



**MEMORANDUM OF AGREEMENT
BETWEEN THE
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT –
U.S. DEPARTMENT OF THE INTERIOR
AND THE
U.S. COAST GUARD –
U.S. DEPARTMENT OF HOMELAND SECURITY**

BSEE/USCG MOA: **OCS-09**

Effective Date: 19 September 2014

SUBJECT: FIXED OUTER CONTINENTAL SHELF (OCS) FACILITIES

A. PURPOSE

The parties to this Memorandum of Agreement (MOA) are the United States Coast Guard (USCG) and the Bureau of Safety and Environmental Enforcement (BSEE) (together, participating agencies). The purpose of this MOA is to identify responsibilities of the BSEE and the USCG for inspection and oversight of specified systems and sub-systems on Fixed OCS Facilities. Implementation of this MOA will be in accordance with the Memorandum of Understanding (MOU) between the BSEE and the USCG, signed on 27 November 2012. The participating agencies will review their internal procedures and, where appropriate, revise them to accommodate the provisions of this MOA. This MOA replaces that part of Annex 1 of MMS/USCG MOA OCS-01: Agency Responsibilities (dated 30 September 2004) that refers to Fixed OCS Facilities.

B. AUTHORITIES

The USCG enters this agreement under the authority of 14 U.S. Code (USC) §§ 93(a)(20) and 141.¹ The USCG regulates offshore activities pursuant to: the Outer Continental Shelf Lands Act (OCSLA), as amended, 43 USC §§ 1331 *et seq.*, including §§ 1333, 1347, 1348, 1356;² the Oil Pollution Act of 1990, 33 USC §§ 2701 *et seq.*, including 33 USC § 2712(a)(5)(A);³ Section 311 of the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC §1321;⁴ the Maritime Transportation Security Act, 46 USC § 70103;⁵ and Executive Order 12777.⁶ Applicable USCG regulations are found under parts

¹ Pub. L. 112-213, Title II, § 202, 126 Stat. 1543 (2012); Pub. L. 104-324, Title IV, § 405(a), 110 Stat. 3924 (1996).

² Outer Continental Shelf Lands Act Amendments of 1978, Pub. L. 95-372, Title II, § 201, 92 Stat. 632.

³ Oil Pollution Act of 1990, Pub. L. 101-380, Title I, § 1012 (codified as amended by Pub. L. 111-281 124 State. 2984 (2010)).

⁴ Federal Water Pollution Control Act of 1972, Pub. L. 92-500, § 311 (codified as amended by Pub. L. 107-303 (2002)).

⁵ Maritime Transportation Security Act of 2002, Pub. L. 107-295, Title I, § 102(a) (as amended by Pub. L. 111-281, Title VIII, § 812(c) Stat.2997 (2010)).

⁶ Exec. Order No. 12,777, 56 Fed. Reg. 54757 (1991).

of Titles 33 (Navigation and Navigable Waters) and 46 (Shipping) of the Code of Federal Regulations (CFR). The USCG also exercises authority under the National Contingency Plan, 40 CFR Part 300.

The BSEE enters this agreement under the authority of OCSLA;⁷ Section 311 of the Clean Water Act;⁸ and Executive Order 12777.⁹ Applicable BSEE regulations are found under relevant parts of Title 30 (Mineral Resources) of the CFR, including parts 250 and 254.

C. AGENCY RESPONSIBILITIES

The USCG, within the Department of Homeland Security (DHS), regulates the safety of life and property and the safety of navigation and protection of the environment on Fixed OCS Facilities engaged in OCS activities. In addition, the USCG regulates workplace safety and health, as well as enforces requirements related to personnel, workplace activities, conditions and equipment on Fixed OCS Facilities. The USCG is responsible for oil spill preparedness and response and conducts research related to these mission requirements.

The BSEE regulates well operations on Fixed OCS Facilities, including drilling, completions, workover, production, and decommissioning, and reviews and approves these facilities' oil spill response plans. The BSEE exercises safety and environmental enforcement functions related to Fixed OCS Facilities, including, but not limited to, regulating and permitting OCS operations, conducting inspections and investigations, enforcing regulatory requirements, assessing penalties, and conducting research.

This MOA will guide the participating agencies in coordinating their respective regulatory activities concerning systems or operations on Fixed OCS Facilities and will serve as a formal agreement by the participating agencies as to which agency has the lead for regulatory oversight of those systems or operations. Annex 1 of this MOA lists the systems and sub-systems associated with Fixed OCS Facilities and the applicable lead agency. The lead agency is responsible for coordinating with the other agency as appropriate.

Under 33 CFR 140.101, Fixed OCS Facilities are subject to inspection by the BSEE on behalf of the USCG to determine whether the USCG requirements in 33 CFR Subchapter N are met. However, the USCG retains responsibility for the systems and subsystems prescribed in 33 CFR Subchapter N. If during the course of any inspection, one agency identifies a potential violation of the other agency's regulations, the agency that identified the potential violation will notify the appropriate representative of the other agency.

D. TRAINING

The USCG and the BSEE agree to continue to collaborate to develop inspector guidance regarding Potential Incidents of Non-Compliance (PINCs), designated as the Z-PINCs, which the BSEE inspectors use to carry out specific inspection activities on behalf of the USCG. Development and maintenance of Fixed OCS Facility training material for the Z-PINCs, and all related documentation, will be undertaken jointly by the USCG's OCS National Center of Expertise and the BSEE's offshore training staff. In particular, periodic evaluations and updates of the Z-PINCs will be conducted jointly to ensure consistency with current and evolving regulatory and industry developments. Such evaluations and

⁷ 43 USC §§ 1331 *et seq.*

⁸ 33 USC § 1321.

⁹ 56 Fed. Reg. 54757 (1991).

updates may be initiated upon request by either participating agency as circumstances warrant. Training on the Z-PINCs for BSEE personnel may be conducted jointly by BSEE and USCG training personnel. Nothing in this agreement limits the discretion of respective agency officials to pursue other joint training initiatives agreed upon by the BSEE and the USCG. The USCG agrees, to the greatest extent possible, to provide classroom and on-site training to BSEE inspectors as needed.

E. DEFINITIONS

Fixed OCS Facility as defined in 33 CFR 140.10 means a bottom founded OCS facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, and other structures.

F. GENERAL PROVISION

Nothing in this MOA alters, amends, or affects in any way the statutory authority of the BSEE or the USCG. As required by the Antideficiency Act, 31 U.S.C. §§ 1341 and 1342, all commitments made by the participating agencies in this MOA are subject to the availability of appropriated funds and budget priorities. Nothing in this MOA, in and of itself, obligates the parties to expend appropriations or to enter into any contract, assistance agreement, or interagency agreement, or to incur financial obligations. Any transaction involving transfers of funds between the parties to this MOA will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.

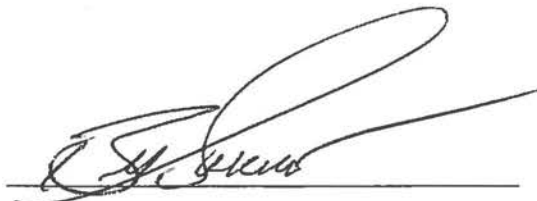
This MOA is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any person or party against the United States, its agencies, its officers, or any other person. This MOA neither expands nor is in derogation of those powers and authorities vested in the participating agencies by applicable law. Nothing in this MOA is intended to conflict with current law or regulation or the directives of the USCG or the BSEE. If a term of this MOA is inconsistent with such authority, that term is invalid, but the remaining terms and conditions of this MOA will remain in full force and effect.

G. AMENDMENTS TO THE MOA

This MOA may be amended by mutual agreement of the participating agencies as described in Section I of the BSEE/USCG MOU dated 27 November 2012.

H. TERMINATION

This MOA may be terminated by either of the participating agencies after providing 30-days advance written notice to the other agency.



Mr. Brian M. Salerno
Director
Bureau of Safety and Environmental Enforcement
U.S. Department of the Interior



Rear Admiral Paul F. Thomas
Assistant Commandant for Prevention Policy
U.S. Coast Guard
U.S. Department of Homeland Security



ANNEX 1

FIXED OCS FACILITY SYSTEM/SUB-SYSTEM RESPONSIBILITY MATRIX

This table lists the lead agency for regulatory oversight of systems and sub-systems associated with Fixed OCS Facilities. Other agency roles are identified where applicable. The lead agency is responsible for coordinating with the other agency as appropriate. This list is primarily based on which agency has regulatory requirements that apply to the systems, subsystems, and components. It is not intended to be an exhaustive listing of all the subsystems and components. The applicable regulations should be consulted if there is any question about what specific requirements apply and which agency has the lead for those requirements. Although one agency has the lead for a specific system or subsystem, the other agency may also impose some regulatory requirements relevant to that system or subsystem (either directly or indirectly through standards incorporated by reference).

Item	System	Sub-System	Lead Agency	Other Agency Role(s) and Comments
1	Design & Operating Overview/Plan			
1.a		Deepwater Operations Plan	BSEE	Where required
1.b		Design, fabrication, and installation verification plans	BSEE	BSEE's Certified Verification Agency (CVA) Program applies to these sub-systems.
2	Structural Integrity			
2.a		Modifications, construction and repairs	BSEE	
2.b		Environmental design criteria	BSEE	
2.c		Risers (drilling, production, and pipeline)	BSEE	Some pipeline risers may be subject to jurisdiction of the Pipeline and Hazardous Materials Safety Administration (PHMSA).
2.d		Foundations	BSEE	
3	Drilling, Completion, Well Servicing & Workover Systems This includes, but is not necessarily limited to, the following: <ol style="list-style-type: none"> 1) Drilling, production, and workover riser 2) Blowout prevention equipment and control systems 3) Drilling system and related relief valves, vent system, pressure vessels and pipeline, pumps, water systems, safety systems, cementing systems, and circulating systems 4) Instruments and controls 5) Atmospheric vessels and piping 6) Fitness of the drilling unit 7) Lifting and hoisting equipment associated with the derrick 8) Cementing systems 9) Circulating systems, including: pipes and pumps for mud, shale shakers, desanders, degassers 10) Structures including derrick and sub-structure 11) Bulk material storage and handling systems 12) Other pressurized systems designed for industrial operations 		BSEE	

Item	System	Sub-System	Lead Agency	Other Agency Role(s) and Comments
4	Production Systems This includes, but is not necessarily limited to, the following: 1) Hydraulic systems 2) Connections between production and workover (industrial) systems 3) Production safety systems including subsurface and surface well control 4) Relief valves, relief headers, vent and flare systems 5) Production wells and wellheads 6) Well-handling equipment (contract drilling rig) 7) Instrumentation, controls, and measurement (including oil and gas) 8) Gas compression 9) Process system and related pumps 10) Odorization for gas piped into enclosures 11) Process system and related pressure vessels and piping 12) Process system and related head exchangers, including waste heat recovery units 13) Chemical injection and treatment systems		BSEE	
5	Pipeline Operations and Components	Non-transportation pipelines associated with production activities	BSEE	
6	Vessel Oil and Hazardous Material Transfers		USCG	All vessels transferring oil and hazardous materials to or from a Fixed OCS Facility are subject to the requirements of 33 CFR Subchapter O.
7	Utility Systems		BSEE	
7.a		Boilers, pressure vessels, waste heat recovery (from any engine exhaust), water heaters and other piping or machinery	BSEE	
7.b		High pressure (HP) washdown	BSEE	
7.c		Seawater supply	BSEE	
7.d		Compressed air	BSEE	
7.e		Diesel fuel	BSEE	
7.f		Fuel gas from well	BSEE	
8	Aircraft Landing and Refueling			
8.a		Decks, fuel handling and storage	BSEE	
8.b		Railings & perimeter safety netting	USCG	
8.c		Landing perimeter lighting	BSEE	

9	Fire Protection			
9.a		Firefighting systems	BSEE	
9.b		Fire & gas detection systems	BSEE	
9.c		Portable & semi-portable fire extinguishers	USCG	
9.d		Structural fire protection	BSEE	
10	Safety Systems			
10.a		Emergency shut-down systems	BSEE	
10.b		Gas detection	BSEE	
10.c		Drilling, production, well-control safety, and shutdown systems	BSEE	
10.d		General alarm	USCG	
11	Electrical Design & Equipment		BSEE	
11.a		Production	BSEE	
11.b		Drilling systems	BSEE	
11.c		Emergency power for firefighting and fire/gas detection systems	BSEE	
11.d		Hazardous areas classification	BSEE	
12	Aids to Navigation		USCG	
13	Communications	Emergency Communications	USCG	Communication system details must be listed in the manned facilities Emergency Evacuation Plan (EEP).
14	Pollution Prevention	Pollution associated with exploration, development, production, and pipeline transportation of oil, gas and sulphur.	BSEE	Note: USCG has jurisdiction over all <u>vessel</u> transfers of oil and hazardous materials to or from a Fixed OCS facility in accordance with the requirements of 33 CFR Subchapter O
15	Cranes and Material Handling Equipment			
15.a		Crane design, certification, and operations	BSEE	
15.b		Other material handling equipment	BSEE	
16	Ventilation	Areas other than accommodations and machinery spaces (including Hazardous Locations)	BSEE	
17	Life Saving Equipment		USCG	

18	Workplace Safety and Health			
18.a		Personnel protective equipment	USCG	
18.b		General workplace conditions	USCG	
18.c		Free from recognized hazards	USCG	
19	Living Quarters and Accommodation Spaces			
19.a		Primary and secondary means of escape	USCG	
19.b		Fire extinguishers	USCG	
20	General Arrangements			
20.a		Access/egress & means of escape	USCG	
20.b		Station Bill	USCG	
20.c		Personnel Landing-Illumination	USCG	
21	Miscellaneous Systems and Operational Requirements			
21.a		Structural inspection requirements	BSEE	
21.b		Personnel requirements – Marine and lifesaving operations	USCG	
21.c		Personnel requirements – Well Control and Production Safety Training	BSEE	
21.d		Emergency evacuation plan (EEP)	USCG	
21.e		Emergency Drills – (fire, evacuation, lifeboat, etc) conducted IAW EEP and recorded	USCG	
21.f		Well control drills and events	BSEE	
21.g		Inspection and testing of all production and drilling equipment	BSEE	
21.h		Safe welding, burning, and hot tapping	BSEE	
21.i		Diving operations & equipment	USCG	
21.j		H ₂ S contingency plan (including equipment, control, and detection systems)	BSEE	Includes H ₂ S personnel protection equipment.

22	Shutdown or Resumption of Operation of a Facility		BSEE	
23	Safety Analysis	Safety analysis of industrial systems	BSEE	
24	Safety and Environmental Management System (SEMS)		BSEE	
25	Decommissioning Activities		BSEE	
25.a		Temporarily abandoning wells	BSEE	
25.b		Permanently plugging wells	BSEE	
25.c		Removing Platforms and other facilities	BSEE	
25.d		Site clearance	BSEE	