



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**Consultation Questions (in Microsoft Word format)
from the Consultation Paper on the High Level
Design of the Petroleum Safety Framework**

DOCUMENT TYPE:	Consultation Paper Questionnaire
REFERENCE:	CER/11/137B
DATE PUBLISHED:	August 25 th 2011
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List of Consultation Questions

The following list of questions was included in the Consultation Paper on the High Level Design of the Petroleum Safety Framework (CER/11/137) as Appendix III. The aim of this document is to facilitate the process of responding to the Consultation Paper by allowing respondents to electronically complete the questionnaire.

Respondents are invited to complete the table to indicate their position on the questions being asked. Respondents should outline YES or NO answers to each of the questions listed. If you have a further comment which will clarify your answer, this should be included in the Comments box.

Please note respondents are in no way obliged to respond to the questionnaire provided and are welcome to submit comments in their preferred format. However when preparing responses respondents should indicate which question or proposal their text refers to.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
Section 4. Proposed Scope & Components of the Framework				
1.	Please comment on the CER proposal to define the scope of the Petroleum Safety Framework to include all of the CER's functions under Part IIA of Act?	Yes		Agreed
2.	Please comment on the CER proposals to have a specific focus upon major accident hazards for the safety regulation of designated petroleum activities under Part IIA of the Act.	Yes		
3.	Do you agree with the proposed definition of major accident hazard, set out in section 3.2.2.3, in the context of the CER safety regulation of designated petroleum activities? Please comment.		No	The term "danger" should be replaced by another term such as "harm". It would be useful also to define the extent that this framework considers environmental harm.
4.	Do you agree with the CER's proposed approach to carry out its function to monitor compliance by petroleum undertakings' with their general duty in co-operation with other existing statutory authorities?	Yes		Agreed
5.	Please comment on CER proposals for the main components of the Framework as: a) A Statement of Strategic Intent; b) ALARP Demonstration Guidance; c) Agreed Interfaces, Co-operation & Co-ordination with Regulatory Authorities; d) A Permissioning System; e) A Compliance Assurance System;	Yes		Agreed

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	f) An Incident Investigation System; g) An Enforcement System; h) A Safety Reporting and Published Safety Information System; and i) A Continuous Improvement System.			
6.	Are there additional high level components which the CER should consider for inclusion within the Framework?		No	No additional high level components at this time.
Section 5: Strategic Intent of Petroleum Safety Framework				
7.	Do you agree that the proposed vision for the Framework should be: <i>A safe Irish petroleum exploration and extraction industry.</i>	Yes		However it should be re-worded “A safe petroleum exploration and extraction industry in Ireland”
8.	Do you agree that the proposed mission statement for the Framework should be: <i>To independently regulate petroleum exploration and extraction activities to protect life.</i>	Yes		However “protecting life” is a bit vague. Does this include environmental protection?
9.	Please comment on the proposed five key roles of the CER under the Framework as follows: 1. <i>Foster and encourage safety in petroleum exploration and extraction activities;</i> 2. <i>Actively monitor & enforce compliance of petroleum undertakings with their obligations;</i> 3. <i>Promote a regulatory framework that encourages continuous</i>	Yes		

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	<p><i>improvement of safety;</i></p> <p>4. <i>Work with other authorities to achieve our vision; and</i></p> <p>5. <i>Provide safety information to the public.</i></p>			
10.	Are there additional CER roles which should be set out in defining the strategic intent of the Framework?		No	No additional CER roles at this time.
11.	<p>Please comment on the proposed three regulatory goals for the Framework:</p> <p>1. <i>That petroleum undertakings reduce risks to safety to a level that is ALARP;</i></p> <p>2. <i>That petroleum undertakings achieve safety performance commensurate with the best internationally; and</i></p> <p>3. <i>Engender confidence that the regulatory framework is protecting the public.</i></p>			Goal 2: “best internationally” is open to misinterpretation. Suggest using wording such as “best practice”.
12.	Are there additional high level regulatory goals which should be set out in defining the strategic intent of the Framework?		No	No additional goals at this time.
Section 6: ALARP				
13.	Please comment on whether you consider the proposed basis of assessment that risk has been reduced to a level that is ALARP (as summarised in Figure 7) to be appropriate.			It depends whether ALARP infers a risk level that is accepted by persons working in the industry and the public.
14.	Please comment on whether you consider it appropriate to set upper limits of tolerability for the following risk metrics relating to petroleum	Yes		It is appropriate to set upper limits. These should be reviewed from time to time to ensure they

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	activities: <ul style="list-style-type: none"> • Individual risk to workers; and • Individual risk to members of the general public. 			continue to be ALARP. Limits should be set for all parts of the industry, and should not differ between organisations carrying out similar tasks.
15.	Should societal risk be addressed within the Petroleum Safety Framework? If so, should it be treated implicitly and/or explicitly?	Yes		Explicit, but with provision for review.
16.	Are there any other risk metrics which you consider should be adopted for the control of risks generated by designated petroleum activities?			Security of supply? – though it is not a safety related metric
17.	Do you consider it reasonable for the CER to align proposed risk criteria introduced under the Petroleum Safety Framework with criteria adopted by the HSA for land-use planning purposes?	Yes		Though in some cases the land-use planning criteria may need expanding. I understand that existing land use criteria do not cover pipelines?
18.	Please comment on whether you consider the Petroleum Safety Framework should introduce a lower ALARP limit in terms of individual and societal risk. If so, whether the lower limit should be: <ul style="list-style-type: none"> • left to the petroleum undertaking to set; or • advisory? 			If a petroleum undertaking sets a lower ALARP limit it should be advised to the other undertakings. Perhaps lower limits should not be defined.
19.	If upper limits are introduced for either individual or societal risk, please comment on whether the limits should be: <ul style="list-style-type: none"> ▪ left to the petroleum undertaking to set; ▪ advisory; or ▪ mandatory? 			Upper limits should be mandatory.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
Section 7: Permissioning System and Designated Petroleum Activities				
20.	<p>Having regard to the requirements of the Act, please comment on the CER's proposed criteria for the designation of petroleum activities and associated infrastructure as follows:</p> <p>In order to be designated, a petroleum activity is required to meet each of the following criteria:</p> <ul style="list-style-type: none"> (i) the activity and associated infrastructure requires a petroleum authorisation. (ii) the activity has the potential to generate petroleum related major accident hazards. (iii) the activity and associated infrastructure is connected to, or has the potential to be physically connected to, the reservoir; and (iv) The petroleum activity is not entirely regulated by or under another Act of the Oireachtas and its designation allows for the optimum operation of the permissioning regime 			
21	Respondents' views are invited as to the specific application of the designation criteria to the construction and installation of petroleum infrastructure.			
22.	Please comment on the application of the proposed designation criteria to exploration activities.			

Question/ Proposal		Do you agree?		Comments
		Yes	No	
23.	Please comment on the application of the designation criteria to extraction activities.			
24.	Please comment on application of the designation criteria to conveyancing activities.			
25.	Please comment on application of the designation criteria to decommissioning activities.			
26.	Please comment on the CER's proposed approach to dealing with connected activities within the appropriate safety case rather than designation of such supporting activities.	Yes		Agreed
27.	Please comment on the six proposed principles underpinning the design of the permissioning system.			
28.	Please comment on the proposed approach for a Well Work Safety Permit and supporting safety cases.			
29.	Please comment on the proposed approach for a Pre-Construction Safety Permit and supporting safety case.			
30.	Please comment on the proposed approach for a Production Safety Permit and supporting safety cases.			

Question/ Proposal		Do you agree?		Comments
		Yes	No	
31.	Please comment on the proposed approach for a Combined Operations Safety Permit and supporting safety case.			
32.	Please comment on the proposed approach for a Decommissioning Safety Permit and supporting safety case.			
33	Comments are welcome on how the CER should approach safety case assessments.			
34.	Respondents' views are invited on how the 5 year safety case review process should be implemented, including comment on the options presented for the review process, and suggested alternatives.			
35.	Please comment on the above proposals regarding co-ordination of the CER permissioning system with other statutory processes.			
Section 8: Compliance Assurance				
36.	Please comment on the CER's proposed broad scope and approach to audit and inspection of petroleum undertakings?			
37.	Please comment on the proposal that CER's inspectors can be a mixture of both in-house staff and third party independent competent persons.			

Question/ Proposal		Do you agree?		Comments
		Yes	No	
38.	Should the CER seek to co-ordinate its audit and inspection activities with other statutory bodies where possible?			
39.	The CER is interested in respondents views on whether the audit and inspection schedule should be risk-based and involve a few visits per facility per year, or should be undertaken on a prescriptive frequency and, if so, what frequency?	Yes		Should be risk based. There may be a need to prescribe a minimum inspection frequency (say once a year) and a maximum time scale for inspecting the complete installation/organisation (say five years). More time is spent on the high risk areas during that time.
40.	Please comment on the CER proposal that a Verification Scheme should form part of the Compliance Assurance system of the Petroleum Safety Framework.			
41.	Do you agree that if verification is adopted, that the verifier should be a third party independent person referred to as an Independent Competent Person (ICP)? Please comment.			
42.	If the ICP approach is adopted by the CER, who should contract the ICP – the CER or the petroleum undertaking?			
43.	Do you think that approval of the ICP is required and, if so, by whom?			
44.	Should the CER, or a 4 th party audit the verification scheme?			
45.	Do you agree with the CER proposal that the Scope of Verification			

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	should be hardware Safety Critical Elements?			
46.	Do you agree with the CER proposal to apply the verification scheme offshore and onshore?			
47.	Do you agree with the CER proposal to apply the verification scheme throughout the lifecycle of petroleum infrastructure? Please comment.			
48.	Do you agree with the CER view that a separate well examination scheme and well management audit scheme should operate? Who should conduct this scheme? Please comment.			
49.	Should ALARP be explicitly included within the verification scheme guidance? Please comment.			
50.	The CER is interested in respondents views on whether the CER should approve the verifications scheme in the scenario where the petroleum undertaking contracts the ICP?			
51.	Do you agree with the CER proposal to introduce a balanced set of leading and lagging indicators within the Safety Case Guidelines for routine reporting by the petroleum undertaking to the CER? Please comment.			
52.	Please comment on the appropriate means for ensuring compliance by petroleum undertakings with their general duties, and the CER's proposed approach to monitoring.			

Question/ Proposal		Do you agree?		Comments
		Yes	No	
Section 9: Petroleum Incidents				
53.	<p>Please comment on the proposals for the following to be to be classified as petroleum incidents to be notifiable to the CER:</p> <ul style="list-style-type: none"> • All events/occurrences that result in the loss of human life; • Those events/occurrences which result in a personal injury to a member of the general public; • Those events/occurrences which result in personal injury which relate to a major accident hazard; • All events/occurrences that result in damage to the structural integrity of petroleum infrastructure; • All events/occurrences that result in the structural integrity of petroleum infrastructure being compromised; and • Near misses which have the potential to cause a major accident including the failure of plant and equipment or procedural failures which could have the potential to cause a major accident or could significantly impair an undertaking's response to a major accident. 			
54.	Please comment on the CER's proposed approach to the investigation of petroleum incidents and follow up actions.			
55.	Please comment on the proposal that the CER will seek to liaise and co-operate with other relevant authorities in the incident investigation process?			

Question/ Proposal		Do you agree?		Comments
		Yes	No	
Section 10: Agreed Regulatory Interfaces and Co-operation				
56.	The CER are interested in respondents' comments on the proposed interface, co-ordination and co-operation arrangements. Specifically are such arrangements beneficial and are there other authorities the CER ought to have such arrangements in place with?	Yes		Such agreements are beneficial.
57.	Please comment on the proposals for information sharing under the interface, co-ordination and co-operation arrangements?	Yes		However it will not necessarily be possible for the IAA to share the details of audit outcomes and safety issues.
58.	Please comment on the proposals for greater alignment of the permissioning processes under different statutory regimes and inclusion for the interface, co-ordination and co-operation within arrangements with other statutory authorities.			These alignments should be defined in the framework document.
59.	Please comment on the proposals for co-ordinated audits/inspections and related information exchange under the interface, co-ordination and co-operation arrangements.	Yes		Agreed.
Section 11: Enforcement				
60.	Please comment on CER's proposals on enforcement. In particular the proposals with respect all persons included on a petroleum authorisation submitting a joint safety case	Yes		Agreed.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
Section 12: Safety Reporting and Published Safety Information				
61.	Please comment on the CER proposals for the publication and content of the Annual Report on the Petroleum Safety Framework	Yes		Agreed.
62.	Please comment on the CER proposals for the information it intends to publish			Incident investigations final reports should only be published after those involved have had an opportunity to comment on the report.
63.	The CER is interested in respondents views on the criteria the CER should apply when considering an application by petroleum undertakings on the exclusion of certain information.			Security details and any commercially sensitive details should not be published.
Section 13: Continuous Improvement				
64.	The CER is interested in respondents views on the proposed approach to continuous improvement	Yes		Agreed.