

Making submissions to NOPSEMA

Document No: N-04000-GL0225 A15266

Date: 20/07/2022

1 Purpose

This guideline provides information for operators, titleholders and other parties intending to formally submit a document to NOPSEMA for assessment. The purpose of the information is to enable a timely response to submissions and to minimise the need for re-submission due to administrative deficiencies.

2 Scope

This guideline specifically applies to document submissions including operator nominations, proposed scopes of validation, safety cases (SCs), environment plans (EPs), offshore project proposals (OPPs), diving safety management systems (DSMS), well operations management plans (WOMPs), well activity notifications and end of well abandonment reports.

This guideline does not affect routine correspondence or submissions made in response to requests for further written information that should be submitted in electronic format via secure file transfer at: <https://securefile.nopsema.gov.au/filedrop/submissions> (NOPSEMA-preferred method) or in electronic format via email to submissions@nopsema.gov.au.

3 Guidance

3.1 Cover sheet

Some form of cover sheet must accompany all documents submitted to NOPSEMA for assessment from the duty holder that clearly states what the submission is, the reason for submission, and the action required of NOPSEMA including, where appropriate, the applicable legislation. For example, submitting an initial safety case under regulation 2.24 of the Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 (Safety Regulations) for assessment and acceptance by NOPSEMA.

NOPSEMA provides a cover sheet that can be downloaded from the NOPSEMA website for operator nomination, proposed scope of validation (SoV), SC, DSMS, EP, OPP, WOMP, well activity notifications and end of well abandonment reports.

3.2 Timing letters

When making submissions, proponents and duty holders should be mindful of the time allowed by the applicable legislation for NOPSEMA to provide notification of a decision (e.g. 90 days for a new SC, 60 days for a DSMS, 30 days for an EP, revised SC and WOMP, and 28 days for a revised DSMS).

3.3 Delivery

NOPSEMA requests that **one** electronic consolidated text searchable PDF copy of the submission be provided, which is clearly labelled so we can determine the nature of the submission. The NOPSEMA-preferred method of submission is via the secure file transfer system. This can be located on NOPSEMA's website at: <https://securefile.nopsema.gov.au/filedrop/submissions>.

NOPSEMA has developed an online system to submit environment plans and financial assurance documents. Titleholders are encouraged to submit their documents through <https://online.nopsema.gov.au>. If you choose to submit online then a cover sheet is not required. Feedback on the positive and negative aspects of this improved regulatory service is welcome via feedback@nopsema.gov.au

Hard copies are not required and, if received, will generally be returned to the sender (particularly for large submissions). Secure file transfer is NOPSEMA's preferred method of submission as this method:

- issues a file download notice when the documents are accessed by a NOPSEMA staff member, which provides verification that the submission has been received
- provides for an attachment size of at least 250MB, while email only provides for 25MB per message.

(Note: that email accounts can reach their limit and freeze out new receipts).

Please complete all the fields on the submission cover sheet, including a brief description of the purpose of your submission and your preferred contact details. The 'submission type' selected on the cover sheet is used to direct each submission to the appropriate team for processing. Please select the option which describes the purpose of your submission (please select only one purpose for each submission), and provide further details in the description if necessary. We recommend that you include the name, phone number and email address of a contact person for the submission.

There are no set limits on the number of documents that may be attached to each message. It is often more convenient to combine a large number of documents into a ZIP archive to be attached to a message, as this reduces the number of steps in preparing a submission. The current size limit for single documents is displayed at the bottom of the submission cover sheet. This is initially set to 250Mb.

Via secure file transfer:

<https://securefile.nopsema.gov.au/filedrop/submissions> (NOPSEMA-preferred)

or

Via email:

submissions@nopsema.gov.au

(Note: There are some limitations on file sizes that can be made via email submission).

3.4 Format

It is NOPSEMA's preference that:

- electronic documents are provided in A4 format
- electronic documents should be provided in Adobe portable document format (PDF) and be text searchable
- drawings are rendered in PDF and included at full size to ensure scalability (e.g. provide A1 drawings at A1 size, not reduced down to A4)
- electronic documents are not protected in any way.

3.5 Controlled documents

NOPSEMA does not participate in the document control systems of other organisations. Submissions that are made to NOPSEMA, if legitimate, become Commonwealth records and will be managed accordingly.

3.6 Submissions made by titleholders

Submissions of EPs, WOMPs, well activity notifications, end of well abandonment reports and operator nominations are eligible voluntary actions (EVAs) for the purposes of Part 9.6A of the OPGGS Act. In all cases, titleholders submitting these documents remain responsible for compliance with the requirements of Part 9.6A.

3.7 Submissions made under the Offshore Petroleum Greenhouse Gas Storage (Safety) Regulations 2009

Details of person making submission

Regulation 2.50 of the Safety Regulations requires that submissions (including operator nominations, proposed scopes of validation, SCs, and revised SCs) include:

- the person's name
- if applicable, the name of the person's agent
- the person's or agent's address in Australia
- the person's or agent's telephone number and facsimile number.

Regulation 2.50 also requires that if there is a change to any of the details mentioned above, the person or agent must notify NOPSEMA in writing as soon as practicable. Note that regulation 2.50 provides for NOPSEMA to delay proceeding with a submission until the submission requirements have been met.

3.7.1 Operator nomination

A facility owner or a titleholder may give NOPSEMA a written notice nominating a person to be the operator of a facility or a proposed facility under regulation 2.1 of the Safety Regulations. A template operator nomination form is available on NOPSEMA's website.

3.7.2 Scope of validation

For new SCs submitted under regulation 2.24 or revised SCs where the reason for submission is triggered by regulation 2.30(1)(b), a scope of validation must be agreed with NOPSEMA before the submission can be made. Cover letters for submissions made due to regulation 2.30(1)(b) should explicitly quote this regulation and confirm that a scope of validation has been agreed with NOPSEMA. Further guidance on validation is available on the NOPSEMA website. The Safety Regulations are available from the Federal Register of Legislation website: www.legislation.gov.au.

3.7.3 Safety case

If an operator wants a SC accepted for a facility, it must be submitted to NOPSEMA under regulation 2.24 of the Safety Regulations. However, the operator must not submit the SC before the operator and NOPSEMA have agreed on the scope of validation for the facility. An operator must also submit a revised SC to NOPSEMA if any of the circumstances listed in regulation 2.30 are met.

Where the SC revision is due to modification or decommissioning of an existing facility, the operator must not submit the SC before the operator and NOPSEMA have agreed on the scope of validation for the modification or decommissioning.

3.8 Submissions made under the Offshore Petroleum Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011

If a titleholder applies to NOPSEMA for acceptance of a WOMP in accordance with the Resource Management and Administration Regulations 2011, the titleholder must give the plan to NOPSEMA at least 30 days before the proposed start of the well activity or, if NOPSEMA gives written notification of another period – within that period. The plan must be in writing and may apply to well activities for more than one well – and may be submitted, with the written approval of NOPSEMA, in parts for particular stages of the activity.

The titleholder must notify NOPSEMA of well activities (21 days before the start of the activity in accordance with sub-regulation 5.22(1)(2) or any time before commencement of the well activity in accordance with sub-regulation 5.22(3)) and must notify NOPSEMA no later than 10 days after the completion of the well activity (in accordance with regulation 5.25). After a well is permanently abandoned, the titleholder must submit a written report to NOPSEMA detailing the abandonment process and the outcome of that process, for assessment (in accordance with sub-regulation 5.17(b)).

3.9 Submissions made under the Offshore Petroleum Greenhouse Gas Storage (Environment) Regulations 2009

The Environment Regulations provide for submission of OPPs and EPs to NOPSEMA for assessment. OPPs must be submitted in accordance with regulation 5A and may be submitted by any person (the proponent) proposing to undertake an offshore project for the purposes of the Environment Regulations. OPPs must be in writing and include the name and contact details of the proponent. EPs must be submitted in accordance with regulation 9.0 and may only be submitted by a titleholder or an applicant for a petroleum access authority, petroleum special prospecting authority, pipeline licence, greenhouse gas search authority or greenhouse gas special authority. Applicants for the aforementioned titles are taken to be a titleholder for the purposes of divisions 2.2, 2.2A and 2.3 of the Environment Regulations.

It should be noted that sub-regulation 9(3) states that a titleholder may submit an EP for an activity that is, or is part of, an offshore project only if NOPSEMA has accepted an OPP that includes that activity or if the Minister for the Environment has made a decision in relation to the activity under specified sections of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In a similar manner, under sub-regulation 17(2) a titleholder may submit a proposed revision of an EP for a new activity that is or is part of an offshore project. This may occur only if NOPSEMA has accepted an OPP that includes that new activity or if the Minister for the Environment has made a decision in relation to the activity under specified sections of the EPBC Act.

3.9.1 Submission and publication of EPs

Regulations 9AB and 9(2A) require that NOPSEMA publishes all EPs on its website for transparency at key points through the assessment process. In order to facilitate consistent publication, EP submissions must be delivered in two parts, as follows:

- Environment plan (for publication); and
- Sensitive information, including full text consultation transcripts and personal information provided during relevant persons consultation and the public comment period (not for publication). Titleholders are encouraged to cross reference information between the EP for publication and the sensitive information part of the EP to clarify linkages between the two parts. Further information on what is sensitive information can be found in NOPSEMA's environment plan assessment policy.

The oil pollution emergency plan (OPEP) and the oil spill monitoring program (OSMP) may be submitted separately as two additional documents.

Where appendices are large documents, these may also be provided as a single separate document. Alternatively, the titleholder may embed appendices within the corresponding EP, OPEP and / or OSMP.

EP summary statement must be incorporated into the EP by titleholders on submission. For further guidance on this, see the EP summary statement form on NOPSEMA's website.

Titleholders must ensure that appropriate quality assurance and quality control processes are in place when preparing EPs for submission so they are suitable for publication, free from errors and omissions and information is clearly legible.

Each document provided as part of an EP submission must be a fully searchable PDF of no more than 250MB in size.

To ensure timely processing of the EP submission and provision of the information in this guideline, titleholders should complete the environment plan cover sheet when submitting via secure file transfer or email or complete the online form when using the online submissions portal.

3.9.2 Publication of submission information

The Environment Regulations require NOPSEMA to publish on its website information about an EP when the EP is published. Specifically, sub-regulation 9AB requires the publication of the following information:

- the name of the titleholder
- a description of the activity or stage of the activity to which the environment plan relates
- the location of the activity

- a link or other reference to the place where the accepted offshore project proposal (if any) is published and details of the titleholder's nominated liaison person for the activity
- the decision (if any) made by the regulator in relation to the environment plan.

In order to achieve efficient publication of an activity description and the location information, NOPSEMA requests titleholders provide the following information:

- **An overview of the activity description and activity location** (approx. 250-500 words) including general details of the stages and aspects of the activity, an outline of the operational details, a proposed timetable (including seasonal timing and duration) and a written overview of the activity location with reference to particular landmarks (e.g. 100km north-west of Karratha). This information may be provided by the titleholder as a discrete section in the EP (e.g. an 'overview of the activity' as an introduction to the comprehensive description of the activity required by regulation 13) enabling NOPSEMA to simply publish the information directly from the EP submission.

Alternatively, titleholders may wish to provide a separate activity overview in a free text field of the EP submission cover sheet. If this alternative approach is taken, it is a requirement that the information provided in the EP submission cover sheet by the titleholder for publication is representative of material documented in the EP submitted to NOPSEMA.

- **An activity location map** showing the activity location within its regional context including depth contours and important or relevant locations/places/features referred to in the EP including nearest coastal areas, environmental sensitive location(s), Commonwealth marine reserves with relevant zoning and state/territory, Commonwealth and international boundaries where applicable. The map should be at a suitable size and scale, include a scale bar, legend, information caption and labels as required in legible fonts. In addition, it is requested that the map be of publishing quality (e.g. 150 dpi or greater), file size preferably no larger than 2MB and file type preferably in JPG (.jpg, .jpeg) or PNG (.png) format.

In circumstances where a titleholder declines to provide this information, NOPSEMA will publish the full 'description of the activity' contained in the EP submission in order to meet the requirements of regulation 9AB.

In the event that the activity description or the location map change during the assessment process, the titleholder must ensure that an updated map and description is provided to NOPSEMA with the resubmitted EP for publication.

3.9.3 Resubmission after public comment

Following the completion of the public comment process for seismic and exploration drilling EPs and after considering any comments received, the titleholder is required to resubmit the EP to NOPSEMA for assessment and further publication. The EP submission must include:

- The documents listed in section 3.9.1 in the specified parts, format and size; and
- One fully searchable pdf and one word version of the titleholder's report on public comment.

Titleholders are required to use NOPSEMA's prescribed template for this report to enable consistent publication of these reports. All sensitive information must be excluded from the titleholder report on public comment.

3.9.4 Resubmission of the EP

NOPSEMA requires that titleholders provide the entire EP submission in response to a request to modify and resubmit the EP or in response to a request for further written information. NOPSEMA requests that one PDF copy of each document, and one copy of each document showing all changes made to the EP submission, is included in the resubmission. Titleholders making an EP resubmission to NOPSEMA must use secure file transfer or via email as per section 3.3.

3.9.5 Financial assurance requirements

A demonstration of financial assurance is required prior to acceptance of an EP in accordance with regulation 5G. This must be provided using the financial assurance confirmation form which should be submitted at the time of EP submission. A failure to provide confirmation of financial assurance will prevent NOPSEMA from accepting an EP.

Further information on financial assurance requirements is provided on the NOPSEMA website in the 'Financial assurance for petroleum titles guideline'.

4 Related documents

- N-01000-FM0008 – Nomination form: Operator of a facility
- N-04200-FM0880 – Proposed scope of validation submission cover sheet
- N-04200-GL0525 – Validation
- N-04300-FM0268 – Safety case submission cover sheet
- N-04600-FM1600 – WOMP submission cover sheet
- N-04600-FM1618 – Well activity notification cover sheet
- N-04600-FM1634 – Well abandonment report cover sheet
- N-04750-FM1465 – Financial assurance confirmation
- N-04750-PL1347 – Environment assessment policy
- N-04750-FM1257 – Environment plan submission cover sheet
- N-04750-FM1345 – Offshore project proposal submission cover sheet
- N-04750-GL1381 – Financial assurance for petroleum titles
- N-04750-FM1846 – Titleholder report on public comment
- N-04750-FM1848 – EP summary statement