, which would describe any proposed changes from the NPRM version, and seek comments from the public on the proposed changes.

On 1 August 2011 ([76 FR 45908](#) - [173 pages]) the USCG issued a SNPRM to amend the existing regulations to address the comments received in the NRPM and to incorporate the 2010 amendments (Manila Amendments) to the STCW Convention and Code, which will come into force on 1 January 2012. Comment due date: 30 September 2011.

On 2 August 2011 ([76 FR 46217](#)) the USCG issued a notice of public meetings to receive comments regarding the SNPRM. The meetings will be held in Miami (24 August), New Orleans (24 August), Seattle (26 August), and Washington, DC (7 September).

[On 24 August 2011 IADC submitted [comments](#) regarding this proposed policy change]

On 3 November 2011 ([76 FR 68202](#)) the USCG issued a Notice of Availability, which provided the MERPAC and MEDMAC committee task responses from both groups that were reviewing the SNPRM. The recommendations from these groups have been placed on the docket for review. Comment due date: 5 December 2011. The most recent Unified Agenda indicated that a final action is planned for October 2013.

On 24 December 2013 ([78 FR 77795](#)) the USCG issued a **Final Rule**, which implements the 2010 Manila Amendments to the STCW Code & Convention. These STCW amendments came into force on 1 January 2012, but are not self-implementing. This final rule also makes other changes not required by the STCW Convention and Code, but that the USCG felt were necessary to reorganize, clarify and update the regulations. Effective date: 24 March 2014.

On 17 September 2014 ([79 FR 55657](#)) the USCG issued some correcting amendments to the final rule, which included 46 CFR 11.705 (removed paragraph (f)) and 11.711 (revised paragraph (c)). Effective date: 17 September 2014.

**Discharge Removal Equipment for Vessels Carrying Oil (CGD 90-068).** (RIN 1625-AA02; 33 CFR 151) On 22 December 1993 (58 FR 67988), the USCG issued an Interim Rule, effective 21 January 1994, and corrected on 26 January 1994 (59 FR 3749) requiring periodic inspection of discharge-removal equipment. Nearly a decade later the USCG indicated that it would take action to affirm this interim rule and announced that a final rule would be issued in December 2001.

On 27 March 2012 ([77 FR 18151](#)) the USCG issued a Notice of Intent to finalize the interim regulations issued in December 1993. Because of the lapse in time since the interim final rule was published, the USCG is seeking comments before finalizing portions of the interim final rule. Comment due date: 20 May 2012. The most recent Unified Agenda indicates that the next action is “to be determined.”

## **DHS / U. S. Customs and Border Protection (CBP)**

- **Amendments to Importer Security Filing And Additional Carrier** (RIN 1651-AA98; 19 CFR 4 and 149) The most recent Unified Agenda indicated that the Importer Security Filing (ISF) regulations require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system,



information necessary to assist CBP in identifying high-risk shipments to prevent smuggling and ensure cargo safety security. An NPRM is planned for October 2015

- **Centers of Excellence and Expertise** (RIN 1651-AB02; CFR TBD) The most recent Unified Agenda indicated that CBP plans to issue amendments to CBP regulations to reflect a new internal organizational entity known as a Center of Excellence and expertise (CEE) and to ship authority to make certain decisions regarding customs transactions from port directors to the directors of the CEEs. The goals of the CEEs are to facilitate trade, reduce transaction costs, increase compliance with applicable import laws, and to achieve uniformity of treatment at the ports of entry for identified industries. An Interim Final rule is planned for JULY 2015
- **Technical Amendments: Boarding of Vessels at CBP Ports (CBP Dec 14-11)** (RIN not listed; 19 CFR 4) On 26 November 2014 ([79 FR 70462](#)) CBP issued a **Final Rule**, which amends the U.S. CBP regulations to conform to USCG implementing regulations regarding certain boarding(s) of vessels under the Maritime Transportation Act of 2002 (MTSA), which requires any person boarding a vessel arriving at a CBP port after that vessel is taken in charge by a CBP officer must comply with the TWIC requirements. (The out-of-date “cutter pass” and “dock pass” have been removed). Effective date: 26 November 2014

**Importer Security Filing and Additional Carrier Requirements (USCBP-2007-0077).** (RIN 1651-AA70; 19 CFR Parts 4, 12, 18, 101, 103, 113, 122, 123, 141, 143, 149 & 192) On 2 January 2008 ([73 FR 90](#)) CBP issued a NPRM to prevent terrorist weapons from being transported to the US. Vessel carriers bringing cargo to the US are currently required to transmit certain information to CBP about the cargo they are transporting prior to lading that cargo at foreign ports of entry. This document requires both importers and carriers to submit additional information pertaining to cargo before it is brought into the US by vessel. CBP must receive this info via CBP-approved electronic data interchange system. The info is required to improve the ability of CBP to identify high-risk shipments. Comment due date: 3 March 2008 (Extended to 18 March 2008 on 1 February 2008).

On 29 February 2008 IADC submitted a [letter](#) to clarify the terms “foreign port” and “foreign place” to preclude this rulemaking from dramatically affecting the offshore industry. Our letter also asked CBP to add a definition of the term “container” to remove any unintended application to small transport boxes or portable tanks. IADC further recommended establishing a threshold number of containers for application of this rulemaking so as not to apply to OSVs, since it would provide no benefit by this additional submission requirement.

On 25 November 2008 ([73 FR 71730](#)) CBP issued an **Interim Final Rule**, along with a solicitation of comments. Effective date: 26 January 2009. Of particular note is that CBP has indicated different compliance dates for specific portions of the rulemaking. They have also indicated that enforcement will occur gradually over the next year to allow companies to get familiar with the new regulations. Additionally, CBP requested comments for certain aspects of the rule. Comment due date: 1 June 2009.

The rule has implied that a MODU is a ‘foreign place’ if they are not an “OCS facility” (*i.e.* stacked or not engaged in OCS activities). CBP has stated that they do not intend to establish any stowage plan exemptions based on the number of containers being transported. Further, though we pointed out the non-existence of foreign place codes for the OCS, CBP indicated that the nearest CBP service port code should be used. Finally, the term “container” was not defined and may become problematic for our industry.

On 14 July 2009 ([74 FR 33920](#)) CBP issued a correction to its Interim Final Rule. The interim final rule’s regulatory text was inadvertently silent regarding the time frame for transmitting an Importer Security Filing for shipments intended to be transported in-bond for immediate exportation or for

transportation and exportation. Two other preamble text corrections involve when a carrier's obligation to transmit container status messages ends and the other concerns when the importer security filing must be updated. Effective date: 14 July 2009.

On 24 December 2009 ([74 FR 68376](#)) CBP issued more corrections to the interim final rule, which inadvertently omitted the liability amounts for breach of the importer security filing bond and neglected to make provisions for using the importer security filing bond to secure a single ISF transaction. This update clarifies the bond terms applicable to the importer security filing bond by adding the liability amounts for a breach of the bond and by adding a paragraph to cover a single transaction. The most recent Unified Agenda indicated that a final action is planned for February 2016.

## **Department of the Interior (DOI) / Bureau of Ocean Energy Management (BOEM)**

- **Clean Air Reporting and Compliance** (RIN 1010-AD82; 30 CFR 550) The most recent Unified Agenda indicated this rulemaking would bring BOEM regulations into compliance with the requirements of the Clean Air Act, as amended. Much of the language in BOEM air quality regulations is out of date and no longer reflects current BOEM practices and procedures. This rulemaking would correct those deficiencies and develop new air quality guidelines to address the recent transfer of air quality oversight responsibility for the offshore North Slope of Alaska from the EPA to the DOI. An NPRM is planned for February 2015
- **Arctic Regulations** (RIN 1010-AD85; 30 CFR 250, 254, 550) The most recent Unified Agenda indicated that BOEM and BSEE are jointly promulgating regulations to govern oil and gas operations on the Alaska OCS. An NRPM was planned for November 2014.
- **Risk Management, Financial Assurance and Loss Prevention (BOEM-2013-0058)** (RIN 1010-AD83; 30 CFR 550, 551, 556, 581, 582, and 585) On 19 August 2014 ([79 FR 49027](#)) BOEM issued an ANPRM, which is seeking comments and information regarding its effort to update its regulation and program oversight for the US OCS financial assurance requirements. Due to the increasingly complex business, functional, organizational and financial issues and vast differences in costs associated with expanded and varied offshore activities, BOEM has recognized the need to develop a comprehensive program to assist in identifying, prioritizing, and managing the risks associated with industry activities on the OCS. Comment due date: 20 October 2014.

On 9 October 2014 ([79 FR 61041](#)) BOEM issued an extension of the public comment period. New comment due date: 17 November 2014. The most recent Unified Agenda indicates that an NPRM is planned for November 2015.

- **Consumer Price Index Adjustments of the Oil Pollution Act of 1990 Limit of Liability for Offshore Facilities. (BOEM-2012-0076)** (RIN 1010-AD87; 30 CFR 553) On 24 February 2014 ([79 FR 10056](#)) BOEM is proposing to add a new subpart to its regulations on OSFR for Offshore Facilities designed to increase the limit of liability for damages applicable to offshore facilities under OPA 90, to reflect significant increases in the CPI, and to establish a methodology BOEM would use to periodically adjust for inflation the OPA offshore facility limit of liability. [This does not affect the setting for USCG COFRs or OSFRs] Comment due date: 26 March 2014.

On 12 December 2014 ([79 FR 73832](#)) BOEM issued a **Final Rule**, which adds to the limit of the regulations on the Oil Spill Financial Responsibility (OSFR) for offshore facilities in order to increase the limit of liability for damages caused by the responsible party for an offshore facility. BOEM



increased the limit of liability for damages under OPA from \$75 million to \$133.5 million. Effective date: 12 January 2015

**Revisions to Safety and Environmental Management Systems Requirements (SEMS) (BOEM-2011-0003)** (RIN 1014-AA04 [previously 1010-AD73]; 30 CFR 250) This planned rulemaking would add requirements to SEMS to prevent oil well blowouts. It would clarify requirements for job safety analysis, add stop work authority, establish work authority, include employee participation in SEMS, and require third-party audits.

On 14 September 2011 ([76 FR 56683](#)) BOEMRE issued a proposed rule, which proposes to amend the regulations to require operators to develop and implement additional provisions in their SEMS program for oil, gas, and sulphur operations in the OCS. These revisions pertain to developing and implementing STOP WORK authority and ultimate work authority, requiring employee participation in the development and implementation of the SEMS programs, and establishing requirements for reporting unsafe working conditions. Additionally, the rulemaking will require independent third parties to conduct audits of the operator's SEMS program and it will also establish further requirements related to conducting JSAs for activities identified in the operator's SEMS. Comment due date: 14 November 2011.

On 5 April 2013 ([78 FR 20423](#)) the BSEE issued a **Final Rule**, which revised and added several new requirements to the regulations for SEMS. These pertain to Stop Work Authority (SWA) and Ultimate Work Authority (UWA), requiring an Employee Participation Plan (EPP) and establishing guidelines for reporting unsafe working conditions. This rulemaking also establishes additional JSA requirements for activities in the operator's SEMS. Lastly, it requires that the SEMS program must be audited by an accredited service provider. Effective date: 4 June 2013

[In December 2013 an IADC workgroup developed FAQs regarding SWA/UWA and submitted them to the Center for Offshore Safety for further review and submission to BSEE]

## **DOI / Bureau of Land Management (BLM)**

**Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands (WO-300-L13100000.FJ0000)** (RIN 1004-AE26; 43 CFR 3160) On 24 May 2013 ([78 FR 31636](#)) the BLM issued an SNPRM to follow up on the previously issued proposed rule (11 May 2012 / [77 FR 27691](#)). With the comments received from the NPRM, BLM made some revisions and is now seeking additional comment on the revised rule. Key issues in this updated draft include: the use of an expanded set of cement evaluation tools to help ensure that usable water zones have been isolated and protected from contamination; and more detailed guidance on how trade secrets claims will be handled, modeled on the procedures promulgated by the State of Colorado. The revised proposed rule would also provide opportunities for the BLM to coordinate standards and processes with individual States and tribes to reduce administrative costs and to improve efficiency. Comment due date: 24 June 2013

On 10 June 2013 ([78 FR 34611](#)) BLM extended the comment period to 23 August 2013. The most recent Unified Agenda indicates that a final action was planned for November 2014.

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

- **Safety and Environmental Management.** (RIN 1014-AA25; 30 CFR 250) The last Unified Agenda indicated that BSEE is planning on issuing an ANPRM that seeks comments on improving safety and

environmental protection through a more comprehensive approach toward the management of safety systems as a barrier to the release of hydrocarbons. An ANPRM is planned for February 2015.

- **Incorporation of Standard Well Design Criteria (API Standards), Operations, Cementing, and Casing Requirements.**(RIN 1014-AA17; 30 CFR 250) The last Unified Agenda indicated that BSEE is considering a proposed rule that will address cementing and casing operations and requirements on the OCS. The most recent Unified Agenda indicates that an NPRM is planned for October 2015.
- **Arctic Regulations** (RIN 1014-AA21; 30 CFR 250) The last Unified Agenda indicated that BSEE is developing joint proposed rules to promote safe, responsible, and effective drilling activities on the arctic OCS, while also ensuring the protection of Alaska's coastal communities and the marine environment. The next action was a planned NPRM in November 2014.
- **Oil and Gas Sulphur Operations in the Outer Continental Shelf (OCS); Helideck and Aviation Fuel Safety for Fixed Offshore Facilities** (RIN 1014-AA22; 30 CFR 250) On 24 September 2014 ([79 FR 57008](#)) BSEE issued an ANPRM seeking comments on improving safety for operations related to helicopters and helidecks on fixed offshore facilities. They invite comments on whether to incorporate in the regulations certain industry and/or international standards for design, construction, and maintenance of offshore helidecks, as well as standards for aviation fuel quality, storage and handling. As an alternative to incorporating or developing such standards, BSEE wants comments on whether to require submission of aviation-related safety plans for helidecks and offshore aviation fuel systems on OCS facilities. Comment due date: 24 November 2014

On 24 November 2014 ([79 FR 69777](#)) BSEE extended the comment due date to 24 December 2014.

- **Improvements in Incident Reporting, Risk-Based Inspections, and Leading and Lagging Indicators** (RIN 1014-AA20; 30 CFR 250) The last Unified Agenda indicated that BSEE will seek input on regulatory changes considered by BSEE to improve safety, emergency preparedness, environmental responsibility, and assure appropriate development and conservation of the offshore oil and natural gas resources. The ANPRM will seek to gather information from the public to help develop regulations that will properly define, assess, and differentiate risk; build clear, consistent, comprehensive, and effective permitting processes; create, define, and expand regulatory approaches and tools; and refine and enhance continuous offshore safety performance. The ANPRM is planned for March 2016.
- **Incorporation of Updates of Crane Standards** (RIN 1014-AA13, 30 CFR 250) The last Unified Agenda indicated that BSEE is incorporating by reference the 7<sup>th</sup> edition of the API Specification "offshore Pedestal-Mounted Cranes (API Spec 2C) into its regulations. The document has been rewritten to detail many aspects of crane operations. BSEE plans to add the updated edition through a proposed rule. This approach will allow BSEE to reference the best and most up-to-date requirements for the design and construction of pedestal-mounted cranes for OCS fixed platforms. The NPRM was planned for November 2014.

**BSEE Forms Oil and Gas Operations; Proposed Collection (BSEE-2014-0004)** (RIN not listed; CFR not listed) on 14 April 2014 ([79 FR 20897](#)) BSEE submitted a notice to the Office of Management and Budget for a revision to the paperwork requirements in the regulations under Subpart D, *Oil and Gas drilling Operations*. Of particular interest is that BSEE is proposing that all forms will now include a certification stating that false submissions are subject to criminal penalties. Comment due date: 30 June 2014.

[On 21 July 2014 IADC submitted [comments](#) to this docket]

**Blowout Prevention System** (RIN 1014-AA11; 30 CFR 250) This proposed rulemaking, which is still in the planning stages, would revise regulations related to blowout preventers (BOPs). BSEE regulations for BOPs currently consist of: (1) Field pressure and functions tests, (2) performance statements related to BOP capabilities, and (3) several industry practices related to inspection and maintenance. The industry has developed new standards for BOP design and testing that contain significant improvements to existing documents. By incorporating these new requirements into regulations and other supplemental requirements, the regulatory oversight over this critical equipment will be increased. The recent Unified Agenda indicates that an NPRM is planned for February 2015.

**Oil and Gas and Sulphur Operations on the Outer Continental Shelf- Oil and Gas Production Safety Systems. (BSEE-2012-0005)** (RIN 1014-AA10; 30 CFR 250) On 22 August 2013 ([78 FR 52240](#)) the BSEE issued a proposed rule to amend and update the regulations regarding oil and natural gas production by addressing issues such as: Safety and pollution prevention equipment lifecycle analysis, production safety systems, subsurface safety devices, and safety device testing. The proposed rule would differentiate the requirements for operating dry tree and subsea tree production systems on the OCS and divide the current subpart H into multiple sections to make the regulations easier to read and understand. Additionally, this proposed rulemaking would revise portions of §250.17 related to use of best available and safest technology (BAST). The intent of the change is to more closely track the BAST provision in the OCSLA. That statutory provision requires: *... on all new drilling and production operations and, wherever practicable, on existing operations, the use of the best available and safest technologies which the Secretary determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies* (43 U.S.C. 1347(b).) Comment due date: 21 October 2013

On 4 September 2013 ([78 FR 54417](#)) BSEE issued a correction to their previously issued proposed rule on 22 August 2013 (above)

[On 29 August 2013 IADC submitted [comments](#) to the docket requesting an extension of the comment period until at least 24 January 2014]

On 27 September 2013 ([78 FR 59632](#)) BSEE issued an extension to the comment period. Extended comment due date: 5 December 2013. The most recent Unified Agenda indicates that a final action was planned for November 2014.

- **NTL: Lessee and Operator Refueling Requirements for BSEE-contracted Helicopters** (RIN not applicable; 30 CFR 250.132(a)(2)) On 22 December 2014 BSEE issued [NTL No. 2014 G-06](#), which requires lessees and operators to provide helicopter landing sites and refueling facilities to helicopters that BSEE uses to regulate offshore operations. This means that the BSEE helicopter operator must be provided access and fuel (assuming you have it installed) at your facility regardless of whether or not the BSEE inspection being conducted is at your facility. Failure to provide fuel to BSEE when requested would result in the BSEE inspector issuing an incident of non-compliance (INC). Effective date: 1 February 2015

**NTL: Elimination of Expiration Dates on Certain NTLs** (RIN not applicable; CFR not applicable) On 28 March 2014 BSEE [NTL No. 2014-N01](#) was issued. It eliminates the expiration dates on certain existing NTLs published on the BSEE website. This NTL further clarifies that, until BSEE revises, reissues, or withdraws the published NTLs, they will continue to apply regardless of any stated expiration dates.

**NTL: Global Positioning System (GPS) for Mobile Offshore Drilling Units (MODUs)** (RIN not applicable; CFR not applicable) On 19 March 2013 BSEE [NTL No. 2013-G01](#) was issued, which supersedes NTL 2009 G-16, to provide guidance requirements for:

1. Outfitting all MODUs with multiple GPS transponders;
2. Providing BSEE real-time GPS location data; and
3. Notifying BSEE how you will provide access to real-time GPS location data and information about any instance when a MODU moves off location in a storm event.

Effective date: 19 March 2013

Expiration date: 31 January 2015

**NTL: Reimbursement for Providing Meals, Quarters, and Transportation to BSEE Representatives.** (RIN not applicable; 30 CFR 250.133) On 14 March 2013 BSEE [NTL No. 2013-N01](#) was issued, which provides specific instructions for requesting reimbursements when you provide meals, quarters, and transportation to BSEE representatives inspecting your facilities. Effective date: 8 March 2013

**NTL: Oil Discharge Written Follow-up Reports.** (RIN not applicable; 30 CFR 254.46(b) (2)) On 16 November 2012 BSEE issued [NTL No. 2012-N07](#), which supersedes NTL No. 2007-N04, provides clarification about the type of information you may provide for compliance with written follow-up reports required by 30 CFR 254.46.(b)(2). Under this regulation, *for all discharges of one barrel or more*, you must submit a written follow-up report to the BSEE. This report should be submitted to the Gulf of Mexico Oil Spill Response Division (OSRD) Regional Branch Supervisor, Alaska OSRD Region Unit Senior Analyst, or Pacific OSRD Region Unit Senior Analyst, as appropriate, within 15 calendar days after the spillage has been stopped or has ceased. Under §254.46(b)(2), BSEE may require additional information if it is determined that an analysis of the response is necessary. Effective date: 16 November 2012. Estimated Expiration date: 15 November 2017

**NTL: Flaring and Venting Approval Contact Information.** (RIN not applicable; 30 CFR 250.1160. On 15 July 2012 BSEE issued [NTL No. 2012-N04](#), which supersedes NTL No. 2011-N02 and provides contact information for requesting approval to flare or vent natural gas. Effective date: 7 July 2012 February 2011 Expiration date: 15 July 2017

**NTL: Flare/Vent Meter Installations.** (RIN not applicable; 30 CFR 250.1163(a)) On 2 July 2012 BSEE issued [NTL No. 2012-N03](#), which supersedes NTL No. 2011-N04, and offers guidance and procedures to follow if you are required to install flare/vent meters at your facility under 30 CFR 250, Subpart K, Oil and Gas Production Requirements. Effective date: 15 July 2012 Expiration date: 15 July 2017

**NTL: Marine Trash and Debris Awareness and Elimination.** (RIN not applicable; 30 CFR 250.103) On 1 January 2012 BSEE issued [NTL No. 2012-G01](#), which supersedes NTL No. 2007-G03, and provides information on the marine trash and debris awareness training video and slide show, and both postal and email addresses for submitting annual training reports. Effective date: 1 January 2012 OMB Expiration date: 31 December 2014

**NTL: Vessel Strike Avoidance and Injured/Dead Protected Species Reporting.** (RIN not applicable; 30 CFR 250.103) On 1 January 2012 BSEE and BOEM issued a JOINT [NTL No. 2012 -G01](#), which supersedes NTL 2007-G04, and updates the guidelines on how you should implement monitoring programs to minimize the risk of vessel strikes to protected species and report observations of injured or dead protected species. Effective date 1 January 2012 OMB Expiration date: 31 December 2014

**NTL: Subsea Pumping for Production Operations.** (RIN not applicable; 30 CFR 250.286 thru 295) On 16 November 2011 BSEE issued [NTL No. 2011-N11](#), which provides guidance and clarification on the regulatory requirements for safe and environmentally sound use of subsea pumping as a recovery method in subsea development projects. Effective date: 21 November 2011

Expiration date: 21 November 2016

**NTL: Guidance on the Development, Implementation and Maintenance of a Safety and Environmental management Systems (SEMS) Program for Outer Continental Shelf (OCS) Oil, Gas and Sulphur Operations.** (RIN not applicable; 30 CFR 250.107(b) and 132) On 24 October 2011 the BSEE issued [NTL No. 2011-N09](#), which offers guidance on the development, implementation and maintenance of a Safety and Environmental Management Systems Program for Outer Continental Shelf (OCS) Oil, Gas and Sulphur Operations. This NTL, which is a consolidation of the guidance and clarifications that have emerged from industry discussions and workshops with BSEE, was issued to clarify the policies, procedures and requirements for OCS lessees and operators as included in 30 CFR 250, Subpart S Regulations. Effective date: 21 October 2011 Expiration date: 21 October 2016

**NTL: Temporary Helideck Closures.** (RIN not applicable; 30 CFR 250.107(b) and 132) On 17 October 2011 BOEMRE issued [NTL No. 2011-N08](#), which offers guidance on the recommended safety practice of visual signaling and notification of a temporary helideck closure. This NTL replaces and supersedes NTL 2009-P08. Effective date: 12 October 2011 Expiration date: 12 October 2016

**NTL: Revised Assessment Matrix.** (RIN not applicable; CFR not listed) On 30 June 2011 BOEMRE issued [NTL No. 2011-N06](#), which provides updated information regarding the BOEMRE OCS Civil Penalties Program. The update reflects the maximum civil penalty based on increases in the Consumer Price Index. Effective date: 30 July 2011 Expiration date: 30 July 2016

**NTL: Hurricane and Tropical Storm Effects Reports.** (RIN not applicable; 30 CFR 250) On 3 June 2011 BOEMRE issued [NTL No. 2011-G01](#), which supersedes expired NTL 2010-G04, and provides guidance on using email or eWell Permitting and Reporting System to report hurricane and tropical storm effects information, specifies the information included in the various reports, and makes minor administrative amendments. Effective date: 1 June 2011 Expiration date: 30 November 2015

**NTL: Air Quality Jurisdiction on the OCS.** (RIN not applicable; 30 CFR 250.302, 250.303, and 250.304) MMS has issued [NTL No. 2009-N11](#), which clarifies that the MMS regulates air quality for OCS facilities in the area of the Gulf of Mexico west of 87 degrees 30 minutes west longitude, and that the EPA has air quality jurisdiction everywhere else on the OCS. Effective date: 4 December 2009 Expiration date: 4 December 2014

**NTL: Sub-Seabed Disposal and Offshore Storage of Solid Wastes.** (RIN not applicable; 30 CFR 300 (b)(2)) MMS has issued [NTL No. 2009-G35](#), which provides standardized guidelines and instructions for the sub-seabed disposal and offshore storage of solid wastes generated from oil and gas development on the OCS in the Gulf of Mexico. Effective date: 1 December 2009 Expiration date: 30 November 2014

**NTL: Ancillary Activities.** (RIN not applicable; 30 CFR 250.208) MMS has issued [NTL No. 2009-G34](#), which supersedes NTL No. 2006-G-12, and provides guidance and clarification on conducting ancillary activities on the Gulf of Mexico Outer Continental Shelf. Effective date: 1 December 2009 Expiration date: 30 November 2014

**NTL: Hydrogen Sulfide.** (RIN not applicable; 30 CFR 250.490) On 24 September 2009 MMS issued [NTL 2009-G31](#), which supersedes NTL 98-16, and establishes Standard Material Requirements, Materials for Sulfide Stress Cracking and Stress Corrosion Cracking Resistance in Sour Oilfield Environments (NACE Standard MR0175-2003) as best available and safest technology (BAST), provides further guidance on classifying an area for the presence of hydrogen sulfide (H<sub>2</sub>S), includes guidance on H<sub>2</sub>S detection, updates regulatory citations, and includes a guidance document statement. Effective date: 21 October 2009 Expiration date: 20 October 2014



**NTL: Post-Hurricane Inspection and Reporting.** (RIN not applicable; 30 CFR 250.106(b)) On 24 August 2009 MMS issued [NTL 2009-G30](#), which elaborates on the inspections that need to be conducted and the plans and reports that need to be prepared because of known or potential damage to OCS facilities caused by hurricanes in the Gulf of Mexico. This NTL addresses all: a) fixed OCS platforms and structures; b) floating OCS structures; and c) moored MODUs. Effective date: 1 September 2009  
Expiration date: 30 November 2014

**NTL: Guidance for Submitting Exploration Plans and Developing Operations Coordination Documents.** (RIN not applicable; CFR not applicable) On 10 August 2009 MMS issued [NTL 2009-G27](#), which supersedes NTL 2007-G11, clarifies the policy regarding revising OCS plans when you propose to change approved anchor patterns and anchor areas, provides guidance for wells that you plan to side-track, makes minor administrative changes, and includes a guidance document statement. Effective date: 9 September 2009  
Expiration date: 8 September 2014

**NTL: Policies for Shutting-in Producing Wells during Rig Moves.** (RIN not applicable; 30 CFR 250.406, 250.502, 250.602, 250.1703) On 29 July 2009 MMS issued [NTL 2009-G25](#), which supersedes NTL 2004-G09, and specifies the guidance regarding when you must shut in producing wells during rig moves applies to rigs and related equipment used during well-completion, well-workover, and well decommissioning operations, as well as drilling operations; makes amendments to Appendices B, C, and D; and provides a guidance document statement. Effective date: 26 August 2009  
Expiration date: 25 August 2014

**NTL: Structure Assessment Before Moving a Platform Rig.** (RIN not applicable; 30 CFR 250.900(a)) On 14 July MMS issued [NTL 2009-G23](#), effective 14 August 2009, which provides guidance to ensure that the loads imposed by a platform rig moving onto an existing platform do not compromise the structural integrity of the platform for the safe conduct of drilling, workover, completion, production, decommissioning, or other operations. This NTL applies to both fixed and floating platforms.  
Expiration date: 2 August 2014

**NTL: Designated Safe Welding Areas on Rigs.** (RIN n/a; 30 CFR 250.109) On 7 July 2009 MMS issued [NTL 2009-G17](#) (supersedes NTL 99-G10), and clarifies the process for establishing a designated safe welding area (DSWA), includes a guidance document statement, and updates the terminology and contact information for a DSWA. Effective date 4 August 2009  
Expiration date: 3 August 2014

**NTL: Guidelines for Tie-downs on OCS Production Platforms for Upcoming Hurricane Seasons.** (RIN not applicable; 30 CFR 250.900(a)) On 20 May 2009 MMS issued [NTL 2009-G13](#), which provides guidance on the evaluation of tie-downs used on OCS production platforms to secure drilling and workover rigs and permanent equipment and facilities during hurricane season. Effective date: 20 May 2009  
Expiration date: 30 November 2014

**NTL: Accidental Disconnect of Marine Drilling Riser.** (RIN not applicable; 30 CFR 250.107(a)(1)) On 18 May 2009 MMS issued [NTL 2009-G11](#), which supersedes NTL 2000-G07 and updates the regulatory citation and contact information and includes a guidance document statement. This document provides the recommended steps to be performed to ensure that a marine riser accidental disconnect does not occur while operations are conducted from a floating drilling rig. Effective date: 1 June 2009.  
Expiration date: 31 May 2014

**NTL: Guidelines for Jack-up Drilling Rig Fitness Requirements for Hurricane Season.** (RIN not applicable; 30 CFR 250.417(a)) On 18 May 2009 MMS issued [NTL 2009-G10](#), which supersedes NTL 2008-G10, and provides guidance on the info that must be submitted with Form MMS-123 [*Application for Permit to Drill or "APD"*]. This NTL includes the provision for using a checklist to provide the information regarding jack-up rig fitness, provides a guidance document statement, and updated contact

information, to demonstrate the fitness of any jack-up drilling rig used to conduct operations on the Gulf of Mexico OCS during hurricane season. This guidance also applies to jack-up drilling rig operations conducted under Form MMS-124 [*Application for Permit to Modify or "APM"*]. The MMS highly recommends that API RP 95J [*Gulf of Mexico Jackup Operations for Hurricane Season*] is followed when an APD or APM is prepared for drilling during the hurricane season. Effective date: 1 June 2009

Expiration date: 30 November 2014

**NTL: Location of Choke and Kill Lines on Blowout Preventer Stacks.** (RIN not applicable; 30 CFR 250.443) On 17 April 2009 MMS issued [NTL 2009-G07](#), which specifies the location of the choke and kill lines serving blowout preventer stacks. Operators usually install the choke and kill lines above the bottom ram. However, some lessees and operators have requested to install them below the bottom ram. For choke lines, this is not acceptable for any of the operations (such as well-completion, well-workovers, Sulphur drilling, or Sulphur well-completion and well-workover). Failure of the choke line installed below the bottom ram could result in a blowout because this configuration does not provide a backup system for proper well control. MMS will not approve any applications with the BOP stack with the choke line installed below the bottom ram. Effective date: 1 May 2009 Expiration date: 1 May 2014

**NTL: Synthetic Mooring Systems [Floating Facilities].** (RIN not applicable; 30 CFR 250.141) On 27 January 2009 MMS issued [NTL 2009-G03](#), which provides guidance on the use of a synthetic mooring system for a permanent production facility or a floating MODU. For MODUs, in particular, this guidance applies to pre-setting and/or post-setting contact of synthetic mooring lines on the seafloor and includes the guidelines for incorporating a proven filter barrier into the rope design. Effective date: 27 January 2009 Expiration date: 27 January 2014

**NTL: Deepwater Ocean Current Monitoring [Floating Facilities].** (RIN not applicable; 30 CFR 250.282) On 27 January 2009 MMS issued [NTL 2009-G02](#), which superseded NTL 2007-G17. This NTL requires lessees and operators of leases to provide the necessary ocean current data needed for planning, designing, and operating MODUs and their ancillary equipment. The data will also be used to evaluate drilling risers and mooring systems for fatigue, as well as allow for the tracking of loop currents and eddy currents. Effective date: 27 January 2009. Expiration date: 27 January 2014

**Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf.** (RIN 1010-AD06; 30 CFR 250) This rulemaking will rewrite the existing rules to make them clearer and reflect the current lease sale practices. A NPRM was scheduled for February 2004, but was repeatedly postponed.

On 27 May 2009 MMS issued a proposed rule ([74 FR 25177](#)) to update and streamline the existing OCS leasing regulations, and to clarify implementation of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. This rulemaking would reorganize and reorder the leasing requirements to reflect the leasing process more efficiently, as it has evolved over the last twenty-six years. It also changes parts 250 and 260 that relate to the proposed revisions to part 256. Comment due date: 24 September 2009. The most recent Unified Agenda indicated that a final rule was planned for November 2014.

## **Department of Justice / Drug Enforcement Administration (DEA)**

**Inclusion of Non-Serious Offense Identification Records (FBI-111P).** (RIN 1110-AA25; 28 CFR 20) On 5 September 2006 ([71 FR 52302](#)) published a NPRM to amend the FBI regulations defining offenses that may serve as the basis for maintaining fingerprints and criminal history record information (CHRI) in its criminal history record information systems. The relevant FBI information systems include the Fingerprint Identification Record Systems (FIRS), which maintains fingerprint records, and the Interstate



Identification Index (III) System, which maintains fingerprint-supported CHRI. This amendment broadens the definition of includable offenses to permit the retention of information relating to currently excluded non-serious offenses (NSOs) as well as information relating to “serious and/or significant adult or juvenile offenses.” The revised regulation will permit the retention and exchange of fingerprints and CHRI relating to NSOs when provided by the submitting jurisdiction for retention by the FBI. Such NSO information is currently maintained only at the State and local levels. The change allows for the more uniform collection of CHRI at the Federal level. Comments were due by 6 November 2006. The most recent Unified Agenda indicated that a final action is “to be determined.”

## **Department of Labor (DOL) / Occupational Safety and Health Administration (OSHA)**

- **Updating OSHA standards based on National consensus Standards Eye and Face Protection.** (RIN 1218-AC87; CFR TBD) The most recent Unified Agenda indicated that OSHA intends to publish an NPRM to incorporate the 2010 edition of the American National Standard, Z87.1 Eye and Face Protection for general industry, shipyard employment, long shoring, marine terminals, and construction industries. An NPRM was planned for December 2014.
- **Clarification of Employer’s Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness.** (RIN 1218-AC84; 29 CFR 1904) The most recent Unified Agenda indicated that OSHA is proposing to amend its recordkeeping regulations to clarify that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. This duty continues for as long as the employer must keep and make available records for the year in which the injury or illness occurred. The duty does not expire if the employer fails to create the necessary records when first required to do so. An NPRM was planned for November 2014.
- **Injury and Illness Prevention Program** (RIN 1218-AC48; CFR TBD) The most recent Unified Agenda indicated that OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. OSHA has substantial data on reductions in injuries and illnesses from employers who have implemented similar effective processes. The Agency currently has voluntary Safety and Health Program Management Guidelines (54 FR 3904-3916), published in 1989. An injury and illness prevention program rule would build on these guidelines as well as lessons learned from successful approaches and best practices under OSHA’s Voluntary Protection Program, Safety and Health Achievement Recognition Program, and similar industry and international initiatives such as American National Standards Institute/American Industrial Hygiene Association Z10, and Occupational Health and Safety Assessment Series 18001. An NPRM is “to be determined.”
- **Chemical Management and Permissible Exposure Limits (PELs) (OSHA-2012-0023)**(RIN 1218-AC74; 29 CFR 1910, 1915, 1917, 1918, and 1926) On 10 October 2014 ([79 FR 61383](#)) OSHA issued a Request for Information . During their review of managing chemical exposures in the workplace, they decided to seek stakeholder input about more effective and efficient approaches that would address the challenges found with the current regulatory approach. This request is concerned primarily with chemicals that cause adverse health effects from long-term occupational exposure. Comment due date: 8 April 2015.

**Agency Information collection Activities; Submission for IMB Review; Comment Request; Manlifts Standard.** (RIN not listed; CFR not listed) On 20 May 2014 DOL issued a notice ([79 FR 28966](#)) that they are submitting the OSHA sponsored ICR entitled “Manlifts Standard” to the Office of

Management and Budget (OMB) for review, without change. This standard (29 CFR 1910.68(e)) requires OSHA covered employers to create and maintain a certification record of each manlift inspection. It also provides that each employer must inspect each manlift at least once every 30 days and to check limit switches weekly. Comment due date: 19 June 2014.

**Process Safety Management and Prevention of Major Chemical Accidents.(OSHA-2013-0020)** (RIN 1218-AC82; 29 CFR 1910) On 9 December 2013 ([78 FR 73756](#)) OSHA issued a request for information which requests comment on the potential revisions to the Process Safety Management (PSM) standard, its Explosives and Blasting Agents standard, potential updates to its Flammable Liquids standard, Spray final rule explained that OSHA excluded these operations because it had begun a separate rulemaking for oil and gas well drilling and servicing operations (48 FR 57202). However, the Agency subsequently removed the oil and gas well drilling and servicing operations (Oil and Gas Drilling and Servicing Vertical Standard) rulemaking from its regulatory agenda and OSHA never promulgated a final rule for these operations. In light of this history, OSHA requests public comment on whether to retain or remove the exemption as stated in § 1910.119(a)(2)(ii). OSHA is also proposing to require additional Management System Elements such as adopting management-system elements from safety standards that other federal agencies promulgated since 1992. Should this change and additional proposals they plan to make to the PSM rule, all US onshore contractors and those contractors in State and Inland waters would be required to have a Management System to address the elements of PSM. Comment due date: 10 March 2014

On 7 March 2014 ([79 FR 13006](#)) OSHA issued an extension to the comment period. Revised comment due date: 31 March 2014

**Improve Tracking of Workplace Injuries and Illnesses. (OSHA-2013-0023)** (RIN 1218-AC49; 29 CFR 1904 and 1952) On 8 November 2013 ([78 FR 67253](#)) OSHA issued a proposed rulemaking to improve workplace safety and health through the collection of useful, accessible, establishment-specific injury and illness data to which OSHA currently does not have direct, timely and systemic access. They plan to amend the recordkeeping regulations to add requirements for the electronic submission of injury and illness information employers are already required to keep under OSHA regulations. This rulemaking amends the annual OSHA injury and illness survey of ten or more employers to add three new electronic reporting requirements. It does not add or change the employer's obligation to complete and retain injury and illness records. It also does not add or change the reporting criteria or definitions for these records. It only modifies the employer's obligation to transmit information from those records to OSHA or their designee. Comment due date: 6 February 2014

On 7 January 2014 ([79 FR 778](#)) OSHA extended the comment period for this proposed rulemaking. Revised Comment due date: 8 March 2014. The most recent Unified Agenda indicates a final rule is planned for August 2015.

[On 7 March 2014 IADC submitted [comments](#) to this docket]

**Occupational Exposure to Respirable Crystalline Silica (OSHA-2010-0034)** (RIN 1218-AB70; 29 CFR 1910, 1915 and 1926) On 12 September 2013 ([78 FR 56274](#)) OSHA issued a proposed rule to amend its existing standards for occupational exposure to respirable crystalline silica, which poses a significant risk to health at the current exposure limits. This rulemaking proposes new permissible exposure limit, calculated as an 8-hour time-weighted average, of 50 micrograms of respirable crystalline silica per cubic meter of air. Comment due date: 11 December 2013

On 31 October 2013 ([78 FR 65242](#)) OSHA extended to the comment period. Revised comment due date: 27 January 2014. On 29 January 2014 ([79 FR 4641](#)) OSHA extended the comment period to

11 February 2014. The most recent Unified Agenda indicates that OSHA plans to have the comments analyzed by June 2015.

**Occupational Exposure to Noise Standard; Extension of the OMB Approval of Information Collection Requirements. (OSHA-2010-0017)** (RIN Not listed; CFR Not listed) On 30 July 2013 ([78 CFR 45981](#)) OSHA issued a request for comments concerning its proposal to extend the OMB approval of the information collection requirements specified in 29 CFR 1910.95. This regulation was written to protect workers from suffering material hearing impairment. Comment due date: 30 September 2013

On 30 June 2014 ([79 FR 36831](#)) OMB approved OSHA's information collection requirements. Effective date: 30 June 2014

**Updating OSHA Standards Based on National Consensus Standards; Signage. (OSHA-2013-0005)** (RIN 1218-AC77; 29 CFR 1910 and 1926) On 13 June 2013 OSHA issued both a **Direct Final Rule** ([78 FR 35559](#)) and an NPRM ([77 FR 35585](#)), which propose to update its general industry and construction signage standards by adding references to the latest versions of the ANSI standards on specifications for accident prevention signs and tags, ANSI Z535.1-2006(R2011), Z535.2-2011, and Z535.5-2011. They will retain the existing references to the earlier ANSI standards, ANSI Z53.1-1967, Z35.1-1968, and Z35.2-1968, in the signage standards, thereby providing employers an option to comply with the updated or earlier standards. The Direct Final rule effective date is 11 September 2013, unless OSHA receives significant adverse comments to the direct final rule or the NPRM, which has a comment due date of 15 July 2013.

On 6 November 2013 ([78 FR 66642](#)), since there were no adverse comments, OSHA confirmed the effective date of the Direct Final Rule was 11 September 2013.

**Procedures for the Handling of Retaliation Complaints under the Employee Protection Provision of the Seaman's Protection Act (SPA), as Amended. (OSHA-2011-0841)** (RIN 1218-AC58; 29 CFR 1986) On 6 February 2013 ([78 FR 8390](#)) OSHA issued an **Interim Final Rule** with a request for comments. This rulemaking provides the final text of regulations governing the employee protection (whistleblower) provisions of the Seaman's Protection Act, as amended by Section 611 of the Coast Guard Authorization Act of 2010. Effective date: 6 February 2013. Comment due date: 8 April 2013. The most recent Unified Agenda indicates a final action was planned for December 2014.

- **Occupational Injury and Illness Recording and Reporting Requirements- NAICS Update and Reporting Revisions. (OSHA-2010-0019).** (RIN 1218-AC50; 29 CFR 1904) On 22 June 2011 ([76 FR 36414](#)) OSHA issued a proposed rule, which proposes to update its Injury and Illness Recording and Reporting regulation. This rulemaking will replace the current Standard Industrial Classification (SIC) system list of industries with those based on the North American Industry Classification System (NAICS). Additionally, this proposed rule would change the employer reporting requirements, which currently require a report to OSHA within 8 hours of all work related fatalities and in-patient hospitalizations for three or more employees, to a revised reporting of ALL work-related fatalities and ALL work-related in-patient hospitalizations within 8 hours, plus ALL work-related amputations (defined as: traumatic loss of a limb or other external body part, including a fingertip, with bone loss) within 24 hours. Comment due date: 20 September 2011

On 28 September 2011 ([76 FR 59952](#)) OSHA reopened the comment period on this proposed rulemaking due to a request from the National Automobile Dealers Association. New Comment due date: 30 October 2011. The most recent Unified Agenda indicated that a final action is planned for June 2014.

On 18 September 2014 ([79 FR 56129](#)) OSHA issued a **Final Rule**, which update the appendix to its Injury and Illness Recording and Reporting regulation. It is based on the NAICS. This final rule retains

the requirement for employers to report work-related fatalities to OSHA within eight hours of the event but amends the regulation to require employers to report ALL work related in-patient hospitalizations, as well as amputations and losses of an eye, to OSHA within 24 hours of the event. Effective date: 1 January 2015

**Occupational Injury Illness Recording and Reporting Requirements. (OSHA-2009-0044)** (RIN 1218-AC45; 29 CFR 1904) On 29 January 2010 ([75 FR 4728](#)) OSHA issued a proposed rule (with an announcement of public meeting) to revise its Occupational Injury and Illness Recording and Reporting (Recordkeeping) regulation to restore the column to the OSHA 300 Log that employers would use to record work-related musculoskeletal disorders (MSD). The 2001 final regulation included an MSD column, but the requirements were deleted before the regulation became effective. This proposed rule would require employers to place a check mark in the MSD column, instead of the column they currently mark, if a case is an MSD that meets the Recordkeeping regulation's general recording requirements. Comment due date: 15 March 2010. NOTE: ([75 FR 10738](#)) Extended Comment due date: 30 March 2010.

On 17 May 2011 ([76 FR 28383](#)) OSHA issued a Notice of limited reopening of rulemaking record. OSHA, after numerous small business teleconferences, decided to reopen the comments period to allow, in particular, small businesses on the information issues raised during the teleconferences, which included their experiences recording work-related MSDs and how they believe that they would be impacted by OSHA's revised recordkeeping with regards to restoring a column on the OSHA 300 log if the case is an MSD. Comment due date: 16 June 2011. The most recent Unified Agenda indicated that the next action is "to be determined."

**Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips and Fall Protection) (OSHA-2007-0072; No. S-029).** (RIN: 1218-AB80; 29 CFR 1910) On 10 April 1990 (55 FR 13360), OSHA proposed a rule addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. On 2 May 2003 ([68 FR 23527](#)) OSHA announced that it was reopening the rulemaking record on the proposed revisions to gather data and information concerning advances in technology and industry practice and updated consensus standards issued since the proposals were published in 1990. OSHA indicated it will be publishing a revised economic analysis (containing a revised regulatory flexibility analysis if necessary) for public comment. OSHA will then analyze the record and determine what other steps, if any, are necessary to finalize the rulemakings on subparts D and I. In the notice, OSHA included the regulatory text and appendices from the 1990 proposed rule as an appendix to this limited reopening notice. The December 2004 Unified Agenda indicated that OSHA had determined that additional information is needed on proposed requirements to allow certain employees (qualified climbers) to climb fixed ladders without fall protection. The May 2005 Unified Agenda indicated that OSHA has determined that the proposed rule is out-of-date and does not reflect current industry practice or technology and that a new NPRM is being prepared.

On 24 May 2010 ([75 FR 28861](#)) OSHA issued a second NPRM, which proposes to revise the walking-working surfaces standards and the PPE standards in the regulations. OSHA believes that the proper use of fall protection systems can protect employees from injury and death due to falls at different elevations. The NRPM, which is written in plain language, is planned to increase consistency between the construction, maritime, and general industry standards, and eliminate duplication. Comment due date: 23 August 2010. The most recent Unified Agenda indicated that a final rule is planned for June 2015.

**Electric Power Transmission and Distribution, Electrical Protective Equipment (OSHA-S215-2006-0063).** (RIN 1218-AB67; 29 CFR 1910 and 1926) On 15 June 2005 ([70 FR 34821](#)) issued a NPRM proposing to update the standard for the construction of electric power transmission and distribution installations and make it consistent with the more recently promulgated general industry standard addressing the maintenance and repair of electric power generation, transmission, and distribution lines

and equipment. The proposal also makes some miscellaneous changes to both standards, including adding provisions related to host employers and contractors, flame resistant clothing, and training, and updates the construction standard for electrical protective equipment, makes it consistent with the corresponding general industry standard, and makes it applicable to construction generally. The revised standard would include requirements relating to enclosed spaces, working near energized parts, grounding for employee protection, work on underground and overhead installations, work in substations, and other special conditions and equipment unique to the transmission and distribution of electric energy. On 12 October 2005 ([70 FR 59290](#)) OSHA published a notice announcing informal hearings on the proposed standards and extending the comment period.

On 22 October 2008 ([73 FR 62942](#)) OSHA issued a notice of limited reopening of the rulemaking record. After the final post hearing in July 2008, the proposed general industry and construction standards for electrical power generation, transmission and distribution included revised minimum approach distance tables (how close an employee may get to an energized circuit part). This was based on an error in their calculations for certain voltages. Therefore, OSHA is reopening the record on this proposal to obtain comments related to affected minimum approach distances. Comment due date: 21 November 2008.

On 14 September 2009 ([74 FR 46958](#)) OSHA had a second re-opening of the record. Comment due date: 15 October 2009. The most recent Unified Agenda indicated that OSHA was planning a final rule for November 2013.

On 11 April 2014 ([79 FR 20315](#)) OSHA issued a **Final Rule**, which includes new or revised provisions on host employers and contractors, training job briefings, fall protection, insulation and working position of employees working on or near live parts, minimum approach distances, protection from electric arcs, de-energizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults. The final rule also revises the general industry and construction standards for electrical protective equipment. This rule also includes new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions. Both the general industry and constructive standards will include new requirements for equipment made of materials other than rubber. Also included is a revision of the general industry standard for foot protection and it removes the requirement for employees to wear protective footwear as protection against electric shock. Effective date: 10 July 2014

**Confined Spaces in Construction (OSHA-2007-0026).** (RIN 1218-AB47; 29 CFR 1926) On 28 November 2007 ([72 FR 67351](#)) OSHA issued an NPRM to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the US Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces. Comment due date: 28 January 2008.

On 23 January 2008 ([73 FR 3893](#)) OSHA extended the comment period to 28 February 2008. The most recent Unified Agenda indicates that a final rule is planned for March 2015.

## **Department of Transportation (DOT) / Federal Motor Carrier Safety Administration (FMCSA)**

- **Inspection, Repair and Maintenance Driver-Vehicle Inspection Report. (FMCSA-2012-0336)** (RIN 2126-AB46; 49 CFR 392 and 396) On 18 December 2014 ([79 FR 75437](#)) FMCSA issued **Final Rule**, which rescinds the requirement that CMV drivers operating in interstate commerce, except drivers of



passenger-carrying CMVs, submit , and motor carriers retain, driver-vehicle inspection reports (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies. Effective date: 18 December 2014

- **Revision to an Approved Information Collection: Hours of Service of Drivers Regulations (FMCSA-2014-0189)** (RIN not listed; CFR not listed) On 12 September 2014 ([79 FR 54776](#)) FMCSA issued a notice with a request for comments as they want to revise and extend the Information Collection Request for the Hours of Service (HOS) of Drivers Regulations that has been submitted to OMB. Comment due date: 14 October 2014

**Hours of Service of Drivers; American Trucking Associations (ATA); Application for Exemption. (FMCSA-2013-0470)** (RIN not listed; CFR not listed) On 23 May 2014 ([79 FR 29837](#)) FMCSA issued a Notice of application for exemption with a request for comments. They received an application from the ATA for an exemption from the 14-hour provision of the Agency’s hours-of-service regulations to enable certain drivers to exclude the waiting time at a natural gas or oil well site from their calculations of on-duty time. Currently, only specially trained drivers of CMVs that are specially constructed to service oil and natural gas extraction sites may employ this provision. ATA proposes that FMCSA by a limited 2-year exemption that may be renewed, permit exclusion of such waiting time by drivers of CMVs who are exclusively engaged in servicing oil and natural gas extraction sites and have the opportunity to obtain rest while waiting at such sites. Comment due date: 7 July 2014. There have been no further actions taken on this docket as of December 2014.

**Hours of Service of Drivers of Commercial Motor Vehicles; Regulatory Guidance for Oilfield Exception. (FMCSA-2012-0183).** (RIN not listed; 49 CFR 395) On 5 June 2012 ([77 FR 33098](#)) FMCSA issued a Notice of regulatory guidance with a request for comments. This notice announces revisions of the regulatory guidance to clarify the applicability of the “Oilfield Operations” exceptions in 49 CFR 395.1(d) to the “Hours of Service of Drivers” regulations, and requests comments on the revision. Effective date: 5 June 2012. Comment due date: 6 August 2012

On 6 August 2012 ([77 FR 46640](#)) FMCSA issue a notice of public listening sessions and an extension of the comment period. The listening sessions will be held on 17 August 2012 in Denver, Colorado, and on 21 August 2012 in Pittsburgh, Pennsylvania. Comment due date (extended): 5 October 2012

On 12 August 2013 ([78 FR 48817](#)) FMCSA issued a Notice of Regulatory Guidance with a response to public comments. On 5 June 2012 FMCSA updated its 1997 regulatory guidance to explain the applicability of “oilfield operations” exceptions in 49 CFR 395.1(d) to the Hours of Service of drivers’ regulations. FMCSA has determined that no further elaboration is needed on the regulatory guidance. However, they will continue to monitor the use of the two HOS exceptions listed in 49 CFR 381. Effective date remains 5 June 2013. There have been no further actions taken on this docket as of December 2014.

**Coercion of Commercial Motor Vehicle Drivers; Prohibition (FMCSA-2012-0377)** (RIN 2126-AB57; 49 CFR 385, 386 and 390) On 13 May 2014 ([79 FR 27265](#)) FMCSA issued an NPRM, which proposes to adopt regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate CMVs in violation of the Federal Motor Carrier Safety Regulations- including hours-of-service limits and associated drug and alcohol testing rules, or the Hazardous Materials Regulations. Comment due date: 11 August 2014. The most recent Unified Agenda indicated that the comments would be analyzed by September 2015.

**Electronic Documents and Signatures. (FMCSA-2012-0376).** (RIN 2126-AB47; 49 CFR 370, 371, 375, 376, 378, 379, 387, 389, 390, 391, 395, 396, and 398) On 28 April 2014 ([79 FR 23306](#)) FMCSA issued an NRPM that proposes amendments to its regulations to allow the use of electronic records and

signatures to satisfy their regulatory requirements. These changes would permit the use of electronic methods to sign, certify, generate, exchange, or maintain records so long as the documents accurately reflect the info in the record and can be used for their intended purposed. This only applies to records that FMCSA obligate entities or individuals to retain. Comment due date: 27 June 2014. The most recent Unified Agenda indicates that the next action is “to be determined.”

**Medical Examiner’s Certification Integration. (FMCSA-2012-0178).** (RIN 2126-AB40; 49 CFR 383, 384, and 391) On 10 May 2013 ([78 FR 27343](#)) FMCSA issued an NPRM, which would require certified medical examiners (MEs) performing physical exams on CDL holders to use a newly developed Medical Exam Report (MER) form [MCSA-5875], in place of the current MEP form and to use Form MCSA-5876 for the medical examiner’s certificate (MEC). Additionally, MEs would be required to report the results of all CDL exams (including those found not to be qualified) to FMCSA by close of business on the day of the exam. FMCSA also proposes to transmit electronically driver identification, exam results, and restriction information from the National Registry system to the State driver Licensing Agencies (SDLAs), which would allow enforcement officials the ability to view the most current and accurate info regarding the medical status of a CMV driver. Comment due date: 9 July 2013. The most recent Unified Agenda indicates that a final rule is planned for January 2015.

**Commercial Driver’s License Drug and Alcohol Clearinghouse. (FMCSA-2011-0031)**(RIN 2126-AB18; 49 CFR 382) This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver’s license (CDL) holders and refusals by such drivers to submit to testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the database. Prospective employers, acting on an application for a CDL driver position with the applicant’s written consent to access the database, would query the database to determine if any specific information about the driver applicant is in the database before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT’s return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities.

On 20 February 2014 ([79 FR 9703](#)) FMCSA published an NPRM to establish the Commercial Driver’s License Drug and Alcohol Clearinghouse (Clearinghouse), a database under FMCSA’s administration that will contain controlled substances (drug) and alcohol test result information for the holders of CDLs. The proposed rule would require regulated employers, MROs, Substance Abuse Professionals, and consortia/third party administers supporting the DOT testing programs to report verified positive, adulterated, and substituted drug test results, positive alcohol test results, test refusals, negative return-to-duty test results, and information on follow-up testing. This rulemaking would also require employers to report actual knowledge of traffic citations for driving a commercial vehicle while under the influence of alcohol or drugs. Comment due date: 21 April 2014. The most recent Unified Agenda indicates that a final rule is planned for September 2015.

**Electronic Logging Devices and Hours of Service Supporting Documents. (FMCSA-2010-0167)** (RIN 2126-AB20; 49 CFR 385, 390, and 395) On 1 February 2011 ([76 FR 5537](#)) FMCSA issued a NPRM, which proposes to amend the regulations to require certain motor carriers operating commercial motor vehicles in interstate commerce to use electronic on-board recorders (EOBRs) to document their drivers’ hours of service (HOS). All motor carriers that are required to maintain a Records of Duty Status for HOS recordkeeping would be required to use EOBRs to systematically and effectively monitor their drivers’ compliance. Although some subject to the new EOBR requirements would still need to maintain some supporting documents, they would be relieved of the requirements to retain supporting documents to verify driving time. Motor carriers would be given three (3) years after the effective date of the final rule to comply. Comment due date: 4 April 2011.

On 10 March 2011 ([76 FR 13121](#)) FMCSA extended the comment period for this NPRM. Comment due date now: 23 May 2011.

On 28 March 2014 ([79 FR 17655](#)) FMCSA issued an SNPRM with a request for comments.

On 12 May 2014 ([79 FR 26868](#)) FMCSA issued a Notice of Regulatory guidance, which addresses two issues involving roadside inspections of CMVs that are equipped with automatic on-board recording devices (AOBRDs) to assist drivers with HOS recordkeeping and compliance. This guidance explains that AOBRDs were never required to be capable of providing printed records during a roadside inspection. Effective date: 12 May 2014

On 16 May 2014 ([79 FR 28471](#)) FMCSA has issued an SNPRM with an extension of the comment period concerning the electronic logging devices and the Hours of Service supporting documents rulemaking. Comment due date: 26 June 2014. The most recent Unified Agenda indicates that a final rule is planned for September 2015.

**Medical Certification Requirements as Part of the Commercial Driver's License (CDL); Extension of Certificate Retention Requirements (FMCSA-1997-2210).** (RIN 2126-AB39 & AB71; 49 CFR 391) On 14 June 2011 ([76 FR 34635](#)) FMCSA issued a NPRM, which proposes to keep in effect, until 30 January 2014, the requirements that interstate drivers, subject to CDL regulations and the Federal physical qualification requirements, retain on their person a paper copy of their medical examiner's certificate. Interstate motor carriers would also be required to retain a copy of the medical certificate in the driver qualification files. This rulemaking will ensure that the medical qualification of the CDL holder until all the State Driver Licensing Authority (SDLA) agencies are able to meet the requirement to collect and post the required information into the CDL Information System (CDLIS), which would include the driver record data from the CDL holder's medical self-certification and medical examiner's certificate. Comment due date: 29 June 2011

On 16 November 2011 ([76 FR 70661](#)) FMCSA issued a **Final Rule**, which amends its regulations to keep them into effect until 30 January 2014, for an interstate driver to retain on their person a copy of their medical certificate. Effective date: 15 December 2011.

On 14 January 2014 ([79 FR 2377](#)), under RIN 2126-AB71, FMCSA issued a **Final Rule**, which amends the regulations to keep in effect until 30 January 2015, the requirement that interstate drivers subject to: either the CDL or Commercial Learner's Permit regulations, as well as the Federal physical qualification requirements, must retain paper copies of their medical examiner's certificate when operating a commercial vehicle. Effective date: 14 January 2014.

## **DOT / Pipeline and Hazardous Materials Safety Administration (PHMSA)**

- **Hazardous Materials: Revisions of the Emergency Response Handbook (PHMSA-2014-0099)** (RIN not listed; CFR not listed). On 2 September 2014 (79 FR 52106) PHMSA issued a notice with a request for comments regarding any interests in revising the Emergency Response Guidebook (ERG) as they develop the 2016 version (ERG 2016). The ERG is for use by emergency response personnel, who provide initial response to hazmat incidents. This group will include agencies in the US, Canada and Mexico. Point-of-contact is Suzette Paes at (202) 366-4900 or [suzette.paes@dot.gov](mailto:suzette.paes@dot.gov).
- **Hazardous Materials: Harmonization with International Standards (RRR) (PHMSA-2013-0260)** (RIN 2137-AF05; 49 CFR 171, 172, 173, 175, 176, 178 and 180). On 25 August 2014 ([79 FR 50741](#))

PHMSA issued an NPRM that proposes to amend the HAZMAT regulations to align them with the international standards by incorporating various amendments. This includes changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quality limitations, and vessel storage requirements. Once finalized, the US HAZMAT regulations will be harmonized with the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization's (ICAO) Technical Instructions for Safe Transport of dangerous Good by Air, and the United Nations (UN) Recommendations on the Transport of Dangerous Goods – Model Regulations. Comment due date: 24 October 2014. The most recent Unified Agenda indicates that a final rule was planned for December 2014. The most recent Unified Agenda indicates that a final rule was planned for December 2014.

- **Hazardous Materials: Reverse Logistics (RRR) (PHMSA-2011-0143)** (RIN 2137-AE81; 49 CFR 171 and 173). On 11 August 2014 ([79 FR 46748](#)) PHMSA issued an NRPM, that proposes to revise the Hazardous Materials Regulations applicable to return shipments of certain hazmat by motor vehicle. They are proposing a definition of “reverse logistics” for hazmat that are intended to be returned to or between a vendor, distributor, manufacturer, or other person for the purpose of returning for credit, recalling product, replacement or similar reason (for instance, from a retail or wholesale outlet). PHMSA proposes to establish a new section in the regulations to provide an exception for materials that are transported in a manner that meets the definition of “reverse logistics.” This rulemaking also proposes to expand an existing exception for reverse logistics shipments of used automobile batteries that are being shipped from a retail facility to a recycling center. Comment due date: 10 October 2014. The most recent Unified Agenda indicates that a final rule is planned for August 2015.
- **Shippers – General Requirements for Shipments and Packagings.** (RIN Not listed; 49 CFR 173) On 25 July 2014 ([79 FR 43266](#)) PHMSA issued a CFR correction the their final rule ([78 FR 60745](#)), issued on 2 October 2013, that updated Table 1 regarding packing methods for explosives, under section 49 CFR 173.62. This pertains to our industry as it describes the requirements for the transport of perforating guns and their charges.

**Hazardous Materials; Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR) (PHMSA-2011-0140).** (RIN 2137-AE80; 49 CFR 171, 172, 173, 178 and 180) On 29 May 2012 ([77 FR 31551](#)) PHMSA issued an ANPRM, which states that they are considering amendments to the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, use and requalification of DOT specification cylinders. Comment due date: 27 August 2012. The most recent Unified Agenda indicates that an NPRM was planned for November 2014.

## **Department of the Treasury (DOT) / Departmental Offices**

**User and Navigation Fees; Other Reimbursement Charges.** (RIN 1515-AD46 [previously AD24]; 19 CFR 4, 24 and 101) On 1 May 2001 ([66 FR 21705](#)), Customs issued a NPRM proposing amendments to its regulations regarding the assessment of user and navigation fees as well as other reimbursement charges for services performed in connection with the processing of vessels, etc. The most recent Unified Agenda indicated that a final rule is planned for August 2015.

**Harbor Maintenance Fee.** (RIN 1515-AD40 [previously AB11]; 19 CFR 4, 24, 146 and 178) This action would finalize Interim Final Rules issued on 1 March 1987 (52 FR 10198), which established harbor maintenance fees. Final action was scheduled for April 2004, but postponed until December 2004. The most recent Unified Agenda indicated that a final action is “to be determined.”

## Environmental Protection Agency (EPA)

*Note: EPA initiatives are, where appropriate, categorized and listed in association with the source of the legislative authority for the regulatory action, e.g., Clean Air Act. EPA rulemaking dockets can be accessed at the ["regulations.gov"](http://www.regulations.gov) website.*

### EPA – Toxic Substances Control Act

- **Hydraulic Fracturing Chemicals; Chemical Information Reporting under TSCA section 8(a) and Health and Safety data Reporting under TSCA section 8(d)** (RIN 2070-AJ93; 40 CFR 712 and 716). The recent Unified Agenda indicated that the EPA is considering plans to initiate a proposed rulemaking under TSCA sections 8 (a) & (d) to obtain data on chemical substances and mixtures used in hydraulic fracturing. Although the EPA granted the petitioners' request to initiate a rulemaking, the agency is not committing to a specific outcome. EPA tends to first develop an ANPRM and initiate a stakeholder process to provide input on the design and scope of the TSCA reporting requirements that would be included in a proposed rule.

On 19 May 2014 the EPA issued an ANPRM to develop an approach to obtain info on chemical substances and mixtures used in hydraulic fracturing. Comment due date: 18 August 2014.

On 14 July 2014 EPA issued an extension ([79 FR 40703](#)) to the ANPRM's comment due date. New comment due date: 18 September 2014. The most recent Unified Agenda indicated that the next action is "to be determined."

**Polychlorinated Biphenyls (PCBs) (EPA-HQ-OPPT-2009-0757)**. (RIN 2070-AJ38; 40 CFR 761) On 7 April 2010 ([75 FR 17645](#)) EPA issued an ANPRM for the use and distribution in commerce of certain classes of PCBs and PCB items and certain other areas of the PCB regulation. EPA is reassessing its TSCA PCB use and distribution in commerce regulations to address: the use, distribution in commerce, marking, and storage for reuse of the liquid PCBs in electric and non-electric equipment; the use of the 50 ppm level for excluded PCB products; the use of non-liquid PCBs in porous surfaces; and the marking of PCB articles in use. They are also reassessing the definitions of "excluded manufacturing process," "quantifiable level/level of detection," and "recycled PCBs." Comment due date: 6 July 2010.

NOTE: MARAD has informally advised that it and the EPA are negotiating a Memorandum of Understanding governing EPA's review of proposed transfers of ownership and/or flag of U.S. flag vessels, including vessels that are being sold for scrap and vessels being simply sold to foreign buyers for continuing commerce, for which MARAD approval is required.

On 16 June 2010 ([75 FR 34076](#)) the EPA issued an extension of the ANPRM comment period and notification of additional public meetings. Revised Comment due date: 20 August 2010. The most recent unified agenda indicates that an NPRM is planned for July 2015.

NOTE: In January 2013 EPA issued a notice that it is seeking comments on a draft guidance document "[Draft Technical Guidance for Determining the Presence of Polychlorinated Biphenyls \(PCBs\) at Regulated Concentrations on Vessels \(Ships\) to be Reflagged](#)" to assist ship owners in complying with Maritime Administration (MARAD) procedures for requesting a transfer of a US flagged ship to a foreign registry. MARAD requires such owners to certify prior to reflagging that there are no regulated levels of PCBs in shipboard materials, such as paint, electrical cabling, and gaskets, on the vessel.



## **EPA – Clean Water Act (CWA) and Oil Pollution Act (OPA)**

- **National Ambient Air Quality Standards for Ozone. (EPA-HQ-OAR-2008-0699)**(RIN: 2060-AP38; 40 CFR 50, 51, 52, 53, and 58) On 17 December 2014 ([79 FR 75234](#)) the EPA issued a proposed rule, which, based on its review of the air quality criteria for ozone (O<sub>3</sub>) and related photochemical oxidants and the MAAQS for O<sub>3</sub>, proposes to make revisions to the primary and secondary NAAQS for O<sub>3</sub>, to provide requisite protection of public health and welfare, respectively. The EPA is proposing to revise the primary standard to a level within the range of 0.065 to 0.070 parts per million (ppm), and to revise the secondary standard to within the range of 0.065 to 0.070 ppm, which air quality analyses indicate would provide air quality, in terms of 3-year average W126 index values, at or below a range of 13-17 ppm-hours. The EPA proposes to make corresponding revisions in data handling conventions for O<sub>3</sub> and conforming changes to the Air Quality Index (AQI); to revise regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications; and to propose schedules and convey information related to implementing any revised standards. The EPA is proposing changes to the O<sub>3</sub> monitoring seasons, the Federal Reference Method (FRM) for monitoring O<sub>3</sub> in the ambient air, Federal Equivalent Method (FEM) procedures for testing, and the Photochemical Assessment Monitoring Stations (PAMS) network.

Along with proposing exceptional event schedules related to implementing any revised O<sub>3</sub> standards, the EPA is proposing to apply this same schedule approach to other future revised NAAQS and to remove obsolete regulatory language for expired exceptional event deadlines. The EPA is proposing to make minor changes to the procedures and time periods for evaluating potential FRMs and equivalent methods (including making the requirements for nitrogen dioxide consistent with the requirements for O<sub>3</sub>) and to remove an obsolete requirement for the annual submission of documentation by manufacturers of certain particulate matter monitors. For additional information, see the Executive Summary, section I.A. Comment due date: 17 March 2015

- **Greenhouse Gas Reporting Rule: 2015 revisions and Confidentiality determinations for Petroleum and Natural Gas Systems. (EPA-HQ-OAR-2014-0831)** (RIN: 2060-AS37; 40 CFR 98) On 9 December 2014 ([79 FR 73147](#)) the EPA issued a proposed rule for revisions and confidentiality determinations for petroleum and natural gas systems source category of the GHG reporting program. They proposed to add the calculation methods and reporting requirements for GMG emissions from gathering and boosting facilities, completions and work-overs of oil wells with hydraulic fracturing, and blowdowns of natural gas transmission pipelines between compressor stations. The EPA does not plan to conduct a public hearing on this rulemaking. Comment due date: 9 February 2015
- **Re-proposal of an NPDES General Permit for Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi Seas.** (RIN: not listed; CFR: not listed) On 15 August 2014 ([79 FR 48147](#)) the EPA issued a Notice of re-proposal of general permit, proposes their changes to the NPDES General Permit for Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi seas (AKG-28-4300). EPA is seeking comments on the following proposed changes:
  - Inclusion of seasonal prohibitions on wastewater discharges specific to the 3 – 25 miles lease deferral area in the Chukchi Sea
  - Clarification of drilling fluid testing requirements (Discharge 001)
  - Clarification of Environmental Monitoring Program requirements and inclusion of language regarding pre-existing baseline data
  - Revision of sampling frequencies for fecal coliform and total residual chlorine (Sanitary Wastewater, Discharge 003)

- Clarification of Notice of Intent submission requirements.

Comment due date: 15 September 2014

On 22 September 2014 ([79 FR 56577](#)) the EPA reopened the comment period on the re-proposal of the general permit and established a new comment deadline. Revised comment due date: 30 September 2014

- **Definition of “Waters of the United States” under the Clean Water Act. (EPA-HQ-OW-2011-0880)** (RIN 2040-AF30; 40 CFR 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401) On 21 April 2014 ([79 FR 22187](#)) the EPA issued a proposed rule (with the Army Corps of Engineers) defining the scope of water protected under the CWA. This proposal will increase clarity as to the scope of the “waters of the United States” protected under the Act. Comment due date: 21 July 2014.

On 24 June 2014 ([79 FR 35712](#)) the EPA issued an extension of the comment period. New Comment due date: 20 October 2014. The most recent Unified Agenda indicated that a final rule is planned for April 2015.

On 14 October 2014 ([79 FR 61590](#)) the EPA issued another extension to the comment period. The new comment due date: 14 November 2014

On 24 October 2014 ([79 FR 63594](#)) the EPA issued a Notice of Availability of the Science Advisory Board's (SAB) final peer review of the EPA's draft report *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis*. This document has been placed in the docket for the EPA and the Corps proposed rule “Definition of ‘Waters of the United States’ Under the Clean Water Act.”

**Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel. (EPA-HQ-OW-2011-0141)** (RIN not applicable; CFR not applicable) On 12 April 2013 ([78 FR 21938](#)) the EPA issued a Notice of final permit issuance, which finalizes the [NPDES Vessel General Permit \(VGP\)](#) 2013 for EPA Regions 1 thru 10, to authorize discharges incidental to normal vessel operation of non-military and non-recreational vessels greater than or equal to 79 Feet in length. This revised VGP imposes more prescriptive technology-based effluent limitations for their oil-to-sea interfaces; and numeric technology-based effluent limitations that are applicable to vessels with ballast water tanks. Effective date: 19 December 2013

Expiration date: 19 December 2018

**Reissuance of the General NPDES Permit for Oil and Gas Exploration Facilities in the Federal Waters in Cook Inlet (Permit Number AKG-28-5100).** (RIN not applicable; CFR not applicable) On 22 March 2013 ([78 FR 17661](#)) the EPA issued a Notice proposing the reissuance of a general permit in the Federal Waters of Cook Inlet, which would authorize certain discharges of pollutants into Cook Inlet Federal waters from oil and gas exploration facilities subject to limits and requirements designed to minimize pollution and protect water quality. Comment due date: 21 May 2013

**Proposed Reissuance of the NPDES General Permit for Facilities Related to Oil and Gas Extraction in the Territorial Seas of Texas. (FRL-9482-4)** On 24 October 2011 ([76 FR 65723](#)) the EPA issued a Notice of Availability for comment regarding the proposed reissuance of NPDES general permit for the Territorial Seas of Texas (TXG260000). This permit renewal authorizes discharges from exploration, development, and production facilities located in and discharging to the territorial seas off Texas. Of particular note regarding this general permit is the inclusion of the Cooling Water Intake Structure (CWIS) requirements of the CWA section 316(b) for facilities withdrawing water greater than 2 million gallons per day.

On 15 February 2012 ([77 FR 8855](#)) EPA has issued a **Final Permit** for the Territorial Seas of Texas (TXG260000). Effective date: 8 February 2012 Expiration date: 7 February 2017

**National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule.** (RIN 2040-AF25; CFR not determined) This planned rulemaking by the EPA is to update specific elements of the existing NPDES in order to better harmonize regulations and application forms, improve permit documentation and transparency and provide clarifications to the existing regulations. The focus will be on revising the permit application forms to specifically include all final agency data standards, improve the consistency between the forms, update the applications to better reflect current program practices, and incorporate new program areas into the forms (*i.e.*, cooling water intake structures). The most recent Unified Agenda indicated that an NPRM is planned for July 2015.

- **NPDES Electronic Reporting Rule. (SAN No. 5251)** (RIN 2020-AA47; 40 CFR 123, 403, and 501) The EPA has the responsibility to ensure that the CWA NPDES program is effectively and consistently implemented across the country. This planned regulation would identify the essential information that EPA needs to receive electronically, primarily from NPDES permittees, to manage the national NPDES permitting and enforcement program. In the past, EPA primarily obtained information from the Permit Compliance System (PCS). However, the evolution and expansion of the NPDES program, coupled with the significant advances in information technology, has outgrown the PCS and not needs to upgrade to manage the full scope of the NPDES program.

On 30 July 2013 ([78 FR 46005](#)) the EPA issued an NPRM that proposes to require electronic reporting for current paper-based NPDES reports. They state that this modification will allow better allocation and use of limited program resources and enhance transparency and public accountability by providing regulatory agencies and the public with more timely, complete, accurate, and nationally-consistent sets of data about the NPDES program and potential sources of water pollution. Comment due date: 28 October 2013

On 29 October 2013 ([78 FR 64435](#)) the EPA issued an extension to the comment period. Revised Comment due date: 12 December 2013.

On 1 December 2014 ([79 FR 71066](#)) the EPA issued a request for further comments. Based on the comments received on the proposed rulemaking, the EPA is soliciting further comments by opening a new public comment period. Comment due date: 20 January 2015. The most recent Unified Agenda indicated that a final rule is planned for August 2015.

**Notice of Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico (GEG460000); Availability of Preliminary Finding of No Significant Impact (FNSI) and Environmental Assessment.** (RIN not applicable; CFR not applicable) On 30 December 2009 ([74 FR 69088](#)) the EPA issued a Notice of Proposed Reissuance of NPDES General Permit, which proposes to reissue the NPDES general permit for the OCS of the Gulf of Mexico (GMG460000) for discharges in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, subpart A). This draft permit covers existing and new source facilities with operations located on Federal leases occurring in water depths seaward of 200 meters, occurring offshore the coasts of Alabama and Florida. The western boundary of the coverage area is demarcated by Mobile and Visoca Knoll lease blocks located seaward of the outer boundary of the territorial seas from the coasts of Mississippi and Alabama. Individual permits will be issued for operating facilities on lease blocks traversed by and shoreward of the 200 meter water depth. Comment due date: 29 January 2010.

On 15 March 2006 EPA issued the **Final** NPDES General Permit [GEG460000](#). In addition, the EPA also published an amendment to the [Permit Fact Sheet](#), which identifies the changes from the original draft

and addresses comments submitted and EPA's response and actions taken on them. Effective date:  
1 April 2010 Expiration date: 31 March 2015

**Proposed NPDES General Permit for discharges from the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas (TXG330000).** (RIN not applicable; CFR not applicable) In this 28 December 2006 notice ([71 FR 78204](#)) EPA proposed to issue a NPDES general permit to regulate discharges from oil and gas wells in the Coastal Subcategory in Texas and regulating produced water discharges from wells in the Stripper and Offshore Subcategories which discharge into the coastal waters of Texas. This permit prohibits the discharge of drilling fluids, drill cuttings, produced sand and well treatment, completion and workover fluids. Discharge of dewatering effluent is proposed to be prohibited, except from reserve pits which have not received drilling deck drainage, formation test fluids, sanitary waste, domestic waste and miscellaneous discharges is proposed to be authorized. The EPA is proposing to reissue the existing General Permit for Discharges from the Oil and Gas Extraction Category to Coastal Waters of Texas with only one change, the addition of annual monitoring for dissolved solids from Stripper Subcategory produced water. On 7 June 2007 ([72 FR 31579](#)) the EPA issued a notice of General Permit Reissuance.

On 30 March 2012 ([77 FR19282](#)) the EPA issued a proposal of NPDES General Permit Renewal. Comment due date: 14 May 2012

On 8 August 2012 ([77 FR 47380](#)) the EPA issued a **Final NPDES General Permit**. This permit renewal authorizes discharges from exploration, development, and production facilities discharging to the coastal water of Texas. Effective date: 31 July 2012 Expiration date: 30 July 2017

**Notice of Proposed NPDES General Permit; Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000).** (RIN not applicable; CFR not applicable) On 7 March 2012 ([77 FR 13601](#)) proposes to reissue the NPDES General Permit GMG290000. The discharge of produced water to that portion of the OCS from facilities located in the territorial seas of Louisiana and Texas is also authorized by this permit. The following major changes are proposed as part of the reissuance:

- Define operators for the purpose of this permit
- Delete New Source Exemption language
- Add toxicity test requirement for hydrate control fluids
- Add spill prevention best management practices provisions
- Authorize de minimis discharges caused by subsea safety valve testing
- Require electronic Notice of Intent and discharge monitoring reporting (NetDMR)
- Establish updated critical dilutions for whole effluent toxicity (WET) limitations for produced water

The EPA plans to hold two public meetings (11 April 2012 in Houston, and 12 April 2012 in New Orleans) that will include a presentation and a period of questions and answers. Comment due date: 7 May 2012.

[On 7 May 2012 IADC submitted [comments](#) to this proposed GP reissuance.]

The EPA has issued a new National Pollutant Discharge Elimination System (NPDES) General Permit, effective 1 October 2012, for the western portion of the Gulf of Mexico OCS. This new general permit is substantially different from the previous one. Based on the changes made, which includes multiple

definitions of the term “operator,” many drilling contractors will need to submit a Notice of Intent (NOI) to cover discharges that are considered beyond the control of the primary operator (lease holder).

The present lease holder (Operator) should get their current NOI administratively extended for continuous coverage to continue to work under the previous permit. When this is done, then the drilling contractor will still be covered in the same manner that they were under the previous permit. However, the lease holder will have to submit a new electronic NOI (eNOI) for coverage under the new permit on or before 31 January 2013.

Any new contracts, from today forward, will need to take into consideration if and when an NOI submission is required. This means that specific decisions will need to be taken as to who will obtain permit coverage for the operation of the Cooling Water Intake Structure, Maintenance Wastes (e.g., Blasting and Painting) and other authorized discharges (e.g., deck drainage, domestic or sanitary wastes, etc.) that are regulated through the permit. Additional information regarding the published general permit and the responses by EPA Region-6 to submitted comments are available at <http://www.epa.gov/region6/water/npdes/genpermit/index.htm>. Effective date: 1 October 2012

Expiration date: 30 September 2017

[On 6 June 2014 IADC submitted [comments](#) to the eNOI default settings for MODU owners.]

## **EPA – Resource Conservation and Recovery Act (RCRA)**

- **Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112 (r)(7) (EPA-HQ-OEM-2014-0328)** (RIN 2050-ZA07; 40 CFR 68) On 31 July 2014 ([79 FR 44604](#)) the EPA issued a request for information, which requests comments on potential revisions to its Risk Management Program regulations and related programs. They are asking for info and data on specific regulatory elements and process safety management approaches, the public and environmental health and safety risks they address, and the costs and burdens they may entail. The challenge for drilling is that the notice specifically requests comments regarding modifying threshold values at which the coverage of the rule is triggered. The current regulations state:

40 CFR 68.115(b)

\* \* \* \*

(iii) Naturally occurring hydrocarbon mixtures. Prior to entry into a natural gas processing plant or a petroleum refining process unit, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include any combination of the following: condensate, crude oil, field gas, and produced water, each as defined in §68.3 of this part.

Comment due date: 29 October 2014.

(NOTE- IADC will need to watch the docket carefully to assure this exemption from threshold consideration for drilling and gathering activities isn't threatened and if it is then be prepared to act.)

**Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Carbon Dioxide (CO<sub>2</sub>) Injectate in Geological Sequestration Activities. (EPA-HQ-RCRA-2010-0695)** (RIN 2050-AG60; 40 CFR 261) The planned rulemaking by the EPA is to explore a number of options, including a conditional exemption from the RCRA requirements for hazardous CO<sub>2</sub> streams in order to facilitate implementation of GS, while protecting human health and the environment.

On 8 August 2011 ([76 FR 48073](#)) the EPA published a proposed rule, which proposes to revise the regulations for hazardous waste management under the RCRA to conditionally exclude CO<sub>2</sub> streams that are hazardous from the definition of hazardous waste, provided these streams are captured from emission



sources, are injected into Class VI Underground Injection Control (UIC) wells for purposes of geologic sequestration (GS), and meet certain other conditions. EPA expects that this amendment will substantially reduce the uncertainty associated with identifying these CO<sub>2</sub> streams under RCRA Subtitle C, and will also facilitate the deployment of GS by providing additional regulatory certainty. Comment due date: 7 October 2011

On 9 September 2011 ([76 FR 55846](#)) the EPA issued a technical correction to the proposed rule, which rectified the incorrect burden estimates in the preamble of the proposed rule.

On 3 January 2014 ([79 FR 350](#)) the EPA issued a **Final Rule**, which revised the regulations to conditionally exclude CO<sub>2</sub> streams that are hazardous from the definition of hazardous waste, provided that these hazardous CO<sub>2</sub> streams are captured from the emission sources, are injected into Underground Injection Control (UIC) Class IV wells for purposes of geological sequestration (GS), and meet certain other conditions. Effective date: 4 March 2014.

**Hazardous Waste Management System: Modification of the Hazardous Waste Manifest System. (EPA-HQ-RCRA-2001-0032).** (RIN 2050-AG20; 40 CFR 260 thru 265, and 271) On 26 February 2008 ([73 FR 10204](#)) the EPA published a notice of availability and request for comments regarding the electronic manifest (e-Manifest) project. This project is to develop a centralized web-based information technology system for electronic manifests. Comment due date: 11 April 2008.

On 7 February 2014 ([79 FR 7517](#)) the EPA issued a **Final Rule**, which that authorizes the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This rule also directs the EPA to establish a national electronic system to impose service fees to fund the system. Once completed the system will be a legal alternative to the paper manifests. Effective date: 6 August 2014.

[NOTE: compliance date for these regulations will be delayed until such time as the e-Manifest system is shown to be ready for operation. This rule pre-empts States.]

## **EPA – Clean Air Act (CAA)**

- **Fine Particulate Matter national Ambient Air Quality Standard – State Implementation Plan Requirements.** (RIN 2060-AQ48; 40 CFR 57.1002) The most recent Unified Agenda indicated that the EPA is developing a rulemaking that will address a range of implementation requirements for the 2012 NAAQS for PM<sub>2.5</sub>. The requirements are expected to be addressed in this rule include the timing of the State Implementation Plan submissions, the attainment deadlines for areas designated nonattainment, PRMw.5 precursor policies, and requirements pertaining to attainment demonstrations, emission inventories, reasonably available control technology, reasonably available control measures, best available control measures, reasonable further progress, mid-course review, and contingency measures. An NPRM is planned for October 2015.
- **State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy, and SIP calls to Amend Provisions Applying to Excess Emissions during Periods of Startup, shutdown and malfunction.** (EPA-HQ-OAR-2012-0322). (RIN 2060-AR68; 40 CFR 52) On 17 September 2014 ([79 FR 55919](#)) the EPA issued an SNPRM to supplement and revise the previously issued response to the rulemaking filed by the Sierra Club. This rulemaking concerns treatment of excess emissions in state rules by sources during periods of startup, shutdown or malfunction (SSM).

The EPA is proposing to apply its revised interpretation of the CAA, but only with respect to affirmative defense provisions in state implementation plans (SIPs). Comment due date: 6 November 2014.

*NOTE: If finalized, this proposal could result in additional enforcement actions for violations of emission limitations during periods of startup, shutdown or malfunction (SSM). Even if EPA and state regulatory authorities exercise enforcement discretion in prosecuting such cases or in pursuing penalties for violations, the lack of regulatory standards specifically identifying situations in which the excess emissions during SSM will be excused will lead to regulatory uncertainty, particularly in citizen suits in which courts will independently determine if there is an adequate defense to the alleged violation.*

SIP Modifications by State are as follows:

Kansas - 22 October 2014 ([79 FR 63044](#))

North Dakota - 22 October 2014 ([79 FR 63045](#))

The most recent Unified Agenda indicated that a final rule is planned for June 2015.

- **Protection of Stratospheric Ozone: Listing of Substitutes for Refrigerant and Air Conditioning and Revision of the Venting Prohibition for Certain Refrigerant Substitutes.** (RIN 2060-AS04; 40 CFR 82) On 9 July 2014 ([79 FR 38811](#)) the EPA issued an NRPM that proposes to list a number of flammable refrigerants as acceptable substitutes, subject to use conditions, for ozone-depleting substances in several end-uses. This action also proposes to exempt from the CAA prohibition for venting, release, or disposal the hydrocarbon refrigerant substitutes that are proposed in this action as acceptable subject to use conditions in specific end-uses. Their disposal would not pose a threat to the environment. Comment due date: 8 September 2014. The most recent Unified Agenda indicates that a final rule is planned for March 2015

**Nonroad Technical Amendments (EPA-HQ-OAR-2012-0102).** (RIN 2060-AR48; 40 CFR 1039, 1042, and 1068) On 6 February 2014 ([79 FR 7077](#)) the EPA issued a **Final Rule**, which adopted amendments to the technical hardship provisions under the Transition Program for equipment manufacturers related to the Tier 4 standards for nonroad diesel engines, and to the replacement engine exemption generally applicable to new nonroad engines. Effective date: 10 March 2014

- **Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export.** (EPA-HQ-OAR-2013-0263)(RIN 2060-AR04; 40 CFR 82) On 24 December 2013 ([78 FR 78071](#)) the EPA issued an NPRM, seeking comments on options for adjusting the allowance system controlling US consumption and production of hydrochlorofluorocarbons (HCFC), which are required to be phased out completely by 2030. Beginning 1 January 2015 the US production and consumption of all HCFCs must be no more than ten percent of the established cap. The EPA is therefore seeking comment on how to best implement the 2015 step-down to no more than ten percent of the cap. This rulemaking also seeks comments on the potential changes to the regulations. Comment due date: 24 February 2014.

On 28 October 2014 ([79 FR 64253](#)) the EPA issued a **Final Rule**, which is adjusting the allowance system for the consumption and production of HCFCs. Under the Montreal Protocol, the US HCFC production and consumption is capped, and will be completely phased out by 2030. This rulemaking announces the availability of annual production and consumption allowances for HCFC-22, HCFC-142b, HCFC-123, and HCFC-124 for 2015-2019. Effective date: 1 January 2015

**Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or before December 9, 2004 (SAN 5011) (OAR-2006-0364).** (RIN 2060-AN43; 40 CFR 62) The Clean Air Act Amendments of 1990 directed the EPA to set emission guidelines under sections 111 and 129 for existing incinerators categorized as other solid waste incinerators (OSWI), a catch-all grouping for those classes

of incinerators not directly named in the Act, which would include shipboard incinerators. Under court order, EPA published proposed regulations for OSWI on 9 December 2004. Final regulations for OSWI were published on 16 December 2005 ([70 FR 74869](#)) and were notable in that they clearly excluded shipboard incinerators from classification as Commercial Industrial Solid Waste Incinerators (CISWI). In accordance with section 129, any State with affected sources must submit a State plan by 1 year after publication of the final rule describing how the State will implement the emission guidelines for existing CISWI. Section 129 also requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this OSWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the December 2005 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State. A NPRM was published on 18 December 2006 ([71 FR 75816](#)). Comment due date: 16 February 2007. The most recent Unified Agenda indicated that a final action is "to be determined."

**Protection of Stratospheric Ozone; Refrigerant Recycling; Modifications to the Technician Certification Requirements under Section 608 of the Clean Air Act (SAN 4901).** (RIN: 2060-AM55; 40 CFR 82) This rule would amend the Standards for Becoming a Certifying Program for Technicians to clarify the scope of the technician certification requirements and to provide a limited exemption from certification requirements for apprentices. The amendment will provide specific requirements for programs applying to become certifying organizations, will specify reporting and recordkeeping requirements in order to enhance implementation of the program, and will define other administrative components of the program to improve accountability. The most recent Unified Agenda indicated that a NPRM is "to be determined."

- **Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for use with Substitute Refrigerants (SAN 4916).** (RIN: 2060-AM49; 40 CFR 82) This rule would amend the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants. It would clarify how the requirements of Clean Air Act Section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

On 12 April 2013 ([78 FR 21871](#)) the EPA issued a proposed rule, which is proposing to amend the regulations promulgated as part of the National Recycling and Emission Reduction Program, to exempt from the prohibition under section 608 on venting, release and disposal certain refrigerant substitutes listed as acceptable or acceptable subject to use conditions in regulations as part of that program. This is based on the current evidence that the venting, release or disposal of these substitutes does not pose a threat to the environment. Comment due date: 11 June 2013.

On 23 May 2014 ([79 FR 28682](#)) the EPA issued a **Final Rule**, which exempted the venting prohibition isobutene (R-600a) and R-441A, as refrigerant substitutes in household refrigerators, freezers, and combination refrigerators and freezers, and propane (R-290) as a refrigerant substitute in retail food refrigerators and freezers (stand-alone units only). Effective date: 23 June 2014

**National Emission Standards for Hazardous Air Pollutants: General Provisions (OAR-2004-0094).** (RIN 2060-AM75; 40 CFR 63) On 3 January 2007 ([72 FR 69](#)) EPA issued a proposed rule with amendments to the General Provisions to the NESHAP. These amendments would replace the policy described in the 16 May 1995 EPA memorandum entitled, "Potential to Emit for MACT Standards-

Guidance on Timing Issues;” and provide that a major source may become an area source at any time by limiting its potential to emit hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (tpy) of any single HAP or 25 tpy of any combination of HAP. Under the proposed amendments, a major source could become an area source at any time, including after the first substantive compliance date of an applicable MACT standard so long as it limits its potential to emit to below the major source thresholds. This proposed rule also revises tables in numerous MACT standards that specify the applicability of General Provisions requirements to account for the regulatory provisions proposed. Comment due date (5 March 2007) extended to 4 May 2007. The Spring 2011 Unified Agenda indicated that a final action is “to be determined” and the most recent Unified Agenda did not address this rulemaking.

NOTE: The EPA has notified IADC that they do not plan to finalize this rulemaking at this time.

## **Federal Communications Commission (FCC)**

**Maritime Radio Equipment and Related Matters. (FCC 14-20)(FCC-2014-0107)** (RIN not listed; 47 CFR 1, 80, and 95) On 1 April 2014 ([79 FR 18249](#)) the FCC issued a proposed rule that updates the rules and requirements for technologies used to locate and rescue distressed ships and individuals in distress at sea and on land to provide better and more accurate data to rescue personnel. Comment due date: 30 June 2014

**Procedures to Govern the Use of Satellite Earth Stations on Board Vessels (FCC 03-286).** (RIN 3060-AI40; 47 CFR 2 and 25) On 22 January 2004 ([69 FR 3056](#)), FCC published a NPRM addressing possible rules for sharing between Earth Stations on Vessels and other stations operating in the C-Band and KU-Band.

On 20 August 2012 ([77 FR 50071](#)) the FCC recorded a Petition for Reconsideration. The most recent Unified Agenda indicated that the next action is “not planned.”