

Department of the Interior  
Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)  
381 Elden Street, MS-4024  
Herndon, Virginia 20170-4817

Attn: Regulations and Standards Branch (RSB)

Re: Increased Safety Measures for Energy Development on the Outer Continental Shelf,  
1010-AD68

Dear Sir or Madam:

The American Welding Society (AWS) appreciates this opportunity to provide written comments on BOEMRE's already-implemented interim final rule, *Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Increased Safety Measures for Energy Development on the Outer Continental Shelf*, 75 Fed. Reg. 63346 (Oct. 14, 2010) (hereinafter, the "interim final rule").<sup>1</sup>

Our organization represents technical experts who develop industry consensus standards used by the oil and gas producers who conduct essentially all of the OCS oil and gas exploration and production activities in the Gulf of Mexico. Additionally, many of our experts are involved in drilling, construction and support services for the offshore oil and gas industry and will be significantly impacted by this BOEMRE rulemaking.

We wish to highlight a particular area of concern presented by the Interim Safety Rule, namely, the impact and unintended consequences of changing the substantive meaning of the Standards and Recommended Practices ("RP's) incorporated by reference by converting all of the "should's" to "must's." Making this change will serve to create contradictions and eliminate options effective for addressing diverse situations. There are unintended consequences associated with changing the meaning of the Standards and RPs from "should" recommendations to "must dos".

Clarification is needed on what is actually intended and what will be required. Operators need to be able to use engineering judgment to suitably and safely address particular circumstances presented by a certain proposed activity. Changing the actual substantive meaning of the Standards and RP's by a sweeping conversion of all of the "should's" to "must's" without due consideration and evaluation and regardless of circumstances presented is not prudent and poses a significant problem.

**Further, we are aware that BOEMRE is referencing out of date AWS standards that do not reflect state of the art. These should be updated to reflect the current editions of all AWS standards.**

---

Finally, we invite BOEMRE to participate in the AWS standards-setting process on an ongoing basis. We take BOEMRE's goal of industry safety very seriously and we wish to address the issues that BOEMRE raises in its interim final rule. We invite BOEMRE to participate in revising AWS's standards. AWS's standards committees comply with our ANSI-approved procedures for standards development, which, among other things, guarantee public and open participation by any materially affected entity, committee interest group balance, fair voting, and written technical issue resolution. AWS solicits ongoing input and comments for these revisions from any interested party, including BOEMRE. BOEMRE's input to the standards committees would be invaluable to help us understand the goals of the government and to apply AWS's experts' thoughtful consideration to ongoing regulatory issues. Moreover, participation in AWS standards-setting would provide BOEMRE with access to valuable scientific and technical expertise.

AWS is happy to provide further details to BOEMRE on how it can effectively participate in the AWS standards setting process, and thanks you for the opportunity to provide these comments.

Sincerely yours

Andrew Davis  
Managing Director, Technical Services Division