

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

Date taken: April 7, 2011
PM 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, 12:45 P.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 12:45 p.m.

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

4

5

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U.S. DISTRICT JUDGE (RET.)

6

7

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9

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11

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12 MINERALS MANAGEMENT SERVICE/
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13

14

JOHN McCARROLL
MINERALS MANAGEMENT SERVICE/
15 BOEMRE

16

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

18

WITNESS:

19

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

21

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

23

REPORTED BY:

24

CATHY RENEE POWELL
CERTIFIED COURT REPORTER

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1 JUDGE ANDERSEN:

2 Halliburton?

3 MR. BOWMAN:

4 Thank you, Your Honor.

5 EXAMINATION BY MR. BOWMAN:

6 Q. Mr. Little, my name is
7 Bruce Bowman and I represent Halliburton.

8 I want to focus on the 2009-2010
9 time period up until April 2. You are the
10 wells manager, right?

11 A. That's correct.

12 Q. Among other things, Mr. Guide
13 reported to you, right?

14 A. (Witness nods head affirmatively.)

15 Q. How do you go about evaluating
16 what kind of job Mr. Guide was doing there?

17 A. I mean, I -- could you kind of
18 give me a bit more on what you mean by
19 "evaluating"?

20 Q. Well, I could, but is there
21 something that is confusing about that?

22 A. Evaluating what?

23 Q. His performance. I'm sorry. His
24 performance as a wellsite leader.

25 A. Wells team leader.

1 Q. Wells team leader.

2 A. I interacted with John, my wells
3 team leader, I interacted with him almost on
4 a daily basis. He would tell me what was
5 going on. I may ask questions through that
6 process, you know, and I got to know him and
7 his capabilities.

8 Q. Because that is something I didn't
9 quite gather from your testimony earlier.
10 So you would actually interact with
11 Mr. Guide generally on a daily basis?

12 A. Almost every day.

13 Q. I understand. Were you officed
14 together?

15 A. Same building.

16 Q. Would you visit with him
17 oftentimes in person or by phone?

18 A. In the office, it would be in
19 person. We would usually meet at his desk.
20 He sat next to David. I would go down and
21 we would talk about what was going on.

22 Q. Okay. And by talking about what
23 was going on, you are talking about what was
24 actually going on with the particular well,
25 i.e., the DEEPWATER HORIZON?

1 A. Yes. Normally, it would be
2 business, yes.

3 Q. If he had any concerns or
4 questions, would he mention those to you?

5 A. Yes.

6 Q. Would you give him advice?

7 A. If I had advice to give or --
8 yeah.

9 Q. Can you give me some examples from
10 your memory, any examples of concerns he may
11 have raised with you?

12 A. I don't have any specific example.
13 Could you be a bit more specific?

14 Q. Not really, because I want you to
15 give me an example. And if you cannot
16 remember any examples of anything he may
17 have raised with you about the HORIZON and
18 the Macondo well, that is fine. I just
19 wanted to see if you can recall anything.

20 A. I can't recall anything in
21 particular.

22 Q. Okay. Now, did you have any
23 interaction with Mr. David Sims?

24 A. Yes.

25 Q. And can you describe the

1 occurrence of the interaction with Mr. Sims
2 in relationship, say, to the times you would
3 talk to Mr. Guide?

4 A. Could be at the same time, could
5 be separately. David covered more than the
6 HORIZON, so you may be talking about one of
7 the other projects that was ongoing.

8 Q. Is it fair to say you had a lot of
9 dealings with Mr. David Sims?

10 A. Yes.

11 Q. And you had a lot of dealings with
12 Mr. John Guide?

13 A. That's correct.

14 Q. We may refer to some e-mails here
15 in a little bit, I know you were referred to
16 some earlier. Does it just come as a
17 complete shock to you that there seemed to
18 be some sort of dissension between Mr. Sims
19 and Mr. Guide?

20 A. I don't know the context in which
21 those were written or the details.

22 Q. I don't either, but however you
23 want to describe it, they are not
24 flattering, and it doesn't look like they
25 had a good relationship.

1 So you were interacting with these
2 people on an almost daily basis, and just
3 based on what you were reading in those
4 e-mails, does it come as a surprise to you?

5 MR. RUBINSTEIN:

6 He has been questioned on this.

7 JUDGE ANDERSEN:

8 We will take note of your answer
9 that you don't know enough whether or not to
10 be surprised, correct?

11 THE WITNESS:

12 What I can say is when I worked
13 with David and John, they had a good working
14 relationship.

15 EXAMINATION BY MR. BOWMAN:

16 Q. So from your observation of
17 working with them, you could detect no
18 dissension?

19 A. We worked together generally well.
20 I could not detect any particular issues.

21 JUDGE ANDERSEN:

22 No animosity?

23 THE WITNESS:

24 No.

25 EXAMINATION BY MR. BOWMAN:

1 Q. That is what I was trying to get
2 to because I would think that part of your
3 job would be to try and find out if people
4 were getting along as team members, right?

5 A. Yes.

6 Q. Okay. Now, you would have wanted
7 to know if there was any dissension,
8 wouldn't you?

9 A. I would want to know if any team
10 had any issues.

11 Q. And you would want to try and get
12 at the root of it, right?

13 A. Again, depending on what the issue
14 was.

15 Q. But sitting here today, you can't
16 recall any issue rising to a level between
17 Mr. Guide and Mr. Sims that would get you
18 involved, correct?

19 MR. RUBINSTEIN:

20 Objection, asked and answered
21 several times.

22 JUDGE ANDERSEN:

23 Sustained.

24 EXAMINATION BY MR. BOWMAN:

25 Q. Sitting here today, do you recall

1 anything that either Mr. Guide or Mr. Sims
2 told you that was negative about the other
3 person?

4 A. I mean, I can't -- that feels a
5 bit wide-ranging. I need you to be a bit
6 more specific on that.

7 Q. Well, is the problem that you
8 remember something they may have said that
9 is negative, but that in your mind, it
10 wasn't so negative that it would rise to a
11 high level?

12 MR. RUBINSTEIN:

13 Your Honor, again --

14 JUDGE ANDERSEN:

15 He is thinking.

16 THE WITNESS:

17 I mean, nothing comes to mind in
18 particular.

19 EXAMINATION BY MR. BOWMAN:

20 Q. That is fair. That is what I'm
21 trying to find out because we are all trying
22 to find out really what happened in the
23 critical time period. And a lot of times,
24 the critical time period, it is important
25 what went on right before it.

1 MR. RUBINSTEIN:

2 Is that a question?

3 MR. BOWMAN:

4 That is.

5 JUDGE ANDERSEN:

6 He was just explaining.

7 EXAMINATION BY MR. BOWMAN:

8 Q. Now, as far as -- for most of the
9 time, Mr. Sims was not Mr. Guide's boss, but
10 was it right after you left he became his
11 boss?

12 A. That's correct.

13 Q. You put out two names to take your
14 place, one being Mr. Sims and one I don't
15 know. I have to ask, why did you not
16 suggest Mr. Guide?

17 A. Mr. Sims and the other person had
18 been in more senior positions previously,
19 and they were who I thought were more suited
20 to the role I had.

21 Q. Because of the years of
22 experience?

23 A. And the roles they had performed
24 in the past.

25 Q. From an engineering standpoint?

1 A. They had led teams. Both David
2 and the other person had been wells program
3 managers previously, and I thought that
4 experience would benefit them in taking on a
5 role such as mine.

6 Q. Sure. That makes sense.
7 Mr. Guide had not had that previous
8 experience?

9 A. Correct.

10 Q. Several times you answered, "while
11 I was there," when you were questioned by
12 other people, and you mentioned a vacation.
13 Are you guessing you took a vacation in the
14 spring?

15 A. I did.

16 Q. How many?

17 A. Two vacations.

18 Q. When were they?

19 A. One in mid-February and one in
20 mid-March.

21 Q. So mid-February of 2010?

22 A. Right.

23 Q. And mid-March of 2010?

24 A. Approximately.

25 Q. And approximately how long were

1 you gone during each of those vacations?

2 A. About a week.

3 Q. And during the time period when
4 you were gone, who was in charge?

5 A. Specifically, those weeks of
6 vacation? The first week it was David, and
7 the second week I think it was John.

8 Q. Was the second week the one when
9 the kick was, in March?

10 MR. RUBINSTEIN:

11 Objection.

12 MR. BOWMAN:

13 That is why I asked the question.

14 JUDGE ANDERSEN:

15 If you were on vacation, then that
16 is the answer.

17 THE WITNESS:

18 I was in London when the kick
19 occurred.

20 EXAMINATION BY MR. BOWMAN:

21 Q. On business or on vacation?

22 A. I was in London in my new role. I
23 was changing jobs.

24 Q. You were in London getting ready
25 for your new job?

1 A. Correct.

2 MR. RUBINSTEIN:

3 I object. That misstates his
4 prior testimony, getting ready for his new
5 job.

6 EXAMINATION BY MR. BOWMAN:

7 Q. How would you describe it? What
8 were you doing in London?

9 A. I was working in my role during
10 the transition period over there. So I was
11 leading the reorganization for North Africa
12 and getting ready to go to the new
13 organization. So I was working on that.

14 Q. Why was David in charge once and
15 John the other time?

16 A. David is who I normally delegated
17 to, but I think David was on vacation one
18 time.

19 Q. So that was the March vacation?

20 A. Yes.

21 Q. More or less a month before the
22 blowout, correct?

23 A. Yes.

24 Q. I want to talk a little bit about
25 negative tests. You read the Bly report and

1 it talks about negative tests too.

2 As being a wells manager before
3 reading the Bly report, did you understand
4 the importance of a negative test?

5 A. Yes.

6 Q. Did you expect your wells team
7 leaders to understand the importance of a
8 negative test?

9 A. Yes.

10 Q. Sure. Now, whose responsibility
11 is it to make sure a negative test is done
12 on the well?

13 A. It would be part of our program,
14 and the responsibility for executing that
15 program would be Transocean and our
16 representative, the wellsite leader, would
17 ensure that program was being executed in
18 accordance with our program.

19 Q. Talking about BP's program?

20 A. Yes.

21 Q. So BP would require the negative
22 test be done, and correct me if I'm wrong,
23 you are saying that Transocean personnel
24 would conduct the test, and the wellsite
25 leader would do what?

1 A. The wellsite leader would evaluate
2 the test along with Transocean.

3 Q. Okay. Now, how would the wellsite
4 leader know how to interpret the test?

5 A. I mean, they would be following
6 the procedure, he would be using his
7 experience, he would know what he was
8 looking for in a negative test.

9 Q. So you would expect your wellsite
10 leader to have enough experience to be able
11 to interpret a negative test?

12 A. Yes.

13 Q. Do you know if Mr. Kaluza had that
14 experience?

15 A. I don't know.

16 Q. Do you know if Mr. Don Vidrine had
17 that experience?

18 A. I don't know.

19 Q. I understand on this particular
20 negative test, you were no longer in charge,
21 okay? Prior to your leaving April 2, do you
22 know whether your wellsite leaders knew how
23 to interpret a negative test?

24 A. The ones that I had worked with
25 and had been out there when negative tests

1 had been done, yes, so I would say they know
2 how to do it.

3 Q. That makes a lot of sense.

4 Had you worked with any that had
5 actually been on the HORIZON for any
6 negative test?

7 A. Could you --

8 MR. RUBINSTEIN:

9 Can we clarify a time frame, Your
10 Honor?

11 JUDGE ANDERSEN:

12 I suppose at any time while he was
13 at the Macondo well.

14 MR. BOWMAN:

15 Even before.

16 EXAMINATION BY MR. BOWMAN:

17 Q. You were only there in the Gulf of
18 Mexico three years, right?

19 A. Yes.

20 Q. During that three-year period, had
21 you been on any rig observing a negative
22 test being performed?

23 A. Me personally?

24 Q. Yes.

25 A. No.

1 Q. During that three-year period,
2 were any negative tests performed on any
3 wells you were responsible for?

4 A. Negative tests would be performed
5 on every well before we left the location,
6 yes.

7 Q. What wellsite leader had
8 interpreted negative tests while you were in
9 charge in the Gulf of Mexico?

10 A. I don't remember exactly who.

11 Q. That's fair. Can you give me one
12 name?

13 MR. RUBINSTEIN:

14 Objection, Your Honor. Asked and
15 answered.

16 JUDGE ANDERSEN:

17 Well, they all did, right?

18 THE WITNESS:

19 I don't know who was out there
20 during that specific time. All of them had
21 been there during the period of time I had
22 been there. That is not possible for me to
23 answer.

24 JUDGE ANDERSEN:

25 I gather from the witness' answers

1 that if there was a wellsite leader there
2 while a negative test was completed, then he
3 would expect that wellsite leader to look at
4 and evaluate the test results, right?

5 THE WITNESS:

6 Yes.

7 EXAMINATION BY MR. BOWMAN:

8 Q. This may be a simple question, but
9 how do you know they could do that?

10 A. I don't personally evaluate the
11 wellsite leaders, the wells team leader does
12 that. The wellsite leaders are experienced,
13 and the wells team leader would know their
14 capability. And if they didn't, they would
15 ask.

16 Q. Are you familiar with any testing
17 procedures where BP tested their wellsite
18 leaders to see if they could interpret
19 negative tests or not?

20 A. You mean, like an exam or
21 something like that?

22 Q. Yes.

23 A. No, I am not aware of anything
24 like that.

25 Q. Do you know of anything that was

1 done in the year 2009 up until April 20 of
2 2010 to ensure that the wellsite leader on
3 the HORIZON could actually interpret a
4 negative test?

5 MR. RUBINSTEIN:

6 Objection, it has been asked and
7 answered.

8 JUDGE ANDERSEN:

9 Could you repeat that? I'm sorry.

10 MR. BOWMAN:

11 I will try.

12 JUDGE ANDERSEN:

13 Or ask a different question.

14 MR. BOWMAN:

15 It will probably come out
16 differently.

17 EXAMINATION BY MR. BOWMAN:

18 Q. Do you know of anything that was
19 done by BP in the year 2009 up until
20 April 20 of 2010 to ensure that their
21 wellsite leaders could interpret negative
22 tests?

23 A. Team leaders --

24 Q. Wellsite leaders, I'm sorry?

25 A. I am not aware of anything.

1 Q. Let me ask you this. You may or
2 may not know this, but assuming you have a
3 negative test, and on that negative test,
4 you had a zero pressure on the kill line and
5 you had pressure of approximately 1600 psi
6 on the drill pipeline. From your
7 standpoint, what would that tell you?

8 MR. RUBINSTEIN:

9 Objection, Your Honor. This is
10 beyond what the panel questioned him on and
11 it is asking to him opine on something that
12 he has already covered, saying he did not
13 have enough facts to opine on.

14 JUDGE ANDERSEN:

15 Would you need more facts to
16 answer that question?

17 THE WITNESS:

18 I think to answer it conclusively,
19 yes.

20 EXAMINATION BY MR. BOWMAN:

21 Q. Not conclusively, just those two
22 things, would that raise a question in your
23 mind?

24 A. Yes.

25 Q. And if a question was raised,

1 would you try to answer the question?

2 A. Yes.

3 Q. Sure. And how would one go about
4 trying to answer the question?

5 MR. RUBINSTEIN:

6 This is just calling for the
7 witness to speculate and second-guess what
8 other people did.

9 JUDGE ANDERSEN:

10 I don't think it is so much that.
11 We are looking at a management system, and
12 Mr. Little has described the management
13 oversight, and if he had had those kinds of
14 results, the board is interested in how
15 would the person on-site, the wellsite
16 leader and the team leader and he as their
17 manager, would have wanted them to attend to
18 that. Not necessarily talking about the
19 specific situation.

20 So if you have a process or system
21 you want your people to go through, we would
22 like to know what it is.

23 THE WITNESS:

24 I would expect any of my team, if
25 they have got a question, to do something

1 about that, and one of the first things
2 would be to call their line manager to
3 discuss it.

4 EXAMINATION BY MR. BOWMAN:

5 Q. Thank you. Now, as far as -- does
6 BP have any kind of policy about trying to
7 follow recommendations of its independent
8 contractors?

9 A. Could you repeat the question?

10 Q. Yes. Does BP have any kind of
11 policy about whether it tries to follow
12 recommendations of independent contractors
13 that it hires?

14 JUDGE ANDERSEN:

15 With respect to what subject? Any
16 subject?

17 MR. BOWMAN:

18 Well, first of all, any subject,
19 and then I can certainly refine it. I want
20 to see if there is a general policy of
21 whether they try to follow recommendations
22 or not.

23 THE WITNESS:

24 I am not aware of any policy.

25 EXAMINATION BY MR. BOWMAN:

1 Q. Is it generally like good
2 business, because that is the reason you are
3 hiring people?

4 A. Again, could you rephrase the
5 question?

6 Q. Sure. I mean, I am sure there are
7 policies you like to follow and some you
8 don't, but you hire a contractor for a
9 specific purpose, let's say for cementing,
10 okay?

11 A. Okay.

12 Q. Do you listen to their
13 recommendations?

14 A. Yes.

15 Q. You are not required to follow all
16 of the recommendations, are you?

17 A. Again, I need more details about
18 what you mean by that.

19 Q. Let's assume Halliburton says you
20 are supposed to have 21 centralizers out
21 there and somebody decided they only want to
22 use 6. Is there a process that you expect
23 your people to go through before they arrive
24 at that conclusion?

25 MR. RUBINSTEIN:

1 Objection, well beyond --

2 JUDGE ANDERSEN:

3 We have had lots of testimony on
4 centralizers.

5 (To the board) Do you see anything
6 more profitable?

7 So the board, we spent several
8 days on centralizers, and we might even know
9 more than the witness on this subject. If
10 you could move on. I am sure that subject
11 will be attended to in future reports.

12 EXAMINATION BY MR. BOWMAN:

13 Q. As a wells manager, would you do
14 anything to try to make sure that the BOPs
15 on the well were performing the way they
16 were supposed to?

17 A. I would hope so.

18 Q. Sure. And would you do anything
19 to ascertain whether the BOP was capable of
20 performing?

21 A. Personally?

22 Q. Not personally, but would you have
23 any process to ensure that the BOP is
24 performing?

25 A. It is tested every week, pressure

1 tested every two weeks, function tested the
2 alternative week.

3 Q. Would you get reports from
4 somebody showing that the tests were
5 performed weekly?

6 A. Nothing beyond the morning
7 reports.

8 Q. There has been a lot about the BOP
9 on the HORIZON. I am looking at something
10 you may have seen, maybe not, but it is
11 dated April 6, 2010, and it has -- it has
12 20-something items, more or less, that are
13 supposed to be -- maybe 30 items -- but they
14 are supposed to be addressed on this
15 particular BOP.

16 I will give you an example, the
17 replacement converter overhaul process, PA
18 approval, 125 days maintenance required, and
19 it has several others. Okay?

20 Here is where I am coming from.
21 The 20 or 30 items that need to be responded
22 to and repaired on a BOP, is that common for
23 the rigs that you were associated with?

24 MR. RUBINSTEIN:

25 Objection, Your Honor. He hasn't

1 seen the document, he was not in this
2 position on April 6. We don't know what he
3 is talking about. And it is beyond what the
4 board has covered before.

5 JUDGE ANDERSEN:

6 He can take a look at it.

7 MR. GODFREY:

8 Is there a Bates number?

9 MR. RUBINSTEIN:

10 TRN-MDL00401409 through 412.

11 MR. GODFREY:

12 I have a small objection. This is
13 an MDL exhibit. It was not previously
14 disclosed to parties here or to the board,
15 and there is also, I believe, an order in
16 the MDL court about our inability to use MDL
17 documents in this proceeding, or something
18 to that effect.

19 But regardless, that document has
20 not been previously disclosed and this panel
21 has a rule you are supposed to give
22 disclosures the night before. So I don't
23 have it, the witness doesn't have it.

24 MR. BOWMAN:

25 I will be happy to take the

1 document away, but the --

2 JUDGE ANDERSEN:

3 In defense of counsel, he tried to
4 proceed without the document, and he just
5 wanted to know if a checklist of potential
6 changes or repairs to a BOP, if it had 20 or
7 30 items, in his experience, would that be
8 unusual.

9 Counsel said, "Well, without
10 knowing what they are, my client might not
11 be able to answer the question."

12 So the document is not being
13 entered into evidence, but if you have an
14 opinion as to that, you can give us your
15 opinions. Obviously, this week's hearings
16 are supposed to focus on BOP.

17 MR. GODFREY:

18 That is fair enough, but that has
19 a TRN Bates number. As the board knows, the
20 MODU spec and Lloyd's Register audits were
21 never shared with BP. I am not aware of a
22 BP audit or document that would reflect 20
23 or 30 items from April of that year.

24 So if he is asking about a
25 Transocean document, not shared with BP

1 after he left, and whether he knows anything
2 about it, I have an objection for lack of
3 foundation and unfairness to the witness.

4 MR. MATHEWS:

5 Is it a rig move checklist or
6 audit checklist?

7 MR. BOWMAN:

8 It is a --

9 MR. MATHEWS:

10 Between-rig-moves maintenance?

11 MR. BOWMAN:

12 I have no idea. It is dated 4-6.
13 All I am trying to get to is if this number
14 of items to be addressed is something that
15 would be common --

16 MR. MATHEWS:

17 But to me, a panel member, I'm
18 confused. Because if it is between rig
19 moves, that is common. But I'm trying to
20 understand if it is an audit, a finding,
21 what your premise is.

22 Is that an audit finding like the
23 BP or Transocean MODU spec? Or is it an
24 e-mail that says, "Between the rig moves,
25 you will do this, this and this"?

1 MR. BOWMAN:

2 I am happy to show it to you, but
3 based on the objection, I'm not sure I can.

4 JUDGE ANDERSEN:

5 Why don't we do this.

6 We are all going to draw our own
7 conclusions. Let's just proceed with
8 Mr. Little. You can show the document to
9 interested people after he leaves, because
10 we are all going to have our answers
11 regarding it, and there is board experience
12 with respect to this that the board will
13 look to even beyond his testimony.

14 So rather than taking up time to
15 figure out this document now, let's move
16 forward with his testimony. And when we
17 conclude today, you and Mr. Mathews can take
18 a look at this and see whether or not it
19 would even be lawful to show it to
20 Mr. Godfrey.

21 MR. GODFREY:

22 If that is the issue, it is a
23 Transocean document. I am objecting on
24 behalf of the witness, but it is a
25 Transocean document.

1 EXAMINATION BY MR. BOWMAN:

2 Q. Let's talk about an audit
3 everybody has seen and talked about today,
4 the September 2009 audit. Okay?

5 I believe you said, of course, you
6 didn't read the whole audit, and that's
7 fine; you read the executive summary. I
8 have a portion of the executive summary.

9 The first bullet point is,
10 "Closing out of the last audit
11 recommendations had no apparent verification
12 by BP. Consequently, a number of the
13 recommendations that Transocean had
14 indicated as closed out had either
15 deteriorated again or not been suitably
16 addressed in the first instance."

17 As I read this, there was a prior
18 audit, and it seems like there was something
19 in the prior audit, whenever that was, that
20 had not been fully addressed. Is that what
21 you get out of that?

22 A. The way I interpret it is that it
23 had been addressed, but the auditors were
24 saying it might not have been addressed
25 sufficiently well, and that they would like

1 to have more verification of the closeout of
2 some of these items.

3 Q. And this is a time period when you
4 were the wells manager, right?

5 A. Yes.

6 Q. Did it give you concern that there
7 had been some items that were addressed on a
8 prior audit that had not apparently been
9 verified as being addressed?

10 A. Yes.

11 Q. And what did you do to try and get
12 those addressed?

13 A. We talked to John about we needed
14 to make sure we got verification of the
15 items that Transocean were closing out.

16 Q. You mean John Guide?

17 A. Yes.

18 Q. And another bullet was "Test,
19 middle and upper BOP ram bonnets are
20 original and out with OEM and API 5-year
21 recommended recertification period."

22 I can show it to you.

23 What did you do to follow up on
24 the fact that the BOP ram bonnets are out
25 with the OEM and API 5-year recommendations?

1 A. That's part of the audit action
2 items and was to be closed out by
3 Transocean.

4 Q. Was it?

5 A. I don't know.

6 Q. What did you do to try and make
7 sure it was?

8 A. That was Mr. Guide's role to
9 follow up on the audit and make sure that
10 these things were closed out with
11 Transocean.

12 Q. Is there an e-mail somewhere
13 saying, "John, make sure you follow up on
14 these things"?

15 MR. RUBINSTEIN:

16 Object to the form of the
17 question, and this has been covered
18 completely.

19 JUDGE ANDERSEN:

20 Sustained. But it is fair to say
21 that all of the audit items, you delegated
22 that responsibility to John Guide to make
23 sure they were successfully completed,
24 right?

25 THE WITNESS:

1 That is how we were set up to do
2 it, that the wells team leader is
3 accountable for closing these out with
4 Transocean.

5 JUDGE ANDERSEN:

6 And you personally did not attend
7 to the certification of any particular item,
8 correct?

9 THE WITNESS:

10 That's correct.

11 JUDGE ANDERSEN:

12 And that would be your answer to
13 all questions like that?

14 THE WITNESS:

15 Yes.

16 EXAMINATION BY MR. BOWMAN:

17 Q. What did you do to make sure
18 Mr. Guide did the follow-up?

19 A. I asked him if he was following up
20 and he gave me an affirmative that he was.
21 When I was at the rig, I asked if all the
22 action items were being closed out, and I
23 was given a positive answer. And I had
24 other evidence from the marine team that we
25 had asked to help verify the closeout.

1 Q. Who told you at the rig they had
2 been addressed?

3 A. When I was at my rig visits,
4 visiting with the rig team, we would talk
5 about the items in the audit and were we
6 making progress.

7 Q. How many rig visits did you have
8 after September of 2009?

9 MR. RUBINSTEIN:

10 This has been asked with prior
11 counsel and by the board.

12 JUDGE ANDERSEN:

13 Two, correct?

14 EXAMINATION BY MR. BOWMAN:

15 Q. I thought so too, but when?

16 MR. RUBINSTEIN:

17 Asked and answered repeatedly, and
18 the dates were given.

19 MR. FANNING:

20 October and December.

21 MR. BOWMAN:

22 Thank you. I appreciate that.

23 EXAMINATION BY MR. BOWMAN:

24 Q. Okay. Now, then, a few more
25 questions and I will be through here.

1 You were asked some questions a
2 little earlier that seemed to indicate you
3 did not get involved too much in the
4 technical minutia of the well. Now, I have
5 got to show you an e-mail, because to me --
6 well, let me just show you this e-mail. It
7 is -- well, wait a second. This is an MDL.
8 I have to hold it. I won't use that one.

9 JUDGE ANDERSEN:

10 Ms. Murphy and Lieutenant Bray
11 reminded me there are certain documents that
12 have been produced in the MDL that, absent
13 additional procedures, could not be produced
14 to the board. So when I said earlier you
15 could share that with Mr. Mathews, I might
16 have been wrong.

17 So we need a bunch of lawyers to
18 decide whether or not the board can actually
19 look at that document. I may have
20 misspoken.

21 EXAMINATION BY MR. BOWMAN:

22 Q. I won't ask you about this one,
23 but do you know what a primary barrier is?

24 A. Yes.

25 Q. And do you recall whether in March

1 you wanted to make sure that all primary
2 barriers were weight tested or pressure
3 tested?

4 MR. RUBINSTEIN:

5 Your Honor, I object to this line
6 of questioning as going beyond what the
7 board asked about. He asked a question
8 about a primary barrier in March, and I
9 lodged an objection about going beyond what
10 the board was asking about.

11 JUDGE ANDERSEN:

12 What was your question?

13 MR. BOWMAN:

14 The question is, do you recall in
15 March of 2010 that you wanted all primary
16 barriers to be weight tested or pressure
17 tested?

18 JUDGE ANDERSEN:

19 Is this relative to the BOP?

20 MR. BOWMAN:

21 Relative to the BOP and also
22 relative to any barriers of cement at that
23 time.

24 MR. RUBINSTEIN:

25 I disagree, but --

1 JUDGE ANDERSEN:

2 I think that is relevant to our
3 inquiry.

4 Do you recall that?

5 THE WITNESS:

6 Can I see the document?

7 MR. RUBINSTEIN:

8 He can't show him the document,
9 Your Honor.

10 JUDGE ANDERSEN:

11 If you can't recall it, then you
12 can't recall it.

13 THE WITNESS:

14 I am trying to think when in March
15 I would do that.

16 EXAMINATION BY MR. BOWMAN:

17 Q. If you can't recall, that's fine.

18 A. I can't remember.

19 Q. Do you understand what it means to
20 weight test or pressure test primary
21 barriers?

22 A. Yes.

23 Q. What does that mean?

24 A. It would be if a cement plug was
25 set in a well, you would pressure test it to

1 see if it was holding pressure.

2 Q. And why is that important?

3 A. In the context of what, I guess?

4 Q. Why was it important to you?

5 MR. RUBINSTEIN:

6 Your Honor --

7 JUDGE ANDERSEN:

8 Sustained. He means in the
9 context of what sort of situation, because
10 it could have different significance in
11 different situations.

12 EXAMINATION BY MR. BOWMAN:

13 Q. Let me ask you this because I am a
14 little unclear on this. You said you did
15 have meetings about the Bly report and the
16 recommendations?

17 A. Yes.

18 Q. What did you do -- what
19 affirmative steps have you taken in your
20 position to make sure the recommendations of
21 the Bly report have been put into effect as
22 far as the people that you supervise?

23 A. The recommendations from the Bly
24 report are being addressed centrally by BP,
25 and any actions will be issued globally to

1 everybody. So I am not doing anything
2 personally with my team over the
3 recommendations.

4 MR. BOWMAN:

5 Pass the witness.

6 JUDGE ANDERSEN:

7 Okay. We have Anadarko and MOEX.

8 EXAMINATION BY MR. NEGER:

9 Q. Good afternoon. My name is
10 Peter Neger, and I represent the Anadarko
11 Petroleum Corporation and MOEX Offshore
12 2000, LLC. I understand that Anadarko and
13 MOEX were BP's nonoperating investors in the
14 lease for the Macondo well; is that right?

15 A. That's correct.

16 Q. One of your responsibilities as
17 wells manager in BP's wells division was to
18 be aware of audits performed by BP regarding
19 rigs working on BP wells under your
20 jurisdiction, correct?

21 A. Yes.

22 Q. And it was the responsibility of
23 the wells operation team to work with the
24 rig operator to ensure the operational
25 integrity of rigs, correct?

1 A. What do you mean by "operational
2 integrity"?

3 Q. That the rigs operated properly.

4 MR. RUBINSTEIN:

5 Objection as to form.

6 MR. GODFREY:

7 Objection as to form. Requesting
8 a legal conclusion.

9 JUDGE ANDERSEN:

10 Are you talking about the terms of
11 the lease agreement?

12 MR. NEGER:

13 Yes.

14 EXAMINATION BY MR. NEGER:

15 Q. It was within the jurisdiction of
16 the wells operation team to ensure that the
17 rig operations were performed appropriately?

18 JUDGE ANDERSEN:

19 With respect to the well
20 operation? He might not have had anything
21 to do with maritime.

22 MR. NEGER:

23 That is correct.

24 JUDGE ANDERSEN:

25 So we will assume all of your

1 questions relate to well operation, not
2 maritime.

3 MR. NEGER:

4 Fair enough, Your Honor.

5 THE WITNESS:

6 So could you ask it again?

7 EXAMINATION BY MR. NEGER:

8 Q. Sure. It was within the
9 jurisdiction of your wells operation
10 organization to work with the rig operator
11 to ensure that the rig operated properly
12 from an operational standpoint as opposed to
13 from a marine standpoint?

14 A. Again, that is very wide-ranging.
15 I don't think I can answer that question.

16 Q. Was it important to BP that the
17 systems on the rig functioned properly?

18 A. What systems in particular?

19 Q. All of the systems.

20 MR. RUBINSTEIN:

21 Your Honor, the problem is we have
22 gone through this several times now.

23 MR. NEGER:

24 It is a very simple question.

25 MR. GODFREY:

1 Actually, there is nothing simple
2 about it.

3 JUDGE ANDERSEN:

4 For example, he used the word
5 "ensure," which has really exciting
6 implications. But I think to narrow the
7 question, he wants to verify that it was
8 important to you to make sure that the
9 operations on the rig related to the
10 operation of the well were working properly.
11 Was that important to you?

12 Is that your question?

13 MR. NEGER:

14 Yes, it is, Your Honor.

15 THE WITNESS:

16 Yes.

17 EXAMINATION BY MR. NEGER:

18 Q. And is it fair to say that it was
19 important to BP that the rig was safe to
20 operate?

21 MR. RUBINSTEIN:

22 Object to the form of the
23 question.

24 JUDGE ANDERSEN:

25 How about "yes"?

1 MR. DYKES:

2 If we are talking about well
3 operations, if you are talking about the
4 systems associated with the well, the
5 drilling of the well, that may help him
6 understand a little bit better.

7 MR. NEGER:

8 Thank you. I thought that was the
9 agreement with respect to my questions.

10 EXAMINATION BY MR. NEGER:

11 Q. Because that was the function of
12 your operations team, wasn't it, as opposed
13 to marine responsibility, which was someone
14 else's responsibility, right?

15 A. So relating to the well and the
16 drilling of the well following our well
17 operations plan?

18 Q. Yes.

19 A. Yes.

20 Q. And was it important to BP that
21 the rig be in compliance with applicable
22 laws and regulations?

23 A. Yes.

24 Q. Now, a technical rig audit of the
25 DEEPWATER HORIZON was performed in

1 January 2008. Do you know that to be the
2 case?

3 A. Yes.

4 Q. And it was performed, as I recall,
5 by Kevin Davies, who was the leader of the
6 rig audit division?

7 A. Yes.

8 Q. And the audit was approved by
9 Mr. Norman Wong, the head of that division?

10 A. That would be the norm, but --

11 MR. NEGER:

12 May I approach, Your Honor?

13 JUDGE ANDERSEN:

14 Sure.

15 EXAMINATION BY MR. NEGER:

16 Q. What I have given you, Mr. Little,
17 is an e-mail bearing Bates No.

18 BP-HZN-MBI00050936. And attached to it is
19 the DEEPWATER HORIZON Technical Rig Audit
20 dated January 2008, bearing Bates Nos.

21 BP-HZN-MBI00050937 through 51018; is that
22 correct?

23 A. That's correct.

24 Q. Now, my recollection is that you
25 were not in the position of wells manager in

1 January of 2008, right?

2 A. Not in the position of wells
3 manager in January of 2008 where the teams
4 reported directly to me.

5 Q. You became the wells manager where
6 the teams reported directly to you in May of
7 2008, correct?

8 A. That's correct.

9 Q. And did you receive a copy of this
10 audit at any time?

11 A. I believe I got a copy of it,
12 because I asked the wells team leader to
13 give me an update on where we were with it.

14 Q. And that was in June of 2008 that
15 you received this?

16 A. Yes.

17 Q. And did you review the audit in
18 June of 2008?

19 A. Not in detail, no.

20 Q. Even if you had not reviewed it in
21 detail, did you skim it?

22 A. I don't recall.

23 Q. Did you notice that among the
24 observations made by BP's rig audit team in
25 January of 2008 was that no one could

1 produce evidence that the DEEPWATER HORIZON
2 blowout preventer had been subjected to
3 recertification inspection in the past five
4 years?

5 I direct your attention to page 6
6 of the audit report. Do you recall noticing
7 that when you saw the report in June of
8 2008?

9 A. I don't recall noticing that.

10 Q. Were you aware in June of 2008
11 that MMS regulations provided that BOP
12 maintenance and inspections must meet or
13 exceed the inspections and maintenance
14 standards set forth in API Recommended
15 Practice 53?

16 A. I was not aware of that.

17 Q. Were you aware that API
18 Recommended Practice 53 recommends that the
19 BOP stack should be disassembled and
20 inspected in accordance with the
21 manufacturer's guidelines?

22 MR. RUBINSTEIN:

23 Objection, calls for a legal
24 conclusion.

25 MR. NEGER:

1 My question is was he aware --

2 MR. RUBINSTEIN:

3 Can I finish my objection,
4 Counsel?

5 JUDGE ANDERSEN:

6 I am going to sustain it because
7 he has no recollection. We know that -- my
8 understanding of your procedure is you knew
9 the audits existed, you delegated compliance
10 with the audits to the people who worked
11 under you and you verbally discussed with
12 them whether or not they had done that,
13 correct?

14 THE WITNESS:

15 That's correct.

16 JUDGE ANDERSEN:

17 Counsel has a valid question with
18 respect to the BOP in the 2008 audit. Do
19 you have any recollections either about the
20 audit recommendations or the laws or
21 regulations that apply to the BOP?

22 THE WITNESS:

23 No.

24 JUDGE ANDERSEN:

25 So I think any questions regarding

1 having had that specific knowledge would be
2 speculation. The witness said he doesn't
3 recall it and doesn't know those
4 regulations, so I think we need to move on
5 from those subjects.

6 EXAMINATION BY MR. NEGER:

7 Q. I understand Judge Andersen to
8 have summarized your previous testimony, and
9 I want to make sure we all understand it.
10 The steps that you took to ensure compliance
11 with the recommendations in the rig audit
12 were to delegate them to others within your
13 team; is that right?

14 A. The role of following up on the
15 rig audit items is, by our procedures, the
16 wells team leader's accountability.

17 Q. In this particular case, according
18 to the e-mail which is the top document in
19 the stack I gave you, the monitoring of the
20 closeout of open items identified in the
21 audit was assigned to Mr. Jake Skelton,
22 correct?

23 A. That's correct.

24 Q. Do you see, sir, that
25 Mr. Skelton's e-mail to you states he has

1 not yet set up the first meeting to start
2 the process of closing out the open items
3 identified in the audit?

4 A. Correct.

5 Q. Do you know why it took
6 Mr. Skelton close to six months to commence
7 the process?

8 A. He was put into his role around
9 the same time I was. So he was new to that
10 role.

11 Q. Do you know why Mr. Skelton's
12 predecessor had not commenced the process of
13 closing out the items identified in the
14 audit?

15 A. I do not.

16 Q. Was Mr. Guide assigned the task of
17 interfacing with Transocean regarding the
18 open items in the January 2008 audit?

19 MR. RUBINSTEIN:

20 Objection, Your Honor. Asked and
21 answered three times.

22 JUDGE ANDERSEN:

23 It was on the 2009 audit, but not
24 the 2008.

25 THE WITNESS:

1 I don't know.

2 EXAMINATION BY MR. NEGER:

3 Q. You don't know whether John Guide
4 was assigned the task of --

5 A. No.

6 Q. Do you know who was assigned the
7 task of interfacing with Transocean to deal
8 with the open items in the January 2008
9 audit?

10 A. The accountability for the
11 closeout is the wells team leader's, and at
12 that time, it was Jake Skelton.

13 Q. A follow-up was performed in
14 September of 2009, and that is the rig audit
15 we have been discussing at length today,
16 correct?

17 A. Correct.

18 MR. RUBINSTEIN:

19 I agree to that.

20 EXAMINATION BY MR. NEGER:

21 Q. I'm sorry to disappoint you, but I
22 am going to ask a couple of more questions
23 about it.

24 That rig audit was performed by
25 Mr. Davies and approved by Mr. Wong,

1 correct?

2 A. I don't have it in front of me,
3 but that is my recollection.

4 MR. NEGER:

5 May I approach, Your Honor?

6 EXAMINATION BY MR. NEGER:

7 Q. So my question, Mr. Davies and
8 Mr. Wong were the principal authors of that
9 document?

10 A. Yes.

11 Q. And you received a copy of the
12 follow-up audit at the time it was prepared,
13 correct?

14 A. That's correct.

15 Q. And did you notice that among the
16 observations made by the rig audit team was
17 that the test, middle and upper BOP ram
18 bonnets, are original and out of compliance
19 with the OEM and API 5-year recommended
20 recertification period?

21 MR. RUBINSTEIN:

22 Your Honor, he has answered that
23 specific question more than once.

24 EXAMINATION BY MR. NEGER:

25 Q. Fair enough, you did.

1 So is it fair to say, Mr. Little,
2 that the lack of compliance with the 5-year
3 recertification recommended by API
4 Recommended Practice 53, that that same
5 condition existed in January 2008 and also
6 in September 2009, more than 20 months after
7 it was first identified by the BP rig audit
8 team?

9 MR. RUBINSTEIN:

10 I object as it calls for a legal
11 conclusion.

12 JUDGE ANDERSEN:

13 If counsel wants the witness to
14 verify that the same issue appears in both
15 audits, noting that the audit speaks for
16 itself, but it is the same as previously,
17 correct?

18 THE WITNESS:

19 I can't remember exactly what was
20 written in the previous one, but it
21 remained.

22 EXAMINATION BY MR. NEGER:

23 Q. And the item remained open?

24 A. It remained open at this point.

25 Q. From the prior audit, correct?

1 A. It appears to be the case, yes.

2 Q. Now, it was Mr. Guide's
3 responsibility to oversee Transocean's
4 attention to the open items in the
5 September 2009 audit, correct?

6 A. That's correct.

7 Q. And do you know when Mr. Guide
8 assumed responsibility for overseeing the
9 attention to open rig audit items? When did
10 he transition, when did that responsibility
11 transition from Mr. Skelton?

12 A. So are you asking about when did
13 they change jobs as opposed to when the
14 audit was done?

15 Q. Let's start with that. When did
16 they change jobs?

17 A. I can't remember the exact date,
18 but June time frame, 2009.

19 JUDGE ANDERSEN:

20 At that point in time, Mr. Guide
21 would have assumed that responsibility,
22 correct?

23 THE WITNESS:

24 Yes, sir.

25 EXAMINATION BY MR. NEGER:

1 Q. Now, assuming, sir, that the lack
2 of -- that the failure to comply with the
3 5-year recertification was a violation of
4 MMS regulations --

5 MR. GODFREY:

6 Objection as to the assumption.

7 JUDGE ANDERSEN:

8 Sustained. We all know there is a
9 meaningful controversy over how those
10 regulations should be interpreted.

11 EXAMINATION BY MR. NEGER:

12 Q. Was it also a violation, or was it
13 just a violation --

14 MR. RUBINSTEIN:

15 Objection.

16 MR. NEGER:

17 Let me withdraw the question.

18 EXAMINATION BY MR. NEGER:

19 Q. Was the failure to comply with the
20 5-year recertification a violation of BP's
21 own internal policies and standards?

22 MR. RUBINSTEIN:

23 Again, it assumes the conclusion
24 that there was a failure to comply.

25 JUDGE ANDERSEN:

1 I will sustain it because
2 "compliance" presupposes a certain
3 interpretation of the regulations that is
4 not agreed to by the lawyers in this room.
5 So this particular witness has already
6 testified that he is not an expert in the
7 legal interpretations of the regulations.

8 The board certainly knows this is
9 an open item in both audits, and that that
10 sort of out-of-water inspection did not take
11 place before the April incident.

12 You can argue the significance of
13 that later on, but I don't think there is
14 any question with respect to those facts.

15 MR. NEGER:

16 Very well.

17 EXAMINATION BY MR. NEGER:

18 Q. Would you turn to page 20 of the
19 2009 audit.

20 Am I correct, sir, that on
21 page 20, item 1.2.1, which is the
22 observation that the test, middle and upper
23 pipe ram BOP bonnets, are original and have
24 not been subject to OEM inspection and
25 recertification in accordance with API and

1 OEM requirements is identified as an item
2 that does not comply with BP's policies and
3 standards?

4 A. That's correct.

5 Q. Thank you. On the following page,
6 sir, observation 1.3.1, with the exception
7 of the BP control system --

8 MR. GODFREY:

9 Objection. Is counsel going to
10 read in the various boxes and ask the
11 witness whether the document says what it
12 says?

13 MR. NEGER:

14 No. I am asking him whether it
15 complies with BP's policies and standards --

16 MR. GODFREY:

17 Which is the title of box 2, Your
18 Honor. We don't need a witness to read into
19 the record what --

20 JUDGE ANDERSEN:

21 If the BP audit said something was
22 out of compliance with BP policy, then it
23 was.

24 MR. NEGER:

25 I would like the witness'

1 understanding of it, but if the witness is
2 prepared to concede --

3 JUDGE ANDERSEN:

4 It is not a concession. As far as
5 you know, the audit is an accurate audit,
6 correct?

7 THE WITNESS:

8 Yes.

9 JUDGE ANDERSEN:

10 Okay. So you can't do better than
11 that.

12 MR. NEGER:

13 Very good.

14 EXAMINATION BY MR. NEGER:

15 Q. Mr. Little, who was responsible
16 for approving the start of operations by a
17 rig when there are outstanding questions
18 about the rig's compliance with regulations?

19 MR. RUBINSTEIN:

20 Objection, Your Honor.

21 JUDGE ANDERSEN:

22 If he knows.

23 THE WITNESS:

24 So could you repeat that again?

25 EXAMINATION BY MR. NEGER:

1 Q. Sure. Who at BP is responsible
2 for approving the start of operations by a
3 rig when there are outstanding questions
4 about the rig's compliance with MMS
5 regulations, if you know?

6 A. If it was out of compliance, we
7 wouldn't be starting the rig up.

8 Q. Thank you. Who at BP is
9 responsible for approving the start of
10 operations by a rig when there are
11 outstanding questions about the rig's
12 compliance with BP's own internal policies
13 and procedures, if you know?

14 MR. RUBINSTEIN:

15 Your Honor, I continue to object
16 to the line of questioning.

17 JUDGE ANDERSEN:

18 I will overrule it. But this is
19 all with respect to well operations, not the
20 maritime operations?

21 MR. NEGER:

22 Correct, Your Honor. I think we
23 agreed to that at the outset of my
24 questioning.

25 THE WITNESS:

1 Could you repeat that again?

2 EXAMINATION BY MR. NEGER:

3 Q. Absolutely.

4 Who at BP is responsible for
5 approving the start of operations by a rig
6 when there are outstanding questions about
7 the rig's compliance with BP's own internal
8 policies and procedures?

9 A. Are you referring to the rig
10 audit?

11 Q. Generally, but with specific
12 reference to the rig audit, with which I
13 think we have now agreed that if the rig
14 audit says what it says, there were items
15 which were identified as being out of
16 compliance with BP's own internal policies
17 and procedures.

18 A. And those actions were being
19 addressed, and they were being closed out by
20 Transocean as part of our normal procedure.

21 Q. Thank you. But that wasn't my
22 question. My question is who at BP was
23 responsible for approving the start of
24 operations by a rig when there were
25 outstanding questions about the rig's

1 compliance with BP's own internal policies
2 and procedures?

3 MR. GODFREY:

4 Objection. How does that help the
5 board? This is civil discovery. I
6 understand Anadarko's goal of civil
7 discovery for the MDL litigation, but how
8 does that help the board?

9 JUDGE ANDERSEN:

10 It could conceivably help the
11 board insofar as we are interested in the
12 chain of command, so if the wells team
13 leader, for example, is overseeing
14 compliance with these things, maybe he is
15 the person who has to decide whether or not
16 a particular item is worth stopping the work
17 or worth going forward. Does he make that
18 decision, generally speaking?

19 THE WITNESS:

20 The rig audit contains items --
21 again, pertaining to the rig audit, which I
22 believe the question was addressing, if the
23 rig audit says items need to be addressed
24 before resuming operations, then those items
25 would be addressed.

1 EXAMINATION BY MR. NEGER:

2 Q. And if they are not?

3 A. If they are not, then there would
4 have to be a review of that to decide if
5 that was acceptable or not.

6 Q. And my question is who is the
7 person who is responsible for determining
8 whether that is acceptable or not and
9 authorizing the placement of the rig in
10 service when questions remain open regarding
11 compliance with BP's own internal policies
12 and procedures?

13 A. Again, you need to have a specific
14 situation in which you can review that and
15 discuss what were the open items --

16 Q. Is there someone with that
17 authority within the BP hierarchy who makes
18 that operational decision? Where does the
19 buck stop? Was it you?

20 A. I can go through what we did to
21 start up the HORIZON after this audit, which
22 is we got the audit, had the list of things
23 that needed to be closed out before we could
24 start operations, we got a plan in place and
25 we got people who were expert in that to say

1 yes, those were sufficiently closed out.

2 That was represented to me by my
3 team leader that they had been closed out,
4 and it was verified by Transocean and
5 verified by our marine authority.

6 I got that and agreed that it met
7 the criteria. I informed my line manager
8 that that was the case and --

9 Q. So was it your line manager who
10 then gave the approval to put the rig in
11 service notwithstanding the questions about
12 lack of compliance with BP's policies and
13 procedures?

14 MR. RUBINSTEIN:

15 The problem is the form of the
16 question about the lack of compliance with
17 BP's policy.

18 JUDGE ANDERSEN:

19 We're not assuming there was any
20 lack of compliance at that time. The
21 question goes to who has the ability to say,
22 or is there any person who can say we have
23 done enough on the audit so we can begin
24 operations, and complete the other items as
25 we go? Is there any one person who has that

1 authority?

2 THE WITNESS:

3 I mean, yeah, that would be me to
4 my boss. So if he was not happy with going
5 ahead where we were, he would have stopped
6 it.

7 CAPT. NGUYEN:

8 Is that Mr. O'Bryan or
9 Mr. Vidrine?

10 THE WITNESS:

11 At that time, it was Mr. Thierens.

12 EXAMINATION BY MR. NEGER:

13 Q. And did you discuss with
14 Mr. Thierens whether to put the rig into
15 service --

16 MR. RUBINSTEIN:

17 This has been covered extensively.

18 JUDGE ANDERSEN:

19 Sustained. Next question.

20 EXAMINATION BY MR. NEGER:

21 Q. Now, sir, you recall that the
22 MARIANAS rig was damaged by Hurricane Ida
23 and that BP was required to find a
24 replacement rig?

25 A. Yes.

1 Q. And do you recall that Anadarko
2 offered at that time to assign one of its
3 moored rigs to the Macondo well?

4 A. I can't recall.

5 JUDGE ANDERSEN:

6 While he is looking at that, in
7 order to accommodate Mr. Little in making
8 his plane, it is our aspiration to recess at
9 2:30.

10 MR. NEGER:

11 The Bates Nos. are
12 BM-HZN-MBI00096550 and 551.

13 EXAMINATION BY MR. NEGER:

14 Q. Specifically, I invite your
15 attention to the second page, the last
16 e-mail from you to Mr. Rich and Mr. Lacy
17 dated December 9, 2009 --

18 MR. GODFREY:

19 I object. This is not in
20 accordance with the board's rules that you
21 have to disclose the document the night
22 before if you intend to use it with a
23 witness.

24 JUDGE ANDERSEN:

25 That is true. If you want to ask

1 a general question about that transition,
2 that is fine.

3 MR. NEGER:

4 I asked the witness, Your Honor,
5 about his recollection. I am trying to
6 refresh his recollection.

7 JUDGE ANDERSEN:

8 Now, only lawyers would care, but
9 we cannot use this document and make it part
10 of the record. But if your recollection is
11 refreshed and you can recall that offer of
12 the rig, then you can testify to that. But
13 having looked at the document, we can't use
14 the document, and Mr. Godfrey has a point.
15 If we start making an exception for this
16 document, then in next week's hearing and
17 the two weeks we are going to do in July, we
18 will have more documents as well. So what
19 is your question?

20 EXAMINATION BY MR. NEGER:

21 Q. Does that document refresh your
22 recollection that in December of 2009,
23 Anadarko offered to assign one of its moored
24 rigs to the Macondo well?

25 A. Yes.

1 Q. And you rejected that?

2 A. Yes.

3 Q. Is it fair to say, sir, that you
4 rejected it because it would have given
5 Anadarko a greater role in the operations at
6 Macondo that BP did not want them to have?

7 A. I don't see that --

8 JUDGE ANDERSEN:

9 The question is do you recall
10 that?

11 THE WITNESS:

12 No.

13 JUDGE ANDERSEN:

14 Thank you. His answer was no, for
15 the court reporter.

16 EXAMINATION BY MR. NEGER:

17 Q. We discussed earlier today your
18 decision to promote Mr. Sims to a position
19 in which he was Mr. Guide's superior. Do
20 you recall that?

21 A. Yes.

22 Q. Were you the person who advised
23 Mr. Guide that Mr. Sims was being promoted
24 to a position in which he would report to
25 Mr. Sims?

1 A. Say that again.

2 Q. Were you the person who advised
3 Mr. Guide that Mr. Sims was being promoted
4 to a position in which Mr. Guide would
5 report to Mr. Sims?

6 A. I don't recall if I was the -- I
7 mean, if I was the person that told them.
8 And Mr. Sims -- the decision around Mr. Sims
9 taking my role, I was not involved with that
10 decision. That was done by others.

11 JUDGE ANDERSEN:

12 He does not recall advising
13 Mr. Guide that Mr. Sims would be his new
14 boss. Next question.

15 EXAMINATION BY MR. NEGER:

16 Q. Do you think, sir, that the
17 relationship between Mr. Guide and Mr. Sims
18 was negatively impacted by the
19 reorganization of BP's management?

20 MR. RUBINSTEIN:

21 Object to the form of the question
22 about what he thinks.

23 JUDGE ANDERSEN:

24 He already testified he knew of no
25 professional animosity between them, and now

1 he has had the last 45 minutes to rethink
2 it. Is there anything about their
3 relationship that would change your answer
4 that you have become aware of?

5 THE WITNESS:

6 Not that I am aware of. Mr. Guide
7 used to work for Mr. Sims in the past, and I
8 didn't notice or see any issues there.

9 EXAMINATION BY MR. NEGER:

10 Q. Did you think Mr. Guide was less
11 effective than Mr. Sims in communicating
12 decisions to his team and the bases for
13 those decisions?

14 MR. RUBINSTEIN:

15 Object to this whole line.

16 JUDGE ANDERSEN:

17 I didn't hear the whole question.

18 EXAMINATION BY MR. NEGER:

19 Q. Did you think that Mr. Guide was
20 less effective than Mr. Sims in
21 communicating decisions to his team and the
22 bases for those decisions?

23 MR. NEGER:

24 It goes to the effectiveness of --
25 Mr. Guide's effectiveness as a leader, Your

1 Honor.

2 JUDGE ANDERSEN:

3 He has seen them both in their
4 roles, and he can use that as a comparison.

5 THE WITNESS:

6 I'm not making a comparison
7 between them --

8 JUDGE ANDERSEN:

9 You don't have to guess or
10 speculate. So "I don't know" is a --

11 THE WITNESS:

12 Yes. I don't know.

13 MR. NEGER:

14 Last document, Your Honor.

15 JUDGE ANDERSEN:

16 You want to give us the Bates
17 number?

18 MR. NEGER:

19 Yes, I will in a moment. It is
20 the document that Mr. Penton showed the
21 witness earlier, Mr. Guide's Annual
22 Individual Performance Assessment for 2009,
23 it is BP-HZN-MBI00193074.

24 JUDGE ANDERSEN:

25 And I might point out, under the

1 board's rules, you can do this, we will let
2 you do it, but all of the documents that are
3 to be used are supposed to be posted the
4 night before -- actually, a very short time
5 frame in our legal custom world -- and these
6 were -- apparently, nothing was posted last
7 night. But you can go forward anyhow. But
8 be patient with the lawyers who did not have
9 the advance notice they normally would get.

10 MR. NEGER:

11 Thank you. Mr. Penton asked about
12 this earlier, so I assumed it was all right
13 for me to use it.

14 JUDGE ANDERSEN:

15 I am not blaming anyone, but I
16 just want everyone to know we are letting
17 him go forward even though we are not
18 supposed to.

19 THE WITNESS:

20 What is the question?

21 EXAMINATION BY MR. NEGER:

22 Q. The bottom section, "Overall
23 Performance," was it your -- let me ask you
24 this. Was it your opinion in 2009 that
25 Mr. Guide was an effective champion of the

1 "every dollar matters" culture embraced by
2 BP?

3 MR. RUBINSTEIN:

4 Objection to "'every dollar
5 matters' culture embraced by BP," the
6 phraseology of the question.

7 JUDGE ANDERSEN:

8 If you have an opinion, fine. BP
9 created the phraseology and adopted the
10 motto. If this witness has --

11 THE WITNESS:

12 BP didn't adopt it. It was the
13 Gulf of Mexico --

14 To answer your question, yes.
15 John was a leader in that particular area.

16 EXAMINATION BY MR. NEGER:

17 Q. And the "every dollar matters"
18 culture encouraged reductions in the cost of
19 drilling operations through the achievement
20 of efficiencies; is that right?

21 MR. GODFREY:

22 Objection to the word "culture."

23 JUDGE ANDERSEN:

24 Just strike the word "culture."
25 It promoted the --

1 MR. NEGER:

2 The word "culture" is used in the
3 document that Mr. Little authored.

4 JUDGE ANDERSEN:

5 I withdraw my overruling then.
6 What would you say?

7 THE WITNESS:

8 In the matter of performance, John
9 was a champion in that area.

10 EXAMINATION BY MR. NEGER:

11 Q. My question is whether that "every
12 dollar matters" culture, which existed in
13 the Gulf of Mexico culture, encouraged
14 reductions in the cost of drilling
15 operations through the achievement of
16 efficiencies?

17 A. Could you repeat that?

18 Q. Sure. Did the "every dollar
19 matters" culture, which was a part of the
20 Gulf of Mexico culture, encourage reductions
21 in the cost of drilling operations through
22 the achievement of efficiencies? Is that
23 what it was about? One of the things?

24 A. Yes, it was one of the things it
25 was about, yeah.

1 Q. And it encouraged the enhancement
2 of profitability in drilling operations in
3 the Gulf of Mexico, right?

4 MR. RUBINSTEIN:

5 Objection, Your Honor.

6 JUDGE ANDERSEN:

7 Sustained in the sense that
8 profitability -- that's another term that is
9 hard to define, but certainly, the employees
10 were not encouraged to focus on that
11 particular factor.

12 Next question.

13 EXAMINATION BY MR. NEGER:

14 Q. Looking at your evaluation of
15 Mr. Guide, is it fair to say that Mr. Guide
16 demonstrated greater capability in drilling
17 wells using an "every dollar matters"
18 approach than in ensuring the safe operation
19 of wells?

20 MR. RUBINSTEIN:

21 That misstates the document, Your
22 Honor.

23 JUDGE ANDERSEN:

24 First of all, the document wasn't
25 posted, so it is really not fair to the

1 board or others to review it. And we can
2 interpret the document ourselves. To ask
3 for comparisons within a document of
4 different categories in a document that has
5 not been posted really goes beyond the scope
6 of our rules. And Ms. Murphy and
7 Lieutenant Bray have checked with everybody
8 to make sure we have a chance to do that.

9 If the document becomes part of
10 our record and you want to use some space to
11 talk about it, you can. But the comparison
12 of categories in documents is --

13 MR. NEGER:

14 With all respect, this is a
15 document Mr. Little authored. It was an
16 evaluation by which he is expressing his own
17 personal opinion --

18 JUDGE ANDERSEN:

19 All I am saying is don't use the
20 document. If you want to ask him how he
21 felt about Guide's performance in different
22 categories and his leadership ability, fine.
23 But to ask him to compare categories in a
24 document that we have not had the benefit of
25 looking at, rightly or wrongly, violates --

1 MR. DYKES:

2 I am still trying to figure out
3 how this furthers my investigation. We have
4 covered the performance and the performance
5 review forms several hearings back.

6 JUDGE ANDERSEN:

7 And you can make any argument you
8 would like to make and the board will make
9 its own assessment of Mr. Guide.

10 MR. NEGER:

11 Your Honor, I'm not going to
12 belabor the point. I will pass the witness.

13 JUDGE ANDERSEN:

14 Doug Brown?

15 And I want to apologize to
16 everyone. Normally, I would not do this,
17 but the witness has a long journey ahead of
18 him, and we have gone a little longer than
19 expected, and I am just trying to maximize
20 the use of our time.

21 Patrick O'Bryan?

22 Robert Kaluza?

23 Jimmy Harrell?

24 MR. FANNING:

25 Yes, sir.

1 EXAMINATION BY MR. FANNING:

2 Q. Good afternoon, I am Pat Fanning,
3 Jimmy Harrell's lawyer. I heard you talking
4 about him, so that means you know Jimmy,
5 right?

6 A. Yes.

7 Q. I want to ask about the thing when
8 you told Mr. Winslow that you had some
9 problems with the safety culture on the rig.
10 Did you say anything then about any
11 individuals, make any remarks about their
12 performance?

13 A. I can't recall if I made any
14 specific remarks around people at that
15 particular session.

16 Q. Well, at any time prior to the
17 changes being made, did you make remarks to
18 Mr. Winslow or anyone else at Transocean
19 about the performance of personnel on the
20 rig?

21 A. I may have had a conversation
22 about people I had met on the rig, and I may
23 have mentioned whether I thought they were
24 doing a good job in a particular area or
25 something, so that is possible.

1 Q. You know, it caused some changes,
2 apparently, your remarks, so if you said
3 something bad about somebody, it is okay to
4 tell us. You should hear how my wife talks
5 about me. Go ahead.

6 A. I think I clarified, when I talked
7 about the issues I had, it was around the
8 application of the Safety Management System
9 and how that could be improved. That was my
10 feedback to Mr. Winslow. It wasn't about
11 changing people. That was Transocean's --
12 or one of Transocean's recommendations for
13 improving the culture.

14 Q. But what I'm trying to figure out
15 is whatever you said to Mr. Winslow caused
16 him to believe that the way to remedy the
17 situation was to move some people off the
18 rig, correct?

19 MR. RUBINSTEIN:

20 That calls for him to speculate.

21 JUDGE ANDERSEN:

22 Sustained. We know the sequence
23 of events and Transocean's response.

24 EXAMINATION BY MR. FANNING:

25 Q. In any event, you appeared to

1 believe that the transfer of certain people
2 off the rig improved the problems?

3 A. It certainly appeared to improve
4 the areas with which I was involved.

5 Q. And that is why you said the
6 safety culture improved considerably since
7 key personnel transfers?

8 A. That's correct.

9 Q. And you said the rig now has an
10 excellent leadership team. Is it fair to
11 say that you considered the OIM on the rig
12 at the time to be a part of the excellent
13 leadership team you were referring to?

14 A. Yes.

15 Q. And you know Jimmy Harrell was one
16 of the OIMs on the rig, correct?

17 A. Yes.

18 Q. And so were you including Jimmy as
19 part of the excellent leadership team on the
20 rig?

21 A. In general, yes, I would say that.

22 Q. Did you believe Jimmy to be an
23 excellent OIM?

24 A. I'm not qualified to evaluate his
25 capability as an OIM.

1 Q. Well, you expressed an opinion
2 about the excellent leadership team. You
3 said Jimmy was a part of that excellent
4 leadership team. You don't have an opinion
5 about him as an OIM?

6 A. I didn't mean as an OIM. That has
7 a broader connotation than what I was trying
8 to address in that e-mail, which was around
9 the approach to safety I saw since
10 Transocean made the changes to personnel.

11 Q. But you thought the situation
12 improved, and you thought Jimmy being a part
13 of the team was part of it. Is that fair to
14 say?

15 A. I'm not sure when I wrote that
16 e-mail I was thinking about one individual
17 in particular. It was a collective
18 statement regarding the leadership of the
19 rig.

20 Q. Okay.

21 MR. FANNING:

22 Judge, I had a couple more
23 questions reduced to writing, but after
24 conferring with some board members, I won't
25 ask them.

1 JUDGE ANDERSEN:

2 Curt Kuchta.

3 EXAMINATION BY MR. SCHONEKAS:

4 Q. Good afternoon. My name is
5 Kyle Schonekas; I represent Captain Kuchta.

6 Sir, addressing the same e-mail
7 Mr. Fanning just spoke about, did you
8 consider Captain Kuchta part of the
9 management team of the DEEPWATER HORIZON?

10 A. Yes.

11 Q. So by your description of it being
12 an excellent team, you meant to include the
13 captain as well?

14 A. As I said, it was collective for
15 the whole rig leadership, so yes.

16 Q. Thank you. With respect to that
17 e-mail, would you take a look at that
18 quickly, if you would. It is an e-mail
19 chain, and it begins with Mr. Frazelle's
20 e-mail, correct?

21 A. That's correct.

22 Q. And does Mr. Frazelle report to
23 you?

24 A. No.

25 Q. What is his responsibility?

1 A. He was, at that time, the
2 operations manager for a number of rigs he
3 had.

4 Q. And he included you as a recipient
5 on this e-mail, reporting on the condition
6 of these rigs, correct?

7 A. That's correct.

8 Q. And he reported on the MARIANAS,
9 correct?

10 A. Yes.

11 Q. And he reported on the DD2?

12 A. Correct.

13 Q. And he reported on the DD3,
14 correct?

15 A. Yes.

16 Q. And there were no comments that he
17 transmitted to you about the DEEPWATER
18 HORIZON, were there?

19 A. That's correct.

20 Q. In fact, you wrote back and you
21 commented on the DEEPWATER HORIZON, right?

22 A. Correct.

23 Q. And your only comments with
24 respect to the HORIZON were this issue of
25 the change-out of the OIM and the rig

1 manager; is that right, sir?

2 A. Could you say that again?

3 Q. Let's do this. With respect to
4 the MARIANAS, would you agree, sir, that
5 Mr. Frazelle brought to your attention, as
6 well as the other e-mail recipients, the
7 condition of the BOPs on the MARIANAS? Do
8 you see that at the bottom of the first
9 page?

10 A. Yes.

11 Q. And he doesn't mention anything
12 about the DEEPWATER HORIZON, correct?

13 A. That's correct.

14 Q. And he doesn't mention anything
15 about any outstanding audits concerning the
16 BOP on the DEEPWATER HORIZON, does he, sir?

17 A. No.

18 Q. In fact, you write back, and you
19 don't comment on the BOP either; is that
20 right?

21 A. That's correct.

22 Q. Your only comment was remedied by
23 the replacement of this other OIM; is that
24 right?

25 A. My comment was based on the

1 improvement in the safety culture since the
2 people had been changed.

3 Q. And that dealt only with the OIM
4 and the rig manager; is that right, sir?

5 A. Yes. They were the two people who
6 were changed, yes.

7 MR. SCHONEKAS:

8 Thank you. That is all I have.

9 JUDGE ANDERSEN:

10 Steve Bertone?

11 MI-SWACO?

12 Dril-Quip?

13 Weatherford?

14 Are there any follow-up questions
15 by BP?

16 MR. GODFREY:

17 Five minutes or less, Your Honor.

18 Ms. O'Connor is going to take this one.

19 JUDGE ANDERSEN:

20 And this is Bridget O'Connor, for
21 the reporter.

22 EXAMINATION BY MS. O'CONNOR:

23 Q. I want to follow up on a couple of
24 details you testified about regarding a
25 couple of documents.

1 First, you were asked about the
2 Risk Register, the chart that is up there.
3 Do you have a copy of that document in front
4 of you still?

5 A. Yes.

6 Q. There is a label at the top of
7 that document that says, "Last Updated."
8 You see that?

9 A. Yes.

10 Q. What does it say?

11 A. Twenty-something of June of 2009.

12 Q. Is that consistent with when you
13 understand that document would have been
14 generated?

15 A. Yes, given the date.

16 Q. Can you explain the purpose of
17 this document and how it is used in the
18 well-planning process, please?

19 A. This document feeds into the well
20 plan, any risk that we identified and the
21 mitigation put into place.

22 Q. What are the mitigations used for?
23 How is that information used?

24 A. It is used to improve the plan and
25 to address the risks.

1 Q. Does that information go into the
2 well plan?

3 A. Generally, yes.

4 Q. Once the well plan is generated on
5 a going-forward basis, can you describe the
6 ways that risk is assessed after that point?

7 A. There are many ways the risk is
8 assessed. When the team meets every morning
9 to review the daily report and talk to the
10 rig, they will generally discuss any risks
11 that are coming up, discuss any changes to
12 the plan, and so that would be one avenue.

13 If there was a major change, there
14 would be an MOC put in place to address any
15 risks with that change.

16 Q. So there would be additional steps
17 taken to assess risk beyond this document
18 from the Macondo well?

19 A. I don't know about from the
20 Macondo well, because I wasn't involved in
21 that MOC process, so --

22 Q. But under the process, generally,
23 are you aware of steps that would be
24 assessed beyond this document?

25 A. Yes.

1 Q. Just to clarify one other point.
2 You were asked about the changeover of the
3 wellsite leaders and also questions about
4 who the wellsite leaders might communicate
5 with in various circumstances.

6 At any time there is a change from
7 one wellsite to another, is there a wellsite
8 leader on duty that remains to overlap
9 during that changeover?

10 A. Yes. Generally, there will be two
11 wellsite leaders on the rig at any one time,
12 so there would be the other wellsite leader
13 there while they were changing.

14 Q. So the changeovers are staggered
15 so they are not changing at the same time,
16 correct?

17 A. Generally, yes.

18 Q. Would that second wellsite leader
19 be available to a wellsite leader who had
20 just arrived if that wellsite leader had
21 questions?

22 A. Yes.

23 Q. One other small point. You were
24 asked a question about operating the rig,
25 and I believe the question started in terms

1 of if BP was operating the rig. Do you
2 understand BP to operate the rig?

3 A. Not in terms of the rig itself. I
4 mean, Transocean operates the rig itself.

5 Q. And my last point here is there
6 was a sequence of questions about if there
7 were to be a disagreement over the negative
8 test -- for a negative test -- and you were
9 asked if there was a disagreement, who the
10 parties involved with interpreting that test
11 would contact if they were not able to
12 resolve it amongst themselves.

13 In your answer, you addressed who
14 the BP person would contact if they were
15 unable to address the issue. Do you know
16 who the Transocean crew members would
17 contact on their side of that disagreement?

18 A. I don't know specifically, no.

19 Q. Would they contact someone at BP?

20 MR. HYMEL:

21 Let me enter an objection, Your
22 Honor. I know we are trying to speed up
23 here, but she is just leading him along.

24 MR. SCHONEKAS:

25 The witness testified he doesn't

1 know, and she is suggesting responses.

2 MR. HYMEL:

3 He didn't know in answer to our
4 questions.

5 JUDGE ANDERSEN:

6 If you know what Transocean would
7 do, you can let us know. If you don't, that
8 is fine. Whatever the truth is. I am sure
9 that BP can get that information to us if
10 they know something that you don't.

11 THE WITNESS:

12 I don't know the instructions they
13 give to their people about if there is an
14 issue, who they call. I don't know.

15 MS. O'CONNOR:

16 That is all I have. Thank you.

17 JUDGE ANDERSEN:

18 Any other questions?

19 Counsel, do you have any
20 questions?

21 Board members?

22 EXAMINATION BY MR. MATHEWS:

23 Q. I have a question about the Risk
24 Register we just brought up again. Are you
25 familiar with the Macondo well design, sir?

1 A. I am familiar with it.

2 Q. Were you involved with any of the
3 planning of the drilling prognosis?

4 A. When the well was being planned?

5 Q. Yes, when it was being developed.

6 A. Yes.

7 Q. I would like you to look at the
8 mitigation notes put in the well-control
9 section by Mr. Hafle. I don't know if it
10 was put in by Mr. Hafle, but he was the
11 owner of the actual risk. It says, "Note:
12 Casing program designed to mitigate issues."

13 Is that correct?

14 A. Yes.

15 Q. How would you mitigate your casing
16 program to address well-control issues with
17 a long string?

18 Have you seen this schematic
19 before?

20 A. I believe so, yes.

21 Q. Would you run the 13 and 5/8ths
22 back up if you were truly mitigating for a
23 well-control event with a long string?

24 A. I can't answer that without
25 getting into more technical detail.

1 Q. But you were involved in the
2 planning and the drilling prognosis,
3 correct?

4 A. Yes.

5 Q. If you have a long string and you
6 are trying to mitigate for a well-control
7 event as an engineer, would you not run the
8 13 and 5/8ths back up to the surface?

9 A. It is not something I can just sit
10 here and go through.

11 Q. I assume you went through the
12 drilling prognosis and the planning for
13 months; is that correct? I mean, how long
14 did it take to put the drilling process
15 together?

16 A. I wasn't involved in the day-in,
17 day-out well planning.

18 MR. MATHEWS:

19 Thank you.

20 JUDGE ANDERSEN:

21 Any other questions?

22 EXAMINATION BY CAPT. HIGGINS:

23 Q. Sir, inviting your attention again
24 to your e-mail of 24 March, you indicate the
25 worries you have if key people move on,

1 there is not a sustainable culture of
2 excellence within Transocean's organization
3 to sustain the improvement.

4 Can you explain what you mean by
5 "there is not a sustainable culture with
6 regard to safety culture within Transocean"?

7 A. I think that was referring to the
8 Transocean HORIZON rather than to Transocean
9 in general.

10 Q. So this is specific to the
11 HORIZON's organization and not Transocean's
12 organization as indicated?

13 A. I believe so, when I wrote it,
14 yes.

15 Q. Have you evaluated Transocean's
16 organizational safety culture?

17 A. No.

18 Q. Are you familiar with the Baker
19 report following the Texas City explosion?

20 A. I am aware of it.

21 Q. Are you aware that they encouraged
22 correction of deficiencies with regard to
23 safety culture, both with BP and Transocean?

24 A. I'm not aware of that, no.

25 Q. That they indicated, "We urge

1 companies to evaluate their safety culture
2 and to improve it"?

3 A. I am not aware of the specifics of
4 the Baker report.

5 Q. Are you aware of any steps that BP
6 took following the Baker report to improve
7 the BP safety culture?

8 A. There were a number of steps we
9 took following the Texas City incident, yes.

10 Q. Could you highlight some of those
11 as they fall within your area of
12 responsibility?

13 A. I think the things that stand out
14 most for me that we were involved with was
15 we built an operating management system, OMS
16 it was called, to be applied across all of
17 BP, and that was, you know, a standard that
18 we were all expected to work to, and we were
19 all in the process of working to that
20 standard.

21 The other thing we did
22 specifically in wells was we developed the
23 engineering technical practices, which we
24 have, which were based on what we saw as
25 major accident risks. So those were

1 developed as a result of that analysis.

2 Q. Did you see a similar analysis and
3 improvement within Transocean based on your
4 observations?

5 A. On --

6 Q. With regard to process safety
7 culture?

8 A. We didn't apply what we were doing
9 to Transocean. I don't know what learnings
10 they had taken from any of the reports.

11 Q. From your position, did you
12 observe any similar type scrutiny or
13 improvements with regard to safety culture?

14 A. Similar to --

15 Q. Taking the Baker report and
16 applying the process safety culture analysis
17 to improve the safety culture within the
18 Transocean organization?

19 A. I didn't see that.

20 CAPT. HIGGINS:

21 Thank you very much, sir.

22 JUDGE ANDERSEN:

23 Any other board questions?

24 EXAMINATION BY CAPT. NGUYEN:

25 Q. One follow-up question. You said

1 the comments regarding safety culture
2 specifically were to the DEEPWATER HORIZON,
3 correct?

4 A. Yes.

5 Q. You are not saying that Transocean
6 has more than one safety culture, are you,
7 sir?

8 A. I wasn't making a comparison.
9 That note was written on the Transocean
10 HORIZON. So I was thinking of the HORIZON
11 when I wrote the note; I wasn't thinking of
12 Transocean.

13 Q. How many safety cultures does BP
14 have?

15 A. Again, what do you mean by "safety
16 culture"?

17 Q. I would like to ask you that. You
18 mentioned safety culture early on in your
19 testimony. How do you define "safety
20 culture"?

21 A. In this case, I was talking about
22 the application of their Safety Management
23 System, the THINK plan, risk assessment
24 process.

25 Q. So what concerned you in terms of

1 safety? I mean, their Safety Management
2 System is about processes and procedures and
3 things like that. Safety culture is
4 something different, from what I understand.

5 So when you mentioned not only the
6 Safety Management System, but you
7 specifically indicated the safety culture in
8 that e-mail and in your testimony, and I
9 would like to know how do you define safety
10 culture, that you would have concern with
11 the safety culture on the DEEPWATER HORIZON?

12 A. This comment was aimed at the
13 issues that I identified with Transocean,
14 which was around the Safety Management
15 System, application of the THINK plan and
16 the risk assessment. That is what I was
17 referring to when I was making out this
18 e-mail, that we had seen improvement in that
19 part of the safety -- I called it culture.

20 Q. So what was the change? Was there
21 a change in the processes and procedures?
22 Was it just by attitude toward their safety
23 program? Or what is it that indicated to
24 you there was a culture problem?

25 A. I think it was a change in the

1 leadership's promotion of how they were
2 applying the Safety Management System. So
3 there was more emphasis on using written
4 THINK plans or written risk assessments as
5 opposed to using more variable THINK plans.
6 That is what I was addressing.

7 Q. From my deduction here, either
8 Transocean has more than one safety culture
9 or --

10 A. I think, again, the comments here
11 are writing about the application of their
12 Safety Management System, and I just saw an
13 opportunity for improvement that I raised
14 with Transocean. That was my intent and
15 that is why I wrote this.

16 CAPT. NGUYEN:

17 Thank you.

18 JUDGE ANDERSEN:

19 Any other board questions?

20 Is there anything you would like
21 to add that you have not had a chance to
22 say?

23 THE WITNESS:

24 No, sir.

25 JUDGE ANDERSEN:

1 Thank you for your courtesy with
2 us and the attorneys.

3 CAPT. NGUYEN:

4 We are adjourned for the day and
5 we will reconvene at 8:00 a.m. tomorrow
6 morning.

7 (Which adjourned the proceedings for
8 the day.)

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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

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shorthand and transcribed under my personal

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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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