



INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS

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19 November 2009

[Docket Number USCG-2008-1070]

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: Nontank Vessel Response Plans and Other Vessel Response Plan Requirements
[RIN 1625-AB27]

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 (MODUs) in the areas subject to the jurisdiction of the United States, as well as all MODUs registered in the United States.

The purpose of this letter is to respond to the United States Coast Guard's 31 August 2009 Notice of Proposed Rulemaking (74 FR 44970), which proposes regulations requiring nontank vessel owners and operators to prepare and submit oil spill response plans for their self-propelled vessels of 400 gross tons or greater, which operate on the navigable waters of the United States and carry oil of any kind as fuel. This rulemaking further requires the submission of the response plan control number as part of the already required notice of arrival (NOA) information.

IADC supports the Coast Guard's strategic goals of protection of natural resources and maritime mobility and offers the following comments and recommendations regarding this proposed rulemaking for your consideration:

Port or place in the United States (§155.1015 and §155.5015)

The Coast Guard has used the term "port of place of the United States" in the proposed changes to the 'Applicability' sections without it being defined. In our comments to two previous NPRMs (dockets USCG-2001-11865 and USCG-2008-1088), because of potential concerns regarding interpretation of 43 U.S.C. 1333, IADC had requested clarification of this specific term, especially as it applies to Outer Continental Shelf (OCS) locations, without having received a response. We understand that the interpretation of this term may be different for each statute; and

therefore, IADC requests that the Coast Guard provide a clear definition of this term, in consideration of the provisions of 43 U.S.C. 1333, with regard to this rulemaking.

Response Plan Control Number as part of NOA (§160.206)

The Coast Guard proposes, via an amendment to Table 160.206, to include the Vessel Response Plan Control Number as part of the information required for a vessel's NOA. IADC views this requirement as unnecessary and duplicative since the Coast Guard is the Issuing Authority for the plan control numbers; ergo, they would already possess this information. IADC therefore recommends this requirement not be included.

Incorporation by Reference (§155.140)

The Coast Guard has proposed to incorporate, by reference, the *Ship to Ship Transfer Guide (Petroleum), Fourth Edition, 2005* (STS Guide) for the new nontank vessel response plan requirements. IADC finds this confusing since it would result in two different editions (Second and Fourth Edition) of the same publication being incorporated by reference into Subpart J. We request that the Coast Guard provide the basis for this perceived repetition.

While IADC does not object to the inclusion of the STS Guide (2005) in the *Incorporation by Reference* section, we do seek clarification of how it is intended that its provisions would be enforced. This publication provides advice and guidance only and does not contain mandatory language typically associated with an enforceable regulation. For example, we note that the STS Guide: (1) Suggests fendering techniques that would be irrelevant to vessels using dynamic positioning techniques, such as are commonly employed by vessels supporting the offshore oil and gas industry; and (2) stipulates the use of industry standards for oil transfer hoses that are not widely recognized in the United States, *i.e.*, EN 1765 and BS 1435-2. Both of which could prove problematic for enforcement if the Coast Guard intends the STS Guide to be interpreted as regulation, rather than guidance.

IADC appreciates the opportunity to comment on the proposed rulemaking and requests that our comments be given due consideration. If you have any questions about these comments or recommendations, please contact me by phone at (713) 292-1945, ext. 203.

Sincerely,



John Pertgen
Assistant Director, Offshore Technical
and Regulatory Affairs