



IADC™

FEDERAL REGULATORY ACTIONS

IMPACTING

OFFSHORE DRILLING

*Prepared by: John Pertgen
31 October 2018*

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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		
MCC	Millennium Challenge Corporation		
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 October 2018. 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.

Office of Management and Budget (OMB) / Office of Information and Regulatory Affairs (OIRA)

- **Maritime Regulatory Reform.** (RIN not applicable; CFR not applicable) On 17 May 2018 ([83 FR 22993](#)) the OIRA issued a request for information. The OIRA, within the OMB is seeking public input on how the Federal government may prudently manage regulatory costs imposed on the maritime sector. Multiple Federal agencies regulate the U.S. maritime sector consistent with their statutory authorities. OIRA seeks public comment on how existing agency requirements affecting the maritime sector can be modified or repealed to increase efficiency, reduce or eliminate unnecessary or unjustified regulatory burdens, or simplify regulatory compliance while continuing to meet statutory missions. This request is meant to inform agencies' development of regulatory reform proposals. Additionally, OIRA intends to make all submissions publicly available on [www.regulations.gov](#). Comment due date: 16 July 2018

On 13 July 2018 ([83 FR 32689](#)) OIRA granted a 45-day extension to the comment period. Revised comment due date: 30 August 2018.

[On 30 August 2018 IADC submitted [comments](#) on this request]

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

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.

On 22 June 2018 ([83 FR 29212](#)) the agency issued an NPRM, authorizing the request over the course of five years incidental to the geophysical survey activities conducted by industry operators in Federal waters of the U.S. Gulf of Mexico. Comment due date: 21 August 2018. The most recent Unified Agenda indicates that a final action is planned for February 2019.

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 April 2019.

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 indicates that this rulemaking **will be withdrawn** in November 2018.

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 indicates that a final rule is planned for December 2018.

DHS / U.S. Coast Guard (USCG)

- **Update to the 2016 National Preparedness for Response Exercise Program (PREP) Guidelines (USCG-2017-0894)** (RIN 1625-ZA37; CFR not listed) On 2 October 2018 the USCG issued a Notice of availability of the 2016.1 PREP Guidelines ([83 FR 49563](#)). The PREP Guidelines, which can be used to satisfy the Drills and Exercises requirements of 33 CFR 155.4052 as stated in 33 CFR 155.4052 (b) (7), has been revised (effective 1-Oct-2018) to decrease the frequency of Remote Assessment and Consultation (RAC) Drills from annually for each vessel holding a Non-Tank Vessel Response Plan (NTVRP) to triennially (once every three years) for one vessel per NTVRP. Per 33 CFR part 155 subpart J, specifically 33 CFR 155.5015 (<https://www.gpo.gov/fdsys/pkg/CFR-2016-title33-vol2/xml/CFR-2016-title33-vol2-sec155-5015.xml>), NTVRP's requirements are applicable to MODU's that are larger than 400 Gross Tons and self-propelled (*e.g.*, Semi's, drill ships, etc.).

Note: This revision is specific to RAC Drills. All other Drills and Exercise Requirements including but not limited to Annual Table Top Exercises are still applicable and unchanged. Quarterly QI (Qualified Individual) Notification Drills per 33 CFR 155.1060 remain unchanged as well. Effective date 1 October 2018

- **Lifejacket approval Harmonization. (USCG-2018-0278)** (RIN not listed; CFR not listed) On 17 August 2018 ([83 FR 41095](#)) the USCG issued a Notice with a request for comments regarding their harmonizing personal flotation device (PFD) standards between the US and Canada by accepting a new standard for approval of PFDs. Elements of the new standard are contained in their [CG-ENG 02-18](#) policy letter. Comment due date: 16 October 2018

Notice of Policy Implementing the 2016 Amendments to STCW in Support of the Polar Code. (USCG-2018-0278) (RIN not listed; CFR not listed) On 22 June 2018 ([83 FR 29131](#)) the USCG issued Notice of Policy Letter No. 02-18 and a request for comments. The letter, entitled *Guidelines for Qualifications of Personnel for Issuing STCW Endorsements for Basic and Advanced Polar Code Operations*, provides guidance for the issuance of MMC endorsements in accordance with the STCW Code and Convention, 1978, as amended. Comment due date: 20 September 2018. Effective date: 22 June 2018.

- **Removal of Certain STCW Training Requirements** (RIN 1625-AC48; 46 CFR 11 and 12). The Fall 2018 Unified Agenda indicated that the Coast Guard proposes to remove three Coast Guard merchant mariner training requirements related to STCW officer and rating endorsements from its regulations in 46 CFR parts 11 and 12. The Coast Guard has determined these training requirements exceed current international certification and training standards of the STCW and cause a misalignment between the training of U.S. mariners and the mariners of other countries. These training requirements are not necessary for the safety of life and property at sea. The rule would remove: leadership and managerial skills training to qualify as master of vessels of less than 500 gross tons limited to near-coastal waters; bridge resource management training to qualify as officer in charge of a navigational watch on vessels of less than 500 gross tons limited to near-coastal waters; and computer systems and maintenance training to qualify as electro-technical rating on vessels powered by main propulsion machinery of 750 kW/1,000 HP or more. The most recent Unified Agenda indicates that an NRPM is planned for November 2018.
- **Person in Charge of Fuel Transfers** (RIN 1625-AC50; 33 CFR 155) The Fall 2018 Unified Agenda indicated that the Coast Guard proposes to amend the requirements for who may serve as the person in charge (PIC) of fuel transfers on inspected vessels when a declaration of inspection is required. This amendment would provide an alternative to the requirement that PICs hold a Merchant Mariner Credential (MMC) with either an officer endorsement or Tankerman-PIC endorsement. This rulemaking seeks to relieve certain personnel from the burden of obtaining and renewing an MMC every 5 years. The most recent Unified Agenda indicates that an NRPM was planned for October 2018.
- **Survival Craft Equipment- Update to Type Approval Requirements** (RIN 1625-AC51) The Fall 2018 Unified Agenda indicated that the Coast Guard will remove the type approval requirements for certain survival equipment that survival craft and rescue boats are required to carry on U.S.-flagged vessels. The Coast Guard will propose that for some equipment the manufacturer self-certify that the equipment meets a consensus standard, and for other equipment that the manufacturer self-certify that the equipment meets updated regulatory requirements. The proposed rule would also eliminate the unique requirements for lifeboat equipment on sailing school vessels. Updating type approval requirements for survival craft equipment would reduce the financial and paperwork burden on equipment manufacturers, vessel owners and operators, and the Coast Guard. The most recent Unified Agenda indicates that an NRPM is planned for December 2018.

TWIC Reader Requirements; Delay of Effective Date. (USCG-2017-0711) (RIN 1625-AC47; 33 CFR 105) On 22 June 2018 ([83 FR 29067](#)) the USCG issued an NPRM, which proposes delaying the effective date for certain facilities affected by the final rule entitled "Transportation Worker Identification Credential (TWIC)--Reader Requirements," published in the Federal Register on 23 August 2016. The current effective date for the final rule is 23 August 2018. The Coast Guard proposes delaying the effective date for two categories of facilities: Facilities that handle certain dangerous cargoes in bulk, but do not transfer these cargoes to or from a vessel, and facilities that receive vessels carrying certain dangerous cargoes in bulk, but do not, during that vessel-to-facility interface, transfer these bulk cargoes to or from those vessels. The Coast Guard proposes delaying the effective date for these two categories of facilities by 3 years, until 23 August 2021. Other vessels and facilities, including facilities that receive large passenger vessels and facilities regulated under 33 CFR 105.295 that handle certain dangerous cargoes in bulk and transfer it to or from a vessel, would be required to comply with the final rule by

23 August 2018. Comment due date: 23 July 2018. The most recent Unified Agenda indicates that a final rule was planned for October 2018.

Implementation of the 2015 and 2016 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. (RIN 1625-AC44; 46 CFR 15) The Coast Guard proposes to amend its merchant mariner training and manning regulations to incorporate the requirements of the 2015 and 2016 amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended. These requirements will implement the training and manning provisions of the International Code of Safety for Ships Using Gases or Other Low Flashpoint Fuels, commonly known as the IGF Code; create national endorsements for vessels utilizing gases or low flashpoint fuels; and implement the training and manning provisions of the International Code for Ships Operating in Polar Waters, commonly known as the Polar Code. The most recent Unified Agenda indicates that an NRPM is planned for March 2019.

Crediting Recent Sea Service of Personnel Serving on Vessels of the Uniformed Services. (RIN 1625-AC42; CFR not listed) The Coast Guard proposes to amend 46 CFR part 11 by increasing from 3 years to 7 years the window of time within which the attainment of 3 months of qualifying sea service aboard vessels of the uniformed services can be used toward satisfying the sea service recency requirement for a Merchant Mariner Credential officer endorsement. The most recent Unified Agenda indicates that an NRPM is planned for December 2018.

Amendments to the Marine Radar Observer Refresher Training Regulations. (USCG-2018-0100) (RIN 1625-AC46; 46 CFR 10, 11 and 15) On 11 June 2018 ([83 FR 26933](#)) the USCG issued an NPRM, which proposes to revise its merchant mariner credentialing regulations to remove obsolete portions of the radar observer requirements. An active mariner who has one year of service (in previous five years) in a relevant position using radar for navigation and avoidance purposes on vessels equipped with radar would not be required to complete the radar refresher or re-certification course to renew their radar observer endorsement. Comment due date: 11 July 2018. The most recent Unified Agenda indicates that a final rule is planned for November 2018.

- **Ballast Water Management- Annual Reporting Requirement (USCG-2018-0245)** (RIN 1625-AC45; 33 CFR 151) On 9 May 2018 ([83 FR 21214](#)) the USCG issued an NPRM, which proposes to amend its regulation on ballast water management by eliminating the requirement for vessels operating on voyages exclusively between port or places within a single COTP zone to submit an Annual Ballast Water Summary Report for calendar year 2018. Comment due date: 8 June 2018

On 19 September 2018 ([83 FR 47284](#)) the USCG issued a **Final Rule**, which follows the NPRM proposed amendments. Effective date: 1 October 2018

On 26 September 2018 ([83 FR 48544](#)) the USCG issued a minor correction.

Random Drug Testing Rate for Covered Crewmembers 2018 (USCG-2009-0973) (RIN not listed; CFR not listed) On 19 January 2018 ([83 FR 2813](#)) the USCG issued a notice that set the calendar year 2018 minimum random drug testing rate at 25 percent of covered crewmembers. Marine Employers must submit their 2017 Management Information System reports no later than 15 March 2018. Effective date: 1 January to 31 December 2018

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.

On 19 March 2018 ([83 FR 11889](#)) The USCG issued a **Final Rule**, which amended the monetary property damage thresholds to \$75,000 for reportable marine casualties and \$200,000 for serious marine incidents. Effective date: 18 April 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.]

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" and this potential rulemaking was listed on the Agency's Long Term Action list.

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 was planned for October 2018.

Requirements for MODUs and Other Vessels Conducting Outer Continental Shelf Activities with Dynamic Positioning Systems. (USCG-2014-0063). (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” and that this rulemaking was listed on the Agency’s Long Term Action list.

[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” and that this rulemaking was listed on the Agency’s Long Term Action list.

[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 (30 October 2018) which indicated that this item was still on the back burner. He did re-confirm that it is still active.]

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 April 2019.

[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 indicates that the next action is “to be determined” and that this rulemaking was listed on the Agency’s Long Term Action list.

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]

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 1625aa2 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 indicates that the next action is “to be determined” and that this rulemaking was listed on the Agency’s Long Term Action list.

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 “to be determined” and that this rulemaking was listed on the Agency’s Long Term Action list.

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. (IADC is still uncertain which AB credential they will replace it with because those mariners on jack-ups cannot obtain sea-time per the current regulations. Mr. Luke Harden last confirmed on 23 May 2018 that this proposed policy change is still outstanding even though we notified him that there was a change to the manning requirement on jack-ups that removed the AB requirement and replaced it with only Lifeboatman)

[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” and that this rulemaking was listed on the Agency’s Long Term Action list.

Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080, formerly 1998-4951). (RIN 1625-AA25; 33 CFR 97) On 1 December 2000 ([65 FR 75201](#)), the USCG issued a NPRM proposing regulations “to implement recent amendments to Chapter VI and VII of SOLAS.” The text of the proposal incorporates the provisions of SOLAS by reference. This may be a source of some confusion because, while the USCG indicates it is limiting its proposed rule to ships in international trade, no such limit applies under the referenced chapters of SOLAS. Further, the USCG is using the NPRM to solicit

comments regarding future domestic application of cargo securing standards. Comments were due on or before 1 March 2001. A final rule was scheduled for July 2001 but was rescheduled for December 2001.

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

On 9 May 2016 ([81 FR 27992](#)) the USCG issued an **Interim 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” and that this rulemaking was listed on the Agency’s Long Term Action list.

(On 18 May 2018 IADC has been informed by Ken Smith [USCG] that this rulemaking is on hold)

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

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

- **Outer Continental Shelf Activities (USCG 1998-3868).** (RIN 1625-AA18 [2115-AF39]; 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.

On 19 September 2018 ([83 FR 47324](#)) the USCG issued a **withdrawal** of this rulemaking.

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” and that this rulemaking was listed on the Agency’s Long Term Action list.

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

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

Collection of Biometric Data from U.S. Citizens Upon Entry to and Departure from the United States. On 12 September 2017 (RIN 1651-AB22; 8 CFR 215.8, 235.1) The Department of Homeland Security (DHS) is required by statute to develop and implement a biometric entry-exit data system. To facilitate the implementation of a seamless biometric entry-exit system that uses facial recognition, and to help identify persons attempting to fraudulently use U.S. travel documents and other criminals or known or suspected terrorists, DHS is proposing to amend the regulations to provide that U.S. citizens may be required to provide photographs upon entering or departing the United States. The most recent Unified Agenda indicates that an NRPM is planned for February 2019.

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 2019.

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

On 12 April 2018 ([83 FR 15736](#)) the U.S. CBP issued a **Final Rule**, which expanded the definition of an ISF to include parties that have a commercial interest in the cargo and the best access to the required information. Effective date: 14 May 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 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 the next action is “to be determined” and that this rulemaking was listed on the Agency’s Long Term Action list.

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

- **U.S. Citizenship and Immigration Services Biometrics Collection for Consistent, Efficient, and Effective Operations.** (RIN 1625-AA14; 8 CFR 103, 20, 208, 210, 214, 215, 236, 244, 245, 264, 316 and 333) The most recent Unified Agenda indicated that DHS will propose to update its regulations to eliminate multiple references to specific biometric types, and to allow for the expansion of the types of biometrics required to establish and verify an identity. DHS will also propose to modify age restrictions where they exist to detect, deter, or prevent human trafficking of children; establish consistent identity enrollment and verification policies and processes; and align U.S. Citizenship and Immigration Services (USCIS) biometric collection with other immigration operations. The DHS proposal will provide a definition to the public on the term biometric and how biometrics will be used in the immigration process. The most recent Unified Agenda indicates that an NPRM is planned for February 2019.

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 November 2018.

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

Risk Management, Financial Assurance and Loss Prevention (RIN 1010-AE00; 30 CFR 550, 551, 556, 581, 585) The BOEM, as directed by E.O. 13795, has reconsidered its financial assurance policies reflected in the NLT 2016-N01. This Rule will modify the policies established in that NTL to ensure that operator compliance with lease terms, while minimizing unnecessary regulatory burdens and codify the modifications. The most recent Unified Agenda indicates that an NPRM was planned for October 2018.

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.

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.

On 2 March 2018 ([83 FR 8930](#)) BOEM issued a **Final Rule**, which implements the 2018 adjustment of the level of maximum civil monetary penalties contained in the BOEM regulations. Effective date: 2 March 2018

Air Quality Control, Reporting, and Compliance. (RIN 1010-AE02; 30 CFR 550) On 5 April 2016 ([81 FR 19717](#)) the BOEM issued an NRPM would amend the regulations implementing section 5(a)(8) of OCSLA (43 U.S.C. 1334(a)(8)), which requires the Secretary of the Interior to promulgate regulations for compliance with the National Ambient Air Quality Standards pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), to the extent that activities approved under [OCSLA] significantly affect the air quality of any State. It would implement BOEM's statutory responsibility to ensure that OCS operations conducted under a BOEM approved plan are in compliance with the statutory mandate. Comment due date: 20 June 2016. The most recent Unified Agenda indicates that a final rule is planned for December 2018.

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 ([82 FR 61924](#)) the BLM issued a **Final Rule**, 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 1082-AA01; 30 CFR 250, 254 and 550) The most recent Unified Agenda indicated that the DOI plans to propose a rule that would revise specific provisions of the regulations published in the final Arctic Exploratory Drilling Rule, [81 FR 46477](#) on 15 July 2016, which established a regulatory framework for exploratory drilling and related operations within the Beaufort Sea and Chukchi Sea Planning Areas on the Outer Continental Shelf of Alaska. The rulemaking for this RIN replaces the Bureau of Safety and Environmental Enforcement's RIN 1014-AA40. The most recent Unified Agenda indicates that an NPRM is planned for January 2019.

- **Revisions to the Blowout Preventer Systems and Well Control Rule. (BSEE-2018-0002)** (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.

On 11 May 2018 ([83 FR 22128](#)) BSEE issued a proposed rule, which proposes to revise existing regulations for well control and blowout preventer systems. It would revise the requirements for well design, well control, casing, cementing, real-time monitoring(RTM), and subsea containment. BSEE proposes to amend, revise or remove current regulatory provisions that create unnecessary burdens on stakeholders while ensuring safety and environmental protection. They would also address various issues and errors that were identified during the implementation of the recent rulemaking on these issues. Information collection burden comment due date:11 June 2018. Proposed rule comment due date: 10 July 2018.

On 5 July 2018 ([83 FR 31343](#)) BSEE issued an extension to the comment period. New comment due date: 6 August 2018. The most recent Unified Agenda indicates that a final action is planned for December 2018

[On 06 August 2018 IADC submitted [comments](#) on this rulemaking]

- **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.

On 28 September 2018 ([83 FR 49216](#)) BSEE issued a **Final Rule**, with an effective date of 27 December 2018, which revises or otherwise addresses the current requirements as follows:

- Updates the incorporation of certain standards referenced in subpart H;
- Adds gas lift shut down valves (GLSDVs) to the list of safety and pollution prevention equipment (SPPE);
- Revises requirements for SPPE by replacing the requirement for independent third parties to certify that each device will function in the most extreme conditions to which it will be exposed with requirements for device design testing, documentation of the process the operator used to ensure the device is designed to function as required, and independent third party review and certification of a device if the device is moved to a different location;
- Incorporated standards address the design of SPPE, based on the specific type of device and the conditions where the device will be located.
- Clarifies equipment failure reporting requirements;
- Clarifies and revises some of the production safety system design requirements, including revising the requirements for professional engineer (PE) stamping, revising the requirements for piping schematics, simplifying the requirements for electrical system information, revising the requirement for operators to provide certain documents to BSEE, and clarifying when operators must update existing documents;
- Clarifies requirements for atmospheric vessels containing Class I liquids;
- Clarifies requirements for inspection of the fire tube for tube-type heaters;
- Clarifies the requirement for notifying the BSEE District Manager before commencing production; and

- Makes other conforming changes to ensure consistency within the regulations and makes other minor edits.

Privacy Act Regulations: Exemption for the Investigations Case Management System (BSEE-2016-0001) (RIN 1014-AA41; 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. The most recent Unified Agenda indicates that a final action is planned for November 2018

- **NTL: Incident, Oil Spill, and Permit Request Notification (Regular Hours and After Hours Guidance)** (RIN not applicable; 30 CFR 250.188(a) and 187(d), 254.46) On 27 September 2018 BSEE issued NTL [No. 2018-G02](#), which provides industry with contact information during regular office hours and contact numbers for the purpose of after-hours calls pertaining to:
 1. Required reporting of incidents under 30 CFR 250.188(a) [fatalities/blowouts/explosions, etc.]
 2. Required reporting of oil spills or spills of other liquid pollutants as outlined in 30 CFR 250.187(d) and 30 CFR 254.46
 3. Requests to return facility/component to service after being issued a shut-in INC
 4. Permit approval request to avoid shut-in of a drilling rig or production facility
 5. Urgent pipeline repair requests
 6. Urgent flaring and venting requests
- **NTL: Ocean Current Monitoring** (RIN not applicable; 30 CFR 900, 901) On 7 August 2018 BSEE issued NTL [No. 2018-G01](#), which updates information contained in NTL No. 2009-G02, including changes resulting from the issuance of the Blowout Preventer Systems and Well Control Rule on 29 April 2016.
- **NTL: Online Portals for SEMS Document Submissions** (RIN not applicable; 30 CFR 250.1929) On 10 September 2018 BSEE issued NTL [No. 2018-N05](#), which provides notification of the availability and directions for submission of a new electronic collection method for submitting BSEE-0131, Performance Measures Data. This NTL updates and supersedes NTL 2018-N02. Effective date: 10 September 2018

NTL: Revised OCSLA Civil Penalty Assessment Matrix (RIN not applicable; 30 CFR 250.103) On 19 January 2018 BSEE issued NTL [No. 2018-N01](#), which provides updated information regarding BSEE's assessment of civil penalties for violations of the OCSLA. This NTL replaces NTL No. 2017-N01. Effective date: 19 January 2018

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.

On 19 April 2018 ([83 FR 17287](#)) the DOL issued a **Final Rule**, which clarify how the Department interprets and applies these provisions in accordance with several court decisions to ensure injured workers are compensated properly and insurers and employers are aware of their responsibilities. Effective date: 21 May 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 June 2019.

- **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.

On 21 May 2018 ([83 FR 23534](#)) the OSHA issued an NPRM, which proposes to update its standard for cranes and derricks in construction by permanently extending and clarifying each employer's duty to ensure the competency of crane operators through required training, certification and licensing, and evaluation. OSHA is also removing an existing provision that requires different levels of certification based on rated lifting capacity of equipment. This proposal would clarify that while testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so. Finally, it would establish minimum requirements for determining operator competency. OSHA believes that this proposal would maintain safety and health protections for workers while reducing employers' compliance burdens. Comment due date: 20 June 2018

On 20 June 2018 ([83 FR 28562](#)) OSHA issued an extension to the comment period. New comment due date: 5 July 2018.

On 30 July 2018 ([83 FR 36507](#)) OSHA has provided an additional 30 days to comment on the ICR request. Revised comment due date: 29 August 2018. The most recent Unified Agenda indicated that a final rule is planned for November 2018

- **Improve Tracking of Workplace Injuries and Illnesses. (OSHA-2013-0023)** (RIN 1218-AD17; 29 CFR 1904) 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](#)).

On 30 July 2018 ([83 FR 36494](#)) the OSHA issued a proposed rule, which would amend OSHA's recordkeeping regulation by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. These establishments will continue to be required to submit information from their Form 300A summaries. OSHA is amending its recordkeeping regulations to protect sensitive worker information from potential disclosure under the Freedom of Information Act (FOIA). OSHA seeks comment on this proposal, particularly on its impact on worker privacy, including the risks posed by exposing workers' sensitive information to possible FOIA disclosure. In addition, OSHA is proposing to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. Comment due date: 28 September 2018. The most recent Unified Agenda indicated that a final rule is planned for June 2019.

- **Exposure to Beryllium NPRM to Review General Industry Provisions** (RIN 1218-AD20; 29 CFR 1910) The most recent Unified Agenda indicated that on January 9, 2017, OSHA published its final rule Occupational Exposure to Beryllium and Beryllium Compounds in the Federal Register (82 FR 2470). OSHA concluded that employees exposed to beryllium and beryllium compounds at the preceding permissible exposure limits (PELs) were at significant risk of material impairment of health, specifically chronic beryllium disease and lung cancer. OSHA also concluded that the new 8-hour time-weighted average (TWA) PEL of 0.2 µg/m³ reduced this significant risk to the maximum extent feasible.

In response to the stakeholder feedback, and to resolve pending litigation, OSHA is planning to propose revisions to certain provisions in the general industry standard. The revisions OSHA plans to propose are generally designed to clarify the standard in response to stakeholder questions or to simplify compliance, while in all cases maintaining a high degree of protection from the adverse health effects of beryllium exposure. The most recent Unified Agenda indicated that an NRPM is planned for December 2018

- **Occupational Exposure to Beryllium. (OSHA-H005C-2006-0870)** (RIN 1218-AD19 [previously AB76]; 29 CFR 1910) On 7 May 2018 ([83 FR 19989](#)) OSHA issued a proposed rule that is proposing to adopt a number of clarifying amendments to address the application of the standard to materials containing trace amounts of beryllium. OSHA believes this proposal will maintain safety and health protections for workers while reducing the burden to employers of complying with the current rule.

On 1 June 2018 ([83 FR 25536](#)) the OSHA is proposing a 9-month extension of the compliance date for certain ancillary requirements of the beryllium standard. This proposed rule would not extend the compliance date for the PELs, exposure assessment, respiratory protection, medical surveillance, or medical removal protection provisions, or for any provisions for which the standard already establishes compliance dates in 2019 and 2020. Comment due date: 2 July 2018

On 9 August 2018 ([83 FR 39351](#)) OSHA issued a **Final Rule**, extending the compliance date for certain ancillary requirements of the general industry beryllium standard to 12 December 2018. This December compliance date affects only certain ancillary provisions, i.e., methods of compliance, beryllium work areas, regulated areas, personal protective clothing and equipment, hygiene areas and practices, housekeeping, communication of hazards, and recordkeeping. Effective date: 9 August 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” and that this rulemaking was listed on the Agency’s Long Term Action list.

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 **Final Rule**, and 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" and that this rulemaking was listed on the Agency's Long Term Action list.

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

Small Unmanned Aircraft Registration System. On 30 January 2018 ([83 FR 4394](#)) the FAA issued a Notice with a request for comments to renew their information collection. They have said that aircraft registration is necessary to ensure personal accountability among all users of the national airspace system. Aircraft registration also allows the FAA and law enforcement agencies to address non-compliance by providing a means of identifying the aircraft's owner and operator. Registration is required for all aircraft, including small unmanned aircraft weighing more than 0.55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft and operated outdoors in the national airspace system. See 49 U.S.C. 44101-44103; 14 CFR 48. Upon registration, the Administrator must issue a certificate of registration to the aircraft owner. See 49 U.S.C. 44103. Comment due date: 1 March 2018.

- **External Marking Requirement for Small Unmanned Aircraft** (RIN 2120-AL32; 14 CFR 107) The most recent Unified Agenda indicated that this rulemaking would revise the requirements regarding the placement of the unique identifier assigned to a small unmanned aircraft to an external surface of the aircraft. This action is necessary to enhance the safety and security of a person seeking registration information from an unmanned aircraft. This revision will enable the person to view the unique identifier directly without handling the aircraft. The most recent Unified Agenda indicates that the FAA has an Interim Final Rule planned for December 2018.
- **Operations of Small Unmanned Aircraft Over People** (RIN 2120-AK85; 14 CFR 107) The most recent Unified Agenda indicated that this rulemaking would address the performance-based standards and means-of-compliance for operation of small unmanned aircraft systems (sUAS) over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. This rule would provide relief from certain operational restrictions implemented in the Operation and Certification of Small Unmanned Aircraft Systems final rule (RIN 2120-AJ60). The most recent Unified Agenda indicates that the FAA had an NPRM planned for October 2018.

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 indicates that the FAA has a final rule planned for December 2018.

DOT / Federal Motor Carrier Safety Administration (FMCSA)

- **Military Licensing and State Commercial Driver's License Reciprocity (FMCSA-2017-0047)** (RIN 2126-AB99; 49 CFR 383 and 384) On 28 September 2018 ([83 FR 48964](#)) the FMCSA issued a **Final Rule**, which allows, but does not require, State Driver Licensing Agencies (SDLAs) to waive requirements for the commercial learner's permit knowledge test for certain individuals who are, or were, regularly employed within the last year in a military position that requires, or required, the operation of a commercial motor vehicle. This rule includes the option for an SDLA to waive the tests required for a passenger carrier endorsement, tank vehicle endorsement, or hazardous material endorsement, with proof of training and experience. Effective date: 27 November 2018
- **National Hazardous Materials Route Registry** (RIN not listed; CFR not listed) On 9 August 2018 the FMCSA issued a Notice ([83 FR 39500](#)), which provides revisions to the National Hazardous Materials Route Registry that is a listing of all the designated and restricted roads and preferred highway routes for transportation of controlled quantities of both radioactive and non-radioactive hazardous materials. Applicable date: 9 August 2018

ELDT; Commercial driver's License Upgrade from Class B to Class A.(FMCSA-2017-0371) (RIN 2126-AC05; 49 CFR 380) On 29 June 2018 ([83 FR 30668](#)) the FMCSA issued an NRPM, which proposes to amend the entry-level driver training (ELDT) regulations published on 8 December 2016 by adopting a new Class A theory instruction upgrade curriculum to reduce the training time and costs incurred by Class B CDL holders upgrading to a Class A CDL. Comment due date: 28 August 2018. The most recent Unified Agenda indicates that FMCSA has a plan to complete analyzing comments for the NRPM by November 2018.

Extension of Compliance Dates for Medical Examiner's Certification Integration. (FMCSA-2018-0152) (RIN 2126-AC18; 49 CFR 383, 384, and 391) On 21 June 2018 ([83 FR 28774](#)) the FMCSA issued an **Interim Final Rule** with a request for comments. This rulemaking amends the regulations to delay the compliance date from 22 June 2018 to 22 June 2021, for several provisions of its 23 April 2015 Medical Examiner's Certification Integration final rule. Specifically, it postpones, through 22 June 2021, the provisions for: (1) FMCSA to electronically, transmit from the National Registry to the SDLAs, driver identification information, examination results, and restriction information from examinations performed for holders of commercial learner's permits (CLPs) or commercial driver's licenses (CDLs) (interstate and intrastate); (2) FMCSA to electronically transmit to the SDLAs medical variance information for all commercial motor vehicle (CMV) drivers; (3) SDLAs to post on the Commercial Driver's License Information System (CDLIS) driver record the driver identification, examination results, and restriction information received electronically from FMCSA; and (4) motor carriers to no longer be required to verify that CLP/CDL drivers were certified by a certified medical examiner (ME) listed on the National Registry. Comment due date: 20 August 2018. The most recent Unified Agenda indicates that FMCSA plan on completing their Comment Analysis by November 2018 and that this rulemaking was listed on the Agency's Long Term Action list.

Process for Department of Veterans' Affairs Physicians to be added to the National Registry of Certified Medical Examiners. (FMCSA-2016-0333) (RIN 2126-AB97; 49 CFR 390 and 391) On 11 June 2018 ([83 FR 26846](#)) the FMCSA issued a **Final Rule**, which amends their regulations to establish an alternative process for qualified advanced practice nurses, doctors of chiropractic, doctors of medicine, doctors of osteopathy, physician assistants, and other medical professionals who are employed by the VA in a State to perform physical exams (qualified VA examiners) to be listed in the Agency's National Registry of Certified Medical Examiners. After successful completion of online training and

testing developed by FMCSA, these qualified VA examiners will become certified VA medical examiners who can perform medical exams of, and issue Medical Examiner's Certificates to, commercial motor vehicle operators who are military veterans enrolled in the VA health care system. Effective date: 10 August 2018

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 a final rule is planned for November 2018.

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

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" and that this rulemaking was listed on the Agency's Long Term Action list.

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.

On 16 April 2018 ([63 FR 16210](#)) the FMCSA issued a **Final Rule**, which only applies to documents that FMCSA's regulations obligate entities/individuals to retain; it does NOT apply to forms or other documents that must be submitted directly to FMCSA unless there are already procedures in place in the regulations for electronic submission. Effective date: 15 June 2018

On 25 May 2018 ([83 FR 24228](#)) the FMCSA issued a correction to the final rule and a withdrawal of regulatory guidance. This FMCSA correction rescinds its 4 January 2011 interpretations and regulatory guidance ([76 FR 411](#)). Effective date: 15 June 2018

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: 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 was planned for October 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 February 2019.

Department of Treasury (TREAS)

Harbor Maintenance Fee. (RIN 1515-AD40; 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 indicates that this rulemaking is on the [Inactive Actions list](#).

Environmental Protection Agency (EPA)

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

Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process. (EPA-HQ-OA-2018-0107). (RIN 2010-AA12; 40 CFR Ch. 1) On 13 June 2018 ([83 FR 27524](#)) the EPA issued an ANPRM, which solicits comment on whether and how the EPA should promulgate regulations that provide a consistent and transparent interpretation relating to the consideration of weighing costs and benefits in making regulatory decisions in a manner consistent with applicable authorizing statutes. EPA also wants comments on how these regulations, if promulgated, could also prescribe specific analytic approaches to quantifying the costs and benefits of EPA regulations. Comment due date: 13 July 2018

On 3 July 2018 ([83 FR 31098](#)) the EPA extended the comment period. New Comment due date: 13 August 2018. The most recent Unified Agenda indicates that an NPRM is planned for May 2019.

EPA – Toxic Substances Control Act

Asbestos; Significant New Use Rule. (EPA-HQ-Oppt-2018-0159). (RIN 2070-AK45; 40 CFR 721) On 11 June 2018 ([83 FR 26922](#)) the EPA issued a proposed significant new use rule(SNUR) for asbestos under the Asbestos Hazard Emergency Response Act. This SNUR proposed rule is manufacturing (including importing) or processing for certain uses identified by the EPA as no longer ongoing. Those subject to the SNUR would be required to notify the EPA at least 90 days before commencing any manufacturing (including importing) or processing of asbestos. The processing may not commence until the EPA has conducted a review of the notice and made an appropriate determination. Comment due date: 10 August 2018. The most recent Unified Agenda indicates that a final rule is planned for January 2019.

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.

On 6 February 2018 ([83 FR 5200](#)) the EPA and ACE issued a **Final Rule**, which indicated that the Supreme Court held that the courts of appeal did not have original jurisdiction to review challenges to the 2015 Rule; and added the applicability date of 6 February 2020 to the 2015 rule. Effective 6 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.

On 12 July 2018 ([83 FR 32227](#)) the EPA and ACE issued a SNPRM to clarify, supplement and seek additional comment on their earlier 27 July 2017 NPRM. If the earlier NPRM is finalized, the regulations defining the scope of the CWA jurisdiction would be those portions of the CFR as they existed before the amendments promulgated in the 2015 rule. Comment due date: 13 August 2018. The most recent Unified Agenda indicates that a final rule is planned for March 2019.

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

[NOTE: EPA has stated that the 2013 VGP will **NOT** be reissued prior to its 18 December 2018 expiration date but will be administratively continued and remain in effect until a new permit is issued. Owners and operators of vessels operating under the administratively continued permit are expected to comply with the terms and conditions of that permit. The EPA stands ready to assist those applying for VGP and continues to work on reissuing the permit, with a target timeframe of permit proposal in spring 2019.

For vessels currently covered by the permit: Permit coverage continues. No additional NOI or PARI form is required to continue such coverage beyond December 18, 2018.

For vessels currently without permit coverage: The EPA strongly encourages owners/operators of eligible vessels to seek permit coverage prior to December 18, 2018, as coverage under the 2013 VGP cannot be obtained after that date.]

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](#).

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. (EPA-R06-OW-2017-0017) 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 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

[NOTE: Per EPA Region 6 on 30 October 2018, this permit is still under internal review and has not been reissued.]

- **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.

On 4 September 2018) the EPA issued a notice ([83 FR 44872](#)) (EPA-HW-OW-2018-0629) to collect comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comment due date: 5 November 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.

Expiration date: 20 January 2023

[NOTE: EPA Region 4 provided additional guidance on e-reporting associated with the final permit. Their electronic Notice of Intent (eNOI) system is not yet available at this time. So, EPA Region 4 will accept paper NOIs until their eNOI system is up and running.]

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

[NOTE: Per EPA Region 6 on 30 October 2018, this permit is still under internal review and has not been reissued.]

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(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 about activities under OCSLA, or activities that may affect natural resources belonging under the exclusive management authority of the United States. Comment due date: 22 April 2015. The most recent Unified Agenda indicates that a final rule is planned for January 2021 and that this rulemaking was listed on the Agency's Long Term Action 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 FR 4594](#)) 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

On 14 June 2017 ([82 FR 27133](#)) the EPA issued a **Final Rule**, which delayed the effective date of the Risk Management Program Amendments for an additional 20 months to allow the EPA to conduct a reconsideration proceeding and to consider other issues that may benefit from additional comment. New effective date: 19 February 2019

EPA – Clean Air Act (CAA)

Notice of Proposed Withdrawal of the Control Techniques guidelines for the Oil and Natural Gas Industry. (RIN 2060-AT76; CFR not listed) On 9 March 2018 ([83 FR 10478](#)) the EPA published a notice that addressed their publication entitled "Release of Final Control Techniques Guidelines for the Oil and Natural Gas Industry" on October 27, 2016 (81 FR 74798). These guidelines provided recommendations for reducing volatile organic compound emissions from existing oil and natural gas equipment and processes in moderate and higher classified ozone nonattainment areas and States in the Ozone Transport Region. In this action, the EPA requests comment on potentially withdrawing these guidelines in their entirety. The most recent Unified Agenda indicates that a final action is planned for December 2108.

Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications Approach (RIN 2060-AT41; 40 CFR 51) On 9 March 2018 ([83 FR 10376](#)) the EPA issued a **Final Rule**. This action establishing the air quality thresholds that define the classifications assigned to all nonattainment areas for the 2015 ozone national ambient air quality standards (NAAQS) (the 2015 ozone NAAQS) promulgated on October 1, 2015. This final rule also establishes the timing of attainment dates for each nonattainment area classification. Effective date: 8 May 2018

- **Protection of Stratospheric Ozone: Updates to the Significant New Alternatives Policy Program. (EPA-HQ-OAR-2003-0118).** (RIN 2060-AG12; 40 CFR 82). On 4 October 2018 ([83 FR50026](#)) the EPA issued a Determination of Acceptability, which expands the list of acceptable substitutes pursuant to the SNAP program. These acceptable additional substitutes are for use in the refrigeration and air conditioning, foam blowing, fire suppression, cleaning solvents, and aerosols sectors. Applicable date: 4 October 2018

Oil and Natural Gas Sector: Emission Standards for new, Reconstructed and Modified Sources Reconsideration. (RIN 2060-AT90; 40 CFR 60) On June 3, 2016, the Environmental Protection Agency (EPA) finalized "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources" (2016 OOOOa rule). The EPA received five petitions for reconsideration on the 2016 OOOOa rule and nine petitions for judicial review. This action is a proposal to address key policy issues raised in these petitions, including the regulation of greenhouse gases in this sector. The most recent Unified Agenda indicates that an NPRM is planned for December 2018.

- **Oil and Natural Gas Sector: Emission Standards for new, Reconstructed and Modified Sources Reconsideration, (EPA-HQ-OAR-2017-0483).** (RIN 2060-AT54; 40 CFR 60) On 15 October 2018 ([83 FR 52056](#)) the EPA issued a proposed rule, which proposes reconsideration amendments to the new source performance standards (NSPS) at 40 CFR 60, subpart OOOOa (2016 NSPS OOOOa). In 2017 the EPA granted reconsideration on the fugitive emissions requirements, well site pneumatic pump standards, and the requirements for certification of closed vent systems by a professional engineer based on specific objections to these requirements. This proposed ruling proposes amendments and clarifications as a result of reconsideration of these issues. The amendments will also address other issues raised for reconsideration and make technical corrections and amendments to further clarify the rule. Comment due date: 17 December 2018. The most recent Unified Agenda indicates that a final rule is planned for April 2019.

Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards. (EPA-HQ-OAR-2017-0548). (RIN 2060-AT94; 40 CFR 81) On 4 June 2018 ([83 FR 25776](#)) the EPA issued a **Final Rule**, which establishes the initial air quality designations for certain areas in the United States for the 2015 primary and secondary NAAQS for ozone. Effective date: 3 August 2018

Ambient Air Monitoring Reference and Equivalent Methods; Designation of One New Reference Method. (RIN not listed; 40 CFR 50) On 13 February 2018 ([83 FR 6174](#)) the EPA issued a notice of designation of a new reference method for monitoring ambient air quality. The new method is an automated method (analyzer) utilizing the measurement principle based on gas phase chemiluminescence (Environnement S.A. Model AC32e and AC32e* Chemiluminescent NO, NOX, NO2 Analyzer).

Review of the Primary National Ambient Air Quality Standard for Sulfur Oxides. (EPA-HQ-OAR-2013-0566). (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.

On 15 May 2018 ([83 FR 22479](#)) the EPA issued a notice of availability that announced the availability of the two final documents titled, *Risk and Exposure Assessment for the Review of the Primary NAAQS for Sulfur Oxides* (REA) and *Policy Assessment for the Review of the Primary MAAQS for Sulfur Oxides* (PA).

On 8 June 2018 ([83 FR 26752](#)) the EPA issued an NRPM. Based on the EPA's review of the air quality criteria addressing human health effects and the primary national ambient air quality standard (NAAQS) for sulfur oxides (SOX), the EPA is proposing to retain the current standard, without revision. Comment due date: 23 July 2018.

On 21 June 2018 ([83 FR 28843](#)) the EPA extended the comment period to 9 August 2018. The most recent Unified Agenda indicates that a final rule is planned for January 2019.

- **Protection of Stratospheric Ozone: Revisions to Refrigerant Management Program's Extension to Substitutes. (EPA-HQ-OAR-2017-0629)** (RIN 2060-AT81; 40 CFR 82) On 1 October 2018 ([83 FR 49332](#)) the EPA issued a proposed rule, which is revisiting the 2016 Rule that apply to equipment containing substitute refrigerants. This action proposes changes to the legal interpretation that supported that rule and amendments to the regulations based on the revised interpretations. EPA is proposing to revise the appliance maintenance and leak repair provision so they apply only to equipment using refrigerant containing a class I or class II substance. Based on this proposed limitation of the leak repair requirements, this document further proposes to revise the list of practices that must be followed in order for refrigerant releases to be considered de minimis to clarify that the reference to following leak repair practices only applies to equipment that contains ODS refrigerant. EPA is also taking comment on whether, in connection with the proposed changes to the legal interpretation, the 2016 Rule's extension of subpart F refrigerant management requirements to such substitute refrigerants should be rescinded in full. Additionally, EPA is proposing to extend by six to twelve months the 1 January 2019 compliance date for when appliances containing only substitute refrigerants subject to the venting prohibition must comply with the appliance maintenance and leak repair provisions. Comment due date: 15 November 2018. The most recent Unified Agenda indicates that a final rule is planned for January 2019.

Protection of Stratospheric Ozone: Revision to References for Refrigeration and Air Conditioning Sector to Incorporate Latest Edition of Certain Industry, Consensus-Based Standards. (EPA-HQ-

OAR-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.

On 7 March 2018 ([83 FR 9703](#)) the direct final rule was **withdrawn** by the EPA. Effective: 7 March 2018. The EPA will address all significant comments received that were based on the parallel proposed rule published on 11 December 2017 ([82 FR 58154](#)) with a comment due date of 25 January 2018. The EPA does not plan on a second comment period on this action.

On 8 August 2018 ([83 FR 38969](#)) the EPA issued a **Final Rule**, which addresses relevant comments and finalizing the proposed rule use conditions with no changes. Effective date: 7 September 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.

On 18 April 2018 ([83 FR 17226](#)) the EPA issued a **Final Rule**, which retained the current standards without revision. Effective date: 18 May 2018

Revisions to Testing Regulations for Air Emission Sources (EPA-HQ-OAR-2016-0510) (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.

On 26 January 2018 ([83 FR 3636](#)) the EPA issued an NPRM, which proposes corrections and updates to the regulations for source testing of emissions. The revisions will improve the quality of data but will not impose new substantive requirements on source owners or operators. Comment due date: 27 March 2018. The most recent Unified Agenda indicates that a final rule was planned for October 2108.

Revisions to the Petition Provisions of Title V Permitting Program. (EPA-HQ-OAR-2016-0194) (RIN 2060-AS61; 40 CFR 70) On 24 August 2016 ([81 FR 57822](#)) the EPA issued a NPRM, which is mainly aimed at streamlining the permitting process related to Title V petition submissions. The vast majority of changes are administrative-based. Comment due date: 24 October 2016. The most recent Unified Agenda indicates that a final rule is "to be determined" and that this rulemaking was listed on the Agency's Long Term Action 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 indicates that a final rule is planned for November 2018.

On 9 March 2018 ([83 FR 10376](#)) the EPA issued a **Final Rule**, where they are establishing the air quality thresholds that define each of the CAA classifications assigned to all nonattainment areas for the 2015 ozone NAAQS. This rulemaking also established the timing (deadline) of attainment dates for each nonattainment area classification. Effective date: 8 May 2018

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.

On 12 March 2018 ([83 FR 10628](#)) the EPA issued a **Final Rule**, which finalizes amendments of certain requirements that are contained within the final rule published on June 3, 2016 (2016 Rule). The EPA is

finalizing amendments of two narrow provisions of the requirements for the collection of fugitive emission components at well sites and compressor stations: Removes the requirement for completion of delayed repair during unscheduled or emergency vent blowdowns and provides separate monitoring requirements for well sites located on the Alaskan North Slope. Effective date: 12 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 is 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.

ON 8 February 2018 ([83 FR 5543](#)) the EPA issued a new memorandum titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act;" and is withdrawing the memorandum titled "Potential to Emit for MACT Standards- Guidance on Timing Issues." The EPA expects to soon publish a document to add regulatory text to reflect their plain language reading of the statute. Effective date: 8 February 2018.

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)

- **Possible Revision or Elimination of Rules. (CB Docket No. 18-31)** (RIN not listed; 47 CFR 1) On 31 July 2018 ([83 FR 36848](#)) the FCC issue a notice regarding a review of the regulations and comments requested. The purpose of the review is to determine whether Commission rules whose ten-year anniversary dates are in the years 2015-2016, should be continued without change, amended, or rescinded in order to minimize any significant impact the rules may have on a substantial number of small entities. Comment due date: 29 October 2018

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) last informed IADC on 20 July 2017 that this proposed rule is still pending. No further update has been indicated in the docket.

Securities and Exchange Commission (SEC)

SEC Adopts Statement and Interpretive Guidance on Public Company Cybersecurity Disclosures (RIN not listed; 17 CFR 229 and 249) On 26 February 2018 ([83 FR 8166](#)) the SEC published [interpretive guidance](#) to assist public companies in preparing disclosures about cybersecurity risks and incidents. This guidance provides the Commission's views about public companies' disclosure obligations under existing law with respect to matters involving cybersecurity risk and incidents. It also addresses the importance of cybersecurity policies and procedures and the application of disclosure controls and procedures, insider trading prohibitions, and Regulation FD and selective disclosure prohibitions in the cybersecurity context.