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AD-73 Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Revisions to Safety and Environmental Management Systems

Comment On: BOEM-2011-0003-0001

Oil and Gas and Sulphur Operations in the Outer Continental Shelf: Safety and Environmental Management Systems; Revisions

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General Comment

This letter is written on behalf of Helis Oil & Gas Company, L.L.C. to provide comments to the captioned proposed rulemaking.

The Proposed Rule dated September 9, 2011 would amend in numerous respects the final rule establishing Subpart S to BOEMRE's [presumably now BSEE's] regulations (the "Original Rule") dated October 15, 2010. While we could disagree with numerous provisions of the Proposed Rule, our comments address only three issues:

1. New Section 250.1933 requires that operators include in their SEMS procedures that address the reporting of unsafe work conditions. While Helis is distressed by the implication that its employees and contractors would require protection from retaliation from Helis were they to report such conditions through communications with management or the utilization of Stop Work Authority (which Helis implemented well before the issues of the Original Rule), our principal objection to this provision relates to that portion of it that state that in paragraph (d) that BOEMRE will notify the operator only "[a]fter the reviewing the report and conducting any necessary investigation". If there are allegations of potentially unsafe or hazardous working conditions, the applicable operator needs to be informed of the state of affairs immediately so that it can determine whether actions need to be promptly taken to avoid the risks posed by unsafe or hazardous working conditions becoming a reality. The focus needs to be first on remedying the events that pose the risk. Fault, including whatever enforcement action BSEE believes is appropriate, can be addressed later, after any

hazardous conditions have been dealt with. We have no problem with the identity of the person raising the issue being confidential, but we see no reason that this should prevent prompt notice of a hazardous conditions being given to an operator so that any real risks can be addressed.

2. New Section 250.1932 would require, among other matters, t