

DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL

TRANSMITTAL SHEET

Release No. 286

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SUBJECT: Program Series
Part 640 Rules and Operations
Chapter 3 Incident Investigation and Information Management

EXPLANATION OF MATERIAL TRANSMITTED:

This release revises the Offshore Incident Investigation manual chapter to update policies and procedures.

/s/

Director
Minerals Management Service

FILING INSTRUCTIONS:

REMOVE:

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OPR: Operations Analysis Branch
Engineering & Operations Division
Offshore Minerals Management

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1. Purpose. This chapter defines the Minerals Management Service's (MMS) policy, responsibilities, and procedures for investigating incidents associated with OCS mineral development and for the management of incident information.

2. Objective. The objective of this chapter is to ensure consistent investigation of incidents and management of incident information so that MMS obtains the appropriate information to determine the causes of incidents and to make recommendations to prevent their recurrence and the occurrence of similar incidents.

3. Authority.
 - A. Outer Continental Shelf Lands Act (OCSLA), as amended, Title 43, USC Section 1348 (d).

 - B. Oil and Gas and Sulphur Operations in the Outer Continental Shelf, 30 CFR 250.191 (c).

4. Definitions.
 - A. Incident means an accident or other unexpected event occurring in the course of an offshore mineral activity that affects or is likely to affect the operational safety of these activities or protection of the environment.

 - B. Investigation means a systematic identification of the factors (who, what, when, where, why, and how) involved in an incident to determine the causes of the incident and to make recommendations to prevent their recurrence and the occurrence of similar incidents. The two types of investigation conducted by MMS are:
 - (1) District Investigation – an investigation conducted by a team appointed by the District Supervisor (DS) of the office with responsibility for the location of the incident. A lead investigator is designated to direct the work of the team. Teams are primarily composed of District office personnel, but may involve other MMS or non-MMS personnel. Occasionally, the DS may appoint an individual to conduct an investigation, rather than a team.

 - (2) Panel Investigation – an investigation conducted by a team appointed by the Regional Director (RD) of the office with responsibility for the location of the incident. A panel leader is designated to direct the work of the team. Teams are primarily composed of Regional and District personnel, but may involve other MMS or non-MMS personnel. Panel Investigations are usually conducted when a more in-depth investigation is needed and may involve more comprehensive investigation techniques such as formal hearings.

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C. Investigation Report means the formal written accounting of an investigation that includes factual findings, causes, and recommendations to MMS. The two types of investigation reports prepared by MMS are:

(1) District Investigation Report – an investigation report resulting from a District investigation. These reports are prepared on a standardized MMS report form.

(2) Panel Investigation Report – an investigation report resulting from a panel investigation. These reports are prepared in free-text form according to a generalized format and are usually more detailed than district investigation reports.

D. Loss of well control means either of the following:

(1) Uncontrolled flow of formation or other well fluids. The flow may be between two or more exposed formations or it may be at or above the mudline. This includes uncontrolled flow resulting from failures of either surface or subsurface equipment or procedures.

(2) Flow of formation or other well fluids through a diverter.

E. Major Fire means a fire that results in property damage greater than \$1 million dollars.

F. Major Oil Spillage (as defined by OCSLA at Title 43, USC Section 1348 (d)) means any spillage in one instance of more than two hundred barrels of oil during a period of thirty days.

G. Safety Alert means the notification by MMS, to the lessees and operators, of practices and conditions which have resulted in incidents and recommendations to prevent their recurrence. Safety Alerts are provided to lessees and operators so that they may review their operations and take appropriate actions to prevent similar incidents from occurring.

H. Serious Injury means one resulting in substantial impairment of any bodily unit or function.

I. Special Review Team means persons appointed by the Chief, Engineering and Operations Division (C/EOD) to obtain and distribute information about incidents that are not within MMS jurisdiction. Special review teams may include both MMS and non-MMS personnel.

5. Policy.

A. The MMS investigates incidents and analyzes incident information to identify the causes so that MMS can take appropriate actions to prevent their recurrence and the occurrence of similar incidents.

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B. The MMS publishes investigation reports and incident information, statistics, and analyses to provide information to the public and to provide the industry with information they can use to prevent incidents and improve safety and environmental protection.

C. The MMS reviews all incidents reported to the Bureau to determine whether or not they will be investigated. Whether an incident is investigated and the degree to which it is investigated is based upon the following factors:

- (1) The actual and potential severity of the incident.
- (2) The complexity of the incident.
- (3) The probability of similar incidents occurring.

D. The MMS maintains a nationwide database of all OCS incidents reported by lessees, operators, and permit holders that are related to oil, gas, and sulfur operations.

6. Responsibilities.

A. Associate Director, Offshore Minerals Management (AD/OMM)

(1) Provides the Assistant Secretary, Land and Minerals Management with the status of major incidents such as fatalities; serious injuries; major losses of well control, fires, and spills; and other significant incidents.

(2) Establishes MMS policy and procedures for investigation and information management to fulfill the requirements of the OCSLA, as amended.

(3) Ensures that adequate resources are available for the MMS Incident Investigation and Information Management Program, including training of investigators.

B. Chief, Engineering and Operations Division (C/EOD)

(1) Provides the MMS Director and AD/OMM with the status of major incidents such as fatalities; serious injuries; major losses of well control, fires, and spills; and other significant incidents.

(2) Provides oversight of the MMS Incident Investigation and Information Management Program, including review of Regional investigation and information management policies.

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(3) Monitors the implementation of investigation report recommendations and ensures that implementation is completed. Advises the appropriate RD, RS, DS, and panel leader or lead investigator on the status of recommendation implementation.

(4) Reviews all incidents reported to MMS; all MMS investigation reports; and information from special review teams and prepares analyses of individual incidents or incident trends to identify needed actions. Implements or ensures implementation of identified actions.

(5) Issues National Safety Alerts.

(6) Publishes statistics and information about OCS incidents and the results of analyses, as appropriate. At a minimum, publishes items (a) through (c) listed in Paragraph 640.3.7.D(2) of this manual chapter.

(7) Identifies the need for special review teams and establishes these teams and appropriate review procedures.

C. Regional Director (RD)

(1) Establishes Regional procedures for determining which incidents are investigated; how they are investigated and documented; and how incident information is managed.

(2) Determines when panel investigations are required; selects the panel investigation team and designates the panel leader; and selects an editor for the panel investigation report.

(3) Coordinates with other MMS offices as appropriate and with the C/EOD during panel investigations.

(4) Ensures that an adequate number of Regional personnel are designated via position descriptions to conduct investigations, including panel leaders, and to maintain the Region's database and investigation case files. Ensures that appropriate Regional personnel are trained to lead or participate in investigations.

(5) Reviews panel investigation reports prior to completion and approves these reports.

(6) Reviews each panel investigation report recommendation and forwards them to the appropriate office for implementation. Forwards all recommendations for regulatory changes and studies to the C/EOD for implementation.

(7) Informs panel leaders the reason why no action is being taken in the event that he/she decides not to forward a recommendation for implementation.

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(8) Ensures that panel investigation reports are published according to MMS publication policies, made available to the public, and published on the Bureau's website.

D. Regional Supervisor of Field Operations* (RS/FO)

(1) Informs the C/EOD of the status of major incidents, such as fatalities; serious injuries; major losses of well control, fires, and spills; and other significant incidents.

(2) Works with United States Coast Guard (USCG) and the Department of Transportation (DOT) to coordinate investigation responsibilities according to the most recent Memorandum of Understanding (MOU) signed with these agencies.

(3) Coordinates and oversees the work of panel investigation teams.

(4) Reviews District investigation reports prior to completion.

(5) Reviews each district investigation report recommendation and forwards them to the appropriate office for implementation. Forwards all recommendations for regulatory changes and studies to the C/EOD for implementation.

(6) Informs lead investigators the reason why no action is being taken in the event that he/she decides not to forward a recommendation for implementation.

(7) Ensures that District investigation reports are made available to the public.

(8) Publishes a list of the status of District Investigations on the MMS website.

(9) Issues Regional Safety Alerts.

(10) Maintains the Region's database and investigation case files.

(11) Reviews MMS investigation reports to identify investigation training needs for District and Regional personnel and provides this training.

* In the Gulf of Mexico Region, the Chief, Office of Safety Management (C/OSM) is the RS/FO's designee for items (3)-(11).

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E. District Supervisor (DS)*

(1) Informs the RS/FO of the status of major incidents such as fatalities; serious injuries; major losses of well control, fires, and spills; and other significant incidents.

(2) Receives initial reports of incidents from industry and ensures that data from these reports and from District investigations are entered into the database.

(3) Selects the District investigation team and designates the lead investigator in consultation with the RS/FO.**

(4) Oversees the work of these teams.

(5) Ensures that District investigations are coordinated with the USCG, DOT, other agencies, and MMS headquarters and Regional personnel as appropriate.

(6) Ensures that District investigation reports are timely, complete, and accurate and approves these reports.

(7) Maintains District investigation case files.

(8) Ensures that appropriate District personnel are designated via position descriptions and trained to lead or participate in investigations.

* In the Gulf of Mexico Region, the Chief, Pipelines Section is responsible for items (3)-(7) for those pipeline incidents investigated by this Section.

** In the Gulf of Mexico Region, the DS consults with the C/OSM as the designee of the RS/FO for this item.

F. Panel Investigation Leader

(1) Convenes the panel team to discuss the incident and establish investigation plans.

(2) Coordinates panel investigations with the USCG, DOT, other agencies, and MMS Headquarters, Regional, and District personnel, as appropriate.

(3) Directs the conduct of panel investigations including interviews and the convening of any needed hearings.

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(4) Identifies and obtains information within MMS and from other technical experts as needed.

(5) Directs the preparation of the panel investigation report.

(6) Coordinates editorial review with the editor selected by the RD.

(7) Ensures that each panel investigation report is timely, complete, and accurate.

(8) Ensures that panel investigation report information is entered into the database.

G. District Investigation Lead Investigator ***

(1) Convenes the District investigation team to discuss the incident and establish investigation plans.

(2) Coordinates District investigations with the USCG, DOT, other agencies, and MMS Headquarters, Regional, and District personnel, as appropriate.

(3) Directs the conduct of District investigations including interviews.

(4) Identifies and obtains information within MMS and from other technical experts as needed.

(5) Directs the preparation of the District investigation report.

(6) Coordinates review of the report with the RS/FO or his/her designee.

(7) Enters District investigation report information into the database.

*** In cases where an individual is investigating the incident, he/she is responsible for items (1)–(7).

7. Procedures.

A. Investigations

(1) The MMS follows the procedures and requirements of the following MOUs or their subsequent updates concerning Bureau responsibility for investigations:

(a) USCG/MMS MOU dated December 16, 1998 (Appendix A).

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(b) DOT/DOI MOU dated December 10, 1996 (Appendix B).

(2) At a minimum, MMS investigates the following incidents that are reported to the Bureau and are within the Bureau's jurisdiction:

(a) All fatalities, other than those resulting from natural causes.

(b) All serious injuries.

(c) All explosions, losses of well control and major fires.

(d) Other incidents with property damage greater than or equal to \$1 million.

(e) All oil spills of 200 barrels or more during a period of 30 days.

(3) The MMS investigates other reported incidents within the Bureau's jurisdiction as prescribed by the procedural guidance developed for each Regional office.

(4) Based upon the degree to which the incident will be investigated, the investigation is conducted by either a:

(a) District Investigation.

(b) Panel Investigation.

(5) The MMS may investigate or obtain information about incidents not within MMS jurisdiction when these events may have an effect on the OCS program or provide important information that can be used to enhance the safety of OCS operations and protect the environment. MMS may investigate these incidents using the procedures outlined in this Manual Chapter or may establish special review teams and procedures for obtaining and distributing information about these incidents.

(6) The MMS provides appropriate investigation training to those personnel who conduct investigations.

(7) The MMS selects Bureau personnel with appropriate investigation training and experience to conduct investigations. The Bureau also selects other personnel with appropriate technical expertise related to the incident from MMS or other organizations.

(8) The RD in whose region the investigation is conducted coordinates with other MMS offices as needed and with the C/EOD during panel investigations to ensure that all appropriate

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issues and information are considered in the investigation. The RD coordinates with the C/EOD to identify issues and information that should be considered in the Panel Investigation. Coordination with C/EOD may involve consultation with C/EOD early in the Panel Investigation process; participation of EOD personnel in Panel Investigations; EOD review of draft Panel Investigation findings or reports; or other methods agreed on by the RD and C/EOD.

(9) The MMS places a high priority on investigations and the preparation of thorough, factual investigation reports. Participation in and completion of an investigation assignment takes precedence over other assigned duties. Investigations and investigation reports are completed at the earliest practicable time.

B. Investigation Reports

(1) All incidents that MMS investigates are documented with an investigation report. The amount of detail in the report is commensurate with the actual severity, potential severity, complexity of the incident, and with the probability of similar incidents occurring on the OCS.

(2) MMS reviews Investigation Reports prior to completion. The purpose of these reviews is to ensure that:

(a) information has been sufficiently analyzed to determine the causes of the incident,

(b) conclusions are supported by the facts, and

(c) recommendations are supported by the conclusions.

The review will also ensure that the depth of investigation and level of detail documented in the report are appropriate for the incident.

(3) Any panel member with a substantive disagreement with the Panel Investigation Report may prepare a minority report that is included with the investigation case file.

(4) Prior to publication of panel investigation reports, an editorial review is conducted. Other reviews and procedures are followed as needed to comply with MMS publication policies.

C. Incident Investigation Follow-up and Analysis

(1) The MMS reviews all investigation report recommendations and implements them as appropriate. The chief of each office responsible for implementing recommendations develops a timeline and ensures completion of each appropriate recommendation under his/her

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responsibility. This person provides the C/EOD and the appropriate RD, RS, DS, and panel leader or lead investigator with the timeline and periodic status reports or the reason why no action is being taken.

(2) The MMS reviews all incidents reported to MMS, all MMS investigation reports, and information from special review teams and prepares analyses of individual incidents or incident trends to identify the need for research; changes in policy, regulations, or inspection strategy; publication of Safety Alerts; incorporation of industry standards; or other appropriate actions.

D. Incident Information Publication

(1) All investigation reports for incidents within MMS jurisdiction are made available to the public. MMS may publish investigation reports or information for incidents not within MMS jurisdiction after appropriate consultation with the pertinent jurisdictional authorities or other organizations.

(2) At a minimum, MMS will maintain the following information on the Bureau's public website:

- (a) An annual summary of incidents reported to MMS during the previous calendar year,
- (b) Up-to-date general statistics on the number of incidents reported to MMS,
- (c) Up-to-date summaries of fatalities and losses of well control reported to MMS,
- (d) Panel Investigation reports, and
- (e) A list of the status of District Investigations.

E. Incident Database

(1) The national database is composed of individual regional databases. These databases are designed and maintained so that information about all incidents can be collected and analyzed by MMS and distributed within the Bureau and to the offshore industry and the public. The MMS streamlines the collection, analysis, and distribution of incident information using electronic means whenever practical.

(2) MMS enters into the database results of all investigations conducted for incidents that are within MMS jurisdiction.

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(3) An investigation case file is established as a complete record for each investigation. These files are retained in the District Office for District Investigations or in the Regional Office for Panel Investigations. Proprietary or privileged information in the investigation is identified as such in the investigation case file and is handled according to applicable regulations. This information only appears in the investigation report or is otherwise released to the public with the permission of the affected party and in accordance with MMS policies for release of proprietary and privileged information.

F. Regional Guidance. To further implement the policies of this Manual Chapter, the RD for each Region, in conjunction with the C/EOD, RS/FO, and the District Offices, develops and updates additional procedures and guidance for which incidents are investigated; how they are investigated and documented; and how information is managed in the Region. Procedures include periodic evaluations of the Region's Incident Investigation Program and management of incident information.

8. Reporting Requirements.

Paragraph 640.3.7.D(1) of this manual chapter requires that: All MMS investigation reports for incidents within MMS jurisdiction are made available to the public.

9. Appendices

A. Current USCG/MMS MOU, dated December 16, 1998.

B. Current DOT/DOI MOU, dated December 10, 1996.

**Memorandum of Understanding
Between
Minerals Management Service
U.S. Department of the Interior
and
United States Coast Guard
U.S. Department of Transportation**

Ia. Purpose

This Memorandum of Understanding (MOU) defines the responsibilities of the Minerals Management Service (MMS) and the United States Coast Guard (USCG) relating to managing the activities of MODU's, fixed, and floating systems. It is designed to minimize duplication and promote consistent regulation of facilities under the jurisdiction of both agencies. This MOU does not apply to deepwater ports as licensed by the Secretary of Transportation under the Deepwater Port Act of 1974, as amended.

Ib. Scope

This MOU covers oil and gas activities located in the Outer Continental Shelf (OCS). However, oil-spill preparedness is for facilities located seaward of the coast line, unless noted otherwise. Certificates of financial responsibility are for certain facilities located in the OCS and the State waters included in the definition of Covered Offshore Facility found at 30 CFR 253.3. An MOU, dated February 3, 1994, among the Departments of Transportation and the Interior and the Environmental Protection Agency established jurisdictional responsibilities for facilities located both seaward and landward of the coast line.

II. Definitions

For purposes of this MOU, the following definitions apply:

Act - The OCS Lands Act (OCSLA) -- 43 U.S.C. 1331 et seq.

Coast Line - The line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as defined by the Submerged Lands Act (43 U.S.C. 1301 (c)).

Outer Continental Shelf - The submerged lands that are subject to the Act.

OCS Activity - Any activity in the OCS associated with exploration, development, production, transporting, or processing of OCS mineral resources including but not limited to oil and gas.

OCS Facility - Any artificial island, installation, pipeline, or other device permanently or temporarily attached to the seabed, erected for the purpose of exploring for, developing, producing, and transporting resources from the OCS. This term does not include ships or vessels for transporting produced hydrocarbons. The following are types of OCS facilities:

1. Fixed OCS Facility - 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. This definition also includes gravel and ice islands and caisson-retained islands engaged in OCS activities used for drilling, production, or both.
2. Floating OCS Facility - A buoyant OCS facility securely and substantially moored so that it cannot be moved without a special effort. This term includes tension leg platforms, spars, semisubmersibles and shipshape hulls.
3. Mobile Offshore Drilling Units (MODU's) - Vessels capable of engaging in drilling operations for exploring or exploiting subsea oil, gas, or mineral resources.

OPA - The Oil Pollution Act of 1990 (Pub. L. 101-380).

Regional Director (RD) - The MMS officer delegated the responsibility and authority for a region within MMS. The USCG referrals for violations occurring in a particular MMS Region would be made to that MMS Region's RD.

Regional Supervisor (RS)- The MMS officer (or the authorized representative) in charge of operations within a Region.

Vessel - Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water. This term does not include atmospheric or pressure vessels used for containing liquids or gases.

Violation - Failure to comply with the OCSLA, any regulations, or the terms or provisions of leases, licenses, permits, or rights-of-way issued under the OCSLA.

III. Responsibilities

The following table lists the lead agency for system responsibilities associated with MODU's and fixed and floating OCS facilities. Other agency roles are identified where applicable. The lead agency is responsible for coordinating with the other agency as appropriate. The attachments to the table list the typical equipment that is included in the system.

The MMS and USCG will work together to develop the standards necessary to implement this MOU. Where the agencies have overlapping responsibilities, they will work together to minimize duplication.

Item	System	Sub-system	Lead Agency			Other Agency Role / Comments
			MODU	Fixed	Floating	
1	Design & Operating Overview/Plan					
1.a		Deepwater Operating Plan	N/A	MMS	MMS	Where required
1.b		Design Basis Document	USCG	N/A	USCG	
1.c		Design, fabrication, and installation verification plans	N/A	MMS	MMS	Section applies to MMS's Certified Verification Agent (CVA) Program.
2	Structural Integrity					
2.a		Structural integrity, modifications for construction and repair requirements	USCG	MMS	MMS & USCG	USCG responsibilities for fabrication, installation, and inspection of floating units are found in 33 CFR Subchapter N. MMS responsibilities are found in 30 CFR Subpart I. USCG and MMS will each review the design of the turret and turret/hull interface structure for ship-shape floating facilities. All other aspects of the design and fabrication of all ship-shape floating facilities will receive only USCG review. All design, fabrication, and installation activities of all non-ship-shape floating facilities will be reviewed by both agencies.
2.b		Design environmental conditions	USCG	MMS	MMS USCG	Establishes in-place design environmental criteria. Establishes design environmental criteria for intact and damage stability.
2.c		Risers (drilling, production, and pipeline)	MMS	MMS	MMS	Some pipeline risers may be subject to the Research and Special Programs Administration's (RSPA) jurisdiction.
3	Floating Stability		USCG	N/A	USCG	USCG reviews and approves stability and sends copies to MMS.
4	Station Keeping					
4.a		Foundations	USCG	MMS	MMS	
4.b		Mooring and tethering systems	USCG	MMS	USCG & MMS	USCG is not responsible for site specific mooring analyses
4.c		Dynamic positioning	USCG	N/A	USCG	
5	Drilling, Completion,		MMS	MMS	MMS	See Attachment A for description of Drilling.

Item	System	Sub-system	Lead Agency			Other Agency Role / Comments
			MODU	Fixed	Floating	
	Well Servicing & Workover					Completion, Well Servicing & Workover Systems.
6	Production		MMS*	MMS	MMS	See Attachment B for description of Production Systems. * Production equipment is not normally installed on a MODU. However, such equipment may be installed for a finite time and designed for removal. In such cases, MMS is the lead agency.
7	Pipeline Operations and Components		MMS	MMS	MMS	Note: Certain pipelines are subject to MMS MOU(s) with RSPA.
8	Lightering Equipment & Procedures		USCG	USCG	USCG	
9	Utility Systems					
9.a		Boilers, pressure vessels, waste heat recovery (from any engine exhaust), water heaters and other piping or machinery	USCG	MMS	USCG	Listed equipment/systems not supporting drilling or production.
9.b		High pressure (H.P.) washdown	USCG	MMS	USCG	Listed equipment/systems supporting drilling or production.
9.c		Seawater supply	USCG	MMS	USCG	Listed system components and piping not supporting drilling or production.
9.d		Compressed air	USCG	MMS	USCG	Listed system components and piping supporting drilling or production.
9.e		Potable wash and sanitary water	USCG	USCG	USCG	Listed system components and piping supporting drilling or production.
9.f		Sewage unit & piping	USCG	USCG	USCG	Listed system components and piping supporting drilling or production.
9.g		Diesel fuel	USCG	MMS	USCG	
9.h		Bilge & ballast, including pumps	USCG	N/A	USCG	

Item	System	Sub-system	Lead Agency			Other Agency Role / Comments
			MODU	Fixed	Floating	
		and related control systems				
9.i		Fuel gas from well	MMS	MMS	MMS	For MODU's and floating facilities, when powering drilling and production systems.
			USCG		USCG	For MODU's and floating facilities, when powering emergency and ship-service systems.
10	Elevators for Personnel		USCG	USCG	USCG	
11	Aircraft Landing and Refueling	Decks, fuel handling, and storage	USCG	MMS	USCG	
12	Fire Protection					
12.a		Fire protection, detection, and extinguishing	USCG	USCG	USCG	See Attachment C for description of Fire Protection, Detection, and Extinguishing. Excludes MMS-regulated safety systems.
12.b		Structural fire protection for accommodations	USCG	USCG	USCG	
13	Safety Systems					Includes interfaces between fire protection systems and MMS regulated safety systems.
13.a		Emergency shut-down systems	MMS	MMS	MMS	For MMS required systems. Excludes "remote stopping devices" required for USCG-regulated systems.
13.b		Gas detection	MMS	MMS	MMS	
13.c		Drilling, production, well-control safety, and shutdown systems	MMS	MMS	MMS	
13.d		General alarm	USCG	USCG	USCG	Includes public address system when integrated with general alarm system
14	Electrical Design & Equipment					
14.a		Production	MMS *	MMS	MMS	See Attachment B for definition of Production Systems. * Same comment as item #6.
14.b		Drilling systems	USCG	MMS	USCG	See Attachment A for definition of Drilling Systems.

Item	System	Sub-system	Lead Agency			Other Agency Role / Comments
			MODU	Fixed	Floating	
14.c		Emergency lighting power generation and distribution	USCG	USCG	MMS *	* MMS is the lead agency for drilling equipment installed for a finite time and designed for removal
14.d		Hazardous areas classification	USCG	MMS	MMS and USCG	MMS and USCG will work on common, logical standards to minimize duplication of effort for industry.
15	Aids to Navigation		USCG	USCG	USCG	
16	Communications		USCG	USCG	USCG	
17	Pollution Prevention					
17.a		Pollution not associated with vessel transfers	USCG	USCG	USCG	Garbage and plastics per the International Convention for the Prevention of Pollution from Ships MARPOL 73/78
17.b		Petroleum and other product transfers to and from a vessel (includes lightering of produced hydrocarbons)	MMS	MMS	MMS	Other Pollution
18	Cranes and Material Handling Equipment		USCG	USCG	USCG	
18.a		Crane design, certification, and operations	USCG	MMS	USCG	
18.b		Other Material Handling Equip.	USCG	MMS	USCG	
19	Ventilation					
19.a		Accommodations and machinery spaces	USCG	USCG	USCG	
19.b		Areas other than accommodations or machinery spaces	USCG	MMS	MMS	
20	Life Saving Equipment		USCG	USCG	USCG	

Item	System	Sub-system	Lead Agency			Other Agency Role / Comments
			MODU	Fixed	Floating	
21	Workplace Safety and Health					
21.a		Personnel protection equipment	USCG	USCG	USCG	
21.b		Hazardous material storage & handling (other than produced hydrocarbons)	USCG	USCG	USCG	
22	Living Quarters and Accommodation Spaces		USCG	USCG	USCG	Includes permanent and temporary units design & arrangement.
23	General Arrangements					
23.a		Access/egress & means of escape	USCG	USCG	USCG	
23.b		Safety plan, fire control or fire equipment, and lifesaving equipment plans	USCG	USCG	USCG	
24	Miscellaneous Systems and Operational Requirements					Supplements list of above mentioned systems.
24.a		Structural inspection requirements	USCG	MMS	USCG	USCG will copy MMS on approvals and compliance records. MMS recommends that USCG at least meet the requirements of the American Petroleum Institute's Recommended Practice 2A (API-RP2A) — Planning, Designing, and Constructing Fixed Offshore Platforms Working Stress Design .
24.b		Personnel requirements for marine and lifesaving operations	USCG	USCG	USCG	
24.c		Emergency evacuation plans	USCG	USCG	USCG	
24.d		Drills - fire, abandon, and lifeboat	USCG	USCG	USCG	
24.e		Inspection and testing of all production and drilling equipment	MMS	MMS	MMS	Includes hydrogen sulfide gas (H2S).
24.f		Inspection and testing of marine	USCG	USCG	USCG	

Item	System	Sub-system	Lead Agency			Other Agency Role / Comments
			MODU	Fixed	Floating	
		and lifesaving equipment				
24.g		Well-head & platform removal (decommissioning)	MMS	MMS	MMS	
24.h		Safe welding, burning and hot tapping	MMS	MMS	MMS	
24.i		Diving operations & equipment	USCG	USCG	USCG	
24.j		H2S contingency plan (including equipment, control, and detection systems)	MMS	MMS	MMS	Includes H2S personnel protection equipment.
25	Investigation - Lead Responsibility:					Agencies to consolidate/standardize and eliminate duplication in reporting and data-collection requirements (see section VIII of this MOU)
25.a		Oil Pollution reportable under the Outer Continental Shelf Lands Act (OSCLA)	MMS	MMS	MMS	Addresses oil pollution reportable under OSCLA
25.b		Oil Pollution under the Clean Water Act (CWA impact)	USCG	USCG	USCG	Conduct preliminary assessments and follow-on actions in accordance with the National Contingency Plan and investigation into violation of CWA
25.c		Incidents involving systems under USCG jurisdiction	USCG	USCG	USCG	
25.d		Incidents involving systems under MMS's jurisdiction	MMS	MMS	MMS	
26	Administer Shutdown or Resumption of Operation of a Facility		MMS	MMS	MMS	See Section V, Para C.2 of this MOU for the Federal On Scene Coordinator (FOSC) responsibility for spill response.
27	Safety Analysis	Safety analysis of industrial systems	USCG	MMS	MMS	For MODU's see the requirements of 46 CFR 58.60-11 and 58.60-13

Attachment A

Drilling, Completion, Well Servicing and Workover Systems

System requirements for operating the following equipment and systems:

- Drilling, production, and workover risers
- Blowout prevention equipment and control systems
- Drilling system and related relief valves, vent system, pressure vessels and piping, pumps, water systems, safety systems, cementing systems, and circulating systems
- Riser and guideline tensioning systems
- Motion compensation systems
- Instruments and controls
- Atmospheric vessels and piping
- Fitness of the Drilling Unit
- Lifting and hoisting equipment associated with the derrick
- Cementing systems
- Circulating systems, including:
 - pipes and pumps for mud;
 - shale shakers;
 - desanders;
 - degassers.
- Structures including derrick and sub-structure
- Bulk material storage and handling systems
- Other pressurized systems designed for industrial operations

Attachment B
Production Systems

Includes but not limited to the following equipment:

- Hydraulic systems
- Connections between production and workover (industrial) systems
- Production safety systems including subsurface and surface well control
- Relief valves, relief headers, vent and flare systems
- Production wells and wellhead
- Well-handling equipment (contract drilling rig)
- Instrumentation, controls, and measurement (including oil and gas)s
- Gas compression
- Process system and related pumps
- Odorization for gas piped into enclosures
- Process system and related pressure vessels and piping
- Process system and related heat exchangers, including waste heat recovery units
- Chemical injection and treatment systems

Attachment C
Fire Protection, Detection and Extinguishing

Includes the following equipment:

- Deluge systems in the wellbay area
- Firewater pumps, piping, hose reel and monitor equipment
- Foam extinguishing equipment
- Fixed gaseous extinguishing equipment [carbon dioxide(CO₂) and halon alternatives]
- Fixed watermist extinguishing equipment
- Portable and semi-portable extinguishers
- Fire and smoke detection (excludes interfaces to MMS regulated safety systems)

IV. Civil Penalties

The USCG reports violations of OCSLA statutes or regulations that may result in civil penalty action to MMS. The USCG will investigate and document OCSLA based violation cases according to the procedures in 33 CFR 140.40 with the following clarification:

1. The cognizant Officer-in-Charge, Marine Inspection (OCMI) makes the determination whether a violation "constitutes or constituted a threat of serious, irreparable, or immediate harm." If the OCMI determines:
 - a. That it does, then the OCMI will refer the case to MMS and recommend that a civil penalty be assessed.
 - b. That it does not, then the OCMI will establish a reasonable time for the violator to fix the problem. The OCMI may do this in consultation with MMS, particularly on matters in which MMS has expertise or knowledge of industry practice. If the violator does not correct the problem, or does not file an appeal with the appropriate USCG official in the allotted time, the OCMI will refer the case to MMS, pursuant to 43 USC 1348 (a).

When referring a case to MMS, the OCMI will forward the following information:

- i. The case file, which consists of a summary of the investigation and a USCG determination of the regulations violated.
 - ii. A description of the seriousness of violation and any incidents actually associated with the violation.
 - iii. If requested, additional information concerning the merits of a civil penalty action. All physical evidence remains with the USCG, but available to MMS upon request.
2. If the violator files an appeal of a USCG's enforcement action the USCG will not forward the case to MMS until the appeal has been resolved.
 3. Upon receipt of the violation report, the MMS Regional Civil Penalty Coordinator will appoint a Reviewing Officer (RO) who will process the report in accordance with the MMS OCS Criminal/Civil Penalties Program Guidebook.
 4. Notification of the MMS RO's decision regarding the civil penalty assessment, collection, compromise, or dismissal shall be provided to the OCMI originating the violation report.

V. Oil Pollution Responsibilities

A. Certificates of Financial Responsibility (COFR)

1. The MMS issues certifications of oil-spill financial responsibility for certain facilities located in the OCS and State waters included in the definition of Covered Offshore Facility found at 30 CFR 253.3. The COFR ensures that responsible parties can pay for cleanup and damages from facility oil spills.

2. The MMS will provide COFR-related information to the USCG upon request. Upon request from the USCG, MMS will provide available information for any covered OCS facility (COF) in certain OCS and the State waters included in the definition of Covered Offshore Facility found at 30 CFR 253.3 that are involved in an oil pollution incident including:

- (1) Copies of the lease, permit, or right of use and easement for the area in which the COF is located;
- (2) Contacts for claims;
- (3) Agents for service of process;
- (4) Amounts guaranteed; and
- (5) List of all responsible parties.

3. The USCG issues COFR for vessels and floating OCS facilities which store oil. This COFR is in addition to the MMS COFR and addresses the operator's financial responsibility for the clean up and damages from oil discharges resulting from non-well-related sources and produced oil stored onboard the floating OCS facility.

B. Oil Spill Preparedness and Response Planning

1. The MMS, for all facilities seaward of the coast line, requires that responsible parties maintain approved Oil Spill Response Plans (OSRP) consistent with the area contingency plan; ensures that response personnel receive training; and that response equipment is inspected. The MMS will require unannounced oil-spill response drills. The MMS RS will advise the Federal On Scene Coordinator (FOSC) of drills to coordinate participation, and avoid conflict or duplication.

2. The USCG Captain of the Port serves as the pre-designated FOSC in accordance with the National Contingency Plan. The appropriate FOSC will also jointly approve OSRPs for floating facilities which store oil. Participation in MMS drills will be at the discretion of the FOSC. The FOSC will advise the MMS RS of spill-response drills and activities, such as exercise and response activities, occurring on facilities seaward of the coast line.

C. Spill Response

1. All spills are required to be reported to the National Response Center (NRC). The NRC provides notification to the appropriate agencies and State offices. Additionally, OCS facility owners or operators are required to report spills of one barrel or more to the MMS RS.
2. The FOOSC will direct and monitor Federal, State, and private actions, consult with responsible parties, and determine the removal action. The MMS RS will direct measures to abate sources of pollution from an OCS facility. However, if a discharge poses a serious threat to public health, welfare, or the environment, in accordance with Public Law 101-380 (OPA) Sec. 4201, the FOOSC may mitigate or prevent the substantial threat of a discharge and notify the MMS RS as soon as possible. The MMS will authorize the return of an OCS facility to operation in coordination with the FOOSC.

VI. Exchanging Services and Personnel

To the extent its own operations and resources permit, each agency will provide the other agency with assistance, technical advice, and support, including transportation, if requested in accordance with 43 U.S.C. 1348. Exchange of services and personnel is non-reimbursable (except for pollution removal funding authorizations for incident specific fund access). The assistance may extend to areas beyond the OCS where one Agency's expertise will benefit the other agency in applying and enforcing its safety regulations.

VII. Other Cooperative Functions

1. Both agencies will exchange data and study results, participate in research and development projects, and exchange early drafts of rulemaking notices to avoid duplicative or conflicting requirements.
2. Both agencies will review current standards, regulations, and directives and will propose revisions to them as necessary in keeping with the provisions of this MOU.
3. Both agencies will review reporting and data collection requirements imposed on operators of OCS facilities and, where feasible, eliminate or minimize duplicate reporting and data collection requirements.
4. Each agency will conduct scheduled and unannounced inspections to ensure compliance with its own requirements. If the inspector notices deficiencies that fall within the responsibility of the other agency, the deficiency will be reported to the other agency for action. However, if the deficiency may cause serious or irreparable harm to persons, property, or the environment, the inspector may take the necessary preventative action. The preventative action will then be reported to the other agency.

VIII. Accident Investigations

The MMS or the USCG is responsible for conducting investigations and preparing a public report for each major fire, oil spillage, serious injury, and fatality associated with OCS activities. To avoid duplication of effort and to simplify administration, the responsibility for investigating and preparing a public report for these incidents rests with the agency that is listed in Section III as being responsible for the system associated with the incident. In addition, the MMS investigates blowouts and the USCG investigates collisions.

For those incidents for which both agencies have an investigative interest in the system associated with the incident, one agency will assume lead investigative responsibility with supporting participation by the other agency. The lead agency in a joint investigative effort shall investigate and prepare, approve, and release the report in accordance with the normal procedures of that agency, subject to the following terms and conditions:

1. The lead agency shall be determined through mutual agreement. If mutual agreement is not reached, each agency may decide to conduct its own investigation.
2. The specific details of a supporting agency's participation in a joint investigation shall be determined on a case-by-case basis through mutual agreement.
3. Prior to the public release of a joint agency report, the supporting agency will be afforded an opportunity to comment on the report. If the supporting agency's conclusions and/or recommendations differ with those of the lead agency, either both conclusions and/or recommendations will be included in the lead agency's report in a mutually acceptable manner, or a joint report will not be issued, and each agency may issue separate reports.

IX. Implementing this MOU

1. Each agency will review its internal procedures and, where appropriate, will revise them to accommodate the provisions of this MOU. Each agency will also designate in writing one senior official who will be responsible for coordinating and implementing the provisions of this MOU.
2. Each agency will designate regional officials to be responsible for coordinating and implementing the provisions of this MOU in their respective regions.
3. The USCG--MMS MOU concerning regulation of activities and facilities in the OCS, dated August 29, 1989 is canceled on the effective date of this agreement.
4. If new technology (or new uses of current technology) require a change to this MOU, the MMS regional office and appropriate USCG district will work together to reach an agreement. The MMS regional office and the USCG district will notify their respective Headquarters office of any change. If the MMS regional office and the USCG district office can't reach an agreement, it

will be elevated to MMS and USCG Headquarters. The new policy will become part of a revised MOU the next time the MOU is revised.

X. Savings Provision

Nothing in this MOU alters, amends, or affects in any way the statutory authority of MMS or the USCG.

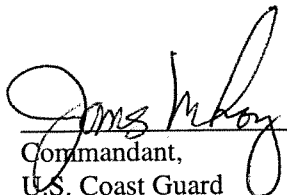
XI. Effective Date

This MOU is effective upon signature.


XII. Termination

Both parties may amend this MOU by mutual agreement and either agency may terminate it with a 30-day written notice.

Signed at Washington, D.C., December 16, 1998.



Commandant,
U.S. Coast Guard
Department of Transportation



Director
Minerals Management Service,
Department of the Interior

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF TRANSPORTATION
AND
THE DEPARTMENT OF THE INTERIOR
REGARDING OUTER CONTINENTAL SHELF PIPELINES**

I. Purpose

This Memorandum of Understanding (MOU) establishes the boundaries that will be used to delineate the locations over which the Department of Transportation (DOT), Research and Special Programs Administration (RSPA), and the Department of the Interior (DOI), Minerals Management Service (MMS), will exercise their respective regulatory authority over pipelines located on the Outer Continental Shelf (OCS). This MOU replaces the MOU between DOT and DOI regarding OCS pipelines which was signed and became effective May 6, 1976, and which terminates as of the effective date of this MOU.

In recognition of each of the parties' respective regulatory responsibilities for OCS pipelines, DOI and DOT agree that an MOU is needed to avoid duplication of regulatory efforts regarding OCS pipelines, to assure coordination and consultation during the development and implementation of regulatory requirements, to facilitate compatible regulatory requirements for all OCS pipelines whether under DOI or DOT jurisdiction, and to promote safety and environmental protection on the OCS. This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.

II. Authority

DOT has the responsibility for promulgating and enforcing regulations for the safe and environmentally sound transportation of gases and hazardous liquids by pipeline. DOT administers the following laws as they relate to pipelines: (1) the pipeline safety laws (49 U.S.C. 60101 et seq.); (2) the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524); (3) the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1251-1375), as amended by the Oil Pollution Act of 1990 (OPA) (P.L. 101-380) and implemented under Executive Order (E.O.) 12777; and (4) the Hazardous Materials Transportation Act (49 U.S.C. 5101 et seq.).

DOI has responsibilities for promulgating and enforcing regulations for the promotion of safe operations, protection of the environment, and conservation of the natural resources of the OCS, as that area is defined in the OCS Lands Act (OCSLA) (43 U.S.C. 1331 et seq.). DOI also has certain responsibilities for granting rights-of-way for the construction of pipelines and associated facilities on the OCS. DOI administers the following laws as they relate to OCS pipelines: (1) the OCSLA for the transportation of minerals by pipeline, (2) the Federal Oil and Gas Royalty

Management Act of 1982 for oil and gas production measurement, and (3) the FWPCA, as amended by OPA and implemented under E.O. 12777.

III. Division of Responsibilities

DOI and DOT agree to the following division of OCS pipeline regulatory responsibilities with respect to design, construction, operation, and maintenance regulations for all pipelines on the OCS pursuant to the statutes cited above.

DOI Responsibilities

1. DOI will establish and enforce design, construction, operation, and maintenance regulations and investigate significant accidents pursuant to the OCSLA for all OCS pipelines located upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Such points shall be fixed and clearly designated by the operators of the facilities.
2. DOI will perform authorized inspection tasks for OCS pipelines under DOT responsibility, also described under paragraph 8, "Joint Responsibilities," as an agent of DOT, under DOT pipeline safety regulations and enforcement guidelines.
3. DOI will consult with DOT during the development of regulatory requirements and will send a copy of each draft notice of proposed rulemaking (NPR) concerning OCS pipelines to DOT for review at least 60 days before the NPR is published in the Federal Register.
4. DOI will require all applications concerning pipelines and pipeline rights-of-way to include a statement concerning which agency has responsibility for the pipeline. When DOI grants rights-of-way for pipelines which are under DOT responsibility, DOI will condition its approval on the pipelines being designed, constructed, operated, and maintained in compliance with DOT regulations. Upon approval of grants for right-of-way pipelines under DOT responsibility, DOI will provide copies of its approval letters to DOT.
5. DOI will allow DOT to use, on a reimbursable basis, DOI-contracted helicopters for the inspection of OCS pipelines, subject to helicopter availability.
6. For pipelines under DOT responsibility, DOI will report to DOT in writing any apparent violation of DOT regulations that is identified during the course of DOI inspections.

DOT Responsibilities

1. DOT will establish and enforce design, construction, operation, and maintenance regulations and investigate significant accidents for all OCS transportation pipelines beginning downstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Such points shall be fixed and clearly designated by the operators of the facilities.

2. DOT delegates authorized inspection tasks for OCS pipelines under DOT responsibility to DOI, also described under paragraph 8, "Joint Responsibilities," as an agent of DOT, under DOT pipeline safety regulations and enforcement guidelines.

3. DOT will consult with DOI during the development of regulatory requirements and will send a copy of each draft NPR concerning OCS pipelines to DOI for review at least 60 days before the NPR is published in the Federal Register.

4. For pipelines under DOI regulatory authority, DOT will report to DOI in writing any apparent violation of DOI regulations that is identified during the course of DOT inspections.

Joint Responsibilities

1. DOI and DOT will consult and coordinate all of their respective rulemaking efforts affecting OCS pipelines. Supporting regulatory analyses (e.g., Determinations of Effects of Rules, Regulatory Impact Analyses, and information collection burdens, etc.) will also be coordinated, although the analyses will be appropriate for each agency and the industry segments it regulates.

2. DOI and DOT will coordinate all of their respective research and development projects concerning OCS pipelines.

3. DOI and DOT may perform joint inspections of pipeline segments and facilities where either has jurisdiction, particularly when there are potential safety impacts from one facility on another.

4. DOI and DOT may perform joint or independent investigations of accidents involving OCS pipeline segments where either has jurisdiction.

5. DOI and DOT will each provide the other agency with any final rule, notice, agreement, or MOU with any Federal or State agency concerning OCS pipelines.

6. At least once every 3 calendar years, DOI and DOT will jointly review existing standards, regulations, orders, operating practices, and environmental and safety issues concerning OCS pipelines.

7. DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility by facility or area by area basis. Operators may also petition DOI and DOT for exceptions to this MOU.

8. DOI is authorized by DOT to perform coordinated OCS platform inspection tasks for pipelines under DOT responsibility. DOI will advise pipeline operators and DOT of inspection findings and will refer all cases of apparent noncompliance with DOT regulations to DOT.

IV. Implementation

- 1. Within 120 days of the signing of this MOU, DOI and DOT will develop and initiate a joint implementation plan and rulemakings. The plan will also establish the procedures under which the point of demarcation at each facility will be fixed, marked, and reported.**
- 2. Thereafter, DOI and DOT will meet periodically to review and update the joint implementation plan and to review this MOU for any needed revisions.**
- 3. The respective points of contact for the provisions of this MOU are:**

**Associate Administrator for Pipeline Safety
Research and Special Programs Administration
Department of Transportation
400 7th Street, SW.
Washington, D.C. 20590**

**Associate Director for Offshore Minerals Management
Minerals Management Service
Department of the Interior
1849 C Street, NW.
Washington, D.C. 20240**

V. Limitations

- 1. Nothing in this MOU is intended to alter, limit, or expand the statutory or regulatory authority of DOT or DOI until implementing regulations are adopted.**
- 2. Nothing in this MOU limits informal consultations not otherwise mentioned in this agreement.**
- 3. Nothing in this MOU relieves an OCS pipeline owner or operator from complying with the regulations of any State or Federal agency.**
- 4. Under a separate MOU among DOI, DOT, and the U.S. Environmental Protection Agency pursuant to the OPA, the agencies have divided their respective responsibilities for oil spill prevention and response according to the definition of "coast line" contained in the Submerged Lands Act, 43 U.S.C. 1301(c) (59 FR 9494-9495). Nothing herein is intended to affect the implementation or administration of that MOU.**

VI. Modification

Either party to this agreement may propose modifications by submitting them in writing to the head of the other Department. No modification may be adopted except with the consent of both

parties. Both parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of either party, representatives of both parties shall meet for the purpose of considering modifications to this agreement.

VII. Termination

This MOU may be terminated by either party upon 60-day written notice to the other party.

VIII. Administration

This MOU will be administered by DOI's Minerals Management Service and DOT's Research and Special Programs Administration or such successor agencies as may be designated by the respective Secretaries.

IX. Effective Date

This MOU is effective upon acceptance by both parties as indicated by the signatures below.

DEPARTMENT OF THE INTERIOR



Bruce Babbitt
Secretary

December 10, 1996
Date

DEPARTMENT OF TRANSPORTATION



Federico Peña
Secretary

December 10, 1996
Date