

**Witness Number 31 Alistair Douglas McNab**

It is sought to put the following questions to this witness.

- (i) In paragraph 39 you refer to the proposal in the letter of 4 January 1989 as being 'the starting point for Calor's competent person risk assessment'. You go on to say 'The expectation was that Calor would identify if the pipe was showing corrosion and needed replaced or advised when it next needed checked'.
- (a) At paragraph 65 you indicate that ICL were required by law to have competent advice. You then refer to the necessary time being 'after 1992, based on Competent Person advice.' Was it your understanding at the time of preparing your statement that the requirement for Competent Person advice was imposed in 1992?
- (b) Do you accept that the concept of a Competent Person associated with a risk assessment is a concept introduced by regulations coming into force only after 1989?
- (c) Specifically do you accept that the concept of a 'competent person risk assessment' first emerged in the Pressure Systems and Transportable Gas Regulations 1989 (coming into force on 1 July 1990) and in the Management (Health Safety and Welfare) Regulations 1992?
- (d) Do you accept that what Calor did in the letter of 4 January 1989 ICL/011479 was to make a proposal that the condition of the pipe would be ascertained by two specific actions being a visual examination of the riser pipe and the pressure test?
- (e) Do you accept that in that letter Calor do not undertake to do anything to ascertain the condition of the pipe other than a visual examination and pressure test?
- (f) Do you accept that in that letter Calor do not undertake to carry out a 'risk assessment'?
- (g) Is the 'expectation' as discussed by you arising from the letter of 4 January 1989 anything more than an expectation that Calor would carry out the two specific

actions and take further action if either of the two actions revealed a problem? If the 'expectation' was of anything more what is the basis for it?

- (h) Do you accept that the only reference to a competent person in paragraph 11 of Mr. Ives' letter dated 8 September 1988 ICL/011445 was to somebody who was competent to look at the pipe and did not carry with it any implication that a 'risk assessment' such as envisaged in later guidance was to be carried out by such a person?
  
- (ii) In paragraph 39 you refer to Calor's knowledge of the 'age and installation history' of the pipe.
  - (a) By reference to the installation history are you asserting that Calor had knowledge of how the pipe was installed? If so, what is the basis for that assertion?
  - (b) In respect of Calor's knowledge of the age of the installation do you accept that HSE were also aware of the age of the installation?
  
- (iii) In paragraph 55 you speak of having no option 'but to accept ICL assurances that Calor said it was safe'. This appears to refer back to the last sentence of paragraph 53 of your Statement. In that passage, you refer to being sufficiently persuaded by the company that pressure testing and pipe riser condition checking had been done as per the '1990 agreement'. You also go on to say that you were persuaded 'that the pipe did not require action at that time'.
  - (a) Are you asserting that you had an understanding that more was done than the two specific actions to ascertain the condition of the pipework mentioned in the Calor letter dated 4 January 1989?
  - (b) If you are asserting that you understood more had been done, what more was it that you understood had been done?

- (c) At paragraph 55 you refer to your acceptance of 'ICL assurances that Calor said it was safe and did not require replacement immediately'. Are you asserting anything beyond an understanding that Calor carried out the two specific actions and that the results of those two actions did not show any problems with the pipe?
- (d) Are you asserting that Calor expressly said that the pipe was 'safe'? If so, can you provide details of when it was said and the context for the statement? If so, what did you understand to be the basis for that statement?