



INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS

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15 November 2011

Commandant (CG-5432)
ATTN: Lcdr. Charles K. Fluke
Ballast Water Program Manager
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, DC 20593-0001

Re: 33 CFR 151, Subpart D- Ballast Water Management for Control of Nonindigenous Species
in Waters of the United States

Lcdr. Fluke,

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 twofold:

- Firstly we request confirmation from the Coast Guard that, notwithstanding the provisions of Section 4(a)(1) of the Outer Continental Shelf Lands Act (OCSLA; 43 U.S.C. 1333(a)(1)), making applicable the Constitution and laws and civil and political jurisdiction of the United States to all installations and other devices permanently or temporarily attached to the seabed for exploring for developing or producing resources therefrom, the Coast Guard does not consider such installations, including MODUs, to be a “port or place in the United States,” for the purposes of the ballast water reporting requirements of 33 CFR 151 (Subpart D) when such installations are located beyond twelve (12) nautical miles from the baseline from which the territorial sea is measured.
- Secondly, we are asking for confirmation that a “preload tank” of a MODU is not considered a “ballast tank” for the purposes of 33 CFR 151. Preload tanks are a feature of non-propelled, self-elevating MODUs (jackups). These tanks are normally empty. They are filled with seawater when the rig arrives at its intended drilling or stacking location in order to add mass to the unit so as to cause additional leg penetration as the unit’s hull is elevated above the sea surface. Such penetration is necessary to provide a stable foundation to resist the effects of wind, wave and current while the unit remains elevated. Once the desired leg penetration is achieved, the contents of the preload tanks are discharged. On the vast majority of these units, these tanks are not designed for, nor are they use used for stability when the unit is

underway. In the rare instance where the preload tanks would be intended to be used for stability, it would be so indicated in the stability portion of the unit's Operating Manual.

IADC is seeking written confirmation from the Coast Guard on both of the issues listed above. If you have any questions about our request or require additional information, please contact me by phone at (713) 292-1945, ext. 203.

Sincerely,

A handwritten signature in cursive script that reads "John Pertgen". The signature is written in black ink and is positioned above the printed name and title.

John Pertgen

Assistant Director, Offshore Technical and Regulatory Affairs