

From: McCabe R

Sent: 10 October 2011 08:46

To: Eamonn Murtagh

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

Eamonn

Please see attached response for the Commissioners of Irish lights to the above consultation.

CIL strongly support the CER approach. Our own role is primarily safety of navigation. Statutory consent from CIL is required for all Aids to Navigation. For this reason I have requested inclusion of CIL as one of the Statutory Interfaces.

If you have any queries or if I can be of assistance please let me know.

Regards

Robert Mc Cabe

*Captain Robert Mc Cabe, FNI
Head of Marine
Commissioners of Irish Lights
Harbour Road
Dun Laoghaire
County Dublin*

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
RESPONSES TO:	Eamonn Murtagh

*The Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24.
www.cer.ie*

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.

Responses submitted by

Captain Robert Mc Cabe
Head of Marine
Commissioners of Irish Lights
Harbour Road
Dun Laoghaire
County Dublin
Email: r.mccabe@cil.ie

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		
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.	Yes		
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		Commissioners of Irish Lights (CIL) should be added to the list of agreed regulatory interfaces. CIL are responsible for ensuring proper Aids to Navigation (AtoN) marking of sites and offshore installations.
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		ALARP approach is welcomed and supported

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	
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		
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		
9.	Please comment on the proposed five key roles of the CER under the Framework as follows: <ol style="list-style-type: none"> 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		These are the key roles to fostering a safe and effective exploration and extraction industry

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	
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>	Yes		
12.	Are there additional high level regulatory goals which should be set out in defining the strategic intent of the Framework?		No	
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.	Yes		Strongly support ALARP principle
14.	Please comment on whether you consider it appropriate to set upper limits of tolerability for the following risk metrics relating to petroleum	Yes		Yes to both

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. 			
15.	Should societal risk be addressed within the Petroleum Safety Framework? If so, should it be treated implicitly and/or explicitly?	Yes		Societal risk should be dealt with explicitly within the programme to remove doubt for all parties on what is required
16.	Are there any other risk metrics which you consider should be adopted for the control of risks generated by designated petroleum activities?		No	
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		Provided the alignment takes account of the obvious differences in the two environments
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? 	Yes		Advisory lower limits may be useful
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? 	Yes		Generally in favour of set by the undertaking but monitored through the CER process.

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 	Yes		
21	Respondents' views are invited as to the specific application of the designation criteria to the construction and installation of petroleum infrastructure.	Yes		Supportive of the designations as set out. See below.
22.	Please comment on the application of the proposed designation criteria to exploration activities.	Yes		Supportive of the designations as set out

Question/ Proposal		Do you agree?		Comments
		Yes	No	
23.	Please comment on the application of the designation criteria to extraction activities.	Yes		Supportive of the designations as set out
24.	Please comment on application of the designation criteria to conveyancing activities.	Yes		Supportive of the designations as set out
25.	Please comment on application of the designation criteria to decommissioning activities.	Yes		Supportive of the designations as set out. Safe decommissioning is critically important for the safety of navigation. CIL would wish to be included in approval of decommissioning schemes.
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		Support this approach
27.	Please comment on the six proposed principles underpinning the design of the permissioning system.	Yes		Support this approach
28.	Please comment on the proposed approach for a Well Work Safety Permit and supporting safety cases.	Yes		Support this approach. The safety permit should include Aids to Navigation where relevant
29.	Please comment on the proposed approach for a Pre-Construction Safety Permit and supporting safety case.	Yes		Support this approach. The safety permit should include Aids to Navigation where relevant
30.	Please comment on the proposed approach for a Production Safety Permit and supporting safety cases.	Yes		Support this approach. The safety permit should include Aids to Navigation where relevant

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.	Yes		Support this approach. The safety permit should include Aids to Navigation where relevant
32.	Please comment on the proposed approach for a Decommissioning Safety Permit and supporting safety case.	Yes		Support this approach. The safety permit should include Aids to Navigation where relevant
33	Comments are welcome on how the CER should approach safety case assessments.	Yes		CER should publish a detailed guideline, including impact on maritime traffic and activity in the area
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.	Yes		The review should include regulatory interface partners
35.	Please comment on the above proposals regarding co-ordination of the CER permissioning system with other statutory processes.	Yes		Under the Merchant Shipping Acts Aids to Navigation require approval from the Board of CIL.
Section 8: Compliance Assurance				
36.	Please comment on the CER's proposed broad scope and approach to audit and inspection of petroleum undertakings?	Yes		The CER approach is supported and welcomed
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.	Yes		May also include staff from statutory interface bodies where relevant

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?	Yes		CIL would view this as very important
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?			Allow for risk based approach but carry out full audits in early years to set baseline
40.	Please comment on the CER proposal that a Verification Scheme should form part of the Compliance Assurance system of the Petroleum Safety Framework.	Yes		Supported
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.	Yes		
42.	If the ICP approach is adopted by the CER, who should contract the ICP – the CER or the petroleum undertaking?			CER
43.	Do you think that approval of the ICP is required and, if so, by whom?		No	Not required if contracted by CER. Required if contracted by undertaking
44.	Should the CER, or a 4 th party audit the verification scheme?			CER audit acceptable with internal Chinese wall
45.	Do you agree with the CER proposal that the Scope of Verification	Yes		

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?	Yes		
47.	Do you agree with the CER proposal to apply the verification scheme throughout the lifecycle of petroleum infrastructure? Please comment.	Yes		
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.	Yes		CER or CER contractor
49.	Should ALARP be explicitly included within the verification scheme guidance? Please comment.	Yes		
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?	Yes		CER must have oversight of safety critical activity
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.	Yes		
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.			Compliance must be ensured by a tiered response depending on frequency and nature of infringements.

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. 	Yes		Supported. Reporting of near misses is particularly important
54.	Please comment on the CER's proposed approach to the investigation of petroleum incidents and follow up actions.			The approach set out is supported
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?			Commissioners of Irish Lights as the General lighthouse Authority needs to be added to the list of relevant authorities

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		Very beneficial to all parties
57.	Please comment on the proposals for information sharing under the interface, co-ordination and co-operation arrangements?	Yes		Responsible information sharing is important. The proposals strike the correct balance.
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.	Yes		CIL would support alignment and participate where required
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		Strongly supported as beneficial to all parties
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		Supported. Coordination essential.

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		This is how we learn
62.	Please comment on the CER proposals for the information it intends to publish	Yes		Information should be sufficient to allow lessons to be learned and give assurance on regulatory regime
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.	Yes		Only on clear commercial interest grounds relating to the actual project
Section 13: Continuous Improvement				
64.	The CER is interested in respondents views on the proposed approach to continuous improvement	Yes		A continuous improvement cycle is essential to safety management. Annual workshops for relevant parties may assist this process.