

Transcript of the Testimony of
**The Joint United States Coast
Guard/Bureau of Ocean Energy
Management Investigation**

Date taken: April 7, 2011
AM Session

USCG/BOEM Board of Investigation (Re: Deepwater
Horizon)

****Note****

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USCG/BOEM BOARD OF INVESTIGATION
INTO THE MARINE CASUALTY, EXPLOSION, FIRE,
POLLUTION AND SINKING
OF MOBILE OFFSHORE DRILLING UNIT
DEEPWATER HORIZON, WITH LOSS OF LIFE
IN THE GULF OF MEXICO, 21-22 APRIL 2010
THURSDAY, APRIL 7, 2011, 8 A.M. SESSION.

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The Transcript of the Joint United States Coast Guard/Bureau of Ocean Energy Management Investigation of the above entitled cause before Cathy Renee' Powell, a certified court reporter authorized to administer oaths of witnesses pursuant to Section 961.1 of Title 13 of the Louisiana Revised Statutes of 1950, as amended, reported at the Holiday Inn, 2261 North Causeway Boulevard, Metairie, Louisiana 70001, on Thursday, April 7, 2011, beginning at 8:00 a.m.

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MEMBERS OF THE BOARD:

2

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CAPTAIN HUNG M. NGUYEN
CO-CHAIR, UNITED STATES COAST GUARD

4

5

JUDGE WAYNE ANDERSEN
U.S. DISTRICT JUDGE (RET.)

6

7

DAVID DYKES
CO-CHAIR, MINERALS MANAGEMENT SERVICE/
BOEMRE

8

9

CAPTAIN MARK HIGGINS
10 UNITED STATES COAST GUARD

11

JASON MATHEWS
12 MINERALS MANAGEMENT SERVICE/
BOEMRE

13

JOHN McCARROLL
14 MINERALS MANAGEMENT SERVICE/
15 BOEMRE

16

LTCDR. ROBERT BUTTS, COURT RECORDER
17 UNITED STATES COAST GUARD

18

REPORTED BY:

19

CATHY RENEE POWELL
CERTIFIED COURT REPORTER

20

WITNESS:

21

IAN LITTLE
22 Vice President, Wells, North Africa
British Petroleum

23

DANIEL D. RUBINSTEIN, ESQUIRE
24 GREENBERG TRAUIG
(Representing Mr. Little)

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1 JUDGE ANDERSEN:

2 Please be seated.

3 Counsel, will you please state
4 your name for the record.

5 MR. RUBENSTEIN:

6 Yes. Good morning, Your Honor,
7 Dan Rubinstein and Sam Skinner appearing on
8 behalf of Mr. Little.

9 JUDGE ANDERSEN:

10 Mr. Little, thank you for being
11 here. This is a joint investigation panel
12 convened by federal order. And the
13 testimony you give is subject to penalties
14 of perjury. So I will place you under oath.

15 IAN LITTLE,
16 having been first duly sworn as a witness,
17 was examined and testified as follows:

18 JUDGE ANDERSEN:

19 And if there is a question you
20 don't understand, please let us know and we
21 will reword it.

22 EXAMINATION BY MR. MATHEWS:

23 Q. Mr. Little, would you please state
24 your full name and spell your last?

25 A. Ian Little, L-I-T-T-L-E.

1 Q. And by whom are you employed, sir?

2 A. BP.

3 Q. And what position do you hold with
4 BP currently?

5 A. I am the Vice President for Wells
6 for North Africa.

7 Q. And how long have you been in that
8 position, sir?

9 A. I was announced into that position
10 the end of November 2009, and I officially
11 took over that position in April 2010.

12 MR. PENTON:

13 Judge, I can't hear him.

14 THE WITNESS:

15 You want me to repeat that?

16 EXAMINATION BY MR. MATHEWS:

17 Q. Please, for Mr. Penton.

18 A. I am the Vice President of Wells
19 for North Africa, based in Sunbury in the
20 UK.

21 I took on that role at the end of
22 November 2009. Transocean got me the role I
23 had in the Gulf of Mexico through the end of
24 March, and I started full time in that role
25 the beginning of April 2010.

1 Q. Prior to the BP wells in North
2 Africa, what was your position in the Gulf
3 of Mexico?

4 A. I was the Wells Manager for
5 Exploration and Appraisal Drilling in the
6 Gulf of Mexico.

7 Q. How long were you in that
8 position, sir?

9 A. I was in that position since
10 May 2008.

11 Q. And to clarify your testimony, you
12 said you were announced in 2009 and left in
13 April 2010?

14 A. Yes.

15 Q. Prior to being wells manager, did
16 you have any other positions within BP?

17 A. Yes, I was also in the Gulf of
18 Mexico in a different wells manager position
19 from June 2007 until May 2008.

20 Q. And prior to that, what was
21 your --

22 A. I was a wells manager in Egypt.

23 Q. And how long were you there in
24 Egypt, sir?

25 A. Four years.

1 Q. And prior to being the wells
2 manager in Egypt?

3 A. I was wells manager in the North
4 Sea UK.

5 Q. And how long were you there?

6 A. I was there just under five years,
7 four and a half years.

8 Q. And prior to that?

9 A. Prior to that, I was in Houston as
10 a team leader on a central team for Amoco,
11 manpower team leader.

12 Q. So how many years do you have in
13 the oil and gas industry?

14 A. It will be 30 years this year.

15 Q. And in the Gulf of Mexico?

16 A. I was there for just under three
17 years, I think.

18 Q. Just three years in the Gulf of
19 Mexico?

20 A. Yeah.

21 Q. What were your responsibilities as
22 the Wells Manager, E&A, in the Gulf of
23 Mexico?

24 A. From May 2008, the exploration and
25 appraisal teams reported into me. So the

1 wells teams for each rig reported to me, and
2 the engineering team leader for exploration
3 and appraisal reported to me.

4 Q. How many rigs were you responsible
5 for, sir?

6 A. It varied during that period.
7 Could be up to three and occasionally down
8 to one.

9 Q. And what is your educational
10 background, please?

11 A. I am a degree-qualified engineer,
12 BSC.

13 Q. Did you ever receive any type of
14 well-control training?

15 A. Yes, I have.

16 Q. When is the last time you received
17 training, sir?

18 A. Just in the last couple of months.
19 Last month, I think it was.

20 Q. And where was that at?

21 A. It was in Aberdeen, Scotland.

22 Q. Were you taught that kick
23 detection was one of the most pivotal
24 components of well control?

25 A. Yes.

1 Q. Directly to the DEEPWATER HORIZON,
2 what was your job responsibility?

3 A. The wells team leader for the
4 DEEPWATER HORIZON reported to me.

5 Q. And who did you report to?

6 A. I reported to the wells director.

7 Q. I have a visual up to your right,
8 I don't know if you can see it from there,
9 but it depicts what we anticipated, what we
10 assume was the organizational chart around
11 September 2009. And you reported to
12 Mr. Harry Thierens?

13 A. That's correct.

14 Q. And at that time, they had
15 operations and wells reported below you,
16 right, the team leaders?

17 A. In September of 2009, I had the
18 wells team leader report to me and the
19 engineering team leader, one engineering
20 team.

21 Q. I know you said that you were
22 announced to go to Africa, I believe, in
23 November of 2009?

24 A. Yeah.

25 Q. And you stayed in the capacity of

1 wells manager until April, I think, or the
2 end of March?

3 A. I was transitioning out during
4 that period, so I was gone quite a bit of
5 the time, December through March. And
6 during that period, I would delegate to one
7 of my team.

8 Q. Who did you delegate the
9 responsibilities for the DEEPWATER HORIZON
10 to that you had?

11 A. It would be -- I mainly delegated
12 it to the engineering team leader.

13 Q. David Sims?

14 A. David Sims. And if he wasn't
15 available, I delegated it to John Guide.

16 Q. Who was actually accountable
17 through that delegation?

18 A. With my delegation, he would be
19 accountable for my duties, reporting in to
20 the wells director.

21 Q. Are you familiar with the MMS
22 regulations at the time, sir?

23 A. I wasn't familiar with all the
24 regulations, no.

25 Q. I have a regulation in front of

1 you, it is 30CFR250.401. Is that what you
2 have in your hand, sir? "What must I do to
3 keep the well under control?"

4 A. Yes.

5 Q. Is it true that you must use the
6 best available and safest drilling
7 technology to monitor and evaluate well
8 conditions and to minimize the potential for
9 the well to flow or kick?

10 MR. GODFREY:

11 Objection. Are you asking him to
12 read the document?

13 MR. MATHEWS:

14 I am asking if that is true
15 according to the document in front of him.

16 THE WITNESS:

17 I am not familiar with this
18 particular document, so --

19 EXAMINATION BY MR. MATHEWS:

20 Q. Can you read at the top where it
21 says, "The Electronic Code of Federal
22 Regulations"?

23 A. Yes.

24 Q. And it is printed from the
25 regulation itself. Is it true that the

1 document itself reads, "A. You must have
2 the best available and safest drilling
3 technology to monitor and evaluate well
4 conditions and to minimize the potential for
5 the well to flow or kick."

6 MR. RUBENSTEIN:

7 Just to be clear, Your Honor, he
8 is just reading the document. He is not a
9 legal expert.

10 JUDGE ANDERSEN:

11 Fine, we don't expect him to be a
12 legal expert, but I think Mr. Mathews wants
13 to put on the record the fact that this is
14 what the regulation says, so --

15 MR. RUBENSTEIN:

16 Understood.

17 EXAMINATION BY MR. MATHEWS:

18 Q. And is it true that you have a
19 person on-site during drilling operations
20 who represents your interests and can
21 fulfill your responsibilities?

22 A. So BP would have a wellsite leader
23 on a rig, yes.

24 Q. And you used the personnel trained
25 according to the provisions of subpart O?

1 A. What is the question?

2 Q. Letter D, use personnel trained
3 according to the provisions of subpart O.

4 A. Yes.

5 Q. And letter E, is it true that it
6 states, "Use and maintain equipment and
7 materials necessary to ensure the safety and
8 protection of personnel, equipment, natural
9 resources and the environment"?

10 A. That is what it says.

11 Q. My question to you is as wells
12 manager at the time, how did BP ensure
13 compliance with this regulation?

14 A. I mean, this regulation, because I
15 am not familiar with it, I can't answer how
16 we were in compliance with it, because
17 obviously, I am not familiar with it.

18 JUDGE ANDERSEN:

19 Perhaps I can ask in the sense
20 that these goals, whether they were part of
21 the regulation or not, would obviously be
22 goals of the company. Perhaps you could
23 describe to us what the company did to make
24 sure that these objectives were met, which
25 are natural objectives even apart from the

1 regulation.

2 THE WITNESS:

3 Okay. So do you want me to go
4 through each one?

5 EXAMINATION BY MR. MATHEWS:

6 Q. Please, yes, sir.

7 A. Okay. To use the best available
8 and safest technology. So on the rig, there
9 will be technology to monitor the well
10 provided by the drilling contractor, so they
11 have people and equipment to monitor flow
12 from the well at all times. We would have a
13 backup, BP would put a backup on the rig, a
14 mudlogging company, and they would be
15 monitoring 24 hours a day flow from the
16 well. And other parameters that relate to
17 well control.

18 We also have our wellsite leaders
19 there to see that our well program is being
20 executed as per the plan. And it has -- you
21 know, and it has obviously well control
22 built into that. And we have other people,
23 maybe not all the time, but mud engineers on
24 the rig looking at the mud. They play a
25 part in that. We would have geologists on

1 the rig, maybe not all the time, but we have
2 pull pressure -- looking at pull pressure.

3 Q. How does BP ensure those people
4 that worked under you directly on the rig
5 are working in their best interests?

6 A. I don't understand, sir.

7 Q. For example, if a wells team
8 leader has an assignment they give to the
9 wells leader on the DEEPWATER HORIZON, for
10 example, and he doesn't understand
11 something, how does BP ensure that the
12 person on the rig is acting in the best
13 interest of the company?

14 A. I mean --

15 Q. If they don't understand what is
16 going on on the rig.

17 A. I guess it would depend on
18 specifically what situation. I mean --

19 Q. Would you require your wells team
20 leader to respect and listen to advice from
21 people on the beach, like the wells team
22 leader or the drilling engineer, if they
23 offered advice to them?

24 A. They are communicating all the
25 time about the well plan and what is

1 happening, so --

2 Q. Do you know Mr. Ronnie Sepulveda?

3 A. Yes.

4 Q. And who is that, sir?

5 A. He is one of the leaders on the
6 DEEPWATER HORIZON.

7 Q. He testified to the board on
8 July 20. We asked him if he was familiar
9 with some audit findings with regard to the
10 DEEPWATER HORIZON being out of regulation.
11 I want you to look at the regulation in
12 front of you, and I was wondering how you
13 can reconcile his knowledge of the stack
14 being out of the recertification requirement
15 and BP's ability to use and maintain
16 equipment for safety of personnel.

17 MR. RUBENSTEIN:

18 Your Honor, I object. First of
19 all, it assumes he knows what the testimony
20 was, and then it asks him to comment on
21 someone else's testimony.

22 MR. MATHEWS:

23 I will rephrase.

24 EXAMINATION BY MR. MATHEWS:

25 Q. If a wellsite leader was

1 knowledgeable of a BOP being out of
2 certification and it was identified in two
3 audits, how does BP ensure that the
4 equipment they have out there is properly
5 used and maintained to ensure the safety of
6 the personnel?

7 A. I need to know more about the
8 specifics.

9 Q. Are you familiar with the 2009 BP
10 audit?

11 A. Yes.

12 Q. Are you aware that there was a
13 finding in that audit that said the test,
14 upper and middle ram bonnets were outside of
15 the recertification requirement of OEM and
16 API?

17 MR. RUBENSTEIN:

18 I object to that because I think
19 it misstates what the audit finding actually
20 says. It says, "recommended," not "out of
21 requirement."

22 MR. MATHEWS:

23 I'm sorry, you are correct. I
24 didn't have it memorized properly.

25 EXAMINATION BY MR. MATHEWS:

1 Q. "The test, middle and upper BOP
2 ram bonnets are original and out with {sic}
3 OEM and API 5-year recommended
4 recertification period."

5 A. Yes.

6 Q. With that knowledge, the wellsite
7 leader testified to the board that he was
8 knowledgeable of this audit and responded.
9 How does BP ensure that the equipment they
10 have at the DEEPWATER HORIZON is used and
11 maintained in the necessary fashion to
12 ensure safety for the personnel if it is
13 identified as being outside?

14 A. So, I -- are you asking me how we
15 follow through on the audit?

16 Q. How do you reconcile being within
17 the regulation when you have someone that's
18 knowledgeable on the rig, at the rig, who is
19 a representative of the company and
20 responsible for the operations, who knows
21 that the BOP stack was not in compliance
22 with the findings in this audit?

23 How do you ensure that your
24 wellsite leader is compliant with the
25 regulation to ensure that all of the

1 equipment out there is operating in a
2 fashion that is safe for the personnel on
3 the rig?

4 MR. RUBENSTEIN:

5 Your Honor, I object because he is
6 asking him to speculate about what the
7 wellsite leader knew. Perhaps a better
8 question would be what do they do to address
9 the audit findings.

10 JUDGE ANDERSEN:

11 First of all, Mr. Mathews is
12 asking about the procedure, and it wouldn't
13 apply just to this situation. I think at
14 the outset, he is wondering, if there is an
15 audit finding that indicates apparently that
16 something needs to be done, what does BP do
17 to make sure that is done or decides that it
18 is not worth it.

19 And then if there is a general
20 procedure, Mr. Mathews and the board would
21 like to know that. And then I think
22 Mr. Mathews might want to get into the
23 specifics of this particular situation if
24 you know anything about it.

25 MR. RUBENSTEIN:

1 That makes sense.

2 THE WITNESS:

3 So the audit action, there was a
4 process to close out all the audit actions.
5 It was led by John Guide, the wells team
6 leader, it was his role to take that audit,
7 work to develop a plan to close out all the
8 actions on the audit.

9 EXAMINATION BY MR. MATHEWS:

10 Q. Let's move on to BP Risk Register.
11 Are you familiar with that, sir?

12 A. This one here?

13 Q. The next document in your pile.
14 It should be a colored Excel spreadsheet.

15 A. Yes, sir. I am familiar with this
16 document.

17 Q. What is the BP Risk Register, sir?

18 A. Can you clarify what you mean by
19 the "BP Risk Register"?

20 Q. Correct. What does the document
21 in front of you do, I mean, it registers
22 risk, but what are you doing with that tool?

23 A. This appears to be the Risk
24 Register for the Macondo project.

25 Q. What is the Risk Register used

1 for?

2 A. So the Risk Register is used to --
3 this Risk Register is used by the -- would
4 have been used by the Macondo engineering
5 team to capture risks and to put in place
6 mitigations for those risks.

7 Q. Do you know who is responsible for
8 managing the Risk Register while the well is
9 being drilled?

10 A. The Risk Register for the well was
11 developed during the well-planning process.
12 It is a tool that is used as the well is
13 planned. That Risk Register is continuously
14 updated during the well-planning process.

15 Q. I think there are two pages to the
16 document. Are you knowledgeable of the
17 impact types that BP captures when they
18 actually look at risks?

19 A. Can you define what you mean by
20 "knowledgeable"?

21 Q. The impact types. You see right
22 here on the top column? Read what they are.

23 A. Health and safety, environmental
24 threats, environmental opportunities,
25 reputation threats, reputation

1 opportunities.

2 Q. Keep going all the way through.

3 A. Cost, schedule, production,
4 reserves, NPV.

5 Q. I want you to refer back to the
6 Risk Register for the BP Macondo well. Do
7 you see the column -- this column right here
8 under "Impact Type," can you take a quick
9 look at that?

10 A. Yes.

11 Q. And can you tell me all the impact
12 types that BP identified in their Risk
13 Register?

14 A. It looks like cost, schedule,
15 production.

16 Q. So according to the Macondo Risk
17 Register, BP never had any impact type of
18 health and safety, environmental,
19 reputation -- it just was centered around
20 cost, schedule and production?

21 MR. RUBENSTEIN:

22 Your Honor, I object to the form
23 of that question. I mean, the document sort
24 of speaks for itself as to what it says.

25 JUDGE ANDERSEN:

1 Well, not everyone here is reading
2 the document, so I think Mr. Mathews wants
3 to make sure that, as he asks other
4 questions, the witness is focused on a part
5 of the document and that they both agree as
6 to what it says.

7 So he is not asking him to
8 interpret it, but just to verify that he is
9 reading the document the same way we are.
10 Obviously, members of the board are not as
11 familiar many times with the internal
12 documents as the company people are. So
13 before we reach any conclusions, I think
14 Mr. Mathews wants to make sure he
15 understands from Mr. Little that this is
16 what the document actually says.

17 So if you agree with Mr. Mathews
18 that it doesn't list any of the categories
19 of risk other than cost, schedule or
20 production, then that can serve as the basis
21 for his subsequent questions. And it would
22 seem that that is what it says.

23 Correct, Mr. Mathews?

24 EXAMINATION BY MR. MATHEWS:

25 Q. My follow-up question was going to

1 be, as wells manager, have you seen any
2 other risk matrixes for any other wells you
3 have been associated with?

4 A. Yes.

5 Q. Is it common that they only
6 capture cost, schedule and production?

7 A. I mean, every well is different.
8 They all have different risks on there that
9 are specific to the well.

10 Q. Okay. I'm going to move to the
11 first page of that document again for well
12 control. And it is the very first item.

13 The Risk Operation name is Well
14 Control, and the Event Description Impact
15 states, "Potential well-control problem:
16 Risk of losing the wellbore in an
17 uncontrolled situation."

18 And there is actually someone
19 named as the owner, Mr. Mark Hafle.

20 What is the responsibility of the
21 owner in accordance to this Risk Register?

22 A. So could you rephrase that?

23 Q. The spreadsheet identifies the
24 owner of this item on the register, and I
25 want to know the responsibilities of the

1 owner and what he needs to do.

2 A. Not in this particular situation?

3 Q. Correct, just in general, yes,
4 sir.

5 A. So this would be to identify the
6 person who was working on the mitigation
7 plan for that risk as the primary lead, a
8 single point accountable. There may be
9 other people supporting it, but to put it in
10 order so that they can close it.

11 Q. And the Notes section, which is
12 the far right column, it says that, "A
13 casing program designed to mitigate issues."

14 Was that his responsibility or
15 would that be what he is doing to mitigate
16 it, the risk?

17 A. I mean, I don't know. He was --

18 Q. Is it typical, though, in past
19 registers that you capture how you mitigate
20 the risk? Or how do you know how they
21 mitigated the risk?

22 A. Again, I don't review these in
23 that level of detail. They are presented to
24 me at a higher level.

25 Q. Well, the impact for this one was

1 listed as cost. Do you think the greatest
2 impact for a well-control event is cost?

3 A. I don't know what his thought
4 process was for putting in his costs.

5 Q. And also on that very same page at
6 the very top, it has a time frame of when it
7 was last updated, and it says June 2009.

8 In day-to-day operations, does BP
9 actually go back and revisit the risks that
10 they are doing and put it in some type of
11 register or analysis tool?

12 A. So the process for the Risk
13 Register during planning is that those risks
14 and mitigations be put into the well plan.
15 And that would be how we mitigate the risks
16 and that is how that would then go into the
17 operations.

18 Q. If you look at this, and I know it
19 is kind of small print, I didn't see
20 anything in here about some of the
21 day-to-day operations that were going on
22 around April 19 and 20, like the decision to
23 use a 450-barrel, LCF spacer, nitrified
24 cement job, and there was no Risk Register
25 associated with that.

1 My question is: Once this is
2 completed and you are outside of the
3 planning process and actually in the
4 operation process, how does BP mitigate the
5 risks that come up on day-to-day operations?

6 MR. RUBENSTEIN:

7 Just to be clear, are you asking
8 him if they record it in the Risk Register
9 or is he asking what they do --

10 EXAMINATION BY MR. MATHEWS:

11 Q. Not necessarily the Risk Register,
12 but do they have any type of device that
13 they use to do some analysis and/or mitigate
14 risks on day-to-day operations?

15 A. I mean, so they are following the
16 well plan day to day. I mean, that is what
17 governs what we should be doing and that has
18 identified risks in it; that well plan has
19 the mitigation for those risks. So they are
20 following that plan every day, and if there
21 is any issues, they are talking about that
22 every day.

23 If there is a change from that
24 plan, then they would go through the
25 Management of Change process, which would

1 include an evaluation of the risks.

2 Q. Thank you. That clears it up a
3 little.

4 Now I'm going to keep on the risk
5 topic here. Do you know Mr. John Guide?

6 A. I do know Mr. John Guide.

7 Q. How long have you worked with
8 Mr. John Guide?

9 A. John came into the exploration and
10 appraisal area in 2007, so I would have met
11 him when he came in to do his first role on
12 that team.

13 Q. Did you always directly supervise
14 him?

15 A. No.

16 Q. What was your working relationship
17 with him? Was he a peer, was he on another
18 team?

19 A. In what time frame?

20 Q. From 2007 on.

21 A. In -- when he came into the team,
22 he came into the DEEPWATER HORIZON team,
23 which was reporting in to the exploration
24 manager at the time, not to me. And
25 David Sims was the wells program manager,

1 and he reported to David Sims as the
2 drilling superintendent for the DEEPWATER
3 HORIZON at that time. And that is when I
4 first met John.

5 Q. Did he ever come seek your
6 approval for any type of risk decisions?

7 A. Can you be more specific?

8 Q. Like, if he was presented
9 something from Transocean that requested
10 liability or something in writing from BP
11 saying that BP will accept liability if
12 something goes wrong, would he run that to
13 you or Mr. Sims as his direct manager?

14 A. I mean I --

15 Q. I will give you an example. I was
16 trying to determine how you communicated
17 within the office before I got to this
18 e-mail.

19 I am referring to Bates No.
20 BP-HZN-MBI00254566. I would like to note
21 that you are not on this e-mail and probably
22 have never seen it before, but I have
23 something highlighted there, a request from
24 Brett Cocales to John Guide regarding some
25 of the stuff that Paul Johnson, rig manager,

1 needed from BP. It says, "He needs an
2 e-mail from you that states we don't want to
3 change the annulars before Nile and will
4 accept that liability if both should fail
5 during Nile and we have to pull the BOP."

6 Do you see that, sir?

7 A. Yes.

8 Q. Is that something Mr. Guide would
9 have to get approval on before he accepts
10 that liability for BP?

11 A. I am not on this e-mail --

12 Q. I know you are not.

13 A. I wasn't at the time, and I don't
14 know what the thought process is behind
15 this.

16 Q. I am asking you, in your
17 experience as exploration and appraisal
18 wells manager, would you allow one of your
19 wells team leaders to accept that liability
20 on behalf of BP?

21 A. I have to know more about what the
22 meaning is behind this.

23 Q. Did you look at the time stamp of
24 the e-mail, when Mr. Guide received that?
25 He responded to Mr. Cocalles, "Thanks, this

1 all looks good. I will send Paul an
2 e-mail." And can we agree that it occurred
3 April 15 at 17:23?

4 MR. GODFREY:

5 Objection, this goes to GMT
6 issues, but subject to the time stamp at the
7 top being GMT, would that be accurate?
8 Would that be the GMT time?

9 MR. RUBENSTEIN:

10 I have a separate objection. He
11 is now reading an e-mail that he wasn't a
12 part of and is being asked to speculate.

13 JUDGE ANDERSEN:

14 Right, he is being asked to advise
15 the board as to what the decision-making
16 process is for this type of request. He is
17 not being asked to explain why this request
18 in this case was made. It is of interest to
19 the board, certainly in terms of future
20 recommendations, to determine whether the
21 wellsite leader, what kinds of decisions he
22 has to go above him to get approval for.
23 And that is all Mr. Mathews, I think, is
24 asking here. And if there is a certain
25 procedure, Mr. Mathews would like to know

1 it. And if it varies from circumstance to
2 circumstance, he would like to know that as
3 well.

4 Is that correct?

5 EXAMINATION BY MR. MATHEWS:

6 Q. Yes. My question is does BP allow
7 a person like John Guide to accept the
8 responsibility for a liability on a risk
9 decision without getting guidance from
10 someone above him?

11 A. I don't know what he means by
12 "liability." I can't answer that based on
13 just reading this.

14 Q. Well, if you look at the time
15 frame, it was sent, and the GMT time,
16 17:23:50, and that is Mr. Guide's response
17 back to Mr. Cocalis saying this looks good,
18 I will take care of it. If you flip the
19 page, not even seven minutes later,
20 Mr. Guide sent a response to Paul Johnson
21 stating that, "I concur with not changing
22 out the annular elements prior to starting
23 the Nile well and BP accepts the
24 responsibility if both annulars fail and the
25 stack has to be pulled to repair them."

1 So as an engineer, do you think in
2 seven minutes, you have enough time to
3 understand the risks associated with pulling
4 an annular?

5 MR. RUBENSTEIN:

6 Objection, that is calling for
7 speculation on his part as what Mr. Guide
8 was thinking or doing.

9 MR. DYKES:

10 He is asking him, as an engineer,
11 does he consider that. He is not asking him
12 to speculate about what Guide thought.

13 MR. RUBENSTEIN:

14 My point is he is not here
15 testifying as an expert, he is a fact
16 witness.

17 JUDGE ANDERSEN:

18 He has got 30 years of experience
19 doing this and probably knows more than
20 anybody in the room about the procedures
21 regarding these kinds of issues. All we
22 would like is the benefit of his experience
23 and knowledge to understand BP's procedures
24 when these issues are presented. And if
25 Mr. Little has -- if there is a procedure

1 that he can identify, then he can let the
2 board know that. And if there is not, then
3 he can let the board know that as well.

4 But what the board is interested
5 in, obviously, is finding out, not only
6 about the circumstances of this particular
7 incident, but what BP's decision-making
8 chain is when it faces decisions like that.

9 So now we have talked a long time
10 since Mr. Mathews last asked the question,
11 so if you would like to repeat the question,
12 then Mr. Little can determine whether or not
13 he knows the answer. If he does not,
14 obviously, he doesn't have an answer.

15 EXAMINATION BY MR. MATHEWS:

16 Q. As an engineer with 30 years'
17 experience, as a wells team leader with
18 experience in the Gulf of Mexico for three
19 years that reviewed Risk Registers and is
20 familiar with the Risk Register, do you
21 think seven minutes is an adequate time to
22 assess any type of risk, especially
23 associated with an annular or BOP?

24 A. Again, there isn't enough detail
25 in here. I don't know enough to make a

1 judgment on that.

2 Q. Where were you assigned March 8 of
3 2010, sir?

4 A. March 8?

5 Q. Yes.

6 A. I was in the UK.

7 Q. Were you coming back and forth?

8 A. I was mainly away from the Gulf of
9 Mexico at that point. I delegated my role.

10 Q. To Mr. Sims or --

11 A. On March 8? Again, I don't have
12 my -- but Mr. Sims was who I usually
13 delegated to, so it was likely Mr. Sims.

14 Q. Earlier I asked you how long you
15 worked with Mr. Guide. How long have you
16 worked with Mr. Sims?

17 A. Mr. Sims was on the team when I
18 arrived in June of 2007. So he was the
19 wells program manager for the HORIZON at
20 that time. He wasn't reporting to me, but
21 he was in the Gulf of Mexico team at that
22 point.

23 Q. What type of working relationship
24 did Mr. Sims and John Guide have?

25 A. Sorry, could you be more specific?

1 Q. You worked with them for three
2 years. Was there ever any tension, did they
3 get along, did they argue a lot?

4 A. I didn't notice any issues between
5 John and David, no.

6 Q. Did you attend a lot of meetings
7 with them?

8 A. Yes, I attended -- certainly when
9 they both worked for me, from May 2008, then
10 we would hold -- we had weekly meetings,
11 team leader meetings, which John and David
12 were there, and my other team leaders. I
13 would attend project meetings with both of
14 them there.

15 They sat next to each other. When
16 I would go down and talk to them, they were
17 both there normally.

18 Q. Was there any confusion while you
19 were in the UK as to who was actually
20 delegated the authority to take care of your
21 responsibilities?

22 MR. RUBENSTEIN:

23 Can we be specific as to time?

24 MR. MATHEWS:

25 March 8.

1 THE WITNESS:

2 The delegation would have been
3 out. I would have put out an e-mail, I
4 would have talked to the individuals
5 involved before I left. My line manager
6 would have been informed.

7 EXAMINATION BY MR. MATHEWS:

8 Q. Since March 8, had anyone from BP,
9 John Guide or Mr. David Sims, ever informed
10 you of any discussions that they had when
11 there was some tension between the two?

12 A. Not that I am aware of.

13 Q. I know you are not on these
14 e-mails as well, but the first one is
15 BP-HZN-MBI0022521. Is that in front of you,
16 sir?

17 A. Yes.

18 Q. And the date is March 14. This is
19 an e-mail from David to John. It says, "I
20 have a much longer response typed, but I am
21 not going to send it until I am back and we
22 can talk about it." At the very end, he
23 tells Mr. Guide, "I will hand this well over
24 to you in the morning and then you will be
25 able to do whatever you want. I would

1 strongly suggest for everyone's sake that
2 you make logical decisions based on facts
3 after weighing all of the opinions."

4 Now, if Mr. Sims was the person
5 you delegated the well to, does he have the
6 authority to tell Mr. Guide that "I'm going
7 to hand this well over to you"?

8 A. No, but when I was out, I think
9 David was going out that week, and I had
10 delegated to John for that week.

11 Q. Was there any discussion on who
12 had the ultimate authority and who was in
13 control for the decision making on that
14 well?

15 A. Can you be more specific?

16 Q. There was a well-control event on
17 March 8, are you aware of that?

18 A. Yes.

19 Q. And this e-mail is in response to
20 that well-control event and some of the
21 office issues that were taking place at that
22 time. If you refer to the second page of
23 the document -- I'm sorry, there should be
24 two documents that were in that sleeve.
25 This is the one he drafted but never sent,

1 but he indicated he was going to talk to him
2 when he got back in the morning.

3 Mr. Sims tells Mr. Guide, "You
4 seem to love being the victim. Everything
5 is someone else's fault. You criticize
6 nearly everything we do on the rig, but you
7 don't seem to realize that you are
8 responsible for everything we do on the rig.
9 You seem to think running is more important
10 than well control. Left to go run in the
11 middle of trying to pull the stuck logging
12 tool free. You will not call the rig and
13 the ops room, you have to sneak out of the
14 room and call them on your cell phone or go
15 back to your office while everyone is in the
16 ops room. You can't sit in a meeting and
17 listen to others' opinions without arguing
18 with them. You think when somebody has an
19 opinion that they are demanding action.

20 "You complain that a bunch of
21 young engineers are throwing out all kinds
22 of wild ideas and it is driving you crazy.
23 You don't listen, you key on a random word
24 or phrase and then you fixate on that and
25 don't hear anything else. You are always

1 defensive and the victim. You seem to not
2 want to make a decision so that you can
3 criticize it later."

4 From these types of statements
5 that were going on at a well-control event,
6 what can you conclude about the relationship
7 between John Guide and David Sims at the
8 time of the well-control event?

9 MR. RUBENSTEIN:

10 Objection. First of all, this is
11 a draft e-mail, and he is asking him to
12 speculate about what one person thought
13 about another without having the full
14 context of all the conversations that were
15 occurring before, during and after the
16 drafting of this e-mail that apparently was
17 not sent.

18 JUDGE ANDERSEN:

19 As I have said to other witnesses,
20 obviously these people are working for him.
21 He has a lot of experience. He has seen a
22 lot of dialogue between people.

23 He doesn't need to guess or
24 speculate, but if based on this and any
25 other information you have regarding that

1 relationship, you have an opinion regarding
2 their relationship, please answer the
3 question. If you have no opinion, then that
4 would be an honest answer as well.

5 THE WITNESS:

6 I haven't seen this before. I
7 don't know the background to it, I don't
8 know what conversations took place. So I
9 don't think I really am in a position to
10 comment on it.

11 EXAMINATION BY MR. MATHEWS:

12 Q. When did you come back from the
13 UK?

14 A. I came back March 22, March 21.

15 Q. Did you have a weekly meeting
16 then?

17 A. I had come back to basically
18 depart. I was in final transition, I was
19 finalizing my final handover to David Sims,
20 who had been selected to replace part of my
21 role in the new organization. We had gone
22 through a Management of Change, and we were
23 just completing that for the last two weeks.
24 So I wasn't kind of functioning in the role
25 that I had.

1 Q. When was David Sims selected for
2 the position you just brought up?

3 MR. RUBENSTEIN:

4 Just to be clear, you mean
5 selected to fill Mr. Little's role?

6 MR. MATHEWS:

7 Selected for the new position he
8 filled above John Guide.

9 THE WITNESS:

10 So in the new organization that
11 was transitioning, I don't have exactly the
12 date, but it was in February, I believe.

13 EXAMINATION BY MR. MATHEWS:

14 Q. So the selection of Mr. Sims was
15 made in February?

16 A. The announcement of Mr. Sims was
17 made in February, that he was taking on this
18 role as the operations manager.

19 Q. Do you know if John Guide put in
20 for that same position?

21 A. I don't know the process that was
22 used because I wasn't involved in the Gulf
23 of Mexico part of the reorganization because
24 I was moving. I wasn't part of that, so I
25 don't know how the selection process --

1 Q. Were you ever contacted by anyone
2 within BP for a reference on either of the
3 two gentlemen?

4 A. I was asked through this
5 reorganization who I thought was capable of
6 replacing me, and I gave a couple of names.

7 Q. Were they David Sims and
8 John Guide?

9 A. No. It was David Sims and
10 Glen Norvitz.

11 Q. Who is he, Gulf of Mexico
12 employee?

13 A. Yes, he was a wells team leader on
14 another project.

15 Q. Do you know who Mr. David Rich is?

16 A. He was, at that time, the wells
17 director, and I worked for him after
18 Mr. Thierens in December.

19 Q. And how about Mr. Tim Burns?

20 A. Tim Burns was an engineer on
21 David Sims' team.

22 Q. The next e-mail I want to show you
23 is Bates No. BP-HZN-MBI00217023, between
24 David Sims and Mr. David Rich. He tells
25 him, "I believe that Tim Burns can step into

1 a wells team leader role right now. I have
2 seen him fill in officially for John, and he
3 has always had a great relationship with the
4 leaders. The easiest place would be for him
5 to roll into the DEEPWATER HORIZON. If
6 there was a good fit for John, with his
7 completion experience, to stay at Atlantis
8 or drilling the Mad Dog wells with the
9 Clarion, where he has experience in that
10 field. I am not trying to get rid of John,
11 but thinking about how to step Tim up for
12 success."

13 Did anyone discuss this with you,
14 the transition of Mr. John Guide to another
15 rig and bringing in Mr. Tim Burns?

16 MR. RUBENSTEIN:

17 Just to be clear, Your Honor, he
18 is not the recipient of that e-mail.

19 THE WITNESS:

20 I don't recall any specific
21 conversation around this, no.

22 EXAMINATION BY MR. MATHEWS:

23 Q. Did you have any type of request
24 from BP to have any type of feedback from
25 the personnel department on having Mr. Burns

1 come to the DEEPWATER HORIZON?

2 A. I don't recall anything.

3 Q. Next e-mail, and you are not on
4 this one either, just for the record.

5 MR. RUBENSTEIN:

6 Thank you, Mr. Mathews.

7 EXAMINATION BY MR. MATHEWS:

8 Q. BP-HZN-MBI00253828. Is that in
9 front of you, sir?

10 A. Yes.

11 Q. Mr. David Sims sent an e-mail to
12 John Guide on April 15 asking, "Can you meet
13 me tomorrow morning in the meeting room
14 around 8:15?"

15 Mr. Guide simply responds, "Are
16 you going to fire me?"

17 Have you ever been made aware from
18 anyone with BP that Mr. John Guide was
19 possibly going to be fired?

20 A. No.

21 Q. Are you familiar with the BP DWOP,
22 sir?

23 A. Yes, I am.

24 Q. What is the DWOP?

25 A. Drill and well operations

1 practice.

2 Q. Are you familiar with Section 15,
3 specifically as to well control?

4 A. Yes, I am familiar with it.

5 Q. I have it in front of you. Can
6 you please refer to Section 15.2.17. It
7 states, "A well-control interface bridging
8 document shall be prepared with the
9 appropriate contractor to ensure there is
10 clear understanding of responsibilities and
11 which reference documents and procedures
12 will be used in a well-control situation."

13 Are you aware of that?

14 A. Yes.

15 Q. Do you know if BP and Transocean
16 actually had a bridging document between
17 their well-control policies?

18 A. Can you be more specific.

19 Q. You have a BP well-control manual
20 and a Transocean well-control manual. What
21 was the bridging document that brought them
22 together?

23 MR. RUBENSTEIN:

24 Are you talking about on the
25 DEEPWATER HORIZON?

1 EXAMINATION BY MR. MATHEWS:

2 Q. On the Macondo, yes.

3 A. Normally when you first take a rig
4 on, you take the bridging document, so that
5 was done for the -- the DEEPWATER HORIZON
6 was working for BP before I arrived.

7 Q. But the document does exist?

8 A. I am not aware of a bridging
9 document between the two well controls for
10 the DEEPWATER HORIZON.

11 Q. Do you know which document your
12 wells team leader referred to when he was on
13 the DEEPWATER HORIZON?

14 A. We were working under the
15 Transocean manual, to my knowledge.

16 Q. There was a reference to a BP
17 well-control response guide. Is there any
18 difference between that document and the BP
19 well-control manual, or is that just two
20 different names for it?

21 A. The response guide is a different
22 document.

23 Q. And what is the response guide?

24 A. Basically, it outlines how you
25 would respond in a well-control event.

1 Q. So what is the well-control
2 manual?

3 A. The well-control manual -- can you
4 tell me which well-control manual you are
5 referring to?

6 Q. The BP well-control manual.

7 A. The BP well-control manual
8 contains our guidance on how to maintain
9 well control.

10 Q. And the response is the procedures
11 for the personnel on the rig on how to
12 respond to it?

13 A. No. It is a different document.
14 It is about --

15 Q. I'm sorry. I'm just trying to get
16 a better understanding of what each one
17 consists of?

18 A. The well-control manuals are about
19 how you maintain well control. The
20 well-control response guide is generally
21 developed for cases where you have lost well
22 control, what do you do.

23 Q. And earlier I asked you a question
24 about kick detection. Is that one of the
25 most important components of well control?

1 A. Yes.

2 Q. Do you agree that bleeding off
3 drill pipe during a well-control event is
4 not an appropriate type of response?
5 Generally speaking.

6 MR. RUBENSTEIN:

7 Your Honor, he needs a lot more
8 facts to be able to answer that question.

9 EXAMINATION BY MR. MATHEWS:

10 Q. It is a general question for an
11 engineer that is well-control trained. Do
12 you think bleeding off drill pipe when you
13 are in a well-control event is an
14 appropriate response?

15 A. I need more detail, I need to know
16 the specific situation. It is not --

17 Q. So if you were receiving a kick
18 and you were on a rig, would you bleed off
19 drill pipe?

20 A. Again, I think there has to be
21 more context to be able to answer that
22 question.

23 Q. Earlier, we talked about -- I
24 think you were aware of a March 8 incident
25 that occurred on the DEEPWATER HORIZON, a

1 loss of well control; is that correct, sir?

2 A. That's correct.

3 Q. Did anyone from BP at the time,
4 from either March or April, convey any
5 concerns that they had to you about proper
6 or adequate kick detection?

7 A. No.

8 Q. The next document in front of you,
9 there should be two. March 8, 2010,
10 well-control event on Macondo well. Is that
11 one in front of you, sir?

12 A. Yes.

13 Q. And the Bates No. is
14 BP-HZN-BLY00125458; is that correct?

15 This is Mr. Guys' interview notes.
16 It says, "John said he did not initiate a
17 formal incident investigation, but instead
18 had discussions with the wellsite leaders
19 and the TO leaders about the event and the
20 drill crew's response. He also said there
21 was discussions with the mudloggers, Sperry
22 Sun, about the detection of flow. He said
23 he felt that the rig crew understood their
24 responsibilities and admitted to him, John
25 Guide, that they had screwed up by not

1 catching it.

2 "He said he couldn't recall the
3 exact quote, but the essence of the
4 statement by the OIM was that the drill crew
5 needed to do a better job of watching the
6 well. Paul Johnson, the TO rig manager, did
7 not propose any actions or response to this
8 incident. John said he was, quote, very
9 upset about this event, noting that one of
10 the primary responsibilities of the wellsite
11 leaders and the rig crew is well control.

12 "John said he was concerned that
13 the team had gotten too comfortable with
14 itself because it had a good track record
15 for drilling difficult wells and missed
16 potential indications of problems in the
17 March 8 event that should have been caught.
18 He said that in his view, the well
19 monitoring needs to be a 24/7 activity until
20 the rig is unlatched from the well.

21 "Monitoring the well was a clear
22 expectation of the third-party mudloggers,
23 whose only role is to monitor the conditions
24 of the well.

25 "John said he did not believe the

1 rig crew, including the mudloggers, were
2 adequately monitoring the well during the
3 last 51 minutes on April 20, based on the
4 flow data he has seen."

5 MR. RUBENSTEIN:

6 Just to be clear, the witness has
7 not seen this before.

8 MR. MATHEWS:

9 Yes.

10 EXAMINATION BY MR. MATHEWS:

11 Q. "Steve asked Mark's views about
12 the expectations of watching the well
13 following performance of these tests. Mark
14 said that you need to watch the well all the
15 way until you are unlatched."

16 And this is talking about the
17 March 8 incident.

18 "Mark noticed that the rig had
19 previously experienced problems with
20 Halliburton/Sperry Sun mudloggers who did
21 not understand how to monitor the well
22 properly. Mark's view is that Halliburton
23 is stretched thin and does not have enough
24 qualified mudloggers. Steve asked Mark
25 about the March 8 well-control event, and

1 Mark explained that he was coincidentally on
2 the rig that day and in the company man's
3 office when a call came in from the
4 Transocean driller. The driller called
5 looking for Murry Sepulveda, but he was in
6 the restroom so Mark took the call.

7 "He was surprised by the driller's
8 decision to call the company man's office as
9 a first cause of action. Mark said that
10 when a driller detects a kick, his first
11 action should be to shut the well and not
12 place a call to the office."

13 Is that in the notes in front of
14 you, sir?

15 A. Yes.

16 Q. Were you aware of the personnel on
17 the rig on March 8?

18 A. I am not aware who was out there,
19 no.

20 Q. I am going to refer to the next
21 e-mail that Mark Hafle sent to Jimmy Adams.
22 Do you know who Jimmy Adams is?

23 A. Yes.

24 Q. Who is Jimmy Adams?

25 A. He was a wellsite leader in the

1 Gulf of Mexico.

2 MR. RUBINSTEIN:

3 Same clarification, Mr. Mathews,
4 that it is not sent to him.

5 MR. MATHEWS:

6 It is not sent to you. Sorry I
7 keep forgetting about that.

8 EXAMINATION BY MR. MATHEWS:

9 Q. This is an e-mail from Mark Hafle
10 to Jimmy Adams. He is discussing when he
11 was out on the rig.

12 He says, "Oh, yeah, did I tell you
13 the well kicked for 30 minutes before the
14 trends were obvious enough? However, only
15 35 to 40 barrels flowed into the wellbore,
16 then we got stuck."

17 Is that accurate?

18 A. That is what it says, sir.

19 Q. Is that common to not identify a
20 kick for about 30 minutes?

21 MR. RUBINSTEIN:

22 Again, Your Honor, object to the
23 form of the question calling for his
24 opinion.

25 JUDGE ANDERSEN:

1 Exactly.

2 EXAMINATION BY MR. MATHEWS:

3 Q. In your experience as an engineer,
4 as a wells manager for three years in the
5 Gulf of Mexico, is it typical to have a kick
6 go undetected for 30 minutes?

7 A. No, I would not think so.

8 Q. I asked you earlier and I think
9 your answer was no, but we pulled the
10 personnel onboard logs for March 8 and
11 April 20. Do you see any differences in
12 there, sir?

13 A. I can't actually.

14 Q. I can bring it up to you.

15 A. What was the question?

16 Q. Do you see any differences from
17 the March 8 and April 20 POB for the
18 personnel who normally monitor the well and
19 respond to well-control events?

20 A. I can see one person different.

21 Q. Correct. And that would be
22 Cathleenia Willis as the Sperry Sun
23 mudlogger?

24 A. Correct.

25 Q. Referring you back to the DWOP, to

1 Section 15.2.12.

2 It says, "A well-control report
3 shall be completed and documented within the
4 Traction Control System following any
5 well-control incident."

6 A. I see that.

7 Q. What is Traction?

8 A. It is a Web-based reporting
9 system.

10 Q. And who uses it?

11 A. BP uses it.

12 Q. For what purpose?

13 A. For tracking any -- for tracking
14 actions or, you know, resulting from
15 investigations or safety visits or whatever.

16 Q. Do you know who is responsible for
17 ensuring that incidents like the one that
18 occurred on March 8 actually shows up in
19 Traction?

20 A. I don't know that it is specified
21 who is responsible.

22 Q. Do you know if that incident was
23 captured in Traction?

24 A. I don't.

25 Q. And John Guide's note said he

1 wasn't aware if it was or not, but how does
2 BP ensure that if an incident occurs and it
3 is not put in the Traction, how do they
4 learn from those incidents?

5 A. What is --

6 Q. The purpose of Traction is, for
7 BP, that incidents get input and to learn
8 from those incidents to prevent the further
9 occurrence of those types of incidents,
10 correct?

11 A. Yes.

12 Q. If an incident is not put into
13 Traction, how does BP learn from it?

14 MR. RUBINSTEIN:

15 Objection to him speculating on
16 what they do companywide to learn from an
17 incident.

18 JUDGE ANDERSEN:

19 I don't have to repeat it, but
20 Mr. Little is one of the leading people in
21 the world on oil wells. He has been with BP
22 and its predecessor for a long time, and we
23 cannot think of who better would be able to
24 explain to us the purpose of these
25 record-keeping systems.

1 And we know in a particular
2 situation, he might not know the facts of
3 that particular situation, but certainly on
4 a forward-looking basis, the board needs the
5 best information it can get with respect to
6 what the purpose and meaning of these
7 documents were, and then whether or not BP
8 followed, for example, its own processes
9 with respect to the DEEPWATER HORIZON, both
10 before and at the incident.

11 So I am going to overrule that
12 objection. The witness knows and has been
13 told he doesn't have to express an opinion
14 if he doesn't have one. But he was asked to
15 come -- and graciously agreed to come --
16 because we think he is one of the world's
17 leading experts on this.

18 THE WITNESS:

19 Could you ask the question again?

20 EXAMINATION BY MR. MATHEWS:

21 Q. Not a problem. Obviously, BP uses
22 Traction to prevent the further occurrence
23 of an incident like the one that occurred in
24 the past. If an incident like this is not
25 put into Traction, how does BP learn?

1 A. I can't comment on this particular
2 incident because I don't know.

3 Q. I'm going to go forward to the
4 DWOP, Section 3.1.5.

5 It states, "All drilling and well
6 operation safety and integrity management
7 accidents, incidents and significant
8 near-misses shall be investigated to
9 determine the root causes and identify the
10 actions that will prevent a recurrence."

11 Is that true?

12 A. That is what it says.

13 Q. Do you know if BP actually
14 performed an accident investigation to
15 prevent the recurrence of a similar loss of
16 well control?

17 MR. RUBINSTEIN:

18 Based on the March 8 incident?

19 EXAMINATION BY MR. MATHEWS:

20 Q. Yes.

21 A. I don't know.

22 Q. Do you think that is something
23 that could be made available to the board if
24 it does exist?

25 A. I mean, I don't know if it exists,

1 so...

2 Q. Where do they normally go if they
3 do exist? How is an accident investigation
4 distributed amongst the personnel at BP?

5 A. There are many routes to do that.
6 Again, I don't know what happened to the
7 March 8 report.

8 Q. I am talking about in general, if
9 an accident investigation was conducted by
10 BP and completed, where does it go and who
11 does it get distributed to?

12 A. Again, it would be specific to the
13 incident and who was involved with it.

14 Q. I am not talking specifically
15 about the March 8 incident. Historically,
16 BP, Gulf of Mexico, I know that BP was
17 looking at a lot of falling objects and
18 stuff occurring on the DEEPWATER HORIZON,
19 and we have the reports.

20 Where do these reports go once
21 they are completed by the investigation team
22 within BP, and who do they get released to?

23 A. Again, it would depend on the
24 incident and the team involved. It would go
25 to many different people.

1 Q. So if an accident investigation
2 occurs following an incident in the Gulf of
3 Mexico, the wells team leaders don't see
4 every accident investigation that is
5 occurring?

6 A. Could you be more specific?

7 Q. Okay. You were responsible for
8 three rigs?

9 A. Right.

10 Q. If there was an accident on the
11 DEEPWATER HORIZON and BP conducted an
12 accident investigation, would someone on the
13 MARIANAS know about this accident
14 investigation, or is it solely kept to the
15 people on the DEEPWATER HORIZON?

16 A. No, we share lessons learned
17 across the Gulf of Mexico on incidents like
18 that.

19 Q. And is it distributed through a
20 mailing list? Is it on a Web site?

21 A. There are various methods to do
22 that. E-mail would certainly be one of
23 those. There's the central repository, it
24 might be in Traction from an investigation
25 point of view. If we prepared a summary of

1 it to send out so that the key message gets
2 out, it could go by e-mail; we could discuss
3 it.

4 Q. Our agency has a Web site that has
5 the 2 or 300 accident investigations we have
6 conducted in our existence. If I were to
7 look for a March 8 accident investigation,
8 where would I go in BP to find that
9 investigation if it existed? Or if it was
10 even started?

11 A. The central repository for that
12 would be Traction, if it was a Traction
13 report.

14 Q. In your experience as a wells
15 manager in the Gulf of Mexico, and to your
16 knowledge, did you ever have communication
17 with Transocean or Sperry Sun with regard to
18 their ability to monitor wells?

19 A. On that one specific issue, I
20 don't recall having any specific
21 conversations.

22 Q. Did any of your personnel, wells
23 team leaders, drilling engineers, ever voice
24 any concerns to you about that?

25 A. Not that I can recall.

1 Q. I'm going to move on to some
2 relief notes. Do you know who
3 Mr. Bob Kaluza is?

4 MR. RUBINSTEIN:

5 Same designation, Mr. Mathews; he
6 is not on that list.

7 MR. MATHEWS:

8 Right. I will learn sooner or
9 later.

10 MR. RUBINSTEIN:

11 I just want the record to be
12 clear.

13 JUDGE ANDERSEN:

14 But in case both of you forget,
15 why don't we indicate for the record that
16 unless we indicate that Mr. Little is on an
17 e-mail, he is not on any of the e-mails that
18 we will reference. If he is on it, we will
19 reference that and point that out, but if we
20 forget to point out that he is not on there,
21 the assumption is he is not on it.

22 EXAMINATION BY MR. MATHEWS:

23 Q. Before we go to that e-mail, how
24 many team leaders were you responsible for
25 as a wells manager? I know it is a range.

1 A. It is a range. It varies with how
2 many rigs are under my organization. We
3 would normally have a minimum of four
4 wellsite leaders per rig, we usually try to
5 have five. So...

6 Q. Is it common for wellsite leaders
7 to leave relief notes for the people they
8 are replacing when they come onto the rig?
9 First, is that a requirement?

10 A. Are you talking about the
11 handover?

12 Q. Yes, sir.

13 A. Yes, there is a requirement to
14 have that.

15 Q. There is a requirement for that?
16 Okay.

17 On April 16, Mr. Ronnie Sepulveda
18 sent an e-mail to Mr. Kaluza and
19 Mr. Lee Lambert. Mr. Lambert was a wells
20 team leader in training, and Mr. Kaluza was
21 a gentleman on loan from the THUNDER HORSE.

22 Can you refer to bullet points 7
23 and 8, sir?

24 It says, "Production sands are
25 12.6 pounds. Have lost mud to them with

1 14.3 mud. Current mud weight is 14 pounds.
2 Static density is 14.2. There is a sand up
3 the hole that is 14.15 pounds. Trying to
4 keep ECD below 14.4 pounds. They had been
5 running 14.38 pounds."

6 Do you see that?

7 A. Yes.

8 Q. As an engineer and as an
9 experienced wells team leader with 30 years
10 in the industry, would you agree that those
11 two notations indicate that it would be
12 difficult to complete a cement job based on
13 the loss returns in the annular space that
14 is provided?

15 MR. RUBINSTEIN:

16 Again, Your Honor, in terms of the
17 facts he has, it is difficult, I think, for
18 him to form an opinion on that.

19 JUDGE ANDERSEN:

20 We will see.

21 THE WITNESS:

22 So could you repeat the question?

23 EXAMINATION BY MR. MATHEWS:

24 Q. From your experience, looking at
25 those two bullet points, would you agree

1 that is enough information to say that they
2 were having a difficult cement job upcoming
3 on this well?

4 A. I think I need more information to
5 make that judgment.

6 Q. As the wells team leader, were you
7 aware of BP's engineering technical
8 practices?

9 A. One thing, you keep calling me a
10 wells team leader.

11 Q. I am sorry. Wells manager.

12 A. So could you repeat the question?

13 Q. Are you familiar with the
14 engineering technical practices that BP
15 publishes for their engineers and personnel
16 to be familiar with? Are you familiar with
17 those?

18 A. I am familiar with the engineering
19 technical practices, yes.

20 Q. Now, are the wells team leaders
21 required to be -- are they responsible to be
22 knowledgeable of those documents?

23 A. Everyone in the wells team should
24 know their engineering technical practices.

25 Q. So not only the BP engineers, but

1 the BP wellsite leaders would be
2 knowledgeable about what is a sufficient
3 cement evaluation?

4 MR. RUBINSTEIN:

5 I think that calls for
6 speculation. He said they are all
7 responsible to know the regulation.

8 JUDGE ANDERSEN:

9 We indicated that if he doesn't
10 have enough information, he can let us know
11 that, but we are trying to figure out what
12 he, as a manager, expects his employees to
13 know so that we can evaluate what they are
14 likely to know.

15 THE WITNESS:

16 Can you repeat the question?

17 EXAMINATION BY MR. MATHEWS:

18 Q. Sure. You have engineering
19 technical practices, and I think BP 1060
20 deals with your cement evaluations. Are
21 your wellsite leaders knowledgeable of that
22 document and the requirements set forth in
23 it?

24 A. I don't know if they are.

25 Q. Are they required to be?

1 A. The engineering technical
2 practices are written mainly for engineers
3 to follow.

4 Q. In the last bullet of that relief
5 note, "If you have any questions, my cell
6 number is," obviously, it has a number
7 there.

8 Is it common for the person who is
9 being relieved -- because Mr. Sepulveda was
10 going to well-control training -- is it
11 common for them to leave a phone number so
12 their relief can contact them if they have
13 any questions?

14 A. I don't know how they leave their
15 notes.

16 Q. If you are being relieved by
17 someone from another rig, another operation,
18 do you normally have some type of guidance
19 to the person who is relieving the
20 individual, who they communicate with and
21 how they communicate with them?

22 I have to imagine the wells team
23 leader for the THUNDER HORSE is not the same
24 team leader for the DEEPWATER HORIZON.

25 A. Right.

1 Q. So who would Mr. Kaluza call if he
2 had any questions?

3 A. I don't know what conversations
4 took place, so I cannot say that.

5 Q. At least, Mr. Sepulveda offered
6 him his number to call him if he had any
7 questions, correct?

8 A. Correct.

9 Q. Mr. Sepulveda actually testified
10 that when he went to well-control school, he
11 had turned his cell phone off. I am not
12 trying to make a point with that, but who
13 would be the next person in line? If he
14 could not contact Mr. Sepulveda for a direct
15 question, who would the wellsite leader then
16 call?

17 A. Can you clarify --

18 Q. If a wellsite leader for the
19 DEEPWATER HORIZON was trying to get guidance
20 from someone on the beach regarding a
21 procedure, regarding a test, regarding some
22 type of operation that was ongoing, who
23 would they call?

24 A. They would -- we have a
25 communication plan which outlines who they

1 would call for various types of decisions.
2 It would normally be the wells team leader,
3 or one of --

4 Q. Mr. John Guide?

5 A. Yes.

6 Q. Who was the second one?

7 A. One of the engineers associated
8 with the project.

9 Q. And this took place on -- this
10 e-mail was sent on April 16, and I have the
11 next e-mail in your pile.

12 It is Bates No.
13 BP-HZN-MBI00254858. And this is Mr. Sims
14 sending an e-mail to Mr. Guide on April 15,
15 around the same time frame, and he says,
16 "John, thanks for letting me know where you
17 are. I had to tell folks that I assumed you
18 were sick. Did you need to delegate to
19 someone?"

20 So Mr. Guide wasn't in the office.
21 If Mr. Guide wasn't in the office, I think
22 your next testimony was if a wellsite leader
23 needed help with something, he would then
24 rely on the drilling engineer, or one of the
25 engineers?

1 A. I didn't say that.

2 Q. I'm sorry.

3 A. I said that based on our
4 communication plan, depending on what kind
5 of decision or what kind of advice the
6 wellsite leader was needing, he may call an
7 engineer. The wellsite leader works for the
8 wells team leader, so that is who they would
9 call if there was an issue.

10 Q. Going to Bates No.
11 BP-HZN-BLY00125475. Is that document in
12 front of you?

13 A. Yes.

14 Q. It has "Negative test procedure
15 discussed," and this is Mr. Mark Hafle's Bly
16 interview notes.

17 "Mark noted that Don also talked
18 to him about the negative test" -- and this
19 is a phone call that Mark received at 8:52
20 p.m.

21 "Vidrine told Mark that the crew
22 had zero pressure on the kill line, but
23 still had pressure on the drill pipe. Mark
24 said he told Don that you cannot have
25 pressure on the drill pipe and zero pressure

1 on the kill line in a test that is properly
2 lined up. Don told Mark he was fully
3 satisfied that the rig crew performed a
4 successful negative test."

5 If a drilling engineer tells a
6 wellsite leader that something is not
7 possible, would you expect the wellsite
8 leader to then say he was satisfied with it,
9 if the engineer tells him it is not
10 possible?

11 MR. GODFREY:

12 Objection to the suggestion that
13 the interview notes are verbatim. We have
14 covered that before so I won't make the
15 objection again.

16 MR. MATHEWS:

17 I didn't read the full paragraph.
18 Do you want me to read the whole --

19 MR. GODFREY:

20 No. I take a different point. I
21 apologize.

22 These are not verbatim transcripts
23 of interviews. We had this discussion on
24 December 5 or 6 on the record with
25 Ms. Karis, but I am simply objecting that

1 these are not verbatim.

2 MR. MATHEWS:

3 These are not the same notes.

4 MR. GODFREY:

5 It applies to all Bly notes.

6 JUDGE ANDERSEN:

7 Those notes are summaries that
8 someone wrote of an interview.

9 MR. GODFREY:

10 That was my only point, and it
11 applies to all of them.

12 JUDGE ANDERSEN:

13 With that understanding,
14 Mr. Mathews had a question with respect to
15 what you think should be done if in the face
16 of -- if an engineer expresses an opinion
17 like that, what, if anything, should be done
18 with that opinion?

19 MR. RUBINSTEIN:

20 This is not an e-mail, but I would
21 like the record to be clear he is seeing
22 this document for the first time.

23 THE WITNESS:

24 What was the question?

25 EXAMINATION BY MR. MATHEWS:

1 Q. If a drilling engineer tells a
2 wellsite leader that something is not
3 possible, would you then expect the wellsite
4 leader to retest it, rerun it, or would you
5 expect him to say we are satisfied with what
6 we have?

7 A. I can't comment on a conversation
8 that I wasn't involved with.

9 Q. In general. If someone with 25
10 years of drilling experience tells one of
11 your wellsite leaders that something is not
12 possible, what would you expect out of the
13 person who is representing BP?

14 A. I can't comment on what people are
15 thinking.

16 Q. I am not asking you what they are
17 thinking. I am asking you what would you
18 expect out of your personnel who is
19 representing BP, if someone says it is not
20 possible, would you expect them to ask them
21 to rerun the test or would they just say I
22 am satisfied with what I have got?

23 A. I honestly -- I don't really know
24 what you are asking.

25 Q. My question is pretty direct.

1 MR. RUBINSTEIN:

2 Judge, that is the problem. He is
3 asking him to be an expert here and comment
4 on things he doesn't have the factual basis
5 on.

6 JUDGE ANDERSEN:

7 He is asking for the procedure if
8 a drilling engineer makes a statement like
9 this, would he expect the wellsite leader to
10 make the decision, or would he instruct the
11 people who work for him to call somebody
12 onshore to get their advice to reconcile and
13 try to figure out what they are going to do
14 in light of the stated engineer's opinion,
15 or does he want the decision to be made
16 there?

17 EXAMINATION BY MR. MATHEWS:

18 Q. You have a communication plan,
19 right?

20 A. Yes.

21 Q. Who is the ultimate authority in
22 the communication plan, the drilling
23 engineer or the wellsite leader?

24 A. It depends on what the decision is
25 as laid out in that communication.

1 Q. Tier 1 through Tier 5. Is there
2 any tier that the wellsite leader overrules
3 the drilling engineer on the beach?

4 A. I don't --

5 Q. According to the communication
6 plan.

7 MR. RUBINSTEIN:

8 Can you just answer the question?

9 THE WITNESS:

10 So can you say what you said there
11 again? I think it was different --

12 EXAMINATION BY MR. MATHEWS:

13 Q. I am trying to make it something
14 you can answer. There is Tier 1 through
15 Tier 5 decision levels, decision-making
16 process in the communication plan. At any
17 time, does the wellsite leader ever have
18 authority over the drilling engineer on the
19 beach?

20 A. The Level 1, the wellsite leader
21 has the accountability, or he can make the
22 decision, from recollection.

23 Q. I will come back around with the
24 communication plan. I want to move on to
25 Transocean's performance. This is an e-mail

1 you are on, for the record, Bates No.
2 BP-HZN-MBI00198309. Do you have that in
3 front of you?

4 A. I do.

5 Q. Who is Andrew Frazelle?

6 A. He was the operations manager for
7 ATLANTIS. I'm sorry, THUNDER HORSE.

8 Q. And he was asking for feedback
9 from Transocean, correct? The date of the
10 e-mail is -- the one I am asking about is
11 dated March 24 from Ian Little to
12 Andrew Frazelle and David Rich.

13 A. So there was a request to provide
14 feedback on Transocean's performance.

15 Q. What was the reason for that
16 request?

17 A. That is why I was looking back.
18 There is no, kind of, e-mail trail to this.

19 Q. Was it typical to give these types
20 of comments on the drilling contractor, in
21 your experience?

22 A. I do remember writing the note.
23 And I think the context, from what I
24 remember, was this was going to be a
25 meeting, a high-level meeting with

1 Transocean, and we were requested to give
2 feedback on Transocean's performance to be
3 fed into a bigger review.

4 Q. Now, you wrote in this e-mail,
5 "Continued excellent drilling performance by
6 the rig. Safety culture improved
7 considerably since key personnel
8 change-outs, OIM and rig manager."

9 Can you explain what you meant by
10 that, sir?

11 A. So this was a comment on the, kind
12 of, past year's or more performance with the
13 HORIZON. It wasn't, kind of, an immediate
14 point in time.

15 The rig had a good operational
16 performance, an excellent operational
17 performance. The safety culture on the rig,
18 during my period of going to the rig and
19 working with the rig, I had observed some
20 areas for improvement in the safety culture
21 on the rig. In particular, in their
22 application of their own Safety Management
23 System.

24 I had communicated that to
25 Transocean and asked them to consider how

1 they could improve it, and they had come
2 back and said they were thinking about
3 changing some people, the OIM and rig
4 manager, which they subsequently did.

5 Q. When did that take place, to the
6 best of your recollection?

7 A. I don't know the exact dates the
8 changes were made, but it was between
9 May 2008, when I took over direct
10 accountability, and sending this note.

11 Q. And then it goes on to state that
12 "Also, the rig is getting old and
13 maintenance has not been good enough.
14 Again, it took BP pushing this and the
15 personnel change-outs for this to be
16 recognized and actioned."

17 What do you mean by "BP pushing"?

18 A. It meant that I was asking
19 Transocean to take some action on some
20 things, and I had to push to get that done
21 in a timely manner.

22 Q. So is it your testimony that if BP
23 wanted something done, they could push and
24 do whatever they wanted to Transocean to get
25 it done?

1 A. That is not what I said. I said
2 it was -- the meaning of push, it was to ask
3 and to, you know, keep stating what my view
4 was. And Transocean had agreed.
5 Particularly, it was their plan, and my push
6 was, so when are you going to execute your
7 plan? And I was just trying to get them to
8 do it in a more timely manner.

9 Q. But if BP wanted something done on
10 that rig, they had the right to get it done,
11 to have Transocean, to push Transocean to
12 perform the actions they wanted taken,
13 because they were the customer of the rig?

14 A. Could you clarify what you mean by
15 "the right"?

16 Q. As a customer, you were operating
17 their rig in the Gulf of Mexico. If you
18 needed something done to that rig, would
19 they not acknowledge your request to have it
20 done? Or as a customer, do you have certain
21 rights to say, "I want this fixed on this
22 rig tomorrow"?

23 A. I think it would depend on the
24 situation.

25 Q. Let's bring up a specific topic.

1 The BP Marine audit, September 2009. You
2 are familiar with that, correct, sir?

3 A. Yes.

4 Q. Did you have any communication
5 with John Guide with regard to some of the
6 items found in that audit? Identified?

7 A. Could you be more specific?

8 Q. Yes, sir. I'd like to refer you
9 to BP-HZN-MBI00328932. Is that document in
10 front of you? This is a string of e-mails
11 originated by Mr. Norman Wong. Do you know
12 who Mr. Norman Wong is?

13 A. Yes.

14 Q. Who is he?

15 A. Head of BP rig audit.

16 Q. And Mr. Norman Wong sent an e-mail
17 to Harry and John about the findings of the
18 audit?

19 A. Correct.

20 Q. And then you received it from
21 Mr. Harry Thierens; is that correct?

22 A. Correct.

23 Q. And then you sent it to John Guide
24 and Keith Daigle. And the last sentence
25 says, "We need to think about how and who

1 can help us to verify these are closed out.
2 Let's discuss when we go through the list,"
3 and the list is referring to the e-mail
4 Mr. Wong sent to Mr. Thierens.

5 A. That's correct.

6 Q. Did you have any communication
7 with Mr. Guide about the closeout of any of
8 these actions?

9 A. So, yeah, we had been having
10 conversations about the closeout of the rig
11 audit. It was commissioned by John Guide,
12 the wells team leader, and it was carried
13 out during an out-of-service period while
14 Transocean was making some modifications to
15 the rig. So the rig audit was performed
16 in -- I don't have the exact dates, but in
17 September.

18 There was an immediate feedback
19 given to John Guide by the rig audit people
20 that some items needed to be closed out.
21 John communicated that to me. Those were
22 marine items. He said that Transocean was
23 working on a plan to close out those audit
24 items, and we would not be able to go back
25 into operation until the items were

1 addressed.

2 Q. You said some of the items were
3 marine items, but there are some items that
4 are not marine items captured in Mr. Wong's
5 e-mail, correct?

6 A. This is after the original
7 feedback on the rig audit.

8 Q. And then in October, Mr. Wong
9 sends his e-mail that included marine and
10 non-marine?

11 A. Yes.

12 Q. And one of the items was "The
13 test, middle and upper BOP ram bonnets are
14 original and out with {sic} OEM and API
15 5-year recommended recertification period."

16 Is that correct?

17 A. That is what it says, yeah.

18 Q. Now, as the customer, could BP
19 require Transocean to stop operations or
20 address it in the next rig move, or shut
21 down whatever they were doing, and say, "You
22 need to have this repaired"?

23 A. So the process for closing out
24 this audit is that the wells team leader
25 works with Transocean to develop an action

1 plan, and that action plan is then
2 implemented to close out all the items on
3 the audit.

4 Q. The action plan that I think they
5 came back with, or that you requested they
6 come back with for the ram bonnets was to
7 have it addressed by end of the year 2009?

8 MR. RUBINSTEIN:

9 When you say "you," can you
10 clarify?

11 MR. MATHEWS:

12 Sorry. The audit team.

13 THE WITNESS:

14 I did not go into the specifics of
15 the audit. The audit closeout was John's
16 role to do that. My role was to make sure
17 that we followed our practices and
18 procedures, and one of those is that we have
19 a regular rig audit every two years,
20 approximately, and that we follow through to
21 close out that audit.

22 The accountability for closing out
23 that audit is with John, in this case for
24 the HORIZON, to execute an action and carry
25 it out.

1 EXAMINATION BY MR. MATHEWS:

2 Q. But if BP gave an order to
3 Transocean saying you must have the BOP
4 stack major inspection, major overhaul
5 completed by tomorrow, is BP going to -- I
6 mean, is Transocean going to say no?

7 A. You are asking me to speculate on
8 a conversation.

9 Q. Who makes the decisions on what
10 the rig does?

11 A. In what situation?

12 Q. In respect to these audit
13 findings.

14 A. The audit is closed out by
15 Transocean, and John makes sure that --

16 Q. Right. And these findings are
17 what you are telling Transocean to address?

18 A. Yes. That's right.

19 Q. And does Transocean come back to
20 you and say, "No, we are not addressing
21 this"? Or do you say, "If you do not
22 address them, we are stopping operations
23 until you do"?

24 I'm confused, because it seems
25 like you are telling me that Transocean is

1 responsible for doing this, but BP is the
2 lessee and they are the customer of that
3 rig. And if it is not to your satisfaction,
4 do you not have a right to shut down the
5 operation?

6 A. If we are not happy with them,
7 yes, we can shut down the operation.

8 Q. Have you heard the term "sector
9 leadership" within BP before?

10 A. I have.

11 Q. What is that?

12 A. Sector leadership was a term that
13 was used by our management as kind of a
14 corporate goal to be the leader in our
15 sector.

16 Q. There was some e-mail traffic
17 around April 20, and this time is not
18 accurate in this e-mail, but it is Bates No.
19 BP-HZN-MBI00258507, and for the record, you
20 are not on this e-mail.

21 This is from Mr. Ross Skidmore,
22 who testified before this board, and he was
23 sending an e-mail to John Guide and some
24 other gentlemen, Don Vidrine and Robert
25 Kaluza, who were the wellsite leaders, and

1 Mr. Merrick Kelley who also testified before
2 this board. They were discussing doing
3 another wash trip due to some concerns
4 Mr. Skidmore had.

5 "My main reason for the wash trip
6 is due to the fact that we are displacing to
7 saltwater prior to the LIT run."

8 He ends his e-mail by saying, "I
9 see four hours now versus a greater amount
10 later, myself. I would prefer making the
11 wash run."

12 Mr. John Guide responds, "We will
13 never know if your million dollar flush run
14 was needed. How does this get us to sector
15 leadership?"

16 Is he talking about saving the
17 company a million dollars to get to sector
18 leadership, or what you thought was a
19 corporate level of trying to be the best in
20 the business?

21 MR. RUBINSTEIN:

22 Your Honor, he is asking him to
23 speculate about what somebody else meant
24 when they used the term, and he wasn't part
25 of the conversation.

1 JUDGE ANDERSEN:

2 If he knows, he can say. If he
3 does not know, then obviously, he can't
4 answer.

5 THE WITNESS:

6 I don't know what this paragraph
7 meant.

8 MR. MATHEWS:

9 Thank you. I have no further
10 questions.

11 CAPT. NGUYEN:

12 Let's take a break until 9:40.

13 (Recess.)

14 JUDGE ANDERSEN:

15 Please be seated. Captain Nguyen
16 pointed out that some of the attorneys may
17 have scheduling conflicts because of
18 concurrent depositions. So when we finish
19 with the board and Marshall Islands
20 questioning of this particular witness, if
21 any one of you have a particular time
22 urgency and have any questions, we will move
23 you up.

24 MR. PENTON:

25 Yes, sir, Your Honor.

1 Mike Williams.

2 JUDGE ANDERSEN:

3 Otherwise, we will maintain the
4 same order, but as we know, we can only be
5 in one place at a time.

6 Additional questions from the
7 board?

8 MR. MATHEWS:

9 I have one more on the
10 communication plan, Bates No.
11 BP-HZN-MBI00193529.

12 EXAMINATION BY MR. MATHEWS:

13 Q. This is the communication plan for
14 normal operations so if there is ever any
15 type of question that arises, who the
16 contact person should be; is that correct,
17 sir? From the wellsite leader?

18 A. So this is for contact during
19 normal operations.

20 Q. Yes, if you refer to the very
21 bottom of the page, there is a subset
22 discussion of who to call.

23 A. When to call.

24 Q. Yes. And he was calling --
25 Mr. Vidrine was calling about a surface test

1 plug procedure?

2 MR. RUBINSTEIN:

3 Can we just be clear on the time
4 frame?

5 MR. MATHEWS:

6 At 8:52 p.m. on April 20.

7 EXAMINATION BY MR. MATHEWS:

8 Q. According to that plan, he
9 contacts the drilling engineer. That is who
10 the arrow is drawn to for the wellsite
11 leader; is that correct?

12 A. In this particular document, yes.

13 Q. If the drilling engineer gives the
14 wellsite leader advice on something, would
15 you expect the wellsite leader to listen to
16 the drilling engineer, or be comfortable
17 with his own opinion? Who is the ultimate
18 authority is what I am trying to figure out.

19 A. I don't know what you mean by
20 "ultimate authority."

21 Q. The drilling engineer has one
22 opinion and tells the wellsite leader that
23 what we are discussing is not possible,
24 regardless if it is a negative test or plug
25 procedure. If the drilling engineer

1 disagrees with the wellsite leader, does the
2 wellsite leader have the authority to do
3 what he wants outside of the communication
4 plan?

5 A. It really would depend on the
6 circumstances. I mean, I can't comment
7 without knowing more.

8 Q. Fair enough. I just wanted to
9 show you the communication plan we had been
10 talking about.

11 MR. MATHEWS:

12 Thank you.

13 EXAMINATION BY CAPT. HIGGINS:

14 Q. Good morning, Mr. Little. We
15 understand you have a very dynamic operating
16 area, and we sincerely appreciate your
17 appearance today.

18 You indicated you had questions or
19 problems with the Safety Management System
20 on board the DEEPWATER HORIZON. Would you
21 please elaborate on exactly what those
22 concerns were?

23 A. Yes. So the Transocean Safety
24 Management System has a THINK planning
25 process, risk assessment plan. There are

1 various levels they can use within that
2 process. And my observations on visits to
3 the rig was that the teams were very good at
4 the variable THINK planning and having a
5 risk assessment prior to a job; as a team,
6 they were very good at that.

7 I just thought that, based on my
8 experience, that being a bit more rigorous
9 and on some occasions having written THINK
10 plans or written risk assessments would be
11 something the rig should consider doing, and
12 that is what I communicated to Transocean.

13 Q. How did the removal of the two
14 individuals, I believe you said the rig
15 manager and the OIM, alleviate your concerns
16 with regard to the Safety Management System?

17 MR. FANNING:

18 Can we get some specificity on
19 that?

20 EXAMINATION BY CAPT. HIGGINS:

21 Q. I believe you said they changed
22 out two personnel, correct?

23 A. Yes.

24 Q. Who were those two personnel?
25 What were their positions?

1 A. They were the OIM and the rig
2 manager.

3 Q. And how did the removal of those
4 two individuals alleviate your concerns with
5 regard to the Safety Management System
6 aboard the DEEPWATER HORIZON?

7 A. That wasn't my decision, that was
8 Transocean's, so I can't answer that
9 question.

10 Q. Did the change of those personnel
11 alleviate your concerns with regard to the
12 Safety Management System?

13 A. We saw an improvement in how they
14 were applying that after that period, yes.

15 Q. Was that part of a larger
16 solution, or was that the only indication of
17 change?

18 A. No, they had a plan, a whole plan.
19 That was just part of it.

20 Q. When you interfaced with other
21 companies' Safety Management Systems, did
22 you have concerns with other rigs or just
23 the DEEPWATER HORIZON?

24 A. You have to be more specific. I
25 mean, I --

1 Q. Were there other Transocean rigs
2 that you had safety management concerns with
3 regard to?

4 A. Can you specify a time period?

5 Q. During your time in the Gulf of
6 Mexico.

7 A. None -- the HORIZON is who I
8 worked with, visited the most, so that was
9 the rig I was giving the feedback on.

10 Q. Were there other rigs that you
11 provided similar feedback on?

12 A. Not Transocean, no.

13 Q. Sir, with regard to the September
14 audit, I believe you indicated that there
15 were certain items that needed to be closed
16 out before the rig would be put back in
17 operation.

18 A. That's correct.

19 Q. And what were the items that
20 needed to be closed out before the rig was
21 put back in operation?

22 A. I don't remember the specifics.
23 They were, from what I recall,
24 marine-related items.

25 Q. With regard to the list Mr. Wong

1 provided, included in that was the BOP
2 maintenance items. Why was that not an item
3 that needed to be closed out before the rig
4 was put back into operation?

5 A. I don't know. You would have to
6 ask Mr. Wong and his team.

7 Q. Would that be best addressed to
8 Mr. Wong or Mr. Guide?

9 A. I don't know the answer to that.

10 Q. Also in the e-mail there are a
11 number of things like the bilge pumps,
12 emergency bilge suction and watertight
13 integrity. Do you know if those were
14 corrected before the rig was put back in
15 operation?

16 A. I don't know. All of the rig
17 audit items were put into a plan to be
18 closed out.

19 Q. Do you know when those items were
20 closed out?

21 A. I don't know when the items were
22 closed out, no.

23 Q. Do you know if the BOP items were
24 closed out before the rig was put back in
25 operation?

1 A. In what time period?

2 Q. The audit was in September, and my
3 understanding is that the rig was put back
4 in operation and was actually operating
5 without the BOP items having been corrected;
6 is that correct?

7 A. The items that were corrected
8 before we went back into operation were the
9 items we recommended be closed out before
10 going back into operation. So we closed
11 those out, and the rest of them were put
12 into a plan by Transocean, and they were
13 being closed out.

14 Q. Do you know if the BOP maintenance
15 items were included with the items that
16 needed to be closed out before the rig was
17 put back in operation?

18 A. Can you repeat that?

19 Q. Do you know if the BOP maintenance
20 items were required to be closed out before
21 the rig was put back in operation?

22 A. I don't know what you mean by
23 "maintenance items."

24 Q. "The test, middle and upper BOP
25 ram bonnets, are original and out with {sic}

1 OEM and API 5-year recommended
2 recertification period."

3 Did that item identified by
4 Mr. Wong have to be corrected before the rig
5 was put back in operation?

6 A. That was not identified on the
7 list that John got immediately after the
8 audit. That came with the full audit.

9 Q. Were you satisfied with
10 Mr. Guide's action plan with regard to
11 clearing the items from the September audit?

12 A. There was a plan put in place and
13 that plan was being actioned. I didn't get
14 into the specifics of the plan. That is not
15 my role to do that.

16 Q. Were you satisfied with the
17 actions he was taking with regard to that
18 audit, or was that not in your role?

19 A. I was satisfied that he was
20 progressing the closeout of the audit.

21 Q. If Transocean had decided that the
22 BOP maintenance was so critical that it
23 needed to be done before the rig was put
24 back in service, could they have done so?

25 A. Yes, it is their rig, their

1 operation, yes, they could have done that.

2 Q. If BP had decided that maintenance
3 was so critical, could they have stopped the
4 operation and prevented the rig from going
5 back into service without correcting those
6 deficiencies?

7 A. I don't understand the question.

8 Q. If BP had decided that the
9 maintenance on the BOP was critical, could
10 they have stopped the operation before the
11 rig was put back in service?

12 A. What do you mean by "BP could
13 have"?

14 Q. My understanding is that BP was
15 aware, based on the September audit, of the
16 maintenance requirements with regard to the
17 BOP. Could they have stopped the rig from
18 going back in service until those
19 maintenance requirements were met?

20 A. That -- I guess -- so what is the
21 question?

22 The item wasn't identified by the
23 rig audit team as being required to be
24 closed out before going back into operation.

25 Q. Mr. Wong identified this list of

1 things. If this was a critical maintenance
2 item, could BP have stopped the operation
3 and corrected it?

4 A. You mean like we did with the
5 marine items?

6 Q. Yes, sir.

7 A. Yes.

8 Q. In your opinion, were the BOP
9 issues significant enough that either BP or
10 Transocean should have stopped the operation
11 in order to correct them before placing the
12 rig back in service?

13 A. I am not an expert on BOP
14 maintenance; Transocean are the experts on
15 that. Our audit team came in and gave their
16 opinion and that is what went into the
17 action plan to be closed out.

18 Q. Were you involved in the decision
19 to replace Mr. Sepulveda with Mr. Kaluza?

20 A. No.

21 Q. Was it common to replace a
22 wellsite leader at such a critical juncture
23 in the operation of something like temporary
24 abandonment?

25 MR. RUBINSTEIN:

1 I'm sorry, Captain, could you
2 state the time frame so we understand when
3 you are talking about?

4 EXAMINATION BY CAPT. HIGGINS:

5 Q. Yes, sir. Mr. Sepulveda was
6 replaced by Mr. Kaluza approximately three
7 days before the incident in the middle of a
8 temporary abandonment procedure. Would it
9 be common to replace a wellsite leader in
10 that type of situation?

11 A. I don't know the specifics of the
12 conversation that went on, but wellsite
13 leaders change out all the time, every two
14 weeks. Occasionally, we have to put people
15 out there.

16 Q. Would it be common to bring a
17 wellsite leader from, for example, THUNDER
18 HORSE to relieve on the DEEPWATER HORIZON in
19 such a critical situation?

20 A. Could you define "common"?

21 Q. My understanding is that
22 Mr. Kaluza was brought from THUNDER HORSE to
23 DEEPWATER HORIZON shortly before the
24 incident. My question is, is it common to
25 bring wellsite leaders from one rig to

1 another in that type of process?

2 A. Again, I wasn't there, I don't
3 know the specifics of the discussions that
4 took place, so I can't comment about that
5 specific time.

6 Q. My understanding of your testimony
7 is that there are four or five wellsite
8 leaders to each well; is that correct?

9 A. Normally, yes.

10 Q. Do you know if there was a
11 DEEPWATER HORIZON qualified wellsite leader
12 that could have replaced Mr. Sepulveda
13 rather than bringing Mr. Kaluza from THUNDER
14 HORSE?

15 A. I don't know.

16 CAPT. HIGGINS:

17 Thank you.

18 JUDGE ANDERSEN:

19 Questions from the board?

20 EXAMINATION BY CAPT. NGUYEN:

21 Q. What is the name of the rig
22 manager who was changed out?

23 MR. RUBINSTEIN:

24 What is the time frame?

25 EXAMINATION BY CAPT. NGUYEN:

1 Q. Yes. The two that changed out,
2 one was the rig manager and the other one
3 was the offshore installation manager. Do
4 you know their names, sir?

5 A. I do, but I can't remember.

6 Q. Jonathan Keaton, would that be
7 him?

8 A. Yes.

9 Q. Do you have any knowledge of his
10 performance, sir?

11 A. No.

12 Q. So you didn't have any concerns
13 about his performance?

14 A. It wasn't my role to evaluate his
15 performance.

16 Q. Yes, sir. It wasn't your role,
17 but were you aware of any concerns about his
18 performance?

19 A. I was not aware of any discussions
20 about his performance, no.

21 Q. How about the offshore
22 installation manager that was changed out?

23 A. Sorry?

24 Q. The name of the offshore
25 installation manager?

1 A. I can't recall.

2 Q. How about Jimmy Harrell, was he
3 the offshore installation manager?

4 A. Jimmy, I think, was still there.

5 Q. So he was not the one that was
6 changed out?

7 A. No.

8 Q. Do you have any knowledge of the
9 performance of the OIM that was changed out?

10 A. No.

11 JUDGE ANDERSEN:

12 Board questions?

13 EXAMINATION BY MR. BUTTS:

14 Q. Good morning. Just one question,
15 or actually two, I guess.

16 The audit, is there a standard
17 method of auditing each of the drilling rigs
18 in the Gulf of Mexico?

19 A. Rig audit is a standard BP
20 process.

21 Q. Was this the first time that the
22 DEEPWATER HORIZON had been subject to such
23 an audit?

24 A. No.

25 Q. In previous audits, had the

1 recertification issue of the BOP been
2 documented?

3 A. I don't know.

4 Q. And what about other rigs you
5 supervised, were the same issues brought up
6 about the recertification of the BOP?

7 A. I'm not aware.

8 Q. The final question is relating to
9 one of the observations. You commented
10 about risk management, and perhaps there
11 could be a better way to mitigate some of
12 the risks. Did you have any concerns with
13 the permit-to-work process on the DEEPWATER
14 HORIZON?

15 A. Let me clarify. You said, "better
16 way." That was not my comment. It was just
17 the -- trying to be more rigorous in the use
18 of their system rather than to change it.

19 Q. Okay.

20 A. My comment was just around the
21 THINK planning process.

22 Q. Did you have any comments or
23 observations regarding one of the items on
24 BP-HZN-MBI00136228, reference 1.1.1, "A
25 conflict was noted between the BP Golden

1 Rules on permit-to-work and Transocean's SMS
2 policies. OIM's duty is to determine if
3 permit is required in addition to an
4 isolation certificate."

5 As I understand this, if a crew
6 member was to isolate an energy source,
7 let's say, for example, the No. 2 mud pump,
8 that determination would need to go to the
9 offshore installation manager, and then
10 perhaps if the OIM or the senior toolpusher
11 determined that a permit-to-work was also
12 required, it would require the individual to
13 go through that.

14 My comment is, I guess, that it
15 was noted in the September audit that there
16 was a conflict between BP and Transocean's
17 SMS policies. Did you have any observations
18 or comments on how that was going to be
19 rectified?

20 A. No, I did not get into the
21 specifics of that.

22 Q. And it says it was for an
23 immediate rectification or completion. So
24 you are not aware of that conflict between
25 those two policies ever being rectified?

1 A. I am not aware.

2 Q. Okay.

3 MR. BUTTS:

4 Thank you very much.

5 JUDGE ANDERSEN:

6 Any other board questions?

7 Republic of Marshall Islands?

8 EXAMINATION BY MR. LINSIN:

9 Q. Good morning. My name is
10 Gregory Linsin; I represent the Republic of
11 Marshall Islands, the flag state for the
12 DEEPWATER HORIZON.

13 How often did you visit the
14 DEEPWATER HORIZON, sir?

15 A. I tried to go once a quarter.

16 Q. So in the time you held that
17 position in the Gulf of Mexico, you were out
18 to the rig 8, 12 times? Would that be a
19 fair estimate?

20 A. I don't have an exact count for
21 that two-year period, but yes, eight to ten
22 times sounds reasonable.

23 Q. And when you visited the rig,
24 would you typically be out there for a day
25 or two? What would the duration of those

1 visits be?

2 A. Normally you go out and -- you
3 know, get a helicopter out in the morning,
4 spend the night and take the helicopter back
5 the next day.

6 Q. And why were you visiting the rig
7 approximately once a quarter?

8 A. As part of my role, I -- you know,
9 I need to go out and see what actual work is
10 happening, because I am not in direct line
11 for the rigs. So in order for me to know
12 that things are going well, it is generally
13 accepted that you go to the rig and see for
14 yourself, talk to the BP people on the rig,
15 see how -- you know, if they have any
16 issues, conduct safety discussions with the
17 rig as a whole, and then go out and walk
18 around and talk to people doing the work and
19 have safety conversations, mainly, is the
20 purpose.

21 Q. And would you bring anyone else
22 out with you? Did Mr. Guide go with you?
23 Did Mr. Sims go with you?

24 A. Sometimes.

25 Q. All right.

1 A. Normally, I try to go with someone
2 from Transocean, so usually -- my
3 counterpart I dealt with was Daun Winslow.
4 We would try to go and be together, but that
5 didn't always work out.

6 Q. And so the observations that you
7 testified about a little earlier regarding
8 these concerns as to the implementation of
9 the risk management practices, did those
10 concerns develop from your visits to the rig
11 on those occasions?

12 A. Mainly. And also from the
13 investigation of some of the incidents that
14 did occur on the rig. There were some
15 findings on those. So it was a combination.

16 Q. And did I understand you to say
17 that at least one of the concerns you had
18 regarding this issue of risk management
19 centered around a perceived need, anyhow,
20 for a more rigorous focus on written
21 procedures for risk management; is that
22 correct?

23 A. It was more around the risk
24 assessment process, so their process for
25 identifying risks before you carry out a

1 job, and then to put mitigations in. So it
2 was around the rigor of that, and trying to
3 use, when appropriate, more written rather
4 than just the variable risk assessment.

5 Q. And why did you believe that it
6 would be more valuable to have some of these
7 procedures committed to writing?

8 A. The risk assessments?

9 Q. Yes, sir.

10 A. Based on my experience and just on
11 my observations.

12 Q. With whom in Transocean did you
13 discuss these concerns about their risk
14 assessment procedures and this perceived
15 need for greater focus on committing some of
16 these to writing?

17 A. Mr. Daun Winslow is who I
18 primarily interfaced with.

19 Q. And when you raised these issues
20 with him, how did he respond?

21 A. I can't remember the specific
22 occasions, but he wasn't disagreeing, if I
23 remember.

24 Q. Is it accurate to say he was
25 receptive to the suggestions?

1 A. Yes.

2 Q. Did you also speak to Mr. Winslow
3 about the potential change-out of the
4 personnel you referenced, the OIM and the
5 rig manager?

6 A. No, that came from Transocean.

7 Q. But referring to one of the
8 e-mails you were questioned about by
9 Mr. Mathews, BP-HZN-MBI00198309, which was
10 your e-mail to Andrew Frazelle and
11 David Rich, where you said, "The rig is
12 getting old and maintenance has not been
13 good enough. Again, it took BP pushing this
14 and the personnel change-outs for this to be
15 recognized and actioned."

16 Were you attempting to convey
17 here, sir, that you needed to push in order
18 to accomplish these personnel changes, or am
19 I misreading that?

20 A. Yeah. That wasn't what I meant.
21 That the changes were performed by -- to
22 change out some people was put forward by
23 Transocean as a follow-up to some of my
24 comments, and they had a plan which included
25 the change-out of the people. And they were

1 working on a timeline, but it was taking
2 quite a long time, and I was just pushing to
3 say, "Well, you said you were going to do
4 this; when are you going to do it? You said
5 by a certain date and it hasn't happened."

6 If Transocean were saying this is
7 important and this is what they saw as one
8 of the things they needed to do to improve,
9 then obviously, I was keen that it happened
10 as quickly as possible so that we got the
11 improvement.

12 Q. As best you recall, if not a
13 precise date, when did those personnel
14 change-outs occur? Just a quarter would
15 be --

16 A. I think -- again, my recollection
17 from two years ago, the OIM change-out came
18 first, if I remember. It might have been in
19 late 2008. But it may not have been.

20 Q. You were asked several questions
21 about the BP audit from September of 2009
22 and the assurance that these outstanding
23 items were placed on a work plan and were
24 being tended to.

25 Did you personally communicate

1 with anyone in Transocean about the audit
2 findings?

3 A. I'm sure I would have discussed it
4 with Mr. Winslow, and I may also have
5 discussed it with the rig manager,
6 Mr. Johnson. And also, when I went on rig
7 visits, I would generally ask while I was on
8 the rig how is progress on the audit with
9 the Transocean people on the rig.

10 Q. Did you visit the rig at any point
11 between September of 2009 and your
12 change-out to your new position in April of
13 2010?

14 A. Yes.

15 Q. And did you discuss with
16 Mr. Winslow and the rig personnel during
17 that visit -- was it one visit or more than
18 one in that interval?

19 A. I think there was two. I think I
20 went in October and then I went -- my last
21 visit to the rig was in early December.

22 Q. And during those two visits, did
23 you address the audit findings and evaluate
24 the progress that was being made to address
25 those findings?

1 A. Yes, I remember we talked about
2 the audit certainly at the December session,
3 because Mr. -- at that rig visit, Mr. Rich
4 and Mr. Thierens were part of the rig visit.
5 They were doing a handover in their roles.
6 And I remember requesting that we get an
7 update on how progress was on the audit and
8 I know we talked about it on the rig.

9 Q. At least as far as I understand
10 it, at no point during that time interval
11 between the audit and the casualty in April
12 of 2010, at no point did BP direct
13 Transocean to stop work on the rig; is that
14 correct?

15 A. Could you say the time frame
16 again?

17 Q. Between the audit in September of
18 2009 and the casualty in April of 2010.

19 MR. GODFREY:

20 Objection, misstates evidence in
21 the record repeatedly.

22 JUDGE ANDERSEN:

23 You want to repeat your question,
24 please?

25 EXAMINATION BY MR. LINSIN:

1 Q. I will put it a different way.

2 Were there any instances between
3 the audit in September of 2009 and the
4 casualty on April 20 of 2010 when BP had
5 requested Transocean to cease work on the
6 rig?

7 MR. RUBINSTEIN:

8 You mean other than the shutdown
9 for when the marine audit items were done,
10 or are you including that?

11 MR. LINSIN:

12 I am including that.

13 THE WITNESS:

14 So when we were told about the
15 marine items that need to be closed, we did
16 not go back to operations until they were
17 closed out enough to be able to go back to
18 work.

19 EXAMINATION BY MR. LINSIN:

20 Q. And after those marine items were
21 closed out, when you visited the rig on the
22 two occasions you just testified about, were
23 you satisfied that sufficient progress was
24 being made on the remaining outstanding
25 findings?

1 A. Given what I was -- there was
2 no -- no one was saying that we weren't, so
3 yes, I think I was satisfied, based on what
4 I was being told, that the audit items were
5 being closed out.

6 Q. Now, I recognize that as of
7 April 2 you were no longer in your Gulf of
8 Mexico position; is that correct?

9 A. That's correct.

10 Q. But I would like to ask some
11 general questions about some issues that
12 have come up regarding the activities on the
13 DEEPWATER HORIZON after April 2, but I want
14 to ask in general terms, if I can, based on
15 your background and experience.

16 In any of the work you have done
17 within the industry, have you ever seen
18 companies that have developed written
19 procedures for the performance of negative
20 tests before the temporary abandonment of a
21 well?

22 A. Not that I'm aware of.

23 Q. Do you agree with me that the
24 evaluation of the results of a negative test
25 performed on a well before a temporary

1 abandonment is a -- that the purpose of the
2 negative test and the assessment of those
3 results is a critical assessment of the
4 potential risk for a blowout from that well?

5 A. I don't know the specific
6 conversations that went on.

7 Q. I'm not asking you any specifics,
8 sir, I am asking you, in general terms, do
9 you agree that the assessment of negative
10 test results before the temporary
11 abandonment of a well is a critical
12 assessment of the risk of blowout for that
13 well?

14 A. The negative test is a critical
15 step before removing the riser, yes.

16 Q. Given what you testified to
17 earlier about the importance of written
18 procedures for risk assessment that you
19 already commented on for Transocean, would
20 you agree with me that it would be important
21 to also have written procedures for
22 assessment of the negative test before a
23 company decides to temporarily abandon a
24 well?

25 A. I'm not in a position to say that.

1 It would depend on what was in place. I
2 don't know that there is a general answer to
3 that.

4 Q. Would you agree with me that
5 written procedures regarding critical steps
6 in the drilling or abandonment of a well
7 would help to reduce the risk of mistakes,
8 misinterpretations and confusion about the
9 procedures that should be utilized to
10 implement and interpret the results of a
11 negative test?

12 A. Again, I can't give comment on a
13 generality, sorry.

14 Q. You were asked some questions by
15 Captain Higgins whether you had any
16 involvement in the decision to temporarily
17 replace Ronnie Sepulveda. Your testimony
18 was you did not have any involvement in
19 that; is that correct?

20 A. I was not in place at that time.
21 I was not involved with the operation.

22 Q. Did you have any knowledge of
23 that? Did anyone discuss that change-out
24 with you?

25 A. Could you be specific as to which

1 one?

2 Q. I am talking about the change-out
3 of Ronnie Sepulveda -- I will give you
4 dates -- I am discussing Mr. Guide's need to
5 find coverage for Ronnie from April 16
6 through April 21, 2010, because he was going
7 to be attending a class onshore.

8 Did anyone have any discussion
9 with you about the fact that Mr. Sepulveda
10 was going to have to be replaced and who
11 that replacement should be?

12 A. No. I wasn't -- I wasn't in the
13 Gulf of Mexico at that time; I wasn't
14 associated with the rig at that time.

15 Q. I do recognize that. And my
16 question is, I'm not asking where you were,
17 but whether anyone consulted with you about
18 the need to change out -- did you have any
19 knowledge that at least two other
20 individuals were recommended for replacement
21 for Mr. Sepulveda before Mr. Kaluza's name
22 was advanced to replace him on the rig?

23 A. No.

24 MR. LINSIN:

25 I have nothing further, thank you.

1 JUDGE ANDERSEN:

2 Thank you. The attorneys for
3 Mr. Little and BP have indicated they would
4 like to reserve questions for now.

5 At the risk of going out of order,
6 but to accommodate people who can't be in
7 two places at once, Mr. Williams' attorney
8 has indicated that because of a scheduling
9 conflict, he would like the opportunity to
10 go ahead of the normal time.

11 Would you like to ask some
12 questions?

13 MR. PENTON:

14 Yes, Your Honor.

15 JUDGE ANDERSEN:

16 Does anybody else have a similar
17 conflict for this morning? Okay.

18 Then, we will go back to our
19 regular order.

20 EXAMINATION BY MR. PENTON:

21 Q. Good morning. My name is
22 Ronnie Penton, and I represent, as you just
23 heard from the Judge, Mike Williams, the
24 chief electronics technician on the
25 DEEPWATER HORIZON that evening. I apologize

1 if some of these questions are duplicative,
2 but it was hard to hear all of your answers.

3 So let me ask you first, I want to
4 make it clear in my mind that up until
5 April 2 of 2010 that you were -- and I wrote
6 it down -- you were the Wells Manager,
7 Exploration & Appraisal, for the Gulf of
8 Mexico, correct?

9 A. That's correct.

10 Q. And this was -- and E&A means
11 exploration and appraisal, correct?

12 A. Yes.

13 Q. And the Macondo 52 was an
14 exploration well, correct?

15 A. It was termed an
16 infrastructure-led exploration well. It was
17 an ILX well.

18 Q. It was an ILX well, and it was
19 exploring the Miocene layers, is that
20 correct, of the geology, but it was an
21 exploration well?

22 A. Yes.

23 Q. Which means you had direct
24 responsibility for that well until April 2,
25 correct?

1 A. Not when I was not there and when
2 I delegated.

3 Q. So when you say "not there," do
4 you mean when you are in Houston or --

5 A. When I delegated my authority.

6 Q. Let's talk about that. This well
7 began with the MARIANAS, correct?

8 A. That's correct.

9 Q. And that was October of 2009?

10 A. I believe so.

11 Q. So you were responsible for that
12 well past that. In early 2009, the design
13 stage, the downhole design for this well,
14 you were the wells manager for this well,
15 correct?

16 A. I was the wells manager while this
17 well was being planned by my engineering
18 team.

19 Q. Yes. And you were involved in
20 that design through your engineering team,
21 correct?

22 A. I was involved in my role during
23 that period.

24 Q. Okay. Where was your home, say,
25 from January of 2009 until April 2 of 2010?

1 A. In Houston.

2 Q. When did you leave from your home
3 in Houston?

4 A. I left Houston permanently the
5 beginning of April. I left the Gulf of
6 Mexico on April 2, and I actually took the
7 weekend and then left on the 5th, I think.

8 Q. I understand. Where do you
9 currently reside?

10 A. I reside in England.

11 Q. In England? Okay. And your
12 position in North Africa, is it correct, you
13 are Wells Manager, Exploration & Appraisal?

14 A. No.

15 Q. What is it?

16 A. I am the Vice President for Wells,
17 North Africa, based in Sudbury in London.

18 Q. You are, in fact, based at the BP,
19 LLC, headquarters?

20 A. Well, the Sudbury office, not the
21 headquarters.

22 Q. Let me ask you, between January 1
23 and April 2, when your handover to Mr. Sims
24 was complete, true?

25 A. Can you repeat the question?

1 Q. I believe from referring to the
2 documents that your handover was effective
3 April 2, 2010, correct?

4 A. The handover was in effect on
5 April 2.

6 Q. Yes, sir. But you were still in
7 charge of operations up until that time
8 because David Sims was on vacation during
9 the end of March, correct?

10 A. There was a period in the last
11 week of March, there were a few days where
12 David Sims went to London for a meeting and
13 I was still there in Houston; that's
14 correct.

15 Q. Between the time the DEEPWATER
16 HORIZON was mobilized on-site to begin the
17 completion of the drilling operation and the
18 completion of the well, how many days were
19 you in Houston between February 1 and
20 April 2, approximately?

21 A. Approximately? I was out most of
22 March and quite a bit of February, so not
23 that often.

24 Q. So while the DEEPWATER HORIZON was
25 on-site, then, according to your testimony,

1 you had delegated because you were not
2 there, correct?

3 A. That's correct.

4 Q. And you had delegated to
5 David Sims, correct?

6 A. David Sims for a period and
7 John Guide for a period, yes.

8 Q. Not together, but independently,
9 correct?

10 A. Yes.

11 Q. I believe you said that Mr. Guide
12 reported directly to you as the wells team
13 leader, correct?

14 A. That's correct.

15 Q. And you have answered a lot of
16 Mr. Mathews' questions about Mr. Sims and
17 Mr. Guide and their e-mails, correct?

18 JUDGE ANDERSEN:

19 Well, he got a lot of questions.

20 MR. PENTON:

21 That is noted for the record.

22 EXAMINATION BY MR. PENTON:

23 Q. Were you aware that John Guide was
24 in an absolute state of professional chaos
25 from mid-March until the DEEPWATER HORIZON

1 exploded and sank?

2 MR. GODFREY:

3 I object on so many grounds, Your
4 Honor. I mean, where do I start?

5 MR. PENTON:

6 Judge, he reports to him.
7 John Guide was charged with the
8 responsibility to discharge --

9 JUDGE ANDERSEN:

10 I do think -- obviously, the state
11 of mind of the people who made the decisions
12 leading up to this catastrophe is something
13 that is relevant.

14 If you have an opinion and can
15 characterize your observations regarding
16 Mr. Guide's state of mind during this time
17 period, that would be helpful to us.

18 THE WITNESS:

19 Could I get something more
20 specific that I could answer?

21 JUDGE ANDERSEN:

22 Did he seem to be operating on a
23 normal, professional level where things did
24 not bother him, or did he seem to be in a
25 comparatively agitated frame of mind? If

1 you recall and if you have an opinion.

2 THE WITNESS:

3 During the period when I was
4 there?

5 JUDGE ANDERSEN:

6 Well, sure, what you observed
7 yourself.

8 THE WITNESS:

9 I didn't observe any issues.

10 JUDGE ANDERSEN:

11 All right then. Thank you very
12 much.

13 I think that is the point you
14 wanted to get at?

15 EXAMINATION BY MR. PENTON:

16 Q. Thank you, Mr. Little.

17 Let me ask you this. Were you
18 aware that Mr. Guide did not understand what
19 his authority was during this handover
20 period because of the separation of
21 operations and engineering?

22 MR. RUBINSTEIN:

23 Objection, misstates his prior
24 testimony and calls for speculation.

25 MR. PENTON:

1 Judge, I care not what his prior
2 testimony was; this is my question.

3 JUDGE ANDERSEN:

4 You can answer the question;
5 however, if this were a trial, I would say
6 that what a lawyer states in his question is
7 not evidence. If you want to address
8 Mr. Guide's knowledge of the reporting
9 relationships and authority, you can do
10 that, but you don't have to accept as
11 accurate any statements made in a lawyer's
12 questions. The lawyer can ask the question
13 he likes.

14 Would you like to repeat it?

15 MR. PENTON:

16 I will be happy to.

17 EXAMINATION BY MR. PENTON:

18 Q. Let me do it like this. Did
19 David Sims ever report to you that
20 John Guide reported to him that he was
21 flying by the seat of his pants in his job
22 as the wells team leader on the Macondo?

23 A. No.

24 Q. And John Guide never reported that
25 to you either, correct?

1 A. No.

2 Q. Did either David Sims or
3 John Guide report to you that there was a
4 huge level of paranoia from engineering
5 leadership, and it was driving chaos in
6 Houston at the BP office?

7 A. No.

8 Q. Were you aware that the lead
9 engineers, drilling engineers on the wells
10 team were looking at other employment in
11 March and April?

12 MR. RUBINSTEIN:

13 Object.

14 JUDGE ANDERSEN:

15 You don't have to accept the truth
16 of that, but were you aware of any attempt
17 by drilling engineers during that time to
18 seek other employment?

19 THE WITNESS:

20 No.

21 EXAMINATION BY MR. PENTON:

22 Q. Did anyone, Mr. Guide, Mr. Sims,
23 anyone from BP ever report to you during the
24 time of this handover that the operation on
25 the Macondo, on the DEEPWATER HORIZON, was

1 not going to succeed unless there was
2 clarification of the roles and
3 responsibilities of the various BP engineers
4 with respect to the Macondo well? Did you
5 ever hear that?

6 A. No.

7 Q. Is that something you would have
8 wanted to hear as the wells operations
9 manager for this well?

10 MR. RUBINSTEIN:

11 Object to the form of the
12 question. Calling for an opinion and, quite
13 frankly, it goes beyond what the board has
14 already covered.

15 JUDGE ANDERSEN:

16 I am going to overrule that in
17 this sense. One of the purposes of
18 Mr. Little's testimony is for the board and
19 the public and the Parties in Interest to
20 find out what information the management of
21 BP found relevant and would have tried to
22 gather in the drilling of this well.

23 Once again, if you don't have a
24 regular procedure, then you don't have to
25 guess or speculate and you don't have to

1 accept that the statements made in the
2 question necessarily are true with respect
3 to this situation.

4 So what is your answer?

5 THE WITNESS:

6 I wasn't there; I can't comment on
7 stuff that I don't know.

8 EXAMINATION BY MR. PENTON:

9 Q. Let me ask you this way. As the
10 wells manager for this well -- and my
11 understanding is there was only one other
12 person higher than you, and that is
13 Mr. Thierens, correct, with respect to this
14 well?

15 A. I reported to Mr. -- during the
16 time frame, Mr. Rich. Mr. Rich reported to
17 Mr. O'Bryan, Mr. O'Bryan reported to
18 Mr. Dupre.

19 Q. Are you situated on the chart just
20 below Mr. Harry Thierens?

21 A. What time frame?

22 Q. Talking about February and March
23 through April 2.

24 A. Mr. Thierens had left. Mr. Rich
25 was in place.

1 Q. Okay. Mr. Rich took Mr. Thierens'
2 place and Mr. Thierens went to the UK,
3 correct?

4 A. Right.

5 Q. In this position, isn't it true
6 that in order to protect the health and
7 safety of the men and women who serve in
8 these jobs in the oilfield, that as a wells
9 manager, you do not want there to be gray or
10 ambiguous lines of authority and
11 responsibility in very critical positions
12 like drilling engineers; is that correct?

13 MR. RUBINSTEIN:

14 Object to the form of the
15 question.

16 JUDGE ANDERSEN:

17 If you have an opinion, fine, and
18 if you want to clarify, fine.

19 THE WITNESS:

20 Without being specific, I can't
21 answer the question.

22 EXAMINATION BY MR. PENTON:

23 Q. That is not specific enough for
24 you?

25 Do you want responsibility of the

1 drilling engineers responsible for the
2 integrity of this well to have clear lines
3 of authority and responsibility so they know
4 what their job is?

5 MR. GODFREY:

6 Object to the form,
7 incomprehensible. The word "responsibility"
8 is used four times.

9 EXAMINATION BY MR. PENTON:

10 Q. Do you understand it, Mr. Little?

11 JUDGE ANDERSEN:

12 I think I'm going to sustain the
13 objection in this sense. It is a very broad
14 question. If there is a specific
15 operational concern that you want to raise
16 with the witness, then you can ask him
17 whether or not he thinks that the engineers
18 need a clear line of responsibility for that
19 area of concern. And I think we can get an
20 answer we can understand.

21 EXAMINATION BY MR. PENTON:

22 Q. Let's take John Guide. If
23 John Guide did not understand his role and
24 responsibility on this well, is that
25 something you would want your wells team

1 leader to be experiencing?

2 A. And is the question -- again, you
3 are asking me to speculate on something I
4 don't know.

5 Q. I accept your answer. You would
6 have to speculate on that answer. I accept
7 that.

8 Mr. Mathews asked you about 30
9 CFR. You remember that question?

10 A. Yes.

11 Q. And Mr. Little, I believe -- I
12 heard part of your response, but I believe
13 that you said something to the effect that
14 you had not read it, or you don't know if
15 you understand it. What was your response?

16 A. I said I had not seen it before.

17 Q. Isn't it true, or do you know
18 today, that BP, as the lease operator of
19 this lease -- I know you are not a lawyer
20 and I am not asking you a legal question,
21 but as the wells manager of this well, do
22 you understand today that pursuant to 30
23 CFR, BP had the direct responsibility to
24 protect the health and safety of the people
25 that were performing operations on that

1 lease? Do you know that today?

2 MR. RUBINSTEIN:

3 Objection, Your Honor. That calls
4 for a legal conclusion.

5 MR. PENTON:

6 It is not a legal conclusion. It
7 is their responsibility under the
8 regulation.

9 MR. RUBINSTEIN:

10 I understand he wants to make an
11 argument, but that is not what it calls for.

12 MR. GODFREY:

13 I have a different objection in
14 that the regulation speaks for itself and
15 Mr. Penton is misstating the regulation. I
16 have no problem if he quotes from it, but he
17 changed the phraseology of the questions
18 seeking to get the witness to agree to a
19 regulation that does not exist.

20 JUDGE ANDERSEN:

21 I believe the witness agreed when
22 he testified that even though, Mr. Little,
23 you are not familiar with the exact language
24 of this regulation, you agree that the goals
25 of the regulation, in fact, were the goals

1 that BP had in operating the well?

2 MR. MATHEWS:

3 Just for clarification, the reg I
4 cited was with respect to well control. The
5 lessee does have other obligations for the
6 health and safety environment, but the
7 regulation I was asking questions about was
8 only directed to well control.

9 MR. PENTON:

10 That is correct.

11 JUDGE ANDERSEN:

12 So I will take Mr. Penton's
13 question to mean that if you were to read
14 Section 250.401, would you agree that it is
15 BP's objective and responsibility to meet
16 the goals stated in that regulation?

17 If you want to take another look
18 at it to see if, when you operate the wells,
19 those are your objectives, irrespective of
20 whether or not the law would impose them, we
21 would like to have a response to that.

22 And you can take your time. It is
23 very hard to read things while lots of
24 people are looking at you.

25 MR. RUBINSTEIN:

1 And shouting at you.

2 JUDGE ANDERSEN:

3 And raising their voices, besides.

4 THE WITNESS:

5 Okay.

6 JUDGE ANDERSEN:

7 So do you agree that BP is
8 responsible for ensuring the goals stated?

9 THE WITNESS:

10 It isn't just BP. It refers to
11 toolpushers, which don't work for BP, and
12 drill crew. So those would be Transocean's
13 requirements to do that.

14 I can't make a general comment.
15 We can take each specifically, and I can
16 tell you what my, you know --

17 MR. MATHEWS:

18 I think the simple question is are
19 lessees supposed to follow the federal
20 regulations?

21 THE WITNESS:

22 Yes.

23 JUDGE ANDERSEN:

24 And that will do the trick.

25 MR. PENTON:

1 Fine. I just want to make it
2 clear he had not read those regulations.

3 EXAMINATION BY MR. PENTON:

4 Q. Is that fair?

5 A. That's correct.

6 Q. Let's talk about money. I'm not
7 going to cover ground that has been covered,
8 or I will try not to, but I want to talk to
9 you about whether or not BP has a culture of
10 "Every dollar matters." Is that true,
11 Mr. Little?

12 A. What do you mean by "culture"?

13 Q. Practice, custom, policy, goals.
14 Is it BP's policy that "every dollar
15 matters"? Simple question. Have you ever
16 heard that phrase?

17 A. Again, not in the terms that you
18 are referring to.

19 Q. In what terms have you heard it?

20 A. "Every dollar counts" was
21 something being used by the Gulf of Mexico
22 leadership to drive a look at our efficiency
23 of what we do.

24 Q. Isn't it true that BP had a policy
25 of setting up award bonuses for bringing in

1 a well under its AFE and within the time
2 frame as designed? As a general
3 proposition. I'm not talking about Macondo,
4 I'm talking about everything, every well.

5 A. What do you mean by "policy"?

6 Q. Well, wasn't it a custom and
7 practice of BP to set up an award or reward
8 system whereby BP personnel and other
9 certain selected contractors would receive
10 award bonuses for bringing in a well for BP
11 below its AFE thresholds?

12 A. Again, the request would be if you
13 could be more specific.

14 Q. I will in a minute. Let me go
15 back to the "every dollar matters." You, as
16 a line manager, signed off on John Guide's
17 individual performance assessment in
18 February of 2010, did you not?

19 A. Correct.

20 Q. One of the performance criteria
21 you noted were that John Guide brought all
22 well objectives in at cost less than AFE,
23 correct? Do you remember that?

24 MR. RUBINSTEIN:

25 Your Honor, can we see a copy of

1 the document?

2 MR. PENTON:

3 Sure. May I approach?

4 MR. RUBINSTEIN:

5 Thank you, Counsel.

6 MR. PENTON:

7 No problem.

8 MR. RUBINSTEIN:

9 And the Bates No. is

10 BP-HZN-2179-MDL-00346653.

11 THE WITNESS:

12 And your question?

13 EXAMINATION BY MR. PENTON:

14 Q. Isn't it true that you have noted
15 that John Guide brought all wells
16 delivered -- objectives delivered below AFE
17 as a general proposition under the
18 performance criteria?

19 A. So that's the --

20 Q. Mr. Little, does it say it there?
21 It is highlighted.

22 A. I will read what is highlighted.

23 Q. Yes, sir. I mean, read whatever
24 you want.

25 A. "All well objectives delivered at

1 a cost less than AFE."

2 Q. Correct?

3 A. That's what it says.

4 Q. Now, if you can turn over to the
5 next page, I have highlighted it for me, but
6 you are welcome to read everything. It may
7 be the third page, I'm not sure. But you
8 see that you are commending John Guide for
9 practicing "every dollar matters." You see
10 that?

11 A. Yes.

12 Q. So do you remember that now? Do
13 you remember that phrase now? Every Dollar
14 Matters?

15 A. Yes, I believe I did remember the
16 first time in the correct context.

17 Q. Did you have a performance award
18 structure, bonus award structure in your
19 position in 2009 and 2010?

20 A. Can you be more specific?

21 Q. Well, did you have a performance
22 structure or benefit in 2009 or 2010 in your
23 employment with BP?

24 A. Again, if you could be specific.

25 Q. Did you get a bonus in 2009-2010?

1 A. Everybody in BP has a
2 performance-related --

3 Q. And everybody includes you,
4 correct?

5 A. That's correct.

6 Q. In 2010, did you get a performance
7 rating from BP?

8 A. Yes.

9 Q. And what was that rating?

10 A. I'm trying to remember. I think
11 it was exceeds expectation.

12 Q. "EE," exceeds expectation, which
13 is the highest, correct?

14 A. No.

15 Q. What is the highest, above exceeds
16 expectation?

17 A. No, the highest is exceptional.

18 Q. But you were the second highest.
19 You have to answer out loud.

20 A. Yes.

21 Q. In 2010, in this forum, I am not
22 going to ask you how much, you will be asked
23 later, but not here --

24 MR. GODFREY:

25 Objection to the relevance.

1 MR. PENTON:

2 I withdraw.

3 MR. GODFREY:

4 This strikes me as civil
5 discovery.

6 MR. PENTON:

7 I withdraw.

8 EXAMINATION BY MR. PENTON:

9 Q. Isn't it true that you personally
10 set up an incentive award program for the
11 Macondo prospect well?

12 A. I did not set up an incentive
13 award program.

14 Q. If you didn't set it up, were you
15 involved in the incentive award program for
16 the Macondo prospect?

17 A. I can't actually remember if we
18 had one for Macondo. If you have a document
19 you could show me.

20 Q. Would you like to see it?

21 A. Yes.

22 MR. PENTON:

23 May I approach?

24 JUDGE ANDERSEN:

25 Sure.

1 EXAMINATION BY MR. PENTON:

2 Q. If you look on the next page.

3 Does that refresh your memory?

4 MR. RUBINSTEIN:

5 BP-HZN-MBI00170548 and 49.

6 EXAMINATION BY MR. PENTON:

7 Q. So does that refresh your memory?

8 A. Yes.

9 Q. So there was a \$4,500 bonus if you
10 brought the Macondo well in in 52 days,
11 correct?

12 A. If the safety targets were also
13 met.

14 Q. You see the reduction chart?

15 A. Yes.

16 Q. If you brought it in -- was it
17 between 52 and 75? Or what is the next
18 scale?

19 A. Yeah, 52 to 75.

20 Q. The bonus was \$500 per man to
21 \$4,500 per man, correct?

22 A. Correct.

23 Q. And if it was over 75 days, then
24 zero, correct?

25 A. Yes.

1 Q. And the Macondo well we are here
2 about today was zero, correct? There was no
3 award incentive bonus for the Macondo
4 prospect, correct?

5 A. I cannot say that because I was
6 not there at the end of the well.

7 Q. In any event, that was an
8 incentive to get this well done within
9 hopefully 52 days, correct?

10 A. Part of the incentive was around
11 performance, yes.

12 Q. Now, isn't it true that prior to
13 July 1, BP had to turn their attention to
14 two other wells, the NILE and the KASKIDA,
15 correct?

16 A. Can you explain what you mean by
17 "the NILE"?

18 Q. Did not BP have to complete the
19 KASKIDA well by July 1, 2010, according to
20 its MMS permits?

21 A. I can't remember if that is the
22 case.

23 Q. Do you remember that the NILE had
24 to be P&A'd after the Macondo prospect?

25 MR. RUBINSTEIN:

1 I object. He is out of his role
2 by April 2 and not there.

3 MR. PENTON:

4 These plans were made before
5 April 2.

6 JUDGE ANDERSEN:

7 Actually, the board has all the
8 documents and has gone through the
9 testimony, and we are all extremely familiar
10 with the concern that a contributing cause
11 to this casualty might have been the desire
12 to get on to other work and to save money.
13 We all have to weigh that and all these
14 things are in the record. I am confident
15 that Mr. Little, while he was there, was
16 aware of future plans.

17 MR. PENTON:

18 That is the reason, Judge. He was
19 the wells manager --

20 JUDGE ANDERSEN:

21 I understand. We all have that
22 information.

23 MR. PENTON:

24 It starts and stops there. I just
25 want him to say if he knows it or not.

1 MR. RUBINSTEIN:

2 Keep in mind he was gone.

3 JUDGE ANDERSEN:

4 Were you aware of the fact that
5 the DEEPWATER HORIZON was scheduled to move
6 on to other wells when it completed this
7 particular well?

8 THE WITNESS:

9 Yes.

10 EXAMINATION BY MR. PENTON:

11 Q. Let me ask you about the 2009 rig
12 audit, okay? Have you read the 2009 rig
13 audit?

14 MR. RUBINSTEIN:

15 Can we get a time frame?

16 EXAMINATION BY MR. PENTON:

17 Q. At any time.

18 A. I read the executive summary, I
19 did not read every item on the audit.

20 Q. When did you read it?

21 A. When I got it.

22 Q. When did you get it?

23 A. I can't remember the exact date.

24 Q. Are you aware that there was a
25 safety shutdown with respect to the

1 DEEPWATER HORIZON after that audit and there
2 were some 3,600 maintenance hours needed for
3 the DEEPWATER HORIZON? Are you aware of
4 that?

5 A. I'm not aware of that specific
6 number or -- no.

7 Q. Let me ask you this. Were you
8 involved in the decision to mobilize the
9 DEEPWATER HORIZON to go to the Macondo
10 prospect well to pinch hit for the MARIANAS,
11 were you a part of that decision?

12 A. Again, from a recollection point
13 of view, I think that decision was made
14 while I was gone.

15 Q. While you were gone when? Where
16 were you gone this time?

17 A. Well, I was in -- I was either on
18 vacation or gone to my new role.

19 Q. I'm talking about in November of
20 2009, you were in this role, correct?

21 A. I was, yes.

22 Q. And that is really my question.
23 Were you involved in the decision to
24 mobilize the DEEPWATER HORIZON to go to the
25 Macondo prospect although it had this

1 extensive list of maintenance deficiencies?

2 MR. RUBINSTEIN:

3 Object to the form of the question
4 as to whether the deficiencies had been
5 closed out or not.

6 JUDGE ANDERSEN:

7 The record speaks for itself in
8 terms of the shutdowns.

9 Were you involved in the decision
10 to change wells?

11 THE WITNESS:

12 Going by memory, I don't recall
13 being involved in the actual meeting that
14 said we will take the HORIZON to Macondo.
15 There were lots of discussions, once we had
16 the MARIANAS damaged, as to what would
17 happen, but the final decision that said the
18 HORIZON was going, I don't recall being in
19 the meeting where that was decided or in
20 that process.

21 EXAMINATION BY MR. PENTON:

22 Q. In your job as wells manager, is
23 one of the things within the purview of your
24 management of the operation is you consider
25 what BP calls gap time for a rig? In other

1 words, if you have two wells and there is a
2 period of time in between the two wells, it
3 is maybe a gap period of ever how many days
4 or weeks, is that part of your management
5 purview?

6 A. I don't recognize the --

7 Q. You don't recognize that?

8 A. Yeah.

9 Q. So you have never determined
10 between two wells if a particular rig is
11 going to be, you know, not working or
12 working? That is not part of your analysis
13 for cost?

14 A. You would have to be specific.

15 Q. All right. Let's talk about the
16 DEEPWATER HORIZON. Isn't it true that BP,
17 if the DEEPWATER HORIZON had gone to the
18 shipyard or had gone to maintenance after
19 the September audit, that BP would still be
20 paying some expense or cost for that rig?
21 Are you aware of that?

22 A. I can't comment on that.

23 Q. You don't know?

24 A. No.

25 Q. Do you know whether or not the

1 DEEPWATER HORIZON, when it arrived on-site
2 and began to drill the Macondo well, do you
3 know if the BOP autoshear was disarmed?

4 A. I don't know.

5 Q. You don't know, you have never
6 heard?

7 A. No.

8 Q. Do you know what a BOP will and
9 will not do if the autoshear and/or deadman
10 are disarmed?

11 MR. RUBINSTEIN:

12 Objection, Your Honor. This is
13 now getting into the area of technical
14 expertise.

15 MR. PENTON:

16 It is operational knowledge, is
17 all I am asking, in terms of this audit. I
18 want to find out if he knows that.

19 JUDGE ANDERSEN:

20 That is a fairly simple yes or no
21 question, and the witness might have
22 knowledge of the BOP functions. If he
23 doesn't, he doesn't.

24 EXAMINATION BY MR. PENTON:

25 Q. Do you know, sir?

1 A. No.

2 Q. Is it true that in 2009, BP cut
3 their HS&E budget, their health and safety
4 budget, and there were no longer BP safety
5 personnel on the DEEPWATER HORIZON?

6 A. There was a change in how our HS&E
7 advisers would go to rigs. A different
8 context from what you are saying.

9 Q. But prior to 2009, you had BP
10 safety personnel on the rigs, did you not?

11 A. There were, yes.

12 Q. And then after 2009, BP did not,
13 correct? You know that?

14 MR. RUBINSTEIN:

15 Objection, misstates his prior
16 testimony.

17 JUDGE ANDERSEN:

18 I'm not sure. After 2009, were
19 there BP personnel on the rigs?

20 THE WITNESS:

21 There was a -- we changed the way
22 in which the safety personnel would go to
23 the rig. We were not -- they weren't the
24 same people going to the rig every time.
25 This was across the Gulf of Mexico. We had

1 a crew of safety advisers that we rotated
2 around the rigs. So yes, there would be
3 safety people on the rigs, but not all the
4 time.

5 EXAMINATION BY MR. PENTON:

6 Q. And it was prior to 2009, correct?

7 A. Yes.

8 Q. Now, in January of 2009, you were
9 aware that the well design for this rig was
10 to utilize a production liner and a liner
11 tieback, correct?

12 MR. RUBINSTEIN:

13 Your Honor, this line of questions
14 goes beyond what the board has questioned
15 him on and beyond what you said when we
16 started this week, that the focus would be
17 on the blowout preventer. I am concerned
18 that this is becoming, in essence, a
19 deposition here.

20 MR. PENTON:

21 The whole questioning today has
22 been very broad, and I think -- we have
23 talked about negative tests, which I am
24 happy to do, but I am not going to cover
25 that.

1 Judge, just so you understand, I
2 want to ask this witness who was directly
3 tied to the expensing of costs on this rig.
4 I want to ask him questions about money,
5 about decisions that BP made through his
6 authority as the wells manager on that rig,
7 and the production liner and the tieback is
8 one of them that is tied to 8 to \$10 million
9 that was saved on this rig.

10 JUDGE ANDERSEN:

11 Ultimately, the scope of today's
12 examination really was basically defined by
13 Mr. Mathew's questions and what the board
14 thought would be significant. So I will
15 defer to Mr. Mathews as to whether --

16 MR. MATHEWS:

17 The issue that Mr. Penton is
18 bringing up, I am not concerned about,
19 because the MOC documented that a decision
20 was made; that one of the issues that was
21 covered was cost savings. Who made the
22 decision, to me, was not important.

23 MR. DYKES:

24 Who made the decision?

25 MR. MATHEWS:

1 It was made by BP. I am not in a
2 position to point blame at anyone; we are
3 only concerned and here in our position to
4 find the cause.

5 MR. PENTON:

6 I'm not concerned with who made
7 that decision either, but --

8 MR. RUBINSTEIN:

9 If I could ask you to sustain the
10 objection, Your Honor.

11 JUDGE ANDERSEN:

12 I do sustain that objection.

13 MR. PENTON:

14 I'm going to try it again in
15 another way. I didn't get to the question,
16 Judge, but I think --

17 MR. RUBINSTEIN:

18 He made a long argument about
19 exactly where he was going.

20 JUDGE ANDERSEN:

21 A recurring problem with the
22 questions that you have asked is the
23 implanting of a whole variety of assertions
24 and information before you get to the
25 question. Obviously, the witness or the

1 witness' attorneys or other parties might
2 disagree with some of the premises. Those
3 premises, as you know, are replete in the
4 record, and the board can address them later
5 on and you can address them in other forums.

6 So if you could get to the
7 question part, then I think Mr. Rubinstein
8 and I would not be so troubled by the
9 bottom-line question.

10 EXAMINATION BY MR. PENTON:

11 Q. The question is, there was no
12 money in the DEEPWATER HORIZON Macondo well
13 capital budget for spending an additional
14 \$10 million for a production liner, liner
15 tieback?

16 MR. RUBINSTEIN:

17 Objection. Same line of
18 questioning.

19 JUDGE ANDERSEN:

20 It is easier just to go with a
21 simple yes or no or I don't know.

22 Which?

23 THE WITNESS:

24 I mean -- the question needs to be
25 more specific. I don't know at what point

1 you are talking about. I can't answer the
2 question.

3 EXAMINATION BY MR. PENTON:

4 Q. Was there money in the Macondo
5 well capital budget for a liner tieback
6 expense?

7 MR. RUBINSTEIN:

8 He just said he doesn't know.

9 JUDGE ANDERSEN:

10 He said there wasn't enough
11 information. If that is your answer, we
12 will move on.

13 THE WITNESS:

14 I don't know enough about the
15 circumstances to be able to answer that.

16 JUDGE ANDERSEN:

17 You are not going to be asked to
18 guess or speculate.

19 Next question.

20 EXAMINATION BY MR. PENTON:

21 Q. Mr. Little, I want you to tell me
22 now, the question I have for you is about
23 wells monitoring generally. Do you know
24 what a HIVE is?

25 A. I know what a HIVE is.

1 Q. There is a HIVE at BP Houston?

2 A. There may be more than one.

3 Q. And is that where you can actually
4 monitor a well?

5 A. No.

6 Q. What is it?

7 A. A HIVE is a Highly Immersive
8 Visualization Environment for basically
9 being able to view things in 3D, used by the
10 subsurface team mainly to look at where
11 the -- you know, the geology and geophysics.

12 Q. Do you monitor realtime data
13 there?

14 A. No.

15 Q. You don't? Is there anywhere at
16 BP Houston that you can monitor realtime
17 data from the well?

18 A. Yes.

19 Q. Where is that from?

20 A. You can monitor realtime data from
21 most of our rigs on your own PC.

22 Q. Is there a room or a theater at BP
23 Houston where you can do that?

24 A. There is more than one room you
25 can do that, yes.

1 Q. Is it true that with respect to
2 the Macondo well, that monitoring of that
3 well was -- there was no staff monitoring
4 24/7 at BP Houston, if you know, of that
5 well during the time that you were
6 responsible for it?

7 A. We did not have 24-hour realtime
8 monitoring.

9 Q. Are you familiar with Shell's,
10 Exxon's and Chevron's practices with regard
11 to that?

12 MR. RUBINSTEIN:

13 Objection with regard to what
14 other providers might or might not do.

15 MR. PENTON:

16 He either knows or he doesn't.

17 EXAMINATION BY MR. PENTON:

18 Q. Are you aware?

19 JUDGE ANDERSEN:

20 We have to make recommendations.
21 If he has knowledge of alternative ways to
22 run similar operations, it might be helpful
23 to the board in terms of its
24 recommendations.

25 So do you know what they do?

1 THE WITNESS:

2 I don't know the specifics.

3 EXAMINATION BY MR. PENTON:

4 Q. So if I told you that Shell,
5 Chevron and Exxon --

6 MR. GODFREY:

7 Objection.

8 JUDGE ANDERSEN:

9 Sustained.

10 MR. PENTON:

11 Judge, it is about
12 recommendations, what the oilfield does in
13 the way of monitoring these wells.

14 MR. RUBINSTEIN:

15 This is nothing but an argument.

16 JUDGE ANDERSEN:

17 The point is not for the
18 attorneys, such as you --

19 MR. PENTON:

20 I will withdraw that. I will
21 leave that to the board.

22 JUDGE ANDERSEN:

23 We have invited all Parties in
24 Interest, for these BOEM-type issues, to
25 submit a brief, if you would like to submit

1 it, and including things like that might be
2 appropriate.

3 MR. PENTON:

4 Okay. I will do that.

5 EXAMINATION BY MR. PENTON:

6 Q. BP uses the phrase "lessons
7 learned," correct? I want to know what you
8 have done in terms of lessons learned for
9 this particular well and the events that
10 happened. Have you personally and
11 professionally done anything on your own in
12 order to take the lessons that might have
13 been learned from this casualty in this
14 case?

15 MR. RUBINSTEIN:

16 Object to the line of questioning,
17 Your Honor. The relevance.

18 JUDGE ANDERSEN:

19 Overruled. If he has been
20 involved in an evaluation of this, we would
21 be interested in knowing, because it would
22 shed light on our evaluation. So I am going
23 to overrule that objection, and if you have
24 an answer to the question, we are interested
25 to hear it.

1 THE WITNESS:

2 Could you ask it again, please?

3 JUDGE ANDERSEN:

4 And maybe you can break it down.

5 It was a multiple-part question.

6 MR. PENTON:

7 Just trying to get out of your
8 way, Judge.

9 EXAMINATION BY MR. PENTON:

10 Q. Have you done anything to educate
11 yourself as to the causes of the DEEPWATER
12 HORIZON Macondo well catastrophe in order to
13 serve the BP goal, function, policy,
14 whatever you want to call it, of lessons
15 learned?

16 A. I will answer the question, have I
17 done anything to learn, I have read the Bly
18 report.

19 Q. You have done that. Have you read
20 the presidential commission report?

21 A. No.

22 Q. Have there been any BP meetings on
23 lessons learned from the Macondo that you
24 were involved in?

25 A. When you say -- is it specific

1 meetings? I mean, what type of meetings?

2 Q. For any lessons learned from the
3 DEEPWATER HORIZON disaster.

4 A. But give me more -- to be able to
5 answer the question, I need something
6 specific. So what specific meeting are you
7 referring to?

8 Q. How does BP communicate -- I think
9 Mr. Mathews asked you about, when talking
10 about the Risk Register, he talked about
11 accidents, how are accidents communicated to
12 others on other rigs. My question is how
13 are lessons learned communicated to BP
14 personnel?

15 A. That is a different question.

16 Q. It is.

17 A. I think I answered it previously.
18 There are many ways we communicate lessons
19 learned.

20 Q. I want to know, in this case, have
21 there been lessons learned communicated to
22 you?

23 A. The Bly report has been issued to
24 everybody. Is that --

25 Q. That is what I am asking. The Bly

1 report is your main source for that,
2 correct?

3 A. Could you be more specific about
4 what you mean by "main source"?

5 Q. The simplest way to say it, has BP
6 sat down its wells leaders, everybody, and
7 said, "This is what happened at Macondo and
8 this is how we are going to avoid it in the
9 future"?

10 It has been almost a year. Have
11 you had anything like that?

12 A. We have got the Bly report. We
13 have all read the Bly report. There are
14 recommendations in that report. BP are
15 working on actions to address those
16 recommendations.

17 MR. PENTON:

18 Thank you.

19 EXAMINATION BY MR. MATHEWS:

20 Q. I have a quick follow-up. Has BP
21 put safety engineers on their rigs since
22 this incident?

23 A. Again, you need to be more
24 specific.

25 Q. Where do you work right now?

1 A. I work in North Africa.

2 JUDGE ANDERSEN:

3 Would you rather be here or there?

4 THE WITNESS:

5 Truthfully --

6 EXAMINATION BY MR. MATHEWS:

7 Q. Does BP employ a safety engineer
8 that if he says something, that individual
9 has the right to investigate what is going
10 on and shut down the rig? Does that person
11 exist today?

12 A. Every person on that rig has the
13 right --

14 Q. I understand every person had the
15 right on April 20, but has BP put someone on
16 the rigs since April 20 as a safety engineer
17 that may not be versed in oil and gas, but a
18 safety engineer on the rigs worldwide?

19 A. I'm not aware of any worldwide --

20 Q. And the reason I ask, I had some
21 conversations with people who work with BP,
22 other drilling contractors, and they have
23 put safety engineers on some rigs, and I
24 wondered if they have that in North Africa.

25 MR. RUBINSTEIN:

1 Can you clarify as to whether or
2 not he is on a rig in North Africa?

3 MR. MATHEWS:

4 He oversees rigs in North Africa.
5 I imagine he knows who is on the rigs.

6 THE WITNESS:

7 Again, I ask you to clarify
8 "safety engineer."

9 EXAMINATION BY MR. MATHEWS:

10 Q. Right. A person that identifies
11 risk. And I'm not talking about a typical
12 drilling contractor or wells team leader. I
13 am talking about a safety engineer who can
14 visualize things and tell BP, "Hey, you may
15 have a problem here, stop this operation."

16 A. So on the rigs in North Africa, we
17 have an HSE adviser on the rig.

18 Q. Is that an occupational adviser
19 too, or is it just HSE operations? That is
20 health, safety and environment. Is he
21 knowledgeable in operational procedures?

22 A. You are asking me about the ones
23 on my specific rigs?

24 Q. I am asking you about HSE advisers
25 that you have in North Africa. Is he

1 knowledgeable of the HSE manual, or is he
2 knowledgeable of drilling operations,
3 negative tests? I mean, that is not
4 captured in your HSE manual. What is he
5 knowledgeable of?

6 A. He is knowledgeable about HSE.

7 Q. And that is not operational?

8 A. No.

9 Q. Do you have someone on the rigs
10 outside of the employees that BP has put on
11 the rigs since April 20, since the Bly
12 report has come out, to assist the crew with
13 operational safety?

14 A. In my operations?

15 Q. Yes, sir. Since you are
16 knowledgeable of your operations.

17 A. We don't have such a position.

18 Q. And just one follow-up on some
19 questions you received on the bonus for the
20 Macondo well. Can you please take a look at
21 that document again?

22 A. Yes.

23 Q. That was written for the MARIANAS,
24 correct? Not the DEEPWATER HORIZON?

25 A. I believe so.

1 Q. So the people on the DEEPWATER
2 HORIZON were not receiving that bonus,
3 correct?

4 A. No. Because it was for the
5 MARIANAS when it was on the Macondo.

6 MR. MATHEWS:

7 Thank you.

8 EXAMINATION BY MR. DYKES:

9 Q. Going back and following up on a
10 couple of Mr. Penton's questions, discussing
11 the Bly report, was there an e-mail
12 transmitted that instructed all of the wells
13 managers to read the Bly report?

14 A. I can't recall if there was an
15 e-mail. I think there was a request that
16 everybody in BP read the Bly report.

17 Q. Did you personally participate in
18 any meetings to discuss the findings and
19 recommendations of the Bly report?

20 A. You would have to be more
21 specific.

22 Q. I can't get anymore specific. Did
23 you discuss in any meeting, did you
24 participate in any meeting for the purpose
25 of discussing the findings and the

1 recommendations of the Bly report within BP?

2 A. Within my team, we had meetings to
3 review the Bly report, the video, what was
4 in the Bly report, yes.

5 Q. And that was within your group
6 within North Africa, or within your group as
7 wells manager?

8 A. That specific reply was about my
9 team.

10 Q. Thank you.

11 JUDGE ANDERSEN:

12 Would you like a break?

13 CAPT. NGUYEN:

14 How about we reconvene at 11:25.

15 (Recess.)

16 JUDGE ANDERSEN:

17 Just so that everyone can get
18 their biorhythms in sync here, our plan is
19 to go to noon and have a 45-minute period
20 for lunch, and we think that way, everyone
21 who needs to nourish their body will know
22 the time of that, but rather than have an
23 extended lunch, we will try to keep moving
24 so that we can wrap up the witness'
25 testimony.

1 It may wrap up earlier, sometimes
2 we are surprised, but the odds of finishing
3 before lunch are remote. So even if the
4 time is a little arbitrary, that is the time
5 we will shoot for to recess.

6 Okay, next is Cameron.

7 MR. JONES:

8 No questions.

9 JUDGE ANDERSEN:

10 Transocean?

11 EXAMINATION BY MR. HYMEL:

12 Q. Mr. Little, my name is
13 Richard Hymel, and I represent Transocean.

14 How long did you prepare for your
15 testimony here today?

16 A. The last couple of days here in
17 New Orleans.

18 Q. I want you to refer back to a
19 document given to you that ends in Bates No.
20 222540. It is a document that Mr. Godfrey
21 referred to as a draft e-mail. In the last
22 paragraph, there is a statement that
23 Mr. Sims intended to hand the well over to
24 Mr. Guide. Do you see that?

25 A. Yes.

1 Q. I think you testified earlier that
2 you were the one who turned the well over to
3 Mr. Guide, as you were out of town and
4 Mr. Sims was out of town, correct?

5 A. That's correct.

6 Q. Now, you have never seen this
7 e-mail before?

8 A. No.

9 Q. The paragraph right before the
10 last paragraph, and I will read it into the
11 record, Mr. Sims writes --

12 MR. GODFREY:

13 Objection. What is the point?
14 The witness has not seen the e-mail before,
15 he already testified he has no knowledge
16 about it. Counsel reading an e-mail into
17 the record that the board has does not
18 advance the board's inquiry, in my view.

19 JUDGE ANDERSEN:

20 If it is just to read the e-mail
21 into the record, I would agree. However, if
22 there is some information there that you
23 think might result in a question that the
24 witness could answer to give us more
25 knowledge, that would be helpful. So let's

1 keep that in mind in general.

2 MR. HYMEL:

3 And Judge, the intent is, even
4 though this is a draft e-mail, according to
5 Mr. Godfrey, and we don't know that --

6 MR. GODFREY:

7 Objection, Mr. Godfrey didn't make
8 that statement. I'm not the one that called
9 that a draft e-mail.

10 MR. HYMEL:

11 If these are Mr. Sims' thoughts, I
12 want to know if he ever heard them from
13 Mr. Sims.

14 JUDGE ANDERSEN:

15 Fine, I will overrule the
16 objection in that sense, but we want to
17 minimize putting --

18 MR. MATHEWS:

19 Which e-mail are you talking
20 about?

21 MR. HYMEL:

22 The document with the Bates number
23 that ends in 222540, that's the first page,
24 and I am on the last page, second paragraph
25 from the top.

1 MR. MATHEWS:

2 That one is a draft, the other is
3 not. There is no "Sent" or any type of
4 information at the top that is captured.

5 EXAMINATION BY MR. HYMEL:

6 Q. Mr. Little, second to last
7 paragraph says, by Mr. Sims, "You can't sit
8 in a meeting and listen to other opinions
9 without arguing." It says, "You think when
10 somebody has an opinion, that they are
11 demanding action. You complain that a bunch
12 of young engineers are throwing out all
13 kinds of wild ideas and that it is driving
14 you crazy. You don't listen, you key on a
15 random word or phrase and then fixate on
16 that and don't hear anything else. You are
17 always defensive and the victim. You seem
18 to not want to make a decision so that you
19 can criticize it later."

20 Did I read that correctly?

21 JUDGE ANDERSEN:

22 Well, it speaks for itself, so
23 what is your question?

24 EXAMINATION BY MR. HYMEL:

25 Q. Did Mr. Sims ever tell you that

1 these were his feelings toward Mr. Guide?

2 A. No.

3 Q. You told us earlier that you read
4 the Bly report, correct?

5 A. Correct.

6 Q. Was there any part of the Bly
7 report with which you disagreed?

8 A. No.

9 Q. The next e-mail I want you to look
10 at is the e-mail that ends in 255906.

11 MR. RUBINSTEIN:

12 What is the date, Counsel?

13 MR. HYMEL:

14 April 17, 2010, the e-mails
15 between Mr. Sims and Mr. Guide. I have
16 another copy if you need it.

17 MR. RUBINSTEIN:

18 Could you provide a copy? Thank
19 you.

20 EXAMINATION BY MR. HYMEL:

21 Q. I specifically want to talk about
22 the e-mail that is down at the bottom of the
23 first page from Mr. Guide to Mr. Sims. Have
24 you ever seen this e-mail before?

25 A. No.

1 Q. Mr. Little, you told us that you
2 went to the rig on a number of occasions; is
3 that correct?

4 A. That's correct.

5 Q. From the time of the
6 September 2009 audit until the time of the
7 casualty, how many times had you been on the
8 rig?

9 A. Twice, I think.

10 Q. Once?

11 A. Twice, I think.

12 Q. And you told us earlier that when
13 you were on the rig on some prior occasions,
14 you made observations, and those
15 observations resulted in a couple of
16 employees being removed; is that correct?

17 A. Transocean, as part of their
18 follow-up to me, said they were going to
19 make some changes in people, yes.

20 Q. When you went to the DEEPWATER
21 HORIZON, did you have the opportunity to
22 meet Randy Ezell?

23 A. Yes.

24 Q. Do you know Randy Ezell?

25 A. Yes.

1 Q. How well do you know Randy Ezell?

2 A. I met him a few times. I saw him
3 on a number of occasions.

4 Q. Did you ask that Randy Ezell be
5 removed from the rig?

6 A. I never asked for anyone to be
7 removed from the rig.

8 Q. There was a discussion about the
9 audit items that were corrected while the
10 rig was out of service; is that correct?

11 A. Yes.

12 Q. Was the rig taken out of service
13 initially to perform the audit because there
14 were concerns about the DEEPWATER HORIZON,
15 or was the rig taken out of service because
16 it was undergoing a class underwater
17 inspection in lieu of dry dock?

18 A. What you just said.

19 Q. So the rig was initially taken out
20 of service because it had to have a class
21 inspection which, I believe, is due every
22 three years; is that right?

23 A. I don't know the details.

24 Q. Sure. And the purpose of that is
25 they take the rig out of service and do the

1 inspection in lieu of dry-docking it,
2 correct?

3 A. Again, I am not an expert on that.

4 Q. Mr. Penton asked you some
5 questions about some language in the BP
6 audit report that talked about there being
7 3,000 man-hours' worth of work needing to be
8 done.

9 Did you ever read the portions of
10 the report that talked about how many jobs
11 were outstanding and how many man-hours it
12 would take to perform those jobs?

13 A. No.

14 Q. Similarly, if there is an
15 explanation in the BP report as to why that
16 number of man-hours would be required in
17 that report -- they may have an explanation
18 for them -- you have never seen that either?

19 A. I have seen a -- I know there was
20 an e-mail around -- there was some issue
21 with the maintenance system.

22 Q. And that is exactly what I am
23 talking about, Mr. Little. Did you ever
24 hear or have any discussions with anybody
25 that talked about when they changed from one

1 maintenance system to another maintenance
2 system, the new maintenance system actually
3 picked up jobs from both maintenance
4 systems, and then ended up with a number of
5 jobs that looked like they were not done,
6 and may not really have been outstanding?
7 Does that sound correct?

8 A. That sounds correct.

9 Q. Mr. Little, if you had any
10 concerns about any safety issues with the
11 DEEPWATER HORIZON that were found during the
12 2009 audit, you would not have slept on that
13 rig, correct?

14 A. I didn't have any safety concerns
15 arising from the audit. The audit was there
16 to help improve the rig. As far as I was
17 concerned, that was being followed through
18 by Transocean.

19 Q. And I appreciate your testimony.
20 I just want to establish that you were out
21 on the rig once, maybe twice, after the
22 audit, and you told us that when you got to
23 the rig, you would sleep on the rig,
24 correct?

25 A. Yes.

1 Q. You just told us you didn't have
2 any concerns; but if you had any concerns,
3 you would not have slept on that rig,
4 correct?

5 A. If I had had any concerns, I would
6 have addressed them with Transocean.

7 Q. And similarly, there has been
8 discussions about work that was scheduled to
9 be done on the blowout preventer. If you
10 had any concerns yourself about the
11 condition of the blowout preventer, you
12 would not have slept on that rig positioned
13 directly above that blowout preventer,
14 correct?

15 A. If I had concerns, I would have
16 addressed those with Transocean.

17 Q. And you were confident that the
18 plan Transocean had in place was
19 satisfactory with regard to the blowout
20 preventer?

21 A. I was happy that we had a plan to
22 address the rig audit items. I did not get
23 into the specifics of what we were doing for
24 each item.

25 Q. And toward the end of your tenure

1 with regard to the DEEPWATER HORIZON, did
2 you understand that a large percentage of
3 the items that were found to have been
4 scheduled for repair had actually been
5 completed, and the remaining items, there
6 was a plan in place. Did you understand
7 that?

8 A. I didn't have a percentage, but
9 again, I was informed that progress was
10 being made, and there were no concerns or
11 issues raised to me about that.

12 Q. Do you know who Angel Rodriguez
13 is?

14 A. Yes.

15 Q. Did you ever talk to him or hear
16 anybody say that Mr. Rodriguez commended
17 Transocean in March of 2009 for its progress
18 on closing out the audit findings?

19 A. Yes.

20 Q. You were talking about issues you
21 noticed with Transocean; you were talking
22 about the THINK plan, and that Transocean
23 had, in your opinion, a satisfactory verbal
24 THINK plan, but you thought it would be more
25 robust if they started doing written plans,

1 correct?

2 A. Yes. The systems -- you can use
3 various types of risk assessment. So
4 verbal, written or task-based.

5 Q. The point I am trying to make is
6 you made those observations and you made
7 some recommendations that Transocean acted
8 on, correct?

9 A. That's correct.

10 Q. When Transocean took your
11 recommendations and acted on those
12 recommendations, was it your opinion that
13 Transocean was being proactive in improving
14 the safety culture on the DEEPWATER HORIZON?

15 MR. RUBINSTEIN:

16 Your Honor, as far as calling for
17 his opinion, I object.

18 JUDGE ANDERSEN:

19 What was the question again?

20 MR. HYMEL:

21 When Transocean accepted his
22 recommendations and made changes to its
23 safety program, I asked for his opinion, but
24 I could also ask --

25 EXAMINATION BY MR. HYMEL:

1 Q. Did it appear to you that
2 Transocean was being proactive in improving
3 their safety culture?

4 MR. RUBINSTEIN:

5 Phrased that way, I withdraw the
6 objection.

7 EXAMINATION BY MR. HYMEL:

8 Q. Let's talk about the BP culture.
9 The e-mail in front of you that ends in
10 255906 --

11 MR. HYMEL:

12 -- the one I handed to you,
13 Counsel.

14 MR. RUBINSTEIN:

15 Thank you.

16 EXAMINATION BY MR. HYMEL:

17 Q. I'm not going to read the e-mail,
18 I am just going to refer to statements in
19 the e-mail.

20 That e-mail references -- and this
21 is April 17, 2010 -- that the wellsite
22 leaders were at their wits' end.

23 MR. RUBINSTEIN:

24 Just to be clear, he is not on the
25 e-mail.

1 MR. HYMEL:

2 That's correct. And I never said
3 he was.

4 MR. RUBINSTEIN:

5 I just wanted it clear on the
6 record.

7 EXAMINATION BY MR. HYMEL:

8 Q. This is my question, Mr. Little --

9 JUDGE ANDERSEN:

10 What is the question?

11 MR. HYMEL:

12 He is reading the e-mail.

13 THE WITNESS:

14 I am trying to find the part you
15 referenced.

16 EXAMINATION BY MR. HYMEL:

17 Q. The last e-mail on the first page,
18 in the first two lines.

19 A. Okay. I see it now.

20 Q. And my question to you,
21 Mr. Little, is that work environment
22 consistent with standard industry policy?

23 MR. RUBINSTEIN:

24 Object to the form.

25 EXAMINATION BY MR. HYMEL:

1 Q. Is a working environment where the
2 wellsite leaders are at their wits' end
3 consistent with standard industry practice?

4 MR. RUBINSTEIN:

5 Again, I object because it is
6 calling for speculation on his part.

7 JUDGE ANDERSEN:

8 We know he wasn't a party to this
9 e-mail and he was no longer in the chain of
10 command over these people at this point in
11 time. I think the question is not to ask
12 you to comment on the accuracy or inaccuracy
13 of these statements, but as a top management
14 person, perhaps you can describe, if you
15 know, how, as a management person, you would
16 feel about employees working under your
17 jurisdiction expressing those views and
18 feelings? Does that trigger any action or
19 thoughts in you? And if so, please let us
20 know, because for this time period we are
21 interested in your management view.

22 But once again, you don't need to
23 make it up. What is your feeling about
24 this?

25 THE WITNESS:

1 Without knowing the full context
2 of this, I cannot comment on this.

3 EXAMINATION BY MR. HYMEL:

4 Q. And I am not asking you to comment
5 on this, I am asking you, as the Judge said,
6 is it standard business --

7 MR. RUBINSTEIN:

8 He doesn't know the conversations
9 that occurred before, during and after,
10 outside of this e-mail, and all the facts
11 and circumstances he is being asked to opine
12 on.

13 JUDGE ANDERSEN:

14 Do you have an answer to that
15 question?

16 THE WITNESS:

17 Without knowing what "wits' end"
18 means --

19 JUDGE ANDERSEN:

20 I will sustain that. This
21 information is included for the board in its
22 evaluation. I might have said earlier, in
23 the submissions you make, if you choose to
24 submit them to the board, you can ask that
25 the board draw up certain generalized

1 conclusions from these things, and
2 obviously, we will take a look at them.

3 EXAMINATION BY MR. HYMEL:

4 Q. There is a statement that the
5 wellsite leaders are flying by the seat of
6 their pants --

7 MR. GODFREY:

8 Objection. This is only counsel
9 reading in a statement, asking the witness
10 questions about --

11 MR. HYMEL:

12 If you want to swear in
13 Mr. Godfrey, I will be okay with that.

14 JUDGE ANDERSEN:

15 But he has a point. These e-mails
16 are in the record, and we can draw our own
17 conclusions from them, and obviously, we
18 will. The witness has indicated over and
19 over that he doesn't want to evaluate parts
20 of conversations that he wasn't a party to.
21 But you can ask the board to take these
22 things into account when evaluating why what
23 happened happened, and what recommendations
24 we have for the future.

25 I sustain that objection.

1 MR. HYMEL:

2 The reason for the question was he
3 said he didn't understand what "at wits'
4 end" meant, and I wanted to know if he
5 understood --

6 JUDGE ANDERSEN:

7 Obviously, we all have different
8 interpretations, and we don't want this to
9 be the sustaining mode for anybody who is
10 working for us, obviously. But I will
11 sustain the objection.

12 EXAMINATION BY MR. HYMEL:

13 Q. Mr. Little, when you were working
14 in your capacity, while you were over the
15 Macondo well, how familiar were you with the
16 Macondo well?

17 A. Can you be a bit more specific --

18 Q. Sure. Did you get daily reports
19 on the Macondo well?

20 A. Yes.

21 Q. Were you familiar with the core
22 pressures of the Macondo well?

23 A. Not in detail.

24 Q. Were you familiar with the
25 fracture gradients of the Macondo well?

1 A. No.

2 Q. Were you familiar with the number
3 of casing strings that had been set in the
4 Macondo well and why?

5 A. When that part of the well was
6 being drilled, I was out of the country and
7 not following things on a day-to-day basis.

8 Q. Were you familiar with any of the
9 cement jobs performed on the Macondo well?

10 A. Not in any great detail.

11 Q. Were you familiar with any of the
12 shoe track components of the Macondo well?

13 A. Not in detail.

14 Q. Do you know the purpose of a
15 negative test?

16 A. Yes.

17 Q. And what is the purpose of a
18 negative test?

19 A. Basically to put the well under
20 balance to mimic a condition once the riser
21 is removed.

22 Q. And what you just said is that you
23 put the well under balance to mimic the
24 condition in which the well is going to be
25 left, correct?

1 A. Yes.

2 Q. So if the well is going to be left
3 with a surface plug, you would expect the
4 negative test to test that surface plug?

5 A. I would have to know more about
6 what the program was and what the steps
7 were.

8 Q. Have you ever performed a negative
9 test before setting a surface plug?

10 A. Again, I don't recall the
11 specifics of how it was done.

12 Q. Have you ever used loss control
13 material as a spacer while performing a
14 negative test?

15 A. Again, I don't know every negative
16 test that has been performed, the details of
17 them, since I have been in my role.

18 Q. Did you know the procedure for the
19 negative test that was used on the DEEPWATER
20 HORIZON before April 20, 2010?

21 A. No.

22 Q. How do you define a successful
23 negative test?

24 MR. RUBINSTEIN:

25 Objection, Your Honor, calling for

1 his opinion, and he doesn't have enough
2 facts to make that opinion.

3 JUDGE ANDERSEN:

4 If so, that would be your answer.

5 THE WITNESS:

6 Without knowing the specifics, how
7 the test was being done, et cetera, then I
8 would have to have more information to make
9 a determination of what, you know, what was
10 actually happening in the negative test.

11 EXAMINATION BY MR. HYMEL:

12 Q. Have you never run a negative
13 test?

14 A. Not to a rig, no.

15 Q. Have you ever supervised a
16 negative test?

17 A. No.

18 Q. So it is your testimony as the
19 Vice President of Wells for North Africa
20 currently, and the Wells Manager of
21 Exploration & Appraisal in 2010, that you
22 can't tell me how you define a successful
23 negative test?

24 MR. RUBINSTEIN:

25 Objection, misstates his testimony

1 and it is argumentative. And it has been
2 asked and answered.

3 JUDGE ANDERSEN:

4 Sustained. He hasn't run any
5 negative tests and doesn't have any opinions
6 in the absence of more information.

7 EXAMINATION BY MR. HYMEL:

8 Q. Do you understand who should
9 interpret a negative test on a drilling rig?

10 MR. RUBINSTEIN:

11 Objection, vague and ambiguous.

12 JUDGE ANDERSEN:

13 That is different than the
14 substance of the test. And obviously, he is
15 overseeing who is in charge of making these
16 decisions, so he may have an answer to that.

17 So who is to interpret the results
18 of a negative test?

19 THE WITNESS:

20 I mean, I haven't seen a specific
21 statement defining who determines the
22 results of the negative test. My
23 expectation is that the senior Transocean
24 people would be looking at that test to make
25 a determination if it was successful.

1 EXAMINATION BY MR. HYMEL:

2 Q. If there was a disagreement
3 between the Transocean senior
4 representatives and the BP wellsite leader,
5 how should that disagreement be resolved?

6 A. Through conversation, through
7 coming to an agreement. If you can't reach
8 agreement, then you would go to the next
9 level of authority.

10 Q. And the next level of authority
11 would be calling the BP office and talking
12 to the engineer onshore, correct?

13 A. For the wellsite leader, for the
14 BP person, they report to the wells team
15 leader, so I would expect a call to the
16 wells team leader.

17 Q. And the wells team leader is
18 onshore, correct?

19 A. Onshore.

20 Q. Mr. Little, as a former Wells
21 Manager for Exploration & Appraisal over the
22 DEEPWATER HORIZON, would it be your
23 expectation that the rig crew should be
24 provided any information that could help the
25 rig crew maintain well control?

1 MR. RUBINSTEIN:

2 Objection, it is a vague and
3 speculative question. Any information as to
4 what?

5 JUDGE ANDERSEN:

6 What is the question?

7 EXAMINATION BY MR. HYMEL:

8 Q. As a former Wells Manager for
9 Exploration & Appraisal, is it your opinion
10 that the Transocean rig crew would be
11 provided any information that would help
12 them maintain well control?

13 JUDGE ANDERSEN:

14 I think that is a fairly specific
15 question, so I will overrule the objection.

16 THE WITNESS:

17 Could I ask you to be a bit more
18 specific?

19 EXAMINATION BY MR. HYMEL:

20 Q. It is hard for me to be more
21 specific than any information that BP
22 believes would help the Transocean rig crew
23 maintain well control. Do you believe that
24 information should be given to the rig crew?

25 A. Again, without knowing the context

1 of the question, I am not sure I can --

2 Q. So then, are you telling me that
3 it is okay for BP to withhold information
4 from the Transocean rig crew if that
5 information would help the Transocean rig
6 crew maintain well control?

7 MR. GODFREY:

8 Objection as to form, contrary to
9 what the witness testified to, and
10 argumentative.

11 MR. HYMEL:

12 It is either one or the other.

13 JUDGE ANDERSEN:

14 You can answer that question. Do
15 you think they should have information that
16 they need to maintain well control?

17 THE WITNESS:

18 Yes.

19 MR. HYMEL:

20 That's it.

21 JUDGE ANDERSEN:

22 Now, it is about noon.

23 (Discussion held off the record.)

24 CAPT. NGUYEN:

25 Why don't we reconvene at 12:45.

1 (Recess for lunch.)

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REPORTER'S CERTIFICATE

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I, Cathy Renee' Powell, Certified

5

Court Reporter, do hereby certify that the

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foregoing proceedings were reported by me in

7

shorthand and transcribed under my personal

8

direction and supervision, and is a true and

9

correct transcript, to the best of my

10

ability and understanding;

11

That I am not of counsel, not related

12

to counsel or parties hereto, and not in any

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way interested in the outcome of this

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matter.

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CATHY RENEE' POWELL, CCR

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