USCG Office of Commercial Vessel Compliance (CG-CVC)
Mission Management System (MMS) Work Instruction (WI)

Category	Outer Continental Shelf (OCS)				
Title	Non-Vessel Floating OCS Facilities (FOF) – Compliance Requirements				
Serial	CVC-WI-33(1)	Orig. Date	7JUL23	Rev. Date	N/A
Disclaimer:	This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, and the public, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss this work instruction, you may contact the Office of Commercial Vessel Compliance (CG-CVC) at CG-CVC@uscg.mil.				
References:	(a) Marine Safety: Outer Continental Shelf Activities, Procedures Applicable to Floating OCS Facilities, COMDTINST 16000.76. Section G (b) CG-OES Policy Letter 01-22 Determination of Whether a Floating Outer Continental Shelf Facility (FOF) is a Vessel (c) CG-ENG Policy Letter No. 01-13 Alternative Design and Equipment Standards for Floating Offshore Installations (FOI) and Floating Production Storage and Offloading (FPSO) Units on the U.S. Outer Continental Shelf (d) BSEE/ USCG MOA OCS-02 Civil Penalties (e) CG-ENG Policy Letter 03-15 Acceptance of CAP 437, Standards for Offshore Helicopter Landing Areas (f) CG-ENG Policy Letter 03-21 Acceptance of HSAC RP 161, New Build Helideck Design Guidelines (g) BSEE/USCG MOA OCS-04 Floating OCS Facilities				

A. Purpose. This work instruction provides policy to Coast Guard Officers In Charge, Marine Inspection (OCMIs) for the inspection of Floating OCS Facilities (FOFs) determined not to be vessels as defined in 1 U.S.C. § 3.

B. Action. OCMIs should reference this guidance when conducting inspection activities for FOFs determined not to be vessels. Reference (a) is under review, and sections applicable to non-vessel FOFs have been incorporated into this policy. This work instruction is the most up-to-date reference regarding the inspection of non-vessel FOFs. The procedures in this work instruction may be supplemented by established procedures used for conventional vessel inspections and OCMI-specific guidance as appropriate.

C. Background. The Supreme Court addressed the issue of what constitutes a vessel in *Stewart v. Dutra Const. Co.*, 543 U.S. 481 (2005) and *Lozman v. City of Riviera Beach*, 568 U.S. 115 (2013). In accordance with these decisions, certain FOFs may not be vessels under federal law, which rendered certain policies no longer applicable. This work instruction seeks to clarify what regulations apply to FOFs and better define how the Coast Guard conducts oversight and inspections for these non-vessel FOFs.

D. Discussion. The term "floating OCS facility" is defined in 33 CFR § 140.10. FOFs are securely and substantially moored and cannot be moved without special effort. OCMIs should use the procedures outlined in reference (b) to determine if a FOF is a vessel for the purpose of applying regulatory requirements. To document this decision, the OCMI will issue a Floating OCS Facility Determination Letter (Enclosure (1) in reference (b)). This letter will remain valid throughout the operation of the non-vessel FOF at its installed location.

E. Authority. The authority to inspect all facilities on the OCS comes from the Outer Continental Shelf Lands Act (OCSLA), codified at 43 U.S.C. Chapter 29, Subchapter III. It is the responsibility of the USCG, in coordination with the Bureau of Safety and Environmental Enforcement (BSEE), to ensure units engaged in OCS activities do not pose a hazard to workers or the environment. Additional regulatory relationships are further defined in the Memorandums of Understanding and Agreement with BSEE and the Occupational Safety and Health Administration (OSHA).

F. Standards. Non-vessel FOFs must comply with the following requirements, when applicable:

a. 33 CFR Subchapter N, Outer Continental Shelf Activities.
b. 46 CFR Subchapter I-A, Part 107, Subpart C, Plan Approval.
c. 46 CFR Subchapter I-A, Part 108, Design and Equipment.
d. 46 CFR Subchapter F, Marine Engineering.
e. 46 CFR Subchapter J, Electrical Engineering.
f. 46 CFR Subchapter S, Subdivision and Stability, as required by 46 CFR § 107.305 & 46 CFR § 108.301.
g. 33 CFR Part 67, Aids to Navigation on Artificial Islands and Fixed Structures.
h. 33 CFR Subchapter H, Parts 101: Maritime Security: General & 106 Marine Security: Outer Continental Shelf Facilities.
i. 33 CFR Subchapter O, Pollution.

As an alternative to the prescribed regulations, units may meet the applicable sections of reference (c) which provides a level of safety comparable to or greater than those required by 33 CFR § 143.120(a) and (b).

The owner/operator of a FOF of unusual design or equipment not addressed by existing regulations or policy must submit plans and information in accordance with the Office of Design and Engineering Standards (CG-ENG) Policy Letter 01-23.

G. Plan Review. The owner/operator of each FOF must submit plans to the Coast Guard for approval in accordance with 33 CFR § 143.120(a) and 46 CFR Part 107, Subpart C, as incorporated by reference into that section. If construction of the facility is initiated prior to Coast Guard plan review and approval, discrepancies may require correction prior to placing the facility in operation. When modifications or repairs are made to an existing FOF that will result in a significant change to the original reviewed plans, the OCMI should forward the request to the Marine Safety Center (MSC). In accordance with 30 CFR § 250.905, BSEE may also require permit or approval for some modifications and repairs. The OCMI should ensure that agency efforts are not duplicated.

H. FOF Coast Guard certificate of inspection. Non-vessel FOFs were previously issued a Coast Guard vessel Certificate of Inspection (COI) that was identical to the COI required for vessels subject to inspection under 46 U.S.C. § 3301. If the OCMI determines that a FOF is not a vessel using the considerations outlined in reference (b), the issuance of a vessel COI (Form CG-841) is no longer applicable. Instead, the OCMI will issue a Floating OCS Facility certificate of inspection (FOF COI) via Coast Guard letter to demonstrate compliance with Coast Guard enforced laws and regulations. The OCS OCMI must enter a copy of the FOF COI into MISLE as a document. An example of a FOF COI is found in Enclosure (2) to reference (b).

The FOF COI is permanent, unless rescinded by the OCMI after determining the FOF is no longer in compliance with relevant requirements or the conditions in the document change. Some instances that will require an update are a change in owner/operator, persons allowed, or changes to lifesaving/firefighting equipment.

I. Annual Inspection. The Coast Guard will initiate an inspection at least once per year to verify the non-vessel FOF is in compliance with applicable requirements.[1] The regulations promulgated thereunder, in 33 CFR § 140.101(a), provide that any OCS facility "engaged in OCS activities is subject to inspection by the Coast Guard." Inspections should include verification of documentation, general health and safety, lifesaving equipment, fire safety equipment, machinery and electrical installations, structural and watertight integrity, pollution prevention, and crew familiarity with emergency procedures outlined in the FOF's Emergency Evacuation Plan (EEP). OCMIs must document all non-vessel FOF annual inspections in MISLE as an "Annual Inspection" Activity and make the necessary entry on the Record of Coast Guard Attendances found in Enclosure (2) to reference (b). "COI Inspections" must not be used to document non-vessel FOF inspections.

J. Deficiencies. In accordance with 33 CFR § 140.105(b), the OCMI must report "hazards and deficiencies" to the unit's owner or operator. Marine inspectors should document any such deficiencies and record the deficiencies in MISLE using the same process for certificated vessels.[2] Although the OCMI does not possess the authority to suspend drilling or production operations, the OCMI may require "immediate corrective action for more significant deficiencies, including those of a serious, irreparable, or immediate threat" in accordance with reference (d). The OCMI may also rescind or not issue the FOF COI if serious deficiencies are not corrected in the specified time frame or to the satisfaction of the OCMI. The OCMI must notify BSEE in the event that a FOF COI is declined or rescinded.

K. Accepted alternate arrangements. In accordance with 33 CFR § 140.15, 33 CFR § 143.120, and 46 CFR § 108.105, a FOF may deviate from the prescriptive regulations when unusual design or equipment make compliance with regulation impracticable. Common alternate arrangements are described in the section below. If further deviations from the regulations are requested, the cognizant OCMI should be consulted to determine if Commandant (CG-ENG) approval is required.

1. Guardrails.

   a. In accordance with 33 CFR § 143.110, a 42-inch top rail height is required for guardrails protecting the perimeter and all openings on the decks of OCS facilities except MODUs. Contradictory requirements are found in 46 CFR §§ 108.217 and 108.219, which requires a 39.37 inch (or 1 meter) top rail height for guardrails protecting the perimeter and all openings on the deck.

   b. Floating OCS facilities are permitted to install either of the guardrail designs described above, provided that all rails throughout the entire facility on all deck perimeters and openings are identical. Removable guardrails may be installed on any floating OCS Facility where operating conditions warrant their use. Guardrails affixed to modular portable quarters should also meet one of the two designs described above but need not be aligned with the host facility.

   c. Due to the absence of adverse movements in floating OCS facility hull designs, designers and operators need not comply with the internal storm rail requirements of 46 CFR § 108.221(b) and (c). Operators are still required to comply with the external storm rail

[1]The statutory authority for annual Coast Guard inspection is found at 43 U.S.C. § 1348 – *Enforcement of safety and environmental regulations*.

[2] Although FOFs subject to this instruction are not vessels, associated internal guidance involving deficiency writing and MISLE documentation will be utilized to ensure consistency within the Marine Inspection Program.

requirements of 46 CFR § 108.221(a).

2. Helicopter Facilities. The Coast Guard considers the design requirements in 2009 MODU Code, as amended Chapter 13; the UK Civil Aviation Authority's CAP 437; and the Helicopter Safety Advisory Committee Recommended Practice 161 to be at least as effective as the requirements of 46 CFR §§ 108.231 through 108.241. CG-ENG has documented the acceptance of these standards in references (c), (e), and (f).

3. Fire hydrants and fire hoses.

   a. All fire hydrants must meet the following "coverage" requirements per 46 CFR § 108.423 and 108.425.

      (1) Fire hydrants with collapsible or non-collapsible hoses must be able to spray each accessible space with at least two effective spray patterns of water from separate hydrants.

      (2) In all internal and external spaces, other than the main machinery space, at least one spray pattern of water must be from a single length 50 feet hose. A hose over 50 feet in length may be installed on the hydrant, but only the first 50 feet may be used for determining coverage and the hydrant location. The length of the second hose is unrestricted, as long as minimum nozzle pressure of 50 psi can be provided with both hoses flowing.

      (3) In the machinery space both spray patterns of water must be from a single length (50 feet) hose. If the hose is over 50 feet in length, then only the first 50 feet of one hose at the hydrant may be used for determining coverage.

   b. Hydrants with collapsible "UL-19" hoses should be installed inside the accommodation spaces for immediate access by the crew. However, no fire hydrants need be installed inside the accommodation spaces if the accommodation module is no more than 70 feet in length and 40 feet in width. These dimensions may be further limited based on the "coverage" requirements of paragraph a (above) if there are obstructions (hallways and secondary rooms) inside the accommodation module.

   c. Hose reels with non-collapsible hard-rubber fire hoses.

      (1) Commandant (CG-ENG-4) has approved alternate options for hose reels for use on floating facilities that may be outfitted with non-collapsible hard-rubber hoses that meet Standard 92 of the Underwriters Laboratories, Inc. or Military Specification H24580. These hoses may be used on floating OCS facilities as a substitute to the required collapsible fire hose only on open decks or inside columns, pontoons, and machinery spaces.

      (2) Hose reels with non-collapsible hard rubber hoses that do not meet Standard 92 of the Underwriters Laboratories, Inc. or Military Specification H24580 currently installed onboard existing floating OCS facilities, must obtain specific approval from Commandant (CG-ENG-4).

4. Float-free Liferaft Arrangements: 46 CFR §§ 108.525(a)(2) and 108.530(c) require installation of liferafts on FOFs constructed after October 1, 1996. The regulations require that rafts be installed in a float-free arrangement. This regulation is specific to vessel type hulls in the Subchapter's context of MODUs and may not always be appropriate for evacuation arrangement on FOFs. As an example, life raft installations on a FOF in a float-free arrangement on top of its hull, on or outboard of the rail to facilitate manual deployment, provide a degree of safety comparable to installations on seagoing vessels compliant with 46 CFR §§ 108.525(a)(2) and 108.530(c). In many instances, installation on a lower deck such as a hull or column top allows

the liferafts to be located closer to required egress ladders, to the water surface, and shielded from sources of potential fire and explosion. Coast Guard marine inspectors shall consider the overall evacuation plan of the facility when making determinations for acceptable placement of lifesaving arrangements.

L. Regulatory Clarification.

1. Firefighting and Lifesaving. 33 CFR Parts 144 and 145 are NOT applicable to FOFs. Firefighting and Lifesaving requirements for non-vessel FOFs are found in 46 CFR Part 108 Subpart D and Subpart E, respectively.

2. Emergency equipment maintenance and testing. In accordance with 33 CFR § 146.15(a), all emergency equipment, including equipment required by 46 CFR Part 108, must be maintained in good condition at all times. While 46 CFR Part 109 does not directly apply to FOFs, the operation and maintenance requirements applicable to Mobile Offshore Drilling Units found in 46 CFR § 109.301 provide an acceptable guide for maintaining emergency equipment in good condition. Ultimately, these requirements are a guide and the marine inspector must assess the condition of emergency equipment. When equipment is found in a deteriorated condition or not fit for use, a deficiency must be issued.

3. Manning. Non-vessel FOFs are required to have a company-designated Person in Charge (PIC) as defined in 33 CFR § 140.10. Personnel are required by 33 CFR §§ 146.115 and 146.125 to be trained in their duties assigned on the Muster List required by 46 CFR § 108.901.[3] It is imperative that the marine inspector verify that the PIC is ensuring that personnel are familiar with their assigned duties and that drills are conducted at the required frequency.

4. Hull Structure and Inspection. Non-vessel FOFs are not required to dry dock; therefore, the In-Service Inspection Plan (ISIP) described in reference (a) is no longer required. However, in accordance with 33 CFR § 143.120 (b) and 46 CFR § 108.113-114, a FOF must meet structural and watertight/weathertight integrity requirements and maintain these standards in order to maintain a FOF COI. Although the regulations specifically address American Bureau of Shipping's *Rules for Building and Classing Offshore Mobile Drilling Units, 1978,* a majority of FOFs were built to an alternative standard approved by the Commandant (CG-ENG). The original approved construction standard should be maintained in accordance with classification society or USCG vessel repair standards throughout the operational life of the facility, unless otherwise approved by the OCMI.

   The OCMI will determine how structural compliance is best verified, as well as the frequency and scope of inspection. At a minimum the OCMI should verify that a review of structural and watertight/weathertight integrity will occur as part of the annual inspection discussed above. The intent of the inspection is to verify the facility is being maintained to the original design. Options to accomplish this verification may include the following:

   - FOF walkthrough of available spaces to ascertain substantial compliance with original design condition.
   - Review of a maintenance report from the owner/operator or Classification Society.
   - Review the annual in-service inspection report submitted to BSEE by the owner/operator in accordance with 30 CFR § 250.919.
   - Conduct an inspection of the FOF in person by qualified MIs.

   Given the uniqueness of each FOF, the OCMI must consider each situation individually and may choose to increase the frequency of inspection or request additional evidence of compliance with

[3] For additional question regarding FOF credentialing, see MMC Policy Letter (01-22).

the approved design standard. The OCMI may also request technical support from the Marine Safety Center.

If any issues such as excessive structural deterioration, notable deformation of structural members, or lack of maintenance is apparent, the owner/operator must provide the OCMI with a plan to restore the FOF to the original or "as built" condition, or propose an alternative repair plan to the OCMI for consideration. Like other regulatory requirements involving FOFs, structural and weathertight/watertight integrity is not the sole responsibility of the Coast Guard and in accordance with reference (g), the Coast Guard will coordinate with BSEE when appropriate. This coordination shall be documented in MISLE.

5. Service Life Extension. BSEE is the lead agency for decisions involving service life extensions. The Coast Guard may provide support to BSEE in evaluating service life extension requests if sought. Separate approval from the Coast Guard is not required for service life extensions. Each request is expected to be unique. It is the responsibility of the owner/operator to ensure the FOF maintains compliance with all applicable standards.

6. Security. FOFs are required to follow all applicable regulations listed in 33 CFR Subchapter H. Marine inspectors should conduct spot checks at every inspection, this should include an interview with the facility security officer (FSO), if applicable.

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By direction