

## Revised Policy Intention for the Framework Regulations

### Comments

The changes proposed to the regulations provides various improvements and would be easier in administering the regulations. The teams that have worked diligently to propose the improvements should continue and advance the regulations further. The following are some suggestions to further the advance of the regulations. One major proposed improvement is making regulations goal oriented from being prescriptive. In the following comments, where possible, specific changes to the proposed regulations are identified in *italics*.

One suggestion is to define the role of the certifying authority (CA) more clearly. It is good that the requirement for certificate of fitness (COF) is retained in the proposed changes. The schedules to the regulations are being developed, however, no schedules are proposed in Part 3- Application for authorization and approvals and a schedule for Part 3 should be included. This will become clearer with the following comments.

The safety plan (s. 3.4) and the environmental protection plan (s. 3.5) reference the risk studies. The CA should be required to verify that the safety plan and the environmental plan include the reference to the appropriate safety studies.

*The schedule to the regulations that identifies the sections responsible for verification by the CA should as a minimum include:*

*3.4 (b), (c)*

*3.5 (b), (c), (f), (o), (p)*

*4.3 (i), (j)*

S. 5.7 c. references a list of codes and standards. To achieve a safe installation the codes and standards should be good. The list of codes and standards should be appropriate and comprehensive. The operator should document how the selected codes are appropriate and comprehensive. The CAs are set up to verify to codes and standards and not ensure that they are appropriate and comprehensive but have the knowledge about the various codes and standards. The CA should review the document and the operator should provide the CA comments on the list of codes and standards to the regulator. This will provide the regulator confidence in accepting the certification plan as part of approving the scope of work. Following the codes and standards should ensure that minimum acceptable levels of safety would be achieved. The documentation submitted by the operator should indicate how the minimum levels of safety are achieved by following the codes and standards and the management system.

*5.7.xxx The operator should document how the list of codes and standards in 5.7 c. are appropriate and comprehensive. The CA, if it accepts the document, should provide comments on it that should be included with the certification plan.*

Add a new subsection to Part 2

*2.6 – Declaration by operator – The operator should document how following the list of codes and standards in s. 5.7 and the management system in Part 2 would achieve a minimum acceptable level of safety. The operator should submit the CA comments on that document.*

Several sections reference 'as low as reasonably practicable' - 5,7, 6.2, 6.4, 6.5, 6.6. and several sections reference 'continual improvement' – 2.1, 2.3, 2.4, 6.1, 7.5, 14.22, 14.23, 14.24. 'As low as reasonably practicable' and 'continual improvement' are good principles, however, they should be part of due diligence of the operator and not required by regulation. Such a commitment should be made by the operator while applying for development plan approval and work authorizations. What is important is to have a clear understanding of the minimum acceptable level of safety. As indicated earlier, the selected codes and standards and the management system should ensure that minimum acceptable levels are safety are achieved. Target levels of safety are approved during development plan approval. However, traditionally, the target levels are high level definitions and would be challenging to apply for detailed situations. It would be worthwhile to establish a group of shareholders to meet and discuss what constitutes minimum acceptable level of safety. A process such as a checklist could be developed to evaluate whether minimum levels of safety are achieved. Such a process would be useful when evaluating development plans, work authorizations and when there are changes to the installation, damages, and accidents. Verifying that risks are as low as reasonably practicable is good but cannot guarantee that the minimum acceptable level of safety has been achieved. Also making risk as low as practicable, would result in different levels of safety for different projects. This means that the regulations are legislating different levels of safety.

S. 5.4 indicates limitations. The CA also attaches conditions, qualifications etc. to the certificate of fitness. A clear description of how they should be resolved should be included in the guidelines.

S. 5.16. (6) – The records are required to be maintained for 2 years after the date of expiration of the certificate. Normally, the certificate is issued for 5 years. This means that the length of time the records are maintained after the certificate has expired is for a minimum of 2 years Is this the intent?

S. 6.2 – Add a new subsection. *(8) The operator should submit to the CSO the CA comments on the concept safety analysis and QRA and QRA revisions along with the development plan or as soon as available.*

S. 7.1 – Add a new subsection – *When damage occurs, the operator should document the review done for any common mode failures and assess if the programs (inspection etc.) need to be amended to limit future failures and submit the CA comments on the documentation to the regulator.*

#### Editorial comments

Section 3.2 is 'Management system demonstration', but there are no demonstration requirements in that section.

S. 3.9 Include the following subsection

*(4) The development plan documentation should include the concept safety analysis (s. 6.2)*

S. 4.3 Reference s. 3.4 and s. 3.5 in s. 4.3.

S. 5.2.a.d Schedule 3 to be determined.

S. 5.5.b. Reword - the programs are adequate to ensure and maintain the integrity of the installation *for the duration of the certificate, and* the Certifying Authority approves the programs referred to in subparagraph (a)(iii).

S. 5.2, s. 5.5, s. 6.24, s. 7.3 reference is made to

inspection, maintenance and weight control programs

inspection and monitoring program, a maintenance program and a weight control program

monitoring, testing, inspection and maintenance program

maintenance and inspection program

Use consistent wording

S. 5.2, 5.6 reference is made to

designed, constructed, transported, and installed or established, and commissioned

design, construction or installation

design, construction transportation, installation and/commissioning

Use consistent wording.

S. 5.9.b.vi. - the construction and installation of the vessel or the installation has been carried out in accordance with the design specifications established in Part 6, in those sections of Part 7 listed in Schedule 1 (*TBD*), in those sections of the OHS regulations listed in Schedule 2 (*TBD*) (e.g. OHS reg sections to be verified against), and for diving vessels and plants, in those sections of Framework or OHS regulations listed in Schedule 3(*TBD*);

S. 5.9.b.vii. - the materials used in the construction and installation of the installation or vessel meet the design specifications set out in Parts 6 and 7 (*Schedule 1 – TBD*); and

S. 5.9.d – Reword - is sufficiently detailed in describing the type, extent and frequency of reporting that is acceptable to the Chief Safety Officer for ongoing monitoring of the certification process being undertaken by the Certifying Authority in support of s. 5.16 and any reporting requirements of these regulations.

There is repetition in s. 6.5 (1) & (2) and 6.2 (1) & (4).

S. 6.7 (1) b. – There are no times referenced in 7.37.

S. 6.7 (1) e. – There is no 6.5(4)(e)

S. 6.16 (5) – There are no risk scenarios in S. 6.15 (2)(e).

Have Germanischer Lloyd been removed from being a CA?

S. 5.3 allows substitution of codes and standards referenced in s. 5.7.c. Although the codes and standards are selected so that they are appropriate and comprehensive, there is a high probability that there are conflicts between the clauses in the various codes and standards and also, the design may not comply with all the clauses in those codes and standards. Approving deviations is acceptable, and in some cases better, than insisting on compliance with all the clauses in the codes and standards. This

should be clarified in the regulations. However, such substitution should ensure that the minimum acceptable level of safety is achieved. Add the following to the regulation.

5.3 a. Substitution for any equipment, methods, measure or standard required by any Regulations would be acceptable to the Chief Safety Officer as long as the minimum acceptable level of safety is achieved.