



# INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS

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16 February 2010

[Docket Number USCG-2004- 17914]

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

Re: Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978  
[RIN 1625-AA16]

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 17 November 2009 Notice of Proposed Rulemaking (74 FR 59354), which proposes to fully incorporate the International Convention on STCW, 1978, as amended, as well as the STCW Code in the requirements for the credentialing of United States merchant mariners as found in 46 CFR Parts 10, 11, 12, and 15.

IADC supports the Coast Guard's efforts to clarify the regulations that have generated confusion in the past and offers the following comments and recommendations regarding this proposed rulemaking for your consideration:

### ***Use of the term "barge"***

The proposed rulemaking uses the term "barge" without including it in the definitions section. However, §11.202(d)(3) does refer the reader to "the definition of the term as used in 46 U.S.C. 2101(2)." Our research revealed that this reference was modified by Public Law 109-304 in October 2006 and that the definition of "barge," which states that it *means a non self-propelled vessel*, was moved to Subchapter I, 46 U.S.C. 102."

Additionally, IADC noted several specific types of barges, with the exception of the defined term “tank barge,” were used within this rulemaking without a clear indication as to their meaning. For example: §10.107(c) uses the term “Non-oceangoing barge” in the definition of dangerous liquid; §15.401(c)(2) uses the term “seagoing barge;” and §15.812(a)(1) uses the term “coastwise seagoing tank barge.” IADC recommends that the term “barge,” and its various descriptive types, be included in the definitions section.

***Definition of “Day” [§10.107 and §11.104]***

The definition of the term “day,” though very similar, is not the same in both sections of the proposed regulations. IADC recommends standardization of the definition of this term as stated in §10.107.

***Definitions of “On location” and “Underway” [§10.107 and §11.104]***

The definition of each of these two terms is stated as follows:

*On Location* means that a mobile offshore drilling unit is bottom bearing or moored with anchors placed in the drilling configuration.

*Underway* means that a vessel is not at anchor, made fast to the shore, or aground. When referring to a mobile offshore drilling unit (MODU), underway means that the MODU is not in an on-location or laid-up status and includes that period of time when the MODU is deploying or recovering its mooring system.

Both of these terms fail to take into consideration the advent of the dynamic positioning capability of MODUs that currently exists. Therefore, IADC recommends that these definitions be revised as follows:

*On Location* means that a mobile offshore drilling unit is bottom bearing, moored with anchors placed in the drilling configuration, or, when utilizing dynamic positioning, is maintaining station at the drilling location.

*Underway* means that a vessel is not at anchor, made fast to the shore, or aground. When referring to a mobile offshore drilling unit (MODU), underway means that the MODU is not bottom bearing, moored with anchors placed in the drilling configuration, or in laid-up status. It includes those periods of time during which a MODU is deploying or recovering its mooring system or when it is utilizing its dynamic positioning system.

***Use of the term “MODU endorsements” [§10.107(c) and §11.920]***

The term “MODU endorsements” is used in this proposed rulemaking without clearly indicating which credentials it encompasses. Whereas §11.920 includes both the “*Subjects*” and “*Codes*” for MODU endorsements, they only indicate the various OIM credentials, as well as Barge Supervisor and Ballast Control Officer. Are we to presume that Chief Engineer (MODU) and Assistant Engineer (MODU) are therefore outside the meaning of “MODU endorsement?” IADC recommends that the term be more clearly defined to identify the applicable credentials.

***Confusing coastwise terminology [§10.107]***

This rulemaking proposes to add the following definition:

*Coastwise seagoing vessel* means a vessel that is authorized by its Certificate of Inspection to proceed beyond the boundary line established in Part 7 of this chapter and is limited to coastwise voyages by its COI.

IADC does not see the need to create this new endorsement, which would serve to limit the trade of an inspected vessel based upon the credentials of the crew. The underlying principle is that a vessel must be suitably manned, by persons possessing the requisite credentials for the voyage undertaken. IADC does not believe that this principle needs to be reinforced by the creation of yet another endorsement to the COI. Further, while the addition of the new endorsement may give the Coast Guard some comfort with respect to inspected vessels, aren't there also uninspected vessels that would be similarly affected?

Many vessels already have a COI with an endorsement for a "coastwise route," which is clearly not synonymous with the proposed definition of a "coastwise voyage." IADC believes that this definition will create confusion as it will now require a new endorsement for a COI referring to "coastwise voyage" in addition to the endorsement for a "coastwise route" for many, but not necessarily all, of these vessels.

In addition, the administrative process for implementing the new endorsement must be considered. Will there be a wholesale reissuance of COIs to include this new "coastwise voyage" endorsement, or will it be phased-in as COIs are reissued?

Subsequently, IADC believes that with the creation of this new endorsement, the Coast Guard will also need to revise and amplify the instructions provided in Volume II of the Marine Safety Manual.

***Port or place in the United States [§10.107]***

This rulemaking proposes to add the following definition:

*Coastwise voyage* means a voyage in which a vessel proceeds from one port or place in the United States to another port or place in the United States, or from a port or place in a possession to another port or place in the same possession, and passes outside the line dividing inland waters from the high seas, as well as a voyage in which a vessel proceeds from a port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas and navigates on the high seas, and then returns to the same port or place.

The Coast Guard has used the term "port or place in the United States" without it being defined. By virtue of this definition, it is unclear to IADC if a vessel with such an endorsement would be permitted to attend a stacked MODU, or a MODU that is moving between locations on the U.S. Outer Continental Shelf, which is not engaged in Oil and Gas activities, and is thus not, at least for the purposes of Customs laws, considered to be a "port or place in the United States." Because of the potential concerns regarding interpretation of 43 U.S.C. 1333, IADC has requested clarification of this term in four previous rulemaking dockets: the Coast Guard did not

respond to our expressed concerns in any of these rulemakings. As we stated at the November 2009 meeting of the National Offshore Safety Advisory Committee, we understand that the interpretation of this term may be different for each statute; and therefore, we request that the Coast Guard provide a clear definition of this term, in consideration of the provisions of 43 U.S.C. 1333, for this specific rulemaking.

***Confusing terminology for training [§10.107]***

The definition of “approved training” means *training that is approved by the Coast Guard or meets the requirements of §10.309*; whereas §10.309 indicates Coast Guard training other than approved courses. IADC, therefore, understands that this definition of “approved training” really means “Coast Guard-accepted training.” Ergo, IADC recommends that this term be more appropriately called “Coast Guard accepted training” to provide a more clear understanding to mariners. If accepted this would also require modification of the regulations, as necessary, to eliminate the reference to “approved training.”

***Competent person [§10.107]***

There is only one meaningful reference to “competent person,” which is in Chapter 13 (*i.e.*, §13.111(d)(4)), and is in regard to the requirements for a tankerman endorsement. It appears misplaced to put a definition in Chapter 10 for a term that is used only once in Chapter 13. IADC recommends that it would be more practicable if the definition of “competent person” were NOT added to the definitions in part 10, but rather, that the provisions of §13.111(d)(4) be revised to read as follows:

(4) Present evidence in the form of a letter on company letterhead from the operator of the facility stating that ~~OSHA considers~~ the applicant **has been designated** a “competent person” for the facility **in accordance with 29 CFR 1915.7**, and that the applicant has the knowledge necessary to supervise tank-cleaning and gas freeing; and

***Use of the term “MODU Standard” [§10.215(b)(2)]***

The term “MODU standard” is utilized in conjunction with the visual acuity standard required for Engineering, radio officer and tankerman without providing its meaning. IADC recommends defining this term or, as a minimum, identifying the specific credentials that it includes.

***Use of the term “disapproved” [§10.213]***

IADC recommends that the USCG use the term “denied” rather than disapproved with regards to a submitted application as it is a more generally accepted term.

***MMS Approved blowout prevention and well control training program [§11.470]***

The regulations continue to include the training requirement, specifically a certificate from an MMS approved training program for blowout prevention and well control, to obtain a credential for OIM Unrestricted, OIM Surface Unit On-location, and OIM Bottom Bearing Unit On-location. However, this requirement was updated in 2002 per NMC Policy Letter 17-02, which

acknowledged the fact that MMS no longer approves these courses; and that the responsibility for the training and course content lies with the operator of the drilling unit and training facility. IADC recommends that the proposed rulemaking be revised to reflect this update in the regulations.

***Survivalman applicability [§15.404]***

The specified requirement for a survivalman serving on board a vessel states:

“Every person employed onboard a vessel that is not required to carry lifeboats and is required to employ lifeboatmen must hold an endorsement as either lifeboatman or survivalman.”

IADC believes that the Coast Guard did not intend to make this requirement apply to every person employed on a vessel and recommends that the wording should be more accurately stated as follows:

“Every person assigned duties as a survivalman onboard a vessel, which is not required to carry lifeboats but is required to employ lifeboatmen, must hold an endorsement as either lifeboatman or survivalman.”

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