

U.S. Department of
Homeland Security

United States
Coast Guard



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CG-ENG Policy Letter
No. 02-12 CH-1
March 4, 2018

From:  B.J. Hawkins
COMDT (CG-ENG)

To: Distribution

Subj: ACCEPTANCE OF THE 2009 MODU CODE

Ref: (a) Marine Safety Manual Vol. II, COMDTINST M16000.7B, Section G, Chapter 3

1. **PURPOSE.** This policy letter establishes that the Coast Guard considers the design and equipment standards of the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code) and its amendments to be at 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 and the applicable amendments based on its keel laying date may be accepted under Title 33 Code of Federal Regulations (CFR) §143.207(c).

2. **ACTION.** Vessel owners and operators, or their representatives, are encouraged to take advantage of the procedures and guidelines detailed in this letter. Area Commanders, District Commanders, Sector Commanders, Commanding Officer Marine Safety Center (MSC), and Officers in Charge, Marine Inspection (OCMIs) are encouraged to apprise industry representatives of this letter and apply its provisions appropriately. This Circular will be distributed by electronic means only and is available at <http://www.dco.uscg.mil/CG-ENG/>.

3. **DIRECTIVES AFFECTED.** CG-ENG Policy Letter No. 02-12 is superseded.

4. **BACKGROUND.** Pursuant to 33 CFR §143.207(c), a cognizant Officer in Charge, Marine Inspection (OCMI) may issue a Certificate of Compliance (COC) to a foreign documented MODU based on compliance with design and equipment standards in the 1979 MODU Code, adopted 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) or the 2009 MODU Code, IMO Assembly Resolution A.1023(26). Since the promulgation of CG-ENG Policy Letter 02-12, the 2009 MODU Code has been amended several times.

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 Mobile Offshore Drilling Unit Safety Certificate issued by the flag state or an agent authorized to act on its behalf.

As mentioned above, the 2009 MODU Code was amended several times since the promulgation of CG-ENG Policy Letter 02-12. Accordingly, there may be amendments to the 2009 MODU Code that are applicable to foreign MODUs based on a MODU's keel laying date. The Coast Guard has evaluated the 2009 IMO MODU Code, as amended, and considers the design and equipment standards contained therein to be at least as effective as the design and equipment standards of the 1979 and 1989 MODU Codes.

In light of this, OCMI's may consider a foreign documented MODU with a valid 2009 Mobile Offshore Drilling Unit Safety 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 2009 MODU Code and the applicable amendments. When determining if a MODU is in substantial compliance, the term "should" in the Code will be interpreted as "must." The OCMI should report any discrepancies which may preclude issuance of a COC under this option to Commandant (CG-ENG). Minor equivalencies noted on the Mobile Offshore Drilling Unit Safety Certificate may be accepted by Commandant (CG-ENG) on a case-by-case basis. Accepted exemptions or exceptions shall be documented in MISLE as a "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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