



**FEDERAL REGULATORY ACTIONS**

**IMPACTING**

**ONSHORE DRILLING**

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## ABBREVIATIONS AND ACRONYMS

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

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## **U.S. Federal Regulatory Actions Impacting Onshore Drilling Contractors**

This document reflects regulatory actions announced in the *Federal Register* or other sources through 31 December 2013. 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.

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### **DOC / National Institute of Standards and Technology**

**National Fire Codes: Request for Public Input for Revision of Codes and Standards** (RIN Not listed; CFR Not applicable) On 26 April 2013 ([78 FR 24725](#)) the DOC issued a Notice that contains the list of National Fire Protection Association (NFPA) documents opened for public input, as well as information on the NFPA Revision process. The agency wants to increase public participation in the system used by the NFPA to develop its codes and standards. Comment due dates for each of the NFPA Codes have their closing dates listed in the table within this Notice.

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

**Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands (WO-300-L13100000.FJ0000)** (RIN 1004-AE26; 43 CFR 3160) On 24 May 2013 ([78 FR 31636](#)) the BLM issued an SNPRM to follow up on the previously issued proposed rule (11 May 2012 / [77 FR 27691](#)). With the comments received from the NPRM, BLM made some revisions and is now seeking additional comment on the revised rule. Key issues in this updated draft include: the use of an expanded set of cement evaluation tools to help ensure that usable water zones have been isolated and protected from contamination; and more detailed guidance on how trade secrets claims will be handled, modeled on the procedures promulgated by the State of Colorado. The revised proposed rule would also provide opportunities for the BLM to coordinate standards and processes with individual States and tribes to reduce administrative costs and to improve efficiency. On 10 June 2013 (78 FR 34611) BLM extended the comment period to 23 August 2013. The most recent Unified Agenda indicates that a final action is planned for May 2014.

### **Department of Justice (DOJ)**

**A Resource Guide to the U.S. Foreign Corrupt Practices Act (FCPA).** (Released in November 2012) This guide is the Department of Justice's and Securities and Exchange Commission's detailed compilation of information about the FCPA, its provisions, and enforcement. The Guide addresses a wide variety of topics, including who and what is covered by the FCPA's anti-bribery and accounting provisions; the

definition of a "foreign official"; what constitute proper and improper gifts, travel and entertainment expenses; the nature of facilitating payments; how successor liability applies in the mergers and acquisitions context; the hallmarks of an effective corporate compliance program; and the different types of civil and criminal resolutions available in the FCPA context. On these and other topics, the Guide takes a multi-faceted approach, setting forth in detail the statutory requirements while also providing insight into DOJ and SEC enforcement practices through hypotheticals, examples of enforcement actions and anonymized declinations, and summaries of applicable case law and DOJ opinion releases. [[Guide](#)]

## **DOJ / Drug Enforcement Administration (DEA)**

**Inclusion of Non-Serious Offense Identification Records (FBI-111P).** (RIN 1110-AA25; 28 CFR 20) On 5 September 2006 ([71 FR 52302](#)) published a NPRM to amend the FBI regulations defining offenses that may serve as the basis for maintaining fingerprints and criminal history record information (CHRI) in its criminal history record information systems. The relevant FBI information systems include the Fingerprint Identification Record Systems (FIRS), which maintains fingerprint records, and the Interstate Identification Index (III) System, which maintains fingerprint-supported CHRI. This amendment broadens the definition of includable offenses to permit the retention of information relating to currently excluded non-serious offenses (NSOs) as well as information relating to "serious and/or significant adult or juvenile offenses." The revised regulation will permit the retention and exchange of fingerprints and CHRI relating to NSOs when provided by the submitting jurisdiction for retention by the FBI. Such NSO information is currently maintained only at the State and local levels. The change allows for the more uniform collection of CHRI at the Federal level. Comments were due by 6 November 2006. The most recent Unified Agenda indicated that a final action is planned for April 2014.

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

**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 Finishing standard, and potential changes to the PSM enforcement policies. The preamble to the PSM 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 may be required to have a Management System to address the elements of PSM. Comment due date: 10 March 2014.

**Record Requirements in the Mechanical Power Presses Standard.(OSHA-2013-0010)** (RIN 1218-AC80; 29 CFR 1910) On 20 November 2013 ([78 FR 69543](#)) OSHA published a **Direct Final Rule** with an accompanying proposed rule ([78 FR 69606](#)), in order to revise a provision that requires employers to develop and maintain certification records of periodic inspections performed on the presses by adding a requirement that they develop and maintain certification records of any maintenance and repairs that they perform on presses during the periodic inspections. Additionally, OSHA is removing the requirement that employers develop and maintain certification records of weekly inspections and tests

performed on the presses. Effective date of final rule: 18 February 2014. Comment due date of proposed rule: 20 December 2013. (NOTE: The direct final rule will become effective on the above date unless significant adverse comments are received by the comment date.)

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

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

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

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

[On 12 September IADC submitted [comments](#) regarding this proposed policy change]

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

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

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

On 24 May 2010 ([75 FR 28862](#)) OSHA issued a second NPRM, which proposes to revise the walking-working surfaces standards and the PPE standards in the regulations. OSHA believes that the proper use of fall protection systems can protect employees from injury and death due to falls at different elevations. The NRPM, which is written in plain language, is planned to increase consistency between the construction, maritime, and general industry standards, and eliminate duplication. Comment due date: 23 August 2010. The most recent Unified Agenda indicated that a final rule is planned for June 2014.

**Confined Spaces in Construction (OSHA-2007-0026).** (RIN 1218-AB47; 29 CFR 1926) On 28 November 2007 ([72 FR 67352](#)) OSHA issued an NPRM to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the US Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces. Comment due date: 28 January 2008. On 23 January 2008 ([73 FR 3893](#)) OSHA extended the comment period to 28 February 2008. The most recent Unified Agenda indicates that a final rule is planned for February 2014.

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

**Medical Examiner's Certification Integration. (FMCSA-2012-0178).** (RIN 2126-AB40; 49 CFR 383, 384, and 391) On 10 May 2013 ([78 FR 27343](#)) FMCSA issued an NPRM, which would require certified medical examiners (MEs) performing physical exams on CDL holders to use a newly developed Medical Exam Report (MER) form [MCSA-5875], in place of the current MEP form and to use Form MCSA-5876 for the medical examiner's certificate (MEC). Additionally, MEs would be required to report the results of all CDL exams (including those found not to be qualified) to FMCSA by close of business on the day of the exam. FMCSA also proposes to transmit electronically driver identification, exam results,



and restriction information from the National Registry system to the State driver Licensing Agencies (SDLAs), which would allow enforcement officials the ability to view the most current and accurate info regarding the medical status of a CMV driver. Comment due date: 9 July 2013. The most recent Unified Agenda indicates that the next action is “to be determined.”

**Self Reporting of Out-of-State Convictions (FMCSA-2012-0172).** (RIN 2126-AB43; 49 CFR 383) On 2 August ([77 FR 46010](#)) FMCSA issued an NPRM, which would require both CDL holders and States with certified CDL programs to report a CDL holder’ out-of-State traffic conviction to the driver’s State of licensure. On 26 April 2013 ([78 FR 24684](#)) the FMCSA issued a **Final Rule**, which amends the CDL rules to eliminate the requirement for drivers to notify the State licensing agency that issued their commercial learner’s permit (CDL) of CDL out-of-State traffic convictions when those convictions occur in States that have a certified CDL program in substantial compliance with FMCSA’s rules. Current rules require both the CDL holder and States with certified CDL programs to report to the driver’s State of licensure. This final rule removes the redundancy for those cases in States with a certified CDL program. Effective date: 28 May 2013

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

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

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

**Commercial Driver’s License Drug and Alcohol Clearinghouse.** (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. The most recent Unified Agenda indicated that an NPRM was planned for December 2013.

**Electronic Logging Devices and Hours of Service Supporting Documents. (FMCSA-2010-0167)** (RIN 2126-AB20; 49 CFR 385, 390, and 395) On 1 February 2011 ([76 FR 5537](#)) FMCSA issued a NPRM, which proposes to amend the regulations to require certain motor carriers operating commercial motor vehicles in interstate commerce to use electronic on-board recorders (EOBRs) to document their drivers’ hours of service (HOS). All motor carriers that are required to maintain a Records of Duty Status



for HOS recordkeeping would be required to use EOBRs to systematically and effectively monitor their drivers' compliance. Although some subject to the new EOBR requirements would still need to maintain some supporting documents, they would be relieved of the requirements to retain supporting documents to verify driving time. Motor carriers would be given three (3) years after the effective date of the final rule to comply. Comment due date: 4 April 2011.

On 10 March 2011 ([76 FR 13121](#)) FMCSA extended the comment period for this NPRM. Comment due date now: 23 May 2011. The most recent Unified Agenda indicated that an SNPRM was planned for December 2013.

**National Registry of Certified Medical Examiners (FMCSA-2008-0363).** (RIN 2126-AA97; 49 CFR 390 and 391) On 1 December 2008 ([73 FR 73129](#)) FMCSA issued a NPRM, which proposes to establish and maintain a National Registry of Certified Medical Examiners (NRCME) and to require that all medical examiners, who conduct medical examinations for interstate commercial motor vehicle drivers, complete certain training concerning FMCSA physical qualification standards, pass a test to verify understanding of those standards, and maintain competence by periodic training and testing. Once the NRCME is established, FMCSA would then accept only medical examiner certificates issued by a NRCME certified medical examiner. Comment due date: 30 January 2009.

On 16 March 2011 ([76 FR 14366](#)) FMCSA issued a notice with a request for comments. This is a follow up question to the 2008 NPRM that FMCSA is asking regarding validation that the medical examiner is listed on the national approval list (NCRME) and that this proof is then placed in the CMV driver's record along with their physical results.

On 17 May 2011 ([76 FR 28403](#)) FMCSA issued a notice of availability of draft guidance with a request for comments. The draft guidance is for the core curriculum specifications that could be used by training providers in implementing the proposed rule. Comment due date: 16 June 2011.

On 20 April 2012 ([77 FR 24104](#)) FMCSA issued a **Final Rule**, which established the National Registry of Certified Medical Examiners with the requirements that all medical examiners, who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers, meet designated criteria to be placed on the registry. After the transition period, wherein the medical providers are required to be trained and tested, the National Registry will only accept, as valid, medical examiner certificates issued by a medical examiner that is listed on the National Registry. Effective date: 21 May 2012. Compliance date: 21 May 2014

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

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

**Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement (FMCSA-2001-1117).** (RIN 2126-AA70; 49 CFR 383) On 7 November 2003 ([68 FR 63030](#)), FMCA published an **Interim Final Rule**, effective 3 November 2003, that amended the FMCSA regulations prohibiting States from issuing, renewing, transferring or upgrading a CDL with a HME unless the TSA has first conducted a background records check of the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. The compliance date provisions being revised require States to collect fingerprints from individuals applying for, renewing, upgrading or transferring a hazmat endorsement for a CDL beginning 3 November 2003. On 19 August 2004 ([69 FR 51391](#)), FMCSA published an **Interim Final Rule**, effective 20 September 2004, further extending the date by which States must comply with the TSA regulations to coincide with the new compliance date established by TSA. The new compliance date is 31 January 2005.

On 29 April 2005 ([70 FR 22268](#)) FMCSA issued an **Interim Final Rule**, effective when issued, that amends the Federal Motor Carrier Safety Regulations to cross-reference the TSA's compliance date as the date when FMCSA companion requirements also become applicable. Consistent with TSA regulations, FMCSA also reduced the amount of advance notice that States must provide to drivers that a security threat assessment will be performed when they renew a hazardous materials endorsement. The most recent Unified Agenda indicated that the next action is "to be determined."

**Unified Registration System (FMCSA-97-2349).** (RIN 2126-AA22; 49 CFR 360, 365, 366, 368, 387 and 390) In this 19 May 2005 NPRM ([70 FR 28990](#)), FMCSA proposes a revised registration system. The Unified Registration System (URS) would apply to every motor carrier, freight forwarder and broker required to register with DOT under 49 CFR 390.19 or 49 U.S.C. 13901, except Mexico-domiciled motor carriers registering to operate between Mexico and points in the United States beyond border commercial zones along the U.S.-Mexico international border. The entities covered by this system would be required to register with FMCSA and periodically update registration information provided on a newly proposed registration form. This proposal applies to entities that are already subject to FMCSA Commercial Regulations, the Federal Motor Carrier Safety Regulations, or the Hazardous Material Regulations – the latter will affect many drilling contractors. This action is being taken in response to section 103 of the ICC Termination Act of 1995 (ICCTA), which requires the Secretary of Transportation (Secretary) to propose regulations to replace four current identification and registration systems with a single, on-line, Federal system. FMCSA proposes to charge registration fees that will enable FMCSA to recoup costs associated with processing registration applications and administrative filings and maintaining this system. Comment due date: 17 August 2005.

On 26 October 2011 ([76 FR 66506](#)) FMCSA issued a SNPRM, which responds to comments to the 2005 URS NRPM, incorporates new proposals implementing requirements imposed by final rules published after the 2005 URS NPRM, and includes new proposals to implement certain provisions of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act. The FMCSA believes the proposed URS would improve the registration process for motor carriers, property brokers, freight forwarders and other entities that register with FMCSA. Comment due date: 27 December 2011.

On 23 August 2013 ([78 FR 52607](#)) FMCSA issued a **Final Rule**, which amends its regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the Agency via a new electronic on-line Unified Registration System (URS). Effective date: 23 October 2103.

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

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

## **Environmental Protection Agency (EPA)**

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

### **EPA – Toxic Substances Control Act**

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

On 16 June 2010 ([75 FR 34076](#)) the EPA issued an extension of the ANPRM comment period and notification of additional public meetings. Revised Comment due date: 20 August 2010. The most recent unified agenda indicates that an NPRM is planned for November 2014.

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

**National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule.** (RIN 2040-AF25; CFR not determined) This planned rulemaking by the EPA is to update specific elements of the existing NPDES in order to better harmonize regulations and application forms, improve permit documentation and transparency and provide clarifications to the existing regulations. The focus will be on revising the permit application forms to specifically include all final agency data standards, improve the consistency between the forms, update the applications to better reflect current program practices, and incorporate new program areas into the forms (*i.e.*, cooling water intake structures). The most recent Unified Agenda indicated that an NPRM is planned for March 2014.

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

On 30 July 2013 ([78 FR 46005](#)) the EPA issued an NPRM that proposes to require electronic reporting for current paper-based NPDES reports. They state that this modification will allow better allocation and use of limited program resources and enhance transparency and public accountability by providing

regulatory agencies and the public with more timely, complete, accurate, and nationally-consistent sets of data about the NPDES program and potential sources of water pollution. Comment due date: 28 October 2013

On 29 October 2013 ([78 FR 64435](#)) the EPA issued an extension to the comment period. Revised Comment due date: 12 December 2013. The most recent Unified Agenda indicates that a final action is planned for December 2014.

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

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

On 8 August 2011 ([76 FR 48073](#)) the EPA published a proposed rule, which proposes to revise the regulations for hazardous waste management under the RCRA to conditionally exclude CO<sub>2</sub> streams that are hazardous from the definition of hazardous waste, provided these streams are captured from emission sources, are injected into Class VI Underground Injection Control (UIC) wells for purposes of geologic sequestration (GS), and meet certain other conditions. EPA expects that this amendment will substantially reduce the uncertainty associated with identifying these CO<sub>2</sub> streams under RCRA Subtitle C, and will also facilitate the deployment of GS by providing additional regulatory certainty. Comment due date: 7 October 2011

On 9 September 2011 ([76 FR 55846](#)) the USCG issued a technical correction to the proposed rule, which rectified the incorrect burden estimates in the preamble of the proposed rule. The most recent Unified Agenda indicated that a final rule was planned for November 2013.

**Hazardous Waste Management System: Modification of the Hazardous Waste Manifest System. (EPA-HQ-RCRA-2001-0032).** (RIN 2050-AG20; 40 CFR 260 thru 265, and 271) On 26 February 2008 ([73 FR 10204](#)) the EPA published a notice of availability and request for comments regarding the electronic manifest (e-Manifest) project. This project is to develop a centralized web-based information technology system for electronic manifests. Comment due date: 11 April 2008. The most recent Unified Agenda indicates that a final rule was planned for November 2013.

**Modifications to RCRA Rules Associated with Solvent-Contaminated Shop Towels and Wipes (SAN 4091).** (RIN 2050-AE51; 40 CFR 261) A proposed rule was originally scheduled for November 2002. On 20 November 2003 ([68 FR 65586](#)), EPA issued a NPRM proposing: to conditionally exclude from the definition of hazardous waste disposable industrial wipes that are contaminated with hazardous solvents and are going to disposal and to conditionally exclude from the definition of solid waste reusable industrial shop towels and rags that are contaminated with hazardous solvents and are sent for laundering or dry cleaning. This proposal affects contaminated industrial wipes being sent to both landfill and non-landfill (*e.g.*, laundries and combustion) facilities and is applicable to: industrial wipes exhibiting a hazardous characteristic (*i.e.*, ignitability, corrosivity, reactivity, or toxicity) due to use with solvents; or industrial wipes contaminated with certain commercial chemical products that are spilled and cleaned up with industrial wipes. The proposal would resolve, at the Federal level, long-standing issues associated with the management of solvent-contaminated industrial wipes by: facilitating pollution prevention and waste minimization opportunities, including the recycling of the spent solvents extracted from contaminated industrial wipes; fostering improved solvents management by generators and handling facilities; reducing compliance costs; increasing consistency in the regulations governing solvent-

contaminated industrial wipes across the U.S.; clarifying existing Federal rules; and creating flexibility for generators to work with industrial laundries, as appropriate, to ensure compliance with local pretreatment standards established by POTWs. A final rule was scheduled for January 2006, but was postponed until June 2007.

On 31 July 2013 ([78 FR 46447](#)) the EPA issued a **Final Rule**, which modifies the hazardous waste management regulations for solvent-contaminated wipes. This rulemaking revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. Effective date: 31 January 2014

## **EPA – Clean Air Act (CAA)**

**Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export. (EPA-HQ-OAR-2013-0263)(RIN 2060-AR04; 40 CFR 82)** On 24 December 2013 ([78 FR 78072](#)) the EPA issued an NPRM, seeking comments on options for adjusting the allowance system controlling US consumption and production of hydrochlorofluorocarbons (HCFC), which are required to be phased out completely by 2030. Beginning 1 January 2015 the US production and consumption of all HCFCs must be no more than ten percent of the established cap. The EPA is therefore seeking comment on how to best implement the 2015 step-down to no more than ten percent of the cap. This rulemaking also seeks comments on the potential changes to the regulations. Comment due date: 24 February 2014.

**Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export. (EPA-HQ-OAR-2011-0354)** (RIN 2060-AQ98; 40 CFR 82) On 4 January 2012 ([77 FR 237](#)) the EPA issue a proposed rule to adjust the allowance system controlling U.S. consumption and production of hydrochlorofluorocarbons (HCFC) as a result of a recent court decision. EPA will be establishing the company-by-company baselines and calendar-year allowances for HCFC-22 and HCFC-142b.

On 3 April 2013 ([78 FR 20004](#)) the EPA issued a **Final Rule**, which is adjusting the allowance system controlling U.S. consumption and production of HCFCs. This final rule relieves the regulatory ban on production and consumption of HCFC-22 and HCFC-142b (used for servicing air conditioning and refrigeration systems) by establishing a company-by-company baseline for each of these chemicals and allocating production and consumption allowances for 2012-2014. Effective date: 3 April 2013

**Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances - Fire Protection.** (RIN 2060-AQ84; 40 CFR 82) The planned final direct rulemaking, which was expected to be out in August 2011, would list as acceptable (subject to use restrictions) a substitute for ozone-depleting substances in the fire suppression and explosion protection sector under EPA's Significant New Alternatives Policy (SNAP) Program.

On 19 September 2012 ([77 FR 58081](#)) the EPA issued an NPRM, which proposes to list three substitutes for ozone-depleting substances in fire suppression and explosion protection sector as acceptable subject to use restrictions under the EPA's Significant New Alternatives Policy (SNAP) program. Comment due date: 19 October 2012.

On 19 September 2012 ([77 FR 58035](#)) the EPA issued a **Direct Final Rule**, to list the three substitutes for ozone-depleting substances as stated in the NPRM. Effective date: 18 December 2012 (unless adverse comments are received on NPRM).



On 29 April 2013 (78 FR 24997) the EPA issued a **Final Rule**, and pursuant to the EPA's Significant New Alternatives Policy program, lists C7 Fluoroketone as an acceptable substitute, subject to narrowed use limits, for ozone-depleting substances used as streaming agents in the fire suppression sector. Effective date: 29 May 2013.

**Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or before December 9, 2004 (SAN 5011) (OAR-2006-0364).** (RIN 2060-AN43; 40 CFR 62) The Clean Air Act Amendments of 1990 directed the EPA to set emission guidelines under sections 111 and 129 for existing incinerators categorized as other solid waste incinerators (OSWI), a catch-all grouping for those classes of incinerators not directly named in the Act, which would include shipboard incinerators. Under court order, EPA published proposed regulations for OSWI on 9 December 2004. Final regulations for OSWI were published on 16 December 2005 ([70 FR 74869](#)) and were notable in that they clearly excluded shipboard incinerators from classification as Commercial Industrial Solid Waste Incinerators (CISWI). In accordance with section 129, any State with affected sources must submit a State plan by 1 year after publication of the final rule describing how the State will implement the emission guidelines for existing CISWI. Section 129 also requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this OSWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the December 2005 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State. A NPRM was published on 18 December 2006 ([71 FR 75816](#)). Comment due date: 16 February 2007. The most recent Unified Agenda indicated that a final action is "to be determined."

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

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

On 12 April 2013 ([78 FR 21871](#)) the EPA issued a proposed rule, which is proposing to amend the regulations promulgated as part of the National Recycling and Emission Reduction Program, to exempt from the prohibition under section 608 on venting, release and disposal certain refrigerant substitutes listed as acceptable or acceptable subject to use conditions in regulations as part of that program. This is based on the current evidence that the venting, release or disposal of these substitutes does not pose a threat to the environment. Comment due date: 11 June 2013. The most recent Unified Agenda indicates that a final rule is planned for February 2014.



**National Emission Standards for Hazardous Air Pollutants: General Provisions (OAR-2004-0094).** (RIN 2060-AM75; 40 CFR 63) On 3 January 2007 ([72 FR 69](#)) EPA issued a proposed rule with amendments to the General Provisions to the NESHAP. These amendments would replace the policy described in the 16 May 1995 EPA memorandum entitled, “Potential to Emit for MACT Standards-Guidance on Timing Issues;” and provide that a major source may become an area source at any time by limiting its potential to emit hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (tpy) of any single HAP or 25 tpy of any combination of HAP. Under the proposed amendments, a major source could become an area source at any time, including after the first substantive compliance date of an applicable MACT standard so long as it limits its potential to emit to below the major source thresholds. This proposed rule also revises tables in numerous MACT standards that specify the applicability of General Provisions requirements to account for the regulatory provisions proposed. Comment due date (5 March 2007) extended to 4 May 2007. The Spring 2011 Unified Agenda indicated that a final action is “to be determined” and the most recent Unified Agenda did not address this rulemaking.

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

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

On 20 August 2012 ([77 FR 50071](#)) the FCC recorded a Petition for Reconsideration. The most recent Unified Agenda indicated that the next action is “to be determined.”