

Interpretation Note 17-01

Construction and Support Activity in the definition of “Marine Installation or Structure”

Foreword

The onus is on those with statutory responsibilities to comply with the *Accord Acts*¹ and Regulations made thereunder and to demonstrate to the Board the adequacy and effectiveness of the methods employed to achieve compliance.

This interpretation note is not a statutory instrument and does not prevent those with statutory responsibilities from proposing alternative interpretations that demonstrate regulatory compliance. Such alternatives will be considered on a case-by-case basis by the Board. It is recommended that in proposing alternative interpretations, those with statutory responsibilities assess any associated risk and hazards and how they will be addressed.

Purpose

The purpose of this Interpretation Note is to provide greater certainty respecting when a ship or vessel is considered by the Board to be used for “construction” versus when it is used to provide “any supply or support services”. This distinction is necessary for determining whether such a ship is a “marine installation or structure” as defined in subsection 205.001(1) of the *Accord Act* and ultimately whether Part III.1 of the *Accord Act* will apply to it.

Authority

Section 205.067 of the *Accord Act* states:

205.067 (1) The Board may issue and publish, in any manner that it considers appropriate, guidelines and interpretation notes with respect to the application and administration of this Part.

(2) The guidelines and interpretation notes are not statutory instruments for the purposes of the Statutory Instruments Act.

Legislative Reference

Subsection 205.001(1) of the *Accord Act* states:

“marine installation or structure”

¹ The *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act*, S.C. 1987, c. 3 and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, RSNL1990 c. C-2. For ease of reference, citations in this Interpretation Note are to the federal version.

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(a) includes

(i) any ship, including any ship used for construction, production or diving or for geotechnical or seismic work,

(ii) any offshore drilling unit, including a mobile offshore drilling unit,

(iii) any production platform, subsea installation, pipeline as defined in section 135, pumping station, living accommodation, storage structure or loading or landing platform, and

(iv) any other work, or work within a class of works, prescribed under paragraph (4)(a); but

(b) does not include

(i) any vessel, including any supply vessel, standby vessel, shuttle tanker or seismic chase vessel, that provides any supply or support services to a ship, installation, structure, work or anything else described in paragraph (a), unless the vessel is within a class of vessels that is prescribed under paragraph (4)(b), or

(ii) any ship or vessel within a class of ships or vessels prescribed under paragraph (4)(c).

Construction Activities

The Board considers construction by a ship in the Canada-Newfoundland and Labrador Offshore Area to include the following activities undertaken pursuant to an authorization:

- Site preparation and excavation (e.g. rock dumping activities, excavated drill centers, dredging, trenching)
- Transportation, upending or positioning of an installation or components of an installation (including wet storage). This includes the removal and/or replacement of components of an installation
- Placement and/or removal of subsea equipment that is not considered normal marine support operations including;
 - Placement of subsea clump weights
 - Subsea pipe installation (e.g. pipelines, flowlines, risers, spools, jumpers)
 - Subsea equipment installation (e.g. manifolds, templates, pilings)
 - Removal of subsea equipment (e.g. wellheads)
- The installation of a mooring system for an FPSO or other permanently moored installation

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For further clarity surrounding the definition of “installation” and other associated definitions refer to the *Newfoundland Offshore Petroleum Installation Regulations*.

Supply or Support Service Activities

Vessels conducting “supply or support service” activities as described in section (b) of the definition of a marine installation or structure are not considered to be “Marine Installations or Structures” and are exempt from the requirements of Part III.1 of the *Accord Acts*. The Board considers such supply and support activities to include:

- Supply service activities including cargo offloading and backloading to/from shore
- Standby vessel duties in accordance with the *Atlantic Canada Standby Vessel Guidelines* such as:
 - Assisting in the rescue of installation personnel in the event of an emergency
 - Accommodating all personnel of the offshore installation in the event of a total evacuation
 - Providing shelter and treatment to rescued personnel
 - Acting as a rescue radio station able to communicate with the installation, other vessels and installations in the vicinity, rescue craft and coast station(s)
 - Assisting in collision avoidance including ice operations
 - Attending close to the offshore installation as necessary and be fully prepared to rescue persons
- Support to geophysical operations (e.g. chase vessels)
- Ice management
- Shuttle tanker activities
- ROV work involving inspections and routine maintenance (e.g. routine replacement of small components, such as Subsea Control Modules (SCMs) or routine maintenance such as charging accumulators, testing of subsea functions, etc.)
- Placement and handling of anchors considered to be normal ongoing marine support operations for the installation that occurs on a regular basis (e.g. anchor handling for mooring systems for a drilling installation)

Notwithstanding the above, if offshore activity is being considered for which this Interpretation Note does not provide clarity or certainty as to whether or not it should be considered construction or support activity, Operators and Contractors should engage the Chief Safety Officer prior to contracting of any ship or vessel to ascertain whether or not the Board considers that ship or vessel to be used for a construction activity requiring compliance to Part III.1.

For further information on these matters, please contact the C-NLOPB at information@cnlopb.ca.