

EXHIBIT/P-00033



Department of Justice Ministère de la Justice
Canada Canada



Enabling Statute: [Canada–Newfoundland Atlantic Accord Implementation Act](#)

Newfoundland Offshore Certificate of Fitness Regulations (SOR/95-100)

Regulation current to September 8th, 2009

Attention: See coming into force provision and notes, where applicable.

[Table Of Contents](#)

Newfoundland Offshore Certificate of Fitness Regulations

SOR/95-100

Registration February 21, 1995

CANADA-NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION ACT

Newfoundland Offshore Certificate of Fitness Regulations

P.C. 1995-253 February 21, 1995

Whereas, pursuant to subsection 150(1) of the *Canada-Newfoundland Atlantic Accord Implementation Act*, a copy of the proposed *Regulations respecting the issuance of certificates of fitness for petroleum production, drilling, accommodation and diving installations in areas offshore Newfoundland*, substantially in the form annexed hereto, was published in the *Canada Gazette Part I* on February 19, 1994 and a period of 30 days was thereafter afforded to interested persons to make representations to the Minister of Natural Resources with respect thereto;

And Whereas, pursuant to section 7 of the *Canada-Newfoundland Atlantic Accord Implementation Act*, the Minister of Natural Resources has consulted the Provincial Minister for the Province of Newfoundland with respect to the proposed Regulations and the latter has approved the making of those Regulations;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Natural Resources, pursuant to section 149¹ of the *Canada-Newfoundland Atlantic Accord Implementation Act*, is pleased hereby to make the annexed *Regulations respecting the issuance of certificates of fitness for petroleum production, drilling, accommodation and diving installations in areas offshore Newfoundland*, effective on the day on which the *Newfoundland Offshore Certificate of Fitness (Newfoundland) Regulations*, made pursuant to section 145 of the *Canada-Newfoundland Atlantic Accord Implementation Newfoundland Act*, come into force.

¹ S.C. 1987, c. 3

² S.C. 1992, c. 35, s. 63

REGULATIONS RESPECTING THE ISSUANCE OF CERTIFICATES OF FITNESS FOR
PETROLEUM PRODUCTION, DRILLING, ACCOMMODATION AND DIVING
INSTALLATIONS IN AREAS OFFSHORE NEWFOUNDLAND

SHORT TITLE

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

INTERPRETATION

2. In these Regulations,

"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

EXHIBIT/P-00033

installation or diving installation, and includes any associated dependent diving system; (*installation d'habitation*)

"Act" means the *Canada-Newfoundland Atlantic Accord Implementation Act, (Loi)*

"certificate of fitness" means a certificate, in the form fixed by the Board, issued by a certifying authority in accordance with section 4; (*certificat de conformité*)

"certifying authority" means the American Bureau of Shipping, Bureau Veritas, Det norske Veritas Classification A/S or Lloyd's Register of Shipping; (*société d'accréditation*)

"Chief" means the Chief Safety Officer; (*délégué*)

"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; (*système de plongée non autonome*)

"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; (*logement du personnel connexe*)

"diving installation" means a diving system and any associated vessel that functions independently of an accommodation installation, production installation or drilling installation; (*installation de plongée*)

"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; (*système de plongée*)

"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 any other foundation specially constructed for drilling operations; (*base de forage*)

"drilling installation" means a drilling unit or a drilling rig and its associated drilling base, and includes any associated dependent diving system; (*installation de forage*)

"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; (*appareil de forage*)

"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; (*unité de forage*)

"drill site" means a location where a drilling rig is or is proposed to be installed; (*emplacement de forage*)

"installation" means a diving installation, a drilling installation, a production installation or an accommodation installation; (*installation*)

"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; (*installation mobile*)

"new installation" means an installation that is constructed after the coming into force of these Regulations; (*nouvelle installation*)

"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 pursuant to

EXHIBIT/P-00033

paragraph 138(1)(b) of the Act; (*exploitant*)

"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 any associated platform, artificial island, subsea production system, drilling equipment or diving system; (*matériel de production*)

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

"production operation" means any operation that is related to the production of oil or gas from a pool or field; (*travaux de production*)

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

"scope of work" means the plan of activities carried out by a certifying authority and submitted to the Chief for approval pursuant to section 6, for the purposes of issuing a certificate of fitness; (*plan de travail*)

"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. (*système de production sous-marin*)

APPLICATION

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

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 *Newfoundland Offshore Petroleum Installations Regulations*,

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

(C) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* listed in Part II of the schedule to these Regulations,

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

(E) the provisions of the *Newfoundland Offshore Area Petroleum Diving Regulations* listed in Part IV of the schedule to these Regulations, 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 pursuant to 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 pursuant to subsection (1) for the purposes of

EXHIBIT/P-00033

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

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

(c) subsection 4(5) of the *Newfoundland Offshore Area Petroleum Diving 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 *Newfoundland Offshore Petroleum Drilling Regulations* or for the purposes of subsection 4(5) of the *Newfoundland Offshore Area Petroleum Diving 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 *Newfoundland Offshore Petroleum Installations Regulations*,

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

(C) the provisions of the *Newfoundland Offshore Petroleum Drilling Regulations* listed in Part III of the schedule to these Regulations, and

(D) the provisions of the *Newfoundland Offshore Area Petroleum Diving Regulations* listed in Part IV of the schedule to these Regulations,

(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 pursuant to 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 *Newfoundland Offshore Area Petroleum Production and Conservation Regulations* or paragraph 6(a.3) of the *Newfoundland Offshore Petroleum Drilling Regulations*, and for the purposes of subsection 4(5) of the *Newfoundland Offshore Area Petroleum Diving 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 *Newfoundland Offshore Petroleum Installations Regulations*,

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

(C) the provisions of the *Newfoundland Offshore Area Petroleum Diving Regulations* listed in Part IV of the schedule to these Regulations,

(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 pursuant to 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 *Newfoundland Offshore Area Petroleum Diving 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

EXHIBIT/P-00033

- (i) is designed, constructed, transported and installed or established in accordance with
 - (A) Parts I to III of the *Newfoundland Offshore Petroleum Installations Regulations*,
 - (B) the provisions of the *Oil and Gas Occupational Safety and Health Regulations* listed in Part II of the schedule to these Regulations, and
 - (C) the provisions of the *Newfoundland Offshore Area Petroleum Diving Regulations* listed in Part IV of the schedule to these Regulations,
 - (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 pursuant to 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 any 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 pursuant to section 151 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).

CONFLICT OF INTEREST

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.

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

EXHIBIT/P-00033

Offshore Petroleum Installations 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.

EXPIRATION DATE

7. (1) Where the certifying authority determines that, when the installation is maintained in accordance with the programs submitted to it pursuant to 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 five years, the certifying authority shall endorse on the certificate of fitness an expiration date that is five 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 pursuant to 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 five 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.

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.

INVALIDITY

9. (1) Subject to subsections (2) and (3), a certificate of fitness ceases to be valid where
- (a) the certifying authority or the Chief determines
 - (i) that any of the information submitted pursuant to 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 any limitation endorsed on the certificate of fitness; or
 - (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) At least 30 days before a determination is made pursuant to 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) Before making a determination pursuant to subsection (1), the certifying authority or the Chief, as the case may be, shall consider any information in relation to that determination that is provided by any person notified pursuant to subsection (2).

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.

EXHIBIT/P-00033

SCHEDULE (Section 4)

CERTIFICATION STANDARDS

PART I

PROVISIONS OF NEWFOUNDLAND OFFSHORE AREA PETROLEUM PRODUCTION AND CONSERVATION REGULATIONS

1. Section 26
2. Subsections 35(2) and (3)
3. Section 52

PART II

PROVISIONS OF OIL AND GAS OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

1. Sections 3.2 to 3.11, 5.1, 6.3, 7.1 to 7.6, 9.5, 9.11 and 9.12
2. Subsections 9.14(1) and 10.6(1)
3. Sections 10.9 to 10.11, 10.14 to 10.16, 10.18, 10.24, 10.25, 10.27 and 10.35 to 10.37
4. Subsections 10.38(1) and (4)
5. Sections 11.7, 11.9 and 13.11
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)
12. Sections 18.2 and 18.6 to 18.8

PART III

PROVISIONS OF NEWFOUNDLAND OFFSHORE PETROLEUM DRILLING REGULATIONS

1. Sections 16 and 21

EXHIBIT/P-00033

2. Sections 30 and 59
3. Subsections 60(2) to (4)
4. Sections 84 and 85

PART IV

PROVISIONS OF NEWFOUNDLAND OFFSHORE AREA PETROLEUM DIVING REGULATIONS

1. Paragraphs 9(5)(*h*) to (*j*)
2. Subsection 12(1)
3. Paragraphs 12(2)(*d*), (*g*), (*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
10. Paragraph 25(*a*)

Last updated: 2009-10-05



[Important Notices](#)

Last updated: 2009-10-05



[Important Notices](#)