



*Office of the
Maritime Administrator*

REPUBLIC OF THE MARSHALL ISLANDS

MARITIME ADMINISTRATOR

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September 14, 2010

Via Electronic Mail and First Class Mail

Captain Hung Nguyen
Co-Chair Joint Marine Board of Investigation
United States Coast Guard
Chief, Prevention Division, District Fourteen
1201 Elmwood Park Blvd.
New Orleans, Louisiana 70123-2394

Mr. David Dykes
Co-Chair Joint Marine Board of Investigation
Chief of the Office of Safety Management for Field Operations
Bureau of Ocean Energy Management, Regulation, and Enforcement
Gulf of Mexico Outer Continental Shelf (OCS) Region
U.S. Department of the Interior
1201 Elmwood Park Blvd.
New Orleans, Louisiana 70123-2394

Re: DEEPWATER HORIZON Casualty Investigation

Dear Captain Nguyen and Mr. Dykes:

I write on behalf of the Maritime Administrator of the Republic of the Marshall Islands (the "Maritime Administrator"), flag administration for the Mobile Offshore Drilling Unit (MODU) DEEPWATER HORIZON, IMO No. 8764597, in response to your letter dated

By the Authority of
The Trust Company of the Marshall Islands, Inc.
Marshall Islands Maritime and Corporate Administrators, Inc.

September 9, 2010, requesting the Maritime Administrator to identify and provide an individual to discuss the certification (manning, equipment, operation) of the Deepwater Horizon.

The certification (manning, equipment, operation) of the Deepwater Horizon has been fully addressed in documentation previously provided to the Board as well as in testimony provided by representatives from the Maritime Administrator and the American Bureau of Shipping (“ABS”) during the May 2010 Joint Marine Board of Investigation hearings. The documentation and testimony have established that the Deepwater Horizon was certified as a self-propelled Column Stabilized Mobile Offshore Drilling Unit in accordance with Marshall Islands regulations and the International Maritime Organization's Mobile Offshore Drilling Unit Code (1989). Moreover, for the entire period of time under the Marshall Islands flag, the Deepwater Horizon was appropriately equipped and classified by ABS as an A1 self-propelled Column Stabilized Mobile Offshore Drilling Unit with additional notations for AMS, ACCU, DPS-3 (the highest rating for dynamically positioned vessels). In addition, at the time of the casualty on April 20, 2010, the Deepwater Horizon held a valid Certificate of Compliance issued by the US Coast Guard and was current on all of its required inspections and surveys.

The inquires concerning the “clerical error” in the application process and its effect on the certification and classification of the Deepwater Horizon were fully addressed in our August 25, 2010 letter provided to the Board and the Parties-In-Interest. In our letter, we explained that the Maritime Administrator used the incorrect Minimum Safe Manning Certificate (“MSMC”) template, resulting in the issuance of an MSMC for a Self-Propelled MODU instead of a DPV Unit. An MSMC for a Self-Propelled MODU does not require a Unit to have a Master on board when it is “on location.” An MSMC for a DPV requires a Unit to have an OIM and a Master on board when it is “on location.” It is Transocean’s organizational policy, however, to require both a Master and an OIM to be onboard its rigs at all times. Accordingly, for the entire period of time under the Marshall Islands flag, Transocean manned the Deepwater Horizon to the Marshall Islands requirements for a DPV Unit. The issuance of the incorrect MSMC for the Deepwater Horizon did not affect the Classification and certification of the Unit by ABS.

We believe the question concerning whether any Marshall Islands flagged vessels, other than the Deepwater Horizon, had similar clerical errors is outside the scope of this particular investigation. We are concerned that this question appears to involve information that would be directed toward civil discovery issues, rather than matters within the parameters established by the convening order.

The Maritime Administrator remains committed to continued cooperation with the Board to investigate the cause(s) of this casualty and will provide appropriate witness(es) should the Board still feel it furthers the progress of the investigation.

Please contact me should you have questions.

Sincerely,



Brian G. Bubar

Deputy Commissioner of Maritime Affairs
The Republic of the Marshall Islands