

U.S. Department of  
Homeland Security

United States  
Coast Guard



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United States Coast Guard

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16700  
CG-ENG Policy Letter  
No. 02-12  
May 7, 2012

  
From: J. P. Nadeau, CAPT  
COMDT (CG-ENG)

To: Distribution

Subj: ACCEPTANCE OF THE 2009 MODU CODE

Ref: (a) NVIC 3-88 Ch 1 "Issuance of Letters of Compliance to Foreign Documented Mobile Offshore Drilling Units Operating on the Outer Continental Shelf of the United States"

1. PURPOSE. This policy letter establishes that the Coast Guard considers the design and equipment standards of the 2009 MODU Code to be as least as effective as the design and equipment standards of the 1979 and 1989 MODU Codes. A foreign MODU in compliance with the design and equipment standards of the 2009 MODU Code may be accepted under 33 CFR 143.207(c).
2. ACTION. District and Sector Commanders will ensure compliance with the provisions of this policy letter.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND. In the past, the cognizant Officer in Charge, Marine Inspection (OCMI) would issue a Certificate of Compliance (COC) to a foreign documented MODU based on compliance with design and equipment standards in the IMO Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code), adopted in 1979 by IMO Assembly Resolution A.414(11). Reference (a) also permits issuance of a COC based on compliance with the 1989 MODU Code, IMO Assembly Resolution A.649(16). The 2009 MODU Code, IMO Assembly Resolution A.1023(26), became effective for MODUs, the keels of which are laid or which are at a similar stage of construction on or after January 1, 2012.
5. DISCUSSION. 33 CFR 143.207 provides three options to demonstrate a foreign documented MODU complies with U.S. coastal state regulations. The majority of MODU operators on the U.S. Outer Continental Shelf (OCS) choose to comply with 33 CFR 143.207(c), often referred to as Option "C". When choosing this option they present the OCMI with a valid IMO MODU Code Certificate issued by the flag state or an agent authorized to act on its behalf. Existing regulation and policy permits MODUs to comply with the design and equipment standards in the 1979 MODU Code or 1989 MODU Code. The Coast Guard has evaluated the 2009 IMO MODU Code and considers the design and equipment standards of the 2009 MODU

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Code to be at least as effective as the design and equipment standards of the 1979 and 1989 MODU Codes.

OCMIs may consider a foreign documented MODU with a valid 2009 IMO MODU Code Certificate issued by the flag state or its authorized agent to comply with 33 CFR 143.207(c) after confirming the MODU is in substantial compliance with provisions of the Code. The OCMI should report any discrepancies which may preclude issuance of a COC under this option to Commandant (CG-ENG). Minor equivalencies noted on IMO MODU Code Certificate may be accepted by Commandant (CG-ENG) on a case by case basis. Accepted exemptions or exceptions shall be document in MISLE under “Special Note.”

6. DISCLAIMER: This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard. It represents the Coast Guard’s current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements.

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