



Legal Department Memo

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29 MAR 1984
G. E. GROGAN

Occidental STRICTLY CONFIDENTIAL

Memorandum

To: Gene Grogan From: *Sharon Smith* pp. Robin Baxter

Date: 29 March 1984 Copies: See below

Subject:

Piper Incident : Explosion 24 March 1984

I refer to memo yesterday and would advise of the following:-

1. The Health and Safety at Work Act 1974 Section 6(3) imposes a duty on the person who "installs any article for use at work so far as is reasonably practicable, that nothing about the way in which it is installed makes it unsafe or a risk to health when properly used."
2. S.I. No. 1312, 1908, Factory and Workshop, Dangerous and Unhealthy Industries (made under the Factory and Workshop Acts 1901 and 1907). Scope extended by S.I. No. 739, 1944, Factories (made under Section 60 of the Factories Act 1937) to include:

"generation, transformation, conversion, switching, controlling, regulating, distributing and use of electrical energy in any factory and in any premises, place, process, operation or work to which the provisions of Part IV of the Factories Act 1937 with respect to special regulations for safety and health are applied by that Act."

The Factories Act 1937 consolidated into The Factories Act 1961. Section 13(2) "Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place:"

Section 16 "Safeguards (to) be of substantial construction and constantly maintained and kept in position while the parts required to be safeguarded are in use."

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2.
Piper Incident : Explosion 24 March 1984

3. S.I. No. 289, 1974, Offshore Installations, Part VIII

"Equipment

shall be so installed and disposed, both individually and in relation to other items of equipment on the installations as to reduce to a minimum any potential danger to the installation and its personnel."

4. S.I. No. 1019, 1976, Offshore Installations, Part I

"(2) electrical equipment designed for the generation, conversion, storage, transmission, transformation or utilisation of electricity."

Section 5(2) "a scheme providing for their systematic examination, maintenance and where appropriate testing."

Section 5(4) "Where any examination or test shows that any equipment cannot be safely used until repaired, the person who made the examination or test shall immediately report the fact in writing to the installation manager."

"any scheme . . . shall specify the intervals . . . of examination . . . nature of examination and testing to be carried out."

Construction of electrical equipment -

"Section 11 . All electrical equipment shall be so constructed, installed, protected, worked and maintained as to prevent danger so far as practicable."

"Section 30. There shall be provided a sufficient number of competent persons . . . to be . . . responsible for the control and safety of :-

(b) the electrical equipment of the installation."

Schedule 2 - Written Instructions - Electrical Procedures

"(C) Precautions to be taken before and during the operation and

00000021

3.
Piper Incident : Explosion 24 March 1984

maintenance of electrical equipment."

5. The Electricity Regulations 1908.

Note to Regulation 2:

"3. Every switch, switch fuse, circuit breaker and isolating link shall be (a) so protected as to prevent danger, (b) so constructed and adjusted as accurately to make and to maintain good contact, (d) so constructed or arranged that it cannot accidentally move into contact when left out of contact.

4. Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that it cannot with proper care be left in partial contact. This applies to each pole of double-pole or multiple switches or circuit-breakers. Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that an arc cannot accidentally be maintained.

5. Every fuse and every automatic circuit-breaker used instead thereof shall be so constructed and arranged as effectively to interrupt the current before it so exceeds the working rate as to involve danger. . It shall be of such construction or be so guarded or placed as to prevent danger from over-heating, or from arcing or the scattering of hot metal or other substance when it comes into operation. Every fuse shall be either of such construction or so protected by a switch that the fusible metal may be readily renewed without danger.

6. Every electrical joint and connection shall be of proper construction as regards conductivity, insulation, mechanical strength (a) and protection."

6. I.P. Model Code of Safe Practice in the Petroleum Industry, Part 1, Electrical Safety Code, 5th Revised Edition, 1965, reprinted 1974.

00000022

4.
Piper Incident : Explosion 24 March 1984

7. S.S. 5345 : 1977, Parts 1-12.

and

8. Section 9.16.5, Oxy Procedures Manual :

"The general condition of all apparatus should be noted periodically, i.e. operation and setting of protection devices checked, with readings recorded and appropriate remedial measures taken where necessary. Replacement parts should be in accordance with the condition of certification."

Section 9.16.6:

"No alteration that might invalidate the certificate or other document relating to the safety of apparatus should be made to any apparatus without appropriate written approval."

Section 9.16.7:

"All apparatus should be regularly treated with an appropriate protective paint or other compound as a precaution against corrosion."

Section 9.31.1:

"All electrical faults and breakdowns must be reported to an Authorised Electrical Person or Shift Supervisor/Control Room."

Please note that this is not intended as an exhaustive list.

I would confirm that I consider there is significant exposure here and that prosecution is possible. I would therefore respectfully suggest that we proceed with care, particularly in our dealings with the Department of Energy. I would also suggest that staff be reminded not to discuss the detail of the incident itself or follow-up investigation.

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