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29<sup>th</sup> November 2012

Mr Garrett Blaney  
Commissioner  
Commission for Energy Regulation  
The Exchange,  
Belgrave Square North  
Tallaght  
Dublin 24

**RE: Consultation papers on detailed design of Petroleum Safety Framework**

Dear Garrett

Thank you for your letter dated 8<sup>th</sup> November 2012. We can broadly support your proposals set out in the draft Designated Petroleum Activities Regulations paper. We note that petroleum activities listed in Part 4 of the proposed Regulations will be covered. These activities will require a safety permit on acceptance of a satisfactory safety case. While we see very little overlap with our own Regulations for Parts 4.1 and 4.3, we note there is some overlap with Part 4.2 and our COMAH Regulations 2006/Seveso II Safety Report regime and every effort needs to be made in order to minimise overlap on regulated activities.

The Safety Case guidelines have a very strong emphasis on offshore installations and compliance with these Guidelines can only compliment the worker protection requirements in our Offshore Installations, Act 1987 and the Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 (Council Directives 92/91/EEC and 92/104/EEC).

The ALARP Demonstration Guidance document references to our own land-use planning guidance at several points and this is to be welcomed. Paragraph 5.2 on page 26 refers to taking account 'of the occupancy level'. Given the context, it would be clearer to replace this with 'the likelihood of a person being present'.

Also we note that the final paragraph of Appendix C, suggests a disproportion factor of 10 should be used in all cases. This would be contrary to our own approach, which follows that of the UK HSE, where a lower figure of 2 is used close to the 'broadly tolerable' boundary and the higher figure of 10 is used close to the 'intolerable' boundary; with judgement required (the operator would have to justify the figure chosen) in between. The justification within the paragraph for the suggested approach seems to call into question the reason for carrying out the QRA in the first place. If you want further clarification on this technical point, you can ask Eamonn Murtagh to talk to our Pat Conneely who is our specialist on ALARP.



If we can be of any more assistance please let us know.

Yours sincerely

A handwritten signature in black ink, appearing to read "M O'Halloran", with a horizontal line underneath.

**Martin O'Halloran**  
**Chief Executive Officer**  
**Health and Safety Authority**