



FEDERAL REGULATORY ACTIONS
IMPACTING
OFFSHORE DRILLING

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ABBREVIATIONS AND ACRONYMS

ACOE/ACE	Army Corps of Engineers	MMD	Merchant Mariner's Document
AIS	Automatic Identification System	MSHA	Mine Safety and Health Administration
ALJ	Administrative Law Judge	MPA	Marine Protected Area
APCD	Air Pollution Control District	MRO	Medical Review Officer
ANPRM	Advance Notice of Proposed Rulemaking	MTSA	Maritime Transportation Security Act of 2002
API	American Petroleum Institute	MODU	Mobile Offshore Drilling Unit
BACT	Best Available Control Technology	MWQC	Marine Water Quality Criteria
BCT	Best Conventional Pollutant Control Technology	NAAQS	National Ambient Air Quality Standards
BMP	Best Management Practice	NMFS	National Marine Fisheries Service
BOEM	Bureau of Ocean Energy Management	NWA	National Wildlife Area
BPT	Best Practicable Control Technology Currently Available	NEPA	National Environmental Policy Act of 1969
BSEE	Bureau of Safety and Environmental Enforcement	NESHAPs	National Emissions Standard for Hazardous Air Pollutants
CAA	Clean Air Act	NIOSH	National Institute for Occupational Safety and Health
CARB	California Air Resources Board	NMVOG	Non-Methane Volatile Organic Compound
CBP	U. S. Customs and Border Protection (DHS)	NOAA	National Oceanic and Atmospheric Administration
CDL	Commercial Driver's License	NOIA	National Ocean Industries Association
CEQ	Council on Environmental Quality	NOx	Nitrogen Oxides
CFCs	Chlorofluorocarbons	NPRM	Notice of Proposed Rulemaking
CFR	Code of Federal Regulations	NSPS	New Source Performance Standards
COA	Corresponding Onshore Area	NSR	New Source Review
COR	Certificate of Registry	NTL	Notice to Lessees and Operators
COTP	Captain of the Port (USCG)	NVIC	Navigation and Vessel Inspection Circular
CWA	Clean Water Act	OCS	Outer Continental Shelf
CZMA	Coastal Zone Management Act	OCSLA	Outer Continental Shelf Lands Act
DEIS	Draft Environmental Impact Statement	ONRR	Office of Natural Resources Revenue
DHS	Department of Homeland Security	OOC	Offshore Operators Committee (U.S.)
DOE	Department of Energy	OPA-90	Oil Pollution Act of 1990
DOL	Department of Labor	OTR	Office of the U.S. Trade Representative
DOT	Department of Transportation	PATON	Private Aid to Navigation
EEOC	Equal Employment Opportunity Commission	PEL	Permissible Exposure Limit
EIS	Environmental Impact Statement	PHMSA	Pipeline and Hazardous Materials Safety Administration
EO	Executive Order	P.L.	Public Law
EPA	Environmental Protection Agency	PM	Particulate Matter
EPCRA	Emergency Planning and Community Right-to Know Act	ppm	Parts per million
FAA	Federal Aviation Administration	PSD	Prevention of Significant Deterioration
FCC	Federal Communications Commission	RCC	Rescue Coordination Center
FDA	Food and Drug Administration	RFA	Regulatory Flexibility Act
FEMA	Federal Emergency Management Agency	RIA	Regulatory Impact Analysis
FLSA	Fair Labor Standards Act	RIN	Regulation Identifier Number
FR	<i>The Federal Register</i>	RQ	Reportable Quantity
FRA	Federal Railroad Administration	RSPA	Research and Special Programs Administration (DOT) – now PHMSA
FPSO	Floating Production Storage and Offloading Unit	SAMHSA	Substance Abuse and Mental Health Services Administration
FMCSA	Federal Motor Carrier Safety Administration	SBF	Synthetic-Based Drilling Fluid
FTA	Federal Transit Administration	SBREFA	Small Business Regulatory Enforcement Fairness Act
FWPCA	Fresh Water Pollution Control Act	SIP	State Implementation Plan
HAPs	Hazardous Air Pollutants	SNPRM	Supplemental Notice of Proposed Rulemaking
HCFCs	Hydrochlorofluorocarbons	SOLAS	International Convention for the Safety of Life at Sea
HHS	Department of Health and Human Services	SOx	Sulfur Oxides
HME	Hazardous Materials Endorsement (to a CDL)	SSI	Sensitive Security Information
HMR	Hazardous Materials Regulations	STCW	International Convention on Standards of Training, Certification & Watchkeeping
IADC	International Association of Drilling Contractors	TLP	Tension Leg Platform
ICAO	International Civil Aviation Organization	TRI	Toxics Release Inventory
ICE	U. S. Immigration and Customs Enforcement	TSA	Transportation Security Administration
ILO	International Labor Office	TwIC	Transportation Worker Identification Credential
IMDG Code	International Maritime Dangerous Goods Code	U.S.C.	United States Code
IMO	International Maritime Organization	USCG	U. S. Coast Guard
INS	Immigration and Naturalization Service	USCIS	U.S. Citizenship and Immigration Services
ISA	International Seabed Authority	VOC	Volatile Organic Compound
ISO	International Organization for Standardization		
HDE	Heavy Duty Engine		
LAER	Lowest Achievable Emission Rate		
LHWCA	Longshoreman and Harbor Worker's Compensation Act		
MACT	Maximum Achievable Control Technology		
MMC	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 31 December 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)

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

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 was planned for December 2017.

Department of Defense (DOD) / Army Corps of Engineers (ACOE/ACE)

- **Definition of “Waters of the United States” Addition of an Applicability date to 2015 Clean Water Rule. (EPA-HQ-OW-2017-0644)** (RIN: 2040-AF80; 40 CFR 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401). [See EPA listing under same RIN for details]

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

- **Requirements for Filing Motions and Administrative Appeals** (RIN 1615-AB98; 8 CFR 103, 204, 205, 210, 214, 245a, 320, and 105)) In the recent Unified Agenda the DHS/Office of the Secretary included a contemplated rule that proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department also solicits public comment on proposed changes to the AAO’s appellate jurisdiction. The recent Unified Agenda indicates that an NPRM is planned for September 2018.

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

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

DHS / Transportation Security Administration (TSA)

Protection of Sensitive Security Information (TSA-2003-15569). (RIN 1652-AA08; 49 CFR 1520) On 18 May 2004 ([69 FR 28066](#)), TSA issued an **Interim Final Rule** with request for comments revising its SSI regulations in order to protect the confidentiality of maritime security measures adopted under the USCG’s regulations, published on 20 October 2003, implementing the MTSA and other activities related to port and maritime security. According to the notice, the USCG also will supplement the MTSA regulations by exercising its authority under the Ports and Waterways Safety and Magnuson Acts. Sensitive information related to maritime security collected pursuant to these authorities should likewise be protected from public disclosure. In connection with this revision to the regulations, TSA is requiring

employees, contractors, grantees, and agents of DHS and DOT to follow the same requirements governing protection of SSI as those in the transportation sector who are subject to the regulation. This rule provides standards for those persons employed by and acting on behalf of DHS and DOT regarding the obligation to safeguard SSI. The Office of the Secretary of Transportation (OST) is issuing this rule jointly with TSA to implement DOT's parallel authority to protect SSI. To promote the efficiency and effectiveness as well as ease of compliance, TSA and OST adopted identical regulatory standards governing SSI. Effective date: 17 June 2004.

On 7 January 2005 ([70 FR 1379](#)), the TSA and OST jointly issued a Technical Amendment to their 18 May 2004 rule. The amendment was effective when published. The SSI rules limit the disclosure of vulnerability assessments and other SSI to persons with a "need to know." The May 2004 rule added a restriction of "aviation or maritime" at several locations in the need-to-know section. This led to unintended situations; *e.g.*, transportation entities in land modes that transport hazardous materials are required by 49 CFR subpart I to perform vulnerability assessments, but the SSI regulation literally provides that, unless they were acting in the performance of a contract with or grant from DHS or DOT, they may share these assessments only with entities in the aviation or maritime industries, because the language of the regulation defines only these entities as having a "need to know." By removing the limiting words "aviation or maritime" from 49 CFR 15.11 and 1520.11, this mistake is being corrected. The notice indicates that TSA and OST plan to publish a rulemaking document responding to comments received in response to the May 2004 rule related to subjects other than this issue. The most recent Unified Agenda indicated that a final rule is planned for March 2018.

DHS / U.S. Coast Guard (USCG)

- **Availability of NVIC, Guidance Implementing the Maritime Labour Convention, 2006. (USCG-2017-0884)** (RIN not listed; CFR not listed) On 19 September 2017 ([82 FR 43778](#)) the USCG announced the availability of NVIC 02-13 Change 1 entitled *Guidance Implementing the Maritime Labour Convention 2006*. This change incorporates the 2014 amendments to the MLC related to financial liability for repatriation of seafarers and financial security relating to ship-owners' liability in cases of seafarer injury or death.
- **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

On 8 September 2017 ([82 FR 42560](#)) the USCG issued an extension of the comment period. Revised comment due date: 11 October 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

[On 11 September 2017 IADC submitted [comments](#) on this rulemaking]

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 May 2018.

[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.]

[On 24 March 2017 IADC submitted [comments](#) on this rulemaking]

- **Adding the Polar Ship Certificate to the List of SOLAS Certificates and Certificates Issued 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.

On 21 September 2017 ([82 FR 44108](#)) the USCG issued a **Final Rule**, which adds the Polar Ship Certificate to the list of certificates needed if the ship engages on international voyages in polar waters. Recognized classification societies are authorized to issue this certificate on the Coast Guard's behalf. Effective date: 23 October 2017

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."

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 January 2018.

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.]

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 this rulemaking is on the [Inactive Actions list](#).

[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 February 2018.

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 this rulemaking is on the Inactive Actions list.

[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 this rulemaking was on the Inactive Actions list.

[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.”

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 June 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 2017 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]

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 approval the CSMs on behalf of the USCG. They would also prescribe when and how the loss of jettisoning of cargo at sea must be reported. Comment due date: 13 February 2014. Comment due date: 13 February 2014.

On 9 May 2016 ([81 FR 27992](#)) the USCG issued an Interim Final 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 Final 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 NPRM 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 this rulemaking is **planned to be withdrawn** in August 2018.

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

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

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

On 17 February 2011 ([76 FR 9276](#)) the USCG reopened the comment period on this rulemaking. Comment due date: 18 May 2011. The most recent Unified Agenda indicates that this rulemaking is **planned to be withdrawn** in August 2018.

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 Unified Agendas in 2003 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 indicates that this rulemaking is on the Inactive Actions list.

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)

- **Reducing Regulation and Controlling Regulatory Costs.** On 12 September 2017 ([82 FR 42751](#)) CBP issued a request for information. This request, per EO 13777, is seeking comments and information from all interested parties to assist CBP in identifying existing regulations, paperwork requirements, and other regulatory obligations that can be modified or repealed, consistent with law, to achieve savings of time and money while continuing to achieve CBP’s obligations. Comment due date: 11 December 2017.

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 an [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 18 January 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 March 2018.

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 March 2019.

DHS / U. S. Citizenship and Immigration Services (CIS)

- **Removing H-4 Dependent Spouses from the Class of Aliens Eligible for Employment** (RIN 1615-AC15; 8 CFR 214) On 25 February 2015, DHS published a final rule extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. In the most recent Unified Agenda, DHS indicates that they are planning on publishing a notice to amend that 2015 final rule to propose the removal from its regulations certain H-4 spouses of H-1B nonimmigrants as a class of aliens eligible for employment authorization. The most recent Unified Agenda indicates that an NPRM is planned for February 2018.

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

- **Regulatory Reform (DOI-2017-0003)** (RIN not listed; 30 CFR Chapters II, IV, V, VII and XII) The Secretary issued this request for comments on 22 June 2017 ([82 FR 28429](#)) so they can improve implementation of regulatory reform initiatives and policies and identify regulation for repeal, replacement or modification. No deadline for the receipt of comments has been established. DOI will review all comments on an ongoing basis.

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 was planned for December 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.

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_x), Sulfur Oxide (SO_x), 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

On 29 December 2017 the BLM issued a **Final Rule** ([82 FR 61924](#)), which rescinds the 2015 rule and returns the affected sections of the CFR to the language that existed immediately before the published effective date of the 2015 rule (24 June 2015), except for changes to those regulations that were made by other rules published between the 2015 rule and now. Effective date: 29 December 2017.

DOI / Bureau of Safety and Environmental Enforcement (BSEE)

- **Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf** ((RIN 1014-AA40; 30 CFR 250) This proposed rule would revise specific provisions of the final Arctic Rule 81 Fed. Reg. 46478 (July 15, 2016) that established a regulatory framework for exploratory drilling and related operations on the Outer Continental Shelf (OCS) of Alaska, focusing solely on the OCS within the Beaufort Sea and Chukchi Sea Planning Areas. The most recent Unified Agenda indicates that an NPRM is planned for October 2018.
- **Revisions to the Blowout Preventer Systems and Well Control Rule.** (RIN 1014-AA39; 30 CFR 250) This rulemaking would revise specific provisions of the final well control rule, 81 FR 25888 (April 29, 2016), for drilling, workover, completion and decommissioning activities based on stakeholder input from the final rule implementation and in accordance with section 4 of Secretary's Order 3350, America-First Offshore Energy Strategy, Executive Order (E.O.) 13783, Promoting Energy Independence and Economic Growth, and section 7 of E.O. 13795, Implementing an America-First Offshore Energy Strategy. The most recent Unified Agenda indicates that an NPRM is planned for October 2018.
- **Extension of Certain Compliance Deadlines in the Blowout Preventer Systems and Well Control Rule.** (RIN 1014-AA38; 30 CFR 250) The purpose of this regulatory action is to extend future compliance dates in the Well Control Rule (WCR) in response to feedback received regarding ongoing efforts to implement the provisions of the WCR, and in accordance with section 4 of Secretary's Order 3350, America-First Offshore Energy Strategy, Executive Order (E.O.) 13783, Promoting Energy Independence and Economic Growth, and section 7 of E.O. 13795, Implementing an America-First Offshore Energy Strategy. The most recent Unified Agenda indicates that an NPRM was planned for December 2017
- **Oil and Gas and Sulphur Operations on the Outer Continental Shelf—Oil and Gas Production Safety Systems—Revisions. (BSEE-2017-0008)** (RIN 1014-AA37; 30 CFR 250) On 29 December 2017 ([82 FR 61703](#)) the BSEE issued a proposed rule that proposes to amend the regulations regarding oil and natural gas production to reduce certain unnecessary regulatory burdens imposed under the existing

regulations, while correcting errors and clarifying current requirements. Comment due date: 29 January 2018. The most recent Unified Agenda indicates that an NPRM is planned for September 2018.

Oil and Gas and Sulphur Operations in the Outer Continental 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 this rulemaking was **withdrawn** on 11 September 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 4 January 2018 that this final rule is expected to be on the next Unified Agenda under a different RIN as the last RIN was inadvertently deleted.)

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 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; Also, [Secretarial Order 3550](#) directed BSEE & BOEM to undertake a review of the rule)]

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 this rulemaking was **withdrawn** on 11 September 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 7th 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 7th edition of Spec 2C. Comment due date: 15 July 2015. The most recent Unified Agenda indicates that a final action is planned for September 2018.

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**.

(NOTE: In response to EO 13795 and OS 3550, a [joint-trades letter](#) was sent to the Department of Interior in May 2017 making detailed recommendations for changes to the rule.)

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 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 April 2018.

DOL / Occupational Safety and Health Administration (OSHA)

- **Amendments to the Cranes and Derricks in Construction Standard** (RIN 1218-AC81; 29 CFR 1926) Occupational Safety and Health Administration (OSHA) is proposing corrections and amendments to the final standard for cranes and derricks published in August 2010. The standard has a large number of provisions designed to improve crane safety and reduce worker injury and fatality. The proposed amendments: correct references to power line voltage for direct current (DC) voltages as well as alternating current (AC) voltages; broadens the exclusion for forklifts carrying loads under the forks from "winch or hook" to with a "winch and boom"; clarifies an exclusion for work activities by articulating cranes; provides four definitions inadvertently omitted in the final standard; replaces "minimum approach

distance" with "minimum clearance distance" throughout to remove ambiguity; clarifies the use of demarcated boundaries for work near power lines; corrects an error permitting body belts to be used as a personal fall arrest system rather than a personal fall restraint system; replaces the verb "must" with "may" used in error in several provisions; corrects an error in a caption on standard hand signals; and resolves an issue of "NRTL-approved" safety equipment (*e.g.*, proximity alarms and insulating devices) that is required by the final standard, but is not yet available. The most recent Unified Agenda indicated that an NPRM is planned for September 2018.

- **Cranes and Derricks in Construction: Operator Certification Extension (OSHA-2007-0066)** (RIN 1218-AC96; 29 CFR 1926) On 30 August 2017 ([82 FR 41184](#)) OSHA issued an NRPM. Under the current OSHA standards for cranes and derricks used in construction, the crane operators are to be certified by 10 November 2017, which was after the three year delayed deadline. OSHA is now proposing to delay the deadline and extend the existing employer duty to ensure that operators of equipment covered by this standard are competent to operate the equipment safely for one year to 17 November 2018. Comment due date: 29 September 2017

On 9 November 2017 ([82 FR 51986](#)) OSHA issued a **Final Rule**, which delays the deadline for employers to ensure that crane operators are certified by one year until 10 November 2018. They are also extending its employer duty to ensure that the crane operators are competent to operate the crane safely for the same one-year period. Effective date: 9 November 2017

- **Improve Tracking of Workplace Injuries and Illnesses.** (RIN 1218-AD17; CFR not listed) The most recent Unified Agenda indicated that OSHA intends to issue a proposal to reconsider, revise or remove provisions of the improve Tracking of Workplace Injuries and Illnesses final rule, which was issued on 12 May 2016 ([81 FR 29624](#)). The most recent Unified Agenda indicated that an NPRM was planned for December 2017.

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 $0.2\mu\text{g}/\text{m}^3$ the short term exposure limits of $2.0\mu\text{g}/\text{m}^3$ 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. The most recent Unified Agenda indicated that a final rule is planned for September 2018.

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 24 November 2017 ([82 FR 55761](#)) OSHA issued a delay of compliance date. This action delays the initial submission deadline for calendar year 2016 data on Form 300A until 15 December 2017. Effective date: 24 November 2017.

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

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."

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

- **Notification of Regulatory Review (DOT-OST-2017-0069)** On 2 October 2017 ([82 FR 45750](#)) the Secretary of Transportation issued a Notification of Regulatory Review. As part of their reviews, the Department invites the public to provide input on existing rules and other agency actions that are good candidates for repeal, replacement, suspension, or modification. Comment due date: 1 November 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 has a final rule planned for February 2018.

DOT / Federal Motor Carrier Safety Administration (FMCSA)

- **Rulemaking Procedures Update (FMCSA-2016-0341)** (RIN 2126-AB96; 49 CFR 389) On 7 August 2017 ([82 FR 36719](#)) FMCSA issued an NPRM, which proposes to amend its rulemaking procedures by revising the process for preparing and adopting rules, petitions, and direct final rules. Comment due date: 6 October 2017. The most recent Unified Agenda indicates that they planned to have comments analyzed by December 2017.
- **Commercial Driver's License Standards: Regulatory Guidance Concerning the Issuance of Commercial Learner's Permits.** On 3 August 2017 ([82 FR 36101](#)) FMCSA issued guidance clarifying that State Driver Licensing Agencies (SDLAs) may agree to facilitate the commercial learner's permit application process and to administer the CDL general knowledge test to individuals who are not domiciled in the State. The SDLA should then transmit the test results directly, securely and electronically to the applicant's State of domicile. Applicability date: 3 August 2017. Expiration date: 3 August 2022

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 physicians⁰ 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. The most recent Unified Agenda indicated that a final rule was planned for December 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."

Electronic Documents and Signatures. (FMCSA-2012-0376). (RIN 2126-AB47; 49 CFR 370, 371, 375, 376, 378, 379, 387, 389, 390, 391, 395, 396, and 398) On 28 April 2014 ([79 FR 23306](#)) FMCSA issued an NRPM that proposes amendments to its regulations to allow the use of electronic records and signatures to satisfy their regulatory requirements. These changes would permit the use of electronic methods to sign, certify, generate, exchange, or maintain records so long as the documents accurately reflect the info in the record and can be used for their intended purposed. This only applies to records that FMCSA obligate entities or individuals to retain. Comment due date: 27 June 2014. The most recent Unified Agenda indicates that the next action is "to be determined."

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 rule is planned for February 2018.

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 rule is planned for April 2018.

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

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.

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 indicates that this rulemaking was on the Inactive Actions list.

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 indicates that this rulemaking was on the Inactive Actions list.

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 this rulemaking was on the Inactive Actions list.

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)

- **Definition of "Waters of the United States" Addition of an Applicability date to 2015 Clean Water Rule.(EPA-HQ-OW-2017-0644)** (RIN: 2040-AF80; 40 CFR 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401). On 22 November 2017 ([82 FR 55542](#)) the EPA and ACE issued a proposed rule to add an applicability date to the "Clean Water Rule: Definition of "Waters of the United States" to two years from the date of the final action on this proposal. On 9 October 2015 the 6th Circuit stayed the 2015 rule nationwide pending further action of the court, but the Supreme Court is currently reviewing the question of whether the court of appeals has the original jurisdiction to review challenges to the 2015 Rule. On 28 February 2017, the President signed an EO "restoring the rule of law, federalism and economic growth by reviewing the "Waters of the U.S." Rule. This rulemaking intends to maintain the status quo by proposing to add an applicability date to the 2015 Rule and thus provide continuity and regulatory

certainty for regulated entities...while the agencies continue to work on possible revisions to the Rule. Comment due date: 13 December 2017. The most recent Unified Agenda indicated that a final action is planned for February 2018.

- **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.

On 27 July 2017 ([82 FR 34899](#)) the EPA & DOA issued a proposed rule to review and revise the definition of “waters of the United States” consistent with the Executive Order. The first step will rescind the definition in the CFR to re-codify the definition of “waters of the United States,” which currently governs administration of the CWA, pursuant to a decision issued by the US Court of Appeals for the Sixth Circuit staying the definition of “waters of the U.S.” promulgated by the agencies in 2015. The agencies would apply the definition of “waters of the United States” as it is currently being implemented, that is informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding practice. Proposing to re-codify the regulations that existed before the 2015 Clean Water Rule will provide continuity and certainty for regulated entities, the States, agency staff, and the public. In a second step, the agencies will pursue notice-and-comment rulemaking in which the agencies will conduct a substantive re-evaluation of the definition of “waters of the United States.” Comment due date: 28 August 2017.

On 22 August 2017 ([83 FR 39712](#)) the EPA/ACE issued an extension of the comment period. Revised comment due date: 27 September 2017. The most recent Unified Agenda indicated that a final rule is planned for April 2018.

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 published 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 December 2018.

- **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.** On 27 December 2017 (82 FR 61293) the EPA issued a Notice of Reissuance of NPDES General Permit (GEG460000) for the Eastern Portion of the Gulf of Mexico. This general permit authorizes 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. Effective date: 20 January 2018. (Expires five years from effective date.)

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

- **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 2 October 2017 ([82 FR 45845](#)) the EPA reissued the **Final** NPDES General Permit. The discharge of produced water to that portion of the OCS from Offshore Subcategory facilities located in the territorial seas of Louisiana and Texas is also authorized by this permit. Effective date: 1 October 2017

Expiration date: 30 September 2022

EPA – Resource Conservation and Recovery Act (RCRA)

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 this rulemaking was withdrawn on 28 February 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 this rulemaking is on the Inactive Actions list.

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)

- **Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides.** (RIN 2060-AT68; 40 CFR 50) Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria and national ambient air quality standards (NAAQS) every five years. On June 22, 2010, EPA published a final rule to revise the primary (health-based) NAAQS for Sulfur Oxides to provide increased protection for public health. This review includes the preparation by EPA of an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment Document, with opportunities for review by EPA's Clean Air Scientific Advisory Committee (CASAC) and the public. These documents will inform the Administrator's proposed decision as to whether to retain or revise the current standard. This proposed decision will be published in the Federal Register with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents, CASAC advice, and public comment on the proposed decision. The most recent Unified Agenda indicated that an NPRM is planned for June 2018.
- **Protection of Stratospheric Ozone: Revisions to Refrigerant Management Requirements under the Clean Air Act.** (RIN 2060-AT81; 40 CFR 82) In 2016 EPA finalized a rule updating the refrigerant management requirements under the Clean Air Act. This action revisits aspects of the 2016 rule's extension of the refrigerant management requirements to substitutes like hydrofluorocarbons. The most recent Unified Agenda indicated that an NPRM is planned for April 2018.
- **Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-Based Standards.** (EPA-HOAR-2017-0472) (RIN 2060-AT53; 40 CFR 82) On 11 December 2017 ([82 FR 58122](#)) the EPA issued a **Direct Final Rule**, which modifies the use conditions required for use of three flammable refrigerants, isobutane (R-600a), propane (R-290), and r-441A), in new household refrigerators, freezers, and combination refrigerators and freezers under the Significant New Alternatives Policy (SNAP) program. The use conditions, which address safe use of flammable refrigerants, are being revised. Effective date: 12 March 2018.
- **Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (EPA-HQ-OAR-2013-0146)** (RIN 2060-AR57; 40 CFR 50) On 26 July 2017 ([82 FR 34792](#)) the EPA issued a proposed rule, which proposes to retain the current standards without revision. This decision was based on the EPA's review of the air quality criteria addressing the human health effects of oxides of nitrogen and the primary NAAQS for NO₂. Comment due date: 25 September 2017. The most recent Unified Agenda indicated that a final rule is planned for May 2018.

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/m³; 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 was planned for November 2017.

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 this rulemaking was on the [Inactive Actions list](#).

Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program. (EPA-HQ-OAR-2016-0186) (RIN-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 this rulemaking was on the [Inactive Actions list](#).

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 "to be determined."

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

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

On 8 November 2017 ([82 FR 51788](#)) the EPA issued a notice of data availability in support of the proposed rule, which was published on 16 June 2017. In this document, the EPA is providing additional info on several topics raised by stakeholders and is soliciting comments on the info presented. The two topic areas are the legal authority to issue a stay and the technological, resource, and economic challenges with implementing the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification of closed vent systems by a professional engineer. This notice also provides an updated cost savings and forgone benefits analysis for the 2-year stay. Comment due date: 8 December 2017. The most recent Unified Agenda indicated that a final rule is planned for March 2018.

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 indicates that this rulemaking was on the [Inactive Actions list](#).

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 most recent Unified Agenda indicates that this rulemaking was on the [Inactive Actions list](#).

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.