



**IADC**<sup>TM</sup>

**FEDERAL REGULATORY ACTIONS**

**IMPACTING**

**OFFSHORE DRILLING**

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## ABBREVIATIONS AND ACRONYMS

<b>ACOE/ACE</b>	Army Corps of Engineers	<b>MMD</b>	Merchant Mariner's Document
<b>AIS</b>	Automatic Identification System	<b>MSHA</b>	Mine Safety and Health Administration
<b>ALJ</b>	Administrative Law Judge	<b>MPA</b>	Marine Protected Area
<b>APCD</b>	Air Pollution Control District	<b>MRO</b>	Medical Review Officer
<b>ANPRM</b>	Advance Notice of Proposed Rulemaking	<b>MTSA</b>	Maritime Transportation Security Act of 2002
<b>API</b>	American Petroleum Institute	<b>MODU</b>	Mobile Offshore Drilling Unit
<b>BACT</b>	Best Available Control Technology	<b>MWQC</b>	Marine Water Quality Criteria
<b>BCT</b>	Best Conventional Pollutant Control Technology	<b>NAAQS</b>	National Ambient Air Quality Standards
<b>BMP</b>	Best Management Practice	<b>NMFS</b>	National Marine Fisheries Service
<b>BOEM</b>	Bureau of Ocean Energy Management	<b>NWA</b>	National Wildlife Area
<b>BPT</b>	Best Practicable Control Technology Currently Available	<b>NEPA</b>	National Environmental Policy Act of 1969
<b>BSEE</b>	Bureau of Safety and Environmental Enforcement	<b>NESHAPs</b>	National Emissions Standard for Hazardous Air Pollutants
<b>CAA</b>	Clean Air Act	<b>NIOSH</b>	National Institute for Occupational Safety and Health
<b>CARB</b>	California Air Resources Board	<b>NMVOG</b>	Non-Methane Volatile Organic Compound
<b>CBP</b>	U. S. Customs and Border Protection (DHS)	<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>CDL</b>	Commercial Driver's License	<b>NOIA</b>	National Ocean Industries Association
<b>CEQ</b>	Council on Environmental Quality	<b>NOx</b>	Nitrogen Oxides
<b>CFCs</b>	Chlorofluorocarbons	<b>NPRM</b>	Notice of Proposed Rulemaking
<b>CFR</b>	Code of Federal Regulations	<b>NSPS</b>	New Source Performance Standards
<b>COA</b>	Corresponding Onshore Area	<b>NSR</b>	New Source Review
<b>COR</b>	Certificate of Registry	<b>NTL</b>	Notice to Lessees and Operators
<b>COTP</b>	Captain of the Port (USCG)	<b>NVIC</b>	Navigation and Vessel Inspection Circular
<b>CWA</b>	Clean Water Act	<b>OCS</b>	Outer Continental Shelf
<b>CZMA</b>	Coastal Zone Management Act	<b>OCSLA</b>	Outer Continental Shelf Lands Act
<b>DEIS</b>	Draft Environmental Impact Statement	<b>ONRR</b>	Office of Natural Resources Revenue
<b>DHS</b>	Department of Homeland Security	<b>OOC</b>	Offshore Operators Committee (U.S.)
<b>DOE</b>	Department of Energy	<b>OPA-90</b>	Oil Pollution Act of 1990
<b>DOL</b>	Department of Labor	<b>OTR</b>	Office of the U.S. Trade Representative
<b>DOT</b>	Department of Transportation	<b>PATON</b>	Private Aid to Navigation
<b>EEOC</b>	Equal Employment Opportunity Commission	<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>	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		

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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 25 July 2017. 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 [Jim Rocco](#) 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.**

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

- **Takes of Marine Mammals Incidental to Specified Activities; taking marine Mammals Incidental to Geophysical Surveys in the Atlantic Ocean** (RIN 0648-XE283; CFR not listed) On 6 January 2017 ([82 FR 26244](#)) NMFS is requesting comments on its proposal to issue incidental Harassment Authorizations (IHAs) to incidentally take marine mammals during the specified activities. Comment due date: 6 July 2017

On 5 July 2017 ([82 FR 31048](#)) the NOAA issued an extension to the comment period. Comment due date: 21 July 2017

- **Draft Arctic Marine Mammal Disaster Response Guidelines** (RIN 0648-XF027; CFR not listed) On 11 January 2017 ([82 FR 3293](#)) the National Marine Fisheries Service (NMFS) and NOAA issued a Notice of Availability. NMFS, in an effort to increase preparedness for wildlife response under the Oil Pollution Act of 1990, has drafted guidelines for marine mammal response in northern Alaska entitled "*Arctic Marine Mammal Disaster Response Guidelines*." NMFS invites the public to comment on and/or provide additional information for NMFS to consider in finalizing the guidelines. Comment due date: 13 March 2017
- **Endangered and Threatened Wildlife and Plants: Notice of 12-month finding on a Petition to List the Gulf of Mexico Bryde's Whale as Endangered Under the ESA** (RIN 0648-XD669; 50 CFR 224)

On 8 December 2016 ([81 FR 88639](#)) NOAA issued a proposed rule to place the Gulf of Mexico Bryde Whale on the endangered species list. Comment due date: 30 January 2017

On 8 February 2017 ([82 FR 9707](#)) the NOAA reopened the comment period. Comment due date: 23 February 2017

**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 an NPRM is planned for August 2017.

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

**Petitions for Rulemaking, Amendment or Repeal** (RIN 1601-AA56; CFR not listed) In the Spring 2016 Unified Agenda the DHS/Office of the Secretary included an abstract that says 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.

On 21 July 2016 ([81 FR 47285](#)) the Secretary issued an interim final rule that set forth specific formatting requirements, including a requirement to prominently mark a rulemaking petition as such; identified the only two mailing addresses at which DHS will accept rulemaking petitions; provided guidelines for the content of the rulemaking petitions; and described the process by which DHS will respond to rulemaking petitions. Comment due date: 19 September 2016

On 28 November 2016 ([81 FR 85401](#)) the Secretary issued a **Final Rule**, which adopted the process under which interested persons may petition the Department to issue, amend, or repeal a rule. Effective date: 28 December 2016

**Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes (DHS-2006-0030).** (RIN 1601-AA74; 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.

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

On 8 January 2016, Department of Homeland Security Secretary Jeh C. Johnson announced a schedule for the final phase of implementation of the REAL ID Act. The announcement puts additional pressure on "non-compliant" states and territories that have an extension to take action to comply with the REAL ID Act. Extensions expire in June or October of 2016. A listing of state REAL ID status can be found [here](#). A list of FAQs can be found [here](#).

**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 the next action is "to be determined."

## DHS / U.S. Coast Guard (USCG)

- **National Maritime Security Advisory Committee- Input to Support Regulatory Reform of the Coast Guard Regulations. (USCG-2017-0663)** (RIN not listed; CFR not listed) On 18 July 2017 ([82 FR 32779](#)) the USCG issued a notice asking NMSAC to help the agency identify existing regulations, guidance, and collections of information for possible repeal, replacement, or modification. They plan to have a teleconference on 24 AUG 2017 from 1100-1200hrs EDT. [Must call POC Ryan Owens prior to 1PM on 17 AUG 2017 at 202-372-1108 to obtain call in info as phone lines are limited] Comment due date: 17 August 2017
- **Towing Safety Advisory Committee—Input to Support Regulatory Reform of Coast Guard Regulations (USCG-2017-0665)** (RIN not listed; CFR not listed) The USCG announced a [new task](#) and is asking TSAC to help the agency identify existing regulations, guidance, and collections of information for possible repeal, replacement, or modification. They plan to have a teleconference on 2 AUG 2017 from 1300-1430hrs EDT. [Must call POC LCDR Nabach prior to 1PM on 28 JULY 2017 at 202-372-1386 to obtain call in info as phone lines are limited] Comment due date: 28 July 2017
- **National Offshore Safety Advisory Committee—Input to Support Regulatory Reform of Coast Guard Regulations (USCG-2017-0664)** (RIN not listed; CFR not listed) The USCG announced a [new task](#) and is asking NOSAC to help the agency identify existing regulations, guidance, and collections of information for possible repeal, replacement, or modification. They plan to have a teleconference on 3 AUG 2017 from 1030-1130hrs EDT. [Must call POC Patrick Clark prior to 1PM on 31 July 2017 at 202-372-1358 to obtain call in info as phone lines are limited] Comment due date: 31 July 2017
- **Merchant Mariner Medical Advisory Committee—Input to Support Regulatory Reform of Coast Guard Regulations (USCG-2017-0660)** (RIN not listed; CFR not listed) The USCG announced a [new task](#) and is asking MEDMAC to help the agency identify existing regulations, guidance, and collections of information for possible repeal, replacement, or modification. They plan to have a teleconference on 9 AUG 2017 from 1400-1500hrs EDT. [Must call POC LTjg. James Fortin prior to 1PM on 2 AUG 2017 at 202-372-1128 to obtain call in info as phone lines are limited] Comment due date: 2 August 2017
- **Merchant Marine Personnel Advisory Committee—Input to Support Regulatory Reform of Coast Guard Regulations (USCG-2017-0661)** (RIN not listed; CFR not listed) The USCG announced a [new task](#) and is asking MERPAC to help the agency identify existing regulations, guidance, and collections of information for possible repeal, replacement, or modification. They plan to have a teleconference on 8 AUG 2017 from 1500-1600hrs EDT. [Must call POC LTjg. James Fortin prior to 1PM on 1 AUG 2017 at 202-372-1128 to obtain call in info as phone lines are limited] Comment due date: 1 August 2017
- **Navigation and Vessel Inspection Circular (NVIC) 05-17; Guidelines for Addressing Cyber Risks at the Maritime Transportation Security Act (MTSA) Regulated Facilities. (USCG-2016-1084)** On 12 July 2017 ([82 FR 32189](#)) the USCG issued a Notice with a request for comments regarding draft NVIC 05-17. This document proposes to clarify the existing requirements under MTSA to incorporate analysis of computer and cyber risks guidance for addressing those risks. Once completed, this document may be used as a benchmark to develop and implement measures and activities for effective self-governance of cyber risks. Comment due date: 11 September 2017
- **Evaluation of Existing Coast Guard Regulations, Guidance Documents, Interpretive Documents and Collections of Information. (USCG-2017-0480)** On 8 June 2017 ([82 FR 26632](#)) the USCG issued a request for comments as they are seeking comments on regulations, guidance documents, and interpretive documents that we believe should be repealed, replaced, or modified. These comments will assist them in their work with the Regulatory Reform Task Force. Comment due date: 10 July 2017

On 7 July 2017 ([82 FR 31545](#)) the USCG issued an extension to the comment period. Revised comment due date: 11 September 2017

- **Port Access Route Study: In the Chukchi Sea, Bering Strait and Bering Sea. (USCG-2014-0941)** On 27 February 2017 ([82 FR 11935](#)) the USCG issued a Notice of study availability. This USCG is requesting comments on the preliminary findings contained in this report. The full length report is available on the online docket website ([www.regulations.gov](http://www.regulations.gov)). Comment due date: 30 May 2017
- **Update to Alternative Planning Criteria (APC) National Guidelines. (USCG-2016-0437)** On 10 January 2017 ([82 FR 3016](#)) the USCG issued a Notice that reopens the comment period on the draft APC which was published in MAY 2016. The draft guidelines would provide the maritime industry with updated information on the development and submission of an APC request made pursuant to existing regulations. In addition to providing guidance to vessel owners and operators on developing APC request, the guidelines would also facilitate consistency in the review of the APC required by USCG personnel. Comment due date: 10 April 2017

NOTE: The APC submission is required at least 90 days prior to when the owner or operator of a nontank vessel believes that the national planning criteria contained in 33 CFR 155 is inappropriate for the areas in which the vessel intends to operate.

- **Random Drug Testing Rate for Covered Crewmembers for 2017. (USCG-2009-0973).** On 3 February 2017 ([82 FR 9215](#)) the Coast Guard has issued a notice of minimum random drug testing rate for the entire calendar year 2017. The rate was set at 25% of covered crewmembers.
- **Marine Casualty Reporting Property Damage Thresholds(USCG-2016-0748)** (RIN 1625-AC33; 46 CFR Part 4) On 23 January 2017 ([82 FR 7755](#)) the USCG issued an NPRM, which proposes to amend the monetary property damage threshold amounts for reporting a marine casualty, and for reporting a serious the SMI dollar threshold of \$100,000 will increase to \$200,000, both increases were to account for inflation since the initial rulemaking. Comment due date: 24 March 2017. The most recent Unified Agenda indicates that a final rule is planned for December 2017.

[IADC NOTE: While this proposal doesn't directly address those incidents on the OCS that do not involve U.S.-flag vessels, it does appear that these proposed threshold values would apply on the OCS if the 10 January 2014 ([79 FR 1780](#)) Coast Guard NPRM "Marine Casualty Reporting on the Outer Continental Shelf" were to be finalized. The proposed marine casualty property damage threshold amount will increase from \$25,000 to \$72,000, and for reporting a serious the SMI dollar threshold of \$100,000 will increase to \$200,000.]

**Adding the Polar Ship Certificate to the List of SOLAS Certificates and Certificates Issues by Recognized Classification Societies. (USCG-2016-0880)** (RIN 1625-AC35; 46 CFR Parts 2 and 8) On 22 November 2016 ([81 FR 83786](#)) the USCG issued an NPRM that would add the Polar Ship Certificate to the list of existing certificates required to be carried on board all U.S. and foreign flagged vessels subject to SOLAS and operating in Arctic and Antarctic waters, generally above 60 degrees north latitude and below 60 degrees south latitude lines. Additionally, the Coast Guard added this certificate to the list of SOLAS certificates that they authorize recognized classification societies to issue on their behalf. This certificate applies to commercial cargo ships greater than 500 GT engaging in international voyages within polar waters as defined by the Polar Code. Comment due date: 22 December 2016. The most current Unified Agenda indicates that a final rule is planned for December 2017

- **Draft Revisions to the Marine Safety Manual, Volume III, Parts B & C, Change-2.(USCG-2016-0669)** (RIN not listed; CFR not listed) On 15 July 2016 ([81 FR 46042](#)) the USCG issued a Notice of

Availability with a request for comments. The notice indicates that substantive changes include: (1) Updated guidance to align with the Howard Coble Coast Guard and Maritime Transportation Act of 2014; (2) manning scales for towing vessels certificated under 46 CFR Subchapter M from the recently published Inspection of Towing Vessels final rule ([81 FR 40003](#), June 20, 2016); and (3) various policy updates involving vessel manning. Comments due date: 13 September 2016.

On 14 July 2017 the USCG issued a notice ([82 FR 32488](#)) of the updated Marine Safety Manual, Volume III, which provides interpretations on international conventions and US statutory and regulatory issues relating to the marine industry personnel. Effective date: 14 July 2017

- **Civil Monetary Penalty Adjustment for Inflation.** (RIN 1601-AA80; 33 CFR 27) On 1 July 2016 ([81 FR 42987](#)) the DHS issued an Interim Final Rule, which adjusts USCG civil monetary penalties for inflation. Effective date: 1 August 2016.

On 27 January 2017 ([82 FR 8571](#)) the USCG issued a **Final Rule**, which finalized the DHS civil monetary penalties that were listed in the Interim Final rule. The new penalties affect those violations that occurred after 2 November 2015. Effective date: 27 January 2017

**Change-2 to Navigation and Vessel Inspection Circular 04-08: Medical Certification Standards, Medications, and Medical Review Process (USCG-2016-0029)** (RIN not listed; 46 CFR 10) On 3 June 2016 ([81 FR 35648](#)) the USCG issued a Notice of policy, which contains revisions to the Medical Certification Standards (Enclosure 1), Medications (Enclosure 4), and the Medical Review Process (Enclosure 6) of that NVIC. The revisions (Enclosures 1&6) reflect process and procedural changes to the centralization of the evaluation of credential applications; whereas the revisions to Encl 4 provide more detailed guidance on medications that are subject to further review. Effective date: 3 June 2016

**Cooperative Research and Development Agreement: Unmanned Aircraft System Demonstration for Support of Coast Guard Missions in the Arctic. (USCG-2015-0197)** (RIN Not listed; CFR Not listed) On 6 April 2015 ([80 FR 18431](#)) the USCG issued a Notice of Intent and a request for comments. They announced their intent to enter into an agreement with Conoco Phillips Company to evaluate unmanned aircraft system (UAS) capabilities, benefits, risks and technical limitations of operating UAS from land and/or off a USCG cutter in the maritime environment. Comment due date: 20 April 2015

On 12 December 2015, the USCG confirmed that they did enter into a 3-year Cooperative Research and Development Agreement with ConocoPhillips for UAS integration to response operations in the Arctic. In the summer of 2014, they completed an exercise that evaluated the use of UAS for search and rescue off of Oliktok Point. The exercise included several entities including ConocoPhillips' partners Insitu and Era Helicopters, as well as NOAA, DOE, Air Force, and NSB to name a few.

**Anchorage Grounds; South Timbalier Anchorages; South of Port Fourchon, LA; Gulf of Mexico.(USCG-2014-1009)** (RIN 1625-AA01; 33 CFR 110) On 6 April 2015 ([80 FR 18324](#)) the USCG issued an ANPRM as they are considering adding two new anchorage grounds in the Gulf of Mexico for the port of Port Fourchon, LA. Comment due date: 5 June 2015. The most recent Unified Agenda indicates that the next action is “to be determined.”

- **Foam Type Fire Extinguishing System.** (RIN 1625-AC21; 46 CFR162) 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

This planned rulemaking was **withdrawn** on 5 June 2017

**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

On 27 May 2015 ([80 CFR 30189](#)) the USCG has reopened the comment period for this NPRM. Revised comment due date: 1 July 2015. ([80 FR 32512](#)) revised the due date to 27 July 2015. The most recent Unified Agenda indicates that a final rule is planned for October 2017 .

**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 2015 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.

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.

On 17 February 2015 ([80 FR 8338](#)) the USCG issued an extension to the comment period. New comment due date: 15 April 2015

On 12 July 2017 ([82 FR 32189](#)) the USCG issued a Notice of Availability for their draft NVIC 05-17 "Guidelines for Addressing Cyber Risks at MTSA Facilities." Comment due date: 11 September 2017

**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.

On 6 February 2015 ([80 FR 6679](#)) the USCG extended the comment period for this rulemaking. Revised comment due date: 27 May 2015.

On 29 July 2016 ([81 FR 49908](#)) the USCG issued a Notice of Availability of DP training certification programs. It indicated that the USCG is aware of only three (3) accepted training certification programs for DP:

- The Offshore Service Vessel Dynamic Positioning Authority's (OSVDPA) MPP-1-001, the OSVDPA's Manual of Policies and Procedures (Version 1) (January 2016);
- The Nautical Institute's Dynamic Positioning Operator's Training and Certification Scheme Version 1.1 (January 2015); and,
- Det Norske Veritas/Germanischer Lloyd's Recommended Practice for Certification Scheme for Dynamic Positioning Operators (DNVGL-RP-0007).

The most recent Unified Agenda indicates that a final rule is “to be determined.”

[On 7 May 2015 IADC submitted [comments](#) on this rulemaking]

**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 a final rule is “to be determined.”

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

**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. There have been no further notifications on the docket regarding this planned rulemaking.

[The USCG representative (Dan Lawrence) notified IADC with an update (July 2017) which indicated that this item was still on the back burner due to other more pressing rulemakings. He did re-confirm that it is still active.]

**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.

**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.

On 9 July 2014 ([79 FR 38841](#)) the USCG issued an extension to the comment period. Revised 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]

**Marine Casualty Reporting on the Outer Continental Shelf (USCG-2013-1057)** (RIN 1625-AB99; 33 CFR 140 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 planned for August 2017.

On 1 July 2016 the USCG released the updated Form(s) 2692 (series). The forms are available on [HOMEPORT](#). The older forms cannot be used past 31 DEC 2016.

[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.

On 28 March 2014 ([79 FR 17482](#)) the USCG extended the comment period for this NPRM. The revised comment due date is 26 May 2014. The most recent Unified Agenda indicated that the next action is “to be determined.”

**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 engaged 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 the next action is “to be determined.”

[On 9 December 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 the next action is “to be determined.”

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

**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 the 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 the next action is “to be determined.”

**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]

On 29 April 2016 the USCG issued policy letter [CG-ENG 01-16](#), which provides guidance on CG standards for design, plan review, installation, inspection and documentation of Portable Accommodation Modules (PAM) built for and/or installed on inspected vessels/facilities.

**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 NPRM is planned for January 2018.

**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.

Again in June 2016 the USCG informed IADC that they plan to update the Marine Safety Manual and remove the AB-MODU credential. (We are still uncertain which AB credential they will replace it with because those mariners on jack-ups cannot obtain sea-time per the current regulations.)

[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.

On 20 June 2016 ([81 FR 40003](#)) the USCG issued a **Final Rule**, which includes provisions covering specific electrical and machinery requirements for new and existing towing vessels, the use and approval of third-party organizations, and procedures for obtaining Certificates of Inspection, will become effective 20 July 2016. In response to general comments about having time to comply with equipment-related requirements in subchapter M, the USCG amended Sec. 141.105 to give existing towing vessels until the earlier of either 2 years from the effective date of this rule or the date the vessel obtains a subchapter M COI to comply with the part 141 requirements. Effective date: 20 July 2016

[IADC NOTE: NVIC 03-16, *Guidelines for Credentialing Officers of Towing Vessel*, effective 7 July 2016.]

On 19 July 2016 ([81 FR 46848](#)) USCG received OMB approval to collection information as described in the final rule. On 21 July 2016 ([81 FR 47312](#)) the USCG issued a minor correction to the final rule.

On 21 July 2016 ([81 FR 47312](#)) the USCG issued a correction to their final rule. The date in 46 CFR 143.300(d) for new installations of pressure vessels on existing vessels has been corrected to July 20, 2018, or the date the vessel obtains a Certificate of Inspection, whichever date is earlier. In 46 CFR 144.105(c) the trigger date for alterations or modifications that results in major conversion has been corrected to 20 July 2017. Finally, for the requirement in Table 144.135(c) related to a new installation that is not a “replacement in kind,” the USCG removed reference to a specific date: new towing vessels will need to comply with this requirement when they become new vessels (on 20 July 2017, or later), and existing vessels will need to comply with this requirement starting 20 July 2018 or the date the vessel obtains a COI, whichever date is earlier.

**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 how vessels' ballasting operations supports the USCG's broad roles and responsibilities of maritime safety and maritime stewardship.

[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.

On 24 November 2015 ([80 FR 73105](#)) the USCG issued a **Final Rule**, which amends the USCG's ballast water management reporting and recordkeeping requirements. This rulemaking will require vessels with ballast tanks operating exclusively on voyages between ports or places within a single Captain of the Port Zone to submit an annual report of their ballast water management practices. Additionally, this rule will allow most vessels to submit ballast water reports after arrival at a port or place of destination, instead of requiring submission of such reports prior to arrival. [Keep in mind that this rulemaking only applies within 12 nm of the coast.] Effective date: 22 February 2016

Note: ON 5 JAN 2016 ([81 FR 173](#)) the USCG confirmed OMB approval for info collection.

On 11 May 2016 the USCG issued a practicality review ([81 FR 29287](#)) regarding the Standards for Living Organisms in Ship's Ballast Water Discharged in US Waters. In the review the Coast Guard concludes that, at this time, technology to achieve a significant improvement in ballast water treatment efficacy onboard vessels cannot be practicably implemented. The reason for this determination is that, as of the date of completion of the Practicability Review, there are no data demonstrating that ballast water management systems can meet a discharge standard more stringent than the existing performance standards.

**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 the next action 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 this planned rulemaking was **withdrawn** on 10 March 2017.

**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 18 April 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.

On 23 August 2016 ([81 FR 57651](#)) the USCG issued a **Final Rule**, which implements the requirements as stated in the NPRM. Effective date: 23 August 2018

**Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080, formerly 1998-4951).** (RIN 1625-AA25; 33 CFR 97) 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 approve 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.

On 9 May 2016 ([81 FR 27992](#)) the USCG issued an Interim Rule and request for comments. In addition to the CSM for cargo vessels, the rule also requires those vessels to comply with certain provisions of SOLAS and authorizes recognized Class Societies to review and approve CSMs on behalf of the Coast Guard. Effective date of Interim rule: 8 June 2016. Comment due date: 8 August 2016

On 29 AUG 2016 ([81 FR 59136](#)) the USCG issued a correction to the Interim Rule to correct a typographical error. The most recent Unified Agenda indicates that the next action is “to be determined.”

**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.”

**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 the next action 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, both of the 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 the next action is “to be determined.”

**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.

On 19 February 2015 ([80 FR 9151](#)) the USCG issued an NPRM, which proposes to amend the regulations for commercial diving conducted in connection with OCS activities, or from vessels that are required to have a USCG COI. The revisions reflect the most current industry best practices. This proposed rule also allows the USCG to approve independent third party organizations to assist with ensuring regulatory compliance. Of particular interest to our industry is that it has the potential to affect MODU operations as it would require the vessel owner to submit:(1) An international diving systems safety certificate issued by the vessel's flag administration or a party acting on behalf of the flag administration; or (2) Certification from the vessel's flag administration or party acting on behalf of the flag administration that the vessel complies with the regulations found in this part or the requirements of a recognized classification society that has been determined by the Commandant, Office of Design and Engineering (CG-ENG) to provide an equivalent level of safety. There are also internal and external audits required by the vessel owner. Comment due date: 20 May 2015.

On 24 August 2015 ([80 FR 51173](#)) the USCG reopened the comment period for this rulemaking. They reviewed the comments from the original NPRM and realized that there were some errors. Therefore, they revised the rulemaking and reopened the comments period. Comment due date: 23 October 2015. The most recent Unified Agenda indicated that the next action is “to be determined.”

[On 15 May 2015 IADC submitted [comments](#) to the docket for this NPRM]

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

- **Proposed Modification and Revocation of Ruling Letter Relating to Customs application of the Jones Act to the Transportation of Certain Merchandise and Equipment Between Coastwise Points.** On 18 January 2017 CBP issued a [ruling](#) regarding the revocation of headquarters' ruling letters relating to US CBP application of the coastwise laws to certain merchandise and vessel equipment that are transported between coastwise points. Most of the review focuses on OCS activities that may affect drilling operations by vessels that are not qualified for coastwise trade (i.e., foreign flag units or units without coastwise endorsements). Review of the proposal has revealed that it would fundamentally reclassify many articles of “vessel equipment” as merchandise – the transportation of which is prohibited on vessels not qualified for coastwise trade. Comment due date: 17 February 2017

On 8 February 2017 CBP issued and [extension](#) to the comment period. New comment due date: 18 April 2017.

On 10 May 2017 CBP issued a [notice](#) that stated it was **withdrawing** its proposed action relating to the modification of HQ 101925 and revision of rulings determining certain articles are vessel equipment under T.D. 49815(4), as set forth in the January 18, 2017 notice.

- **Regulatory Implementation of the Centers of Excellence and Expertise.(USCBP-2016-0075)** (RIN 1651-AB02; 19 CFR 4, 7, 10-12, 24, 54, 101-103, 113, 132-134, 141-147, 151, 152, 158, 159, 161-163, 173, 174, 176,and 181) On 20 December 2016 ([81 FR 92978](#)) CBP issued an **Interim Final Rule**, which will establishes the Centers as a permanent organizational component of the agency and to transition certain additional trade functions to the Centers. This rule amends the CBP regulations on an interim basis to implement this organizational change by: Defining the Centers and the Center directors; amending the definition for port directors to distinguish their functions from those of the Center

directors; identifying the Center management offices; explaining the process by which importers will be assigned to Centers; providing the importer with an appeals process for its Center assignment; identifying the regulatory functions that will be transitioned from the port directors to the Center directors and those that will be jointly carried out by the port directors and the Center directors; and providing clarification in applicable regulations that payments and documents may continue to be submitted at the ports of entry or electronically. Effective date: 19 January 2017

On 27 January 2017 ([82 FR 8588](#)) the CBP issued an extension to the comment period. Revised comment due date: 20 March 2017. The most recent Unified Agenda indicates that a final rule is planned for May 2018.

**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.

On 6 July 2016 ([81 FR 43961](#)) the CBP issued an NPRM, which proposes to expand the definition of ISF Importer for certain types of shipments to ensure that the party that has the best access to the required information will be the party that is responsible for filing the ISF. Comment due date: 6 September 2016

The most recent Unified Agenda indicates that a final rule is planned for December 2017.

**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 November 2018.

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

- **Consumer Price Index Adjustments of the Oil Pollution Act of 1990 Limit of Liability for Offshore Facilities** (RIN 1010-AD98; 30 CFR 553) The Oil Pollution Act of 1990 (OPA) requires inflation adjustments to the offshore facility limit of liability not less than every three years to reflect significant increases in the CPI-U. (33 U.S.C. 2704(d)(4)). The most recent Unified Agenda indicates that a final action is planned for November 2017.
- **Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Civil Penalties Inflation Adjustments** (RIN 1010-AD99; 30 CFR 550 and 553) This rule adjusts the level of the maximum civil monetary penalties contained in the BOEM regulations pursuant to the Outer Continental Shelf Lands Act (OCSLA), the Oil Pollution Act of 1990 (OPA), the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (FCPIA of 2015), and Office of Management and Budget (OMB) guidance. The most recent Unified Agenda indicates that a final action is planned for January 2018.
- **Oil and Gas Sulphur Operations in the Outer continental Shelf—Civil Penalties Inflation Adjustments. (BOEM-2016-0055)** (RIN 1010-AD95; 30 CFR 550 and 553) On 15 February 2017 ([82 FR 10709](#)) the BOEM issued a **Final Rule**, which adjusts the level of the maximum civil monetary penalties contained in the BOEM regulations pursuant to the OCSLA; OPA-90, the Federal Civil Penalties Inflation Adjustment Act of 2015, and OMB guidance. This rule also implements the 2017 adjustment of the penalties by 1.01636 %, which accounts for one year of inflation spanning from October 2015 to October 2016. Effective date: 15 February 2017
- **Clean Air Reporting and Compliance (BOEM-2013-0081)** (RIN 1010-AD82; 30 CFR 550) On 5 April 2016 ([81 FR 19717](#)) BOEM issued an NPRM, which proposed updates to the air quality regulations for the offshore oil and gas activities. This rulemaking will update the 36 year old regulations and also include the recent BOEM jurisdiction of the Arctic OCS (in addition to their authority over the central and western portions of the Gulf of Mexico). These changes are being made to reduce emissions of Volatile Organic Compounds, Nitrogen Oxide (NO<sub>x</sub>), Sulfur Oxide (SO<sub>x</sub>), Carbon Monoxide (CO), and Particulate Matter (PM). There will be a normal 60-day comment period once the forthcoming notice is published in the Federal Register. Comment due date: 6 June 2016

IADC, API and OOC will be holding meetings on this proposed rulemaking. IADC meetings are geared to address contractor concerns. IADC submitted an extension request for 120 days to the docket.

On 23 May 2016 ([81 FR 32259](#)) BOEM issued a two week comment extension. Revised Comment due date: 20 June 2016. The most recent Unified Agenda indicates that a final rule was planned for December 2016.

On or about 1 May 2017 the Secretary of the Interior issued [Secretarial Order 3550](#), which directed the BOEM to immediately **cease all activities** to promulgate the “Offshore Air Quality Control, Reporting and Compliance” proposed rule published on 5 April 2016 and all other rules and guidance published pursuant thereto.

The most recent Unified Agenda indicates that this proposed rulemaking was **withdrawn** on 11 April 2017

[On 20 June 2016 IADC and the Joint Trade Associations submitted separate [comments](#) to the docket for this proposed rulemaking]

- **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 this proposed rulemaking was **withdrawn** on 3 April 2017

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

- **Rescission of the 2015 BLM Hydraulic Fracturing Rule** (RIN 1004-AE52; 43 CFR 3160) This Proposed Rule would rescind the Bureau of Land Management's 2015 Final Rule, Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands (2015 Final Rule). Consistent with the President's January 30, 2017, Executive Order on Reducing Regulation and Controlling Regulatory Costs, the Department of the Interior has been reviewing existing regulations to determine whether revisions or rescissions are appropriate to streamline the regulatory process and eliminate duplicative regulations. As part of this process, the Department has determined that the 2015 Final Rule does not reflect those policies and priorities, and therefore is proposing to rescind the 2015 Final Rule.

On 25 July 2017 ([82 FR 34464](#)) BLM issued a proposed rule. They are proposing to rescind the 2015 final rule because they believe it is unnecessarily duplicative of state and some tribal regulations and imposes burdensome reporting requirements and other unjustified costs on the oil and gas industry. This proposed rule would return the affected sections of the Code of Federal Regulations to the language that existed immediately before the published effective date of the 2015 final rule. Comment due date: 25 September 2017

**Onshore Oil and Gas Operations- Civil penalties inflation adjustments.** (RIN 1004-AE46; 43 CFR 3160) On 28 June 2016 ([81 FR 41860](#)) the BLM issued an Interim Final Rule, which adjusts the level of civil monetary penalties contained in the BLM regulations governing onshore oil and gas operations. Effective date: 28 July 2016.

**Venting and Flaring: Waste Prevention and Use of Produced Oil and Gas for Beneficial Purposes.** (RIN 1004-AE14; CFR not listed) The DOI/BLM indicated that they plan for a rule that would update the decades-old standards to reduce wasteful venting, flaring, and leaks of natural gas from onshore wells located on Federal and Indian oil and gas leases. The proposed standards would establish requirements and incentives to reduce waste of gas and clarify when royalties apply to lost gas. This action will enhance our energy security and economy by boosting America's natural gas supplies, ensuring that taxpayers receive the royalties due to them from development of public resources, and reducing emissions.

On 8 February 2016 ([81 FR 6616](#)) BLM issued an NPRM, which is proposing new regulations to reduce waste of natural gas from venting, flaring, and leaks during oil and natural gas production activities on onshore Federal and Indian leases. The regulations would also clarify when produced gas lost through venting, flaring, or leaks is subject to royalties, and when oil and gas production used on site would be royalty-free. These proposed regulations would be codified at new 43 CFR subparts 3178 and 3179. Comment due date: 8 April 2016

On 4 April 2016 ([81 FR 19110](#)) BLM issued a comment extension due date. Revised comment due date: 22 April 2016.

On 18 November 2016 ([81 FR 83008](#)) BLM issued a **Final Rule**, which replace the existing provisions related to venting, flaring, and royalty-free use of gas contained in the 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost (NTL 4A), which are over 30 years old. Effective date: 17 January 2017

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

- **Collection Activities: Oil and Gas drilling Operations. (BSEE-2017-0003)** (RIN not applicable; CFR not listed) On 7 July 2017 ([82 FR 31629](#)) the BSEE issued a Notice with a request for comments on the collection of information concerning the renewal of the paperwork requirements in BSEE's regulations concerning oil and gas drilling operations. Comment due date: 5 September 2017
- **Oil and Gas and Sulphur Operations in the Outer Cointinental Shelf—Lease Continuation through Operations.** (RIN 1014-AA35; 30 CFR 250) On 9 June 2017 ([82 FR 26741](#)) the BSEE issued a **Final Rule**, which revises the requirements contained in the BSEE regulations relating to maintaining a lease beyond its primary term through continuous operations by changing all of the references to the period of time before which a lease expires due to cessation of operations from ``180 days" and ``180th day" to a ``year" and from ``180-day period" to a ``1-year period." This rulemaking extends the time from 180 days to one year between production, drilling or well-reworking operations on a lease. "These additional months mean companies doing business on the Outer Continental Shelf will have more planning flexibility, which will help them be more cost efficient, create more jobs and maximize the economic benefit for the entire nation," according to BSEE Director Scott Angelle. Effective date: 9 June 2017.
- **Civil Penalty Inflation Adjustment. (BSEE-2017-0001)** (RIN 1014-AA34; 30 CFR 250) On 3 February 2017 ([82 FR 9136](#)) the BSEE issued a **Final Rule**, which adjusted the level of the maximum civil monetary penalty contained in the BSEE regulation pursuant to the OCSLA, the Federal Civil Penalties

Inflation Adjustment Act Improvements Act of 2015, and OMB guidance. Effective date: 3 February 2017

NOTE: The BSEE also issued [NTL No. 2017-N01](#) to further provide updated information regarding their assessment of penalties for violations of the OCSLA and its implementing regulations.

- **Adjustments to Cost Recovery Fees Relating to the Regulation of Oil, Gas, and Sulfur Activities on the OCS. (BSEE-2016-0003)** (RIN 1014-AA31; 30 CFR 250) On 17 November 2016 ([81 FR 81033](#)) BSEE issued a proposed rule that would revise and clarify the existing fees; add new fees for certain services; revise and codify the existing conditions for refunding fees; and clarify the acceptable methods of fee payment. It is BSEE's intent to recover its full costs associated with providing their services to recipients of special benefits beyond those accruing to the general public. Comment due date: 17 January 2017. The most recent Unified Agenda indicates that an NPRM is planned for April 2017.

On 5 January 2017 ([82 FR 1284](#)) the BSEE issued an extension to the comment period. New Comment due date: 16 February 2017. The most recent Unified Agenda indicates that an SNPRM is planned for August 2017.

**Privacy Act Regulations: Exemption for the Investigations Case Management System (BSEE-2016-0001)** (RIN 1014-AA29; 43 CFR Part 2) On 30 September 2016 ([81 FR 67267](#)) BSEE issued a proposed rule that amends its regulations to exempt certain records in the Investigations Case Management System from one or more provisions of the Privacy Act because of civil and administrative law enforcement requirements. The DOI is creating this new system to enable BSEE to conduct and document incident investigations related to the OCS and employee misconduct investigations. This Investigations Case Management System stores, tracks and analyzes reportable injuries, the loss or damage of property, possible violations of Federal laws and regulations, and investigation information related to the operation of the OCS to identify safety concerns or environmental risks. Comment due date: 29 November 2016

(NOTE: IADC was informed by BSEE (Rowena Dufford) on 25 July 2017 that the draft final rule is under review at the Department level pending approval for publication.)

**Clean Oil and Gas and Sulphur Operations on the Outer Continental Shelf – Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf (BSEE-2013-0011)** (RIN 1082-AA00; 30 CFR 550) On 24 February 2015 ([80 FR 9916](#)) the DOI, acting through BOEM and BSEE, issued a proposed rule to revise and add new requirements to regulations for exploratory drilling and related activities within the Beaufort Sea and Chukchi Sea Planning Areas (Arctic OCS). The Arctic region is characterized by extreme environmental condition, geographic remoteness, and relative lack of fixed infrastructure and existing operations. The proposed rule is designed to ensure safe, effective, and responsible exploration of the Alaska OCS oil and gas resources, while protecting the marine, coastal, and human environments, and Alaska Native's cultural traditions and access to subsistence resources. Comment due date: 27 April 2015

On 20 April 2015 ([80 FR 21670](#)) the BSEE issued an extension of the comment period. The new comment due date: 27 May 2015.

On 15 July 2016 ([81 FR 46477](#)) the BSEE issues a **Final Rule**, which addresses a number of important issues and objectives, including ensuring that each operator:

- Develop an integrated operations plan (IOP) that addresses all phases of its proposed Arctic OCS exploration program, and submit the IOP to BOEM at least 90 days in advance of filing its Exploration Plan (EP);

- Use only equipment or materials that are rated or de-rated for service conditions that can be reasonably expected during operations;
- Conduct a SEMS audit once per year for every year in which Arctic drilling is conducted.
- Employ real-time monitoring (RTM) with the capability to transmit data, as it is gathered, to a designated on shore location where it must be stored and monitored by qualified personnel who have the capability for continuous contact with rig personnel;
- Describe in their APD how they will utilize the relevant provisions of the best practices of API RP 2N Third Edition;
- Perform a pressure test of the BOP system on a 14-day cycle;
- Even if the MODU is designed and classed for Arctic conditions, perform an assessment for the specific environmental conditions during the planned window of operations (Equipment on the MODU used to support the drilling operations should also be evaluated for suitability for Arctic conditions, but should be evaluated using the appropriate standards for equipment operating in the Arctic environment, not a structural design standard for the Arctic region.);
- Capture of all cuttings from operations that utilize petroleum-based mud and, at the discretion of the Regional Supervisor capture of cuttings from operations that utilize water-based mud.
- Have access to, and the ability to promptly deploy, Source Control and Containment Equipment (SCCE) while drilling below, or working below, the surface casing;
- Have access to a separate relief rig located in a geographic position to be able to timely drill a relief well to kill and permanently plug an out-of-control well under the conditions expected at the site in the event of a loss of well control;
- Have the capability to predict, track, report, and respond to ice conditions and adverse weather events;
- Effectively manages and oversees contractors; and,
- Develop and implement an Oil Spill Response Plan (OSRP) that is designed and executed in a manner that accounts for the unique Arctic OCS operating environment, and have the necessary equipment, training, and personnel for oil spill response on the Arctic OCS.
- Designs and conducts exploration programs in a manner that accounts for Arctic OCS conditions;

The final rule furthers the Nation's stewardship of the Arctic's environment and resources, and establishes specific operating models and requirements for the extreme, changing conditions that exist on the Arctic OCS. The regulations will require comprehensive planning of operations, especially for emergency response and safety systems. A goal is to encourage the identification of operational risks early in the planning process and to encourage operators to plan for how to avoid and/or mitigate those risks. The requirements also aim to ensure that plans meet the challenges presented by Arctic conditions and are executed in a safe and environmentally protective manner. Effective date: 13 September 2016

[IADC NOTE: Section 11 of Executive Order on America First Energy requires review of these regulations]

**Civil Penalty Inflation Adjustment. (BSEE-2016-0010)** (RIN 1014-AA30; 30 CFR 250) On 28 June 2016 ([81 FR 41801](#)) the BSEE issued an Interim Final Rule, which adjusts the level of civil monetary penalties contained in the BSEE regulations pursuant to the OCSLA, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the OMB guidance. Effective date: 28 July 2016.

On 17 November 2016 ([81 FR 80994](#)) BSEE issued a **Final Rule**, which adjusted the level of civil monetary penalty in the BSEE regulations. Effective date: 17 November 2016

- **Incorporation of Industry Standards** (RIN 1014-AA28; 30 CFR 250.198) This rule will incorporate various new editions of industry standards into BSEE regulations.

The most recent Unified Agenda indicates that this proposed rulemaking was **withdrawn** on 31 March 2017.

- **Safety and Environmental Management.** (RIN 1014-AA25; 30 CFR 250) The 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.

The most recent Unified Agenda indicates that this proposed rulemaking was **withdrawn** on 31 March 2017.

- **Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line.** (RIN 1014-AA23; 30 CFR 254) The current regulations establish the authority for the Bureau of Safety and Environmental Enforcement (BSEE) to review and approve oil spill response plans submitted by owners and operators, as well as to verify their preparedness through equipment verification checks, audits of training programs, and exercises, including incident management team, equipment deployment, and Government-initiated unannounced exercises. This rule would update the regulations for offshore oil spill response plans (OSRPs) by incorporating improved lessons learned from the 2010 BP Deepwater Horizon Oil Spill of National Significance as well as nearly two decades of agency oversight and applicable oil spill response research conducted by BSEE. The update would also establish improved response measures and standards that are systems-based and employ multiple spill countermeasures supported by new technologies. The most recent Unified Agenda indicates that an ANRPM is planned for August 2017.

- **Incorporation of Standard Well Design Criteria (API Standards), Operations, Cementing, and Casing Requirements.**(RIN 1014-AA17; 30 CFR 250) The 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 this proposed rulemaking was **withdrawn** on 31 March 2017.

- **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.

The most recent Unified Agenda indicates that this proposed rulemaking was **withdrawn** on 31 March 2017.

- **Improvements in Incident Reporting, Risk-Based Inspections, and Leading and Lagging Indicators** (RIN 1014-AA20; 30 CFR 250) The 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 most recent Unified Agenda indicates this proposed rulemaking was **withdrawn** on 31 March 2017.

**Incorporation of Updates of Crane Standards (BSEE-2014-0002)** (RIN 1014-AA13, 30 CFR 250) On 15 June 2015 ([80 FR 34113](#)) BSEE issued a proposed rule, which proposes to incorporate the API Specification 2C (Spec 2C) Seventh Edition. This Specification revised many aspects of the standard for design and construction of cranes manufacture since the 7<sup>th</sup> edition took effect in October of 2012. The intent is to improve the safety of cranes mounted on fixed platforms that are installed on the OCS. This rulemaking would require that all cranes that lessees or operators mount on any fixed platforms after the effective date of this final rule must comply with the 7<sup>th</sup> edition of Spec 2C. Comment due date: 15 July 2015. The most recent Unified Agenda indicates that a final action is planned for August 2017.

- **Blowout Prevention System & Well Control** (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.

On 17 April 2015 ([80 FR 21503](#)) BSEE issued a proposed rule, which proposes new regulations in order to consolidate equipment and operational requirements that are common to other subparts pertaining to offshore oil and gas drilling, completions, workovers, and decommissioning. This rule would focus, at this time, on BOP requirements, including incorporation of industry standards and revising existing regulations. It would also include reforms in the areas of well design, well control, casing, cementing, real-time well monitoring, and subsea containment. This proposed rule would address and implement multiple recommendations resulting from various investigations of the Deepwater Horizon incident. It would also incorporate guidance from several NTLs and revise provisions related to drilling, workover, completion and decommissioning operations to enhance safety and environmental protection. Comment due date: 16 June 2015.

On 3 June 2015 ([80 FR 31560](#)) BSEE issued an extension to the comment period. New comment due date: 16 July 2015.

On 29 April 2016 ([81 FR 25887](#)) BSEE issued a **Final Rule**, which finalized the new regulations to consolidate into one part the equipment and operational requirements (found in various parts of the BSEE regulations) pertaining to offshore oil and gas drilling, completions, workovers, and decommissioning. This rule focuses on BOPs and well control equipment requirements. Effective date: 28 July 2016.

On or about 1 May 2017 the Secretary of the Interior issued [Secretarial Order 3550](#), which directed the BOEM to **re-evaluate these rules**.

**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 27 September 2013 ([78 FR 59632](#)) BSEE issued an extension to the comment period. Extended comment due date: 5 December 2013.

On 7 September 2016 (81 FR [61834](#)) BSEE issued a **Final Rule**, which made the changes as stated in the NPRM. Effective date: 7 November 2016

- **NTL: Revised OCSLA Civil Penalty Assessment Matrix** (RIN not applicable; 30 CFR 250.103) On 3 February 2017 BSEE issued NTL [No. 2017-N01](#), which provides updated information regarding BSEE's assessment of civil penalties for violations of the OCSLA. This NTL replaces NTL No. 2016-N05. Effective date: 3 February 2017

**NTL: Incident of Non Compliance Response System** (RIN not applicable; 30 CFR 250.130) On 7 January 2016 BSEE issued [NTL No. 2016-N01](#), which provides information/guidance about the BSEE electronic incident of noncompliance (INC) response reporting system. Effective date: 7 January 2016

## **Department of Justice (DOJ) / Office of the Attorney General**

**Amendment of Americans with Disabilities Act Title II and Title III Regulations to Implement ADA Amendments Act of 2008. (CRT Docket No. 124)** (RIN 1190-AA59; 28 CFR 35 and 36) On 11 August 2016 ([81 FR 53204](#)) the DOJ issued a **Final Rule**, which amends the Americans with Disabilities Act (ADA) regulations to incorporate the statutory changes mandated by court decisions and the ADA Amendments Act of 2008. The main areas of the revised language:

- Clarifies that the term “disability” shall be interpreted broadly and explains that the primary object of attention in cases brought under the ADA should be whether covered entities have complied with their obligations not to discriminate based on disability;
- Clarifies that the question of whether an individual’s impairment is a disability under the ADA should not demand extensive analysis; and
- Expands the definition of “major life activities” by providing a non-exhaustive list of major life activities that specifically includes the operation of major bodily functions.

Effective date: 11 October 2016.

## DOJ/ 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 indicates that this proposed rulemaking was **withdrawn** on 19 June 2017.

## Department of Labor (DOL)

**Longshore and Harbor Workers Compensation Act: Maximum and Minimum Compensation Rates.** (RIN 1240-AA06; 20 CFR 702) On 26 August 2016 ([81 FR 58878](#)) the DOL issued an NPRM with a request for comments. The newly stated provisions, which cap the amounts of compensation and death benefits payable to entitled claimants and provide a floor below which compensation may not fall, have become the topic of litigation. This rulemaking would clarify how the DOL interprets and applies the new provisions. Additionally, they would implement the Act’s annual compensation-adjustment mechanism for permanent total disability compensation and death benefits. Comment due date: 25 October 2016. The most recent Unified Agenda indicated that a final rule is planned for September 2017.

## DOL / Occupational Safety and Health Administration (OSHA)

- **OSHA Training Institute Education Center: Notice of Competition and Request for Applications.** (RIN not applicable; CFR not applicable) On 1 May 2017 OSHA issued a Notice ([82 FR 20388](#)), which announces the opportunity for interested non-profit organizations, including qualifying educational institutions, trade associations, labor unions, and community-based and faith-based organizations that are not an agency of the state or local government to submit applications to become an OSHA Training Institute Education Center and deliver standard classroom instruction on a regional basis.
- **Occupational Exposure to Beryllium. (OSHA-H005C-2006-0870)** (RIN 1218-AB76; 29 CFR 1910, 1915 AND 1926) On 9 January 2017 ([82 FR 2470](#)) OSHA issued a **Final Rule**, which amends its existing standards for occupational exposure to beryllium and beryllium compound. This final rule establishes new PELs of 0.2 micrograms of beryllium per cubic meter of air ( $0.2\mu\text{g}/\text{m}^3$ ) an 8-hour time-weighted average and  $2.0\mu\text{g}/\text{m}^3$  as a short-term exposure limit determined over a sampling period of 15 minutes. It also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping. OSHA is issuing three separate standards--for general industry, for shipyards, and for construction--in order to

tailor requirements to the circumstances found in these sectors. Effective date: 10 March 2017  
Compliance dates are set in the regulations for each standard.

On 1 February 2017 ([82 FR 8901](#)) OSHA issued a delay of the effective date. Revised effective date: 21 March 2017

On 2 March 2017 ([82 FR 12318](#)) and on 21 March 2017 ([82 FR 14439](#)) OSHA issued another delay of the effective date. New effective date: 20 May 2017

On 27 June 2017 ([82 FR 29182](#)) OSHA issued a proposed rule to revoke the ancillary provisions for the construction and the shipyard sectors that OSHA adopted on 9 JAN 2017 (see above), but retain the new lower PEL of 0.2µg/m<sup>3</sup> the short term exposure limits of 2.0 µg/m<sup>3</sup> for each sector. OSHA has indicated that they will not enforce the 9 JAN 2017 shipyard or construction standards without further notice while this new rulemaking is underway. This proposal does not affect the general industry beryllium standard. Comment due date: 28 August 2017.

**OSHA Workplace Safety and Health Programs.** On 21 October 2016 OSHA released a set of [Recommended Practices for Safety and Health Programs](#) to help employers establish a methodical approach to improving safety and health in their workplaces. The recommendations update OSHA's 1989 guidelines to reflect changes in the economy, workplaces, and evolving safety and health issues. The recommendations feature a new, easier-to-use format and should be particularly helpful to small- and medium-sized businesses. There is also a new section on multi-employer workplaces and a greater emphasis on continuous improvement. Supporting tools and resources are included.

**Fall Protection in Shipyard Environment. (OSHA-2013-0022).** (RIN 1218-AA68; 29 CFR 1915) On 8 September 2016 ([81 FR 62052](#)) OSHA issued a Request for Information, which indicates that OSHA is considering revising its safety standards (last update in 1971) that address access and egress(including stairways and ladders), fall and falling object protection, and scaffolds in shipbuilding, ship repair, shipbreaking, and other shipyard related employment. OSHA plan to use the info received in all responses to determine what action, if any, it may need to undertake. Comment due date: 7 December 2016.

- **Department of Labor Federal Civil Penalties Inflation Adjustment Act Catch-up Adjustments.** (RIN 1290-AA31; 29 CFR 1902 and 1903) On 1 July 2016 ([81 FR 43429](#)) the DOL issued an Interim Final Rule, which adjusts the amounts of civil penalties assessed or enforced in its regulations. Effective date: 1 August 2016. The most recent Unified Agenda indicated that a final rule is planned for APR 2017.

On 18 January 2017 ([82 FR 5373](#)) DOL issued a **Final Rule**, which adjusted for inflation the civil monetary penalties assessed or enforced in its regulations. Effective date: 13 January 2017

- **Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness. (OSHA-2015-0006).** (RIN 1218-AC84; 29 CFR 1904) On 29 July 2015 ([80 FR 45116](#)) OSHA issued an NRPM, which proposes to amend its recordkeeping regulation to clarify that the duty to make and maintain records for work-related injuries and illnesses is an ongoing obligation. The duty to record an injury or illness continues for as long as the employer must keep records of the recordable injury or illness; the duty does not expire just because the employer fails to create the necessary records when first required to do so. The proposed amendments add no new compliance obligations. Additionally, the proposal would not require employers to make records of any injuries or illnesses for which records are not currently required to be made. Comment due date: 28 September 2015

On 25 SEP 2015 ([80 FR 57765](#)) OSHA extended to the comment period of this NRPM. Revised comment due date: 28 October 2015.

On 19 December 2016 ([81 FR 91792](#)) OSHA issued a **Final Rule**. Effective date: 18 January 2017

On 3 May 2017 ([82 FR 20548](#)) Congress has passed, and the President signed, Public Law 115-21, a resolution of **disapproval of this final rule** issued by OSHA, who will now need to remove all the amendments that were published on 19 December 2016 from the CFR. Effective date: 3 May 2017

- **Injury and Illness Prevention Program** (RIN 1218-AC48; CFR TBD) 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.

The most recent Unified Agenda indicates this proposed rulemaking was **withdrawn** on 30 March 2017.

- **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.

On 25 March 2015 ([80 FR 15702](#)) OSHA extended the comment period. New Comment due date: 9 October 2015.

The most recent Unified Agenda indicates this proposed rulemaking was **withdrawn** on 30 March 2017.

**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. The most recent Unified Agenda indicated that the next action is “to be determined.”

- **Improve Tracking of Workplace Injuries and Illnesses. (OSHA-2013-0023)** (RIN 1218-AD16; 29 CFR 1904) On 28 June 2017 ([82 FR 29261](#)) OSHA issued a proposed rule with a delay of the compliance date of the 2016 OSHA final rule ([81 FR 29623](#)), which requires employers in certain industries to electronically submit to OSHA injury and illness data that employers are already required to keep under existing OSHA regulations. This new rulemaking proposes to extend the initial submission deadline for 2016 Form 300A to 1 December 2017, to provide the new administration an opportunity to review the new electronic reporting requirements prior to their implementation and allow affected entities sufficient time to familiarize them with the new electronic reporting system, which will not be available until 1 August 2017. OSHA also intends to issue a separate proposal to reconsider, revise or remove other provisions of the prior final rule. Comment due date on delay only: 13 July 2017

[On 7 March 2014 IADC submitted [comments](#) to the docket prior to the 12 May 2016 final rule]

- **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 recent Unified Agenda indicates that a final rule is planned by February 2016.

On 25 March 2016 ([81 FR 16286](#)) OSHA has issued a **Final Rule** on Occupational Exposure to Respirable Crystalline Silica. OSHA has determined that employees exposed to respirable crystalline silica at the previous permissible exposure limits faced a significant risk of material impairment to their health due to, inter alia, the risk of developing silicosis and other non-malignant respiratory diseases, lung cancer, and kidney disease. This rule establishes a new permissible exposure limit of 50 micrograms of respirable crystalline silica per cubic meter of air (50µg/m<sup>3</sup>) as an 8-hour time-weighted average in all industries covered by the rule. It also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, medical surveillance, hazard communication, and recordkeeping. OSHA is issuing two separate standards – one for general industry and maritime, and the other for construction – in order to tailor requirements to the circumstances found in these sectors. Effective date: 23 June 2016 (after which industries have one to five years to comply with most requirements)

On 26 July 2016 ([81 FR 48708](#)) the OSHA issued OMB’s approval of the collection of information for the final rule. Effective date: 26 July 2016

On 1 September 2016 ([81 FR 60272](#)) OSHA issued a correction regarding typographical errors in the final rule.

On 6 April 2016 OSHA issued a [News Release](#) that announced the delay of enforcement of the crystalline silica standard, which was originally 23 June 2017, until 23 September 2017

**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.

On 18 November 2016 ([81 FR 82494](#)) OSHA issued a **Final Rule**, which includes revised and new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. In addition, the final rule adds requirements on the design, performance, and use of personal fall protection systems.

This rule increases consistency between the general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Similarly, it updates requirements to reflect advances in technology and to make them consistent with more recent OSHA standards and national consensus standards. OSHA has also reorganized the requirements and

incorporated plain language in order to make the final rule easier to understand and follow. Further, it also uses performance-based language whenever possible to give employers greater compliance flexibility. Effective date: 17 January 2017

On 6 July 2017 ([82 FR 31252](#)) OSHA issued a technical amendment (to the final rule) that revises an OSHA regulation to reflect the OMB approval of the collections of information contained in these standards. Effective date: 6 July 2017

## **Department of State (DOS)**

**Passports (Public Notice: 9678)** (RIN 1400-AD97; 22 CFR 51) On 2 September 2016 ([81 FR 60608](#)) the Department of State issued a **Final Rule**, which updates the passport regulations to allow DOS to deny or restrict the use of passports of persons: (1) having an incorrect or invalid Social Security number on their application; (2) certified by the Secretary of the Treasury as having seriously delinquent tax debt; or (3) covered as a sex offender as defined in 42 U.S.C. 16935a, unless identified as required by 22 U.S.C. 212b. Other bases for denial or restriction of use are already defined in 22 CFR 51.60. Effective date: 2 September 2016

On 27 September 2016 ([81 FR 66184](#)) the State Department issued a correction to the final rule regarding a statutory citation. Effective date: 27 September 2016

## **Department of Transportation (DOT) / Federal Aviation Administration (FAA)**

- **Transportation Infrastructure: Notice of Review of Policy, Guidance and Regulation (OST-2017-0057)** On 8 June 2017 ([82 FR 26734](#)) the Secretary of Transportation issued a notice with a request for inputs. The DOT is reviewing their existing policy statements, guidance documents, and regulations to identify unnecessary obstacles to transportation infrastructure projects. Therefore, they are inviting affected stakeholders and the public to identify non-statutory requirements that the DOT imposes that should be removed or revised. Comment due date: 24 July 2017

**Registration and Marking Requirements for Small Unmanned Aircraft (FAA-2015-7396)** (RIN 2120-AK82; 14 CFR 1, 45, 47, 48, 91 and 375) On 16 December 2015 ([80 FR 78593](#)) the FAA issued an **Interim Final Rule**, which provides an alternative, streamlined, simple web-based aircraft registration process for the registration of small unmanned aircraft, including small unmanned aircraft operated as model aircraft, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. Effective date: 21 December 2015 Comment due date: 15 January 2016. The most recent Unified Agenda indicated that the FAA was to analyze comments by June 2016,

**Operation and Certification of Unmanned Aircraft Systems.(FAA-2015-0150)** (RIN 2120-AJ60; 14 CFR 21, 43,45, 47, 61, 91, 101, 107, and 183) On 23 February 2015 ([80 FR 9543](#)) the FAA issued an NPRM, which proposes to amend its regulations to adopt specific rules to allow operation of small unmanned aircraft systems in the National Airspace System (NAS). These changes would address the operation, certification of operators, registration, and display or registration markings. This rulemaking would prohibit model aircraft from endangering the safety of the NAS. This type of aircraft may possibly be used for pipeline inspections in certain areas. Comment due date: 24 April 2015.

On 28 June 2016 ([81 FR 42063](#)) the FAA issued a **Final Rule**, which addresses the operation of unmanned aircraft systems and certification of their remote pilots and prohibits model aircraft from endangering the NAS. Effective date: 29 August 2016

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

### **Process for Department of Veterans Affairs (VA) Physicians to Be Added to the National Registry of Certified Medical Examiners. (FMCSA-2016-0333)** (RIN 2126-AB97; 49 CFR Parts 390 and 391)

On 1 December 2016 ([81 FR 86673](#)) FMCSA issued an NPRM, which proposes amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) to establish an alternate process for qualified physicians employed in the Department of Veterans Affairs (VA) (qualified VA physicians) to be listed on the Agency's National Registry of Certified Medical examiners (National Registry). After training and testing, these VA physicians would become certified VA medical examiners that can perform medical examinations of commercial motor vehicle operators who are military veterans, and issue Medical Examiner's Certificates to those same operators as required by the Fixing America's Surface Transportation (FAST) Act. Comment due date 3 January 2017

### **Revision and Extension of a Currently Approved ICR on Hazardous Materials Safety Permits. (FMCSA-2016-0359)** (RIN not listed; CFR not listed)

On 10 November 2016 ([81 FR 79085](#)) FMCSA issued a Notice with a request for comments. FMCSA seeks approval to revise and extend an existing Information Collection Request (ICR) entitled "Hazardous Materials Safety Permits." This ICR requires companies holding safety permits to develop communications plans that allow for the periodic tracking of the shipments. A record of the communications that includes the time for the call and allocation of the shipment may be kept by either the driver or the company. The records must be kept for at least six months at the company's principal place of business or readily available there. Comment due date 9 January 2017

### **Federal Motor Vehicle Safety Standards; Parts and Accessories Necessary for Safe Operation, Speed Limiting Devices (FMCSA-2014-0083)** (RIN 2126-AB63; 49 CFR 393)

On 7 September 2016 ([81 FR 61941](#)) FMCSA issued an NPRM, which proposes regulations that would require vehicles with a gross weight rating of more than 11,793.4 kilograms (26,000 pounds) to be equipped with a speed limiting device initially set to a speed no greater than a speed to be specified in a final rule. It would also require motor carriers operating such vehicles in interstate commerce to maintain functional speed limiting devices set to the speed specified in the final rule for the service life of the vehicle. Comment due date: 7 November 2016

On 7 November 2016 ([81 FR 78103](#)) the FMCSA extended to comment period. Revised comment due date: 7 December 2016. The most recent Unified Agenda indicated that the next action is "to be determined."

- **Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators (FMCSA-2007-27748)** (RIN 2126-AB66; 49 CFR 380, 383 and 384) On 7 March 2016 ([81 FR 11943](#)) FMCSA issued an NPRM, which proposes new training standards for certain individuals applying for their initial commercial driver's license (CDL); an upgrade to their CDL; or a hazardous materials, passenger or school bus endorsement for their licenses.; and a refresher training curriculum. Comment due date: 6 April 2016.

On 8 December 2016 ([81 FR 88732](#)) FMCSA issued a **Final Rule**, which states that the applicants are subject to the entry-level driver training (ELDT) requirements and must complete a prescribed program of instruction provided by an entity that is listed on FMCSA's Training Provider Registry (TPR). FMCSA

will submit training certification information to State driver licensing agencies (SDLAs), who may only administer CDL skills tests to applicants for the Class A and B CDL, and/or the P or S endorsements, or knowledge test for the H endorsement, after verifying the certification information is present in the driver's record. Effective date: 6 February 2017

On 23 May 2017 ([82 FR 23516](#)) the FMCSA issued a further delay of the effective date. Revised effective date: 5 June 2017

**Proposal for Future Enhancements to the Safety Management System (SMS). (FMCSA-2015-0149)** (RIN not listed; CFR not listed) On 29 June 2015 ([80 FR 37037](#)) FMCSA issued a Notice with a request for comments. They are seeking comments on the proposed enhancements to the Agency's SMS methodology. They are considering several changes...such as some of the SMS Intervention thresholds to better reflect the Behavior Analysis and Safety Improvement Categories (BASICSs) correlation to crash risk, other changes to the Hazardous Material Compliance BASIC, reclassifying violations for operating while out-of-service (OOS) to the Unsafe Driving BASIC, and adjustments to the Utilization factor. Comment due date: 29 July 2015

On 5 October 2016 ([81 FR 69185](#)) FMCSA issued a Notice with a response to public comments and a request for additional comments. FMCSA proposes enhancements to information on the public Safety Measurement System (SMS) Web site and responds to comments received in response to FMCSA's Federal Register Notice, "Proposal for Future Enhancements to the Motor Carrier Safety Measurement System (SMS)," published on June 29, 2015. These enhancements are a continuation of the Agency's efforts to provide law enforcement, the motor carrier industry, and motor carriers with more informative safety data. This notice explains the Agency's proposed enhancements to the public SMS Web site, including two additional changes not originally proposed, which were identified during the development of the SMS Preview. FMCSA has provided information about the proposed enhancements to the National Academies of Sciences to consider in the Correlation Study required by Section 5221 of the Fixing America's Surface Transportation (FAST) Act. The proposed enhancements will be available for preview, at: <https://csa.fmcsa.dot.gov/SMSPreview/> on October 4, 2016. The Agency seeks comments on these changes based on the preview. The Agency will not implement the changes until after the Agency satisfies the requirements of Section 5223 of the FAST Act. Comment due date 3 December 2016

- **Carrier Safety Fitness Determination.(FMCSA-2015-0001)** (RIN 2126-AB11; 49 CFR 350, 365, 385-387, and 395) FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to adopt revised methodologies that would result in a safety fitness determination (SFD). The proposed methodologies would determine when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce based on (1) the carrier's performance in relation to five of the Agency's Behavioral Analysis and Safety Improvement Categories (BASICS); (2) an investigation; or (3) a combination of on-road safety data and investigation information. The intended effect of this action is to reduce crashes caused by CMV drivers and motor carriers that result in death, injuries, and property damage on U.S. highways by more effectively using FMCSA data and resources to identify unfit motor carriers and remove them from the Nation's roadways.

On 21 January 2016 ([81 FR 3562](#)) FMCSA issued an NPRM, which would determine when a motor carrier is not fit to operate a CMV in or affecting interstate commerce based on the carrier's on-road safety data in relation to five of the Agency's seven Behavioral Analysis and Safety Improvement categories (BASICS); an investigations; or a combination of on-road safety data and investigation information. The intended effect is to more effectively use FMCSA data and resources to identify unfit motor carriers and remove them from the Nation's roadways. Comment due date: 21 March 2016.

On 23 March 2017 ([82 FR 14848](#)) FMCSA issued a notice of **withdrawal** of his rulemaking.

**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 NPRM 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 purposes. 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 a final rule was planned for June 2017.

**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 administrators 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.

On 5 December 2016 ([81 FR 87686](#)) FMCSA issued a **Final Rule**, which established the requirements for the Commercial Driver’s License Drug & Alcohol Clearinghouse. Effective date: 4 January 2017. Compliance date: 6 January 2020

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

- **Hazardous Materials: Harmonization with International Standards (RRR) Miscellaneous Petitions for Rulemaking (RRR) (PHMSA-2015-0273)** (RIN 2137-AF18; 49 CFR 107, 71, 172, 173, 176, 178, and 180). On 7 September 2016 ([81 FR 61741](#)) PHMSA issued an NPRM, which proposes to amend the Hazardous Materials Regulations \*(HMR) to maintain consistency with international regulation and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is looking to harmonize with recent changes to the IMDG Code, the ICAO Technical Instructions and the United Nations Recommendations on the Transport of dangerous Goods – Model Regulations. Comment due date 7 November 2016

On 30 March 2017 ([82 FR 15796](#)) PHMSA issued a **Final Rule**, which follows the proposed changes in the NPRM. These revisions are necessary to harmonize the HMR with recent changes made to the IMDG

Goods Code, the ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the UN's Recommendations on the Transport of Dangerous Goods—Model Regulations. Effective date: 30 March 2017 (Except for Instruction 22, which is effective 2 January 2019). There is a voluntary compliance date of 1 January 2017 with a required compliance date beginning 1 January 2018.

**Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR) (PHMSA-2015-0102)** (RIN 2137-AF09; 49 CFR 171, 172, 173, 176, 178, and 180). On 30 June 2016 ([81 FR 42609](#)) PHMSA issued an NPRM, which proposes to amend the Hazardous Materials Regulations (49 CFR 171 thru 180) to update, clarify or provide relief from miscellaneous regulatory requirements that include, but are not limited to, the following: Incorporating by Reference (IBR) multiple publications from both the Compressed Gas Association (CGA) and the Chlorine Institute; addressing inconsistencies with domestic and international labels and placards; permitting alternative testing for aerosols; no longer mandating that excepted quantities comply with the emergency response telephone requirement; allowing electronic signatures for Environmental Protection Agency (EPA) manifest forms; and no longer requiring the service pressure to be marked on Department of Transportation (DOT) 8 and 8L cylinders. Comment due date: 29 August 2016. The most recent Unified Agenda indicates that a final action is planned for August 2017.

**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.

On 26 July 2016 ([81 FR 48977](#)) PHMSA issued an NPRM, which proposes to amend the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. Specifically, PHMSA proposes to incorporate by reference or update to several Compressed Gas Association publications, amend the filling requirements for compressed and liquefied gases, expand the use of salvage cylinders, and revise and clarify the manufacture and requalification requirements for cylinders. Comment due date: 26 September 2016. The most recent Unified Agenda indicates that a final action is planned for August 2017.

## **DOT / Departmental Offices**

**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.”

## **DOT / Maritime Administration (MARAD)**

- **Request for Comments: Maritime Workforce. (MARAD-2017-0117)** (RIN not listed; CFR not listed) On 10 July 2017 ([82 FR 31800](#)) MARAD issued a notice and request for comments. They are seeking input to examine and assess the size of the pool of US citizen mariners necessary to support the US flag fleet in times of national emergency. The comments received will assist in the development of a statutorily mandated report to Congress with actionable recommendations. Comment due date: 31 July 2017

- **Annual Civil Monetary Penalties Adjustment** (RIN 2133-AB89; 46 CFR 221, 307, 340, and 356) On 24 April 2017 ([82 FR 18871](#)) the MARAD issued a **Final Rule**, which updated its regulations to reflect the required annual inflation-related increase to the civil monetary penalties in its regulations. This rulemaking adjusts the penalty amounts for violations to the American Fisheries Act, certain regulated transactions involving documented vessels, the Automated Mutual Assistance Vessel Rescue (AMVER) program and the Defense Production Act. Effective date: 4 May 2017.

## Department of the Treasury / Internal Revenue Service (IRS)

- **Inversions and Related Transactions. (REG-135734-14)** (RIN 1545-BM45; 29 CFR 1) On 8 April 2016 ([81 FR 20588](#)) the IRS issued an NPRM by cross reference to temporary regulation, which addressee transactions that are structured to avoid the purposes of the Tax code and certain post-inversion tax avoidance transactions. Comment due date: 7 July 2016. The most recent Unified Agenda indicates that a final action is planned for September 2017.

On 18 January 2017 ([82 FR 5476](#)) the IRS issued a partial withdrawal of the NPRM. This document withdraws portions of a notice of proposed rulemaking (REG-135734-14) published on 8 April 2016. The withdrawn portions relate to exceptions to general rules addressing certain transactions that are structured to avoid the purposes of section 7874 of the Internal Revenue Code (Code). Effective date of withdrawn portions: 18 January 2017

On 18 January 2017 ([83 FR 5476](#)) the IRS also issued an NRPM by cross-reference to temporary regulations. The IRS is amending portions of temporary regulations that address certain transactions that are structured to avoid the purposes of section 7874 of the Internal Revenue Code (Code). The temporary regulations affect certain domestic corporations and domestic partnerships whose assets are directly or indirectly acquired by a foreign corporation and certain persons related to such domestic corporations and domestic partnerships. The text of the temporary regulations in the Rules and Regulations section of this issue of the Federal Register also serves as the text of these proposed regulations.

On 18 January 2017 ([82 FR 5388](#)) the IRS issued a **Final Rule**. Effective date: 18 January 2017

## 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"](#) website.*

- **Civil Monetary Penalty Inflation Adjustment Rule.** (RIN not listed; CFR not listed) On 12 January 2017 ([82 FR 3633](#)) the EPA issued a **Final Rule**, which adjusted the level of statutory civil monetary penalty amounts under the statutes EPA administers. Effective date: 15 January 2017

## EPA – Toxic Substances Control Act

**Polychlorinated Biphenyls (PCBs) Reassessment of Use Authorizations for PCBs in Small Capacitors.** (RIN 2070-AK12; 40 CFR 761) The Spring 2016 Unified Agenda indicates that the EPA

has initiated rulemaking to reassess the ongoing authorized use of PCBs in small capacitors in fluorescent light ballasts. The most recent Unified Agenda indicated that an NPRM was planned for January 2017.

**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 ([79 FR 28664](#)) 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.

On 5 June 2015 ([80 FR 32111](#)) the EPA issued a notice that they will have public meetings and three teleconferences of the Science Advisory Board (SAB) Fracturing Research Advisory Panel to conduct a review of the EPA draft report, *Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources (May, 2015 External Review Draft, EPA/600/R-15-047)*. Teleconferences on 30 SEP 2015 (WED), 1 OCT 2015 (THU), and 19 October 2015 (MON). The public meeting will be held on 28 October 2015 (WED) 9am -5:30pm, 29 October 2015 (THU) 08:30am to 5:30pm; and 30 October (FRI) from 08:30am to 3:00pm. (All times are Eastern times and the meetings will be at the Washington Plaza Hotel, 10 Thomas Circle NW, Washington, DC 20005.) The most recent Unified Agenda indicated that an NPRM is planned for June 2018.

**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 October 2017.

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)

- **Second Action: Definition of “Waters of the United States.”** (RIN: 2040-AF75; 40 CFR 110). In 2015, the Environmental Protection Agency and the Department of the Army (the agencies” published the Clean Water Rule: Definition of ‘Waters of the United States’” (80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court. On February 28, 2017, the President issued an Executive Order titled Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the ‘Waters of the United States’ Rule,” which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. The agencies are publishing this proposed rule to follow the first step which sought to recodify the definition of “waters of the United States” that existed prior to the 2015 rule. In this second step, the agencies are conducting a substantive re-evaluation and revision of the definition of “waters of the United States” in accordance with the Executive Order. The most recent Unified Agenda indicates that an NPRM is planned for December 2017.
- **Definition of “Waters of the United States” – Recodification of Preexisting Rules** (RIN: 2040-AF74; 40 CFR 110) In 2015, the EPA and the Department of the Army (the agencies” published the Clean Water Rule: Definition of ‘Waters of the United States’” (80 FR 37054, June 29, 2015). On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court. On February 28, 2017, the President issued an Executive Order titled Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the ‘Waters of the United States’ Rule” which instructed the agencies to review the 2015 rule and rescind or replace it as appropriate and consistent with law. The agencies are publishing this proposed rule to initiate the first step in a comprehensive two-step process consistent with the Executive Order. In this first step, the agencies will seek to re-codify the definition of waters of the United States” that existed prior to the 2015 rule. The most recent Unified Agenda indicates that an NPRM was planned for June 2017.
- **Review, Rescind or Revise Clean Water Rule (FRL-9959-93-OW)** (RIN not indicated: 40 CFR 110, 112, 116, 117, 122, 230, 232, 300, 302 and 401) On 6 March 2017 ([82 FR 12532](#)) the EPA & ACE issued a Notice of Intent announcing its intention to review and rescind or revise the Clean Water Rule.
- **Uniform National Discharge Standards for Armed Forces Vessels - Phase II (EPA-HQ-OW-2013-0469).** (RIN 2040-AD39: 40 CFR 140) On 10 May 1999 ([64 FR 25126](#)), EPA issued a **Final Rule** (Phase I) determining that 25 different categories of discharges from Armed Forces vessels will require control by using a marine pollution control device (MPCD). (A MPCD can be either equipment or a management practice.) Phase II of this project will establish performance standards for control devices for these 25 discharges. EPA indicated that a future rulemaking will be used to perform a more detailed assessment of each of the MPCD options available for each class of vessels and develop MPCD performance standards for the discharges requiring control. The future rule may distinguish among vessel types and sizes, and between new and existing vessels, and may determine that MPCD standards are not necessary or appropriate for a particular type or age of vessel. Once DOD implements these rules, covered discharges from Armed Forces vessels will be required to meet these standards and will not be subject to discharge standards established by the States. Of the 25 discharges that have been determined to require control devices, those that are common to some commercial vessel operations are:

Aqueous film-forming foam	Chain locker effluent
Clean ballast	Controllable pitch propeller hydraulic fluid
deck runoff	Dirty ballast
Distillation and reverse osmosis brine	Firemain systems
Graywater	Hull coating leachate
Non-oily machinery wastewater	Seawater cooling overboard discharge
Seawater piping biofouling prevention	Small boat engine wet exhaust

Bilgewater and oil-water separator discharge	Underwater ship husbandry (hull cleaning)
Discharges that were exempted from controls include:	
Boiler blowdown	Cathodic protection
Freshwater lay-up	Refrigeration and A/C condensate
Rudder bearing lubrication	Steam condensate
Stern tube seals / underwater bearing lubrication	

On 20 January 2017 ([82 FR 3173](#)) the EPA issued a **Final Rule** (Phase II), which promulgates discharge performance standards for 11 discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone. When implemented, the discharge performance standards will reduce the adverse environmental impacts associated with the vessel discharges, stimulate the development of improved vessel pollution control devices, and advance the development of environmentally sound vessels of the Armed Forces. The 11 discharges addressed by the final rule are the following: aqueous film-forming foam (AFFF), chain locker effluent, distillation and reverse osmosis brine, elevator pit effluent, gas turbine water wash, non-oily machinery wastewater, photographic laboratory drains, seawater cooling overboard discharge, seawater piping biofouling prevention, small boat engine wet exhaust, and well-deck discharges. Effective date: 10 February 2017

On 8 February 2017 ([82 FR 9682](#)) the EPA issued a delay to the effective date. Revised effective date: 21 March 2017

**Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category.**(EPA-HQ-OW-2014-0598)(RIN: 2040-AF35; 40 CFR 435) On 7 April 2015 ([80 CFR 18557](#)) the EPA issued a proposed rule, which would better protect human health and the environment and protect the operational integrity of publicly owned treatment works (POTWs) by establishing pretreatment standards that would prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas (UOG) extraction facilities to POTWs. UOG extraction wastewater can be generated in large quantities and contains constituents that are potentially harmful to human health and the environment. Because they are not typical of POTW influent wastewater, some UOG extraction wastewater constituents can be discharged, untreated, from the POTW to the receiving stream; can disrupt the operation of the POTW (e.g., by inhibiting biological treatment); can accumulate in bio-solids (sewage sludge), limiting their use; and can facilitate the formation of harmful disinfection by-products (DBPs). Comment due date: 8 June 2015

On 2 June 2015 ([80 FR 31342](#)) the EPA issued an extension to the comment period. New Comment due date: 17 July 2015.

On 28 June 2016 ([81 FR 41845](#)) the EPA issued a **Final Rule**, which reflect current industry practices for onshore unconventional oil and gas extraction facilities. Effective date: 29 August 2016

**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

On 5 August 2015 ([80 FR 46575](#)) EPA issued a **Final Reissuance** of an NPDES general permit (AKG-28-5100) to cover oil and gas exploration facilities in the Federal waters of Cook Inlet. Effective date: 1 September 2016. NOTE: the General permit, Fact Sheet, Response to Comments, and Ocean Discharge Criteria Evaluation that can easily be found on EPA Region 10's website [<http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/General+NPDES+Permits/#oilgas>].

Expiration date: 31 August 2021

- **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

On 19 January 2017 ([82 FR 6533](#)) the EPA issued a Notice of Availability for comment regarding the reissuance of the NPDES General Permit for the Territorial Seas of Texas. Comment due date: 6 March 2017

**National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule.** (RIN 2040-AF25; 40 CFR 122 thru 125) 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).

On 18 May 2016 ([81 FR 31343](#)) the EPA issued a proposed rule, which proposes revisions to the NPDES regulations to eliminate regulatory and application form inconsistencies; improve permit documentation, transparency and oversight; clarify existing regulation; and remove outdated provisions. This rulemaking would make specific targeted changes to the existing regulations and would not reopen the regulations for other specific or comprehensive revision. The proposed changes would cover 15 topics in the following major categories: permit applications; the water quality-based permitting process; permit objection, documentation and process efficiencies; the vessels exclusion; and the Clean Water Act section 401 certification processes. By modernizing the NPDES regulations, the revisions would provide the NPDES permit writers with improved tools to write well-documented permits to protect human health and the environment. The proposed revisions would also provide the public with enhanced opportunities for participation in the permitting process itself. Comment due date: 18 July 2016

On 27 June 2016 ([81 FR 41507](#)) the EPA extended the comment period for the notice. Revised comment due date: 2 August 2016. The most recent Unified Agenda indicates that a final rule is planned for August 2017.

**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 Draft Environmental Assessment.** (RIN not applicable; CFR not applicable) On 18 August 2016 ([81 FR 55196](#)) the EPA has issued a Notice of Proposed Reissuance of the NPDES General Permit. The draft permit pertains to discharges from exploration, development, and production facilities located in and discharging, to all Federal waters of the eastern portion of the Gulf of Mexico seaward of the outer boundary of the territorial seas, and 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.

As proposed, this general permit includes, best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT) limitations for existing sources and new source performance standards (NSPS) limitations for new sources as promulgated in the effluent guidelines for the offshore subcategory. The draft permit also includes the following changes to the expired permit:

- (1) New electronic reporting requirements;
- (2) New whole effluent toxicity testing sampling and reporting requirements for well treatment, completion, and workover fluids not discharged with produced wastewaters;
- (3) Requirements to submit additional information pertaining to the chemicals and additives used in well treatment, completion and workover operations; and
- (4) Clarification regarding types of operators. Region 4 is also making available a Draft Environmental Assessment (EA) for review during the 30 day public comment period for this general permit.

The Draft EA addresses potential impacts from proposed changes to the general permit, and it considers recent technical studies. Comment due date: 17 September 2016

- **Proposed NPDES General Permit for discharges from the Oil and Gas Extraction Point Source Category to Coastal Waters in Texas (TXG330000).** On 25 April 2017 ([82 FR 19043](#) ) the EPA Region 6 issued a proposal of NPDES general permit renewal. This NPDES general permit regulates discharges from oil and gas wells in the Coastal Subcategory in Texas which discharge into the coastal waters in Texas. Comment due date: 9 June 2017

**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 FR 19282](#)) 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

On 22 September 2014 ([79 FR 56576](#)) the EPA issued A final decision on NPDES general permit modification. 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 11 May 2017 ([82 FR 21995](#)) the EPA issued a Notice to propose reissuance of the NPDES General Permit GMG290000 for existing and new sources and new dischargers located in and discharging to the OCS of Louisiana and Texas. Comment due date: 10 July 2017

[On 10 July 2017 IADC submitted [comments](#) to this docket]

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

**Hazardous Waste Export-Import Revisions (EPA-HQ-RCRA-2015-0147)** (RIN 2050-AG77; 40 CFR 260 thru 267, 271 and 273) On 28 November 2016 ([81 FR 85696](#)) the EPA issued a **Final Rule**, which amends its existing regulations regarding the export and import of hazardous wastes from and into the US. The EPA is making these changes to: Provide great protection to human health and the environment by making existing export and import requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD); enable electronic submittal to EPA of all export and import-related documents (e.g., export notices, export annual reports); and enable electronic validation of consent in the AED for export shipments subject to RCRA export consent requirements prior to exit. Effective date: 31 December 2016

**Hazardous Chemical Reporting: Community right-to-know; Revisions to Hazard Categories and Minor Corrections. (EPA-HQ-SFUND-2010-0763)** (RIN 2050-AG85; 40 CFR 370) On 13 June 2016 ([81 FR 38104](#)) the EPA issued a **Final Rule**, which amends its hazardous chemical reporting regulations due to the changes in the OSHA Hazard Communication Standard (HCS). OSHA's HCS was recently revised to conform to the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Under the revised HCS, chemical manufacturers and importers are required to evaluate their chemicals according to the new criteria adopted from GHS to ensure that they are classified and labeled appropriately. Manufacturers and importers are also required to develop standardized Safety Data Sheets (formerly known as "Material Safety Data Sheets") and distribute them to downstream users of their chemicals. These changes in HCS affect the reporting requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Based on the new classification criteria that OSHA adopted, EPA is revising the existing hazard categories for hazardous chemical inventory form reporting under EPCRA Section 312 and for list reporting under section 311. In this action, EPA is also making a few minor corrections in the hazardous chemical reporting regulations. Effective date: 13 June 2016 Compliance date: 1 January 2018

On 21 July 2016 ([81 FR 47311](#)) the EPA issued a technical amendment (correction) to final rule, which inadvertently omitted the hazard "serious eye damage or eye irritation" in section 370.66 under the definition of "health hazard." Effective date: 21 July 2016 Compliance date: 1 January 2018

**National Oil and Hazardous Substance Pollution Contingency Plan Revisions to Align with the National Response Network (EPA-HQ-SFUND-2014-0050)**(RIN 2050-AG78;40 CFR 300) On 25 January ([81 CFR 3982](#)) the EPA issued a proposed rule, which proposes revisions to align the National Oil and Hazardous Substances Pollution Contingency Plan with the DHS' National Response Framework (NRF) and National Incident Management System. The revisions also update the descriptions of the federal agency organizational structures and capabilities and how they operate, and recognize the establishment of the DHS.

Additionally, this rulemaking proposes a clarification that affects persons who notify the National Response Center (NRC) of an incident, including representatives of industry and federal, state, tribal, and local governments. The NRC already collects information regarding the cause of the release, so this is not a new requirement. Adding ``cause" will better prepare people who notify the NRC that they will be asked for this information. Comment due date: 25 March 2016. The most recent Unified Agenda indicates that a final rule is planned for July 2017.

**National Oil and Hazardous Substance Pollution Contingency Plan(EPA-HQ-OPA-2006-0090)**(RIN 2050-AE87; 40 CFR 100 and 300) On 22 January 2015 ([80 FR 3379](#)) the EPA issued a proposed rule, which proposes to amend the Subpart J regulatory requirements for the National Contingency Plan (NCP) Product Schedule by adding new listing criteria, revising the efficacy and toxicity testing protocols, and clarifying the evaluation criteria for removing products from the Schedule. They also plan to amend the requirements for the authorities, notifications, monitoring and data reporting when using chemical or biological agents in response to oil discharges to the navigable waters of the US and adjoining shorelines, the waters of the contiguous zone, and the high seas beyond the contiguous zone in connection with activities under OCSLA, or activities that may affect natural resources belonging under the exclusive management authority of the United States. Comment due date: 22 April 2015. The most recent Unified Agenda indicates that a final rule is planned for August 2018.

- **Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112 (r)(7) (EPA-HQ-OEM-2015-0725)** (RIN 2050-AG91[previously RIN 2050-AG82]; 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.

On 14 March 2016 ([81 FR 13637](#)) EPA published a proposed rule, which includes several changes to the accident prevention program requirements including an additional analysis of safer technology and alternatives for the process hazard analysis for some Program 3 processes, third-party audits and incident investigation root cause analysis for Program 2 and Program 3 processes, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions and data elements submitted in risk management plans. These proposed amendments seek to improve chemical process safety, assist local emergency authorities

in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources. Comment due date: 13 April 2016.

On 13 January 2017 ([82 FR4594](#)) the EPA issued a **Final Rule**, which will amend its Risk Management Program regulations as stated in the proposed rulemaking. Effective date: 14 March 2017

NOTE: ([82 CFR 8499](#)) on 26 JAN 2017 EPA placed a hold on this effective date and gave it a new effective date of 21 March 2017.

On 16 March 2017 ([82 FR 13968](#)) the EPA issued another delay of effective date. Revised effective date: 19 June 2017

On 3 April 2017 ([82 FR 16146](#)) the EPA issued a proposed rule that further delays the effective date. Effective date: 19 February 2019

## **EPA – Clean Air Act (CAA)**

- **Revisions to Testing Regulations for Air Emission Sources** (RIN 2060-AS95; 40 CFR 51, 60 and 63)  
This action proposes corrections and updates to source test methods, performance specifications, and testing regulations for air emission sources under 40 CFR parts 51, 60, and 63. The revisions include corrections to testing provisions that contain inaccuracies and typographical errors, updates to outdated test methods, and the addition of alternative testing procedures the agency has deemed acceptable to use. For example, in Method 204, the enclosure area ratio must be less than 0.05, but the method currently inadvertently indicates less than 10.05. In Performance Specification 12B, the paired sorbent trap agreement currently indicates less than or equal to 20 percent relative deviation if the average concentration is less than or equal to 1.0 ug/m<sup>3</sup>; the proposed revision would indicate less than or equal to 20 percent relative deviation or less than or equal to 0.2 ug/dscm absolute difference for mercury concentrations less than or equal to 1.0 ug/dscm. This action is developed every few years to keep rules up-to-date and to ensure that compliance testing and monitoring are done correctly. The most recent Unified Agenda indicates that an NPRM is planned for November 2017.

**Cross-State Air Pollution Rule Update for the 2008 Ozone (EPA-HQ-OAR-2015-0500)** (RIN 2060-AS05; 40 CFR 52, 78, and 97) On 26 October 2016 ([81 FR 74504](#)) the EPA issued a **Final Rule**, to address interstate transport of ozone pollution with respect to the 2008 ozone National Ambient Air Quality Standards (NAAQS). Through Federal Implementation Plans and approved State Implementation Plans, the rule will reduce ozone season emissions of oxides of nitrogen (NOX) in 22 eastern states (Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin) that can be transported downwind as NOX or, after transformation in the atmosphere, as ozone, and can negatively affect air quality and public health in downwind areas. Two provisions of the regulations can be correlated to the BOEM Air Quality Rule: (1) States linked to downwind air quality problems can identify upwind emissions that significantly contribute to downwind nonattainment or interfere with downwind maintenance of a standard; and (2) for states that are found to have emissions that significantly contribute to nonattainment or interfere with maintenance of the NAAQS downwind, reducing the identified upwind emissions via regional emission allowance trading programs. States on the Gulf Coast affected by this rule may look to upwind OCS sources. Effective date: 27 December 2016

- **Greenhouse Gas Emissions and Fuel Efficiency Standard for Medium and Heavy-Duty Engines and Vehicles – Phase 2 (EPA-HQ-OAR-2014-0827)** (RIN 2060-AS16; 40 CFR 9, 22, 85, 86, 600,

1033, 1036, 1037, 1039, 1042, 1043, 1065, 1066, and 1068) On 25 October 2016 ([81 FR 73478](#)) the EPA and the national Highway Traffic Safety Administration (NHTSA) issued a **Final Rule**, establishing rules for a comprehensive Phase 2 Heavy-Duty (HD) National Program that will reduce greenhouse gas (GHG) emissions and fuel consumption from new on-road medium- and heavy-duty vehicles and engines. The rule also EPA is also makes technical amendments to EPA rules that apply to emissions of non-GHG pollutants from light-duty motor vehicles, marine diesel engines, and other nonroad engines and equipment. EPA had become aware of uncertainty about how the scope of EPA's implementation of Annex VI through 40 CFR part 1043 relates to engines with a power output of 130 kW or less. The existing regulations at §1043.30 state that an EIAPP certificate is required for engines with a power output above 130 kW, but the standards described in § 1043.60 might be interpreted to apply to engines of all sizes. EPA did not intend to appear to create additional requirements or authority under 40 CFR Part 1043 that is not contained in Annex VI or its implementing legislation (the Act to Prevent Pollution from Ships). EPA is therefore added clarifying language to §1043.60, consistent with Regulation 13 of Annex VI and APPS, to indicate that the international NOx limits do not apply to engines with a power output of 130 kW or less. EPA therefore will not issue EIAPP certificates for engines with a power output of 130 kW or less even if manufacturers request it; this also means that such auxiliary engines are not eligible for an exemption under §1042.650(d). Effective date: 27 December 2016

On 30 June 2017 ([82 FR 29761](#)) the EPA issued a correction to the final rule. These corrections were in section 1036.805 (Symbols, abbreviations, and acronyms) and Section 1037.550 (Powertrain testing).

**Revisions to Public Notice Provisions in Clean Air Act Permitting Program. (EPA-HQ-OAR-2015-0090)** (RIN 2060-AS59; 40 CFR 51, 52, 55, 70, 71 and 124) On 25 October 2016 ([81 FR 71613](#)) the EPA issued a **Final Rule**, which removes the mandatory requirement to provide public notice of a draft air permit (as well as certain other program actions) through publication in a newspaper. Instead, this final rule requires electronic notice (e-notice) for EPA actions (and actions by permitting authorities implementing the federal permitting rules) and allows for e-notice as an option for actions by permitting authorities implementing EPA-approved programs. When e-notice is provided, the final rule requires, at a minimum, electronic access (e-access) to the draft permit. However, this final rule does not preclude a permitting authority from supplementing e-notice with newspaper notice and/or additional means of notification to the public. The EPA anticipates that e-notice, which is already being practiced by many permitting authorities, will enable permitting authorities to communicate permitting and other affected actions to the public more quickly and efficiently and will provide cost savings over newspaper publication. The EPA further anticipates that e-access will expand access to permit-related documents. Effective date: 17 November 2016.

**Revisions to the Petition Provisions of Title V Permitting Program. (EPA-HQ-OAR-2016-0194)** (RIN 2060-AS61; 40 CFR 70) On 24 August 2016 ([81 FR 57822](#)) the EPA issued a NPRM, which is mainly aimed at streamlining the permitting process related to Title V petition submissions. The vast majority of changes are administrative-based. Comment due date: 24 October 2016. The most recent Unified Agenda indicates that a final rule is “to be determined.”

**Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program. (EPA-HQ-OAR-2016-0186)** (RIN 2060-AS96; 40 CFR 70 and 71) On 14 June 2016 ([81 FR 38645](#)) the EPA issued a proposed rule, which would remove the affirmative defense provisions for emergencies found in the regulations for state and federal Title V operating permit programs under the Clean Air Act. These provisions were intended to establish an affirmative defense in civil enforcement cases when noncompliance with permitted emission limitations occurs because of qualifying “emergency” circumstances. These provisions are being removed because they have been found to be inconsistent with the enforcement structure of the CAAL in accordance with recent court decisions from the U.S. Court of Appeals for the D.C. Circuit. The EPA has also begun to compile a tentative list of affirmative defense provisions within state programs that may

eventually need to be removed. The EPA is also taking comment on various implementation consequences relating to the proposed removal of the emergency affirmative defense provisions. The removal of the affirmative defense provisions does not mean that all exceedances of emission limitations will automatically be subject to enforcement or imposition of particular remedies. Pursuant to the CAA, all parties with authority to bring an enforcement action to enforce Title V permit provisions have enforcement discretion that they may exercise as they deem appropriate in any given circumstances. Comment due date: 15 August 2016. The most recent Unified Agenda indicates that a final rule was planned for December 2016.

- **Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan (EPA-HQ-OAR-2016-0202)** (RIN 2060-AS82; 40 CFR 50, 51) On 17 November 2016 ([81 FR 81276](#)) the EPA issued an NRPM, which is proposing nonattainment area classification thresholds and implementation requirements for the strengthened 2015 ozone national ambient air quality standards (NAAQS) (2015 ozone NAAQS) that were promulgated on 1 October 2015. This proposal is largely an update to the implementing regulations previously promulgated for the 2008 ozone NAAQS, and EPA proposes to retain without significant revision the majority of those provisions to implement the 2015 ozone NAAQS. This proposal addresses the timing of attainment dates for each nonattainment area classification and a range of nonattainment area state implementation plan (SIP) requirements for the 2015 ozone NAAQS. The proposed SIP requirements pertain to attainment demonstrations, reasonable further progress (RFP) and associated milestone demonstrations, reasonably available control technology (RACT), reasonably available control measures (RACM), major nonattainment new source review (NNSR), emission inventories, the timing of required SIP submissions, and compliance with emission control measures in the SIP. Other issues addressed in this proposed rule are the revocation of the 2008 ozone NAAQS, anti-backsliding requirements that would apply when the 2008 ozone NAAQS are revoked, and reconsideration of the ozone NAAQS interprecursor trading (IPT) provisions (in response to a petition for reconsideration). Comment due date: 17 January 2017

On 16 June 2017 the EPA Administrator, Scott Pruitt, issued a [news release](#) to inform the governors of EPA's efforts related to the National Ambient Air Quality Standards (NAAQS) for ozone promulgated in October 2015. EPA is extending the deadline for promulgating initial area designations, by one year, for the 2015 ozone NAAQS. Among issues to be considered during the hiatus are background ozone levels, accounting for international transport, both of which have implications for the BOEM Air Quality Regulation as well. The most recent Unified Agenda indicated that a final rule is planned for March 2018.

**Protection of Stratospheric Ozone: Proposed New Listings of Substitutes; Changes of Listing Status: and Reinterpretation of Unacceptability for Closed Cell Foam Products Under the Significant New Alternative Policy Program; and Revision of Clean Air Act Section 608 Venting Prohibition for Propane. (EPA-HQ-OAR-2015-0663).** (RIN 2060-AS80; 40 CFR 82) On 18 April 2016 ([81 FR 22809](#)) the EPA issued an NPRM, which proposes to list a number of substances as acceptable, subject to use conditions, to list several substances as unacceptable, subject to narrowed use limits, or to unacceptable. Specifically, this action proposes to list as acceptable, subject to use restrictions, propane and HFO-1234yf in the refrigeration and air conditioning, and 2-bromo-3,3,3-trifluoroprop-1-ene in the fire suppression and explosion protection sectors; to list as unacceptable certain hydrocarbons and hydrocarbon blends in specific end-uses in the refrigeration and air conditioning sector; and to modify the listing status for certain high-global warming potential alternatives for certain end-uses in the refrigeration and air conditioning, foam blowing, and fire suppression and explosion protection sectors. This action also proposes to exempt propane in certain refrigeration end-uses from the Clean Air Act section 608 prohibition on venting, release, or disposal on the basis of current evidence that its venting, release, or disposal does not pose a threat to the environment. In addition, this action proposes to apply unacceptability determinations for foam-blowing agents to closed

cell foam products and products containing closed cell foam that are manufactured or imported using these foam-blowing agents.

On 1 December 2016 ([81 FR 86778](#)) the EPA issued a **Final Rule**. Pursuant to the U.S. EPA Significant New Alternatives Policy (SNAP) program, this rulemaking lists certain substances as acceptable, subject to use conditions; lists several substances as unacceptable; and changes the listing status for certain substances from acceptable to acceptable, subject to narrowed use limits, or to unacceptable. This final rule also exempts propane in certain refrigeration end-uses from the Clean Air Act section 608 prohibition on venting, release, or disposal. In addition, this action applies unacceptability determinations for foam-blowing agents to closed cell foam products and products containing closed cell foam that are manufactured or imported using these foam blowing agents. Effective date: 3 January 2017

- **Draft Integrated Review Plan for the Secondary National Ambient Air Quality Standard for Oxides of Nitrogen and Sulfur. (EPA-HQ-OAR-2014-0128)** On 9 November 2015 ([80 FR 69220](#)) the EPA issued a Notice of Availability and a request for comments on the draft document entitled *Draft Integrated Review Plan for the Secondary National Ambient Air Quality Standard for Oxides of Nitrogen and Oxides Sulfur*. This document contains the plans for the review of the air quality criteria for oxides of nitrogen and oxides of sulfur and the secondary national ambient air quality standards (NAAQS) for oxides of nitrogen and oxides of sulfur (NOX/SOX). The secondary NOX/SOX NAAQS provide for the protection of public welfare from exposure to NOX and SOX in ambient air. Comment due date: 30 December 2015.

On 22 February 2017 ([82 FR 11356](#)) the EPA issued a Notice indicating that they are conducting a periodic review of the air quality criteria and the primary NAAQS for SOX. They will make available on 17 February 2017 the document titled “*Review of the Primary NAAQS for Sulfur Oxides: Risk Exposure Assessment Planning Document*.” Comment due date: 13 April 2017

- **Protection of Stratospheric Ozone: Determination 30 for Significant New Alternatives Policy Program. (EPA-HQ-OAR-2003-0118)(RIN 2060-AG12)** On 16 July 2015 ([80 FR 42053](#)) the EPA issued a determination of acceptability, which expanded the list of acceptable substitutes pursuant to the US EPA Significant New Alternatives Policy (SNAP) program. This action lists as acceptable additional substitutes for use in the refrigeration and air conditioning; foam blowing; solvent cleaning; aerosols; and adhesives, coatings, and inks sectors. (The new substitutes are: R-450A, R-448A, R-513A, and R-449A) Effective date: 16 July 2015

On 23 May 2016 ([81 FR 32241](#)) the EPA issued a Determination of Acceptability, which expands the list of acceptable substitutes pursuant to the USP ESP Significant New Alternatives Policy program. These additional substitutes are for the refrigeration and air conditioning sector. Effective date: 23 May 2016

The newly authorized refrigerants are:

- CO2 in several refrigeration and air conditioning end-uses;
- Hydrofluoroolefin 1 (HFO)-1336mzz(Z) in several refrigeration and air conditioning end-uses;
- HFO-1336mzz(Z)/trans-1,2-dichloroethylene blend (74.7/25.3) (proposed designation R-514A) in two refrigeration and air conditioning end uses; and
- R-513A in retail food refrigeration—food processing and dispensing equipment.

On 11 October 2016 ([81 FR 70029](#)) the EPA issued a determination of acceptability, which expands the list of acceptable substitutes for use in the refrigeration and air conditioning sector and fire suppression and explosion protection sectors. Effective date: 11 October 2016

On 21 July 2017 ([82 FR 33809](#)) the EPA issued a Determination of Acceptability, which expands the list of acceptable substitutes to the EPA SNAP program. The additional substitutes are for use in refrigeration and air conditioning sector and the cleaning solvents sector. Effective date: 21 July 2017

**Protection of Stratospheric Ozone: Update to the Refrigerant management Requirements under Section 608 of CAA. (EPA-HQ-OAR-2015-0453)** (RIN 2060-AS51) On 9 November 2015 ([80 FR 69457](#)) the EPA issued a proposed rulemaking regarding ozone-depleting and substitute refrigerants. The rulemaking would update the existing ozone-depleting refrigerant requirements as well as extend them, as appropriate, to non-ozone-depleting substitute refrigerants, such as hydrofluorocarbons. The proposed updates include strengthening leak repair requirements, establishing recordkeeping requirements for disposal of appliances containing five to 50 pounds of refrigerant, changes to the technician certification program, and changes for improved readability, compliance and restructuring of the requirements.

On 18 November 2016 ([81 FR 82272](#)) the EPA issued a **Final Rule**, which is intended to reduce emissions of ozone-depleting substances and gases with high global warming potentials. Effective date: 1 January 2017

**Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.**(EPA-HQ-OAR-2014-0866)(RIN 2060-AS43) New stationary and nonroad compression ignition (CI) engines are equipped by the engine manufacturer with emission controls to meet the Tier 4 final emission standards, which generally begin with either the 2014 or 2015 model year. Many Tier 4 final engines are equipped with selective catalytic reduction (SCR) to reduce NOx. To ensure the engine does not operate if the SCR is not working, SCR-equipped engines include design features called "inducements" that limit the engine power and eventually shut down the engine if the SCR is operated without urea, or the electronic control module cannot confirm that the SCR system is operating properly. Engine operators raised concerns regarding engines shutting down during emergencies because the inducement is triggered, for example, if the owner/operator is unable to obtain urea in the immediate aftermath of a hurricane. To address the issue for nonroad engines, EPA recently finalized amendments to the standards for new nonroad CI engines that allow the operator to override the inducements and thus avoid engine shutdown during a qualified emergency situation, which is defined as one in which allowing the inducement to shut down the engine "poses a significant direct or indirect risk to human life." This action proposes similar amendments to the standards for stationary engines.

[**BACKGROUND**]: On 30 January 2013 the EPA issued a **Final Rule** ([78 FR 6674](#)) that, among other things, established management practices as an alternative to the numeric emission limits for existing diesel engines on offshore drilling vessels (MODUs), which are required to comply with 40 CFR 55 (OCS Air Regulations) on all OCS areas. The exceptions to this rulemaking include the areas where most MODU's currently operate, which are under the jurisdiction of the Department of Interior, and include the western and central portions of the Gulf of Mexico and offshore of the northern slope of Alaska. The final amendments specify that owners and operators of existing non-emergency diesel engines >300 hp on offshore drilling vessels are required to meet the below listed requirements as of 1 April 2013.

- Change the oil every 1000 hours of operation or annually (whichever occurs first)\*
  - Inspect and clean air filters every 750 hours of operation or annually and replace as necessary
  - Inspect fuel filters and belts, if installed, every 750 hours of operation or annually and replace as necessary
  - Inspect all flexible hoses every 1000 hours of operation or annually and replace as necessary
- \*NOTE: Owners and operators can elect to use an oil analysis program to extend the oil change requirement

Additionally, owners and operators of these diesel engines must develop a maintenance plan that specifies how the management practices will be met and keep records to demonstrate that the required management practices are being met. Effective date: 1 April 2013]

On 6 November 2015 ([80 FR 68808](#)) the EPA issued a proposed rule, which proposes amendments to the standards of performance for stationary compression ignition (CI) internal combustion engines to allow manufacturers to design the engines so that operators can temporarily override the emission control system during emergency situations (reducing to Tier 1 requirements during the emergency)...where the engine or equipment it supplies is needed to protect human life. Comment due date: 21 December 2015.

On 7 July 2016 ([81 FR 44212](#)) EPA issued a **Final Rule**, which finalized the proposed amendments for stationary CI engines to allow the override during emergency situations. The amendments apply to engines operating during emergency situations where the operation of the engine or equipment is needed to protect human life, and to require compliance with Tier 1 emission standards during such emergencies. The EPA is also amending the standards of performance for certain stationary CI internal combustion engines located in remote areas of Alaska. Effective date: 6 September 2016

- **Oil and Natural Gas Sector; Emission Standards for New and Modified Sources. (EPA-HQ-OAR-2010-0505)** (RIN 2060-AT59; 40 CFR 60) On 16 June 2017 ([83 FR 27645](#)) the EPA issued a proposed rule that proposes a stay for two (2) years certain requirements that are contained within the Final Rule Titled *Oil and Natural Gas Sector; Emission Standards for New and Modified Sources*, published on 3 June 2016. The rule seeks to limit methane leaks at drilling sites and set standards for equipment and employee certification within the oil and gas drilling sector. Because of administrative concerns, a separate proposal was developed for a three-month stay. This was responsive to the 17 May 2017 joint-industry letter to EPA on regulatory reform. It should be noted that before this proposal, environmental groups had filed suit against EPA over its earlier 90-day stay of the methane regulations. Comment due date: 17 July 2017 The most recent Unified Agenda indicated that a final rule is planned for August 2017.

**Emission Standards for New and Modified Sources in the Oil and Natural Gas Sector. (EPA-HQ-OAR-2010-0505)** (RIN 2060-AS30; 40 CFR 60) Consistent with the White House Methane Strategy and the 14 January 2015, announcement of the EPA's approach to achieving methane and volatile organic compounds (VOC) reductions from the oil and natural gas sector, this action proposes amendments to the 2012 new source performance standards (NSPS) for this sector. In developing this action the EPA is evaluating emission sources highlighted in five white papers released in 2014. Those sources include completions of hydraulically fractured oil wells, leaks, pneumatic devices, compressors and liquids unloading operations. In addition, the EPA received several petitions for administrative reconsideration of the 2012 rule. Certain time critical issues were addressed in amendments EPA promulgated in 2013 and 2014. This action addresses the remaining issues for which EPA is granting reconsideration.

On 18 September 2015 ([80 FR 56593](#)) the EPA issued a proposed rule, which proposes to amend the NSPS to include standards for reducing methane as well as VOC emissions across the oil and natural gas source category (i.e., production, processing, transmission and storage). The EPA is including requirements for methane emissions in this proposal because methane is a GHG and the oil and natural gas category is currently one of the country's largest emitters of methane. Except for the implementation improvements and the setting of standards for methane, the proposed amendments do not change the requirements for operations already in the current standards. Comment due date: 17 November 2015.

On 3 June 2016 ([81 FR 35823](#)) the EPA issued a **Final Rule**. Effective date: 2 August 2016

On 18 July 2016 ([81 FR 46670](#)) the EPA issued a Notice with a request for information from the public to obtain info about monitoring, detection of fugitive emissions, and alternative mitigation approaches in the oil and natural gas sector. Comment due date: 15 November 2016

(NOTE: See RIN 2060-AT59 for info on stay of portions of this rulemaking)

**Fine Particulate Matter national Ambient Air Quality Standard – State Implementation Plan Requirements.** (RIN 2060–AQ48; 40 CFR 57.1002) On 23 March 2015 ([80 CFR 15339](#)) the EPA issued a proposed rule, which proposed requirements that air agencies would have to meet as they implement the current and future NAAQS for fine particulate matter (PM<sub>2.5</sub>). Specifically, this notice provides details on how the EPA proposes that air agencies meet the statutory state implementation plan (SIP) requirements that apply to areas designated non-attainment for an PM<sub>2.5</sub> NAAQS, such as: general requirements for attainment plan due dates and attainment dates; emissions inventories; attainment demonstrations; provisions for demonstrating reasonable further progress; quantitative milestones; contingency measures and non-attainment New Source Review permitting programs, among other things. This rulemaking clarifies the specific attainment planning requirements that would apply to PM<sub>2.5</sub> NAAQS nonattainment areas based on their classification (either Moderate or Serious) and the process for re-classifying Moderate areas to Serious \*(either Moderate or Serious), and the process for reclassifying Moderate areas to Serious. Additionally the EPA is proposing to revoke the 1997 primary annual standard because the EPA revised the primary annual standard in 2012. This rule should not impact offshore drilling operations, but can be expected to result in more stringent controls for onshore operations in California, Pennsylvania, Ohio, and other regions classified as nonattainment areas. Comment due date: 22 May 2015

On 3 April 2015 ([80 FR 18177](#)) the EPA issued a notice of public hearing and an extension of the comment period. The hearing will be on 29 April 2015 in Washington, DC and the comment period was extended to 29 May 2015.

On 24 August 2016 ([81 FR 58010](#)) the EPA issued a **Final Rule**, which clarifies the specific attainment planning requirements that would apply to PM<sub>2.5</sub> NAAQS nonattainment areas based on their classification (either Moderate or Serious) and the process for re-classifying Moderate areas to Serious \*(either Moderate or Serious), and the process for reclassifying Moderate areas to Serious. Additionally, the EPA revoked the 1997 primary annual standard. Effective date: 24 October 2016

**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](#))

On 12 June 2015 ([80 FR 33839](#)) the EPA issued a **Final Rule**, which clarifies, restates and revises its guidance concerning its interpretation of the Clean Air Act (CAA or Act) requirements with respect to treatment in SIPs of excess emissions that occur during periods of SSM. The EPA evaluated existing SIP provisions in a number of states for consistency with the EPA's interpretation of the CAA and in light of recent court decisions addressing this issue. The EPA is issuing a finding that certain SIP provisions in 36 states (applicable in 45 statewide and local jurisdictions) are substantially inadequate to meet CAA requirements and thus is issuing a "SIP call" for each of those 36 states. Further, the EPA is establishing a due date for states subject to this SIP call action to submit corrective SIP revisions. Finally, this final action embodies the EPA's updated SSM Policy as it applies to SIP provisions. The SSM Policy provides guidance to states for compliance with CAA requirements for SIP provisions applicable to excess emissions during SSM events. This final action is applicable on 22 May 2015. The deadline for each affected state to submit its corrective SIP revision is 22 November 2016.

**Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or before December 9, 2004 (SAN 5011) (EPA-HQ-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."

[NOTE: Email correspondence with the EPA on in June 2016 indicated that the rulemaking is still pending until they address the remand of the OSWI 2005 rule.]

**National Emission Standards for Hazardous Air Pollutants: General Provisions (EPA-HQ-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: In June 2017 the EPA notified IADC by email that they do not plan to finalize this rulemaking until a later date.

## **National Transportation Safety Board (NTSB)**

- **Investigative Procedures: Marine Investigations.(NTSB-GC-2012-0002)** (RIN 3147-AA01; 49 CFR 831) On 29 June 2017 ([82 FR 29690](#)) the NTSB issued an **Interim final rule** with a request for comments. The NTSB adds to its accident investigation procedures regulations a new subpart for marine casualty investigations. This interim final rule adopts a number of substantive and technical changes the NTSB proposed in its 12 August 2014 NPRM, as those proposals were intended to apply to marine investigations. It also sets forth several changes specific to marine casualty investigations.

In accordance with NTSB statutory authority (49 U.S.C. 1131(a)(1)(E)) and USCG statutory authorities (46 U.S.C. Chapters 61 and 63, and 14 U.S.C. 141)), for investigations involving any major marine casualty or any casualty involving public and nonpublic vessels, the NTSB works closely with the USCG, pursuant to the joint USCG-NTSB Marine Casualty Investigation Regulations. The NTSB's version of the joint regulations is codified at 49 CFR part 850 and the USCG's version is codified at 46 CFR subpart 4.40. Also as provided in those regulations, either agency may conduct investigations of certain types of marine casualties on its own, or with assistance from the other. As a result, the NTSB's relationship with the USCG during marine casualty investigations is distinct from the NTSB's relationship with other Federal agencies for investigations of transportation accidents in other modes, as described at Sec. 831.5 of this part.

In conducting marine casualty investigations, the USCG and NTSB adhere to joint regulations and the terms of a memorandum of understanding, which states the two agencies are equal partners in collecting evidence, and presumes where one of the two agencies maintains expertise, the other agency will assist in the investigative activities. Moreover, the NTSB and USCG joint regulations describe which of the two agencies will serve as the lead during an investigation. 49 CFR 850.15 and 850.25; 46 CFR subpart 4.40. Effective date: 31 July 2017

[IADC NOTE: The rule addresses coordinating efforts with the USCG but does not specifically make any mention of MODUs.]

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

- **Satellite Earth Stations Mounted on Vessels, Vehicles, and Aircraft.(FCC-17-56)** (RIN not listed; 47 CFR 2 and 25) On 16 June 2017 ([82 FR 27652](#)) the FCC issued a proposed rule to streamline, consolidate, and harmonize rules governing earth stations in motion (ESIMs) used to provide satellite-based services on ships, airplanes and vehicles communicating with geostationary satellite orbit (GSO), fixed-satellite service (FSS) satellite systems. Because the requirement is based in statute, the rule would

continue to require Earth Stations on Vessel (ESV) operators licensed by the FCC communicating with ESVs on vessels registered outside the United States to maintain detailed information on each vessel's country of registry and a point of contact within the foreign administration responsible for licensing the ESV. Comment due date: 11 July 2017.

**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. The FCC (Mr. Shaffer) has informed IADC on 20 June 16 that this proposed rule is still pending. No further update has been indicated in the docket.