

CAPP Specific Comments on Parts and Sections of the Policy Intent Document

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
Part 1 Board Powers			
1.1 Spacing	D&P Regs - Part 1 Sec 2	The Board is authorized to make orders respecting the allocation of areas, including the determination of the size of spacing units and the well production rates for the purpose of drilling for or producing oil and gas and to exercise any powers and perform any duties that may be necessary for the management and control of oil or gas production.	There are a number of definitions that should not only be included in the final regulation but discussed in advance of future Policy Intent Documents so as to help in our interpretation of the policy intent. Specifically: Accurate Environmental Operation Loss of control Safety Critical Procedures Safety Critical Equipment Safety Critical Production Program Well Operation Zone
1.2 Names and Designations	D&P Regs - Part 1 Sec 3&4	<p>The Board may give a name, classification or status to any well and may change that name, classification or status.</p> <p>The Board may also</p> <p>a. designate a zone for the purposes of these Regulations;</p> <p>b. give a name to a zone, pool or field; and</p> <p>c. define the boundaries of a pool, zone or field for the purpose of identifying it.</p>	<p>Please provide definition of "zone".</p> <p>We would suggest that there should be added an introductory sentence or paragraph stating the role, mandate and powers of the Boards because this Part has sections that don't seem to flow properly</p> <p>It should be noted that designated "zones" have far reaching implications to development strategies. Particularly with respect to commingled production restrictions. Production measurement and allocation to zones will be very challenging and requirements to do so may render zonal development uneconomical</p> <p>See comment above</p> <p>See comment above</p>
Part 2 - Management System			
2.1 General	D&P Regs Sec 5 (1) and (2)	An operator shall develop, implement and maintain a management system that reduces and manages risks to safety, security and the environment, prevents waste and ensures conservation of the resource.	<p>CAPP would suggest that government continue with the definition of 'management system' contained in the existing D&P regulations or meeting with CAPP members and agreeing on a revision. As this is written it is problematic. For this section in general, is there intended to be a distinction in the use of the following words: "ensure, provide for, include"?</p> <p>From a performance based perspective, a number of the requirements in this section are still prescriptive in nature. In particular:</p> <ul style="list-style-type: none"> - the expectations regarding continuous improvement (2.1g, i & l) dictate that the management system contain specific things rather than achieve a particular goal as identified in 2.1h. - Similarly, 2.1m written as the management system requiring a records management system. It should rather simply indicate that the management system is able to identify, generate, control and retain records.... <p>A revised text suggestion should read "<u>...a management system intended to reduce and manage risks to safety...</u>" The wording in red has the same intent, but is too open to personal interpretation as to how far the systems must go. For example how might one prove that it was the system that reduced the risk, and not something else.</p> <p>The conservation of resource represents an increase in the scope of the management system. <i>What will be the Board's intent to address this section of the regulation?</i></p>

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	D&P Regs Sec 5(4)	The management system shall correspond to the scope, nature, and complexity of the proposed work or activity, and to the hazards and risks associated with the work or activity, and shall:	No comment
	D&P Regs Sec 5(1)	a. ensure compliance with the Act, these Regulations and any legal requirements of the Board;	It is unclear as to what legal requirements are being referred to here? Clarification required as it states compliance with Act and regulations.
	D&P Regs Sec 5(1)	b. integrate operational activities and technical systems with the management of financial and human resources;	Unsure what this means. Is this provision implying the regulation would cover areas of financial and human resources? There are other legislation that cover these aspects. (i.e. privacy.....). Current D&P Regulation indicates that integration of operational activities and technical systems with management of financial and human resources is for the purposes of meeting the requirements of the Act and Regulation. This connection of "why" the integration is required should be maintained in this new regulation.
	n/a	c. cover all work or activity associated with the application for authorization;	With respect to the term "all" work - would this also mean Contractor's offices, and contractor's subcontractor's offices etc. Clarification is sought as to whether the intention is "Offshore Work under Authorization"
	n/a	d. foster a strong safety culture (see definitions below);	This should be removed - what constitutes a strong safety culture. How would this be measured? Determined? <u>See discussion on Safety Culture Notes below.</u>
	D&P Regs Sec 5(3)	e. be explicit, comprehensive and proactive and be set out in a logical fashion to allow for ease of understanding and efficient implementation;	This statement is redundant, subjective and adds little value to the intent of the section. The general introduction (...correspond to the scope, nature and complexity...) to this list of subsections addresses this expectation. This is better suited for matters to be addressed in the Safety Plan and Safety Plan guidelines.
	D&P Regs Sec 5(2) (j)	f. provide for coordinating the execution and management of the work or activity among the operator, employers, suppliers and provider of services involved in executing the work or activity;	No comment
	D&P Regs Sec 5(2) (b) and (e)	g. establish and maintain measurable targets, goals and performance indicators for the improvement of safety and security, protection of the environment and prevention of waste and conservation of the resource;	This represents a significant change from the previous language regarding maintaining measurable targets and performance indicators. Remove word "target" as it is redundant with a measurable goal. Will the Boards be addressing this in their Guidelines? A preference will be to employ internationally benchmarked KPIs and operator specific KPIs. Industry would like to avoid another set defined by the Boards. Should be standard across all operators. Is the term waste expected to be consistent with that listed in 154(2) of the Atlantic Accord Act?
	D&P Regs Sec 5(2) (i)	h. include a continual improvement process for preventing and taking corrective actions respecting any deficiencies, non-conformances or areas for improvement;	The phrase "for preventing and taking corrective actions" is a bit confusing. Assume it is not the intent to prevent corrective actions. Suggest reword to "continual improvement process for preventing deficiencies, non-conformances or areas for improvement, and for taking corrective actions should they occur."

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	D&P Regs Sec 5(2) (i)	i. provide for annual management reviews and periodic internal audits of the management system;	It is a bit unclear if this is solely related to the management system as it is described, or if it also is applicable to how it is being applied. Secondly , an Operator would often do a series of smaller reviews related to the application of parts of the management system, and not an annual review as indicated here. With that in mind, an alternative text could be, "provide for periodic management reviews and internal audits of the application of the management system"
	D&P Regs Sec 5(2) (g)	j. ensure that all documented policies and procedures are made accessible to those that require access;	This is a significant improvement of wording from the current regulations
	D&P Regs Sec 5(2) (h)	k. provide a mechanism for ensuring that all documents are approved by the appropriate level of authority, reviewed on a periodic basis and updated as required to ensure they remain current and valid;	Suggested rewording: the management system is updated as required to ensure it remains current and valid;
	D&P Regs Sec 5(2) (f)	l. include a data management system for monitoring and analyzing trends in hazards, incidents and near-misses;	The newer wording seems counterintuitive to the objectives of performance based regulations, as well as guidance towards a proactive approach to safety. The right focus, corrective actions for continual improvement, appears lost here in the new wording. Hazards or threats, like ice bergs, are normally not assigned with numerical values, but rather their associated risks to which one can analyze trends. Having a data management system for this is normal, but still the regulation should not be prescriptive as to what type of system one uses. Suggested rewording: include a system for monitoring and analyzing trends in risks, incidents and near-misses; This represents a significant change from the previous language regarding maintaining measurable targets and performance indicators. How will this be addressed in the Boards Guidelines? Industry's preference would be to employ internationally benchmarked KPIs and operator specific KPIs. Industry would like to avoid another set defined by the Boards.
	D&P Regs Sec 5(3)	m. include a records management system to identify, generate, control and retain records necessary to support operational and regulatory requirements, and all other records associated with the management system and ensure that they are made accessible to those that require access; and	No comment
	D&P Regs Sec 5(2) (d)	n. ensure that all personnel are trained, competent and appropriately supervised to perform their duties in a manner that is safe.	The term "appropriately supervised" is too broad/subjective. The term "appropriately" is ambiguous. We would suggest deleting.

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Note on Safety Culture	No comparable section in D&P Regs	<p>It is proposed that safety culture will be defined as the attitudes, values, norms, and beliefs, which a particular group of people shares with respect to risk and safety.</p> <p>A strong safety culture will be defined as one in which:</p> <p>a. leaders demonstrate that safety is their overriding value and priority;</p> <p>b. every individual/person is aware of known hazards while remaining vigilant to new threats;</p> <p>c. every individual/person feels empowered and recognized for making safe decisions;</p> <p>d. every individual/person feels encouraged to report safety hazards, including instances where they have committed an error and introduced a threat themselves;</p> <p>e. every individual/person, including the most junior employee would not hesitate to take action in response to a safety concern without fear of disciplinary action or reprisal;</p> <p>f. every individual works safely regardless of whether or not someone is watching; and</p> <p>g. the organization is continually learning from its own and others' experiences with the goal of advancing safety.</p>	<p>The definition of safety culture is acceptable, however the "identifiers" of safety culture should be based on industry or regulator guidance. Safety Culture is still a relatively new concept and should not be fixed in regulatory language.</p> <p>An entire section on defining a strong safety culture is subjective and interpretation of expectations will vary between personnel, groups, operators, regulators, etc... Due to the subjectivity and the limited abilities to measure, placing such a section in these regulations will lead to enforcement based on the regulators interpretation and their perceptions of the culture.</p> <p>General comments above apply</p> <p>General comments above apply</p> <p>General comments above apply</p> <p>General comments above apply but also you could simplify to make it all encompassing: a system for shift handover to effectively communicate any conditions that might have an impact on safety or the protection of the environment; This is also covered in Part 4 Operator duties, one example of the same issue being described in different parts of this Policy.</p> <p>General comments above apply processes and procedures for identifying hazards, evaluating risks associated with those hazards and for developing and implementing controls to manage those risks. This topic is to a large extent, if not completely, addressed in Chapter 3.4 Safety Plan.</p> <p>General comments above apply</p> <p>General comments above apply</p>
The management system documentation shall include:	D&P Regs Sec 5(2) (a)	a. the policies and standards on which the management system is based together with the operator's commitment to compliance with the policies and standards;	<p>The current Drilling and Production Regulations definition on Management Systems is adequate. A general comment that its not clear in the policy intent document if this section is part of Section 2.1, part of the Safety Culture reference (intuitively it is not) or its own section that has not been numbered.</p> <p>As noted above, in the interest of moving toward a performance based approach, many of the subsections are either not appropriate or not worded effectively. In general, one would expect a single section on the management system that clearly outlines a set of objectives for the management system to meet, rather than a combination of objectives and expected content. For example, Section 2.1 has no clear expectations regarding the identification and control of hazards or management of change. These are rather incorporated as content requirements in this section. It would be appropriate that there is a single section on the management system that is focused on the goals of the management system and content is addressed in guidelines.</p>

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	D&P Regs Sec 5(2) (g)	b. the roles, responsibilities and authorities of all individuals with responsibilities under the management system and the processes and procedures for making those individuals aware of their roles and responsibilities;	See general comment above
	n/a	c. the processes and procedures for the internal and external communication of information relating to safety and security and protection of the environment;	See general comment above
	D&P Regs Sec 19 c	d. a system for shift handover to effectively communicate any conditions, mechanical or procedural deficiencies or other problems that might have an impact on safety or the protection of the environment;	See general comment above
	D&P Regs Sec 5(2) c	e. processes and procedures for identifying hazards, evaluating risks associated with those hazards and for developing and implementing controls to manage those risks during routine and non routine operations;	See general comment above
	n/a	f. an inventory of identified hazards and associated controls and the means of maintaining the inventory so that it is current and valid;	As noted above, this is not a performance based oriented requirement, but rather it dictates the content of the management system. There is no expectation the inventory is then used as part of the management system, no indication of the objective of creating and maintaining this inventory and yet represents a significant resource draw in order to develop and maintain it.
	D&P Regs Sec 5(2) (f)	g. processes and procedures to communicate to those who may be exposed to hazards the necessary controls to mitigate any risks associated with those hazards;	See general comment above
	n/a	h. an inventory of the codes and standards being applied to the project;	As noted in the general comment - this is not a performance based objective, but rather a requirement to implement a system. The objective is that the operator ensures it is compliant to the codes and standards required for safe operation. This does not necessarily mean the operator must maintain a centralized inventory of Codes and Standards. This would have to be an extremely fluid and live document or process to be able to stay up to date. At what level would this go to as there are significant sub-references to codes and standards within regulatory specified codes, standards, guidelines, rules, etc. Should be more clear on what the requirement is here: Codes and standards change and evolve over time. As new equipment is procured, new codes and standards are applied, detailed in the Requirements/Design Basis for that scope of work. The field typically has equipment that meets different versions of codes and standards.
	n/a	i. competency requirements and training programs, including verification processes to achieve the objectives 2.1(n);	See general comment above

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	n/a	j. processes and procedures for identifying, evaluating and managing safety critical elements and any tasks that are critical to safety and security, the protection of the environment, and prevention of waste and conservation of resources;	Safety Critical Element should be defined, particularly given that the definition may have potential to overlap between OHS and Framework regulations. Although not referenced as such, safety critical tasks should also have a definition.
	n/a	k. processes and procedures for identifying, evaluating and managing any changes that could affect safety and security or the protection of the environment, as well as the prevention of waste and conservation of the resource;	No comment
	n/a	l. processes and procedures for inspecting, monitoring and maintaining the integrity of all installations, facilities, vessels, pipelines, and all other equipment or systems associated with the application for authorization and that also includes evaluating the effectiveness of these processes and for taking corrective actions if deficiencies are identified;	This section appears to be more in line with industry best practice and is not nearly as prescriptive. Need to be clear that this would be by operators, and not the regulators specifying what the frequencies, process, procedures, etc... are (Operator risk based) The first part of this phrase is not necessary as all equipment which plays a role in a major accident event should be captured by the SCE's referenced in item j. This phrase is misleading and takes the focus away from major accident hazard barriers.
	n/a	m. processes and procedures for tracking and monitoring compliance with all legal requirements established by the Act (Part III), regulations or the Board; and	See general comment above
		n. processes and procedures for:	
	D&P Regs Sec 5(2) (f)	i. the internal reporting, investigating and analysis of hazards, incidents and near-misses and for taking corrective action to prevent their recurrence; and	No comment
	n/a	ii. establishing the conditions under which a person who makes a report will be protected from any reprisal actions.	Suggest additional wording to clarify this is related to reporting within an individual's organization: "establishing the conditions under which a person who makes a report within their organization will be protected from any reprisal actions."
2.2 Organizational Structure and Resources	New Section not previously in D&P Regs	The operator shall ensure an organizational structure with sufficient qualified human resources is in place for establishing, implementing, maintaining and continually improving the management system.	No comment
2.3 Accountable Person	D&P Regs Sec 5(2) (k)	The name and position of the person accountable for the establishment, maintenance and continual improvement of the management system shall be provided to the Board at the time of the application for authorization and any time there is a change in the accountable person.	It is not clear what the intent of this section is - is this for identifying a point of contact, ensuring clarity within the organization itself or for the purpose of Section 195 of the Atlantic Accord and the revised AMPS regulations? It also should be noted here that "compliance" is covered in 2.5, where the term "operator" is being used. Also with respect to the phrase "the operator should ensure..." is this not covered with the previous paragraph. Is there any benefit to linking human and financial resources to the management system. The Operator is required to have a fully functioning and fit for purpose management system with provisions for continual improvement, auditing etc. There is no need to prescriptively reference human and financial resources under that topic.
	n/a	The operator shall ensure that the person accountable has authority over the human and financial resources required to establish, implement and maintain the management system.	

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	n/a	The accountable person must sign a statement accepting their responsibilities for the establishment, maintenance and continual improvement of the management system.	
2.4 Annual Report	New Section not previously in D&P Regs	The operator shall ensure that, not later than March 31 of each year, a report on the adequacy and effectiveness of the management system relating to the preceding calendar year, signed by the accountable officer, is submitted to the Board and includes:	Will this be the only annual report required regarding safety? Will the OHS regulations have similar requirements? Will this be subject to Board guidelines?
		a. an assessment of the performance of the management system in meeting the targets and goals referred in section 2.1; and	Is this referring to all of 2.1, or 2.1 (g) which specifically talks about establishing and maintaining measurable targets, goals and performance indicators for the improvement of safety and security, protection of the environment and prevention of waste and conservation of the resource;
		b. the actions taken during that year to correct any deficiencies, areas of non-conformance or any opportunities for improvement.	No comment
2.5 Compliance	Section 18 of D&P Regs under Operator Duties	The operator shall ensure compliance with the requirements of the management system, including by employees, subcontractors, service providers, and other individuals that are subject to the management system.	No comment
Part 3 - Applications for Authorizations and Approvals			
3.1 Application for Authorization		The application for an authorization for any work or activity shall be accompanied by	No comment
	D&P Regs 6(a)	a. a description of the scope of the proposed work or activity;	No comment
	D&P Regs 6(b)	b. an execution plan and schedule for undertaking the work or activity;	No comment
	D&P Regs 6c	c. a safety plan that meets the requirements of item 3.4;	No comment
	D&P Regs 6(d)	d. an environmental protection plan that meets the requirements of item 3.5;	No comment
	D&P Regs 6(j) (i) and (ii)	e. a contingency plan, including emergency response procedures, that meet the requirements of item 3.6;	No comment
	D&P Regs 6(g) and 6(h)	f. a description of all installations, facilities, vessels, vehicles [onshore COGOA regs only], pipelines, and all other equipment or systems proposed to be used;	No comment
	D&P Regs 6(i)	g. for a production program, a field data acquisition program that allows sufficient pool pressure measurements, fluid samples, cores, cuttings, well logs, formation flow tests, analyses and surveys for a comprehensive assessment of the performance of development wells, pool depletion and injection schemes and the field;	No comment

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		h. for a drilling program or a production program:	As noted under the comment regarding definitions, what is considered a production program?
	D&P Regs 6(e)	i. information on any proposed flaring or venting of gas, including the rationale and the estimated rate, quantity and period of the flaring or venting;	No comment
	D&P Regs 6(f)	ii. information on any proposed burning of oil, including the rationale and the estimated quantity of oil proposed to be burned;	Require definition of "oil". Burning of stabilized crude oil for fuel gas in boilers /generators is not currently used in NL offshore but maybe available in low gas fields or to reduce DO consumption
	Part 1 General - Geophysical Operations Regulations	i. in the case of a geoscientific, geotechnical or environmental programs (these terms will be defined):	No comment
		i. maps illustrating the location of the program and proximities to man-made and vulnerable natural structures and any territorial or other boundaries;	No comment
		ii. details of the proposed data acquisition plan; and iii. a detailed description of the methods and equipment to be used; and	No comment
	D&P Regs 6(k)	j. a description of the decommissioning and abandonment plan of the site in relation to the activity to be authorized, including methods for restoration of the site after its decommissioning and abandonment.	No comment
3.2 Management System in Place	New Section not previously in D&P Regs	An applicant for an authorization for any work or activity must have a management system in place that meets the requirements of Part 2 prior to an authorization being issued.	No comment
3.3 Flow Allocation Approval	New Section but same text as included in 7(1) and 7(2) of D&P Regs under Application for Authorization	<p>If the application for authorization covers a production installation, the applicant shall also submit to the Board for its approval the flow system, the flow calculation procedure and the flow allocation procedure that will be used to conduct the required measurements.</p> <p>The Board shall approve the flow system, the flow calculation procedure and the flow allocation procedure if the applicant demonstrates that the system and procedures facilitate accurate measurements and allocate, on a pool or zone basis, the production from and injection into individual wells.</p>	<p>Not sure what is meant by 'procedures' in this section</p> <p>Please define term accurate. Accuracy versus precision may be confused. Needs +/- range, OEM or something to make more specific.</p> <p>Accuracy requirements are detailed in C-NLOPB measurement guidelines. What exactly governs "accuracy"...will it continue to be these guidelines? Production allocation to a zone is very challenging from a measurement perspective. The C-NLOPB has never dictated compliance to this level of measurement. Such requirements would leave many "zones" uneconomical to develop/produce. Expectations should be clearer.</p> <p>In general, it is difficult to comment on some areas until we see how certain terms are defined. Some text seems to be open to interpretation without knowledge of how certain terms will be defined.</p>

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3.4 Safety Plan	New Section. Previously included as 8 under Application for Authorizations in D&P Regs	The safety plan shall set out the procedures, practices, resources, sequence of key safety-related activities and monitoring measures necessary to manage hazards and to ensure the safety of the proposed work or activity and shall include:	Suggest a rewording as follows: The safety plan shall set out the procedures, practices, resources, sequence of key safety-related activities and monitoring measures to manage hazards and demonstrate all reasonable precautions will be taken to ensure the safety of the proposed work or activity and shall include:
	D&P Regs 8(a)	a. a summary of and references to the management system, including the Occupational Health and Safety management system [Accord Act versions of the regulations only], that demonstrate how it will be applied to the proposed, work or activity and how the duties set out in these Regulations with regard to safety (and those under Part III.1 and any regulations made thereunder – Accord Acts only) will be fulfilled;	No Comment.
		b. a document that includes	Safety plans are now frequently being prepared electronically and do not exist in paper format, with the intent of making them more approachable and consumable by the workforce. The regulations should be flexible enough to allow for the development of such a system without having to also prepare a formal paper copy for submission to the regulator.
	D&P Regs 8(b)	i. a summary of all the studies undertaken to identify hazards and to evaluate safety risks related to the proposed work or activity, including any hazards by adjacent or simultaneous activities taking place near the work or activity;	No Comment.
	n/a	ii. the processes used for identifying those hazards, assessing consequences and probabilities, and evaluating prevention and mitigation measures;	Reword - "A description of the processes....." at the beginning
	D&P Regs 8 c	iii. a description of the hazards that were identified and the results of the risk evaluation;	No Comment.
	D&P Regs 8(d)	iv. a summary of the measures to anticipate, avoid, prevent, reduce or manage safety risks; and	No Comment.
	n/a	v. measures for communicating the hazards and risk mitigation measures with all directly affected individuals;	No Comment.
	D&P Regs 8(e)	c. a description of all structures, facilities, equipment and systems critical to safety and a summary of the system in place for their inspection, testing and maintenance;	No Comment.
	D&P Regs 8(f)	d. a description of the organizational structure and the command structure for the proposed, work or, which	No Comment.
	D&P Regs 8(f) (i)	i. clearly explains their relationships to each other; and	No Comment.

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	D&P Regs 8(f) (ii)	ii. provides the contact information and position of the person accountable for the safety plan and of the person responsible for implementing it;	As per the comment against Section 2.3 of the policy intent: It is not clear what the intent of this section is - is this for identifying a point of contact, ensuring clarity within the organization itself or for the purpose of Section 195 of the Atlantic Accord and the revised AMPS regulations?
	D&P Regs 8(g)	e. if the possibility of ice hazards exists, the measures to address the safety of the operations and the protection of installations, facilities, vessels, pipelines, equipment or systems, including systems for ice detection, surveillance, data collection, reporting, forecasting and, if appropriate, ice avoidance or deflection;	No Comment.
	D&P Regs 8(h)	f. a description of the arrangements for monitoring compliance with the plan and for measuring performance in relation to its objectives, including audits, inspections, data collection and analysis;	Suggested rewording - replace "including" with "such as". This rewording allows for actual implementation, and is consistent with proposed wording noted in Environmental Plan Section (see Row 130 D&P Regs 9 (k) below)
	n/a	g. For a diving operation:	Feedback received from diving contractors is that offshore Newfoundland is one of the most difficult places to work because of the complexity of the regulatory approval process. The safety case for any operation, including a diving operation, has to contain a sufficient level of detail for controlling the hazards associated with that operation. FORRI should consider having a diving contractor consulted on the below requirements.
	n/a	i. a detailed description of the diving activities outlined in the scope of the diving operation outlined in 3.1,	No Comment.
	n/a	ii. a description of the practices and procedures to be followed in the diving operation, including	The three items listed (1, 2, 3) seem to be very specific, however the section reference overall is very generic. Whats the rationale for listing the 3 specific items over any other's?
	n/a	1. The minimum continuous period at normal atmospheric pressure required for a diver after completing a saturation dive;	No Comment.
	n/a	2. The maximum duration of a saturation dive to which a diver will be subjected; and	No Comment.
	n/a	3. safe and controlled operation of lift bags;	No Comment.
	n/a	iii. a description of any additional training that is required to meet the unique or particular needs of the diving operation and that will be provided to a person taking part in the diving operation;	No Comment.
	n/a	iv. an explanation of how the Operator ensures that the personnel, procedures and diving installation to be employed in the diving operation meet the requirements of the Act and the regulations and good industry practice; and	No Comment.

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	n/a	v. any specific operational requirements that require the use of pure helium or nitrogen.	No Comment.
3.5 Environmental Plan	New Section. Previously included as 9 under D&P Regs Application for Authorizations	The environmental protection plan shall set out the procedures, practices, resources and monitoring necessary to manage hazards to and protect the environment from the proposed, work or activity and shall include	No Comment
	D&P Regs 9(a)	a. a summary of and references to the management system that demonstrate how it will be applied to the proposed, work or activity and how the duties set out in these Regulations with regard to environmental protection will be fulfilled;	No Comment
		b. a document that includes	No Comment
	D&P Regs 9(b)	i. a summary of the studies undertaken to identify hazards and to evaluate environmental risks related to the proposed operation, work or activity;	No Comment
	n/a	ii. the processes used for identifying hazards, assessing consequences and probabilities, and evaluating prevention and mitigation measures;	Suggested rewording: "A description of the processes....." at the beginning
	D&P Regs 9 c	iii. a description of the hazards that were identified and the results of the risk evaluation;	No Comment
	D&P Regs 9(d)	iv. a summary of the measures to anticipate, avoid, prevent, reduce or manage environmental risks; and	No Comment
	n/a	v. measures for communicating the hazards and risk mitigation measures with all directly affected individuals;	No Comment
	D&P Regs 9(e)	c. a list of all structures, facilities, equipment and systems critical to environmental protection and a summary of the system in place for their inspection, testing and maintenance;	No comment
	D&P Regs 9(f)	d. a description of the organizational structure and the command structure for the proposed work or activity, which	No Comment
	D&P Regs 9(f) (i)	i. clearly explains their relationships to each other, and	No Comment
	D&P Regs 9(f) (ii)	ii. provides the contact information and position of the person accountable for the environmental protection plan and the person responsible for implementing it;	As per the comment on Section 2.3: It is not clear what the intent of this section is - is this for identifying a point of contact, ensuring clarity within the organization itself or for the purpose of Section 195 of the Atlantic Accord and the revised AMPS regulations?
	D&P Regs 9(g)	e. the procedures for the selection, evaluation and use of chemical substances including process chemicals and drilling fluid ingredients;	No Comment

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	D&P Regs 9(h)	f. a description of equipment and procedures for the treatment, handling and disposal of waste material;	No Comment
	D&P Regs 9(i)	g. a description of all discharge streams and limits for any discharge into the environment including any waste material;	No comment
	D&P Regs 9(j)	h. a description of the system for monitoring compliance with the discharge limits identified in paragraph (g), including the sampling and analytical programs to determine if those discharges are within the specified limits;	No Comment
	D&P Regs 9(k)	i. a description of the arrangements for monitoring compliance with the plan and for measuring performance in relation to its objectives such as audits, inspections, data collection and analysis and other related activities; and	No Comment
		j. [for onshore COGOA regs only] a description of the procedure to be followed when an archaeological site or a burial ground is discovered during an operation .	No Comment
3.6 Contingency Plan	New section. Reference to requirement for contingency plans in D&P Regs (Sec 6(j)) but not to this level of detail.	The contingency plans shall set out the procedures, including emergency response procedures, practices and resources and monitoring necessary to mitigate the effects of any foreseeable event that might compromise safety or environmental protection and at a minimum shall include, where applicable:	As with the management system, this section has a number of prescriptive requirements, reflecting current industry practices, such as the use of TR's, support craft, evacuation craft, etc. Its not unreasonable to think that future operations distant from a base of operations requires a wholly different approach to emergency preparedness that then requires a number of RQ's to address. The prescriptive features are better addressed in guidance and industry practices. The plural "plans" versus the singular "plan" of the section heading make the intent unclear. Please confirm the intent here is not to have a single contignecy plan for all possible emergency scenarios. Suggest the following wording: The contingency plans shall set out the procedures, including emergency response procedure practices and resources, and monitoring necessary to effectively prepare for, and mitigate against, the effects of any reasonably foreseeable event that might....
	n/a	a. a method of classifying incidents and a description of the response actions (measures) for specific incidents;	No comment
	n/a	b. internal and external notification, communication and reporting procedures;	No comment
	n/a	c. procedures for accessing essential safety and environmental information;	Not sure what is meant by 'procedures' in this section
	n/a	d. a description of the organizational design and resources to manage the emergency, including trained personnel, equipment and facilities;	No comment

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
	n/a	e. a description of the duties, responsibilities and authorities of all key emergency response positions;	No comment
	n/a	f. communication protocols with relevant municipal, provincial, territorial or federal agencies;	No comment
	n/a	g. mutual aid arrangements with other operators;	No comment
	6(j) (i)	h. coordination and liaison measures with relevant municipal, provincial, territorial or federal emergency response organizations, and notification to any other work or activity in area that may be impacted by the incident;	No comment
	n/a	i. a description of the process for periodic review and updates of contingency plans, including emergency response procedures;	No comment
	n/a	j. personnel evacuation plans, including, if applicable, an evacuation plan for divers engaged in a dive (include references to requirements under OHS Accord Acts only);	<p>General comment that reference to personnel evacuation plans for divers is placed here under Contingency Plans and another section references requirements related to diving (safety plans) and there will be further requirements under the OSH regulations. Since diving activities are very much an OSH issue, it would seem to make more sense to reference meeting the OSH requirements as part of the authorization process and keep the specifics on diving in under the OSH regulations.</p> <p>If reference to requirements related to diving are going to be kept in this regulation, it would make more sense to include reference to an evacuation plan for divers under the Safety Plan requirements in Section 3.4(g)</p>
	n/a	k. a description and locations of available lifesaving equipment, survival craft and launching facilities, as required, [As this pertains in part with OHS, include reference to requirements under III.1 – Accord Acts versions only], as well as the limitations on their use and mitigation when they become unavailable;	<p>The requirement for personnel evacuation plans is more appropriately included under the requirements for a safety plan (Section 3.4) since safety plans are installation-specific as are personnel evacuation plans.</p> <p>Description of LSA equipment, etc. is similar to requirements from petroleum installation regulations, however the "limitations on their use and mitigation when they become unavailable" is new and may have an impact on operations, especially when looking at probabilities of success for safe use.</p> <p>Petroleum Installation Regulations (section 63 (1) presently discusses the limitations of the "installation" as well as meteorological conditions for which an installation will be evacuated. The CNLOPB has tied this to possible limitations on evacuation equipment and could subsequently impact processes for downmaning given limitations on that equipment.</p>
	n/a	l. a description and locations of any primary and secondary Emergency Operation Centers;	No comment
	n/a	m. a description and locations of available support craft;	This requirement is met through line item 3.4c of the policy intent and does not need to be repeated here.
	n/a	n. a description of the location and content of temporary safe refuge (survival shelters) and medical equipment, as required, [include a reference to OHS requirement under III.1 – Accord Acts only];	This requirement is met through line item 3.4c of the policy intent and does not need to be repeated here.

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
	n/a	o. the location of any equipment or other resources identified in the plan;	Better to define a distance and/or time from mobilization. The physical location can change as long as it resides within the required mobilization range.
	n/a	p. a description and operation procedures for communication systems designed and protected to enable operation in an emergency;	We would suggest this revised wording to clarify intent: "a description of the communication systems designed and protected to enable operation in an emergency and the operation procedures for such systems."
	n/a	q. a description of all reasonably practicable steps to ensure the safety of the installation, pipeline or operation;	The requirement to demonstrate that all reasonable precautions have been taken to ensure the safety of workers is addressed in the safety plan and does not need to be repeated in this section.
	6(f) (ii)	r. frequency and scope of emergency response drills and exercises;	No comment
	n/a	s. description of any services or resources for each response action to be obtained on a contractual basis; and	No comment
	n/a	t. for diving operations, a hyperbaric evacuation plan and a dive bell recovery plan, as applicable.	General comment that reference to a hyperbaric evacuation plan and dive bell recovery plan for divers is placed here under Contingency Plans and another section references requirements related to diving (safety plans) and there will be further requirements under the OSH regulations. Since diving activities are very much an OSH issue, it would seem to make more sense to reference meeting the OSH requirements as part of the authorization process and keep the specifics on diving in under the OSH regulations. If reference to requirements related to diving are going to be kept in this regulation, it would make more sense to include reference to the requirements for these plans for divers under the Safety Plan requirements in Section 3.4(g)
3.7 Well Approval	D&P Regs 10(1)	An operator who intends to conduct a well operation shall obtain a well approval.	Define well operation. If an approval needs to be sought, then the scope that will require that approval must be defined. With respect to completion interval a Completion interval can be interpreted to include the entire completion. Possible rewording: I. A well approval is not necessary to conduct a wire line, slick line, or coiled tubing or similar operation through a tree if: a. The work does not negatively alter the expected production or recovery. b. the equipment, operating procedures and qualified persons exist to conduct the operations as set out in and approved under the authorization as a routine operation.
	D&P Regs 10(2)	A well approval is not necessary to conduct a wire line, slick line, or coiled tubing or similar operation through a tree if	
	D&P Regs 10(2) (a)	a. the work does not alter the completion interval or is not expected to adversely affect recovery; and	
	D&P Regs 10(2) (b)	b. the equipment, operating procedures and qualified persons exist to conduct the operations as set out in and approved under the authorization as a routine operation.	

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
	D&P Regs 11	If the well approval sought is to drill a well, the application shall contain	Suggested Rewording: If the well approval sought is to re-enter, work over, complete, recomplate, suspend or abandon a well or part of such operations, the application shall contain: - A detailed description of the well, proposed operation, work or activity - Rationale for conducting the operation, - Detailed well barrier schematics illustrating two barrier envelopes throughout the operation
	D&P Regs 11(a)	a. a comprehensive description of the drilling program, a detailed geoscientific description of the prospect(s) and a description of any geohazard;	We suggest to change the text to "a description of the drilling program". There is no issue with describing geohazards, however providing detailed geoscientific descriptions of the prospect prior to drilling is not useful because what is encountered during drilling may be different than what was predicted. In the past pre-drill information has been used by the CNLOPB to the detriment of operators during SDA applications even though new information has become available following drilling.
n/a		b. all digital data required to allow for an independent geohazard assessment; and	Very general description. Does this include seismic data, logs?
	D&P Regs 11(b)	c. a well data acquisition program that allows for the collection of sufficient cutting and fluid samples, logs, conventional cores, sidewall cores, pressure measurements and formation flow tests, analyses and surveys to enable a comprehensive geophysical, geological and reservoir evaluation to be made.	No comment
D&P Regs 12		The application shall contain	
	D&P Regs 12(a)	a. if the well approval sought is to re-enter, work over, complete or recomplate a well or suspend or abandon a well or part of it, a detailed description of that well, the proposed operation, work or activity and the rationale for conducting it, including barrier envelope diagrams to demonstrate two barrier envelopes throughout the operation;	No comment
	D&P Regs 12(b)	b. if the well approval sought is to complete a well, in addition to the information required under paragraph (a), information that demonstrates that well completion requirements will be complied with [Note: well completion requirements will be presented as part of Phase III]; and	No comment
	D&P Regs 12 c	c. if the well approval sought is to suspend a well or part of it, in addition to the information required under paragraph (a), an indication of the period within which the suspended well or part of it will be abandoned or completed.	No comment
	D&P Regs 13	The Board shall grant the well approval if the operator demonstrates that the work or activity will be conducted safely, without waste and without pollution, in compliance with these Regulations (and any other applicable regulations under the Act)	No comment

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
3.8 Suspension or Revocation of a Well Approval	D&P Regs 14(1) (b) (ii) and 14(1) c	The Board shall suspend the [well approval] if the safety of the work or activity becomes uncertain because the physical environmental conditions encountered in the area of the activity for which the well approval was granted are more severe than the equipment's operating limits as specified by the manufacturer or the operator fails to comply with the approvals issued by the Board respecting the flow system, formation flow testing, or commingled production.	We would suggest using the term "may" instead of 'shall'. Usage of "shall" serves to remove any avenue for discussions regarding actual risk, and/or situation specific information that may alter the typical course of action by the regulator. "Shall" also removes any avenue for seeking a justification from the regulator for their action. Some alternate wording may be: The Board is authorized to suspend the well approval if it is demonstrated or evident that the physical environmental...
	n/a	In the event a well approval is suspended or revoked, the operator shall ensure the situation that caused the suspension or revocation is remedied as soon as the circumstances permit.	
	n/a	In the event a well approval is suspended or revoked, the operator shall ensure the well is suspended or abandoned in accordance with any regulatory requirements spelled out in Part 13 of the Framework Regulations (included in Phase II).	No comment
	D&P Regs 14(2)	The Board shall revoke the well approval if the operator fails to remedy the situation that caused the suspension within 60 days after the date of that suspension unless the operator establishes that:	We would suggest the following alternate wording: The Board is authorised to revoke the well approval if the operator fails to remedy the situation that caused the suspension within 60 days. Exemptions from such revoke may be issued if : a) The operator experiences circumstances beyond their control which makes it impossible to remedy the situation within 60 days; and b) The operator issues a plan to remediate the situation in a timely fashion.
	n/a	a. due to circumstances beyond their control it is impossible to remedy the situation within 60 days; and	No comment
	n/a	b. the situation will be remedied in a timely fashion.	No comment
3.9 Development Plans	D&P Regs Section 15 Development Plans	For the purpose of subsection 5.1(1) of the <i>Canada Oil and Gas Operations Act</i> , subsection 139(1) of the <i>Canada-Newfoundland and Labrador Atlantic Accord Implementation Act</i> , subsection 143(1) of the <i>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act</i> , and the respective mirror provincial legislation, the well approval relating to a production project is prescribed.	no comment

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
	D&P Regs Section 16 Development Plans	For the purposes of paragraph 5.1(3)(b) of the <i>Canada Oil and Gas Operations Act</i> , paragraph 139(3)(b) of the <i>Canada-Newfoundland and Labrador Atlantic Accord Implementation Act</i> and subsection 143(3)(b) of the <i>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act</i> of the Act, Part II of the development plan relating to a proposed development of a pool or field shall include a resource management plan.	No Comment
	n/a	The resource management plan shall include a detailed description, and an analysis, of the following:	No Comment
	n/a	a. the geological setting and features of the field and of each pool or hydrocarbon-bearing reservoir;	The words "being applied for" should be added to the end of this statement to clarify the scope of what is required in the development plan. There may be many pools that are not part of the application.
	n/a	b. petrophysical data and analytical procedures for each pool;	The words "being applied for" should be added to the end of this statement to clarify the scope of what is required in the development plan. There may be many pools that are not part of the application.
	n/a	c. the reservoir engineering data and analysis for each pool;	The words "being applied for" should be added to the end of this statement to clarify the scope of what is required in the development plan. There may be many pools that are not part of the application.
	n/a	d. estimates of in place resources and recoverable reserves for each pool and for each individual fault block and reservoir subdivision;	Estimates of in place resources down to the individual faults block and reservoir subdivision level are somewhat arbitrary as to which blocks need to be subdivided. If they are in the same pressure regime, meaning the same pool, what is the point of breaking it down further by fault block? What level of faulting subdivision is expected? It makes sense to do in place estimates by pool which is based on pressures.
	n/a	e. the proposed reservoir exploitation scheme;	No Comment
	n/a	f. deferred developments and the reasons why they are not included in the proposed development;	Suggest this be Reworded - deferred developments aren't developments in this context, but rather potential future developments in a maturing field scenario. The intent is to note potential growth, not to try and defend potential future scope
	n/a	g. past drilling activities in the area related to the development as well as the proposed drilling program and typical completion designs for the development wells;	No Comment
	n/a	h. the production and export systems;	No Comment
	n/a	i. the expected overall operating efficiency and reliability of the proposed development; and	No Comment
	n/a	j. past expenditures and predicted capital and operating cost data in sufficient detail to permit an economic analysis of the scope of work proposed in the development plan.	Remove - the scope of the regulator is with safety, the environment, resource conservation and industrial benefits. Capital spend and economic analysis is outside the mandate of the Boards. Information necessary to determine the appropriateness of a proposed exploitation scheme is provided in the development plan application. This allows the Boards to address their mandate related to resource conservation.
	n/a	The resource management plan shall also contain an organizational chart that shows the reporting relationships of the personnel involved in implementing the plan.	

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
Part 4 - Operator Duties			
4.1 Availability of Documents	17(1)	The operator shall keep a copy of the authorization and other related approvals and plans required under these Regulations, the Act and the regulations made under the Act in a conspicuous location at each installation, pipeline control centre (COGOA onshore only) or operations site and shall make them available for examination at the request of any person at that location.	No Comment
	17(2)	The operator shall ensure that a copy of all operating information and procedures, maintenance and inspection records and other procedures and documentations necessary to execute the work or activity and to operate and maintain the installation or pipeline safely, and without pollution and without waste are	No Comment
	17(2)	a. readily and reliably accessible at each installation, pipeline control station centre or operating site and emergency response operations centre;	No Comment
	n/a	b. revised and updated as required to ensure they always remain current; and	No Comment
	n/a	c. usable under all expected circumstances at each such location.	No comment
4.2 Emergency Response Procedures	New Section not currently in D&P Regs	The operator shall ensure emergency response procedures are readily and reliably available at all emergency response operations centres or operating sites, and are usable under all foreseeable events at each such site.	Suggest rewording as follows: The operator shall ensure emergency response procedures are readily and reliably available at all emergency response operations centres or operating sites, and are usable under all reasonably foreseeable events at each such site.
4.3 Safety and Environmental Protection	D&P Regs Sec 19	The operator shall take all reasonable precautions required to ensure safety and environmental protection including ensuring that:	No comment
	D&P Regs 19(a)	a. any operation necessary for the safety of persons at an installation or operations site or on a support craft has priority, at all times, over any other work or activity at an installation or operations site or on that support craft;	No comment
	D&P Regs 19(b)	b. safe work methods are followed during all work or activities;	No comment
	D&P Regs 19 c	c. there is a shift handover system to effectively communicate any conditions, mechanical or procedural deficiencies or other problems that might have an impact on safety or environmental protection;	No comment

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
	D&P Regs 19(d)	d. differences in language or other obstacles to effective communication do not jeopardize safety or environmental protection;	No comment
	D&P Regs 19(e)	e. all persons at, or in transit to or from, an installation or an operations site receive instruction in and are familiar with safety and evacuation procedures and with their roles and responsibilities in the contingency plans, including emergency response procedures;	No comment
	D&P Regs 19(f)	f. any drilling or well operation is conducted in a manner that maintains full control of the well at all times;	No comment
	D&P Regs 19(g)	g. if there is loss of control of a well at an installation, all other wells at that installation are shut in until the well that is out of control is secured;	We would suggest the following alternate wording : any drilling or well operation is planned and conducted in a manner that uses good engineering practices to maintain well control throughout the entire well life cycle;
	D&P Regs 19(h)	h. plans are in place to deal with potential hazards;	No comment
	D&P Regs 19(i)	i. all equipment required for safety and environmental protection is available and in an operable condition;	No comment
	D&P Regs 19(j)	j. the list of structures, facilities, equipment and systems included in the safety plan and environmental protection plan is updated after the modification, replacement or addition of any major component;	No comment
	D&P Regs 19(k)	k. the administrative and logistical support that is provided for drilling, well or production operations includes accommodation, transportation, first aid and storage, repair facilities and communication systems that are fit for the purposes for which they will be used in the area of operations;	No comment
	D&P Regs 19(l)	l. a number of trained and competent individuals sufficient to complete the authorized work or activities and to carry out any work or activity safely and without pollution is available; and	No comment
	D&P Regs 19(m)	m. any operational procedure that is a hazard to safety or the environment is corrected and all affected persons are informed of the alteration.	Suggest the following rewording for clarity of intent: "operational procedures that, when followed, create hazards and undue risk to personnel or the environment, are corrected and all affected persons are informed of the alteration"
4.4 Storing and Handling of Consumables	D&P Regs 22	The operator shall ensure that explosives, fuel, potable water, spill treating agents and containment products, safety-related chemicals, drilling, completion and well stimulation fluids, cement and other consumables are	No comment
	D&P Regs 22(a)	a. readily available and stored in quantities that are sufficient for normal conditions and any foreseeable emergency condition; and	No comment
	D&P Regs 22(b)	b. stored and handled in a manner that minimizes their deterioration, ensures safety and prevents pollution.	No comment

New Section from Policy Intent Document	Relevant Section from existing regulations	New Text from Policy Intent	CAPP Comments
4.5 Handling of Chemical Substances and Waste Material	D&P Regs 23	The operator shall ensure that all chemical substances, including, process fluids, diesel fuel, lubricants, waste material, drilling fluid and drill cuttings are stored or handled in a way that does not create a hazard to safety or the environment.	Reword from "lubricants" to "equipment and machinery lubricants"
4.6 Tampering with Equipment	D&P Regs 20(1)	No person shall tamper with, activate without cause, or misuse any safety or environmental protection equipment.	No comment
4.7 Cessation of a Work or Activity	D&P Regs 24(1)	The operator shall ensure that any work or activity ceases without delay if that work or activity	No comment
	24(1) (b)	a. endangers or is likely to endanger the safety or integrity of any operation, the well, the installation or the vessel; or	No comment
	24(1) c	b. causes or is likely to cause pollution.	"pollution" is not a precise term. In operation there will always be variations in flaring rates, oil content in discharged water, CO2 and NOx emissions and so forth – and with this wording it's very open for interpretation as to when you pass the threshold to being designated as "pollution"
	24(2)	If the work or activity ceases, the operator shall ensure that it does not resume until it can do so safely and without pollution.	Same comment as above
4.8 Notification to the Board	Section 6 of the Geophysical Operations Regulations	When a geoscientific, geotechnical or environmental operation is commenced, terminated or cancelled by an operator, the operator shall forthwith notify the Chief Conservation Officer in writing of the date of commencement, termination or cancellation.	Request definition of "environmental operation"