

**Offshore Certificate of Fitness Newfoundland and
Labrador Regulations, N.L.R. 18/97**

**NEWFOUNDLAND AND LABRADOR
REGULATION 18/97**

*Offshore Certificate of Fitness Newfoundland
and Labrador Regulations*
under the
*Canada-Newfoundland and Labrador Atlantic Accord
Implementation Newfoundland and Labrador Act*
(O.C. 96-435)

Amended by:

2001 c42 s45

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*Canada-Newfoundland and Labrador Atlantic Accord
Implementation Newfoundland and Labrador Act*
(O.C. 96-435)

18/97; 2001 c42 s45

(Filed February 12, 1997)

Under the authority of section 245 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation
Newfoundland and Labrador Act* , the Lieutenant-Governor in Council makes the following regulations.

18/97; 2001 c42 s45

Dated at St. John's , April 26, 1996 .

A. Faour
Deputy Clerk of the Executive Council

REGULATIONS

Analysis

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Schedule

Short Title

1. These regulations may be cited as the *Offshore Certificate of Fitness Newfoundland and Labrador Regulations*.

18/97 s1; 2001 c42 s45

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Definitions

2. In these regulations

(a) "accommodation installation" means an installation that is used to accommodate persons at a production site or drill site and that functions independently of a production installation, drilling installation or diving installation, and includes an associated dependent diving system;

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- (b) "Act" means the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* ;
- (c) "certificate of fitness" means a certificate, in the form fixed by the board, issued by a certifying authority in accordance with section 4;
- (d) "certifying authority" means the American Bureau of Shipping, Bureau Veritas, Det norske Veritas Classification A/S or Lloyd's Register of Shipping;
- (e) "chief" means the chief safety officer;
- (f) "dependent diving system" means a diving system that is associated with an installation other than a diving installation and that does not function independently of the installation;
- (g) "dependent personnel accommodation" means personnel accommodation that is associated with an installation other than an accommodation installation and that does not function independently of the installation;
- (h) "diving installation" means a diving system and an associated vessel that functions independently of an accommodation installation, production installation or drilling installation;
- (i) "diving system" means the plant or equipment used in or in connection with a diving operation, and includes the plant and equipment that are essential to a diver or to a pilot of a manned submersible;
- (j) "drill site" means a location where a drilling rig is or is proposed to be installed;
- (k) "drilling base" means the stable foundation on which a drilling rig is installed, and includes the seafloor, an artificial island, an ice platform, a platform fixed to the ground or seafloor and another foundation specially constructed for drilling operations;
- (l) "drilling installation" means a drilling unit or a drilling rig and its associated drilling base, and includes an associated dependent diving system;
- (m) "drilling rig" means the plant used to make a well by boring or other means, and includes a derrick, draw-works, rotary table, mud pump, blowout preventer, accumulator, choke manifold and other associated equipment, including power, control and monitoring systems;
- (n) "drilling unit" means a drillship, submersible, semi-submersible, barge, jack-up or other vessel that is used in a drilling program and is fitted with a drilling rig, and includes the drilling rig and other facilities related to the drilling program that are installed on a vessel;
- (o) "installation" means a diving installation, a drilling installation, a production installation or an accommodation installation;

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(p) "mobile installation" means an installation that is designed to operate in a floating or buoyant mode or that can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

(q) "new installation" means an installation that is constructed after the coming into force of these regulations;

(r) "operator" means a person who has applied for or has been issued a production operations authorization, a Drilling Program Authorization or a Diving Program Authorization under paragraph 134(1)(b) of the Act;

(s) "production facility" means equipment for the production of oil or gas located at a production site, including separation, treatment and processing facilities, equipment and facilities used in support of production operations, landing areas, heliports, storage areas or tanks and dependent personnel accommodations, but not including an associated platform, artificial island, subsea production system, drilling equipment or diving system;

(t) "production installation" means a production facility and an associated platform, artificial island, subsea production system, loading system, drilling equipment, facilities related to marine activities and dependent diving system;

(u) "production operation" means an operation that is related to the production of oil or gas from a pool or field;

(v) "production site" means a location where a production installation is or is proposed to be installed;

(w) "scope of work" means the plan of activities carried out by a certifying authority and submitted to the chief for approval under section 6, for the purposes of issuing a certificate of fitness; and

(x) "subsea production system" means equipment and structures that are located on or below or buried in the seafloor for the production of oil or gas from, or for the injection of fluids into, a field under a production site, and includes production risers, flow lines and associated production control systems.

[18/97 s2; 2001 c42 s45](#)

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Application

3. These regulations apply in respect of those submarine areas within the offshore area.

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Issuance of certificates of fitness

4. (1) Subject to subsections (2), (6) and (8) and section 5, a certifying authority may issue a certificate of fitness in respect of a production installation to be operated at an production site if the certifying authority

(a) determines that, in relation to the production site or region in which the production installation is to be operated, the production installation

(i) is designed, constructed, transported and installed or established in accordance with

(A) Parts I to III of the *Offshore Petroleum Installations Newfoundland and Labrador Regulations* ,

(B) the provisions of the *Offshore Area Petroleum Production and Conservation Newfoundland and Labrador Regulations* listed in Part I of the Schedule,

(C) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* (Canada) listed in Part II of the Schedule,

(D) the provisions of the *Offshore Petroleum Drilling Newfoundland and Labrador Regulations* listed in Part III of the Schedule, where the installation includes a drilling rig, and

(E) the provisions of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* listed in Part IV of the Schedule, where the installation includes a dependent diving system,

(ii) is fit for the purpose for which it is to be used and can be operated safely without polluting the environment, and

(iii) will continue to meet the requirements of subparagraphs (i) and (ii) for the period of validity that is endorsed on the certificate of fitness if the installation is maintained in accordance with the inspection, maintenance and weight control programs submitted to and approved by the certifying authority under subsection (8); and

(b) carries out the scope of work in respect of which the certificate of fitness is issued.

(2) A certificate of fitness may be issued under subsection (1) for the purposes of

(a) paragraph 8(2)(c) of the *Offshore Area Petroleum Production and Conservation Newfoundland and Labrador Regulations*;

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(b) paragraph 6(a.3) of the *Offshore Petroleum Drilling Newfoundland and Labrador Regulations* , where the production installation includes a drilling rig; or

(c) subsection 4(5) of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* , where the production installation includes a dependent diving system.

(3) Subject to subsections (6) and (8) and section 5, a certifying authority may issue a certificate of fitness in respect of a drilling installation to be operated at a drill site for the purposes of paragraph 6(a.3) of the *Offshore Petroleum Drilling Newfoundland and Labrador Regulations* or for the purposes of subsection 4(5) of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* , where the drilling installation includes a dependent diving system, if the certifying authority

(a) determines that, in relation to the drill site or region in which the drilling installation is to be operated, the drilling installation

(i) is designed, constructed, transported and installed or established in accordance with

(A) Parts I to III of the *Offshore Petroleum Installations Newfoundland and Labrador Regulations* ,

(B) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* (Canada) listed in Part II of the Schedule,

(C) the provisions of the *Offshore Petroleum Drilling Newfoundland and Labrador Regulations* listed in Part III of the Schedule, and

(D) the provisions of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* listed in Part IV of the Schedule,

(ii) is fit for the purpose for which it is to be used and can be operated safely without polluting the environment, and

(iii) will continue to meet the requirements of subparagraphs (i) and (ii) for the period of validity that is endorsed on the certificate of fitness if the installation is maintained in accordance with the inspection, maintenance and weight control programs submitted to and approved by the certifying authority under subsection (8); and

(b) carries out the scope of work in respect of which the certificate of fitness is issued.

(4) Subject to subsections (6) and (8) and section 5, a certifying authority may issue a certificate of fitness in respect of an accommodation installation to be operated at a production site or drill site for the purpose of paragraph 8(2)(c) of the *Offshore Area Petroleum Production and Conservation Newfoundland and Labrador Regulations* or paragraph 6(a.3) of the *Offshore*

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Petroleum Drilling Newfoundland and Labrador Regulations , and for the purposes of subsection 4(5) of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* where the installation includes a dependent diving system, if the certifying authority

(a) determines that, in relation to the production site, drill site or region in which the accommodation installation is to be operated, the accommodation installation

(i) is designed, constructed, transported and installed or established in accordance with

(A) Parts I to III of the *Offshore Petroleum Installations Newfoundland and Labrador Regulations*,

(B) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* (Canada) listed in Part II of the Schedule, and

(C) the provisions of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* listed in Part IV of the Schedule,

(ii) is fit for the purpose for which it is to be used and can be operated safely without polluting the environment, and

(iii) will continue to meet the requirements of subparagraphs (i) and (ii) for the period of validity that is endorsed on the certificate of fitness if the installation is maintained in accordance with the inspection, maintenance and weight control programs submitted to and approved by the certifying authority under subsection (8); and

(b) carries out the scope of work in respect of which the certificate of fitness is issued.

(5) Subject to subsections (6) and (8) and section 5, a certifying authority may issue a certificate of fitness in respect of a diving installation for the purposes of subsection 4(5) of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations*, if the certifying authority

(a) determines that, in relation to the drill site or region in which the diving installation is to be operated, the diving installation

(i) is designed, constructed, transported and installed or established in accordance with

(A) Parts I to III of the *Offshore Petroleum Installations Newfoundland and Labrador Regulations*,

(B) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* (Canada) listed in Part II of the schedule, and

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(C) the provisions of the *Offshore Area Petroleum Diving Newfoundland and Labrador Regulations* listed in Part IV of the Schedule,

(ii) is fit for the purpose for which is to be used and can be operated safely without polluting the environment, and

(iii) will continue to meet the requirements of subparagraphs (i) and (ii) for the period of validity that is endorsed on the certificate of fitness if the installation is maintained in accordance with the inspection, maintenance and weight control programs submitted to and approved by the certifying authority under subsection (8); and

(b) carries out the scope of work in respect of which the certificate of fitness is issued.

(6) For the purposes of subparagraph (1)(a)(i), (3)(a)(i), (4)(a)(i) or (5)(a)(i), the certifying authority may substitute, for any equipment, methods, measure or standard required by regulations referred to in that subparagraph, equipment, methods, measures or standards the use of which is authorized by the chief or chief conservation officer, as applicable under section 146 of the Act.

(7) The certifying authority shall endorse on any certificate of fitness it issues details of every limitation on the operation of the installation that is necessary to ensure that the installation meets the requirements of paragraph (1)(a), (3)(a), (4)(a) or (5)(a).

(8) The certifying authority shall not issue a certificate of fitness unless, for the purpose of enabling the certifying authority to determine whether the installation meets the requirements of paragraph (1)(a), (3)(a), (4)(a) or (5)(a) and to carry out the scope of work referred to in paragraph (1)(b), (3)(b), (4)(b) or (5)(b), (a) the person applying for the certificate

(i) provides the certifying authority with all the information required by the certifying authority,

(ii) carries out or assists the certifying authority to carry out every inspection, test or survey required by the certifying authority, and

(iii) submits to the certifying authority an inspection and monitoring program, a maintenance program and a weight control program for approval; and

(b) where the programs are adequate to ensure the continuing integrity of the installation, the certifying authority approves the programs referred to in subparagraph (a)(iii).

[18/97 s4; 2001 c42 s45](#)

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Conflict of interest

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5. The certifying authority shall not issue a certificate of fitness in respect of an installation if the certifying authority has been involved, other than as a certifying authority or a classification body, in the design, construction or installation of the installation.

[18/97 s5](#)

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Approval of scope of work

6. (1) The certifying authority shall, for the purposes of issuing a certificate of fitness in respect of an installation, submit a scope of work to the chief for approval.

(2) The chief shall approve a scope of work where the chief determines that the scope of work

(a) is sufficiently detailed to permit the certifying authority to determine whether the installation meets the requirements of paragraph 4(1)(a), (3)(a), (4)(a) or (5)(a); and

(b) provides for the means for determining whether

(i) the environmental criteria for the region or site and the loads assumed for the installation are correct,

(ii) in respect of a production installation, the concept safety analysis required by section 43 of the *Offshore Petroleum Installations Regulations* meets the requirements of that section,

(iii) in respect of a new installation, the installation has been constructed in accordance with a quality assurance program referred to in section 4 of the *Offshore Petroleum Installations Newfoundland and Labrador Regulations* ,

(iv) the operations manual meets the requirements of section 63 of the *Offshore Petroleum Installations Newfoundland and Labrador Regulations*,

(v) the construction and installation of the installation has been carried out in accordance with the design specifications, and

(vi) the materials used in the construction and installation of the installation meet the design specifications.

[18/97 s6; 2001 c42 s45](#)

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Expiration Date

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7. (1) Where the certifying authority determines that, when the installation is maintained in accordance with the programs submitted to it under subparagraph 4(8)(a)(iii), the installation will meet the requirements of paragraph 4(1)(a), (3)(a), (4)(a) or (5)(a) for a period of at least 5 years, the certifying authority shall endorse on the certificate of fitness an expiration date that is 5 years after the date of issuance.

(2) Where the certifying authority determines that, when the installation is maintained in accordance with the programs submitted to it under subparagraph 4(8)(a)(iii), the installation will not meet the requirements of paragraph 4(1)(a), (3)(a), (4)(a) or (5)(a) for a period of at least 5 years, but will meet those requirements for a lesser period, the certifying authority shall endorse on the certificate of fitness an expiration date that is the number of years or months in that lesser period after the date of issuance.

(3) A certificate of fitness shall expire on the expiration date that is endorsed on it.

18/97 s7

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Area of validity

8. (1) The certifying authority shall endorse on the certificate of fitness a description of the site or region in which the installation is to be operated.

(2) A certificate of fitness is valid for the operation of the installation at the site or in the region that is endorsed on it.

18/97 s8

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Invalidity

9. (1) A certificate of fitness ceases to be valid where

(a) the certifying authority or the chief determines

(i) that the information submitted under subsection 4(8) was incorrect and that the certificate of fitness would not have been issued if that information had been correct,

(ii) that the installation no longer meets the requirements of paragraph 4(1)(a), (3)(a), (4)(a) or (5)(a), or

(iii) that the installation has not been inspected, monitored and maintained in accordance with a limitation endorsed on the certificate of fitness; or

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(b) the chief determines that the certifying authority has failed to carry out the scope of work relating to the installation in respect of which the certificate of fitness was issued.

(2) Notwithstanding subsection (1) at least 30 days before a determination is made under subsection (1), notice, in writing, that a determination is going to be made shall be given

(a) in the case of a determination by the certifying authority, by the certifying authority to the chief and the person to whom the certificate of fitness in respect of which the determination is to be made has been issued; and

(b) in the case of a determination by the chief, by the chief to the certifying authority and the person referred to in paragraph (a).

(3) Notwithstanding subsection (1) before making a determination under subsection (1), the certifying authority or the chief shall consider information in relation to that determination that is provided by a person notified under subsection (2).

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Change of certifying authority

10. Where a person to whom a certificate of fitness has been issued intends to change the certifying authority in respect of an installation, the person shall

(a) where possible, notify the chief at least 90 days before the change is made; and

(b) where it is not possible to notify the chief in accordance with paragraph (a), notify the chief as soon as the person changes the certifying authority.

[18/97 s10](#)

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Schedule (Section 4)

CERTIFICATION STANDARDS

PART I **PROVISIONS OF OFFSHORE AREA** **PETROLEUM PRODUCTION AND** **CONSERVATION NEWFOUNDLAND** **AND LABRADOR REGULATIONS**

1. Section 26
2. Subsections 35(2) and (3)
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PART II **PROVISIONS OF OIL AND GAS** **OCCUPATIONAL SAFETY AND HEALTH** **REGULATIONS (Canada)**

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2. Subsections 9.14(1) and 10.6(1)
- 10.37 3. Sections 10.9 to 10.11, 10.14 to 10.16, 10.18, 10.24, 10.25, 10.27 and 10.35 to
4. Subsections 10.38(1) and (4)
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6. Subsection 13.16(4)
7. Sections 14.13, 14.19, 15.3 to 15.5, 15.9 to 15.11, 15.13, 15.21, 15.22 and 15.44
8. Subsections 15.47(1) and (2) and 15.49(2)
9. Sections 15.50 and 17.13
10. Paragraphs 17.14(b), (c) and (e)
11. Subparagraph 17.14(f)(i)

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12. Sections 18.2 and 18.6 to 18.8

PART III PROVISIONS OF OFFSHORE PETROLEUM DRILLING NEWFOUNDLAND AND LABRADOR REGULATIONS

1. Sections 16 and 21
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PART IV PROVISIONS OF OFFSHORE AREA PETROLEUM DIVING NEWFOUNDLAND AND LABRADOR REGULATIONS

1. Paragraphs 9(5)(h) to (j)
2. Subsection 12(1)
3. Paragraphs 12(2)(d), (i) and (k) to (p)
4. Subsections 13(1) and (2)
5. Sections 14 to 17
6. Paragraphs 18(a) and (c)
7. Subsection 19(1)
8. Paragraph 19(2)(a)
9. Section 23
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