

THE ICL INQUIRY
APPLICATION ON BEHALF OF
CALOR GAS LIMITED

for

Permission to Examine Witnesses
under Rule 9 of the Inquiries
(Scotland) Rules 2007 and Paragraph
34 of the ICL Inquiry Procedures
Document

1. The applicant has been designated a Core Participant in the Inquiry.
2. The applicant seeks permission to examine the witnesses hereinafter specified in respect of the matters hereinafter specified in the first phase of the Inquiry.
3. These proposed questions relate only to evidence in the first phase of the Inquiry. This follows paragraph 30 of the procedures document. The applicant intends to propose further and different questions for the witnesses in the second phase of the Inquiry.
4. The applicant reserves its position to seek permission to ask witnesses different questions or to pursue further lines of questioning should matters or evidence arise in the course of the first phase of the Inquiry which is not covered in the written statements of which the applicant has had notice at the date of this application or in the event of material issues arising from questions or matters raised by other participants.

Witness Number 2 Lorna Grace Downie

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

- (i) In paragraph 60 of your Statement you say 'I would have imagined Calor would have put in the pipework as we had LPG installed at our house, maybe 15 years ago, and Calor handled the installation.'. Witness number 1 Campbell Hetherington Downie says at paragraph 72 of his Statement:-

The contract with Calor provided that the installation of the pipework beyond the regulator was the responsibility of the customer i.e. ICL Plastics Limited.'

He also says:-

'ICL Plastics Limited contracted with a firm of engineers called Grieben Plant Limited to supervise the installation of the pipework. I can't recall the name of the company that installed the pipework.'

He also says at paragraph 73 of his Statement:-

"I do not think Calor fitted the pipework within and to the factory".

In light of those statements by Mr. Campbell Downie do you maintain the position at paragraph 60 of your Statement? Is Mr. Downie in a better position to know what the position actually was than you are?

- (ii) Are you familiar with the relevant part of the quotation from Calor at [OT05-42 page 3/INQ011027]? Do you accept that the Calor quotation confirms what is said by Mr. Downie on this point?

2. The questions do not raise new matters.

3. The questions are designed to clarify this witness's knowledge of the matter and to raise the apparent inconsistency with what is said by Mr. Downie.

Witness Number 12 Andrew Galloway

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

(i) At paragraph 74 of your Statement you say –

'I am certain about 6 months ago a company of industrial plumbers and engineers tested all the gas systems. I have in mind this was done for the insurer.'

Can you clarify when you understand these tests were done and by whom?

(ii) Do you know which pipes were tested? Did the tests involve both natural gas and LPG pipes?

(iii) Where does your knowledge about these tests come from?

2. The questions do not raise new matters.

3. The questions are for the purpose of both clarifying and amplifying the statement at paragraph 74 of the witness's Statement.

Witness Number 17 William Carlin Delaney

1. It is sought to put the following questions to the witness.
 - (i) At paragraphs 20 and 22 of your Statement you mention Alex Clezy. Can you confirm the correct spelling of his surname?
 - (ii) What was Mr. Clezy's position in Calor?
 - (iii) Can you provide a brief explanation of his duties in that position?
 - (iv) Is Mr. Clezy now deceased?
2. The questions raise the new matter of Mr. Clezy's position and why he is not available as a witness.
3. The questions are in any event necessary to clarify the role of Mr. Clezy as mentioned in the witness's Statement. Mr. Clezy's name also appears elsewhere in the witness Statements.

Witness Number 18 Henry John Betts

1. It is sought to put the following questions to the witness.
 - (i) In paragraph 9 of your Statement you refer to a test being carried out when an LPG tank is exchanged. You refer to 'a soundness test of the pipework up to the emergency control valve'. Could you please clarify what you mean by a 'soundness test'. Is that the same as a 'pressure' or 'pressure drop' test?
 - (ii) When you refer to the 'emergency control valve' what do you mean and where might such a valve be situated?
 - (iii) In paragraph 12 you refer to 5 and 10 year tests. In that context you say 'pipework was soundness tested at 10 years.'. Could you please clarify what you mean by 'soundness tested'?
 - (iv) Can you clarify which pipework you envisage as being tested?
 - (v) Can you clarify what you mean by 5 and 10 year tests? Can you clarify what was the subject of those tests?
 - (vi) You go on to say in paragraph 12 of your Statement 'The current system is a soundness test system of 20 years.' What do you mean by a 'soundness test' in this context?
 - (vii) What is the subject of the test in the current system?
 - (viii) You give an indication that it is your understanding that this came from 'Calor's ability to show proven reliability.'. Of what was Calor able to show proven reliability? Is the reference to 'a soundness test' under the current system a reference to LPG supply pipework? If so, to what extent?

2. The questions do not raise new matters.
3. The questions are necessary for the witness to clarify and amplify what he says at paragraphs 9 and 12 of his Statement.

Witness Number 21 Kenneth Anderson Platt

1. It is sought to put the following questions to the witness.
 - (i) In paragraphs 5 and 38 of your Statement you refer to the commencement of the practice of wrapping the whole of the underground section of a pipe with Denso tape. Between the two paragraphs you appear to give a different starting date for that practice. Can you clarify, to the best of your recollection, what was the date when the practice of wrapping the whole of the underground section with Denso tape started?
 - (ii) At paragraph 44 of your Statement you indicate that you recall going to 'this plastics factory'. You appear to have no precise recollection of the date. Does production number OT169-051 [INQ012806] at page 1 contain a record of work carried out by you at the ICL factory in Maryhill?
 - (iii) Can you explain what this form is?
 - (iv) Can you explain what activities you carried out which is recorded in the form? Insofar as it appears to record some inspection can you confirm what was inspected and how?
 - (v) Does this form assist in dating your visit?
2. The questions relating to OT169-051, page 1 [INQ012806] may be regarded as raising new matters. They do however refer to a production already before the Inquiry.
3. The questions relating to the form clarify and amplify the witness's involvement with ICL. In respect of the questions concerning paragraphs 5 and 38 they are necessary to clarify two apparently inconsistent statements about dates.

Witness Number 22 Maurice John Coville

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

- (i) At paragraph 38 and subsequently in your Statement you refer to the letter dated 4 January 1989 written by you to Mr. Ives [OT035 page 81, INQ011479]. In the second paragraph of your letter you say *inter alia* –

'With regard to paragraph 11 of your letter, the condition of the attendant vapour off-take pipe would be ascertained, during vessel exchange, by examination of the 'riser-pipe', at the vessel, and by a pressure-test on the pipeline.'

You comment upon the reference to the riser-pipe at page 67 of your Statement. What did you envisage would be done at the time of writing the letter of 4 January 1989?

- (ii) In particular what did you envisage as the 'examination of the 'riser-pipe', at the vessel'?
- (iii) Your letter appears to have been referred to Mr. Tyldesley who is witness number 41. Please look at paragraph 84 of his Statement where he sets out what he says was his understanding of your reference about examination of the 'riser-pipe'. Is that what you envisaged when writing the letter?
- (iv) If you had envisaged excavation of the pipe would you have worded your letter differently? If so, how?
- (v) At the time you wrote your letter of 4th January 1989, were you aware of the occurrence of an LPG explosion at the premises of Lightweight Body Armour Limited, Hinton House, Byfield Road, Woodford,

Halse, Northhamptonshire? If so, were you aware of the cause or causes of that explosion?

2. The questions do not raise new matters.
3. The questions are necessary to clarify the witness's position in respect of matters raised by Mr. Tyldesley as to the letter written by the witness.

Witness Number 26 David Robert Inglis

1. It is sought to put the following questions to this witness.
 - (i) At paragraph 34 of your Statement you refer to a 'tightness test, which was formerly known as a soundness test'. At paragraph 78 of your Statement you refer to a 'pressure test'. Are these two references to different tests or the same tests?
 - (ii) If they are different what are the differences?
2. The questions do not raise new matters.
3. The questions are necessary to clarify what is meant by the witness by the use of different terminology.

Witness Number 31 Alistair Douglas McNab

1. It is sought to put the following questions to this witness.
 - (i) In paragraph 37 and subsequently you offer comment on and an interpretation of correspondence and events in late 1988, 1989 and early 1990. Could you clarify:-
 - (a) that you were not involved at that time?
 - (b) that you first saw the file some time later than these events?
 - (c) that you are offering an interpretation of events using only the documents within the Health and Safety Executive files but applying your own experience and using the benefit of hindsight?
 - (d) whether before offering your comments and interpretation of events you had the benefit of seeing the statements from the actual participants i.e. Mr. Ives, Mr. Tyldesley and Mr. Coville?
 - (ii) In paragraph 37 of your Statement you say that Mr. Ives has 'correctly identified the enforcement problem'. You then go on to relate that to the pipework and the possibility of challenge on the pipework.
 - (a) If you look at the discussion of an enforcement problem by Mr. Ives in OT035 page 84 [INQ011482] would you accept that the enforcement problem identified by Mr. Ives does not appear from the file to have anything to do with the pipework or a potential challenge about it?
 - (b) Would you accept that the problem with the position of the tanks was a problem which was difficult to remedy because there was no completely satisfactory solution and if an

acceptable position could not be found for the tanks the factory might have had to stop using LPG?

- (c) Would you accept that any unacceptable problem with the pipework would have been remediable at modest expense by putting in a new pipe?
 - (d) Would you accept that the problem with the irremediable nature of the position of the tanks was consistent with the enforcement problem truly being that of the position of the tanks?
 - (e) Would you accept that the memorandum from Mr. Tyldesley dated 17 January 1989 [OT035 page 83/INQ011481] which was advice to Mr. Ives about Mr. Coville's letter does not raise the pipework as a problem; but appears on the face of it simply to accept the Calor proposal about the pipework? Would you accept that the apparent problem identified in that memo is the position of the tanks?
 - (f) Would you accept that in Mr. Ives' response to Mr. Tyldesley's memo dated 20 January 1989 [OT035 page 84/INQ011482] the problem identified is the position of the tanks and the concern expressed was the effect of stopping the site using LPG?
- (iii) At paragraph 37 you refer to HSG34 provisions about pressure testing and simple visual checking. At paragraph 38 you place a particular interpretation on the applicability of the guidance in HSG34.
- (a) Do you accept that the proposed method of checking the pipe in the Calor letter dated 4 January 1989 was not contrary to any guidance offered in HSG34?

- (b) Can you help as to what the generally held view as to the applicability of the guidance in HSG34 was in 1989 and 1990?
 - (c) Does he recognise that the question of the applicability of the guidance offered in HSG34 is a matter of controversy?
- (iv) 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) Do you accept that Calor did not own or install the relevant pipework?
 - (b) Do you accept that what Calor did in the letter of 4 January 1989 was to make a proposal that the pipes' condition would be ascertained by two specific things being a visual examination of the riser pipe and the pressure test?
 - (c) 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?
 - (d) Do you accept that in that letter Calor do not undertake to carry out a 'risk assessment'?
 - (e) If the basis for your assertion of an 'expectation' as discussed by you is the letter of 4 January 1989 do you accept that there is no basis in that letter for that expectation?
 - (f) If the expectation is based on something other than the letter of 4 January 1989 what is it based on? Where can the Inquiry find that basis?

- (g) You refer to a 'competent person' in the context of a 'competent person risk assessment'. Do you accept that a 'competent person risk assessment' is a term of art which first emerged in regulations coming into force after 1989?
- (h) 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?
- (i) Do you accept that the only reference to a competent person in paragraph 11 of Mr. Ives' letter dated 8 September 1988 was to somebody who was competent to look at the pipe and did not carry with it any implication that a 'risk assessment' was to be carried out by such a person.
- (v) 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?
 - (c) Were you aware of the age of the pipework at the time when you were involved with the inspection and regulation of ICL's operations?
 - (d) You refer in paragraph 29 of your Statement to the thoroughness of your preparation. Having read back through

'all the file entries' were you aware of the references to the age of the tank at OT035 page 24 (handwritten note) [INQ011422] and at OT010 page 32, [INQ011090] at paragraph 2, and in OTO010, page 33, [INQ011091] at paragraph 5.9? Were you aware that the installation was more than ten years old even in 1982?

- (e) Would you accept that in considering the Calor proposal in response to recommendation 11 the HSE were aware of the age of the installation?

- (vi) In paragraph 48 of your Statement you now refer to Calor Gas acting as ICL's 'Competent Person' (each of the words in the phrase now has capital letters).
 - (a) 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?
 - (b) Do you accept that in their letter dated 4 January 1989 Calor Gas state that they propose remedial action to deal with recommendations 1, 2, 3 and 4 only and in addition make a proposal for specific action in relation to paragraph 11?
 - (c) Do you accept that Calor offer only to take two specific actions and nothing further in relation to recommendation 11?
 - (d) Do you accept there is nothing noted in the HSE files or in Calor's letters from the time in which Calor undertake to do more than these two specific actions in relation to the pipework?
 - (e) In particular do you accept that there is nothing in the files or the correspondence to show that Calor undertook the duties

involved in a Competent Person risk assessment as envisaged in later regulations?

- (vii) 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 about 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 the way 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?
- (viii) In paragraph 57 you refer to ICL 'taking advice from Calor Gas as a Competent Person'. You again refer to Calor's knowledge of Mr. Tyldesley's advice and other matters. You indicate that Calor could have asked ICL 'about the original piping standard'.

- (a) By using the phrase 'Competent Person' (with capital letters) are you suggesting that Calor were undertaking a risk assessment of the pipe? If so what is the basis for that suggestion beyond the letter of 4 January 1989?
- (b) Do you accept that HSE had assigned to ICL a specialist inspector – Mr Tyldesley – who was competent to consider the safety of the LPG tank and pipework?
- (c) Do you accept therefore that HSE had proper technical advice available to them in relation to those issues?
- (d) Do you accept that HSE were aware of the age of the installation? Do you accept that this is shown by OT010 page 32 at paragraph 2, and page 33 at paragraph 5.9 [INQ011090 – INQ011091?
- (e) Do you accept that HSE were aware of HSG34 and LPG piping standards?
- (f) Do you accept that HSE could have asked ICL about the original piping standard before accepting the Calor proposal?
- (g) Do you assert that Calor were obliged to ask about the original pipe installation standard and if so why?
- (h) Do you accept from the records that Calor do not appear to have undertaken to carry out any investigation into pipe installation standards or anything beyond two specific actions mentioned in the letter of 4 January 1989?
- (i) In considering the proposal from Calor do you accept that HSE could if it thought it appropriate have made the acceptance of the two specific actions proposed in relation to the pipework

conditional upon confirmation of the age and standard of the installation of the original pipework?

- (j) Do you accept that HSE could if they had any doubt on the matter have accepted the proposals to address recommendations 1 to 4 but insisted upon a new pipe? Do you accept that the installation of a new pipe would have involved relatively little cost?
 - (k) Would you accept that, if Calor did not install the pipework, HSE had as much information about the standard of the original pipework as Calor did?
 - (l) Is it your position that Calor had an obligation to investigate the standard of the original installation but HSE did not? If so, why is it that that obligation was incumbent on Calor as opposed to HSE?
- (ix) In paragraph 63 you draw an inference that you actually had been misinformed or misled into accepting ICL reassurances 'when the work had not actually been done'.
- (a) Is this an inference you draw because the file note dictated 18 February 1993 (OT035 page 30/INQ011428) records that 'the management appear to be unclear on what action had been taken with regard to the LPG tanks'.
 - (b) Do you accept that the file note of 18 February 1993 refers only to 'LPG tanks' and not to pipework?
 - (c) Would you also accept that the only outwardly visible result of the 1990 agreement would be the replacement of the large LPG tank with two smaller tanks?

- (d) When you attended on site in January 1992 do you accept that you would have been able to see whether the large tank had been replaced with two smaller tanks? If indeed the tanks had been replaced (and accordingly of necessity repositioned) would that not be enough to explain the note which you put on the file entry for 9 January 1992 that 'LPG seems to meet 1990 agreement'?
- (e) What is there in the material in the file entries which suggests that you were misled?
- (f) Would you accept that the only other material matters in the '1990 agreement' (as you call it) were the limited visual inspection and pressure test? Did you have any ground for believing that was not done?
- (g) Do you accept that if the large tank had been exchanged for two smaller tanks it is likely that Calor would have carried out a pressure test given (i) Do you accept that the larger tank was replaced with two smaller tanks in the course of 1991? Do you accept that production OT049-058 at page 1 [INQ011623] confirms that the large tank was replaced by two smaller tanks on or about 7 May 1991?
- (x) 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?
- (xi) In paragraph 71 of your Statement you refer to the possibility of HSE inspectors taking a different view about pipework had they known of the incident at Lightweight Body Armour, Daventry in 1987.

- (a) Do you accept that HSE were fully informed about that event?
 - (b) Is it your view that the information which the HSE had and conclusions drawn by the HSE from that event should have been more widely distributed?
 - (c) Do you accept that Calor were aware that HSE were fully informed of and had investigated that incident?
 - (d) Do you accept that HSE could have drawn the incident or lessons to be learned from it to the attention of LPGA? Do you accept that they did not do so?
 - (e) Do you accept that one reasonable view of the events at Lightweight Body Armour may have been that there were no new lessons to be drawn in that the investigations revealed that a pipe that had been buried without corrosion protection had corroded? The risk of an unprotected pipe corroding is something that had been known of for a considerable time prior to 1987?
 - (f) Do you accept that there were significant differences between the events at ICL and at Daventry such as rate of corrosion of the pipe and the position in Daventry of the appliance below ground level ?
- (xii) In paragraph 75 you recognised that the excavation of a live pipe is no longer regarded as good practice. You also put forward the following proposition. 'The 1990 agreement on pipework was in line with this current guidance by seeking competent person advice from Calor, riser condition check and pressure testing.'
- (a) Do you accept that the current regime imposes duties on the owner to appoint a competent person to assess the pipe

installation history, to assess the pipe condition and put in place an examination regime to see if it needed to be replaced? Do you accept that Attachment 13 of your Statement at paragraph 25 shows a considerable number of matters which have to be considered under current guidance?

- (b) Would you accept that there is nothing in the records to show that Calor undertook all these duties?
- (c) Would you accept, as previously asked, that all Calor proposed was two specific actions in order to test the pipework?
- (d) Would you accept that the proposals for those specific actions, and indeed the consideration of them by the Health and Safety Executive would properly have been influenced by the then current guidance rather than the guidance promulgated in 2004?
- (e) Is it correct to read the last sentence of paragraph 75 of your Statement as postulating three precautions, firstly, competent person advice from Calor, presumably including the risk assessment you refer to; secondly the riser condition check; and thirdly pressure testing?
- (f) Would you further accept that the documents show that only the second and third precautions were discussed and accepted?
- (g) Does it follow from the current guidance (that it is not considered good practice to excavate a live pipe) that the suggestion of excavating the pipework which found its way into recommendation 11 of the letter from Mr. Ives dated 8 September 1988 would not now be considered good practice? Would such excavation involve a risk of harm resulting from damage to the pipe?

2. The questions raise only limited new matters. The first is information as to the age of the pipe which is available from the productions before the Inquiry. The second new issue is the reference to the concept of a 'Competent Person' referred to by the witness and introduced by later regulations.
3. The questions for this witness are necessary to clarify the basis upon which he holds various views. He appears to have a different view of the correspondence and records from the other witnesses involved, namely Mr. Coville, Mr. Tyldesley and Mr. Ives. It is submitted that it is important to clarify the view that he has and his reasons for that view. In relation to the allegations that this witness was misled at the time of his attendance the questions are aimed at clarification and amplification of the basis upon which he holds that view. In respect of what was being recommended in 1990 complying with 2004 requirements the questions are concerned with clarification and amplification of what would be required by the 2004 requirements and whether something that complied with modern requirements could possibly have been in the minds of those involved in 1989 and 1990.

Witness Number 41 Alan Tyldesley

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

- (i) At paragraph 71 of your Statement you explain what you mean by the phrase 'competent person' in your memorandum dated August 1998 (OT035 page 51/INQ011449 at paragraph 6.11). Did the phrase 'Competent Person' assume greater importance and a more defined meaning in later regulations such as the Pressure in Systems Transportable Gas Regulations 1989 and the Management of Health and Safety at Work Regulations 1992?
- (ii) At paragraph 83 you quote a passage from Mr. Coville's letter dated 4 January 1989. Did you regard that letter as making proposals for the consideration of HSE and which the HSE might accept or refuse to accept?
- (iii) At paragraph 84 you explain that you would have understood Mr. Coville's proposal to be that he would 'dig down a few inches'.
 - (a) Would you accept that all that is proposed by Mr. Coville is that there should be a visual examination and pressure testing and that there was no mention of excavation?
 - (b) Would you also accept that the passage in Mr. Coville's letter quoted at paragraph 83 of your Statement was a counter-proposal in relation to a recommendation which called for partial excavation?
 - (c) Would you accept that the letter from Mr. Coville refers to examination of the riser pipe at the vessel? It does not specify an examination of the whole of the riser pipe?

- (d) Would you accept that if Mr. Coville had intended to propose a partial excavation he is likely to have said so given the terms of the recommendation to which he was responding?
 - (e) Would you accept that in any event you did not seek to clarify whether or not there was to be any excavation or the extent of any excavation in your advice to Mr. Ives about the proposals made by Mr. Coville?
 - (f) Would it be fair to say that the HSE's main priority, and the problem with which it was mainly concerned in respect of LPG at ICL at that time, was the size and position of the tanks?
 - (g) Is it possible that you were prepared to accept Mr Coville's proposal for a visual inspection (without excavation) and pressure test because the state of the pipework was not the HSE's main priority at that stage?
 - (h) In considering Mr Coville's proposal should any importance be attached to the fact that the examination he was proposing was to take place on the occasion of exchanging the tanks?
- (iv) In paragraph 90 you quote what is said by Mr. Ives in his memorandum to you dated 20 January 1989 (OT035 page 84/INQ011482).
- (a) Was the problem that if there was enforcement action over the size and position of the tank there was no completely satisfactory place for the tank to go?
 - (b) Did you understand Mr. Ives' concern about enforcement action to be that, if he were to insist upon a completely satisfactory position for the tank, ICL might have to stop using LPG?

- (c) Would you agree that if, for example, it had been decided to insist upon a new supply pipe that would only have involved a relatively moderate cost and would have been unlikely to have the result of forcing ICL to stop using LPG?
- 2. The questions do not raise new matters.
- 3. The questions are necessary to clarify the witness's view of the correspondence and his reasons for holding that view. His view is not consistent with the view of the other witnesses involved at the time.

Witness Number 43 Sue Ann Johnston

1. It is sought to put the following questions to the witness.
 - (i) At paragraph 16 and subsequently in your Statement you refer to a visit with Mr. Gunn. Some notes relating to those events are found on the file OT035 page 24 [INQ011422]. At the foot of that page there is a handwritten question as to when the tank was originally installed. The person who asked the question seems then to have been able to withdraw it. Can you confirm who the note was by? Was it by Mr. Gunn?
 - (ii) Can you confirm what the rest of the handwritten note says? The PDF copy is unclear.
 - (iii) Does the report from Mr. Gunn at OT010 page 32 at paragraph 2 and at page 33 in paragraph 5.9 [INQ011090-INQ011091] confirm that as at 1982 the installation was known to be more than ten years old?
 - (iv) Were you aware of the age of the installation at that time?
2. These questions do not raise new matters.
3. The questions are necessary to clarify these factual matters.