



NSAI

**Petroleum Exploration and Extraction
Technical Standards Committee**

Consultation submission

Date of submission: 23-09-2011

Consultation Paper on the High Level Design of the
Petroleum Safety Framework

Reference document: CER/11/137

Having reviewed the Consultation Paper CER/11/137 the
Committee submits the attached comments.

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| Q | Do you agree? | Comments by PEETSC |
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General comment:

There is an ambiguity whether or not the scope of the Framework covers 'property and environment' as well as 'life'. As the term property is not defined in the Act it is assumed that the common definition of property in existing legislation applies and does not include the environment.

A better definition of a major accident and the consequences of a major accident is required. The vagueness of the definition leaves inconsistencies throughout the Paper. Is it the intention of the CER to restrict the scope of the Framework to major accidents?

It is unclear for example whether a major pollution incident without the harm or loss of human life would be interpreted as a major accident.

There is an inconsistency around the use of the terms accident and hazard throughout the document. It is recommended that the focus should be on hazard.

Section 4. Proposed Scope & Components of the Framework

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| 1. | Yes | | Agreement |
| 2. | Yes | | See the general note at the beginning of this submission. |
| 3. | | No | The term 'danger' should be replaced with a term such as 'harm'. The term 'major accident' should be defined in a quantitative manner. See schedule 7 of the SEVESO 2006. It is unclear if the environment is included in the definition. It is suggested that if the environment is included that the term 'environment' appears in the definition. |
| 4. | Yes | | Agreement |
| 5. | Yes | | Agreement |
| 6. | | No | There are no suggestions at this time. |

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| Section 5: Strategic Intent of Petroleum Safety Framework | | |
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| 7. | Yes | <p>Suggested rewording: <i>A safe petroleum exploration and extraction industry in Ireland.</i></p> <p>The term 'Irish' may be interpreted as being Irish owned and therefore seen to be restrictive.</p> |
| 8. | Yes | <p>There should be consistency between this statement and the definition for major accident. Should it be assumed the term 'life' includes property and the environment?</p> <p>The mission statement is vague.</p> <p>There is a clarification required by the CER whether or not the protection of the environment is included the paper.</p> <p>See also the general comment.</p> |
| 9. | Yes | <p>The order of the roles may require a review of priority. Role 3 should be first.</p> |
| 10. | No | <p>Role 2 should be expanded on, adding a similar wording such as 'fair and transparent manner'</p> <p>Expanding on Role 5 consideration should be given to open and transparent clarification given to the public clarifying the role of the CER within the regulation of the industry.</p> |
| 11. | | <p>Consider rewording Goal 1: That petroleum undertakings reduce risks to safety <i>safety risks</i> to a level that is ALARP <i>as low as is reasonably practicable</i>.</p> <p>The abbreviation ALARP should not appear in the high level regulatory goals as it could be interpreted as being a prescribed and defined tool and could be seen to be too rigorous and too precise as a high level goal. Suggest expanding wording as it appears in the Act.</p> <p>Goal 2: The term 'best internationally' is vague and could be used to execute more onerous or less onerous requirements, consider a more specific term referring to the EU for example. Alternatively replace the term 'best internationally' with 'best practice'.</p> |
| 12. | No | <p>No additional goals at this time</p> |

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| Section 6: ALARP | | |
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| 13. | Yes | Figure 7 is considered too simplistic. Basis of assessment should be expanded on and be laid out in an additional ALARP document. It is noted that a consultation paper on ALARP is due for publication in the future. |
| 14. | Yes | Risk based framework should be common to all regulators (CER, HSA, etc) and PU's. The risks should be prescriptive and defined and set by the CER which should be consistent with already defined values, for example, values set by the HSA. |
| 15. | Yes | It should be treated as explicit. |
| 16. | No | Nothing further at this time. |
| 17. | Yes | Yes in general. It is noted that there are not always relevant land-use planning criteria and this should be considered and addressed by CER. |
| 18. | No | The lower limit levels should not be defined. |
| 19. | | Upper limits should be mandatory. |

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| Section 7: Permissioning System and Designated Petroleum Activities | | |
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| 20. | Yes | Agreement |
| 21. | Yes | Agreement |
| 22. | Yes | <p>Well abandonment (P&A) should be included.</p> <p>The term 'Seismic survey' is too restrictive and may render similar techniques as requiring a Safe Case. The term 'Seismic survey' should be replaced with the term 'geophysical survey' for example.</p> <p>In Table 1, the term 'drilling of exploration wells' is too specific and requires review and expanding. Consider renaming as 'Well Operations' which would cover all operations such as drilling, testing, fracking, completion, suspension, P&A, etc. and would apply not just to exploration wells. The activity 'Well Testing' can therefore be removed from the table..</p> <p>The drilling operations do not seem to be included in Table 2.</p> <p>Consideration should be given to combining Table 1 and Table 2.</p> |
| 23. | Yes | Remove the reference to shale well as this covered by other well types listed in the table. |
| 24. | Yes | Agreement |
| 25. | Yes | Agreement |
| 26. | Yes | Agreement |
| 27. | | <p>The idea of early co-operation is sound, but at the conceptual planning stage a permit is not warranted as there are no 'activities' undertaken and the final design layout of the undertaking is not finalised at this stage. The wording should be changed to clarify that a Safety Case and Permit is not required at the Conceptual stage.</p> <p>Similarly the wording of Principle (v) should also be reviewed.</p> <p>In Principle (vi) the wording 'Where beneficial and possible' should be deleted to make the principle more definitive.</p> |

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| 28. | | <p>There should be one formal Safety Case per each well prior to drilling. The provisional well design should be subject to a consultation process under the generic well proposal system as is currently the case.</p> <p>In the case of drilling operations approvals of revisions to the well design Safety Case should be prioritised in such a way so as not to unduly lead to operational delays.</p> |
| 29. | | <p>The requirement for separate Safety Cases, referring to the conceptual and pre-construction stages, is not practical as there may well have been substantial changes from concept through to construction phases. The two agreed stages are the Design Safety Case and the Production Safety Case.</p> |
| 30. | | <p>Where an onshore terminal (or other onshore facility) is covered by SEVESO safety report will an additional Safety Case be required under 7.3.4.2?</p> |
| 31. | Yes | Agreement |
| 32. | Yes | Agreement |
| 33. | | <p>It is anticipated that maximum use will be made by the CER of the expertise that already exists within state bodies, authorities and agencies as opposed to a dedicated group.</p> |
| 34. | | <p>Option (iv) is preferred as it is a proactive approach. Where there is no material changes to the safety case following the review process a resubmission of the Safety Case should not be necessary.</p> |
| 35. | | <p>The process mapping is supported and should include clear definitions of interfaces and alignment of timelines and approvals etc.</p> |

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| Section 8: Compliance Assurance | | |
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| 36. | Yes | Agreement |
| 37. | Yes | Agreement |
| 38. | Yes | Agreement |
| 39. | Yes | Risk based approach is the preferred. |
| 40. | Yes | Agreement |
| 41. | Yes | Agreement |
| 42. | Yes | Petroleum undertaking |
| 43. | No | Approval should not be required. |
| 44. | | The CER should undertake the auditing role. |
| 45. | Yes | Agreement in principle. There is ambiguity around the term 'hardware' and its definition. Hardware may be defined as non-human safety critical processes. |
| 46. | Yes | Agreement |
| 47. | Yes | Agreement |
| 48. | Yes | General agreement in principle. It is unclear how this well verification scheme will overlap with the well Safety Case and if there is a potential for a duplication of submissions. There seems to be a duplication with 7.3.2 (pg 67). CER should conduct the scheme. |
| 49. | No | The ALARP should not form part of the verification process as the design has already been approved. |
| 50. | No | The verification scheme will have been covered at a high level in the Safety Case and already been addressed by CER. |

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| 51. | Yes | Agreement. Recognition of existing ongoing activities e.g. 'step change in safety' is an organisation that published recognised leading and lagging indicators. |
| 52. | Yes | Agreement |
| 53. | Yes | Agreement in principle. See again the general comment made at the beginning of this submission. |
| 54. | Yes | Agreement |
| 55. | Yes | Agreement. Consideration should also be given to environmental aspects as highlighted in the general comment at the start of this submission. |
| 56. | Yes | Agreement. It is assumed that the Local Authorities, including emergency response units, are covered under the DECLG. HSE should be included as an emergency response provider. RPII, Radiological Protection Institute of Ireland, should also be considered. |
| 57. | Yes | Agreement in principle. The bases of information sharing should be transparent and agreement of affected parties confirmed before publication. |
| 58. | | Although the roles and responsibilities are outlined in legislation this information should be included for clarity as part of the Framework document, see also question 35 in this submission. |
| 59. | Yes | Agreement |

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| Section 11: Enforcement | | |
| 60. | Yes | General agreement. |
| Section 12: Safety Reporting and Published Safety Information | | |
| 61. | Yes | Agreement |
| 62. | Yes | Detailed incident reports that may legally affect a party or legal process should not be published. |
| 63. | | Security details that may affect the security of a facility if freely available should not be published. |
| Section 13: Continuous Improvement | | |
| 64. | Yes | Agreement. |