

Chapter 4

Cracks and landfall

Discovery of one or more cracks

Adresseavisa (Norwegian newspaper) wrote just two days after the accident: "Rumors that damage was found at Kielland a month ago are unknown to Sverre Bjørn-Nielsen."

However, Deputy Manager Alf Kaasen in Stavanger Drilling confirmed six days after the accident that cracks had been found both on Kielland and Ibsen the previous year.

Dagbladet's Frode Christiansen reported on a "crack in the braces" that had already been discovered in the late winter of 1979. "The fracture in the brace has occurred in the same place where the cracks were found last year."

Through the Norwegian Court *Limitation Action*, it was documented in court hearings that rig captain Torstein Sæd was aware of one or more cracks in the rig's braces. Sæd reported this to the shipping company on several occasions. As many as six of the crew members have also confirmed that they were aware of this. However, the Limitation Action was settled, and the legal hearings were thus not dealt with in court.

In the autumn of 1982, Veritas also reported that new diving surveys had discovered more cracks and damage.

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Where did the platform captain's weekly reports to shipowners and operators become?

The French Commercial Court ordered twice Stavanger Drilling to hand over the missing weekly reports, without this being done. The weekly reports were extracts from the deck logbook and were sent weekly from the rig and to the shipping company by helicopter. The last report was sent on the day of the accident, 27th of March.

Most of the weekly reports from the end of 1979 until the accident are missing. Stavanger Drilling never produced these weekly reports.

So where did they go? After the liquidation of the Stavanger Drilling companies in 2008, these archives are available. Examination of these archives has nevertheless shown no results. By all accounts, the archives have been purged. Someone decided to remove these weekly reports. Still, it should be possible to find them at Veritas and Phillips. Neither the Norwegian Commission nor the Police took action to secure these weekly reports. The deck logbooks were the original documents on which the weekly reports were based. After the rig was turned in October 1983, it was first announced that six logbooks had been found. This was later changed to three books, to which the French reacted. The last deck logbook was not recorded as found, and since several of the weekly reports were also missing, it is an open question where these documents have gone.

The French Commission writes:

"3 - However, the experts have not been able to obtain, despite having expressly requested Stavanger Drilling (document D-17) to obtain them, the summary reports that the captains on the platform sent to the shipowner every week, and which would have been particularly interesting to read for the weeks before 27 March 1980." ⁶³

"Quote the court: "9. Where did the weekly reports that the captains always sent to the management of the SD become?' The experts were aware that these reports were important and asked for them to be sent from Stavanger Drilling (SD) in a letter of 20 February 1985 (document D-17). They did not get a satisfactory answer. SD only pointed out that they had sent the so-called "watchstanders morning reports". There is a serious deficiency here. The experts actually looked for copies of these reports on the wreck but did not find them. On the other hand, SD should have kept them until all investigations were completed. There is in this case a presumption that they were attempted to be concealed, as these reports may show the captain's possible concerns. ⁶⁴

The French report refers to an interrogation of the new control room operator Magne Sildelid.

⁶³ The French report 2.1.5

⁶⁴ The French report 4.3.1, 9-10

"The replacement, Sildelid, was head of stability before he was given responsibility for the control room where he did not yet have any experience. ... He had the deck logbook in the control room. It was on the desk. The last notes were made half an hour before the accident, after the relocation for bad weather and the new anchorage was completed." ⁶⁵

The Office of the National Auditor also pointed out in their report that deck logbooks from the time before the disaster are missing. The weekly reports are not referred to by the Office of the National Auditor.

"They also brought in documents from Stavanger Drilling, which operated and owned the rig, and Phillips Petroleum, which leased it. The deck logbooks were central sources of information about how the platform was operated. Several logbooks from the months before the accident have not been found. The Police did not seize documents from Stavanger Drilling immediately after the accident. The Commission only collected documents from Stavanger Drilling four days after the accident. It is therefore not possible to rule out that important documents may have been lost." ⁶⁶

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In plain text: Someone has removed key documents.

Lack of seizure of documents is obviously objectionable, although the National Auditor avoids using this term. On the contrary, the National Auditor writes that the Commission *"secured all documents about the operation of the platform that were reported to the shipping company"*. ⁶⁷ This is not correct and is contradicted by the National Auditor itself, see the quote above.

24 and 25

- Findings of cracks should also be sent to Veritas. Did Veritas receive these reports and, if so, what was Veritas' assessment of the submitted reports?

⁶⁵ The French report, Appendix 3, Interrogation 2.3

⁶⁶ National Audit Report 10.1.3 p 138

⁶⁷ National Audit Report p 35

- Is there acceptance from Veritas for continued operation, despite reported crack(s)?

Unknown. Veritas must be challenged to provide documentation. If necessary, legal action must be taken to secure access to these documents.

Increased insurance

The owner Stavanger Drilling increased the insurance amount just nine days before the accident by NOK 85 million. The insurance company Storebrand was the operative insurance company and brought Kielland into the Norwegian Oil Insurance Pool NOP for reinsurance. NOP further reinsured Kielland internationally.

As we have seen, Storebrand had also invested in companies that had ownership interests in the platform. If a user error had been revealed, it could have resulted in a reduction of the insurance and thus a loss for the owner, the operator and the companies that had invested in the platform.

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Why was the insurance increased?

Since the rig was being transferred to the British sector and drilling for Shell just a few days after the accident, it may be reasonable to see the increase in insurance in this context.

Stavanger Drilling subsequently justified the increase by saying that the rig's value had increased: The daily rates for drilling rigs were far higher than the daily rates for flotels.

The French Commission more than suggests a different motive:

"ALK's insurance value had not changed since the platform was put into operation but was increased by approx. 45 per cent by adding 21 March 1980 to the policy for the period from 20 March 1980 to 31 May 1980. The shipowner therefore received, after the accident on 27 March 1980, a much higher compensation than he would have received if the accident had occurred ten days earlier.»⁶⁸

⁶⁸ The French report, 4.1.1.1

In the French report, it is also pointed out that the deceased platform captain Torstein Sæd took out a private life insurance policy on the same day - 20 March 1980.⁶⁹ They also reproduce the questioning of therapist Georg Egenberg, who refers to a conversation he had with Torstein Sæd shortly before the accident, and in which he expressed strong concern for the rig's safety. He stated that there was a serious crack in a brace and that he had reported this several times to the shipping company. Eva Joly's search in French archives has uncovered Egenberg's handwritten notes after the conversation with Torstein Sæd.

The French experts write:

"However, it is not unlikely that Captain Sæd has discovered something that no one else has seen. The experts observed that whenever a signature was found on the documents on board or on the actual paint on the walls of the platform, which recorded a somewhat detailed inspection, it belonged to Sæd and no other captain. ... Did he confide his concerns only to the logbook, which the expert examination has not been able to find?"⁷⁰

Was there a connection between the increase in insurance and Torstein Sæd's new private life insurance? Had Torstein's Sæd's warning and concern triggered an increase in the insurance - just in case? These are questions that must be asked. But they probably cannot be answered.

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Did Storebrand have a financial interest in a quick settlement and a final conclusion to the case by sinking the platform?

The Norwegian Oil Insurance Pool (NOP) decided on 7 January 1981 to declare Kielland a total loss, and Stavanger Drilling was thus paid the insurance in full - NOK 340 million. After the company's debts were paid, the limited partners were paid a total of NOK 175 million. Storebrand's net cost as an *insurance company* is stated to be NOK 6 million - the rest was covered first by the other Norwegian insurance companies in NOP, and then by the companies that were part of the international re-insurance.

⁶⁹ The French report, 4.1.1.2

⁷⁰ The French report, 4.1.1.3

Storebrand's net gain as a 20% part owner in the rig was thus NOK 35 million. In addition, Storebrand had a significant stake in the Solvang company. Overall, we are talking about a gain of over NOK 40 million.

This gives us an interesting calculation:

- Loss for the insurance company Storebrand: - 6 million
- Profit for the owner company Storebrand: + 40 million
- Net profit for Storebrand: + 34 million

Storebrand therefore had a clear financial interest in ensuring that a situation did not arise where recourse - repayment of the insurance - was required. An uprighting of the rig could in principle lead to documentation of user responsibility, and thus recourse. Sinking Kielland would therefore be beneficial for Storebrand - as one of the major owners. NOP took over ownership of the rig when the insurance was paid out, and thus had a financial interest in recourse arising. But NOP's chairman came from Storebrand. NOP's interests and Storebrand's interests were therefore in reality opposed to each other.

This tension between NOP's interests and Storebrand's interest came to the surface when Erik Flinder from *Polaris* took over as chairman of NOP. NOP then offered the government to take over ownership of the rig, something the bereaved had advocated for a long time. The offer was not followed up by the state. Erik Flinder was also positive to a proposal implying that the bereaved through the Kielland Foundation could take over the ownership, since the state had refused. However, Storebrand regained control of NOP. NOP thus continued to actively work to prevent another attempt to upright the rig.

28 and 29

- Why was the insurance sum paid out in full, even though the Norwegian parties did not succeed in the Commercial Court in Paris?***
- Why was the insurance sum of NOK 400 (340) million paid out to the owners - without reduction?***

When the Norwegian Oil Insurance Pool declared Kielland a "total loss" in the winter of 1981, the insurance was - as we have seen - paid out in full to Stavanger Drilling. NOK 400

million is stated in the question - the correct amount is approximately NOK 340 million. When the Norwegian Commission in April 1981 placed the responsibility solely on the shipyard and constructor, there was no basis for shortening or reducing the payment. If further investigations after the uprighting of the rig in 1983 had revealed serious operating errors, it would have been likely that the insurance companies would have demanded repayment of the insurance settlement. Instead, together with Phillips, they bet on a legal claim of NOK 700 million from the French parties through the lawsuit in Paris. The Norwegian parties lost. The settlement gave them only 7.2% of the claim and an order to cover the legal costs.⁷¹ Bereaved and survivors also lost, since the parties agreed to keep the basis of this settlement secret for 60 years, until 2051.

Planned landfall - Henrik Ibsen delayed

Should the rig go to its home base Tananger - or directly to Shell in the British sector? We know that the owner Stavanger Drilling planned for Kielland to be replaced by Henrik Ibsen and moved to Tananger in early March for the four-year inspection, repairs and conversion from residential to drilling rig. However, Ibsen was delayed several times.

The time window ran out, the landfall was canceled and conversion to a drilling rig was started out in the Ekofisk field. Several of the crew members confirm this. Drilling equipment was loaded on board, with subsequent chaos on deck with lots of heavy and loose equipment - see questions 9-13.

Before Veritas approved a one-year postponement of the four-year inspection just three days before the accident, according to the crew, it was planned that the rig would go in for a workshop stay. Platform captain Torstein Sæd believed, according to witnesses, that his mission when he set out on March 27th was to bring the rig to shore. By all accounts, he was told on arrival on March 27th that he was to take the rig directly to a drilling mission for Shell in the British sector.⁷²

It was Henrik Ibsen's delay that caused the plans to be changed. Ibsen was to take over the housing assignment on the Ekofisk field. Several of the crew members at Kielland have

⁷¹ National Audit Report p 26

⁷² *Kielland - the Battle*, p 31-32

stated that it was therefore decided to drop the planned workshop stay. According to witnesses, the rig was supposed to be moved on April 1st and be ready for drilling on April 13th at the Fulmar field. After the accident, Stavanger Drilling also filed a claim against Shell for over NOK 2 million in compensation for work and equipment at Kielland.

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Can it be documented that Kielland was going directly from the Ekofisk field to the British sector?

In the Stavanger Drilling archives, it appears that the rig was to go ashore for conversion to a drilling rig and inspections of the lower horizontal braces. A decision to change these plans cannot be found in these archives. The major weakness of these archives is that they have been "cleansed", which is evident, among other things, from the fact that most of the weekly reports from the end of 1979 are largely conspicuous by their absence - see question 23.

The only known documentation is witness statements from the crew members, where some state this. Oddbjørn Lerbrekk from Stavanger Drilling says: *"There was so little time until the contract on the English sector was due to start, that they didn't have time to go ashore. We were to go directly to the English sector. That's why we started making preparations already when the rig was on Edda."*⁷³ Several of the other employees confirmed this.

As we have seen, the work to convert the rig into a drilling rig had started at sea. Containers with heavy drilling equipment were sent out by boat and taken on board Kielland in the days before the accident. It is, to say the least, difficult to imagine that this would have been done if the rig was going to shore anyway.

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Is there an order - and a subsequent cancellation - at a Norwegian or British shipyard?

⁷³ Crew member seminar 2018, p 5

So far, neither booking nor cancellation has been confirmed through archival research. The Norwegian Commission suggests that the landing was postponed until the summer of 1980 - see question 19.

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The operating company had the final say in such matters. What documentation is there in the Phillips archives, and at Shell regarding the new contract for drilling?

Regarding the Phillips archives, the company has refused access. By all accounts, the operating company has had a full overview of the rig's planned movements, not least linked to the agreement with Stavanger Drilling to replace Kielland with Ibsen.

So far, the Shell archives have not been examined.

The Office of the National Auditor writes in its report about the French Expert Commission:

"They were allowed to come to the head offices of Stavanger Drilling and Phillips Petroleum to go through the archives about the Alexander L. Kielland platform."

It should therefore be investigated whether relevant documents from Stavanger Drilling and Phillips can be found in the French Commission's archives. This is what Eva Joly and the University of Stavanger are currently working on.

What were dispatched welders supposed to repair on the day of the accident?

Robbie Morrisson from NL Rig Equipment and Tommy Andersson from Nicoverken Norge AS were two of several welders who were on the rig on 27 March. On the evening of 26 March, the supply boat *Norindo Sun* arrived, and welding equipment was unloaded. One or two welders are said to have boarded Kielland from *Norindo Sun* this evening.

These extra welders were sent by Stavanger Drilling and not known by the permanent crew members. Both died in the accident. On the day of the accident, they were observed by Oddbjørn Lerbrekk, deck watchman and survivor from Stavanger Drilling, while they were performing welding work on the D4 brace and possibly also on other braces.

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- Did the delay of Henrik Ibsen lead to a decision by the shipowner and operator to carry out improvised repairs on braces?

- Was their mission to make temporary repairs to one or more braces on board? Was their mission to establish support braces or other structural reinforcements to compensate for crack in the D6 brace?

- Why is there no documentation about the two welders' assignments in the archives after Stavanger Drilling?

Answers to these questions might be found in two archives that no one has had access to: Phillips and Veritas. No findings have been made in the purged archive after Stavanger Drilling.

The crew's observations - and findings after the rig was turned - also play a major role here: At least two holes were burned out in the D4 brace, observed by deck watchman Oddbjørn Lerbrekk. His information about this was rejected by the Norwegian Commission.⁷⁴

*"But in the last days before the accident, people from a company we didn't know came on board. They came with a supply boat, and a battery with acetylene, oxygen and another gas was loaded on board. Cutting torch equipment. Just an hour before the platform crashed, we discovered that they had cut a hole in the inclined strut that goes out to the D-pillar. Five or six pieces. They were about that big, says Lerbrekk and shapes his hands like a school bowl."*⁷⁵ See also the comments to question 75.

The information was later confirmed in two rounds:

- Firstly, one hole was observed and photographed after the rig was turned.
- Secondly, two holes were filmed by divers already at the end of April 1980, during the first comprehensive diving survey of the wreck. This was carried out by *Blom's*

⁷⁴ Crew member seminar 2018, p 11-12

⁷⁵ Aftenbladet Magazine 29.10.2016 p 36-37

Surveying on behalf of the Norwegian Commission. Screen Story, which made the TV2 documentary, found the original VHS tapes at the Oil Museum and made them public.⁷⁶

The Commission gave an obviously contrived explanation of the image of the hole after the uprighting of Kielland. It was alleged that the hole had been burned out by divers ahead of the final turning operation.⁷⁷ This claim is demonstrably false. If the Commission had bothered to watch the films from *Blom's Survey*, they would have known that at least two holes had been burned before the accident. See also the comments to question 76. Were these holes and other welding work on the structure in open sea related to the conversion work to return the rig to a drilling rig? Or was this part of compensatory measures to strengthen the structure, since the shipping company did not have time to take the rig ashore? Was this done instead of repairing one or more cracks that platform captain Torstein Sæd had reported?

These questions can only be answered with certainty by a review of the Phillips and Veritas archives.

36 and 37

**- Is there documentation in the archives of NL Rig Equipment or Nicoverken Norge AS on the assignment?
- Who, both ashore and on board, approved welding on the structure? *"If Veritas had not received notification of the repairs, it is a serious breach of the requirements of the class company on the part of the company. The class company must always verify and approve all structural repairs."* Was there approval from Veritas for this work?**

The archives from these two companies have not been examined. It should be done.

The archives from Stavanger Drilling, which closed down in 1988, contain no information.

The original archive must have contained information, both about planned welding work and other measures in connection with the conversion from residential rig to drilling rig. As we have seen previously, the SD archive is cleaned of documents. This includes, among other

⁷⁶ TV2 documentary January 2022

⁷⁷ NRK documentary 1983, interview with Commission chairman Thor Næsheim

things, to the missing weekly reports. I assume that documents relating to the conversion works have also been shredded.

As is known, Veritas and Phillips have not given access to their archives. There are good reasons to believe that these archives will be able to shed light on the question, either by the fact that they have relevant documents - or by the fact that they do not exist. In the latter case, it means that Stavanger Drilling has hidden these assignments from the operator and from the supervisory body.

From the Memory Bank:

"They were in the process of rigging Alexander Kielland down. Some equipment was transferred to Edda. A lot of pipes had already come out, because it was going straight into drilling."

"We have been followed by psychologists over time. But now I have said that I want nothing more to do with them. The reason is that they did not lead to anything. They didn't give anything; they just took something."

Gunnar Guttormsen (survivor)

"Not much later it was blown up.⁷⁸ Then we said: did they find out everything before it was blown up? They were in a hurry to get rid of it before all the answers were there."

Margaret Gaulen Bakken, daughter

"Why did the leg break off? Nobody knows for sure. Kielland was uprighted. We never found out if any samples were taken. They claim it was a welding error. It's been so many years. From what I've heard, it shouldn't be possible for it to tip over even if it lost a leg."

"I have spoken a lot about what happened, visited the parents of those who lost their sons. I have talked and talked. Even when the others didn't ask, I talked about it. I went around and talked to the deceased's parents."

Harald Hansen, plumber

⁷⁸ The wreck was sunk in November 1983, by explosive charges attached to the buoyancy tanks.