

U.S. Department of
Homeland Security

United States
Coast Guard



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United States Coast Guard

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AUG 03 2006

International Association of Drilling Contractors (IADC)
Attn: Mr. John Pertgen, Asst. Director,
Offshore Technical and Regulatory Affairs
P.O. Box 4287
Houston, TX 77210-4287

Dear Mr. Pertgen:

This is in reply to your letter dated July 7, 2006 to Admiral Bone requesting a Coast Guard statement indicating that Mobile Offshore Drilling Units (MODUs), irrespective of their flag, that operate under U.S. jurisdiction do not have to obtain bunker delivery notes, as required by MARPOL 73/78 Annex VI, regulation 18.

Although MARPOL 73/78, Annex VI (hereafter referred to as Annex VI) entered into force on May 19, 2005, the United States is not yet a party to Annex VI and accordingly, cannot enforce its' provisions or compel compliance by the applicable marine industry under U.S. jurisdiction. The U.S. will not become a party until the implementing legislation is in place. A House bill (H.R. 5811) is presently in play to provide that domestic implementing legislation. Prior to the implementing legislation, the U.S. will continue to issue statements of voluntary compliance in accordance with MOC Policy Letter 05-02.

I regret to inform you that we do not have the authority to act on behalf of the Flag State in the matter of exclusion of foreign flag MODUs, operating under U.S. jurisdiction, from the requirement to obtain bunker delivery notes. Additionally, we will not begin enforcing this requirement as a port State until domestic legislation is in place. In the meantime, I wish to call your attention to International Maritime Organization (IMO) MEPC Circular 472, dated 29 July 2005. This Circular provides guidance to Flag States on the conduct of port State control inspections for compliance with Annex VI. In the case where the bunker delivery note as required by regulation 18 of Annex VI presented to the vessel is not in compliance with the relevant requirements, the master or officer in charge of the bunker operation should provide notification to the vessel's Flag Administration with copies to the port authority under whose jurisdiction the ship did not receive the required documentation pursuant to the bunkering operation and to the bunker deliverer. A copy should be retained onboard the vessel, together with any available commercial documentation, for the subsequent scrutiny of port State control. Compliance with the guidelines in IMO MEPC Circular 472 should alleviate the concerns of your membership regarding port State enforcement.

Please direct any questions or comments regarding this letter to Mr. Thad Sliwinski of my staff. He can be reached via e-mail at tsliwinski@comdt.uscg.mil or (202) 372-1241.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. B. KARR".

M. B. KARR
Captain, U.S. Coast Guard
Chief, Office of Vessel Activities
By direction

Enclosure: IMO MEPC Circular 472