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5 September 2014

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590-0001

Re: Training of Personnel and Manning on Mobile Offshore Units and Offshore Supply Vessels Engaged in U.S. Outer Continental Shelf Activities (USCG-2013-0175)

To whom it may concern:

The International Association of Drilling Contractors is a trade association representing the interests of drilling contractors, onshore and offshore, operating worldwide. Our membership includes all drilling contractors currently operating mobile offshore drilling units in the areas subject to the jurisdiction of the United States.

The purpose of this letter is to respond to the Coast Guard's 14 April 2014 Advance Notice of Proposed Rulemaking (ANPRM), proposing the expansion of the maritime safety training requirements to cover "all persons other than crew" working on Offshore Supply Vessels (OSVs) and Mobile Offshore Units (MOUs) engaged in activities on the U.S. OCS.

We are appreciative of the Coast Guard having extended the comment period for this rule in response to our request. The ANPRM solicited detailed information that can only be provided by companies on an individual basis. We have urged our members to provide information to the docket that is responsive to the questions posed in the ANPRM.

We offer the following general comments. Our comments are offered without prejudice to any comments that may be offered directly by IADC members.

IMO Recommendations for the Training and Certification of Personnel on Mobile Offshore Units (MOUs) (IMO Resolution A.1079(28))

IADC supports the Coast Guard's proposed use of the IMO "Recommendations on Training and Certification of Personnel on Mobile Offshore Units (MOUs)," as a basis for the new Coast Guard requirements on this subject. As the Coast Guard is aware, IMO resolution A.891(21) has been superseded by A.1079(28), which updates the recommendations, taking into account the 2010 amendments to STCW.

Training of Personnel and Manning on Mobile Offshore Units and Offshore Supply Vessels Engaged in U.S. Outer Continental Shelf Activities (USCG-2013-0175)

IADC contributed to the development of both A.891(21) and A.1079(28). IADC views A.1079(28) as a carefully considered international standard developed and accepted by IMO member States, with input from the offshore industry. It is very clear on the categories of personnel and the associated training recommendations. A.1079(28) also includes guidance on specialized training for key personnel, fitness for duty, and drills and exercises. Given the global nature of the offshore oil and gas industry, A.1079(28) is an appropriate basis for standards of training for personnel on MOUs employed on the U.S. OCS, and an appropriate starting point for new Coast Guard regulations, should such regulations be deemed necessary.

Recognition of Existing Training Standards and Certification

Prior to imposing new regulatory requirements, IADC believes the Coast Guard (in consultation with the Bureau of Safety and Environmental Enforcement) should carefully assess the industry's existing training and certification systems to ascertain if they can be incorporated by reference through either Coast Guard or BSEE regulations.

In this regard, we would note that, contrary to the Coast Guard's assertion that there is no overlap with BSEE regulations, BSEE's SEMS regulations (30 CFR 250.1915) require that the lease holder's SEMS program "establish a training program so that all personnel are trained in accordance with their duties and responsibilities to work safely and are aware of potential environmental impacts." The regulation goes on to specify that, in addition to other subjects, this training must address "emergency response and control measures." Vessels attached to the seabed and vessels engaging in OCS activities are subject to BSEE's SEMS regulations.

A variety of international and domestic industry-based offshore safety training standards meeting the objectives of the ANPRM already exist and have been implemented. Some of these standards meet many, if not all, of the elements of A.1079(28), as well as the other categories of training addressed by the ANPRM. In this regard, IADC will separately provide information to the docket on IADC programs that may be useful in satisfying the Coast Guard's concerns as expressed in the ANPRM.

IADC would, in particular, urge to Coast Guard to avoid any regulatory approach that would require OCS workers to obtain additional U.S. government-issued credentials. While the costs associated with implementing such requirements would be objectionable, the delays and uncertainties associated with such a program would be intolerable, particularly for entry-level employees, those employees already possessing credentials for training obtained overseas that meets the objectives of this ANPRM, and those foreign workers who are authorized employment on the U.S. OCS.

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“Maritime Crew”

IADC recommends that the Coast Guard clearly distinguish between “maritime crew” employed on U.S. flag vessels and those employed on foreign flag vessels operating on the U.S. OCS. The ANPRM states that “the ‘maritime crew’ are Coast Guard-credentialed mariners who operate the vessel in accordance with the Certificate of Inspection.” This definition does not account for foreign flag MODUs and mariners credentialed by the flag State, notwithstanding the reference in the ANPRM to the sinking of the Deepwater Horizon (a foreign flag MODU) highlighting the need for the proposed training requirements.

“Industrial Personnel”

IADC recommends that if this rulemaking is to be pursued, consideration be given to the effect on vessels certificated as industrial vessels.

“Industrial Personnel” are defined in 46 CFR 90.10-15. Prior to the promulgation of 46 CFR Subchapter I-A, Mobile Offshore Drilling Units, in 1978, drilling rigs (as seagoing barges, or steam or motor vessels) were inspected and certificated as “industrial vessels” as defined in 46 CFR 90.10-16. Some vessels, other than MODUs, are still certificated as industrial vessels and operate on the U.S. OCS.

IADC appreciates the opportunity to provide comments regarding this ANPRM and requests that our comments be given due consideration. If you have any questions about any portion of this correspondence, please contact me by phone at (713) 600-1888.

Sincerely,



Sean Brett
Senior Director, Offshore Division

Answers to Questions in the ANPRM

A. Maritime Safety Training for Persons Other Than Crew On Offshore Supply Vessels and Mobile Offshore Units

Q-A1. What kind of maritime safety training courses and/or programs are currently afforded to persons other than crew on board MOUs and OSVs? Is Table 1 (adapted from information in IMO Resolution A.891(21)) a good representation of the levels of training appropriate for the categories of persons other than crew listed?

Table 1 is a good representation of the levels of training appropriate for the categories of offshore personnel, with exception of IADC's response to Q-A2 below, and taking into consideration the additional provisions of IMO Resolution A.1079(28).

Q-A2. What suggestions do you have regarding the inclusion or modification of the personnel categories and relevant maritime safety training in the table?

IADC recommends that the training in Table 1 of the ANPRM, for categories B, C, and D personnel, be modified to read "Training in personal survival, fire prevention and fire-fighting, elementary first aid, personal safety and social responsibilities (**as set out in tables 5.5.1 to 5.5.6 of resolution A.1079**)." Table 1 of the ANPRM currently states that Category D personnel (maritime crew members) should have "training in personal survival, fire prevention and fire-fighting, elementary first aid, personal safety and social responsibilities (**BT in accordance with STCW Regulation VI/1**)." This is not consistent with IMO Resolution A.1079. Paragraph 5.5.1 of A.1079 states that "Before being assigned to duties related to the regular operations of the MOU, all regularly assigned personnel, maritime crew and other special personnel without designated responsibility for the safety and survival of others (i.e. categories B, C and D) should receive training in personal survival, fire prevention and firefighting, elementary first aid, personal safety and social responsibilities, and security awareness training and instruction **as set out in tables 5.5.1 to 5.5.6**."

Q-A3. Should any key maritime crew or persons other than crew on board be required to take crowd management training, and crisis management and human behavior training courses (similar to maritime crew and persons other than crew on passenger vessels)? For what size complement? For what type of vessel? How do existing FLOATELs/ASVs ensure the safety of large numbers of embarked persons other than crew in case of emergency?

Per IMO Resolution A.1079(28) the OIM should have knowledge, experience, and demonstrated competence in crisis management and crowd control.

Q-A4. Is there any specialized safety training that should be required on OSVs that is particular to the various functions these vessels can perform?

While IADC will generally defer to those associations that represent OSV sector, we would note that OSVs are multi-service vessels. To the extent that OSVs are exposed to hazards associated with well operations, personnel on such OSVs should have appropriate training in well operations.

We would again remind the Coast Guard that BSEE's SEMS regulations (30 CFR 250.1915) require that the lease holder's SEMS program "establish a training program so that all personnel are trained in accordance with their duties and responsibilities to work safely and are aware of potential environmental impacts." Vessels attached to the seabed and vessels engaging in OCS activities are subject to BSEE's SEMS regulations.

Q-A5. Have any incidents occurred involving individuals who had not received safety training? If so, please describe the incident. Would the outcome have changed had those individuals received safety training? Why were they not trained?

This information should already be available in Coast Guard and BSEE casualty reports. Based on incident reports that IADC receives in its Incident Statistics Program, we believe that many incidents involve personnel who have received training but nonetheless commit unsafe acts.

Q-A6. What types of safety drills should be required of every person on an MOU?

See IMO Resolution A.1079(28), Attachment 4, listing suggested emergency response drills on Mobile Offshore Drilling Units.

B. Safety Organizational Structure

Q-B1. Who has the ultimate and final decision-making authority on board a MODU or other MOU for industrial operations, marine operations, and emergency response? If there is more than one person, how and when is the decision-making authority transferred during an emergency? How is this decision-making defined by unit type and operational status? Is this practiced, and if so, how often and what resources are required?

IADC recommends that the Coast Guard consider the below mentioned BSEE regulations and related industry generated FAQs, in regard the requirements already in place for the person with ultimate decision-making authority on a MODU.

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For operations on the U.S. OCS, the person with ultimate decision making authority is required to be identified by the lease or permit holder in accordance with the requirements of BSEE's SEMS regulations in 30 CFR part 250, subpart S. On February 28, 2014, the Center for Offshore Safety, American Petroleum Institute, International Association of Drilling Contractors, and Offshore Operators Committee submitted to BSEE a list of Frequently Asked Questions developed by a series of industry workgroups to provide clarification and input, taking into account current industry best practices, in regard to these regulations. The list of FAQs is attached.

Q-B2. Who on board a MODU is responsible for well control and would be the primary person to give the order to shut-in the well?

30 CFR 250.401 assigns responsibility for well control to the lessee and to their onsite representative. In practice, the authority to shut in the well is typically delegated to the driller, through the operating contract, bridging arrangements, and company policies and procedures.

We would note that vessels other than MODUs engage in operations where well control training may be required.

Q-B3. Where is well control delegation found in a MODU's company documentation?

Specific responsibilities should be identified in the Well Plan, which is the lease operator's documentation of the planned well construction activities, as developed in accordance with API Bulletin 97 and the associated well construction interface document. Documentation such as the drilling contractor's well control procedures, operating contract, and bridging document may include well control delegation consistent with the lease operator's Well Plan.

We would note that vessels other than MODUs engage in operations where well control may be required.

Q-B4. How do companies operating self-propelled MOU's define the levels of authority and the lines of communication both within the unit, and between shoreside and unit personnel?

This is a company specific question. The levels of authority and lines of communication are generally defined in a company's safety management system or other company policies and procedures.

Q-B5. Should drilling operation/well control emergency drills and vessel emergency evacuation drills on a MODU be performed and, if so, what drills can be performed safely? What resources are required for such drills?

30 CFR 250.462 contains BSEE's requirements for well control drills and related recordkeeping requirements.

All versions of the IMO MODU Code contain requirements for practice musters and drills. The 2009 MODU Code specifically refers to resolution A.891(21) regarding drills and exercises. The resolution provides guidance, and the attachment to the resolution identifies the types of drills that are appropriate.

Q-B6. What are the responsibilities of the maritime crew toward persons other than crew on board MOUs in case of an emergency?

Emergency duties are company and unit specific and are assigned per the unit's muster list. Requirements for the muster list are in 46 CFR 108.901 and in the 1989 and 2009 MODU Codes.

Q-B7. What are the responsibilities of persons other than crew on MOUs in case of an emergency?

Emergency duties are company and unit specific and are assigned per the unit's muster list. Requirements for the muster list are in 46 CFR 108.901 and in the 1989 and 2009 MODU Codes.

C. Officers on Mobile Offshore Drilling Units

Q-C1. What are the duties and responsibilities of an OIM?

The basic duties and responsibilities of an OIM are addressed in IMO Resolution A.1079(28), Section 6.2. Additional company-specific duties and responsibilities will normally be assigned.

Q-C2. What are the duties and responsibilities of a BS?

The basic duties and responsibilities of a BS are addressed in IMO Resolution A.1079(28), Section 6.3. Additional company-specific duties and responsibilities will normally be assigned.

Q-C3. What are the duties and responsibilities of a BCO?

The basic duties and responsibilities of a BCO are addressed in IMO Resolution A.1079(28), Section 6.4. Additional company-specific duties and responsibilities will normally be assigned.

Q-C4. Is the current structure of officer endorsement (licensing) for MODUs still valid and does it cover the needs of the offshore drilling/production industry?

The current structure of officer endorsement (licensing) is valid and covers the needs of the offshore drilling industry.

Q-C5. Should the Coast Guard consider issuing a Master (MODU)-specific endorsement? Is there need for a “Chief mate (MODU)” or “Mate (MODU)” endorsement?

There is no need for a Coast Guard issued “Master (MODU)”, “Chief Mate (MODU)”, or “Mate (MODU)” endorsement, particularly in consideration of the paucity of U.S.-flag MODUs where personnel with such endorsements would be employed.

Q-C6. Referring to Q-C5, if the answer is yes, what practical/theoretical knowledge requirements should be needed for each endorsement (leading to the development of a possible course and/or program)?

There is no need for a Coast Guard issued “Master (MODU)”, “Chief Mate (MODU)”, or “Mate (MODU)” endorsement, particularly in consideration of the paucity of U.S.-flag MODUs where personnel with such endorsements would be employed.

Q-C7. Referring to Q-C5, what should be the service requirements for each endorsement?

There is no need for a Coast Guard issued “Master (MODU)”, “Chief Mate (MODU)”, or “Mate (MODU)” endorsement.

Q-C8. Would a Master or Mate (unrestricted) necessarily have to start over to comply with all the requirements of 46 CFR 11.470, 11.472, and 11.474, or would you recommend alternative training courses and/or programs and experience criteria?

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This is addressed in A.1079(28) Appendix 2, "Guidance for Personnel with STCW Certificates of Competency to Meet the Specialized Training Specified in Section 6 of these Recommendations".

Q-C9. What are your suggestions regarding the acceptance of equivalencies of the education (degree), and individual course and/or program requirements for:

(a) An OIM (who holds an unlimited Master's officer endorsement); and

(b) A BS/BCO (who holds an unlimited Chief mate's officer endorsement)?

The current requirements in the Code of Federal regulations are sufficient.

Q-C10. On a self-propelled U.S.-flagged MODU (other than a drillship), is the Master with an OIM endorsement, required by 46 CFR 15.520(d), actually filling the position of the OIM or is another person brought on board and assigned to serve as the OIM?

In compliance with the requirements of 46 CFR 15.520(d), when underway, a self-propelled U.S. flagged MODU, other than a drillship, would be under the command of an individual who holds a license as master endorsed as OIM, or an MMC endorsed as master and OIM. When not underway, such a vessel would be under the command of an individual holding the appropriate OIM credential.

Q-C11. Within your company, how many OIM's currently hold a Master's endorsement?

IADC cannot answer this question because it is company specific.

Q-C12. Is there a need for additional or alternative Coast Guard credentialed positions aboard MODUs including, but not limited to, crane operator, remotely operated vehicle operator, or maintenance supervisor?

There is no need for Coast Guard credentials for crane operator, ROV operator, or maintenance supervisor. Most MODU's operating on the U.S. OCS are foreign flagged and the flag states do not require credentials for crane operator or ROV operator, and few, if any, require persons designated as maintenance supervisor.

We question the restricted scope of this question – addressing only MODUs: Crane operators and ROV operators work on fixed and floating platforms and on other types of vessels engaging in OCS activities.

As indicated in our general comments, we would urge the Coast Guard to avoid developing regulations that would require additional government-issued credentials.

D. Manning

Q-D1. Should the Coast Guard require a Chief engineer aboard a MODU? If so, how many assistant engineers should we require and what would be the associated costs and benefits?

A Chief Engineer should only be required on self-propelled MODU's, per the current regulations.

Q-D2. Should the Coast Guard require a Chief mate aboard a MODU? If so, how many additional mates should we require and what would be the associated costs and benefits?

A Chief Mate should only be required on self-propelled MODU's, per current regulations.

Q-D3. Are there any other manning issues regarding both self-propelled and non-self-propelled MOUs that industry recommends the Coast Guard address?

Sea time Credit for 12 Hour Watch

IADC has become aware that the Coast Guard is denying time and one-half sea time credit for mariners standing 12 hour watches on dynamically positioned (DP) MODUs when they are applying for a raise-in-grade of their credential. Though the USCG determines that sea service on DP MODUs is calculated in the same manner as a conventional vessel, they have indicated that credit for time and one-half is only valid where 12 hour watch days are "authorized and practiced."

The USCG has indicated that a 12-hour day is "authorized" based on the manning and watch-keeping requirements applicable to the vessel, which are found in Section 8104 of Title 46 of the United States Code and in 46 CFR 15.705. These references indicate that vessels greater than 100 gross registered tons are required to divide the crew into three watches.

IADC has researched this matter and have identified the following key points:

1. The USCG references listed above only apply to U.S.-flag vessels

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2. The Marine Safety Manual (Volume II) provides no guidance as to this interpretation of the three watch system being required on DP MODUs.
3. The Certificate of Inspection (COI) of a U.S. flag MODU provides no indication of the requirement for a three watch system.
4. Though the OCS Lands Act would presumably permit the Coast Guard, following the Administrative Procedures Act, to adopt regulations to requiring manned OCS units, including foreign-flag MODUs operating on the U.S. OCS to employ a three-watch system, it has not done.

Noting that the ANPRM recognizes that maritime crew typically work in 12-hour shifts, the Coast Guard is asked to reconsider its policy and recognize time and one-half sea time credit for mariners standing 12 hour watches on DP MODUs when they are applying for a raise in grade of their credential.

Able Seaman on Non-Self-Propelled MODUs

IADC recommends that the Coast Guard use its authority under 46 U.S.C. 8101(a)(2) to revise its guidance on crewing of non-self-propelled MODUs to remove the suggestion that able seamen (AB) must be included in the crew compliment. 46 U.S.C. 8101(a)(2) states that "A manning requirement imposed on a mobile offshore drilling unit shall consider the specialized nature of the unit." An AB on a non-self-propelled MODU does not perform the traditional watch-standing duties that would be expected on a traditional merchant vessel, such as helmsman and lookout, and is not needed. Logically, it should be possible to obtain qualifying service on the vessel on which the credential is required – this is not the case with ABs on non-propelled units.

Q-D4. Are there any manning issues regarding OSVs that industry recommends the Coast Guard Address?

IADC cannot answer this question because it does not relate to the MODU sector.

Q-D5. Do you know if any U.S. licensed maritime crew has ice pilot experience as a navigator in arctic waters, and if so, how many?

IADC does not have this information.

E. Economic Data

Q-E1. What data or information exists that the Coast Guard could use to estimate the number of U.S. maritime crew and U.S. persons other than crew per U.S. flagged MOU

and OSV, and the average number of maritime crew and persons other than crew per foreign flagged MOU and OSV? Similarly, are there any sources documenting the number of MOUs (both U.S. and foreign flagged) by unit types (e.g., accommodation units, crane units, construction and maintenance units, drilling tenders, pipe and cable laying units, wind turbine installation units, and maintenance and repair units)?

This data could be collected by Coast Guard inspectors. Data should also be available in MISLE.

Q-E2. What are the current labor market trends and conditions for U.S. and non-U.S. maritime crew and persons other than crew working on MOUs and OSVs? Specifically, are there any current or projected shortages of qualified maritime crew and persons other than crew on MOUs and OSVs? Also, are current wages and total compensation for maritime crew and persons other than crew working on MOUs and OSVs, competitive with the rest of the oil, gas, and marine industries?

IADC does not have this information. We believe that it may be available from commercial sources.

Q-E3. Do you provide training similar to that described in Table 1?

IADC cannot answer this question because it is company specific.

F. Regulatory Coordination with Other Federal Agencies

Q-F1. What opportunities exist for increased regulatory efficiency and harmonization of maritime safety training requirements among Federal agencies?

IADC is perplexed by the omission of fixed and floating facilities from this ANPRM. In IADC's view, the same considerations regarding maritime safety training, crane operator and ROV operator training are applicable to all OCS units.



CENTER FOR OFFSHORE SAFETY *energy* **API**

AMERICAN PETROLEUM INSTITUTE



February 28, 2014

Mr. Brian Salerno
Director
Bureau of Safety and Environmental Enforcement
U.S. Department of Interior
1849 C Street, NW
Washington, D.C. 20240
Via: brian.salerno@bsee.gov

RE: Initial response to agency request for industry input regarding Stop Work Authority (SWA) and Ultimate Work Authority (UWA) requirements of Revisions to Safety and Environmental Management System (SEMS), Final Rule [Docket No. BSEE-2012-0011; RIN 1014-AA04; 78 Fed. Reg. 20423, April 5, 2013]

Dear Director Salerno,

On July 26, 2013, BSEE requested input from the Center for Offshore Safety (COS) in order to answer questions it received from the U.S. offshore industry upon publication of the agency's revisions to the SEMS final rule. Specifically, BSEE received many post-publication requests for clarification of the new SWA and UWA regulations contained in the revisions to the SEMS final rule. On August 28, 2013, the COS, the American Petroleum Institute (API), the International Association of Drilling Contractors (IADC), and the Offshore Operators Committee (OOC) commenced the first of several industry work group meetings to provide input on operationalizing the new SWA and UWA regulations, taking into account current industry good practices.

I am pleased to report that after several industry work group meetings, and after much constructive deliberation among industry personnel, we deliver the enclosed list of Frequently Asked Questions (FAQs). I kindly invite you to review the enclosed FAQs.

We look forward to discussing these FAQs further with you. If you have questions, please feel free to contact me at (832) 495-4925 or WilliamsC@centerforoffshoresafety.org.

Regards,



Charlie Williams, COS



Holly A. Hopkins, API



Alan Spackman, IADC



Allen Verret, OOC

Attachment

cc: Doug Morris, Chief, Office of Offshore Regulatory Programs
Staci King, Chief, SEMS Branch

Attachment: SWA and UWA Frequently Asked Questions (FAQs)

DEFINITIONS

1. What is the definition of “lease operator” as used in this FAQ?

For the purposes of this FAQ the term “lease operator” is used in place of “You” as referred to in 30 CFR 250.1900. The word “You” is defined in 30 CFR 250.105 as “a lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s), a pipeline right-of-way holder, or a State lessee granted a right-of-use and easement.”

2. What is the definition of “Stop Work Authority” (SWA)?

It is the responsibility of the lease operator to define what SWA means for its company’s SEMS program, taking into account the requirements of 30 CFR 250.1930.

3. What is the definition of “imminent risk or danger”?

“Imminent risk or danger” means any condition, activity, or practice in the workplace that could reasonably be expected to cause:

- (1) Death or serious physical harm; or
 - (2) Significant environmental harm to:
 - (i) Land;
 - (ii) Air; or
 - (iii) Mineral deposits, marine, coastal, or human environment.”
- [30 CFR 250.1930 (a)]

4. What is the definition of “Ultimate Work Authority” (UWA)?

UWA “means the authority assigned to an individual or position to make final decisions relating to activities and operations on the facility.” [30 CFR 250.1903]

5. What is the definition of “Person in Charge” (PIC) according to U.S. Coast Guard (USCG) regulations?

PIC “means the master or other individual designated as such by the owner or operator” under 33 CFR 146.5 (in the case of unmanned or manned OCS facilities other than MODUs) or 46 CFR 109.107 (in the case of MODUs). [33 CFR 140.10]

The PIC of unmanned or manned OCS facilities other than MODUs means the persons on the facility whom the “owner or operator, or the agent of either of them, shall designate by title and in order of succession.” [33 CFR 146.5(a)]

The PIC of a MODU means the individual whom the “owner of a unit or his agent shall designate” to be the master or person in charge of the MODU. [46 CFR 109.107]

Please see Questions 31 – 34 for discussion of the relationship between PIC, UWA, and person in charge.

6. What is the definition of “person in charge” according to BSEE regulations?

Person in charge is not defined in the BSEE regulations.

Please see Questions 31 – 34 for discussion of the relationship between PIC, UWA, and person in charge.

7. What is the definition of “facility” and “OCS facility”?

For purposes of the BSEE SEMS regulations, “facility” means “all types of structures permanently or temporarily attached to the seabed (*e.g.*, mobile offshore drilling units (MODUs); floating production systems; floating production, storage and offloading facilities; tension-leg platforms; and spars) that are used for exploration, development, and production activities for oil, gas, or sulphur in the OCS. Facilities also include DOI-regulated pipelines.” [30 CFR 250.105, paragraph (5) under definition of “facility”]

For the purposes of USCG regulations, “OCS facility means any artificial island, installation, or other device permanently or temporarily attached to the subsoil or seabed of the Outer Continental Shelf, erected for the purpose of exploring for, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources. The term includes mobile offshore drilling units when in contact with the seabed of the OCS for exploration or exploitation of subsea resources.” [33 CFR 140.10]

8. What is the definition of “attached and working together” and “in close proximity to one another” according to BSEE regulations?

It is the responsibility of the lease operator to define what “attached and working together” and “in close proximity to one another” means for its SEMS program, taking into account the requirements of 30 CFR 250.1931 (a). It is expected that the lease operator will take into consideration the nature of its operations.

GENERAL

9. Who must approve a “Job Safety Analysis” (JSA) on a facility?

The individual whom the lease operator designates as “being in charge of the facility” or another individual whom that individual designates must approve each JSA before personnel start a job activity associated with the JSA. This individual must sign the JSA to indicate such approval. This individual need not be the PIC. [30 CFR 250.1911(b)(3)]

10. How should the lease operator and contractors align policies and procedures regarding UWA and SWA?

The lease operator and contractors “must document an agreement on appropriate contractor safety and environmental policies and practices before the contractor begins work” at the lease operator’s facility. This includes UWA and SWA. [30 CFR 250.1914]

STOP WORK AUTHORITY (SWA)

11. Can the lease operator use its existing processes and/or procedures that allow for the stoppage of work that creates imminent risk or danger rather than creating a separate SWA program?

Yes, as long as the program meets the requirements of 30 CFR 250.1930.

12. Must the SWA procedures required by 30 CFR 250.1930 include every work stoppage (e.g. those resulting from a behavioral based safety observation or similar program)?

No. The SWA procedures required by BSEE must include only the capability to “stop work or decline to perform an assigned task when an imminent risk or danger exists.” The practice of stopping work to address safety concerns that do not pose an imminent risk or danger do not fall within the scope of the SWA regulatory requirement. [30 CFR 250.1930(a)]

13. Does work stoppage need to be documented?

No. There is no requirement to document work stoppages. The regulations require only that the “decision to resume activities [that posed an imminent risk or danger] must be documented in writing as soon as practicable.” [30 CFR 250.1930 (c)]

See Question # 30 for more information on documentation required for resumption of work.

14. According to 30 CFR 250.1930(b), “individuals who receive a notification to stop work must comply with that direction immediately.” What actions are required by individuals receiving such a notification?

Affected individuals must stop work immediately, provided the work can be stopped “in an orderly and safe manner.” If the work cannot be stopped immediately “in an orderly and safe manner,” then action should be taken to stop the work as soon as possible when it can be stopped “in an orderly and safe manner.” [30 CFR 250.1930(b)]

15. How will the lease operator demonstrate that the person in charge of the conducted work that is creating an imminent risk or danger is responsible for ensuring the conducted work is stopped in an orderly and safe manner?

Everyone has the responsibility to use SWA whenever an imminent risk or danger exists. It is the responsibility of the lease operator to determine how it will demonstrate in its SEMS

program that the person in charge of the conducted work is responsible for ensuring the work is stopped in an orderly and safe manner. [30 CFR 250.1930(b)]

16. According to 30 CFR 250.1930(b), “the person in charge of the conducted work is responsible for ensuring the work is stopped in an orderly and safe manner.” Can the supervisor(s) of the person in charge of the conducted work be the responsible individual(s)?

Yes, provided the lease operator’s SEMS program clearly documents the process identifying the responsible individual(s) or position(s).

17. According to 30 CFR 250.1930(b), “the person in charge of the conducted work is responsible for ensuring the work is stopped in an orderly and safe manner.” Can the person in charge of the conducted work assign this responsibility to another person?

Yes, as long as the person assigned this responsibility is capable of ensuring the work is stopped in an orderly and safe manner.

18. According to 30 CFR 250.1930(e), “SWA procedures must be reviewed during all meetings focusing on safety.” What does this mean?

It is the responsibility of the lease operator to determine the applicability of this regulation, taking into account the type and nature of the various meetings on its facilities.

ULTIMATE WORK AUTHORITY (UWA)

19. Who must identify and designate the individual or position with the UWA in accordance with BSEE regulations?

The lease operator as defined in Question #1 must do so. [30 CFR 250.1931(a)]

20. For which types of facilities must the lease operator identify and designate the individual or position with the UWA?

The lease operator must designate the individual or position with the UWA for its facility(ies) “permanently or temporarily attached to the seabed (*e.g.*, mobile offshore drilling units (MODUs); floating production systems; floating production, storage and offloading facilities; tension-leg platforms; and spars) that are used for exploration, development, and production activities for oil, gas, or sulphur in the OCS” including DOI-regulated pipelines. [30 CFR 250.1931(a) and 30 CFR 250.105, paragraph (5) under definition of “facility”]

21. How may the lease operator identify and designate the individual or position with the UWA?

It is the responsibility of the lease operator to have a process to identify and designate the individual or position with the UWA in its SEMS program. [30 CFR 250.1931(a)]

22. May the lease operator designate as the individual or position with the UWA the same individual that the MODU owner or operator designates as the master or PIC?

Yes.

23. May the lease operator designate as the individual or position with the UWA a person other than the individual that the MODU owner or operator designates as the master or PIC?

Yes.

24. May the lease operator designate an individual as the master or PIC of a MODU it contracts?

No. Only the MODU's owner or operator (or the agent of either of them) may designate an individual as the master or PIC. [33 CFR 140.10 and 46 CFR 109.107]

25. Can the lease operator designate more than one individual or position with the UWA on a single facility at the same time?

No. Per the definition of UWA, the lease operator must assign one individual or position with the UWA for a single facility at any given time. The lease operator may shift the assignment of the UWA from one individual or position to another, provided the lease operator's SEMS program clearly documents the process identifying the individual or position with the UWA on the facility. [30 CFR 250.1931(a)]

Note that the lease operator must ensure that all personnel clearly know who has the UWA at all times. [30 CFR 250.1931(b)]

26. Can the lease operator designate more than one individual or position with the UWA for an OCS operation consisting of multiple facilities that are "attached and working together or in close proximity to one another"?

Where multiple facilities are "attached and working together or in close proximity to one another" to perform a single OCS operation (e.g., Simultaneous Operations or SIMOPS), the lease operator must assign only one individual or position "with the UWA over the entire operation, including all facilities." The lease operator may shift the assignment of the UWA from one individual or position to another. [30 CFR 250.1931(a) and 30 CFR 250.1931(b)]

Where multiple facilities are "attached and working together or in close proximity to one another" to perform multiple OCS operations independently (e.g., non-SIMOPS), the lease operator must assign one individual or position with the UWA on each facility.

27. May the individual or position with the UWA delegate this authority to another individual or position?

It is the responsibility of the lease operator to determine if and when the individual or position with the UWA may delegate this authority to another person (e.g., if the individual

or position with the UWA becomes incapacitated, etc.), provided the lease operator's SEMS program clearly documents the process for delegating this authority. The lease operator must ensure that all personnel clearly know who has the UWA at all times. [30 CFR 250.1931(b)]

28. Is the individual or position with the UWA the only person authorized to stop work?

No. All personnel have the responsibility to use SWA whenever an imminent risk or danger exists. It is the responsibility of the individual or position with the UWA to determine that work may be resumed when imminent risk or danger no longer exists. [30 CFR 250.1930 (c)]

29. Must the individual or position with the UWA determine when work can resume after every work stoppage that occurs on the facility?

No. Only work that was stopped due to imminent risk or danger requires the individual or position on the facility with the UWA to determine "that the imminent risk or danger does not exist or no longer exists" prior to allowing the work to resume. [30 CFR 250.1930 (c)]

30. Does the lease operator have to document in writing the decision(s) by the individual or position with the UWA to resume work after an imminent risk or danger does not exist or no longer exists?

Yes. The lease operator's SEMS program should establish the methodology for documentation and identify the specific documentation.

RESPONSIBILITIES OF AND RELATIONSHIPS BETWEEN THE UWA AND THE PIC

31. What is the relationship between the UWA as defined in BSEE regulations and the PIC as defined in USCG regulations?

The UWA and the PIC may or may not be the same person. The authorities and responsibilities for these individuals or positions, while appearing similar, must meet the specific requirements of the individual agency regulations.

32. What are the responsibilities of the individual or position with the UWA?

The individual or position with the UWA has the authority to "make final decisions relating to activities and operations on the facility." [30 CFR 250.1903]

The individual or position with the UWA has the authority "to pursue the most effective action necessary in that individual's judgment for mitigating and abating the conditions or practices" causing an emergency "that creates an imminent risk or danger to the health or safety of an individual, the public, or to the environment." [30 CFR 250.1931(c)]

Only the individual or position with the UWA on the facility may determine "that the imminent risk or danger does not exist or no longer exists" for the work stopped under the

SWA procedures required by 30 CFR 250.1930(a), and only after such a determination may the work resume. [30 CFR 250.1930(c)]

Although 30 CFR 250.1931(a) requires the lease operator's SEMS program to clearly define "who is in charge at all times," the regulation does not require this person "who is in charge at all times" to be the same person as the "individual with the UWA on your facility(ies)."

33. How is "person in charge" used in BSEE regulations?

BSEE SEMS regulations in several sections [30 CFR 250.1911(b)(4), 250.1928(b), 250.1930(b), and 250.1931] contain a reference to a "person in charge." The term "person in charge" as used in these BSEE regulations normally relates to the supervision of a job or task and is unrelated to the USCG regulations that deal with designating a Person in Charge (PIC) of an OCS facility.

34. According to 30 CFR 250.1931(a), the lease operator must designate the individual or position with the UWA "taking into account all applicable USCG regulations that deal with designating a person in charge of an OCS facility." What USCG regulations should the lease operator take into account?

At a minimum, the lease operator should take into account the prescriptive responsibilities assigned to the PIC under USCG regulations. These prescriptive requirements include, **but are not limited to**, the following:

A. UNMANNED AND MANNED OCS FACILITIES INCLUDING MODUs

- Consulting with Coast Guard marine inspectors and BOEMRE (now BSEE) inspectors in order to minimize disruption of unit activities or risk to life or property in the conduct of drills or other tests or procedures [33 CFR 140.101(d)]
- Making the proper casualty notifications and reports to the USCG [33 CFR 146.30, 146.35, and 146.303]
- Implementing the lease operator's Emergency Evacuation Plan [33 CFR 146.140(d)(7) and 146.210(d)].

B. UNMANNED AND MANNED OCS FACILITIES **NOT** INCLUDING MODUs

- Exercising judgment for rectifying the conditions causing an emergency [33 CFR 146.5(b)]
- Controlling use of buoyant work vests [33 CFR 146.20(b)]

C. MANNED OCS FACILITIES **NOT** INCLUDING MODUs

- Maintaining custody of the first-aid kit [33 CFR 144.01-30]
- Establishing emergency signals to be used for calling personnel to their emergency stations [33 CFR 146.110(a)]

- Assigning personnel to special duties and duty stations in case of emergency [33 CFR 146.115]
- Assigning personnel to survival craft [33 CFR 146.120]
- Conducting emergency drills on a monthly basis and reporting in writing the time of the drill to the facility owner [33 CFR 146.125]
- Preparing and posting a station bill (muster list) [33 CFR 146.130]

D. MODUs

- Ensuring compliance with the provisions of the USCG Certificate of Inspection [46 CFR 109.109(a)(1)]
- Being fully cognizant of the provisions in the USCG required operating manual [46 CFR 109.109(a)(2) and 109.121]
- Inspecting and testing the steering gear and the means of communication between the bridge or control room and engine room on self-propelled units [46 CFR 109.201(a)]
- Inspecting and testing the whistles and general alarm bells [46 CFR 109.201(b)]
- Maintaining the accommodation spaces in a clean and sanitary condition [46 CFR 109.203]
- Maintaining the integrity of watertight appliances [46 CFR 109.209]
- Testing emergency lighting and power systems [46 CFR 109.211]
- Testing portable and fixed fire extinguishing systems and maintaining records on board [46 CFR 109.223 and 109.435]
- Ensuring compliance with all stability requirements at all times [46 CFR 109.227]
- Distributing a sufficient number of trained and untrained persons equitably among the MODU's survival craft [46 CFR 109.323]
- Maintaining at least one fire pump ready for use on the fire main system at all times [46 CFR 109.329]
- Ensuring that a fire hose is connected to each fire hydrant and that each fire hydrant is not blocked [46 CFR 109.331]
- Maintaining each fire main cutoff valve open and sealed to prevent closing [46 CFR 109.333]
- Ensuring that each person working over water is wearing a life preserver or buoyant work vest [46 CFR 109.334]
- Stowing work vests separately from life preservers [46 CFR 109.335]
- Maintaining on board at all times sufficient number of fireman's outfits and personnel trained to use them [46 CFR 109.337]
- Locating fire axes properly [46 CFR 109.339]
- Maintaining pilot boarding equipment and safe pilot boarding operations [46 CFR 109.347]
- Reporting unsafe machinery conditions and any repairs to the USCG [46 CFR 109.419]
- Reporting repairs or alterations of fire detecting and extinguishing equipment to the USCG [46 CFR 109.425]
- Maintaining a logbook and making the required entries [46 CFR 109.431 and 109.433]

- Maintaining cranes, a crane record book, crane certificates, and proper crane operations [46 CFR 109.437, 109.439, 109.521, 109.525, and 109.527]
- Ensuring that propulsion boilers are safely operated [46 CFR 109.555]
- Properly handling and stowing flammable and combustible liquids [46 CFR 109.557]
- Authorizing the use of explosives or radioactive materials and equipment [46 CFR 109.559]
- Posting required drawings, information and certificates [46 CFR 109.563 and 109.564]
- Maintaining up to date nautical charts and publications on self-propelled units [46 CFR 109.565]
- Inspecting certain areas before permitting riveting, welding, or burning work is conducted as required [46 CFR 109.573]
- Ensuring that no liquids are allowed to accumulate on the helideck [46 CFR 109.575]
- Designating persons to conduct helicopter fueling operations [46 CFR 109.577]
- Establishing manual control of the unit's steering gear when the automatic pilot is used in hazardous navigational situations [46 CFR 109.585]