

**MEMORANDUM OF AGREEMENT
BETWEEN THE
MINERALS MANAGEMENT SERVICE – U.S. DEPARTMENT OF THE INTERIOR
AND THE
U.S. COAST GUARD – U. S. DEPARTMENT OF HOMELAND SECURITY**

MMS/USCG MOA: OCS-05

Effective Date: 27 March 2009

SUBJECT: INCIDENT INVESTIGATIONS

A. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to identify responsibilities of the Minerals Management Service (MMS) and the U.S. Coast Guard (USCG) when investigating incidents on the U.S. Outer Continental Shelf (OCS).

This MOA replaces Sections C-6 and C-7 of the MMS/USCG MOA, OCS-01: Agency Responsibilities signed on September 30, 2004. The participating agencies will review their internal procedures and, where appropriate, revise them to accommodate the provisions of this MOA.

B. STATUTORY AUTHORITIES

The USCG and MMS enter this agreement under authority of 14 U.S. Code (USC) §141 – Coast Guard Cooperation with other Agencies; 43 USC § 1347, 1348(a) -- the Outer Continental Shelf Lands Act (OCSLA), as amended; 33 USC § 2712 (a)(5)(A) -- the Oil Pollution Act of 1990 (OPA); 43 USC §§ 1301-1315 -- the Submerged Lands Act (SLA), as amended; and the Energy Policy Act of 2005 (EPAAct), Pub. L. 109-58.

C. JURISDICTION

The MMS is responsible for investigating incidents related to systems associated with exploration, drilling, completion, workover, production, pipeline, and decommissioning operations for hydrocarbons and other minerals on the OCS. Section 388 of the EPAAct, amends OCSLA to allow MMS to grant leases, easements, or rights-of-way for activities related to renewable energy, as well as activities associated with the use of existing facilities for energy-related or authorized marine-related purposes.

The USCG Investigations Program investigates deaths, injuries, property loss, and environmental damage to determine the associated human performance, equipment, and environmental causal factors;

investigates merchant mariner negligence, misconduct, incompetence, and dangerous drug use leading to appropriate remedial merchant mariner credential suspension or revocation; investigates criminal and civil offenses for assessment of civil penalties or referral for criminal prosecution; and analyzes trends and risks in the maritime industries.

43 USC §1348 grants the USCG and the MMS the authority to investigate incidents resulting from operations on the OCS. Additionally, it authorizes the issuing of subpoenas and administering of oaths to witnesses. This authority is delegated to USCG Investigating Officers in 33 CFR § 140 and to the MMS in 30 CFR § 250.189.

D. DEFINITION

Incident – Any accident, injury, marine casualty, or unexpected event occurring in the course of an OCS activity that affects or is likely to affect operational safety or the environment.

E. AGENCY RESPONSIBILITIES

1. COMMUNICATIONS AND CONTACTS

Key contacts responsible for incident investigation from the participating agencies are listed in Tables 1 and 2. MMS District and USCG Area, District, and Sector boundaries are shown on Maps 1, 2, and 3. The Assistant Commandant for Prevention, USCG, and the Associate Director for Offshore Energy and Minerals Management, MMS, are responsible for ensuring that the contact list and boundary maps remain current.

2. INCIDENT INVESTIGATIONS

The Headquarters Contacts (Tables 1 and 2) for the two agencies will coordinate with each other to ensure that at a minimum, each fatality, serious injury, major fire, and oil spillage of 200 barrels or more is investigated and documented. To avoid duplication of effort and to simplify administration, the responsibility for investigating and preparing public reports rests with the agency listed in Table 3 of this MOA (System/Sub-System Responsibility Matrix). The lead agency is responsible for coordinating with the other agency, as appropriate. This coordination will take place through the appropriate Sector Senior Investigating Officer, USCG (Sector Coordinator), and the appropriate Regional Contact, MMS (Regional Coordinator), as identified in Tables 1 and 2.

a) Initial Response

The MMS and USCG agree that it is important to visit the site of an incident as soon as possible to conduct an initial assessment. Because the circumstances of an incident may not be well-known initially, both MMS and USCG may send inspectors/investigators to conduct an initial assessment. Each agency will share information gathered during this initial assessment through the appropriate Sector/Regional Coordinator as deemed appropriate or when requested by the other agency. In the event that an Incident Command System (ICS) has been established

in response to the incident, the lead agency contact (Sector/Regional Coordinator), will coordinate with personnel of the incident command/unified command (IC/UC) as appropriate.

b) Incidents with Joint Investigative Interest

Some incidents may involve more than one system/sub-system or circumstances that result in both agencies having an investigative interest. In these cases, both agencies, by mutual agreement of the Sector/Regional Coordinators, will decide on one of the following courses of action:

- 1) One agency will be designated to conduct the investigation and will consult with the other agency involving areas of expertise of, or interest to, the other agency. The agency conducting the investigation will investigate the incident and prepare, approve, and release the report in accordance with the normal procedures of that agency. The specific details of the consulting agency's involvement will be determined by the Sector/Regional Coordinators on a case-by-case basis.
- 2) A joint investigation will be conducted. In this case, these procedures will be followed:
 - a. The appropriate Sector/Regional Coordinators will designate one agency to lead the investigation with supporting participation by the other agency. The specific details of a supporting agency's participation in a joint investigation will be determined on a case-by-case basis. The lead agency in a joint investigation will investigate the incident and prepare, approve, and release the report in accordance with the normal procedures of that agency.
 - b. Prior to the public release of a lead agency report, the Sector/Regional Coordinator for the lead agency will provide the supporting agency an opportunity to comment on the report. If the supporting agency's conclusions and/or recommendations differ with those of the lead agency, then either: 1) both agencies' conclusions and/or recommendations will be included in the lead agency's report in a mutually acceptable manner or 2) the supporting agency may issue a separate report.
- 3) Each agency will conduct its own independent investigation and publish its own report.

Regardless of which agency leads or conducts the investigation, the appropriate Sector/Regional Coordinator for the two agencies will share information gathered during their investigations to the maximum extent feasible subject to the Privacy Act and any existing requirements regarding protection of classified or proprietary information. Proprietary, confidential, or sensitive information shared between the two agencies will be so marked by the agency providing the information.

If at any point during an investigation MMS identifies a situation or information that potentially relates to National Security, Homeland Security, or criminal activity, MMS will immediately notify the appropriate USCG OCMI (Officer in Charge of Marine Inspection -- Sector Commander). In the case of potential criminal activity, the MMS will also notify the Department of the Interior's Office of Inspector General.

3. ENFORCEMENT

If during the course of any investigation, one agency identifies a potential violation of the other agency's regulations, the Sector/Regional Coordinator of the agency that identified the potential violation will notify the appropriate Sector/Regional Coordinator of the other agency.

4. INFORMATION SHARING

The appropriate Sector/Regional Coordinator for both agencies will routinely share completed investigation reports for all fatalities, serious injuries, major fires, collisions, and oil spills that result in more than 200 barrels of oil released during a period of thirty days. The agencies will share completed investigation reports for other incidents on an "as requested" basis through the appropriate Sector/Regional Coordinator.

5. AGENCY TRAINING

To the extent feasible, the two agencies will provide each other with an opportunity to attend incident investigation training courses that they sponsor.

6. REGULATORY COORDINATION

The MMS and USCG will inform each other of proposed regulations that would affect incident reporting and investigation. The two agencies will coordinate these regulatory developments through their Headquarters Contacts to ensure that they are consistent to the extent practical and to reduce duplication of effort by the agencies and the regulated community.

The two agencies will work to develop an electronic incident reporting system that satisfies the needs of both agencies and minimizes duplication of effort.

The MMS will coordinate with the USCG regarding investigation responsibilities for incidents associated with activities authorized by the EPAct.

7. INVESTIGATION DATA

The MMS and USCG will work through their Headquarters Contacts regarding OCS incidents to share data and coordinate publication of incident information and statistics related to OCS activities, as appropriate.

F. GENERAL PROVISION

Nothing in this MOA alters, amends, or affects in any way the statutory authority of the MMS or the USCG. This MOA cannot be used to obligate or commit funds or as the basis for the transfer of funds. All provisions in this MOA are subject to the availability of personnel and funds. The MOA is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any person or party against the United States, its agencies, its officers,

or any other person. This MOA neither expands nor is in derogation of those powers and authorities vested in the participating agencies by applicable law. It is the intent of the parties that the MOA remain in force even if a portion of it is determined to be unlawful, provided the remaining portion can be read coherently, understood and applied.

G. AMENDMENTS TO THE MOA

This MOA may be amended by mutual agreement of the participating agencies as described in Section J of the MMS/USCG MOU signed on September 30, 2004.

H. TERMINATION

This MOA may be terminated upon a 30-day advance written notification by either agency.



Chris C. Oynes
Associate Director
Offshore Energy and Minerals Management
Minerals Management Service



Rear Admiral Brian M. Salerno
Assistant Commandant for Marine Safety,
Security and Stewardship
U.S. Coast Guard

Table 1. USCG Contacts for Incident Investigations

United States Coast Guard

SECTOR COMMANDS		
Senior Investigating Officer	Sector Key West Trumbo Pt. Annex Key West, FL 33040	(305) 292-8702
Senior Investigating Officer	Sector St. Petersburg 600 8th Ave S.E. St Petersburg, FL 33701	(727) 824-7534
Senior Investigating Officer	Sector Corpus Christi 555 North Caranachua Street Suite 500 Corpus Christi, TX 78478	(361) 939-6393
Senior Investigating Officer	Sector Houston-Galveston 9640 Clinton Drive Galena Park, TX 77029	(713) 671-5100
Senior Investigating Officer	Sector Mobile South Broad St Mobile, AL 36615-1390	(334) 441-5720
Senior Investigating Officer	Sector New Orleans 1615 Poydras St Suite 700 New Orleans, LA 70112	(504) 942-3005
Senior Investigating Officer	Sector Los Angeles - Long Beach 1001 S. Seaside Ave. Bldg 20 San Pedro, CA 90731	(310) 732-2010
Senior Investigating Officer	Sector Anchorage 510 L Street, Suite 100 Anchorage, AK 99501	(907) 271-6700
DISTRICT OFFICES		
District Prevention	U.S. Coast Guard Seventh District 909 SE 1 Ave. Miami, FL 33131	(305) 415-6670
District Prevention	U. S. Coast Guard Eight District 500 Poydras Street New Orleans, LA 70130	(504) 671-2174
District Prevention	U. S. Coast Guard Eleventh District Coast Guard Island, Bldg. 51-1 Alameda, CA 94501	(510) 437-3969
District Prevention	U. S. Coast Guard Seventeenth District PO Box 25517 Juneau, AK 99802	(907) 463-2065
HEADQUARTERS OFFICE		
Office of Investigations and Analysis	Commandant (CG-5451) 2100 Second St, SW Washington, DC 20593	(202) 372-1029

Table 2. MMS Contacts for Incident Investigations

Minerals Management Service		
DISTRICT OFFICES		
District Manager New Orleans District	Gulf of Mexico OCS Region New Orleans District, MS 5250 990 Corporate Dr., Suite 100 New Orleans, LA 70123	(504) 736-2504
District Manager Houma District	Gulf of Mexico OCS Region Houma District, MS 5260 3804 Country Drive Bourg, LA 70343	(985) 853-5888
District Manager Lafayette District	Gulf of Mexico OCS Region Lafayette District, MS 5280 201 Energy Parkway, Suite 410 Lafayette, LA 70508	(337) 289-5104
District Manager Lake Charles District	Gulf of Mexico OCS Region Lake Charles District, MS 5271 620 Esplanade, Suite 200, Lake Charles, LA 70607	(337) 480-4606
District Manager Lake Jackson District	Gulf of Mexico OCS Region Lake Jackson District, MS 5270 102 Oak Park Dr., Suite 200 Clute, TX 77531	(979) 266-1008
District Manager California District	Pacific OCS Region California District, MS 7200 770 Paseo Camarillo Camarillo, CA 93010	(805) 389-7560
REGIONAL OFFICES		
Chief Office of Safety Management	Minerals Management Service Gulf of Mexico and Atlantic Regions, MS 5240 1201 Elmwood Park Blvd. New Orleans, LA 70123	(504) 736-2558
Chief Pipeline Section	Minerals Management Service Gulf of Mexico Region, MS 5232 1201 Elmwood Park Blvd. New Orleans, LA 70123	(504) 736-2547
Chief Office of Facilities, Safety, and Enforcement	Minerals Management Service Pacific OCS Region, MS 7400 770 Paseo Camarillo Camarillo, CA 93010	(805) 389-7581
Regional Supervisor Office of Field Operations	Minerals Management Service Alaska OCS Region, MS 8200 3801 Centerpoint Dr., Suite 500 Anchorage, AK 99503	(907) 334-5303
HEADQUARTERS OFFICE		
Chief Accident Investigation Board	Minerals Management Service Office of Offshore Regulatory Programs, MS 4022 381 Elden Street Herndon, VA 20170	(703) 787-1063

Table 3. System/Sub-System Responsibility Matrix for Incident Investigations

Note 1. Under Lead Agency, where both USCG & MMS are indicated, both agencies have an investigative interest. The two agencies will coordinate to determine the lead agency for the investigation. The decision will be based on the circumstances of the incident.

Note 2. The Department of Labor’s Occupational Safety & Health Administration (OSHA) may also conduct investigations for incidents that occur on man-made gravel or ice islands.

Item	System	Description	LEAD AGENCY			Other Lead Sub-Agency
			USCG	MMS	USCG & MMS	
1	Structural Integrity					
1 a		Incidents affecting the structural integrity of the facility as a whole (includes hurricane and other weather related incidents)	USCG	MMS	USCG & MMS	USCG will have the lead investigating incidents affecting the structural integrity of Floating Structures. For these incidents, USCG will coordinate with MMS to determine if a joint investigation should be conducted.
1 b		Incidents affecting the structural integrity of the facility as a whole caused by a third party (vessels, helicopters, etc.)	USCG & MMS	USCG & MMS	USCG & MMS	In general, the USCG will be the lead for third party incidents involving vessels. MMS will be the lead for third party incidents involving helicopters. The National Transportation Safety Board (NTSB) or the Department of Transportation’s Federal Aviation Administration (FAA) may also be involved. MMS and the USCG will coordinate to determine the lead agency based on the circumstances of the incident.
1 c		Risers (drilling, production, and pipeline)	MMS	MMS	MMS	Some pipeline risers may be subject to the Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA), formerly called Research and Special Programs Administration.
1 d		Structural integrity of substructures and drilling/ production equipment on the facility, including derricks.	MMS	MMS	MMS	
2	Floating Stability		USCG	N/A	USCG	USCG will have the lead investigating incidents affecting the stability of Floating Structures. For these incidents, USCG will coordinate with MMS to determine if a joint investigation should be conducted.
3	Station Keeping					
3 a		Foundations	USCG & MMS	MMS	N/A	MMS is responsible for incidents related to site specific soil or oceanographic conditions.
3 b		Mooring and tethering systems	N/A	MMS	MMS	
3 c		Dynamic positioning	USCG	N/A	N/A	MMS has an investigative interest in these incidents when it involves riser disconnects or release of drilling fluids.
4	Drilling, Completion, Well Servicing, and Workover		MMS	MMS	MMS	See Item A at the end of this table for a description of these systems.
5	Production		MMS*	MMS	MMS	See Item B at the end of this table for a description of these systems.

Item	System	Sub-system	LEAD AGENCY			Other Agency Role / Comments
			MODU	Fixed	Floating	
						* Note: Production equipment is not normally installed on a mobile offshore drilling unit (MODU). However, such equipment may be installed for a finite time and designed for removal. In such cases, MMS is the lead agency.
6	Pipeline Operations and Components		MMS	MMS	MMS	Certain pipelines are subject to MMS MOU(s) with PHMSA.
7	Utility Systems					
7 a		Power generation, boilers, pressure vessels, waste heat recovery (from any engine exhaust), water heaters and other piping or machinery	USCG	MMS	USCG	Subsystem components and piping that do not support drilling or production.
			MMS	MMS	MMS	Listed subsystem components and piping that support drilling or production.
7 b		High pressure (H.P.) washdown	USCG	MMS	USCG	Subsystem components and piping that do not support drilling or production.
					MMS	Listed subsystem components and piping that support drilling or production.
7 c		Compressed air	USCG	MMS	USCG	Subsystem components and piping that do not support drilling or production.
					MMS	Listed system components and piping that support drilling or production.
7 d		Potable wash and sanitary water	USCG	USCG	USCG	
7 e		Sewage unit and piping	USCG	USCG	USCG	
7 f		Storage of diesel fuel and other flammable or volatile liquids	USCG	MMS	USCG	
7 g		Bilge and ballast, including pumps and related control systems	USCG	N/A	USCG	
7 h		Fuel gas from well	MMS	MMS	MMS	For MODU's and floating facilities, when powering drilling and production systems.
			USCG	USCG	USCG	For MODU's and floating facilities, when powering emergency and ship-service systems.
8	Aircraft Landing and Refueling	Decks, fuel handling, and storage	USCG	MMS	USCG	MMS will have joint responsibility for any incidents on MODU's and Floating systems where it appears that the operator is involved. The NTSB or FAA may also conduct their own investigation or join with the MMS or USCG in an investigation. If the incident involves Department of the Interior (DOI) personnel or operations, the DOI Aviation Management Directorate (AMD) may also investigate.
9	Fire Protection					
9 a		Fire protection, detection, and extinguishing	USCG	USCG & MMS	USCG	For fixed facilities MMS is responsible for areas containing production handling equipment, well bays, and machinery related areas. For fixed facilities, the USCG has an investigative interest in incidents that occur in the areas listed in Item C at the end of this table. In these situations, MMS and the USCG

			LEAD AGENCY			
Item	System	Sub-system	MODU	Fixed	Floating	Other Agency Role / Comments
						will coordinate to determine the lead agency based on the circumstances of the incident.
9 b		Structural fire protection for accommodations	USCG	USCG	USCG	
10	Safety Systems					Includes interfaces between fire protection systems and MMS regulated safety systems.
10 a		Emergency shutdown systems	USCG & MMS	USCG & MMS	USCG & MMS	MMS and the USCG will coordinate to determine the lead agency based on the circumstances of the incident.
10 b		Gas releases	MMS	MMS	MMS	Includes H ₂ S personnel protection equipment.
10 c		Drilling, production, well-control safety, and shutdown systems	MMS	MMS	MMS	
11	Electrical Equipment					
11 a		Electrical systems not associated with drilling or production	USCG	USCG	USCG	
11 b		Electrical systems associated with Production Systems	MMS*	MMS	MMS	See Item B at the end of this table for a description of these systems. * Note: 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.
11 c		Electrical systems associated with Drilling Systems	USCG & MMS	MMS	USCG & MMS	MMS is responsible for electrical incidents associated with the drilling systems listed in Item A at the end of this table. MMS and the USCG will coordinate to determine the lead agency based on the circumstances of the incident.
11 d		Emergency lighting and power generation and distribution	USCG	USCG	USCG	
12	Pollution					
12 a		Pollution incidents not associated with vessel transfers of oil or other products	USCG	USCG	USCG	Garbage and plastics per the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).
			MMS	MMS	MMS	Spills other than garbage and plastics mentioned above.
12 b		Pollution incidents associated with oil or other product transfers to and from a vessel (includes lightering of produced hydrocarbons)	USCG	USCG	USCG	MMS will have joint responsibility for incidents where it appears that the facility operator is involved.
13	Lifting and Handling Systems	All lifting and hoisting of personnel and material	USCG	MMS	MMS	OSHA may conduct investigations for incidents involving non-pedestal cranes on gravel or ice islands.
14	Life Saving Equipment and Operations		USCG	USCG	USCG	
15	Workplace Safety and Health		USCG	USCG	USCG	MMS and the USCG will coordinate to determine the lead agency based on the circumstances of the incident.
16	Miscellaneous Systems					Supplements the list of above mentioned

Item	System	Sub-system	LEAD AGENCY			Other Agency Role / Comments
			MOU	Fixed	Floating	
	and Operations					systems.
16 a		Facility Construction, Installation, and Maintenance	USCG & MMS	USCG & MMS	USCG & MMS	For incidents related to barge and vessel operations, the USCG will be the lead; for incidents that occur on the fixed facility, the MMS will be the lead.
16 b		Rigging up/down on location (including both lift boat and jack-up operations).	USCG & MMS	USCG & MMS	USCG & MMS	MMS and the USCG will coordinate to determine the lead agency based on the circumstances of the incident.
16 c		Wellhead & platform removal (decommissioning)	USCG & MMS	USCG & MMS	USCG & MMS	MMS and the USCG will coordinate to determine the lead agency based on the circumstances of the incident.
16 d		Safe welding, burning and hot tapping	MMS	MMS	MMS	
16 e		Diving operations and equipment	USCG	USCG	USCG	MMS will have joint responsibility for incidents where it appears that the facility operator is involved.
16 f		Support vessels attending a facility	USCG	USCG	USCG	MMS will have joint responsibility for incidents where it appears that the facility operator is involved.

System Descriptions/Components

Item A. Drilling, Completion, Well Servicing, and Workover Systems

- 1) Drilling, production, and workover riser
- 2) Blowout prevention equipment and control systems
- 3) Drilling system and related relief valves, vent systems, pressure vessels and pipeline pumps, water system, safety systems, cementing systems and circulating systems
- 4) Drilling riser tensioning systems
- 5) Draw works heave compensation systems
- 6) Instruments and controls
- 7) Atmospheric vessels and piping
- 8) Operational fitness of the drilling unit
- 9) Cementing systems
- 10) Circulating systems, including: pipes and pumps for mud, shale shakers, desanders, degassers
- 11) Other pressurized systems
- 12) Ventilation systems related to drilling, completion, well servicing, and workover equipment and systems

Item B. Production Systems

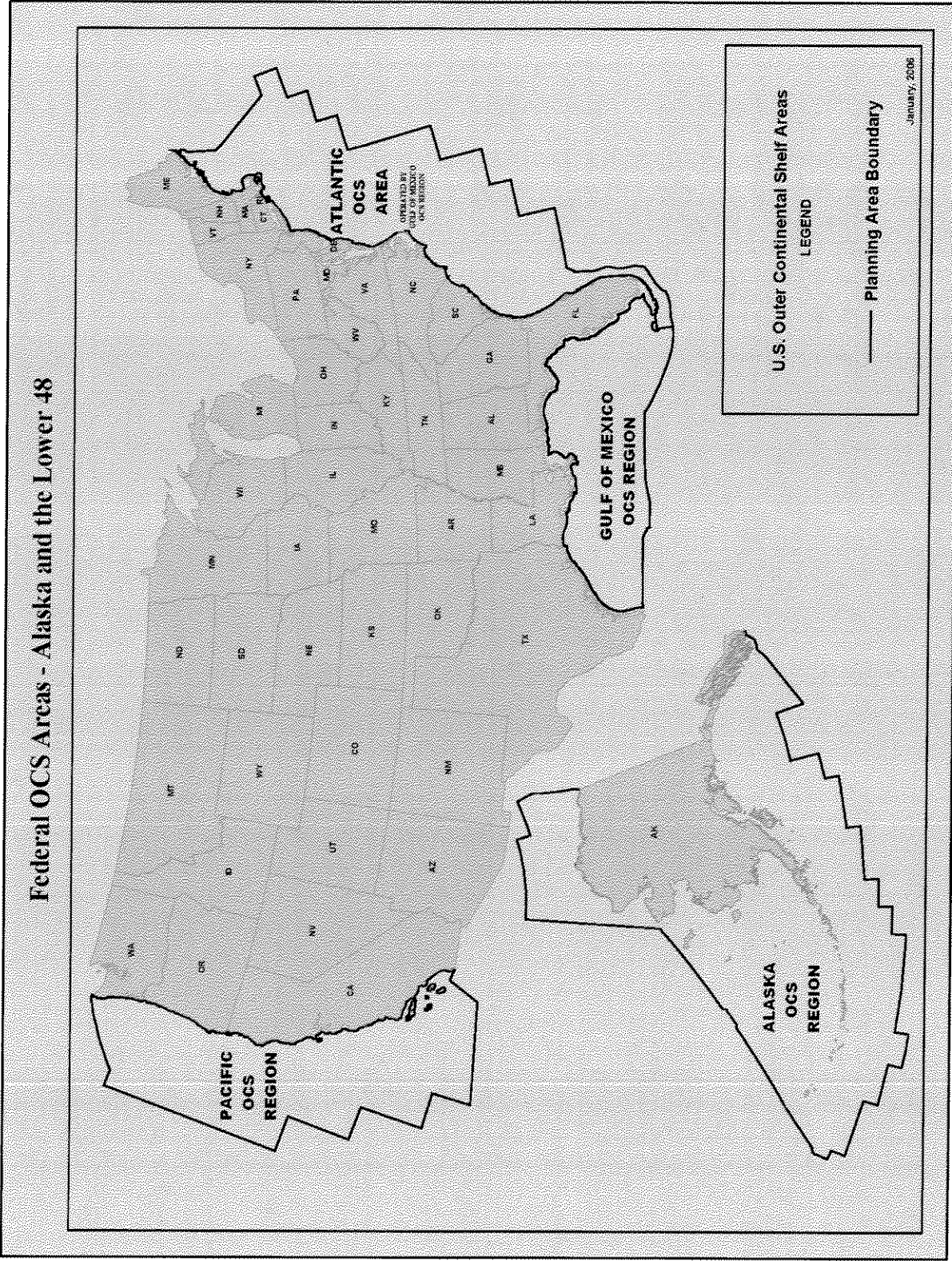
- 1) Hydraulic systems
- 2) Connections between production and workover (industrial) systems
- 3) Production safety systems including subsurface and surface well control
- 4) Relief valves, relief headers, vent and flare systems
- 5) Production wells and wellhead, including subsea wellheads and associated subsea equipment
- 6) Instrumentations, controls, and measurement (including oil and gas)
- 7) Gas compression

- 8) Process system and related pumps
- 9) Odorization for gas piped into enclosures
- 10) Process system and related pressure vessels and piping
- 11) Process system and related heat exchangers, including waste heat recovery units
- 12) Chemical injection and treatment systems
- 13) Ventilation systems related to drilling, completion, well servicing, and workover equipment and systems

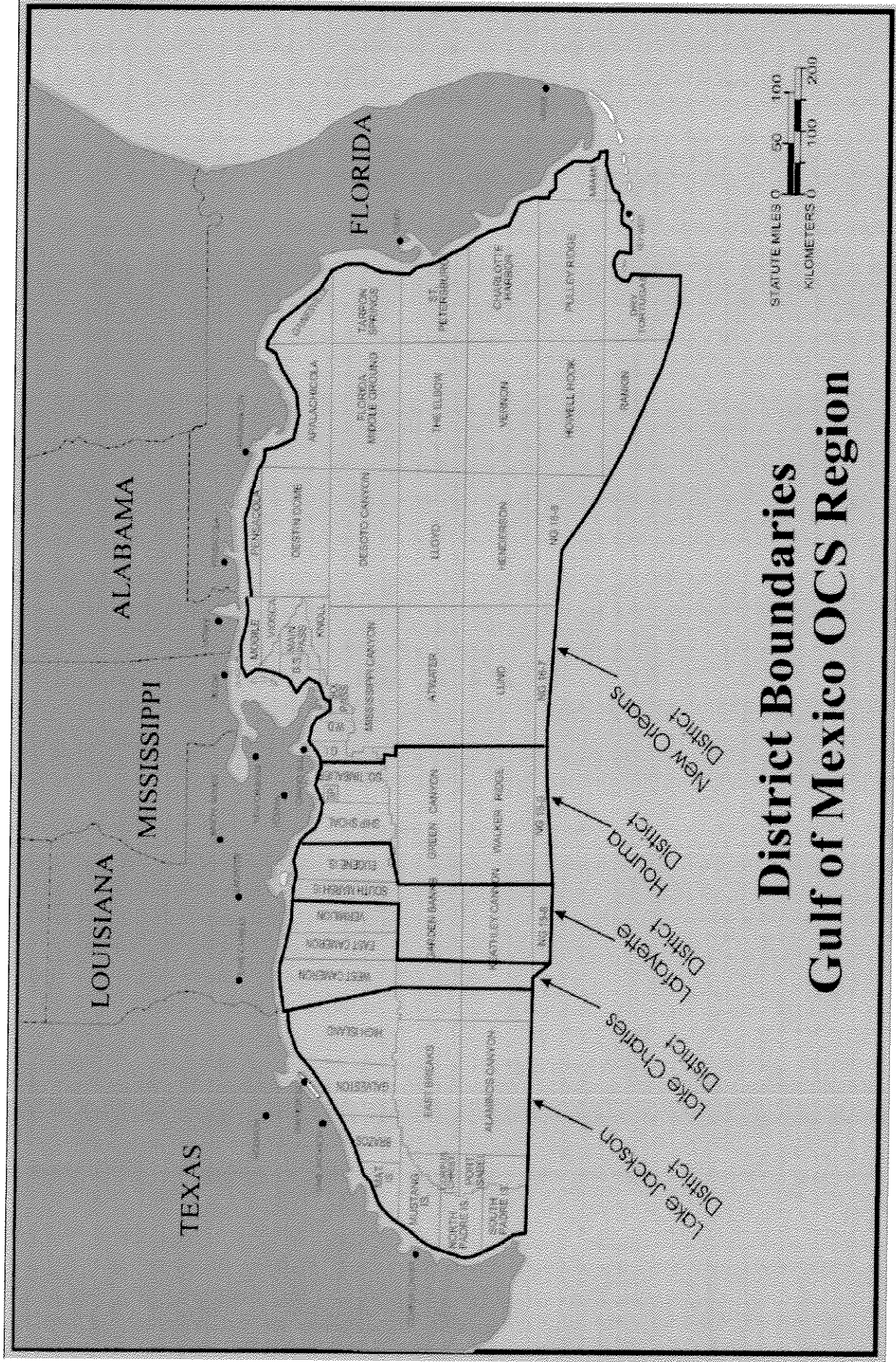
Item C. Fire Protection, Detection, and Extinguishing
(33 CFR 145.10, Table 145.10 (a))

- 1) Communicating corridors
- 2) Radio room
- 3) Sleeping accommodations
- 4) Galleys
- 5) Storerooms
- 6) Gas and oil fired boilers
- 7) Internal combustion or gas turbine engines
- 8) Electric motors or generators of open type

Map 1. MMS Regional Boundaries



Map 2. MMS District Boundaries



Map 3. USCG Districts by Number and Sector Boundaries

