



July 21, 2021

Raymond Martin, Systems Engineering Division
U.S. Coast Guard
2703 Martin Luther King Jr. Ave. SE
Washington, D.C. 20593-7509

Re: Docket number: USCG–2020–0075 *Update to Electrical Engineering Regulations*

Via electronic submission to: <http://www.regulations.gov/>

Mr. Martin:

On April 22, 2021, the U.S. Coast Guard (USCG) published a notice of proposed rulemaking (NPRM), proposing to update electrical engineering standards that are incorporated by reference and add acceptable alternative standards. The American Petroleum Institute (API) and the Offshore Operators Committee (OOC) provide the following comments for consideration.

These trade associations represent oil and natural gas producers who conduct essentially all of the offshore oil and natural gas exploration and production activities in the Gulf of Mexico. Our members recognize that offshore operations must be conducted safely and in a manner that protects the environment. The offshore industry in the Gulf of Mexico has a long history of safe operations that have advanced the energy security of our nation, and the energy resources in the region are also crucial to our nation's economy.

API is a national trade association representing 600 member companies involved in all aspects of the oil and natural gas industry. API's members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API and its members are dedicated to meeting environmental requirements, while economically developing and supplying energy resources for consumers.

OOC is an offshore energy trade association that serves as a technical advocate for companies operating on the US Outer Continental Shelf (OCS). Founded in 1948, the OOC has evolved into the principal technical representative regarding regulation of offshore energy operations.

The following comments are offered for your consideration. These comments are made without prejudice to any of our member companies who may have differing or opposing views.

COMMENTS

Regarding the NPRM, API and OOC are highly supportive of the USCG's intent to update many of the standards Incorporated by Reference in 46 CFR Subchapter J. Our members currently utilize many of these standards and agree that referencing the latest editions of widely used industry consensus standards is essential.

The API and OOC agree when writing regulations that set technical standards, the USCG should rely as much as possible on existing industry consensus standards. Doing so minimizes proliferation of differing standards and complies with the National Technology Transfer and Advancement Act and OMB Circular A-119. Further, it is necessary to update the current standards incorporated by reference to ensure technological advances and modern technologies are addressed in the regulations.

We also support the proposed updates to prior incorporations by reference, the addition of a limited number of alternative standards, and elimination of outdated or unnecessarily prescriptive regulations in 46 CFR Subchapter J.

API and OOC also offer the following recommendations for inclusion in the revised rule to ensure the most recent versions are incorporated into the regulations:

- *API RP 14FZ—Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations, Second Edition, **Reaffirmed April 2020.***
- *API RP 500—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, Third Edition, December 2012. **Errata, January 2014, Reaffirmed July 2021.***
- *We request the USCG consider Incorporating by Reference for specific application to floating OCS facilities **Institute of Electrical and Electronics Engineers (IEEE) Std 1187-2013 “IEEE Recommended Practice for Installation Design and Installation of Valve-Regulated Lead Acid Batteries for Stationary Applications”**. Floating OCS facilities are buoyant OCS facilities that are securely and substantially moored to the seabed so that they cannot be moved without a special effort. While floating OCS facilities experience some motions, they are not vessels, and they do not experience motions comparable to vessels. This IEEE Standard supports not requiring spill containment for Valve-Regulated Lead Acid (VRLA) batteries as there is nothing to spill. USCG regulations, ABS Rules, and other related standards were all written with Vented Lead-Acid (VLA) batteries in mind, which do contain free flowing liquid. VRLA batteries are widely used on floating OCS facilities, so the application of this industry standard is appropriate.*

When incorporating standards by reference it is critical that the USCG consider their impact to existing floating OCS facilities. In addition to updating 46 CFR Subchapter J, the USCG should update 33 CFR Subchapter N to clarify the applicability of the NPRM to existing and new floating OCS facilities. For example, 33 CFR 143.120(d) currently states:

(d) Each floating OCS facility that is constructed after April 2, 2018 must comply with the requirements of 46 CFR subpart 111.108 prior to engaging in OCS activities.

We believe such language provides much needed clarity to the offshore industry and USCG marine inspectors when determining whether a new or revised USCG regulation, including any industry standard incorporated by reference in any USCG regulation, applies to existing OCS facilities. At a minimum, we believe the USCG should update 33 CFR 143.120 to establish the date on which this NPRM would apply to a new floating OCS facility. In addition, the Bureau of Safety and Environmental Enforcement (BSEE) is working on a regulatory update to incorporate more modern industry standards. We recommend the USCG engage with BSEE to ensure that both regulatory efforts are aligned as the agencies incorporate different revisions of the same industry standard in at least two cases.

In addition to our recommendations for incorporating standards listed above, API and OOC would also like to offer comments on the Regulatory Analysis contained in the NPRM. Table 3 of the NPRM (shown below) does not specifically address floating OCS facilities. As floating OCS facilities are not vessels and are not subject to inspection in accordance with 46 USC 3301, the USCG, as a matter of practice, has held floating OCS facilities to one of the two fees assigned for an “industrial vessel.” This practice is due to limitations with the Coast Guard’s Marine Information for Safety and Law Enforcement (MISLE) system, because a USCG marine inspector must assign a vessel service type in the system; however, floating OCS facilities are not vessels. For reasons we will not speculate, floating OCS facilities were lumped into MISLE as industrial vessels even though that term, as defined by the USCG at 46 CFR 90.10-16 clearly does not apply to a floating OCS facility. The term “floating OCS facility” is defined by the USCG at 33 CFR 140.10, and clearly does not include vessels. Therefore, Table 3 does not provide enough clarity to determine if floating OCS facilities are omitted from the table or included in the category of Cargo and Miscellaneous Vessels where industrial vessels would be included. We recommend that the USCG undertake the necessary changes to the MISLE system and USCG documentation to correct this discrepancy to ensure clarity and eliminate confusion for the NPRM and future USCG rulemakings and regulatory actions.

TABLE 3—AFFECTED U.S.-FLAGGED VESSEL POPULATION THAT COMPLIES WITH 46 CFR SUBCHAPTER J

Subchapter J vessels	Description	Population
D	Tank Vessels	950
H	Passenger Vessels (≥100 gross tons)	57
I	Cargo and Miscellaneous Vessels	577
I-A	Mobile Offshore Drilling Units (MODU)	46
L	Offshore Supply Vessels (OSV)	343
O (tank barge)	Certain Bulk Dangerous Cargoes	6
R	Nautical Schools	20
U	Oceanographic Research Vessels	6
O-I (tank barge)	Combination Bulk Cargo	149
O-D (tank barge or freight barge)	Combination Bulk Cargo-including chemicals	3,416
Total	5,570
Average number of new U.S.-flagged vessels entering service annually.	Includes all subchapters listed above (average of the population for the period 2014–2018).	*210

Note: There are 859 unmanned tank barges in the subchapter D population, 168 unmanned freight barges and 3 unmanned tank barges in the subchapter I population in addition to the subchapter O, O-I, and O-D populations. With these populations combined, there is a total of 4,601 unmanned and non-self-propelled vessels.

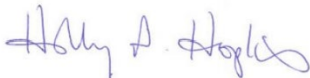
* Represents the average number of new U.S.-flagged vessels entering service annually.

Lastly, we request the USCG clarify the proper application of 46 CFR Subchapter J to floating OCS facilities, which again, are not vessels. Wholesale application of Subchapter J over the course of many floating OCS facility projects has led to multiple requests to the USCG for equivalencies and alternatives, because applying vessel-based regulations to offshore installations that are not vessels is inherently problematic. The USCG made an attempt to clarify this matter in 2013 when it issued CG-ENG Policy Letter 01-13; however, it applies only to floating OCS facilities classed with one of three specific classification societies. As a result, API and OOC recommend that the USCG act on the recommendation contained in the March 28, 2018, National Offshore Safety Advisory Committee (NOSAC) Production Subcommittee Final Report on USCG Regulatory Reform that states:

“The Coast Guard should issue NOSAC a new Task Statement to evaluate the suitability of the regulations in 46 CFR Subchapter F (Marine Engineering) and 46 CFR Subchapter J (Electrical Engineering) to floating OCS facilities.”

The API and OOC appreciate the opportunity to provide comments on this proposed rulemaking. Should you wish to discuss further or have questions, please feel free to contact us.

Sincerely,



Holly Hopkins
 Manager, Upstream Policy
 American Petroleum Institute



Greg Southworth
 Associate Director
 Offshore Operators Committee