



September 11, 2009

Department of the Interior
Minerals Management Service
Attn: Regulations and Standards Branch (RSB)
381 Elden Street, MS-4024
Herndon, VA 20170-4817

Re: Safety and Environmental Management Systems for Outer Continental Shelf Oil and Gas Operations, RIN 1010-AD 15; *Federal Register* Vol. 74, No. 115 June 17, 2009

Ladies and Gentlemen:

Wild Well Control, Inc. (WWCI) appreciates this opportunity to provide written comments on the subject proposed rule to amend regulations associated with Outer Continental Shelf (OCS) oil and gas and other mineral operations as published in the June 17, 2009 *Federal Register*.

WWCI appreciates that MMS wrote the proposed rule with the expectation that the rule would address major concerns that the agency has in OCS safety; however, WWCI notes that the rule will not specifically address root causes and will in all likelihood fail to achieve the benefits that the agency believes will occur.

WWCI notes that this effort clearly attempts to create new reporting, documentation and recordkeeping requirements far above current levels and will do little to address the human behavior issues raised by the MMS review. This proposed action is a major, paperwork-intensive, rulemaking that will significantly impact our business, both operationally and financially, and will bring little or no benefit towards improving safety of offshore operations. In addition to the unnecessary burden to industry, it will create an additional unwarranted burden to regional MMS staff that will require additional inspector/auditor training and increased workload demand.

WWCI fully endorses the comments that have been filed on behalf of industry by the Offshore Operators Committee (OOC) and the American Petroleum Institute (API). Additionally, WWCI has the following comments:

- The US offshore industry has an excellent safety record; we strive for continuous improvement voluntarily, and thus this rulemaking is not justified.
- The MMS opinion that the “root cause analysis” points to the need for requiring the four proposed SEMP elements is not supported by the agency’s incident analysis.

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- The job safety analysis/job hazard analysis is the only significant portion of the proposed rule that could affect the behavioral change that is more appropriately identified as the root cause of the incidents reviewed.
- We strongly disagree that a mandated program as proposed is needed. MMS should re-evaluate the cost/benefits of mandating a program that, as recently as 2003, was determined by the agency to be performing well as a voluntary program.
- MMS should rescind the proposed rule immediately.

The comment period allocated for industry's response to such a significant formal rulemaking did not allow for a forum through which WWCI could receive clarification on the impact of the various parts of the rulemaking and it is recommended that further discussions with industry be carried out prior to any final rulemaking on the issue.

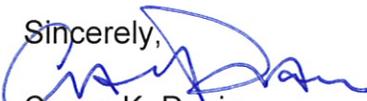
As both an emergency response contractor and an operator, WWCI is particularly concerned with the ambiguous language related to contractors and contracted personnel. The MMS fails to clearly distinguish between contracted individuals acting in the same capacity as an employee, and companies contracted to perform specialized services for a lessee, leading to perhaps unintended applications.

For example, §§250.1909(a) of the proposed rule states that "A contractor is anyone performing work for the lessee." This could be construed as including a emergency response operations even though these are not integral to oil and gas exploration and production operations. We support the OOC comment that the section relating to contractors be stricken from the rule, as redundant with existing "Subpart O" regulations. In the alternative, we request that the currently overbroad language be clarified to define contractors, and contracted personnel, and to confirm that the rule does not apply to emergency response contractors even though they are contracted to perform work for a lessee in the OCS.

Should the MMS publish rules pertaining to SEMS, we discourage you from requiring a specific format, and encourage you to allow those entities with existing safety and environmental management systems to cross index specific requirements to our current programs and procedures.

If you have any questions, please contact me at

Sincerely,



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