

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

Date taken: December 8, 2010
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
WEDNESDAY, December 8th, 2010
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 Pat Quintini, a certified court reporter authorized to administer oaths of witnesses pursuant to Section 961.1 of Title 13 of the Louisiana Revised Statute of 1950, as amended, reported at the Hilton Houston Hobby Airport, 8181 Airport Boulevard, Houston, Texas 77061, on Wednesday, December 8, 2010, beginning at 1:50 p.m.

1 APPEARANCES :

2 MEMBERS OF THE BOARD :

3

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4 CO-CHAIR UNITED STATES COAST GUARD

5

JUDGE WAYNE R. ANDERSEN
6 UNITED STATES DISTRICT JUDGE (RET.)

7

CAPTAIN MARK R. HIGGINS
8 STAFF JUDGE ADVOCATE
COAST GUARD ATLANTIC AREA

9

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MINERALS MANAGEMENT SERVICE

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MINERALS MANAGEMENT SERVICE

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UNITED STATES COAST GUARD

17

18 LTCR. BUTTS, COURT RECORDER
UNITED STATES COAST GUARD

19

20

21 REPORTED BY :

22 PAT KENNEDY QUINTINI
CERTIFIED COURT

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(With his counsel - Michael Monico)

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1 P R O C E E D I N G S

2 JUDGE ANDERSEN:

3 Okay. We will begin at about --
4 now.

5 Okay. Would the attorney for the
6 witness please state your name for the
7 record.

8 MR. MONICO:

9 Michael Monico, M-O-N-I-C-O,
10 Monico & Spevack, Chicago, Illinois.

11 JUDGE ANDERSEN:

12 Representing?

13 MR. MONICO:

14 Representing John Sprague.

15 JUDGE ANDERSEN:

16 Hi, Mr. Sprague. I have to advise
17 you, as I have all the witnesses, that since
18 you are testifying before a federally
19 convened panel, it would be a violation of
20 Federal 18 USC1001 not to tell the truth.
21 That would be perjury punishable by fine
22 and/or imprisonment. Having said that, let
23 me stand and I will administer the oath to
24 you.

25 (Oath administered to John Sprague)

1 JUDGE ANDERSEN:

2 We are not sure where we are going
3 to come out timewise here. If people's
4 questions are less than ten or, say, 15
5 words, we will probably move along more
6 quickly but at the break we will see how we
7 are doing.

8 Okay, Board questions?

9 EXAMINATION BY MR. MATHEWS:

10 Q. Mr. Sprague, for the record, could
11 you please state your full name and spell
12 your last name?

13 A. Jonathan D. Sprague,
14 S-P-R-A-G-U-E.

15 Q. By whom are you employed?

16 A. BP.

17 Q. And what position do you hold with
18 BP?

19 A. Drilling engineering manager for
20 the Gulf of Mexico.

21 Q. When did you become drilling
22 engineering manager for the Gulf of Mexico?

23 A. I became drilling engineering
24 manager of the Gulf of Mexico for
25 development and production in April of 2008,

1 and then April 14 of 2010 I took over
2 responsibility for engineering -- drilling
3 engineering for both development, production
4 and exploration and appraisal.

5 Q. Was this part of the
6 reorganization, or was this just a new
7 position that you took on?

8 A. Well, actually what it was, the
9 same position but the reporting relationship
10 of the drilling engineers was changed and
11 exploration and appraisal would report to
12 me.

13 Q. And prior to being the drilling
14 engineer manager of, I guess, exploration,
15 what was your other position, sir?

16 A. Prior to April 2008, I was -- from
17 July of 2000 to April of 2008, I was
18 drilling and completion manager for the
19 Atlantis development.

20 Q. And did you have any other prior
21 experience within BP?

22 A. Yes. Prior to that I was -- I had
23 a job that was actually business assurance
24 manager for drilling completion in the Gulf
25 of Mexico, as well as drilling engineering

1 for partner operative properties. Those
2 operated by people other than -- operators
3 other than BP. And then prior to that, just
4 prior to joining BP in 1998, I worked for
5 Amoco in the deepwater group in New Orleans.

6 Q. Can you please briefly describe
7 your current job responsibilities, sir?

8 A. Okay. So at a high level my job,
9 I'm responsible for drilling engineering
10 activities primarily well planning for Gulf
11 of Mexico, development and production,
12 exploration and appraisal. Maybe I should
13 interject, from April -- from the time of
14 the incident until now, I have been
15 engineering manager for the Macondo
16 response.

17 Q. And as your role, and I'm not
18 speaking since April, I'm speaking prior to
19 the incident, what was your interaction with
20 Mr. Gregg Walz?

21 A. In April of 2008 Mr. Walz was team
22 leader for what we call our drilling
23 excellence team in development and
24 production. And then I believe it was mid
25 2009 Mr. Walz became the drilling

1 engineering team leader for THUNDER HORSE.

2 Q. Specifically for the Macondo
3 project, did you have any daily operation in
4 relation with him?

5 A. Generally not until April 13.

6 Q. Did you work on the reorganization
7 within BP in April, 2010? Were you involved
8 with the reorganization?

9 A. A bit. I was not leading. I was
10 asked my opinion and asked for advice, yes.

11 Q. Were you involved at any level
12 with the well design of the Macondo well?

13 A. I had very limited involvement in
14 the original design of the Macondo well.

15 Q. And I understand that you do
16 development, exploration and production.
17 About how many rigs are you responsible for
18 the drilling and operations for?

19 A. From an engineering point of view?

20 Q. Yes, sir.

21 A. Okay. At the time of the incident
22 it would have been -- is it okay if I just
23 name the rigs?

24 Q. Yes.

25 A. Development Driller 2 and 3. The

1 THUNDER HORSE PDQ, the ENTERPRISE, at that
2 time. And then, of course, on April 14,
3 2010, the HORIZON.

4 Q. In your current role at the time
5 of the incident, how often did you review
6 the morning reports for the Macondo well?

7 A. I can't remember. I know I did
8 review them, but I can't remember exactly
9 which days those were.

10 Q. Did you ever have any meetings
11 with the well teams leader after you
12 reviewed the morning report to discuss any
13 concerns that you might have had?

14 A. I don't recall meeting with the
15 wells team leader.

16 Q. Engineering team leader?

17 A. Yes.

18 Q. Do you have any recollection of
19 any specifics with this well, of any
20 conversations you had with the engineering
21 team leader?

22 A. I had some conversations with the
23 engineering team leader around -- or
24 management of change document for the long
25 string. I had some conversations about --

1 with Mr. Walz and Mr. Cunningham, who is our
2 cement expert, about the cement design. And
3 I think I had a conversation with Mr. Walz
4 and Mr. Sims after the cement job.

5 Q. Now, some of the latter questions
6 that I have for you were specifically about
7 the relief well and some of the forensic
8 findings, but could you please tell me your
9 responsibilities as the engineering manager
10 of the Macondo relief?

11 A. I was responsible in that regard
12 for staffing the tactical response team,
13 providing engineering technical oversight
14 for the relief wells, also for the static
15 kill and the cementing after the static
16 kill. And I was responsible for assisting
17 the engineering manager, Mr. Bill Curt, that
18 was executing the top kill.

19 Q. Thank you. And within the SPU --
20 can you please explain to me what the SPU
21 is?

22 A. It stands for strategic
23 performance unit, and we have an
24 exploration, an appraisal strategic
25 performance unit in the Gulf of Mexico, and

1 we have a development and production
2 strategic performance unit in the Gulf of
3 Mexico. The common term used throughout the
4 industry is typically business unit.

5 And if it helps, Gulf of Mexico
6 centralized -- used to have a drilling
7 completion group for each one of the
8 individual producing facilities for the
9 government projects and in April of 2008 we
10 centralized it into a development and
11 production group, centralized drilling
12 completion group, and then in April of 2010
13 we centralized -- we brought in the
14 exploration and appraisal group into that
15 central drilling and completion group.

16 Q. And actually, who leads the SPU
17 for drilling completion?

18 A. Mr. Pat O'Bryan.

19 Q. Thank you. Specifically to the
20 reorganization that took place in April, did
21 it have any limits on your abilities as the
22 drilling engineering manager?

23 A. I don't understand the question.

24 Q. In April there was a
25 reorganization that took place right before

1 the Macondo incident within BP, and I was
2 wondering if it had any issues on your roles
3 and responsibilities?

4 A. I don't think so.

5 Q. Did the multiple personnel changes
6 that took place within BP around
7 September of 2009 up to April 2010, did that
8 have any impact on your roles and
9 responsibilities?

10 A. I don't think so.

11 Q. And I have a RACI chart in front
12 of you. I just want to -- I'm sure you have
13 seen this document in the last week and it's
14 very small, but it's Bates number
15 BP-HZN-MBI00193461. And I believe I
16 highlighted all the items which you are
17 identified as being accountable for here.
18 The first one being a well statement of
19 requirements, SOR. Could you please explain
20 to me what that is?

21 A. Sure. That's a document that's
22 put together by the subsurface group, the
23 geologists and geophysicists, and that
24 outlines what the requirements are for the
25 well, for instance, the objectives, what

1 geologic horizons we might need to
2 encounter, what hole size they might need to
3 be countered in typically. Are we going to
4 keep the well or not as a potential
5 producer. That's generally outlined there.

6 Q. And specifically for this, sir, I
7 know you said you weren't involved in the
8 early well design stages of Macondo, but
9 were you aware of the well objectives of
10 Macondo?

11 A. At what time?

12 Q. Well, the objectives didn't
13 change, so I'm assuming when you took over
14 you probably looked at the original
15 objectives of the well?

16 A. Yes, I did.

17 Q. And then the next one it has is
18 well plan BOD. Did you please explain what
19 that is?

20 A. Sure. That's a well plan basis of
21 design and that outlines some of the key
22 features of the wells, the casing points,
23 the sizes of casing.

24 Q. And the next one that was marked
25 as your accountability was manufacturing SPM

1 vendor equipment?

2 A. Right. That has to do with making
3 sure that our engineering teams work within
4 our performance supplier management process,
5 to work with the companies that we have
6 service agreements and standing contracts
7 with.

8 Q. In this well alone, I mean, I saw
9 multiple pieces of equipment from Blackhawk,
10 Allemand, Weatherford, Halliburton, multiple
11 companies. Is that a common practice within
12 BP?

13 A. It's not unusual for us to use
14 different service companies for specialty
15 tools.

16 Q. And the next one was policy
17 dispensations, parts of plan. Can you
18 please elaborate on what that is, sir?

19 A. Where is that?

20 Q. No. 11, policy dispensation, parts
21 of plan, No. 11.

22 A. Okay. When there is dispensation
23 to BP policy or that the well plan might go
24 out with the policy, the wells teams are
25 required to seek approval from either

1 management or from engineering authorities
2 on dispensations to policy.

3 Q. And how often did you participate
4 in those MOCs?

5 A. For Macondo well?

6 Q. In general, not just the Macondo
7 well. Because I have a question later about
8 dispensations and I'm trying to set up a
9 foundation of how often you do dispensations
10 within BP.

11 A. It's not an everyday event. I
12 wouldn't even say it's a weekly event, but
13 they do occur.

14 Q. Fair enough. The next one is long
15 lead equipment commitments, and that's
16 No. 12.

17 A. Right.

18 Q. Can you please explain what that
19 means, sir?

20 A. Sure. When we have a well design
21 in which some specific, special material, a
22 chrome-resistant alloy tubular for drilling,
23 maybe a wellhead system for completion, it's
24 typically packers or subsurface safety
25 valves, but my role was only on the drilling

1 side.

2 Q. And the next one, No. 13, service
3 provider commitment, vendor selection. Can
4 you please elaborate on that?

5 A. Sure. Again, within our supplier
6 performance management we have standing
7 contracts with our vendors and that's to
8 make sure that we utilize those vendors
9 within our performance contract.

10 Q. And do you require your vendors
11 to -- I don't understand exactly what you
12 are reviewing, but obviously you have a
13 contract. But do you review something like
14 their safety record? Do you review their
15 performance?

16 A. Right. We had a contractor
17 selection and retention program. When we
18 actually tender for services, we evaluate
19 the safety record of the contractors to
20 determine, and we audit them to determine if
21 they meet BP standards before we award them
22 the work.

23 Q. And the next one we will move on
24 to is LTP and GFO. What is the acronym LTP?

25 A. Long term plan is LTP. That's

1 typically done on a five to ten-year
2 forecast, very high level forecast. The GFO
3 is called group financial outlook, and
4 that's typically a budget, an annual budget
5 cycle.

6 Q. And that's updated annually?

7 A. Monthly.

8 Q. And who does that go to?

9 A. From where I sit, it goes to the
10 SPU leader through Pat O'Bryan.

11 Q. So if the Macondo well was behind
12 on budget and AFE, would it be captured in
13 this GFO report?

14 A. It would be an element of it. I
15 don't think it's broken out into individual
16 wells. We look at it on a program basis, so
17 how much we are spending.

18 Q. For D&C total?

19 A. Yes.

20 Q. And we have already touched on the
21 last one that you were responsible for,
22 management of change to drilling and
23 completion procedures.

24 A. That's correct.

25 Q. Now, my next question, I'm curious

1 as to how many different documents or
2 practices that BP had within their own
3 company in regard to engineering best
4 practices. I'm going to give you a list:
5 Golden Rules, OMS, Beyond the Best, DWOP,
6 GDTs and ETPs. Are there any others?

7 A. There probably are a couple of
8 others.

9 Q. Do you know individually, I will
10 go through each one of them, do you know if
11 each one of these practices were followed in
12 accordance with BP at the Macondo well
13 and/or on the DEEPWATER HORIZON, do you know
14 if all the Golden Rules were followed?

15 A. The Golden Rules are typically
16 operational rules and not having been
17 involved in day-to-day operations, I don't
18 know. I couldn't really speak to that.

19 Q. One of the Golden Rules happens to
20 be management of change.

21 A. That's correct.

22 Q. That's a broad term. It's pretty
23 much captured in all of the documents. Do
24 you think the management of change was done
25 in compliance with the policies that BP had

1 in place?

2 A. I think for the most part it was.

3 Q. OMS, what is OMS, sir?

4 A. It's our Operating Management
5 System.

6 Q. What is that used for?

7 A. Okay. The Operating Management
8 System was a result of findings from the
9 Texas City incident in which BP set out to
10 have common standards throughout the --
11 operating standards throughout the group,
12 that's both upstream and downstream, for the
13 way we manage safety, we manage risk, and
14 how we manage operational integrity. So it
15 sets out the principles for how we are
16 supposed to do that throughout the company.
17 And then each business unit is required to
18 prepare a local OMS as well, and we, in
19 fact, had a local -- issued a local OMS for
20 Gulf of Mexico D&C in November of 2009.

21 Q. And actually I'm going to touch on
22 OMS a lot later, because you are actually to
23 testify on some of the stuff we were going
24 to ask Mr. Shelton about. You were put into
25 place to testify upon that. I will move on

1 to Beyond the Best. What is Beyond the
2 Best, sir?

3 A. Beyond the Best is a series of
4 tools for how we plan wells, and with that
5 process we are -- that every wells team is
6 required to follow, it has different stages
7 for planning the well that we go through.
8 It's not just a blanket approval. We start
9 an appraise stage and that would be
10 typically when a well is conceived, we
11 evaluate the potential for drilling the
12 well. And after a series of engineering
13 work is done and also subsurface work is
14 done, we have what we call a stage gate
15 meeting. We prepare a stage gate delivery
16 support package and that is approved by
17 various levels of management depending on
18 what stage we go through. And then there
19 is -- following the appraise stage, there is
20 select, find, execute and review. And there
21 are different deliverables for each one of
22 those.

23 Q. And moving on to DWOP.

24 A. DWOP is our drilling well
25 operation policy. It sets out company

1 policy for how we are supposed to plan and
2 execute drilling and completion wells.

3 Q. And GTPs and ETPs, are they about
4 the same?

5 A. GTPs and --

6 Q. GTPs and ETPs.

7 A. GTPs are group defined practices
8 that are set for all of BP to follow. An
9 ETP is an engineering technical practice to
10 support -- to provide detail to some of our
11 key significant risk areas within the
12 drilling well operations policy.

13 Q. Who at BP is responsible to insure
14 that all their employees are actually
15 following all the recommendations that are
16 put forth within these documents?

17 A. It's a requirement of the wells
18 teams, the engineering team leaders and the
19 wells team leaders to make sure that they
20 are following the DWOP and the ETPs. And
21 when there appears to be a need to change
22 from that, they are required to seek the
23 approval of either of -- sorry, either the
24 drilling engineering authority, which was my
25 job, and/or the completion engineering

1 authority.

2 Q. Are you familiar with the Gulf of
3 Mexico drilling and completions operating
4 plan?

5 A. It sounds familiar.

6 Q. I have a document in front of
7 you -- I have a page of the document in
8 front of you and that's Bates
9 BP-HZN-MBI00193481?

10 A. Yes, that's from our local
11 Operating Management System, yes.

12 Q. We have had Mr. Walz and Mr. Guide
13 in here and we had a question about these
14 weekly rig cost meetings and neither one of
15 them had attended them. Are you familiar
16 with these meetings?

17 A. These meetings were -- I don't
18 recall that we had initiated these meetings
19 at the time of the incident. But the plan
20 was for essentially the wells team and the
21 rig clerk to review costs to insure accurate
22 reporting, discuss issues, and look for
23 opportunities to reduce cost.

24 Q. To your knowledge, was this
25 actually occurring while DEEPWATER

1 HORIZON was at Mississippi Canyon --

2 A. I don't think it was.

3 Q. Is it occurring now?

4 A. No.

5 Q. Obviously not with the DEEPWATER
6 HORIZON.

7 A. No, it's not.

8 Q. The next document I want you to
9 refer to is a portion of the GOM D&C
10 operating plan, the same document, but it's
11 Bates number ending in 193469. And it's
12 entitled -- the section I'm interested in is
13 the Major Hazard Risk Assessment, and it
14 says that the: D&C major accident risk of
15 loss of well control and loss of drilling
16 riser. Are you aware of that, sir?

17 A. Yes.

18 Q. The document then goes on to say
19 that bow tie diagrams and risk mitigation
20 plans have been developed for these risk.
21 Are you aware of that?

22 A. Yes.

23 Q. Which tool did you specifically
24 use for the Macondo well in regards to risk
25 mitigation with loss of well control or loss

1 of drilling risers?

2 A. I don't know. That was done
3 before my involvement in Macondo or would
4 have been done. It's typically done at the
5 beginning of a well.

6 Q. May I refer you to Bates number
7 BP-HZN-MBI00193518 and there's a section
8 that I have highlighted that is named Risk
9 Assessment and Prioritization, and it's
10 called Risk Management Processes, and the
11 responsibility falls under the wells and
12 engineering managers.

13 A. Right.

14 Q. Did you never look at the risk
15 mitigation for the Macondo well? And I'm
16 aware that you said it took place in the
17 early stages of casing design, but did you
18 ever see it?

19 A. I saw it after the incident.

20 Q. Which one was it used, bow tie?
21 Was it a bow tie?

22 A. No. It was a risk register.

23 Q. And what does a risk register look
24 like, sir? Are you familiar with bow tie?

25 A. Yes.

1 Q. Is it similar to bow tie?

2 A. No. It's a little bit different.

3 Q. Could you explain to me what risk
4 register is?

5 A. A risk register is an Excel
6 spreadsheet where the anticipated risks are
7 identified, and that's required by our
8 Beyond the Best process. They are
9 identified and action plans are put in place
10 to try to mitigate the risk. And there is a
11 requirement for people on the wells team to
12 take actions to try to mitigate the risk.

13 Q. Are the risks well specific, or
14 are they, like you just said, from the
15 Beyond the Best practice?

16 A. They are well specific.

17 Q. And I assume BP RAT was not in
18 place at this time?

19 A. At the time that the original risk
20 register was put in place in 2009, the BP
21 risk assurance tool was not in place.

22 Q. There is a group defined practice
23 entitled Assessment, Prioritization and
24 Management of Risk. Are you familiar with
25 that document?

1 A. Yes.

2 Q. What is the difference between a
3 scenario and an entity risk?

4 A. I would like to refresh my memory
5 on that.

6 Q. You might have a document in front
7 of you. I'm not sure if you do or not.

8 I'm just working off my memory. I
9 don't know the exact definition, but a
10 scenario risk was a risk that took place in
11 a specific scenario and didn't actually harm
12 the entity of BP. It's actually something
13 that took place on a rig, for example. If
14 you had a risk that you might have been
15 facing if you had, say, been lifting a load
16 or something and you decided to do it in
17 high wind, you might have been taking a
18 scenario risk. Who was accountable for the
19 scenario risk? Who was responsible for
20 determining what risk to take and what risk
21 not to take when they were in a specific
22 scenario?

23 A. Well, the risk was typically
24 managed at the wells team level.

25 Q. At the wells team level?

1 A. Yes.

2 Q. Do you know if they actually go
3 through a process similar to bow tie or risk
4 register or something like that?

5 A. They are required to use either
6 the BP risk assurance tool or the risk
7 register.

8 Q. Are you familiar with the fact
9 that BP and Transocean had a bridging
10 document for the DEEPWATER HORIZON in
11 regards to HSE?

12 A. I have the document in front of
13 me. I know that all of our drilling
14 contractors are required to have bridging
15 documents.

16 Q. Do you know if Transocean
17 discusses risk management in their HSE
18 manual?

19 A. I don't know.

20 Q. Have you ever heard of the THINK
21 drill or a JSA where you've been to the
22 DEEPWATER HORIZON -- have you ever been to
23 the DEEPWATER HORIZON?

24 A. Yes, I have.

25 Q. Have you ever heard of a THINK

1 drill?

2 A. Yes, I have.

3 Q. That's a portion of how they
4 manage risk. And I was curious as to how,
5 when BP shows up on the rig, how do they
6 actually -- do they take Transocean's risk
7 method, or do they still incorporate what
8 they have in their own through all the
9 documents that we have listed before?

10 A. I have not been on the HORIZON in
11 several years, so I could not speak exactly
12 to how that was done on the HORIZON.
13 Typically we operate under the Transocean
14 safety management system, though, and risks
15 identified with BP, the wells team leader
16 and the engineering team leader would make
17 sure that they are addressed with the well
18 site leader as well.

19 Q. That's exactly right. The
20 bridging document says that you will use a
21 Transocean HFC which is essential, and you
22 will use their risk methodology on the rig.
23 But my problem is we have all these
24 documents which I have read and they seem to
25 be beyond what is actually in Transocean's

1 HSE document, far beyond, because you have
2 multiple documents. Is there a reason why
3 you don't incorporate your own internal risk
4 practices on the rig that you are operating,
5 and actually reference it in a bridging
6 document to insure that your operators that
7 you have, your well site leaders are
8 following through with your risk policies as
9 opposed to Transocean's?

10 A. I don't know how to address that.
11 I really wasn't involved in operation in the
12 last couple of years so I don't think that I
13 can speak to that.

14 Q. At any time did you or anyone on
15 your staff audit how BP performed in respect
16 to their GDP concerning risk?

17 A. We had a Beyond the Best audit in
18 2009 where auditors came in from -- BP
19 auditors came in from outside the SPU and
20 did audit or performance versus Beyond the
21 Best and that included our risk management
22 plans.

23 Q. Earlier I think you said you
24 commented on the reorganization, but was any
25 risk management done in accordance with the

1 GDP on risk to see what effects the
2 reorganization would actually have on your
3 SPU?

4 A. There was a management of
5 organizational change done for the change of
6 positions in which risks should have been
7 evaluated.

8 Q. Do you know if it was or it should
9 have been?

10 A. Pardon? I think it --

11 Q. You said should have been --

12 A. I think it was. I know -- I
13 haven't seen one of the documents in several
14 months, so I'm trying to recall what exactly
15 was on the management of organizational
16 change document.

17 Q. Do I have the document in front of
18 you that ends in Bates No. -- I'll give you
19 the full one because we're starting a new
20 document -- BP-HZN-MBI00195291? The last
21 document didn't have a Bates number on it.

22 MR. MATHEWS:

23 I will give him this one. Sorry.

24 MS. KARIS:

25 Could you repeat those Bates

1 numbers?

2 MR. MATHEWS:

3 I would if I had it in front of
4 me.

5 MR. MONICO:

6 It's Bates No. BP-HZN-MBI00195291.

7 EXAMINATION BY MR. MATHEWS:

8 Q. Have you had a chance to review
9 that section real quick, sir?

10 A. The top section?

11 Q. Yes, sir.

12 A. Yes.

13 Q. From my interpretation, and you
14 please correct me if I'm wrong, when you
15 went through the restructure or
16 reorganization, a risk assessment should
17 have been done for the entity, is that
18 correct, with the organizational changes?

19 A. That's what it says here. And the
20 way we implement that within the SPU is
21 through the individual management of change,
22 organizational change, the individual
23 position documents.

24 Q. And were you involved in that
25 management of change?

1 A. Yes.

2 Q. Can you please -- I have never
3 seen that management of change document.
4 Can you please tell me what you looked at?

5 A. Okay. There is a document, a form
6 called management of --

7 Q. Right. I'm familiar with the
8 form, but I'm just wondering what risks were
9 looked at? I have seen a lot of MOC screen
10 shots from within BP.

11 A. So primarily it addresses roles
12 and responsibilities when people change
13 positions to make sure that none of the
14 roles and responsibilities fall through the
15 cracks.

16 Q. Do you know if that's actually
17 something that could be made available to
18 the Board? Was that something that was put
19 into the MOC -- I'm not asking you to
20 provide it, but is it something that was put
21 into the MOC program that you had within BP?

22 A. Yes.

23 Q. And earlier I think you said that
24 you -- when I asked the direct question
25 about dispensation, you said that you

1 normally do them not every day but maybe
2 once or twice a week; is that correct, sir?

3 A. I don't even know if it's once a
4 week. It kind of depends, because when --
5 the wells teams are required to review their
6 well plans on a regular basis before it goes
7 through a stage gate, and generally
8 speaking, they would come in on a certain
9 number per well.

10 Q. Do you know who Mr. Robert Kaluza
11 is?

12 A. Yes, I do.

13 Q. Who's he?

14 A. He is a well site leader that
15 works for BP.

16 Q. Which structure did Mr. Kaluza
17 work on prior to the DEEPWATER HORIZON
18 incident?

19 A. THUNDER HORSE.

20 Q. Which drilling contractor operated
21 that PDQ?

22 A. Pride.

23 Q. Is a Pride platform rig operated
24 exactly as the DEEPWATER HORIZON would?

25 A. No.

1 Q. How are they different, sir?

2 A. One is a moored vessel and the
3 other one is a dynamically positioned
4 vessel.

5 Q. Do you know if they have
6 consistent negative test procedures between
7 Transocean and/or Pride?

8 A. I do not.

9 Q. Would you agree that he did not
10 have specific knowledge of the Macondo well
11 prior to his arrival?

12 A. I don't know. I wasn't -- I don't
13 supervise the well site leaders, so I was
14 not familiar with his background.

15 Q. But you do agree that he wasn't
16 familiar with Transocean's practices coming
17 from the THUNDER HORSE PDQ?

18 A. I don't know that either, because
19 I don't know if he had previously worked on
20 a Transocean facility in the past.

21 Q. Do you know if it was necessary
22 for BP to perform an MOC on Mr. Kaluza going
23 to the DEEPWATER HORIZON rig?

24 A. Actually, I was not involved in
25 the conversations around that. I think

1 there was some informal discussions around
2 that, but I was not involved with them.

3 Q. I would like to present a document
4 to you, Bates No. BP-HZN-MBI00208674.

5 MR. MONICO:

6 Was this part of the packet that
7 you gave me?

8 MR. MATHEWS:

9 It should have been. I thought I
10 had this one --

11 MR. MONICO:

12 8674?

13 MR. MATHEWS:

14 Yes, sir.

15 EXAMINATION BY MR. MATHEWS:

16 Q. Do you recognize this document,
17 sir? It gives types of examples of
18 management of change?

19 A. Yes.

20 Q. And organizational, the second
21 subpart, can you please read on the record
22 what that second bullet is for
23 organizational?

24 A. Sure. Organizational changes
25 leading to a loss or transfer of personnel

1 with specific knowledge or experience.

2 Q. Mr. Kaluza would have had no
3 previous experience on the DEEPWATER
4 HORIZON, from what was presented in John
5 Guide's testimony. He came from a Pride
6 rig, which was not a Transocean rig, and he
7 came from a PDQ which was not a
8 semisubmersible BP vessel. Do you think
9 from the definition of this organizational
10 MOC requirement that an MOC should have been
11 completed?

12 A. I'm not familiar with Mr. Kaluza's
13 experience on dynamically positioned rigs,
14 so I can't say if an MOC should have been
15 done for that or not.

16 Q. If Mr. Kaluza was stuck on the PDQ
17 for X amount of months and he had the
18 experience with Mr. Sepulvado, has been out
19 there multiple hitches while he was on the
20 Macondo well, would you believe that
21 Mr. Sepulvado would have more knowledge and
22 experience with the Macondo well than
23 replacing him with someone from a Pride
24 drilling rig?

25 And I'm not trying to put you on

1 the spot. I personally think that an MOC
2 was required. We had John Guide testify he
3 wasn't really sure of the MOC process, and
4 I'm asking you these questions directly
5 because you are the person as part of the
6 RACI chart that's accountable for these
7 types of decisions and I just want to get
8 your opinion on this.

9 A. My -- on the RACI chart, on the
10 MOC is really around changes to the well
11 rather than changes to personnel on the rig.
12 I was the authority for the management of
13 change procedure, but I do not get involved
14 in operational personnel changes.

15 Q. Who would get involved with that?

16 A. Typically it would be Mr. Guide
17 and Mr. Keith Daigle and in conjunction with
18 the operations managers.

19 Q. And I just want to make sure I
20 heard correct earlier. I think you named
21 probably about five or six rigs. Every one
22 of them were Transocean except the PDQ,
23 correct?

24 A. I think that's correct.

25 Q. So all the other well site leaders

1 that you had available -- BP, not you,
2 sorry -- BP took one from a Pride-operated
3 rig as opposed to a Transocean-operated rig?

4 A. That's correct.

5 Q. I want to move on to the Beyond
6 the Best. You touched on this earlier. You
7 briefly described the stages process. In
8 regard to roles and responsibilities, do you
9 know who the gatekeeper was for the Beyond
10 the Best practice with respect to the
11 Macondo well?

12 A. They changed from gate to gate,
13 and actually one of the reasons we
14 centralized in April of 2008 was to start
15 standardizing the Beyond the Best practice
16 to have more consistent deliverables at the
17 stage gate and more consistent gatekeepers.
18 I do not know who the gatekeeper was for
19 Macondo.

20 Q. Earlier you talked about the gate
21 process. Can you please explain to me the
22 traffic light system that you have and how
23 it actually gets to a green light and what
24 happens after that?

25 A. Okay. We have various

1 requirements or hurdles for each stage gate,
2 and each one of them is designated either
3 green, yellow or red. Green basically says
4 that the team, the wells team has finished
5 all of the definite requirements for that
6 particular deliverable. A yellow means that
7 there is still some outstanding issues with
8 that deliverable but that a gatekeeper can
9 choose to allow the team to go through to
10 the next stage gate provided there is a
11 clear plan to move those deliverables to a
12 green status. And the red would indicate
13 that the team had not done enough work
14 around a certain item to move it forward to
15 the next stage.

16 Q. One of the things I noticed in
17 stage gate one was a team organizational
18 chart which defined the roles and
19 responsibilities for each team member.
20 Obviously we were drilling the Macondo well,
21 so obviously stage one was completed and had
22 a green light; is that correct, sir?

23 A. I don't know. I would have
24 expected it to.

25 Q. Do you know if they actually, when

1 the reorganization took place in April, or
2 the multiple changes in personnel from
3 September 2009 to April 2010, if actually BP
4 went and revisited and assured that the
5 individuals that were responsible for roles
6 and responsibilities on the Macondo well
7 were actually informed of what was going on
8 through the stage process and had the
9 information from stage one, stage two and
10 stage three and stage four presented to
11 them?

12 A. I don't know.

13 Q. Do you know who would be
14 responsible for that?

15 A. It's typically the engineering
16 team leader, or I'm sorry, wells team leader
17 and the engineering team leaders.

18 Q. Thank you. That's all I had about
19 the stage process. I want to move on to the
20 AFE. Are you familiar with the AFE process
21 within BP?

22 A. Yes.

23 Q. Is your staff responsible for the
24 AFE preparation?

25 A. In conjunction with --

1 Q. I'm going to solely concentrate on
2 the Macondo well for this topic.

3 A. My staff -- well, the engineers
4 that were in exploration and appraisal at
5 the time when the AFE was prepared in 2009
6 were responsible for AFE preparation.

7 Q. And when does BP's fiscal year
8 start?

9 A. January 1.

10 Q. January in every year?

11 A. Yes.

12 Q. And the GFO was prepared monthly
13 by your staff on the whole unit?

14 A. It was prepared by our performance
15 management group, the drilling completion
16 input which was headed by McClary. My staff
17 provided input.

18 Q. And are you familiar with the
19 acronym NTE?

20 A. Yes.

21 Q. What does that mean?

22 A. Not to exceed.

23 Q. Did you know what the original NTE
24 for the Macondo well was?

25 A. No.

1 Q. I have a document in front of you
2 which is Bates stamped BP-HZN-MBI00204449.

3 Is that in front of you, sir?

4 A. Yes.

5 Q. Can you see what the original NTE
6 amount was?

7 A. This says 139.5 million net.

8 Q. And can you please explain to me
9 specifically how in your office if someone
10 exceeds an NTE amount what actually
11 transpires?

12 A. If we exceed an NTE we prepare a
13 document which is requesting additional
14 funds to complete the outstanding scope of
15 work and that is sent up to our management
16 for approval.

17 Q. And when you say management,
18 specifically who?

19 A. It would depend on the amount of
20 funds being requested.

21 Q. All right. Well, this one was
22 139.5 million, and I think the last AFE we
23 saw before the AFE was submitted for the
24 temporary abandonment, it was around,
25 somewhere around 157 million, just from my

1 memory. So we are looking somewhere around
2 \$20 million. Who would you have to contact
3 to get \$20 million --

4 A. I'm not sure --

5 Q. -- above the NTE?

6 A. I'm not familiar with the Macondo
7 ones, but I think that would certainly be
8 the SPU leader and perhaps at the time it
9 would have been Andy Inglis, but I'm not
10 sure.

11 Q. Were you aware of the financial
12 issue of the Macondo well when you came into
13 your new position in April?

14 A. I knew that there had been some
15 delays, but I don't recall any conversation
16 about being over AFE or over NTE.

17 Q. Are you aware of any ramifications
18 that personnel may face for coming in
19 \$20 million under which you -- they missed
20 the NTE by \$20 million?

21 A. No.

22 Q. Did BP have any type of
23 performance measurement where they measured
24 their employees again coming in under AFE?

25 A. Not that I'm aware of.

1 Q. How many employees do you have,
2 sir?

3 A. I had 50 before April 14, 2010.
4 Now I have about 60.

5 Q. How long have you been in the
6 position that you have now, that you have
7 responsibilities over the drilling
8 engineering team responsible for the Macondo
9 well?

10 A. Well, six days prior to the
11 incident.

12 Q. Had you reviewed their performance
13 measures or evaluation before you came on?

14 A. No, no.

15 Q. Do you know if anyone from the rig
16 on the day of the incident contacted your
17 staff directly in regards to the negative
18 test performed on the DEEPWATER HORIZON?

19 A. No.

20 Q. No, you don't know, or no, they
21 didn't?

22 A. No. I don't know. I don't know.
23 Yeah.

24 Q. Sorry, just for my clarification.
25 Do you know if there was any pressure put on

1 the DEEPWATER HORIZON to have the rig on
2 location for the Kaskida well by May 8 and
3 spud by May 11?

4 A. No.

5 Q. Are you familiar with the crew
6 engagement meeting that took place in Lake
7 Charles, Louisiana, at L'Auberge Du Lac
8 Casino on March 29 and March 30?

9 A. Of?

10 Q. 2010.

11 A. For?

12 Q. Kaskida.

13 A. No.

14 Q. Earlier you said Eric Cunningham
15 was the, I guess your cement expert within
16 BP; is that correct?

17 A. Yes.

18 Q. What is his exact title?

19 A. I think it's global cementing
20 specialist.

21 Q. Do you know why he was brought
22 into the review for the casing -- I'm sorry,
23 cement job on the seven-inch production
24 casing?

25 A. Yes. I asked Mr. Walz to check

1 with Eric since he was -- Mr. Cunningham
2 since he was our global cementing specialist
3 to make sure that he had a chance to review
4 the cement job and make sure that
5 Mr. Cunningham was happy with the cement
6 job.

7 Q. Were you ever brought into those
8 conversations or you just asked them to
9 discuss it?

10 A. No. I had a conversation with
11 Mr. Walz and Mr. Cunningham. I think it was
12 on April 15.

13 Q. And can you please, to the best of
14 your recollection, let me know what you all
15 discussed?

16 A. Sure. Generally the conversation
17 was making sure that Mr. Cunningham was
18 happy that we could circulate cement around
19 to get a successful cement job with our plan
20 to use a long string or a liner. Also, I
21 asked Mr. Walz and Mr. Cunningham if they
22 and their team were happy with the slurry
23 that we had chosen for the well and they
24 both replied yes.

25 Q. How many times did your group

1 actually utilize nitrified cement at this
2 depth, and not just this group in your,
3 let's say, career?

4 A. I don't have the exact statistics
5 but I know that we used it at Na Kika, which
6 is nearby, not quite as deep. I don't think
7 it's quite as deep.

8 Q. Specifically to the Na Kika well,
9 was it similar in comparison to the volume
10 of cement?

11 A. I can't remember.

12 Q. Do you know when the Na Kika job
13 took place?

14 A. It was in 2009.

15 Q. Do you know which rig was doing
16 it?

17 A. I think it was the MARIANAS.

18 Q. Do you know who the operator was?

19 Obviously it was BP, but do you know if
20 there were any other specifics that I can
21 identify this well on? Do you have any
22 other third party contractors -- partners on
23 the well?

24 A. Yes, I think Shell is our partner
25 on that.

1 Q. I will probably be able to find it
2 with that information.

3 A. Yes.

4 Q. Did you review any of the
5 Halliburton OptiCem models?

6 A. I reviewed -- I didn't review the
7 entire model. I had a conversation with
8 David Sims, John Guide, Terry Maglicco, and
9 actually it was a conference call that we
10 had with Mr. Walz and Mr. Hafle and
11 Mr. Morel concerning the OptiCem model. I
12 had that conversation on the 14th of April.

13 Q. Were any mitigations put in place
14 to insure that the nitrified cement would
15 not become contaminated by the synthetic
16 oil-based mud which would lead to a nitrogen
17 breakout?

18 A. I don't recall any conversations
19 about that. It was a two-plug system and we
20 did have spacer in the slurry.

21 Q. There was no concern within BP of
22 any potential contamination from nitrogen
23 breakout at that point?

24 A. I don't recall that ever being
25 raised.

1 Q. Were you ever informed that it
2 took nine attempts to convert the flow
3 collar?

4 A. I found out about that, I think,
5 the day after and I can't remember, either
6 Mr. Walz or Mr. Sims mentioned it.

7 Q. Do you know if anyone in your
8 business unit actually went in and looked at
9 the INSITE Anywhere data to look at the data
10 to see what was going on in the well?

11 A. I don't know.

12 Q. Do you know if this was due to the
13 ability to shear the pins or the ability to
14 achieve circulation for cement?

15 A. I don't know that either.

16 Q. In 2009 I actually looked at your
17 performance measures, and one of your
18 performance measures is to actually make
19 sure that the wells were delivered to a
20 completion scheme in a specific status.
21 Could you elaborate on that?

22 A. I'm not familiar with exactly --

23 Q. Well, I don't want to introduce
24 you to your performance measure but I'll
25 read what it says. It says: In 2009 one of

1 your performance measures was to insure that
2 all drilling wells are suspended in a
3 completion friendly manner. Does that
4 refresh your memory?

5 A. That's right.

6 Q. Could you please explain what that
7 means?

8 A. What that meant was that we wanted
9 to make sure that we took into account all
10 aspects of leaving the wells such that we
11 didn't provide the completion engineers with
12 any problems, and to a large part that was
13 with good cement jobs.

14 Q. And that was the subtopic, it was
15 mainly by providing adequate cement jobs and
16 production casing.

17 A. Right.

18 Q. Earlier, not in this hearing, but
19 back, I think, in May, we had an engineer
20 that works for your staff who was actually
21 discussing the cement bond log being
22 deferred to the completion group when they
23 came back onto the well. Would you be
24 surprised that that was going in your
25 office?

1 A. No. I was aware that the plan had
2 always been to run the CBL when we did the
3 completion. We did have a conversation that
4 if we had losses during this cement job we
5 would consider running it.

6 Q. I was just going off the testimony
7 of someone who testified here before the
8 Board. Do you know why the CBL was not
9 performed on the Macondo well?

10 A. I was not involved in the decision
11 to forego running the CBL, but I do know
12 that there was a plan put together and one
13 of the criteria for running the CBL would
14 have been if we had losses, if we didn't
15 bump the plug and the floats didn't hold,
16 the plan was to go ahead and -- generally
17 speaking, the plan was to go ahead and run
18 the CBL.

19 Now, after a cement job it
20 appeared that all those three criteria were
21 met, so the wells team decided not to run
22 the CBL at that time.

23 Q. I'm going to move on to Subpart O
24 because I'm sticking to your performance
25 measure. One of your other performance

1 measures was to insure BP compliance with
2 MMS Subpart O; is that correct, sir?

3 A. Yes.

4 Q. Could you please explain what you
5 are responsible for?

6 A. Actually John Shaughnessy was our
7 technical authority responsible for
8 administering Subpart O. My responsibility
9 was to make sure that I supported him
10 with -- through updating of plans and making
11 sure he had the resources to implement
12 Subpart O.

13 Q. Are you familiar with BP's
14 Subpart O plan?

15 A. Yes.

16 Q. Were the Sperry-Sun mud loggers
17 responsible to be well control certified?

18 A. I can't remember.

19 Q. When was the last time you looked
20 at the plan if you were responsible for it?

21 A. It's probably been about four
22 months.

23 Q. Do you know if any other third
24 party contractors were responsible, not just
25 Sperry-Sun, but third parties contractors

1 responsible for well control at all, to your
2 knowledge?

3 A. I can't remember.

4 Q. Do you know how long BP requires
5 their employees if they are required to be
6 certified?

7 A. Every two years.

8 Q. Who actually performs the audits?
9 You said someone's name within BP that was
10 particularly responsible for insuring that
11 people were in compliance with the Subpart O
12 plan. Was that your testimony? I think you
13 named --

14 A. John Shaughnessy?

15 Q. Could you spell his last name for
16 me?

17 A. S-H-A-U-G-H-N-E-S-S-Y.

18 Q. And which office does he work in?
19 What is his role?

20 A. He just recently retired.

21 Q. Do you know who replaced him?

22 A. We have nominated a gentleman to
23 replace him. He has not been confirmed yet.

24 Q. Which office is this --

25 A. Gulf of Mexico, DEEPWATER.

1 Q. Right. But is it under the
2 regulatory office?

3 A. No. He is in drilling and
4 completion. We also have a regulatory
5 person attached to it to help us with
6 Subpart O as well.

7 Q. Do you know who that person is?

8 A. I think it used to be Sherry
9 Douglas, but I can't remember who it is
10 right now.

11 Q. Probably Sherry, I think that's
12 right.

13 A. Yeah. Yeah.

14 Q. Do you know Mr. Ronnie Sepulvado?

15 A. Yes, I do.

16 Q. What position does he hold?

17 A. Mr. Sepulvado, Ronnie Sepulvado is
18 a well site leader.

19 Q. Do you know why Mr. Kaluza had to
20 fill Mr. Sepulvado's position?

21 A. I believe that Mr. Sepulvado had
22 to go through well control school.

23 Q. Do you know when his well control
24 certification was set to expire?

25 A. No.

1 Q. Could a dispensation have been
2 made to allow Mr. Sepulvado to finish his
3 hitch without the well control IADC card
4 certification? Is that a possibility? We
5 have dispensations for everything else. I'm
6 just curious if a dispensation could have
7 been made to extend his stay on the
8 DEEPWATER HORIZON for four days?

9 A. I don't recall us doing that in
10 the past.

11 Q. The reason I ask is that we have
12 email traffic that indicates that Mr.
13 Sepulvado had contacted John Guide back in
14 February notifying him of going to well
15 control school. I don't remember the exact
16 date, but it was two or three days after
17 April 20, or before April 20, excuse me.
18 And I was just wondering had you ever seen a
19 dispensation put in place within Subpart O
20 in your role to see someone having a two or
21 three-day extension to forego any type of
22 penalties from the MMS?

23 A. I don't recall.

24 Q. I'm going to move on to another
25 performance that you were measured against.

1 And one of your indicators was to improve
2 drilling performance in an order to provide
3 one rig month of cover for well completions
4 in support of delivering 85,000 barrels of
5 oil per day from new wells. Can you explain
6 that to me please?

7 A. What we were looking to do was
8 improve efficiency in drilling operations
9 throughout the entire year such that we
10 could give, through improved drilling
11 operations, give the completions teams more
12 time to complete their wells.

13 Q. And how do you do that, sir,
14 specifically?

15 A. Typically we did it through
16 implementation of crew engagement, training,
17 getting the rig crews involved in the well
18 planning prior to starting the well.

19 Q. And when you use the word
20 efficiency, I don't know what you mean. Are
21 you saying having no down time?

22 A. Primarily we were focused on
23 reducing nonproductive times.

24 Q. Does that mean required
25 maintenance to the rig?

1 A. No.

2 Q. It doesn't?

3 A. No.

4 Q. Another one of the items that you
5 were responsible for in 2009 were related to
6 a work associated with the JIP for extending
7 the blowout preventer test date requirement
8 that we have in our regulations. Could you
9 please explain that to us?

10 A. Yes. Again, John Shaughnessy was
11 leading that effort for us and we
12 participated in a joint industry project
13 that was looking at BOP reliability. And I
14 believe that the conclusions were that
15 testing the BOPs every 14 days did add
16 stress to the components of the BOPs and
17 that the reliability data had indicated that
18 a more appropriate interval might be 21 days
19 between BOP tests.

20 Q. So you were making a requirement
21 from the JIP to actually extend from a
22 14-day pressure test to a 21-day?

23 A. No. The JIP recommended the
24 extension, and what we did was we said --
25 and I believe Transocean's policy was 21

1 days between the tests. So in the event
2 that the MMS may consider changing the
3 interval to 21 days, we wanted to be
4 prepared for that. I don't recall us going
5 to that.

6 Q. Were you aware of any recent
7 problems that were identified in the JIP,
8 and specifically in respect to the DEEPWATER
9 HORIZON BOP data?

10 A. No.

11 Q. No one from the JIP put out any
12 type of release?

13 A. I don't know. I don't recall
14 seeing that. It could have been.

15 Q. Who supplied that data for the
16 JIPs for the DEEPWATER HORIZON BOP stack?
17 Was it BP or Transocean?

18 A. I don't know.

19 Q. The next performance measurement
20 that you had was to support and lead efforts
21 to drive down D&C costs by at least seven
22 percent. Can you explain why seven percent?

23 A. That was a goal for the entire
24 drilling completion organization, not just
25 for me or my organization. We were

1 primarily focused on eliminating excess
2 backup rental tools going to the rig and
3 elimination of additional unrequired backup
4 service personnel, trying to cut out waste
5 out of the day-to-day operations.

6 Q. That was only in your testimony,
7 seven percent was essentially going to cut
8 out excess backup rental tools?

9 A. No. My portion of it was -- of
10 the seven percent was a very small portion
11 as a drilling engineering group.

12 Q. And that seven percent, for that
13 to take place, you had to require that
14 across your business unit?

15 A. That's correct.

16 Q. Did you monitor how people were
17 cutting money or how it was actually being
18 reduced?

19 A. I did not.

20 Q. Do you know if BP was monitoring
21 how it was reduced, or was it just blanket
22 reduction, wherever they could cut costs and
23 get down seven percent?

24 A. No. I think it was set up as a
25 principle where it made sense to cut out

1 waste that we would.

2 Q. My next question, and I'm not
3 trying to stomp on BP's business style. I
4 know you all aren't in the business of
5 selling barrels of safety or anything, but
6 I'm just curious, with that type of
7 requirement of reduction in your overhead
8 cost of seven percent across your unit and
9 then not really looking at how you did it,
10 I'm just curious how you implemented -- I
11 hear BP talk about safety, safety culture,
12 safety this. I'm just curious as to how you
13 require this cost reduction and you are
14 trying to optimize as much barrels as you
15 produce to make as much money for your
16 shareholders. How do you -- not BP, how do
17 you specifically in your position enforce
18 safety?

19 MS. KARIS:

20 Your Honor, I am going to object
21 based on form. First of all, I think that's
22 argumentative, and I think this witness has
23 already said what his involvement was. But
24 I think some of the references in that
25 question, I object to the form of them.

1 JUDGE ANDERSEN:

2 Well, he started out by saying --
3 I'm not arguing with you so much for the
4 argumentative part, but I do think
5 Mr. Mathews is entitled to understand how a
6 person who is responsible within the company
7 attempts to balance out what some of us
8 might seem to be difficult or conflicting
9 interests.

10 MR. MATHEWS:

11 I apologize if you think I'm being
12 argumentative with you. I think we are
13 having a good conversation, actually.

14 THE WITNESS:

15 Okay.

16 JUDGE ANDERSEN:

17 Taking away all the predicates
18 within the question, why don't you restate
19 just the question portion and we will see if
20 he can answer it.

21 EXAMINATION BY MR. MATHEWS:

22 Q. How do you insure safety when you
23 have cost reduction requirement of seven
24 percent across the business unit?

25 A. From my perspective within BP and

1 drilling completion, safety is a boundary
2 condition. That comes first above all else.
3 In particular in my role as engineering
4 manager, I believe that all of our engineers
5 know that their role is to deliver safe
6 wells that are complying with regulation.
7 And that's what we put first as a boundary
8 condition. If we can save costs, of course,
9 we are a business and we would like to do
10 that, but that is not what comes first.

11 Q. I want to go to calling TD. This
12 was a management of change that you were
13 directly involved in. Earlier I asked you
14 if you were specifically familiar with the
15 initial objectives of the well. Were you
16 familiar with them?

17 A. Yes.

18 Q. And in front of you I have a
19 document that has the TD criteria
20 guidelines, and it's Bates stamped
21 BP-HZN-MBI0013505. Do you have that
22 document in front of you, sir?

23 A. Yes, I do.

24 Q. It says -- does it say to drill
25 seismic event M54 at 19,560?

1 A. Yes.

2 Q. And the original Macondo well bore
3 was taken by the MMS to drill to a depth of
4 22,200 feet, correct?

5 A. Yes.

6 Q. Now, I want to move on to when TD
7 was called. Were you involved in that, sir?

8 A. Yes, I was.

9 Q. Can you please elaborate on your
10 involvement?

11 A. Sure. As I remember, we had
12 drilled below -- I think it was the M56
13 horizon, and had experienced loss returns.
14 We healed the hole, stopped the loss
15 returns, and we believed that it was prudent
16 to stop at that point and call TD and not
17 proceed to the next horizon.

18 Q. And this is where I want to
19 concentrate on the management of change
20 specifically for the design of the well. I
21 have a document in front of you. It's Bates
22 No. BP-HZN-MBI00143255. Do you have that in
23 front of you, sir?

24 A. Yes, I do.

25 Q. Can you please -- I don't know if

1 you will read it. It's kind of small, but
2 it says the risk for this: No operational
3 risk to calling TD early. Do you see that,
4 sir?

5 A. Yes, I see it.

6 Q. Do you agree with that?

7 A. I think what that was meant to say
8 that stopping early was probably a good
9 thing to do.

10 Q. Do you think all the risks were
11 identified by the person that initiated this
12 document?

13 A. All the risk of stopping early?

14 Q. Yes, sir.

15 A. I don't know what other risks
16 there would be.

17 Q. The risks that I'm getting at, and
18 maybe I will ask you, was any consideration
19 given to the production casing shoe point in
20 a rat hole and not set in that production
21 casing all the way to the bottom of the rat
22 hole?

23 A. That's a consideration -- I wasn't
24 involved in that discussion, that particular
25 consideration, but that is a consideration

1 that our engineers considered on every job.

2 Q. The engineer that actually
3 initiated this is the actual drilling
4 engineer that worked on the design of this
5 well?

6 A. Yes.

7 Q. Do you think he supplied you with
8 all the information of the formation that
9 you were in, where you were going to be
10 setting the production casing to?

11 A. I don't recall seeing the
12 cross-section, no.

13 Q. Did anyone suggest drilling deeper
14 into a more consolidated formation?

15 A. I wasn't aware of anybody
16 suggesting that.

17 Q. Was that an option? Do you know
18 if that was even possible?

19 A. Given the losses we were having,
20 it seemed the prudent thing to do to stop at
21 that point.

22 Q. Let me move on to the document we
23 talked about -- I don't know if we touched
24 on it earlier, because I don't think I had
25 it in my short list of all the documents you

1 had, but it's called inherently safe design.

2 Are you familiar with that?

3 A. Right.

4 Q. What is that document, sir?

5 A. That document comes from our -- I
6 believe that comes from our group practice
7 on inherently safe design.

8 Q. One of the quotes that I pulled
9 out, and you can agree with this or not. It
10 says: To eliminate the hazard completely or
11 reduce its magnitude sufficiently to
12 eliminate the need for elaborate safety
13 systems. Do you agree with that?

14 A. Yes.

15 Q. Have you reviewed the Macondo well
16 design in its entirety?

17 A. No, I have not.

18 Q. You were involved in the relief
19 wells, correct?

20 A. Oh, okay. I thought you meant --

21 Q. I'm sorry. I'm asking the
22 question to go back to that, but were
23 involved in the relief wells?

24 A. Yes, I was.

25 Q. You never went back to look at the

1 Macondo well design?

2 A. Sorry. I did.

3 Q. So you looked at the Macondo since
4 it went on location February -- actually it
5 went -- when the DEEPWATER HORIZON came on,
6 did you look at all the drilling operation
7 reports and all the information?

8 A. Not all of it.

9 Q. My question was going to be: Was
10 the well design that you reviewed, was it in
11 accordance -- in compliance with the
12 inherently safe design policy set forth by
13 BP?

14 A. I believe it was.

15 Q. And who was accountable to assure
16 that the ISD was actually followed?

17 A. The wells team leader and
18 engineering team leaders are responsible for
19 making sure that they comply with policy and
20 ETPs.

21 Q. And for the plan content, there is
22 a section that I pulled out and I'm going to
23 want to ask you a question about. And the
24 reason I ask you that question is
25 specifically it says -- I'm not going to

1 tell you what it says, but who was
2 accountable for the ISD and the
3 followthrough on the DEEPWATER HORIZON. And
4 I'm curious as to insure who was accountable
5 for the inherent safety design of the cement
6 job and identifying the risks associated
7 with it?

8 A. That would have been the wells
9 team.

10 Q. Are you familiar with API RP 65,
11 sir, at all?

12 A. To some extent, yes.

13 Q. If you are not familiar with it, I
14 have a section right in front of you and
15 it's highlighted in Section 7.5 of
16 API RP 65. Do you see rat hole fluid, sir?

17 A. Yes.

18 Q. Can you read the first two
19 sentences of that, please? Not out loud.
20 I'm just asking you to read that section.

21 A. (Witness complies.) Okay.

22 Q. Does this apply, this
23 recommendation apply to the Macondo well, to
24 where the production shoe trap was set in
25 relation to the rat hole?

1 A. Yes, I'm aware of that. It could
2 apply.

3 Q. Are you familiar with the fluid
4 density that was in the rat hole?

5 A. Yes.

6 Q. What was that?

7 A. I think it was fourteen two.

8 Q. Do you know the fluid density of
9 the tail cement?

10 A. I can't remember at this time. I
11 think it was sixteen five.

12 Q. Approximately around that?

13 A. Yes.

14 Q. But it was greater than fourteen
15 two pounds per gallon?

16 A. Yes, it was.

17 Q. Would you consider that to be an
18 inherently safe design, going against an
19 industry practice?

20 A. No. I wouldn't consider it going
21 against an industry practice necessarily. I
22 don't think that every -- this is an RP,
23 recommended practice?

24 Q. Yes, sir.

25 A. And I don't think in every

1 occasion that operators do that.

2 Q. Do you know what an impacted
3 difference in densities would have on the
4 actual cement job?

5 A. The fluids could swab.

6 Q. Do you know if anyone ever brought
7 that to your attention or discussed it at
8 any level within your engineering
9 department?

10 A. I don't know. I don't remember.

11 Q. Earlier I told you I was going to
12 talk to you about OMS, and that was
13 questions we developed from Mr. Skelton, but
14 we were informed that you were familiar with
15 the OMS system.

16 A. Yes.

17 Q. Can you please just go over again
18 what OMS is designed for?

19 A. Okay. After the Texas City
20 refinery accident, BP conducted an internal
21 investigation and there was an independent
22 panel put together chaired by former
23 Secretary James Baker. There were a number
24 of recommendations that came out from that
25 panel, one of which was that BP needed to

1 put together a comprehensive operating
2 management system to pull together all of
3 the standards within BP under one operating
4 management system. It wasn't that BP didn't
5 have standards. We did. But they were
6 different perhaps from location to location.
7 So the first step was to put together a
8 group defined process -- a group level
9 operating management system.

10 Q. Are you specific with the
11 different elements of OMS, the eight
12 elements?

13 A. Yes, I am.

14 Q. What are those?

15 A. It starts with leadership,
16 organization, risk, procedures, asset --
17 assets, optimization, privilege to operate
18 and results.

19 Q. I want to specifically go to a
20 section in leadership, and I don't need to
21 give you the document but one of the items
22 under leadership within OMS discusses
23 culture, and it reads: BP leaders take
24 action to develop and maintain a culture and
25 behavior that enable safe, responsible and

1 reliable operating. I'm at a loss for words
2 for what culture is. What is safety
3 culture? I don't know how you measure it.
4 I am just curious as what do you think
5 safety culture is?

6 A. I think safety culture is one
7 where -- an element of safety culture is
8 where everyone in the organization for the
9 facility understands that they can speak up,
10 and that the No. 1 overarching concern is
11 safety.

12 Q. How do you measure that? I mean,
13 we preach safety culture a lot in this
14 document and that's why I'm saying, if we
15 can put into a document to do stuff with
16 culture. But I'm curious as to how you
17 measure and insure that you actually have
18 this document being implemented by your work
19 force?

20 A. Okay. We actually audit our
21 performance. There are other elements of
22 OMS, but we actually do audit our facilities
23 to make sure they comply with OMS.

24 Q. That was what I was leading into.
25 I was wondering if you actually had done any

1 audits. It's something that you have, how
2 frequently?

3 A. Well, I don't know exactly, but we
4 have done several what we call safety and
5 operational integrity audits on our
6 facilities. I don't have the numbers with
7 me right now, but --

8 Q. Not a problem. We will get to
9 that.

10 A. Okay.

11 Q. The next one in the leadership
12 section discusses communication engagement
13 and it reads: To communicate to BP
14 employees the process that enables them to
15 report in confidence operating concerns and
16 concerns related to legal compliance or
17 conformance with BP requirements. Are you
18 familiar with that?

19 A. Yes.

20 Q. Would this suggest to you that
21 personnel on the rigs are actually
22 encouraged to speak out if they have any
23 concerns without any type of -- in
24 confidence that nothing would happen to
25 them?

1 A. Yes. I believe that we actually
2 have a tool called OpenTalk, which is a
3 24-hour hotline, where anybody can call and
4 express a concern and all of the concerns
5 that are -- go into the hotline are
6 investigated.

7 Q. Do you know if there was any
8 information released or sent into OpenTalk
9 concerning the DEEPWATER HORIZON during
10 operations?

11 A. I do not.

12 Q. Who is in charge of the OpenTalk?

13 A. It's at a corporate level.

14 Q. Within Houston?

15 A. I don't know where it is.

16 Q. The reason I ask this question is
17 because there actually has been some email
18 traffic where they had a well site leader
19 meeting where they encouraged the rig to
20 empower itself and let their experience
21 speak for itself. Just from my
22 interpretation that it doesn't really
23 encourage them to speak out and call the
24 beach. Have you had any indication within
25 your office, that you have been aware of,

1 that concerns aren't being spoken up about?

2 A. Not that I'm aware of.

3 Q. One of the organizational
4 things -- one of the items in the
5 organization section of this document says
6 that: BP NTE leaders hold the work force
7 accountable for performing their work in
8 accordance with operating procedures and
9 practices; is that correct?

10 A. Yes.

11 Q. Who was accountable for insuring
12 that the employees knew the in-house
13 requirements for the Macondo well,
14 specifically all the GDPs and EPTs?

15 A. Okay. Well, it's done at
16 different level. It's from top to bottom.
17 And so when BP put together the drilling
18 well operation policy -- well, let me back
19 up even further. From Texas City, after
20 Texas City, all levels of management were
21 explained to in detail what their role was
22 in making sure that every employee
23 understood what their role was in delivering
24 the recommendations from Texas City and
25 specifically the Operating Management

1 System.

2 Q. Well, basically my question is the
3 Board -- well, our side, it's not a final
4 finding or anything, but we found some
5 discrepancies between the practices that BP
6 had within the DWOP and some of the EPTs.
7 We were wondering, has BP found any
8 instance -- I think I have been told by
9 other people that the Bly report identified
10 some issues where they didn't follow through
11 with some of the EPT practices.

12 A. I'm aware that the Bly report
13 mentioned that there was -- potentially the
14 Macondo well team did not follow a
15 particular EPT, to the intent of the ETP.

16 Q. And essentially how are those
17 people held accountable, is my follow-up
18 question, within BP? Have you ever had the
19 experience -- I'm not trying to nail these
20 people that worked for the DEEPWATER
21 HORIZON. Have you ever had any experience
22 where you had to personally hold someone
23 accountable for not following the ETPs of
24 the DWOP?

25 A. I don't remember anybody knowingly

1 violating ETPs or DWOP.

2 Q. So that you wouldn't essentially
3 hold them accountable -- you don't know of
4 any person in history to go against any of
5 the policies?

6 A. If we deviate from a policy a
7 dispensation is put together. And we
8 review -- we have a spreadsheet of what the
9 dispensations are. But to my recollection
10 over the last two years, I can't recall a
11 wells team that knowingly deviated from an
12 ETP.

13 Q. The next part of the
14 organizational section discusses stop the
15 job practices. It says: Work they consider
16 unsafe. How does BP teach their employees
17 to identify work that is unsafe?

18 A. Okay. We have a number of
19 different training programs, several
20 training programs, in fact. And a lot of it
21 could revolve around Golden Rules of Safety,
22 around energy hazard identification, energy
23 isolation, working at heights, hand safety.
24 We continually train people both onshore and
25 offshore in that regard. That's a few

1 instances.

2 Q. What if there is ever any doubts,
3 like if they don't have a full understanding
4 of what is safe and not safe, what are they
5 encouraged to do?

6 A. Stop the job.

7 Q. Do you know if on April 20 if
8 there was any communication or concerns or
9 doubt of anything that was going on board
10 the DEEPWATER HORIZON, specifically the
11 negative test?

12 A. I don't know. I wasn't involved
13 in that.

14 Q. Have you spoken to anybody on your
15 staff in the engineering department?

16 A. Nobody raised a concern to me
17 since then.

18 Q. No one has discussed any
19 information about the wells team leader
20 having any concerns or any discussions with
21 the rig personnel to you?

22 A. Not to me.

23 Q. I'm going to move on to the
24 section of risk which is defined in here.
25 It reads that: BP entities identify and

1 systematically manage the impact of their
2 activities on the environment and integrate
3 environmental requirements into local
4 Operating Management System. What is the
5 purpose of a BOP, sir?

6 A. BOP is to provide a failsafe
7 barrier between the rig and wellbore fluids.

8 Q. It is also used to prevent the
9 release of hydrocarbons into the
10 environment --

11 A. Yes, it is.

12 Q. -- secondarily?

13 A. Yes.

14 Q. Are you aware that BP allowed for
15 the continuous use of a blowout preventer on
16 their lease that was beyond the five-year
17 recertification?

18 A. I heard of that. Yes, I heard of
19 that.

20 Q. And how did you hear of that?
21 When did you hear of that?

22 A. I heard of that when -- I think it
23 was -- I was copied on an email that
24 Mr. Norman Wong had sent to Mr. Harry
25 Thierens concerning a rig audit of the

1 DEEPWATER HORIZON.

2 Q. And when was that? Mr. Harry
3 Thierens left, I believe, in September,
4 correct?

5 A. No. He left around late December.
6 I think it was in October.

7 Q. So an email from Mr. Norman Wong
8 went to Mr. Thierens identifying the issue
9 of the five-year recertification of the BOP?

10 A. Yes.

11 Q. Do you think that was in
12 compliance with systematically managing the
13 impact of the environment through your OMS
14 system?

15 A. I'm not familiar with the details,
16 so I couldn't speak to that.

17 Q. Did you ever review the marine
18 audit of the DEEPWATER HORIZON?

19 A. I got a copy of it, and I was not
20 asked to review the marine audit. I was
21 asked to pass it on to our technical
22 authority for rig audit and acceptance,
23 which was Mr. Paul Sullivan. Mr. Thierens
24 asked me to stand by and talk to
25 Mr. Sullivan about making additional

1 resources available if Mr. Guide and Mr. Ian
2 Little, who were responsible for closing out
3 the audits with Transocean, needed
4 additional help.

5 Q. So you got a copy of it, but you
6 never looked at it, is your testimony?

7 A. No. I was asked to forward it on
8 to Mr. Sullivan. Yes, I looked at it and I
9 gave a copy -- gave the copy to
10 Mr. Sullivan, but I didn't --

11 Q. Maybe my definition of look is not
12 clear. Did you actually read it and go
13 through the document and look at all the
14 deficiencies that were noted in it?

15 A. No, I did not.

16 Q. I will move on to assets, and I'm
17 going to stick on this BOP issue. It
18 says -- within the asset section, it reads:
19 Operate plant, assets, facilities, floating
20 structures and transport equipment within a
21 defined safe operating envelope in
22 accordance with documented procedures and
23 take into account of the manufacturer's
24 recommendations. Cameron made the
25 recommendation that it should be recertified

1 every three to five years -- five years,
2 excuse me. API is three to five years. Do
3 you think BP was in compliance with this
4 part of their OMS system?

5 A. Again, I'm not familiar with -- I
6 have not seen the Cameron recommendation.

7 Q. You are not familiar with the OEM
8 requirements on the BOP stack?

9 A. I read what was in the email from
10 Mr. Wong. I haven't verified that.

11 Q. What is Mr. Wong's position?

12 A. It's global rig audit and
13 acceptance.

14 Q. You think he would send you an
15 email about a concern where he didn't think
16 it was a valid concern about being out of
17 five-year recertification?

18 A. I didn't say it was not a valid
19 concern. I just said I wasn't familiar with
20 the details.

21 Q. I'm struggling with that, because
22 the details were in the email, he said: We
23 have a BOP stack that's five years out of
24 its certification. What other detail? I
25 don't understand what details you don't

1 understand.

2 A. I'm not familiar with Cameron's
3 recommendation for wanting to -- requiring
4 recertification to OEM.

5 Q. The BP audit team obviously knew
6 the Cameron recertification OEM requirement
7 and captured it in an audit --

8 A. Right.

9 Q. -- who sent it to Mr. Wong, who
10 sent it to you and asked you to send it to
11 Thierens, so we did have an issue with the
12 OEM certification?

13 A. Mr. Wong felt like we had an
14 issue, yes.

15 Q. So with the assets and environment
16 part of OMS, do you think BP was in
17 compliance in operating on their lease a BOP
18 stack that they knowingly had in place that
19 was beyond its five-year certification?

20 A. I don't know.

21 Q. Earlier you said you didn't know
22 why there was not an MOC performed for
23 Mr. Kaluza or if there should have been.
24 But in the procedure section under the
25 element, procedure element concerning

1 management of change, it says: BP entities
2 employ a formal systematic process to
3 document, evaluate, approve and communicate
4 temporary or permanent changes that could
5 impact safe, responsible and reliable
6 operating activity. Do you think not
7 performing that MOC was in compliance with
8 the OMS document that tries to insure that
9 you have the best safety culture that you
10 can have?

11 A. Again, I wasn't familiar with
12 Mr. Kaluza's experience, so I can't comment
13 on it.

14 Q. I'm going to move on to privilege
15 to operate. Can you please explain to me
16 what privilege to operate means?

17 A. Privilege to operate deals with
18 our responsibilities, social
19 responsibilities, our responsibilities to
20 comply with regulations primarily.

21 Q. There has been some morning
22 reports that were made available from BP to
23 the Board that discuss the pod on the BOP
24 stack that had not been functioning
25 properly, as it was written did not function

1 properly. Was there any reason that BP did
2 not notify the MMS about that or submit
3 information about that?

4 A. I don't know. It was an
5 operational issue that I wasn't aware of.

6 Q. Is there any reason why at the
7 facility there was a different APM procedure
8 when we were doing the negative test and
9 displacement than was approved by the
10 New Orleans district engineer? Or if
11 there -- and if there was, why they never
12 contacted the New Orleans -- let me back up.

13 Were you aware that they had a
14 differing plan at the DEEPWATER HORIZON in
15 regards to the negative test and
16 displacement that was sent out by Mr. Brian
17 Morel, and I guess you would call it ops
18 note, than what was approved by the
19 New Orleans district?

20 A. No. I was not involved -- not
21 aware and I wasn't involved in the negative
22 test or the temporary abandonment.

23 Q. And you did receive the email from
24 Mr. Wong. Is there any reason why no one
25 from -- yourself, Mr. Wong, Mr. Thierens,

1 ever notified the MMS about a potential
2 recertification issue on the BOP stack?

3 A. Again, that was an operational
4 issue not an engineering issue, and I would
5 have expected that to be -- if it was a
6 requirement, I would have expected us to do
7 that.

8 Q. So if it was -- let me ask you
9 this. If you have a privilege to operate
10 and you knowingly know some equipment is out
11 of five-year certification, regardless if
12 it's an operational issue or not, should BP
13 have notified the MMS about a
14 recertification issue of a BOP stack?

15 MR. MONICO:

16 I'm going to object to the number
17 of conditionals in that question, Your
18 Honor. It seems too complicated a question.

19 JUDGE ANDERSEN:

20 Mr. Sprague, can you keep track of
21 them? That's what it boils down to.

22 EXAMINATION BY MR. MATHEWS:

23 Q. I will back up. If BP respected
24 what they had in this document to have a
25 privilege to operate, should they have

1 notified the MMS of a potential issue of a
2 recertification issue on a BOP stack they
3 were operating on their lease?

4 A. If it was a requirement of the MMS
5 to do so, I would say yes.

6 Q. Are you aware if it's a
7 requirement of the MMS?

8 A. I'm not.

9 MR. MONICO:

10 Will we be taking a break at some
11 time?

12 JUDGE ANDERSEN:

13 Yes. I think we are getting near
14 the end from Mr. Mathews.

15 MR. MATHEWS:

16 I just have like three questions
17 about his role in the relief well. We will
18 take a break if you want to do that.

19 JUDGE ANDERSEN:

20 See you in 15 minutes.

21 (Whereupon, a brief recess was taken.)

22 JUDGE ANDERSEN:

23 Mr. Mathews, you are welcome to
24 continue.

25 EXAMINATION BY MR. MATHEWS:

1 Q. In your role in the relief well,
2 when you reentered the well, did you
3 actually look at the seal assembly, sir?

4 A. Reentered the No. 1 well?

5 Q. Yes.

6 A. Yes.

7 Q. Every question I pretty much have
8 will be for the No. 1 well, because I'm
9 going to be talking about questions that
10 point out a specific flow path, if you will.

11 What did you do when you looked at
12 the seal assembly when you reentered the
13 well?

14 A. Okay. The first step was -- one
15 of the first steps was to cut the nine and
16 seven-eighths production casing and we
17 picked up -- let me back up. We removed the
18 HORIZON BOP stack with the vessel Q4000,
19 picked it up and got it out of the way and
20 when we could, we tried to get an ROV camera
21 inside the wellhead to see if the hanger was
22 in position. There was actually debris
23 there. I think it was residual cement from
24 the top kill and we couldn't actually see it
25 at that time.

1 So after we got the DD2 BOP stack
2 on and we jettied the wellhead, washed,
3 cleaned it up, we ran the lead impression
4 tool to determine what position the seal
5 assembly -- I'm sorry, the hanger and seal
6 assembly were in, and we found them on
7 depth.

8 Q. What does that mean, sir? What
9 does that indicate to you if they were on
10 depth?

11 A. The hanger was properly landed and
12 the seal assembly was in the place it was
13 supposed to be in.

14 After that, we did some fishing
15 inside the nine and seven-eighths. And then
16 when we abandoned the inside of the nine and
17 seven-eighths, we cut the nine and
18 seven-eighths casing. We picked up the seal
19 assembly and then we circulated. That's
20 after pulling -- well, I'm jumping ahead of
21 myself.

22 Q. Slow down.

23 A. Okay. After we ran the lead
24 impression tool, what we actually did was we
25 ran the lockdown sleeve on top of the seal

1 assembly and hanger.

2 Now, prior to running the lockdown
3 sleeve, we actually tested the seal assembly
4 and hanger to 4100 PSI and got a good test,
5 which indicated to us that the seals were
6 intact.

7 We ran the lockdown sleeve, set
8 it, pressure tested it, I think, to 5400
9 PSI, which meant both the lockdown sleeve
10 and the seal assembly and the hanger had
11 integrity. The reason we ran the lockdown
12 sleeve was prior -- we wanted to get that
13 done prior to intersect with the relief
14 well, because when we intersected with the
15 relief well, we wanted to make sure that we
16 didn't disturb the hanger from its original
17 position by surging it from the relief well.

18 We intercepted the well. We had
19 either flow with the relief well, neither up
20 the annulus nor down, which indicated to us
21 that there wasn't hydrocarbon in the Macondo
22 No. 1 annulus and, in fact, that we were not
23 in communication from the relief well down
24 to the reservoir because we didn't lose
25 returns. Our mud weight was higher than the

1 reservoir effective, equivalent mud weight.

2 So we set the sell cement plug on
3 the relief well, proceeded with fishing
4 operations inside the nine and seven-eighths
5 on the No. 1 well. Set our final plug
6 inside the nine and seven-eighths and then
7 we cut the nine and seven-eighths at depth,
8 picked up the entire assembly after removing
9 the lockdown ring, seal assembly and hanger,
10 circulated the annulus out and got synthetic
11 oil-based mud out, and I think the average
12 weight was about thirteen five pounds per
13 gallon.

14 Q. Does that indicate anything?

15 A. That indicates that there was
16 never hydrocarbon flow up the annulus. We
17 got the seal assembly and hanger to the
18 surface. We took photographs of it, and the
19 pictures indicated that the seal assembly
20 and hanger had never moved.

21 Q. Were you ever able to determine
22 that the crossover of the seven-inch and
23 nine and seven-eighths never failed?

24 A. We did not retrieve the crossover.
25 However, during the static kill the analysis

1 from our flow experts indicated -- we did
2 find out that the drill pipe had fallen from
3 the stack and perhaps was in -- across the
4 crossover. When we did the static kill the
5 pressure analysis seemed to indicate that we
6 were pumping probably inside the drill pipe,
7 took a pressure loss there and went into the
8 reservoir. But we never did retrieve the
9 crossover.

10 Q. When I asked you the question
11 about the synthetic oil-based mud being
12 recovered, you said, I think I wrote down,
13 there were never any hydrocarbons in the
14 annulus?

15 A. That's what I believe.

16 Q. Would that mean that the lead
17 cement actually prevented hydrocarbons from
18 getting into the annulus?

19 A. That's what I believe, that we had
20 isolation between the relief well and the
21 upper section of that annulus and the
22 reservoir.

23 Q. So you didn't have any flow from
24 the back side of the annulus and the seal
25 assembly and casing hanger were in place and

1 the crossover from the top kill -- static
2 kill, excuse me, were actually identified as
3 being, as you would imagine them, when you
4 entered the well?

5 A. Yes.

6 Q. How did you determine -- what was
7 the only other remaining flow -- possible
8 flow path?

9 A. The only possible flow path was
10 from the reservoir through the shoe track
11 and through the floats up the casing.

12 Q. And I want to concentrate on the
13 flow collar now. Earlier in the testimony I
14 think I asked you some questions about shear
15 pins being converted in the flow collar.
16 Have you ever reviewed a report that was
17 done by Stress Engineering out of Houston
18 concerning the flow collar equipment?

19 A. No, I had not.

20 Q. Do you know if BP has that in its
21 possession? Or you just haven't seen it or
22 you haven't looked at it?

23 A. I haven't seen it. I heard that
24 the incident investigation team had engaged
25 Stress Engineering, but that's pretty much

1 as much as I know.

2 Q. And that's basically all I have.

3 I thought you might have had a better
4 working knowledge of that document, but
5 that's the only questions that I had. Thank
6 you, sir.

7 JUDGE ANDERSEN:

8 Other Board questions?

9 EXAMINATION BY CAPT. NGUYEN:

10 Q. Mr. Sprague, the area of emphasis
11 for me will be safety culture and also
12 process safety management, but before I go
13 into that, let me ask you a couple of
14 questions and follow up on Mr. Mathews'
15 questions for you.

16 A while ago when you were talking
17 about API 65, sir, and you say that not all
18 industry complied with API 65; is that
19 correct, sir?

20 A. I believe that to be correct, yes.

21 Q. So my concern there is with the
22 regulatory scheme. If MMS regulation
23 referenced API's recommended practices and
24 industry has not wholly complied to it, it's
25 not a problem with the scheme that we have

1 in place?

2 A. Well, I think most of the industry
3 does -- is familiar with the recommended
4 practices within the industry. There are
5 certain well conditions and there are
6 certain situations where not all of the
7 recommended suggestions in there can be
8 applied.

9 Q. Yes, sir. The reason I'm asking
10 the question is when something goes wrong,
11 and this morning we nailed down that there
12 is no standard for a negative test and no
13 standard for compatibility tests for special
14 material. And now we have API
15 recommendations referenced in regulation
16 that may not be complied fully with.

17 Now, when something like this
18 happens, a major casualty like this happens,
19 how do we hang our hat on saying that this
20 was violated, in the sense that the safety
21 system defense that you have down there, the
22 various standards where -- the rest could be
23 a controlled flow of hydrocarbons. And if
24 the BOP was not properly maintained
25 according to standards, then you are going

1 to have a hole and you keep on going until
2 you have accident. And that's what you put
3 down at the bottom there, so that's a
4 concern to me and I just want to make sure
5 that's basically your experience, that the
6 recommended practices may not be fully
7 complied by everybody within the industry?

8 A. Yes.

9 Q. Not just your opinion or your
10 judgment. Relating to the BOP, we all know
11 that it's -- we have enough evidence to show
12 that it was out of compliance with 30 CFR
13 250.446, which is the MMS requirement for
14 maintenance inspections of the BOP. And I
15 point to API RP 53, and in there it talked
16 about three to five years. Within the BP
17 organization, knowing that -- this is the
18 report that we are talking about here, the
19 Bly report back in September of 2009. What
20 is the highest level within the organization
21 that would approve the continuous operation
22 with this condition? Would that be the well
23 team leader, the well manager, or is it up
24 to the D&C operation manager?

25 MR. LONDON:

1 Excuse me, Captain. You said this
2 condition. Are you talking about conditions
3 in --

4 CAPT. NGUYEN:

5 The BOP.

6 MR. LONDON:

7 -- the 2009 audit or the BOP
8 audit?

9 EXAMINATION BY CAPT. NGUYEN:

10 Q. The BOP out of compliance. So who
11 would have the final approval for this to go
12 on?

13 A. I want to know -- again, let me
14 just clarify my role in the audit. My role
15 in the audit was to make sure that we had
16 resources available to help the wells team
17 leader and the operations manager. I was
18 not aware that the finding of Mr. Wong's was
19 a situation where the BOP stack was out of
20 compliance.

21 I had no previous knowledge that
22 that particular finding meant that we were
23 out of compliance with MMS regulations. And
24 actually, the wells team leader and the ops
25 manager and the wells director were

1 responsible for working with Mr. Wong in
2 making sure that those items were closed
3 out.

4 Q. So the highest would be the wells
5 manager, sir?

6 A. I don't think anybody within BP --
7 if they knew we were out of compliance with
8 the regulation, nobody within BP would sign
9 off on that.

10 Q. Yes, sir. But on this document
11 here there is five people -- there is four
12 people on the distribution list: Mr. John
13 Guide, he is a DEEPWATER HORIZON wells team
14 leader. Mr. Ian Little, the wells manager.
15 You as the Gulf of Mexico wells engineer
16 authority, and Mr. Neil Cramond, the Gulf of
17 Mexico maritime authority. So I'm assuming
18 with these four people the report went to,
19 somebody has to take action on this, right?

20 A. Yes.

21 Q. And who would that be out of the
22 four?

23 A. Mr. Guide.

24 Q. Mr. Guide.

25 A. Yes.

1 Q. So Mr. Guide would have knowledge
2 of the content of this document and would
3 have responsibility to act on it?

4 A. Yes.

5 Q. Would you explain to me the
6 interfacing between the well engineering
7 authority and the marine authority, sir,
8 about the relationship, the interaction
9 between the two?

10 A. Okay. The marine authority is
11 responsible for conducting marine audits and
12 assuring marine safety of the vessels,
13 floating vessels that BP owns and also the
14 floating vessels that we contract. My role
15 as drilling engineering authority is
16 primarily around not the rig equipment, but
17 around the wellbore, the downhole piece.

18 Q. So who is responsible for the BOP?
19 You are?

20 A. No, I am not.

21 Q. Who would be responsible for that?

22 A. Essentially it's Transocean as the
23 owner, as well as the wells team leader and
24 the operations manager. But it was not an
25 engineering function to be responsible for

1 that.

2 Q. Yes, sir. Now, the BP Golden
3 Rules of Safety, does that apply to prior
4 operated vessel, the same with Transocean
5 operated vessels, sir?

6 A. Yes, sir.

7 Q. Because one of the reasons I point
8 that out is that I know Mr. Mathews talked
9 about how do you measure a safety culture
10 and my understanding is that BP has used the
11 recommendation -- as you testified early on
12 that BP used the recommendation of the Baker
13 panel report to improve its drilling and
14 completion operation in the Gulf of Mexico;
15 is that correct, sir?

16 A. Yes.

17 Q. And you are in a position to speak
18 on the lesson learned out of Texas City, the
19 fire and explosion?

20 A. Yes, sir.

21 Q. What I will do is we use the Baker
22 panel findings as a frame to guide my
23 question for you. I pointed that out, and
24 also the discussion on here that BP does
25 have some responsibility for the condition

1 of the vessel. So I will use the findings
2 in this report and I can give you this copy
3 to reference if you like. I apologize. I
4 don't have it. And this is the other part
5 of it, but it's just a bunch of tables in
6 here.

7 And then -- can you explain to me
8 the BP working relationship with the
9 DEEPWATER HORIZON, how long that
10 relationship was going on?

11 A. Right. The DEEPWATER HORIZON was
12 originally contracted, or built and
13 contracted by Vastar and BP bought --
14 acquired Vastar. I think it was in 2001.
15 And then at that point in time BP actually
16 had the operating relationship originally
17 with Reading & Bates, but Transocean bought
18 out Reading & Bates, so since about 2001.

19 Q. Yes, sir. So that's about nine
20 years?

21 A. Yes, sir.

22 Q. And having well site leader
23 working and living on the vessel, it's
24 reasonable to assume that BP had a fairly
25 good idea of the safety culture on board the

1 DEEPWATER HORIZON, sir?

2 A. I think that's correct.

3 Q. So another document that I will
4 reference is this, the Noise Register, I
5 believe, safety culture review of the
6 DEEPWATER HORIZON. There is one page I'm
7 going to reference off of there. I want to
8 make sure that -- I want to be fair here
9 exactly where I'm going with my question so
10 that you can provide the best answer to your
11 ability, and I appreciate your assistance.

12 Now, as you know, the Baker report
13 identified three areas of concern. No. 1 is
14 corporate safety culture. No. 2 is process
15 safety management systems. And No. 3 is
16 performance evaluation, corrective action
17 and corporate oversight. And that's what
18 you see over there in green coming down from
19 the BP layers in the safety net. You see
20 beside regulatory compliance and emergency
21 preparedness response, you see those three
22 items listed there.

23 The first area I want to touch is
24 related to corporate safety culture and I'm
25 going to go item by item of the Baker's

1 panel report.

2 A. Uh-huh.

3 Q. Now, the first item in this area
4 is concerned with process safety leadership.
5 The panel found process safety was not
6 emphasized and there was high turnover of
7 refinery plant managers. Based on your
8 knowledge, did BP evaluate whether this item
9 was also an issue as far as deepwater
10 drilling operations?

11 A. Post Texas City?

12 Q. Yes, sir. Process safety
13 leadership training.

14 A. Yes, the expectations were clear
15 throughout all of BP on the upstream
16 exploration and production side that we were
17 to -- all of our leaders to demonstrate
18 clear direction around improving our
19 performance versus process safety
20 leadership.

21 Q. How could they demonstrate that?
22 The Baker report talk about there was high
23 turnover of refinery plant managers, and one
24 of the things that we talk about was the
25 turnover of personnel within the engineers

1 on the Macondo well, the periods right
2 before the casualty. So how does that match
3 up with high turnover of refinery plant
4 manager?

5 A. From my perspective, we weren't
6 replacing people in that particular group
7 who knew nothing about the HORIZON.
8 Mr. Sims had been on the HORIZON team as
9 engineering team leader for quite a while
10 and then became operations manager. We
11 moved Gregg Walz in, who had some
12 familiarity with both the MARIANAS and some
13 familiarity with the HORIZON. We both had
14 Mr. Guide still in place and Cocalles and
15 Hafle and the same engineers, so it wasn't a
16 wholesale turnover of personnel that I think
17 the Baker report might have been referring
18 to.

19 Q. Yes, sir. How about Mr. Sepulvado
20 with Mr. Kaluza; does that fit into this
21 category that they didn't have maybe the
22 same level of knowledge, skills and
23 experience on board the HORIZON when you
24 replaced Mr. Sepulvado with Mr. Kaluza?

25 A. Again, I'm not completely familiar

1 with Mr. Kaluza's background, but I do know
2 that we still had the majority of the
3 Transocean personnel on the rig, were still
4 there, they weren't changed out. We had
5 Mr. Vidrine there as well. And Mr. Murray
6 Sepulvado, so it was really just one person
7 from my perspective.

8 Q. Yes, sir. Referencing the BP
9 audit Page No. BP-HZN-MBI00136212 and you
10 weren't aware of the content of that report?

11 A. No. I did not go through it in
12 detail.

13 Q. Now, does this finding concern you
14 that: Numerous personnel changes had
15 occurred in the 18 months since our last
16 audit. These were seen at all levels and
17 all disciplines. Any further dilution of
18 experienced personnel may be detrimental to
19 the performance of the rig. If you read
20 something like that, would that concern you?

21 A. I'm not familiar -- I wasn't
22 familiar with the personnel changeover on
23 the HORIZON.

24 Q. I understand, sir, but based on
25 that description, 18 months period, they

1 were seen at all levels, all discipline,
2 there were numerous personnel changes and
3 any further dilution of experienced
4 personnel could be detrimental to the
5 performance of the rig.

6 A. I think -- I think the key
7 statement there is that any further
8 dilution. And again, I don't know, because
9 I wasn't involved, but I would have thought
10 that there would still be -- Transocean
11 would have still maintained a key core
12 component of important people on the staff
13 on the HORIZON.

14 Q. Yes, sir. Would this be a
15 violation of BP Golden Rules if it was
16 diluted below whatever level, that minimum?

17 A. I wouldn't want to speculate on
18 that, because there's nothing -- I don't
19 think there is anything specific in the
20 Golden Rules that talks about level of
21 expertise.

22 Q. Yes, sir. But also when you
23 have -- one of the Golden Rules is
24 management of change; is that correct, sir?
25 So if you have personnel changes, wouldn't

1 you monitor it and insure that you have
2 competent and experienced personnel working
3 on the job, sir?

4 A. Yes. And I think that was being
5 done by our well site leaders and our wells
6 team leader.

7 Q. So are you aware of any BP
8 follow-up action to that one item, sir?

9 A. No, sir.

10 Q. So you are not aware of what the
11 status of the item at the time of the
12 casualty?

13 A. No, I'm not.

14 Q. And you would think that, and you
15 think that Mr. Guide would have that
16 knowledge?

17 A. I think he should.

18 Q. Referencing various MBI's
19 testimonies, Mr. Jimmy Harrell, the vessel
20 OIM, Captain Kuchta, the vessel master, and
21 Mr. Randy Ezell have testified that they did
22 not have full awareness of well control
23 situations. Does this meet your BP
24 expectation, the OIM, the senior toolpusher
25 and master didn't have full awareness of

1 well control situations?

2 A. I would have --

3 MR. SCHONEKAS:

4 Object to the form of the
5 question; relevance.

6 EXAMINATION BY CAPT. NGUYEN:

7 Q. This is related to process safety
8 leadership. Now, on board a vessel you have
9 the OIM. Based on their testimonies, the
10 OIM, the master and the senior toolpusher
11 have testified that they did not have full
12 awareness of well control situations. Does
13 this meet BP expectation?

14 MR. SCHONEKAS:

15 Same objection.

16 JUDGE ANDERSEN:

17 Well, you can't be expected to
18 have scanned their testimony and we don't
19 have time to do it now, so assuming that
20 that were true, that that's what they
21 testified to, how would that square up with
22 BP's Golden Rule of Safety expectations?

23 THE WITNESS:

24 I'm not really sure what they
25 meant by didn't know. I know that --

1 Mr. Harrell, I know him personally, he is
2 very qualified in well control, so I don't
3 know what they testified they didn't know
4 about the situation.

5 EXAMINATION BY CAPT. NGUYEN:

6 Q. There was a VIP visit and they are
7 the three that was involved in that VIP
8 visit. And based on their testimonies that
9 they didn't have full awareness of what was
10 going on.

11 MR. SCHONEKAS:

12 I am going to object to the form
13 of the question, Judge. That misstates the
14 testimony of all of the witnesses. No one
15 has testified that they were distracted as a
16 result of the VIP visit, and Captain Nguyen
17 continues to misstate prior testimony.

18 MR. JOHNSON:

19 Your Honor, I will join in that
20 objection. If he could just read the
21 testimony from the transcript I think it
22 would be a lot easier for the witness to
23 answer the question. That way we will have
24 the exact testimony for the witness to
25 comment on.

1 JUDGE ANDERSEN:

2 I think while the Board is
3 concerned that they might have been
4 distracted, they did testify that they
5 weren't distracted. However, would you
6 agree that if the presence of a VIP or any
7 external force distracted someone at a time
8 like this that that would be a safety
9 concern?

10 THE WITNESS:

11 Any distraction certainly is a
12 concern, but I know that managers from both
13 Transocean and BP and Pride and BP visit
14 rigs all the time and I have not known it to
15 be a distraction in the past. So I can't
16 really line up the distraction with the VIP
17 visit.

18 EXAMINATION BY CAPT. NGUYEN:

19 Q. Put the VIP visit aside. If the
20 OIM, the master and the senior toolpusher,
21 operator, don't have full awareness of well
22 control situations, would that be -- does
23 that meet BP expectation?

24 MR. LONDON:

25 I am going to object to the form

1 of that question, Captain. I mean, you are
2 asking him if they don't have a full
3 appreciation of well protection would that
4 jeopardize. Well, of course it would. I
5 mean, it hasn't been established that --

6 JUDGE ANDERSEN:

7 Sure. Then the answer would be
8 yes. It's simply yes, because you would
9 expect them to have the knowledge of those
10 things, correct?

11 THE WITNESS:

12 Yes.

13 JUDGE ANDERSEN:

14 We are going to take it to be:
15 Yes, he expects those people to have -- to
16 be knowledgeable in that area, and if they
17 weren't then that would be a problem. I'm
18 not saying that there is any testimony that
19 they weren't.

20 MR. SCHONEKAS:

21 Judge, the Captain's question
22 presupposes --

23 JUDGE ANDERSEN:

24 But we have gone past the
25 Captain's question. We cleared it up by the

1 way counsel suggested.

2 MR. SCHONEKAS:

3 The Board's own expert testified
4 that he would not expect the captain to know
5 what is going on with drilling all the time.
6 In fact, he testified that he would expect
7 him to rely upon the OIM, and in turn, the
8 OIM to rely on his other people. So what
9 the captain does is --

10 JUDGE ANDERSEN:

11 Okay, wait. Rather than make a
12 semiclosing argument now, when it's your
13 turn to question -- seriously, when it's
14 your turn to question the witness, you can
15 ask him about whether or not the captain,
16 the marine captain needs the knowledge with
17 respect to, say, the well control events.

18 MR. SCHONEKAS:

19 There needs to be some basis in
20 fact for the supposition.

21 JUDGE ANDERSEN:

22 Next question.

23 EXAMINATION BY CAPT. NGUYEN:

24 Q. Based on your knowledge of the
25 incident and professional judgment, did

1 issues relating to process safety leadership
2 hamper the effectiveness of BP decision
3 making and response action?

4 A. I don't think so. And let me say,
5 I have not studied -- I have been focused on
6 the relief well for the last six months and
7 have really not studied the incident to the
8 depth that the investigation team has, so I
9 can't really --

10 Q. Yes, sir. So whatever you know, I
11 will appreciate it. Has BP identified any
12 process safety leadership issue with this
13 casualty?

14 A. I think there was a recommendation
15 in the Bly report to enhance leading and
16 lagging indicators around process safety,
17 and I think another one around making sure
18 there were leading and lagging indicators
19 around rig maintenance.

20 Q. That would be different issues in
21 using the Baker report and I will get to
22 those items.

23 Now, the next item for safety
24 culture, over safety culture is employee
25 empowerment. The panel found that three of

1 five BP refineries did not have a positive
2 trusting and open environment with effective
3 lines of communication between management
4 and the work force. Based on your
5 knowledge, did BP evaluate whether this item
6 was also an issue for its deepwater drilling
7 operation?

8 A. I think that --

9 MS. KARIS:

10 I'm sorry. I object to the form
11 and foundation. I'm not sure who the
12 employees and what finding Captain Nguyen is
13 referencing, but I don't know that this
14 witness has any foundation.

15 CAPT. NGUYEN:

16 The thing I reference there is
17 related to the BP refinery, three out of
18 five. And whether BP did evaluate whether
19 that issue also applied to the DEEPWATER
20 drilling operation.

21 MS. KARIS:

22 And I withdraw my objection.

23 JUDGE ANDERSEN:

24 Thank you.

25 EXAMINATION BY CAPT. NGUYEN:

1 Q. I guess where I'm going with this,
2 Mr. Sprague, is that each one of the
3 items -- one of the things that people are
4 looking at is, did BP learn the lesson
5 learned of past incidents. And I'm going
6 through Texas City here and I'm using an
7 independent report and I think that's fair.

8 A. Yes.

9 Q. And each one of these item I'm
10 going through and saying: This was what the
11 panel found with that casualty. Did you
12 take those items and see whether they
13 existed in deepwater drilling operation and
14 what did you do about it. That's my line of
15 questioning here.

16 A. We did several things. I
17 mentioned the Operating Management System.

18 Q. If you can identify what issues
19 existed that need to be corrected in that
20 category. So in this category of employee
21 empowerment --

22 A. Okay.

23 Q. -- was there an issue with
24 employee empowerment in your deepwater
25 drilling operation that you need to address?

1 A. We had training sessions for
2 everyone around the obligation to stop a
3 job. That was one. Everybody not only had
4 the right but had the obligation to stop the
5 job. And I would go further to say that we
6 were starting to enhance that by training
7 people, but that they didn't understand the
8 plan, the forward plan that they should stop
9 the job. And everybody had the obligation
10 and the right to do that.

11 In addition to that, I mentioned
12 the OpenTalk line where anybody can pick up
13 the phone and call and complaints are
14 investigated. In addition to that, from
15 Texas City we revamped our drilling well
16 operations policy and we put together a
17 detailed engineering technical practice and
18 we created the roles of engineering
19 authority and technical authority to give
20 our employees someone to go to to discuss
21 any concerns they might have.

22 So from my perspective it was
23 quite clear that everybody was expected to
24 stop the job and to raise any concern they
25 would have about safety, whether it be

1 personal safety or process safety.

2 Q. Yes, sir. This was out to
3 deepwater?

4 A. It was in deepwater. And I would
5 just like to add in part of that was
6 preparing our local D&C operations,
7 Operating Management System, which we issued
8 in November of 2009.

9 Q. Now, referencing TRN-HCEC-00090580
10 and that's the lowest safety culture review.
11 On that page you say: Many DEEPWATER
12 HORIZON personnel resented the one-day rule
13 for start and invented cards in order to
14 achieve compliance. So the start program is
15 a Transocean program; is that right, sir?

16 A. Yes.

17 Q. And that finding there is that the
18 people on board, they are required to come
19 up with one card a day, so they invented
20 cards in order to achieve compliance. Would
21 this be a violation of BP Golden Rule, sir?

22 A. I'm not familiar with this report,
23 nor --

24 Q. When that was going on on one of
25 your vessel, what does BP --

1 A. Right. And being in engineering I
2 was not familiar -- I could not comment on
3 the culture of the DEEPWATER HORIZON and
4 then interpret what this statement means.
5 But we do expect people, again, to submit
6 behavior based and processed based cards
7 like the start card, and we want them to be
8 honest and reflect actual events.

9 Q. Yes, sir. But you know the BP
10 Golden Rules, and if it's something like
11 this happening on a vessel, would that be a
12 violation of the Golden Rules, if you read
13 that statement there?

14 A. I wouldn't want to -- I certainly
15 wouldn't want anything, any document of any
16 kind falsified.

17 Q. Yes, sir. Now, based on your
18 knowledge of the incident and professional
19 judgment, the issues relating to employee
20 empowerment hamper the effectiveness of BP
21 decision making and response action?

22 A. No.

23 Q. Has BP taken any additional action
24 relating to employee empowerment since the
25 casualty?

1 A. I know BP has reemphasized the
2 programs we already have in place: Stop the
3 job, safety observation, conversations in
4 that, as well as the OpenTalk line. That
5 still continues to be reemphasized
6 throughout our organization.

7 Q. The next item relating to
8 corporate safety culture is resources and
9 positioning of process safety capabilities.
10 The panel found that BP did not have a
11 designated high ranking leader for process
12 safety dedicated to its refining business.
13 Was this a problem with deepwater drilling
14 operations that you have to take action on
15 in 2007?

16 A. Some -- for deepwater drilling, in
17 the SPU, the strategic performance unit, we
18 have a process safety engineer by the name
19 of Donny Carter who assists the drilling and
20 completion group on process safety issues.

21 Q. Why did DP have to assign -- to
22 designate Mr. Mark Bly to lead a new
23 division, a new safety division?

24 A. Understand, I'm not entirely --
25 I'm aware that Mr. Dudley had announced the

1 new organization.

2 Q. Yes, sir.

3 A. But I don't have firsthand
4 knowledge of the roles and responsibilities
5 for Mr. Bly's organization and I can't
6 answer that question because I don't know.

7 Q. I know it's a different side of
8 the organization here, but Mr. John Guide
9 and Mr. Brett Cocales have testified that
10 additional resources need to be provided to
11 the well team leader position. Are you
12 aware of the needs of that position, sir, to
13 insure success?

14 A. I'm not sure what the question is.

15 Q. The question is: Mr. Guide and
16 Mr. Cocales had testified that the well team
17 leader position, in order for that position
18 to be successful, additional resources need
19 to be devoted to that position. That was
20 their testimony. Am I wrong?

21 MS. KARIS:

22 I object. I think that misstates
23 their testimony. If you want to read it,
24 that's fine.

25 JUDGE ANDERSEN:

1 Well, whether they testified to it
2 or not, do you think that it would be
3 helpful for people in that position to have
4 additional resources either to make sure
5 things were safer or to do their job better?
6 That's your opinion regardless of what
7 anybody else says.

8 THE WITNESS:

9 I don't know that additional
10 resources is the right answer, and I don't
11 know whether or not perhaps reassignment of
12 responsibilities is the right answer. I
13 just really hadn't evaluated that. I will
14 state that during the drilling of the relief
15 well we didn't see any issues with that.

16 EXAMINATION BY CAPT. NGUYEN:

17 Q. But if we open up a listing of
18 moratorium and drilling activities going on,
19 and if it was a concern with BP looking at,
20 are you aware of any -- is BP looking at the
21 situation at all in terms of the resource
22 available to the well team leader?

23 A. I believe that BP is probably
24 looking at the entire organization right
25 now.

1 Q. Now, on the day of the casualty,
2 the OIM, the master and the senior
3 toolpusher was hosting BP and Transocean VIP
4 for a routine event. Do you know who
5 required their participation?

6 MR. FANNING:

7 I object. First, it assumes that
8 somebody required participation. And I
9 don't know that anybody has ever testified
10 to that. If he knows the answer to why they
11 were involved, I guess he could give that,
12 but I don't think we should assume that
13 anybody required anything.

14 EXAMINATION BY CAPT. NGUYEN:

15 Q. Do you know if someone required
16 them to participate?

17 A. Required who?

18 Q. Required the OIM, the master and
19 the senior toolpusher to participate in this
20 visit.

21 A. No, sir. I don't know.

22 Q. Do you think that it was prudent
23 for all three to not be engaged in drilling
24 with the drilling crew during the critical
25 completion and temporary abandonment

1 operation?

2 A. I don't know if that was the case,
3 because I wasn't involved.

4 Q. Again, based on your knowledge of
5 the incident and professional judgment, did
6 any issues with resources and positioning of
7 process safety capabilities hamper the
8 effectiveness of BP decision making and
9 response to action?

10 A. No. I don't think so.

11 Q. Another item is incorporation of
12 process safety into management decision
13 making. The panel found that BP delegated
14 substantial discretion to plant managers
15 without clearly defining process safety
16 expectations, responsibilities or
17 accountabilities. Also BP did not
18 effectively hold executive management and
19 refinery line managers and supervisor
20 accountable for process safety management.
21 Was there any issue with -- did these issues
22 also apply to deepwater drilling operation
23 back in 2007 that you need to take action
24 on?

25 A. Right. Again, the majority of the

1 evidence around that would be for revamping
2 of the DWOP, the ETPs, establishment of the
3 engineering authorities and technical
4 authorities, as well as creating our local
5 Operating Management System and upgrading
6 our Beyond the Best policy -- Beyond the
7 Best procedures, and also our risk
8 management plan.

9 Q. Several BP witnesses, including
10 Mr. Guide and Mr. Cocalles, have testified
11 that it's not a separate BP organization
12 element that performs peer review of a D&C
13 division work, do you agree with that, sir?

14 The D&C division work, including
15 yours, engineering, there is not a separate
16 organization element that conducts peer
17 review of yours; is that correct, sir?

18 A. That's correct. There is not a
19 separate organization, but we do bring in
20 outside resources from outside the Gulf of
21 Mexico when we -- from time to time when we
22 conduct peer reviews and sometimes we
23 actually ask our partners to attend as well
24 and get them involved in the peer reviews.

25 Q. So are there any change in terms

1 of peer review of the oversight of the D&C
2 division work being contemplated right now
3 as a result of this casualty?

4 A. I believe that the new
5 organization as set out by Mr. Dudley is
6 addressing that.

7 Q. I understand that there was a
8 bridging document for BP and Transocean HSE
9 programs. Was there a bridging document for
10 BP and Transocean safety management's --
11 process safety, for process safety?

12 A. Again, it's an operational issue,
13 and I think I saw a document that was a
14 bridging document that Mr. Mathews provided
15 about the Transocean safety management
16 system.

17 Q. Yes, sir. But is there a bridging
18 document that synchronized drilling and
19 marine activities that you would be aware
20 of?

21 A. I would not be aware of that,
22 because I'm not involved in the operation.
23 I'm on the engineering side.

24 Q. Another item relating to process
25 safety culture is that the panel found

1 instances of a lack of operating discipline,
2 toleration of serious deviation from safe
3 operating practices, and apparent
4 complacency seen toward process safety risk
5 at each refinery. Did you look at -- in
6 2007, did BP look at what is going on out
7 there in the deepwater drilling operations
8 that have some of these issues?

9 A. Right. And the main thing we did
10 is we did identify what our major accident
11 risks were throughout the Gulf of Mexico
12 and, in fact, put some mitigations in place.
13 They were being reviewed at the SPU level on
14 a regular basis. And again, we had been
15 organized into different groups and we
16 consolidated into central development
17 production group in 2008. We actually hired
18 a gentleman outside of BP to help us put
19 together a consolidated risk management plan
20 for the Gulf of Mexico D&C.

21 Q. So how did we end up with the
22 blowout preventer out of compliance?

23 A. Again, that was an operational
24 issue. I can't speak to that.

25 Q. If you go to the rig audit report

1 and the last number for the page is 136220.

2 A. (Witness complies.)

3 Q. Do you see the paragraph where it
4 says: Despite previous recommendations it
5 could not be demonstrated that all critical
6 digital and analog instrumentation is being
7 calibrated. What did BP do about this
8 discrepancy, that we can rely on
9 instrumentation?

10 A. I don't know. Mr. Guide would
11 have to answer that.

12 Q. You don't know what the status of
13 that item at the time of the casualty?

14 A. No, I do not.

15 Q. Moving on to the next area, which
16 is process safety management system. An
17 item of concern was process risk assessment
18 and analysis. Was there any issue back in
19 2007 after you received the report that you
20 identified for deepwater drilling
21 operations?

22 A. Yes, and as I mentioned -- you
23 mean specifically for risk?

24 Q. Yes, sir. Process risk assessment
25 and analysis. Was there an area of concerns

1 in your deepwater drilling operation that
2 needed to be addressed?

3 A. We did put together, as I
4 mentioned earlier, the risk management
5 system and consolidated it and made it
6 consistent throughout drilling and
7 completion. And also each team was required
8 to use the BP risk assurance tool. And at
9 every stage gate the card to review risk
10 prior to moving forward.

11 Q. How did we end up with Mr. Guide
12 approving the use of six centralizer --
13 verbally approve it and not completely
14 document that management of change?

15 A. I was not involved in discussions
16 around centralizers on this well.

17 Q. Were you aware of a bridging
18 document that synchronized BP and Transocean
19 management of change processes. Transocean
20 had their own management of change. You
21 have your own management of change. Is
22 there a bridging document? The only
23 bridging document I'm aware of is for the
24 HSE program. Do you know if there is a
25 bridging document for the MOC processes?

1 A. No. But I think they are meant to
2 be for two different things. I can't speak
3 to the Transocean document, but the BP
4 document is around the well as opposed to
5 the rig.

6 Q. The reason I'm asking about these
7 bridging documents is there are so many
8 activities going on on the vessels and the
9 different organizations. You are in charge
10 of engineering. Somebody is in charge of
11 ops. Somebody is in charge of the marine
12 authority. And it would be helpful that we
13 don't have gaps. If we can synchronize all
14 of these activities, that we don't have
15 stovepipes that maybe don't result in any
16 gap, if you understand what I'm trying to
17 say.

18 Another one that concerned the
19 panel, the Baker panel, was compliance with
20 the internal process safety standard. If
21 you look on Page 136212.

22 MR. MONICO:

23 Of which document?

24 EXAMINATION BY CAPT. NGUYEN:

25 Q. It's the rig audit again, sir.

1 MR. MONICO:

2 Is there a page number at the
3 bottom?

4 CAPT. NGUYEN:

5 It's the MBI number, sir. The
6 last six digits is 136212. Do you have
7 that?

8 MR. MONICO:

9 Got it.

10 EXAMINATION BY CAPT. NGUYEN:

11 Q. It says: Control issues
12 identified specifically with isolation
13 permit process and integrity of mechanical
14 isolation. Now, that concern there would
15 be -- would that be a violation of --
16 potential violation of your Golden Rules on
17 energy isolation and permit to work?

18 A. I'm sorry, sir. I'm not familiar
19 with what those work issues were.

20 Q. Yes, sir. It had to do with
21 permitting and -- with permit and tagout
22 process. If that was an issue on board the
23 DEEPWATER HORIZON, would that be in
24 violation of the BP Golden Rules on permit
25 to work and energy isolation?

1 A. Are you asking me theoretically?

2 Q. No. I'm asking you that that was
3 a finding that was at issue with the
4 controlled work.

5 A. I wasn't aware of the finding.

6 Q. Yes, sir. But I'm just saying if
7 that was the condition, would that be a
8 violation of BP Golden Rules of permit to
9 work and energy isolation?

10 A. I don't know the details.

11 Q. Now, Page 136217, sir. The item I
12 want to point out is control of alarms and
13 defeats and bypasses were not well managed.
14 In fact, no single person could account for
15 which alarms or circuit was overridden or
16 indeed for whatever reason. You see that,
17 sir?

18 A. What paragraph is that?

19 Q. You start out with control of
20 alarms -- you don't have it on there?

21 MR. LONDON:

22 That's Page 217, Captain?

23 EXAMINATION BY CAPT. NGUYEN:

24 Q. Yes, sir. On Page 217, does that
25 have anything to do with controls of alarms

1 there, do you see?

2 Let me skip that one, but it's in
3 the report. If control of alarms and
4 defeats and bypasses was not well managed
5 and no single person could account for the
6 alarms or which alarm was overridden and
7 indeed for whatever reason, was that a
8 violation of BP Golden Rules, one of BP
9 Golden Rules?

10 A. Again, are you asking me
11 theoretically?

12 Q. Yes, sir. If you can't find it on
13 that page.

14 A. Certainly BP has the Golden Rules
15 which we expect to be complied with.

16 Q. 136219, sir. And the paragraph
17 on: Many of the recommendations concerning
18 the boards and safety slings as per API
19 safety recommended practice made during a
20 2008 audit remains outstanding with no
21 action taken. Knowing this is an NOV
22 requirement but also a lesson learned from
23 industry incidents including one on this
24 rig. Do you see that paragraph, sir?

25 A. Yes, sir.

1 Q. So it's not only that BP
2 discovered that it was not according to what
3 API recommended practices, but it's also
4 based on lessons learned from industry
5 incidents and it was not corrected, would
6 that be a violation of BP Golden Rules?

7 A. I don't know. I'm not familiar
8 with, specifically familiar with that
9 finding.

10 Q. And I'm asking you what you see
11 there, based on the statement, and if you
12 read something like that on one of your
13 vessels, would that be a violation of BP
14 Golden Rule?

15 A. We would avoid -- we would
16 certainly expect all of our contractors to
17 abide by our Golden Rules and we expect them
18 to -- require them to abide by the
19 manufacturer's requirements.

20 Q. Another concern in this area is
21 process safety knowledge and confidence.
22 The panel found that BP has not effectively
23 defined the level of process safety
24 knowledge or competency required of
25 executive management, line management above

1 the refinery level, and refinery managers.
2 BP has not adequately insured that its US
3 required personnel and contractor has
4 sufficient process safety knowledge and
5 competence. The implementation of an open
6 reliance on BP computer-based training
7 computers to inadequate process safety
8 training of refinery employees.

9 Referencing Page 136215 of that
10 same audit, sir. 136215 we see the item
11 that says it is a requirement that all staff
12 and contractor's personnel be knowledgeable
13 of drilling and well operation practice and
14 associated engineering technical practices.
15 The audit highlighted that this still needed
16 to be communicated to relevant Transocean
17 personnel on the rig.

18 A. Yes, sir.

19 Q. So that item there saying that not
20 all personnel aboard a vessel has sufficient
21 knowledge of drilling and well operations,
22 that would be correct, sir?

23 A. Yes, sir.

24 Q. Would that be a violation of BP
25 Golden Rule?

1 A. No. It would not, because we were
2 in the process of rolling out the drilling
3 and well operations policy at that time.
4 And we had plans to roll it out to all our
5 contractors and our service company
6 personnel. So that was work that was in
7 progress at the time. I know about that,
8 because I initiated the drilling well
9 operations policy training session or
10 rollout as we call it.

11 Q. On that same page I think there is
12 an item on there saying: With many new
13 personnel, continuous rigor is required to
14 insure that there is the expected
15 consistency in the application of risk
16 management rules including program to work
17 in energy isolation.

18 Now, again, that item there is
19 telling me that people that were working on
20 board the vessel did not have adequate
21 process safety knowledge and competence. Is
22 that your understanding from reading that
23 bullet, sir?

24 MR. MONICO:

25 My only objection is, Judge, that

1 Mr. Sprague was not involved in this, was
2 not on the rig, didn't review this. For him
3 to answer that question is impossible.

4 JUDGE ANDERSEN:

5 Well, several times he's said he
6 doesn't have the knowledge or the
7 familiarity with the particular area to
8 comment and the Board has accepted that. We
9 don't know until we run through these
10 things. So if you know about this you can
11 comment or expand. If you don't, just tell
12 us that.

13 EXAMINATION BY CAPT. NGUYEN:

14 Q. That's one of the things that I
15 try to make -- competence on the rig, I want
16 to make sure that Mr. Sprague was in a
17 position to discuss safety culture and
18 process safety management. He is aware of
19 the Golden Rules and he's aware of the Texas
20 City incident and I was trying to see what
21 lesson learned from that incident was
22 implemented in the deepwater operation. And
23 using this document that BP generated to see
24 whether the things that you implemented, why
25 didn't these items -- conditions exist on

1 September 2009, that's all. And if you have
2 knowledge, all you can do is look at the
3 items and make comments.

4 A. I would say we would certainly
5 want a high level of competency in these
6 areas, but I really can't comment on that
7 because I didn't do the audit and I wasn't
8 familiar with exactly what that audit
9 finding was about.

10 Q. These findings were discrepancies
11 that were identified by Mr. Wong, I believe,
12 so they are identified by BP. And I'm just
13 trying to match up against the lesson
14 learned from the Texas City explosion using
15 the Baker panel report and I think that's
16 fair. Because BP is saying that they
17 implemented a lesson learned from that
18 recommendations.

19 A. Uh-huh.

20 Q. Another item in this area is the
21 effectiveness of BP corporate process safety
22 management system. The panel found that BP
23 corporate process safety system --

24 MR. LONDON:

25 Where are you reading, Captain?

1 What page are you reading?

2 CAPT. NGUYEN:

3 No, no, no. This is an item from
4 the Baker report. Like I indicated early
5 on, I know it's long here, but the Baker
6 report identified three areas of concern on
7 that chart.

8 MR. LONDON:

9 I heard that. I just thought you
10 were still reading. I didn't know what page
11 you were on.

12 EXAMINATION BY CAPT. NGUYEN:

13 Q. The panel found that BP's
14 corporate process safety management system
15 does not effectively translate corporate
16 expectations into measurable criteria for
17 management of process risk or define an
18 appropriate role for qualitative and
19 quantitative risk management criteria. Is
20 that still true, sir? Was that what you
21 found for deepwater operations back in 2007?

22 A. Well, what we did, based on that
23 recommendation is actually take the steps I
24 mentioned about revamping the drilling well
25 operation policy, the Beyond the Best, the

1 risk management, all those tools
2 incorporated into the Operating Management
3 System for drilling completions in the Gulf
4 of Mexico as a way to start to drive that
5 into all aspects of our operations.

6 Q. Yes, sir. In terms of
7 quantitative measures, the BP and Transocean
8 VIP was on board the DEEPWATER HORIZON that
9 day was recognizing the crew for pretty much
10 occupational safety record; is that correct,
11 sir?

12 A. I believe that's true.

13 Q. What quantitative measures does BP
14 have for process safety for well operations?

15 A. Okay. We do track the number of
16 high potential incidents, the number of new
17 misses -- near misses. We track -- we track
18 any loss of containment, any spills, no
19 matter how minor they are. We track any
20 fires or explosions, again, no matter how
21 minor they are. So we have instituted some
22 key performance indicators around that to
23 give us some idea of how we are doing in
24 terms of process safety on our drilling
25 operations.

1 Q. When were those put in place?

2 A. Well, we rolled out or started to
3 implement our local Operating Management
4 System in November of 2009.

5 Q. November of 2009, sir?

6 A. Yes, sir.

7 Q. Why did it -- I mean, the Baker
8 report came out in 2007 January, I believe,
9 correct? Why did it take more than almost
10 two years to implement this recommendation
11 for deepwater drilling operations?

12 A. Yes. This has been a huge
13 undertaking. It started with the
14 development of the group Operating
15 Management System. And so basically we had
16 a lot of work to do to define our operating
17 management systems at the local level all
18 the way down to our individual processes.
19 So it was a painstaking effort that we
20 expended a lot of resources and a lot of
21 time on to try to take all of the policies
22 and procedures and practices that BP had and
23 put them into what I call a one-stop shop in
24 terms of Operating Management System where
25 teams can actually access it and then --

1 online and then it's not just a manual that
2 sits on the shelf. It something that our
3 employees can get to and get to quickly.

4 So it was a huge effort. Now,
5 there were some individual efforts going on
6 at the time communicating to folks, but it
7 takes a long time to put together a system
8 for a large company.

9 Q. So if it's in our records of how
10 you track these near misses and your
11 follow-up action, BP would be able to
12 produce that for the Board to look at?

13 A. I would think so.

14 Q. If you as an employee, as the BP
15 engineering group, engineering manager, can
16 you push a button and get a report out and
17 show --

18 MR. MONICO:

19 I think you promoted him, Captain.
20 We will accept that if you have that power.

21 EXAMINATION BY CAPT. NGUYEN:

22 Q. Drilling engineering manager,
23 right, sir?

24 A. Yes, sir.

25 Q. For the Gulf of Mexico?

1 A. Yes, sir.

2 Q. So in your position, are you able
3 to push a button and have a printout of all
4 the near misses in the Gulf of Mexico and
5 all the corrective action?

6 A. Our HSE department can provide
7 that to us.

8 Q. HSE is occupational safety, right?

9 A. No. Health, safety, security and
10 environment. They handle everything. So
11 yes, they track those records and they make
12 them available, immediately available to us
13 on our Gulf of Mexico HSSE website, so I can
14 go to that website and retrieve it.

15 Q. So we can subpoena those records?

16 A. I would think so, yes.

17 Q. The last area that the Baker panel
18 identified was performance evaluation,
19 corrective action and corporate oversight.
20 One item was measuring process safety
21 performance. I think we talked about that.
22 Now, if you go to -- I don't have a page in
23 here for you, but on that report it says:
24 All too frequently maintenance history was
25 substandard with misinformation and poor

1 quality report that lacked sufficient detail
2 to convince the reader that the test has
3 been performed in accordance with the
4 procedure. Did you get what I just said,
5 sir?

6 A. Yes.

7 Q. Now, this right here, and I
8 apologize, I didn't think about this before
9 your testimony, but this right here was
10 produced by Transocean and it's document
11 TRN-USCG-MMS-00043611 through 42. And I can
12 provide this to you and just a quick
13 question on this.

14 This is the status of the items
15 that was identified in the September of '09
16 rig audit. And it shows what the status
17 was. I think the top of the page, they have
18 a date. I think it's March 29, right?

19 Now, if you look at some of the
20 items I checked off on some of those pages,
21 you can see that the column to the far right
22 it says completed, but if you look at the
23 columns to the left of it in terms of
24 status, you see that some items have been
25 marked complete but parts still on order or

1 waiting for availability of training course
2 or OEM subsea personnel.

3 MR. MONICO:

4 Just the two checkmarks on the
5 first page, Captain?

6 EXAMINATION BY CAPT. NGUYEN:

7 Q. There's a number of pages for you
8 to scan through and identify those items.
9 And my point there is that the maintenance
10 history of the DEEPWATER HORIZON, that's the
11 record as a result of the BP audit and it's
12 not clear. It's confusing. And I think if
13 we go tomorrow, when we talk to the ISM,
14 International Safety Management designated
15 person and we will discuss some of these
16 items. But it seems to me that in the
17 vessel record it says complete but it's
18 actually not.

19 So if you can take a look at some
20 of those and see if you agree with my
21 observation there. Look at the item I put a
22 checkmark by.

23 A. Yes.

24 Q. Look at the right column where it
25 says complete, and look at the column to the

1 left and see if it makes sense to you.

2 You just have to look at a couple
3 of items.

4 A. Okay. So --

5 Q. For the status of these items, it
6 doesn't give a clear indication of whether
7 it was corrected, is that correct, sir, the
8 one I put a checkmark by?

9 A. I don't know what the standard --
10 I can't tell what the standard for a
11 completion is by this.

12 Q. The completion means that the
13 discrepancy has been corrected, right? I
14 mean, if one was inop, then it was repaired,
15 then it would be complete, right? If
16 training was not -- was out of compliance
17 and training provided, that means it's
18 complete, right? I mean, complete mean
19 complete? That mean the discrepancy was
20 corrected.

21 But I'm looking at the record and
22 it doesn't give me -- that item I was
23 talking about, the history is substandard,
24 that's what I'm saying if you are looking at
25 that.

1 A. Oh, I really didn't pay -- it
2 wasn't my role to review.

3 Q. I understand. But that's an
4 example that we have that this was a concern
5 back in 2007, and this is a vessel that
6 working for your company and that's an
7 example of conditions, that whatever
8 corrective action that you have taken and it
9 may not have been effective.

10 Okay. Let's move on, sir.

11 Another item on this area is incident and
12 near mishap investigation. And if you look
13 at Page 136217?

14 A. (Witness complies.)

15 Q. There's a paragraph: The incident
16 report log was revealed for the past year.
17 The status of action arising from these
18 incidents should be periodically marked by
19 BP to insure proper closeout. Do you see
20 that, sir?

21 A. Is that the second paragraph?

22 Q. Yes, sir. It start out with
23 incident report log. And if you can follow
24 that, what it says is that, there was
25 incidents that happened, it was logged, but

1 it appeared that BP did not monitor the log
2 to insure that proper closeout of this
3 incident, making sure that corrective action
4 took place.

5 A. Okay.

6 Q. The Bly report, it was narrowly
7 focused. Do you agree with that, sir, in
8 terms of it just addressed the technical,
9 causal factors? Can you address the safety
10 culture, or --

11 A. Oh. No, I think the Bly report, I
12 believe by intent, was focused on what
13 happened in this event as opposed to some of
14 the other potential contributing issues. I
15 think that's correct.

16 Q. But in something like this that is
17 so catastrophic, would you look at the
18 entire system, or is it just the scope of
19 your incident, your investigation programs,
20 only look at the specific incident instead
21 of the entire system?

22 A. I would think that -- I don't
23 know, but I would think that Mr. Dudley is
24 addressing that. And I suspect that I will
25 be hearing more about -- the whole company

1 will be hearing more of that as more of the
2 organizational principles are laid out for
3 us.

4 Q. Now, another item is process
5 safety audit. And if you look at
6 Page 136212, sir. And it's about closing
7 out of the last audit recommendation had no
8 apparent verification by BP. Consequently,
9 a number of recommendations that Transocean
10 had indicated as closeout had either
11 deteriorated again or not been sufficiently
12 addressed in the first instance. Do you
13 read that paragraph?

14 A. Yes, sir.

15 Q. That's another example where --
16 example of process safety audit. Why is it
17 that items identified by BP, it seemed like
18 it's not been followed through here, whether
19 by BP or Transocean to insure they are
20 closed out.

21 A. I don't know why that is.

22 Q. Next item is timely correction of
23 identified process safety deficiencies. And
24 if you go to Page 136219, and if you look at
25 the paragraph that say: NOV inspection

1 report dated August 2006 and May 2007,
2 highlighted that both PRS had worn pins and
3 bushings. It was highlighted during our
4 last audit in January of 2008 that all of
5 this work was necessary to improve PRS
6 reliability. It had not been completed. So
7 I'm looking at 2006, 2007 and then 2008.
8 And it's still this one item not being
9 corrected.

10 And if you go to Page 136213, and
11 that's where you see the test middle and
12 upper BOP ram bonnets are original and out
13 of OEM and API five years recommendation for
14 recertification. Do you see that, sir?

15 A. Yes.

16 Q. Then you go to Page 136220, and it
17 says: As reported during our 2008 audit,
18 comprehensive checks to verify proper
19 operation of the anticollision system was
20 still not being periodically undertaken.
21 Clearly lesson learned from the equipment
22 condition on this rig have not been fully
23 implemented. And the three examples are in
24 the category of timely correction of
25 identified process safety deficiencies.

1 Any comments there, sir, in terms
2 of this one item from the Baker report have
3 been corrected for deepwater operations?

4 A. Again, I'm not familiar with this.
5 It's hard for me to put the findings of this
6 audit into the context of that
7 recommendation.

8 Q. And that's what I'm trying to do.
9 I mean, it's very hard to measure the safety
10 culture of BP, but if BP is like -- the
11 premise is like the Golden Rule applied to
12 this vessel and the lesson learned from the
13 Texas City using the Baker report. Why do
14 we have audit discrepancies in that report
15 that was generated by BP?

16 MR. SCHONEKAS:

17 Judge, I am going to object. This
18 witness has testified repeatedly he has no
19 knowledge of this document. He is not
20 involved in it and Captain Nguyen insists on
21 continuing to ask him --

22 JUDGE ANDERSEN:

23 He has a lawyer here to represent
24 him. He has shown no desire to speculate
25 beyond his knowledge. If it is within his

1 competence, he has answered.

2 If you have no response to that,
3 because you haven't thought about those
4 things and they are beyond the areas of your
5 competence, you can say that. And by saying
6 that it doesn't mean you necessarily agree
7 with the criticism.

8 MR. SCHONEKAS:

9 Judge, my objection is it's a
10 burden on my client and everyone else's
11 here's time and energies to continue to do
12 this on a subject matter that this witness
13 has no knowledge of. And that's why I'm
14 objecting, on relevance and it's a waste of
15 time.

16 EXAMINATION BY CAPT. NGUYEN:

17 Q. Based on the cited examples, after
18 the Texas City fire and explosion, do you
19 think BP has done enough to insure proper
20 safety culture and effective proper safety
21 management for their deepwater drilling
22 operations?

23 A. We have done an incredible amount
24 of work in moving toward implementing the
25 recommendations from Texas City. And, in

1 fact, I think we've moved very quickly in a
2 lot of work in a short period of time.

3 It's never ending. We have more
4 to do. The industry has more to do. And BP
5 remains committed to doing whatever it takes
6 to deliver on that.

7 I might add, too, that we have not
8 just done this internally. We actually
9 hired people from other industries, the
10 nuclear industry. We hired John Baxter, the
11 UK nuclear industry, to be our director of
12 group engineering. We hired Jim O'Bryan
13 from the nuclear industry to head up our
14 safety and operational integrity audit
15 program. We hired John See, I believe he
16 came from Dupont to help us put together
17 Operating Management System. And so BP has
18 put in an extreme amount of effort into
19 doing this, but it is a journey.

20 Q. Yes, sir. And I appreciate that.
21 And I know that -- and I just wonder whether
22 the efforts that BP put forward was due to
23 the refinery business for your company but
24 it wasn't done enough for the deepwater
25 drilling operations and that's why we ended

1 up with what we have. And that's what I'm
2 trying to find out here. Do you think that
3 BP was -- I mean, did they do enough
4 since -- from the lesson learned of Texas
5 City to insure that something like this
6 would not happen as it did?

7 A. It's hard to articulate today
8 exactly how much work we have done, but we
9 have done an incredible amount and we
10 continue to do more.

11 CAPT. NGUYEN:

12 Yes, sir. Thank you, sir.

13 JUDGE ANDERSEN:

14 Any other Board questions?

15 Marshall Islands?

16 MR. LINSIN:

17 We have no questions for
18 Mr. Sprague. Thank you very much for
19 appearing today, Mr. Sprague.

20 JUDGE ANDERSEN:

21 BP?

22 COUNSEL REPRESENTING BP:

23 Not at this time.

24 JUDGE ANDERSEN:

25 Transocean?

1 (Whereupon, an off-the-record
2 discussion was held.)

3 MR. JOHNSON:

4 Daniel Johnson.

5 EXAMINATION BY MR. JOHNSON:

6 Q. Good afternoon, Mr. Sprague. My
7 name is Daniel Johnson. I represent
8 Transocean. Transocean was not involved in
9 the Texas City refinery explosion, so I'm
10 not going to ask you any questions about
11 that, I promise you.

12 I wanted to start and ask you some
13 followup questions about the BP audit. I'm
14 not going to get into details, but I
15 understand, despite being on the
16 distribution list, you are not familiar with
17 the details. But I think it's safe to say,
18 based on your knowledge of the company and
19 its relationship with Transocean, if there
20 was anything in that audit that wasn't
21 closed out to BP's satisfaction, BP had the
22 power and the authority to prevent the
23 DEEPWATER HORIZON from resuming operations;
24 wouldn't you agree with that, sir?

25 A. Yes.

1 Q. And as far as you know, there was
2 nothing in that audit that led BP to reach
3 that conclusion to prevent the DEEPWATER
4 HORIZON from resuming operations; isn't that
5 true?

6 A. I believe that's true.

7 Q. And that includes the condition of
8 the BOP aboard the DEEPWATER HORIZON,
9 correct?

10 A. I don't know the specifics on
11 that, on the BOP. Could you ask your
12 question again?

13 Q. Yeah. And I don't want to ask you
14 specifics about the BOP itself. You may not
15 know those. What I mean is, if there was
16 some concern about the condition of the BOP
17 and its ability to perform its functions,
18 after this audit, BP could have prevented
19 this rig from resuming operations; isn't
20 that true?

21 A. I think anybody, BP or even
22 Transocean or anybody involved, we would
23 expect it to do that.

24 Q. Fair enough. And that leads me to
25 a question I wanted to ask you. Are you

1 aware of any MMS citations or notices of
2 violation about the BOP and the way it was
3 maintained?

4 A. No. I'm not aware. Again, I
5 wasn't involved in the day-to-day operations
6 so I wouldn't have the knowledge of that,
7 but I'm not aware of any.

8 Q. But no one has made you aware of
9 that?

10 A. No.

11 Q. Getting back to Mr. Wong's email I
12 think that you read, was the email
13 specifically that the BOP was not -- that
14 Transocean was not following the
15 recommendation and that was what he was
16 noting?

17 A. I don't recall that.

18 Q. You recall --

19 A. I recall the bullet point on the
20 note, but I don't remember seeing Transocean
21 mentioned in that bullet point.

22 Q. It was about the BOP generally?

23 A. Yes.

24 Q. Turn, if you would, to -- there is
25 a binder there. Turn to Tab 10 if you don't

1 mind, sir. I'm actually on the second page
2 of that email. It starts with the email --
3 is it Sherry Douglas?

4 A. At the bottom?

5 Q. Yes.

6 A. Yes.

7 Q. Do you know Ms. Douglas?

8 A. Yes, I do.

9 Q. Who is she?

10 A. She is one of our regulatory
11 specialists.

12 Q. Does she still serve in that
13 capacity?

14 A. I believe she does.

15 Q. From reading her -- I don't want
16 to read the whole thing. I know everyone is
17 tired and it's in the afternoon, but I read
18 the first email that starts this chain from
19 Ms. Douglas. To be fair, you don't join the
20 chain until later on, but my understanding
21 from her email is that she is proposing a
22 draft email to the MMS about changing -- and
23 this was touched on earlier, but I want to
24 clarify, changing the intervals for function
25 and pressure testing from 14 days to 21

1 days; is that right?

2 A. Yes.

3 Q. What is the date of this email,
4 sir?

5 A. September 30.

6 Q. And this was what year?

7 A. 2009.

8 Q. And if you recall, the BP audit
9 was September 2009, was it not, sir?

10 A. I think that's right.

11 Q. At the bottom of her proposed
12 email to the MMS she specifically references
13 a couple of wells, one of which is being
14 drilled by the DEEPWATER HORIZON; isn't that
15 true?

16 A. Oh, yes.

17 Q. So I think what this draft email
18 is, it's a proposal that the DEEPWATER
19 HORIZON be allowed to pressure and function
20 test its BOP on an interval that's 21 days,
21 so it's testing it less; is that right?

22 A. Right.

23 Q. And that's despite the fact that
24 the 2009 BP audit made some findings about
25 the BOP; isn't that correct?

1 A. It's independent of that, yes.

2 Q. Certainly if BP had concerns about
3 the condition or the maintenance of the BOP
4 it would not have been proposing this to the
5 MMS, correct?

6 A. That's correct.

7 Q. There is a document there, I think
8 in the side. It's the drilling and well
9 operations documentation. Do you have that,
10 sir? It may be easier to do it by
11 subparagraph. I'm in the Health, Safety and
12 Environment General Requirements 3.1. Are
13 you following, Mr. Sprague?

14 If I could direct you to 3.1.4.

15 A. Yes.

16 Q. Would you read that paragraph for
17 me? You don't have to read it out loud,
18 just read it so you are familiar with it.

19 A. (Witness complies.)

20 Q. The designated company
21 representative at every well site, is that
22 typically -- who is that typically?

23 A. It's a well site leader.

24 Q. Does this provision effectively
25 make that individual responsible for the

1 relevant safety management system by all
2 involved in the operation?

3 A. That's what it says.

4 Q. And as far as you know, the
5 Macondo well operation with the DEEPWATER
6 HORIZON didn't deviate from that at all; is
7 that right?

8 A. I don't think it did.

9 Q. What about 3.1.5, could you read
10 that aloud for me, sir?

11 A. "Designated company
12 representatives are accountable for the
13 execution of the approved drilling and well
14 operations programs in compliance with BP's
15 health, safety and environmental
16 requirements."

17 Q. And as far as you know, that was
18 true for the Macondo well operation for the
19 DEEPWATER HORIZON; is that true?

20 A. Yes.

21 Q. Go to, if you don't mind, 5.5,
22 which is just a few pages later. Could you
23 read 5.5 for me?

24 A. Sure. "All drilling and workover
25 units shall be subject to a formal rig audit

1 to an appropriate level to insure compliance
2 with policy prior to commencement of
3 contract."

4 Q. As far as you know, did that occur
5 prior to the Macondo well operations on the
6 DEEPWATER HORIZON?

7 A. There was a rig audit in
8 September of 2009, yes.

9 Q. That goes back to what we were
10 talking about earlier is, as far as you
11 know, BP had to be satisfied with closure of
12 whatever number of items to its satisfaction
13 before that contract could begin; is that
14 correct?

15 A. This particular audit and this
16 particular rig?

17 Q. Well, I'm reading from -- you read
18 from 5.5, and the way I understand it is
19 that there has to be an audit to insure the
20 compliance with policy prior to the
21 commencement of the contract.

22 A. That's right.

23 Q. And what I'm saying is obviously
24 BP was satisfied with whatever the state of
25 the audit was prior to getting operations of

1 Macondo?

2 A. I would be making an assumption if
3 I said that, because again, our wells team
4 leader is the accountable party for that.

5 Q. Your assumption would be that he
6 did comply with this as opposed to not
7 complying?

8 A. No. If we proceeded that he would
9 have considered that we were in compliance
10 with all of this.

11 Q. Okay. Fair enough. And the same
12 with 5.10 down at the bottom.

13 A. You want me to read it aloud?

14 Q. You can read it aloud, that's
15 fine.

16 A. "All equipment, materials and
17 services shall be fit for the purpose
18 intended and in compliance with local
19 legislative, BP and industry standards and
20 specifications as required."

21 Q. You have no reason to believe that
22 this wasn't complied with prior to the
23 DEEPWATER HORIZON beginning operations at
24 Macondo; is that true?

25 A. I have no reason to believe that,

1 that's true.

2 Q. Now, I want to -- you are not a
3 lawyer; is that right, sir?

4 A. That's correct.

5 Q. And you don't know as you sit here
6 today whether API 53 is a requirement or
7 just a recommended practice; isn't that
8 true, sir?

9 A. I don't know if it is or not.

10 Q. Fair enough. As you sit here
11 today, are you well versed in Transocean's
12 maintenance policy as it relates to the BOP?

13 A. No, I'm not.

14 Q. You don't know as you sit here
15 today whether or not Transocean's
16 maintenance policies meets or exceeds from a
17 qualitative perspective the requirements of
18 API 53; isn't that true, sir?

19 A. That is true.

20 Q. Just to, I guess, be clear, what
21 is your educational background?

22 A. I have a petroleum engineering --
23 Bachelor of Science degree in petroleum
24 engineering from Louisiana Tech University.

25 Q. Is there anyone on your team who

1 doesn't have an engineering degree?

2 A. On my team?

3 Q. Yes, sir. You manage the
4 engineering group?

5 A. I have a team of 50 which there
6 are some nonengineers in, but all the
7 engineers acting in an engineering capacity
8 have an engineering degree.

9 Q. Fair enough. I think you covered
10 this earlier. I want to make sure I
11 understand. What is the distinction between
12 drilling engineering manager and drilling
13 engineering authority?

14 A. Drilling engineering manager, as
15 the drilling engineering manager I'm
16 responsible for drilling engineering
17 planning activities as they relate to our
18 overall drilling program in the Gulf of
19 Mexico and for providing resources,
20 engineers to wells teams throughout the Gulf
21 of Mexico. Engineering authority is to
22 advise on departures to our drilling and
23 well operations policy. And in the event we
24 depart from that, to make sure that a
25 distance -- the teams are required to

1 understand the policy and engineering
2 technical practices, and if they indicate
3 that there is a deviation, they would bring
4 it to me if it's a drilling engineering
5 issue, or to Mr. Dave Rich if it's a
6 completion engineering issue for approval.

7 Q. On the managerial side, you are
8 managing the wells team engineers?

9 A. The engineering team leaders that
10 are in the wells team group, wells teams.

11 Q. I know you weren't intimately
12 involved, especially in the earliest. When
13 did the planning for the Macondo well start?

14 A. I think in early 2009.

15 Q. If you would turn to a series of
16 tabs beginning with Tab No. 12.

17 JUDGE ANDERSEN:

18 While we are looking for that, you
19 might look for some time within the next ten
20 or 15 minutes that's convenient for you in
21 your interrogation to take a break. I'm
22 sure we are going to have a break before we
23 finish with the witness and probably before
24 we finish with your material.

25 MR. JOHNSON:

1 I'm happy to take a break now.

2 JUDGE ANDERSEN:

3 See everybody in 15 minutes.

4 JUDGE ANDERSEN:

5 Transocean is moving right along,
6 and there has been a suggestion we institute
7 the six and a half minute rule, but we will
8 trust everybody here.

9 Are you ready? Thank you. Not
10 for Transocean, they are moving right along.

11 MR. JOHNSON:

12 Every Board member has approached
13 me on the break and told me to hurry up.

14 JUDGE ANDERSEN:

15 That's because we are finished.

16 EXAMINATION BY MR. JOHNSON:

17 Q. I think we left off looking at
18 Tab 12, which is an evaluation of casing
19 lining basis for this well, is that right?

20 A. Yes.

21 Q. That's just the beginning of the
22 process of trying to determine what the
23 casing program is going to be like; is that
24 accurate?

25 A. That's one --

1 Q. It's not the end, but it's one
2 part of it?

3 A. One part of it, yes.

4 Q. And this was in May of 2009?

5 A. Yes.

6 Q. Turn with me, if you will, to
7 Tab 21. Now, what is that document, sir?

8 A. That's evaluation of casing design
9 basis for Macondo prospect.

10 Q. Same document but the fourth
11 version of it; is that right?

12 A. That's what it says, yes.

13 Q. I gather at this time, March 22,
14 2010, no decisions had been made as to the
15 casing program, correct?

16 A. No. I don't think that's the
17 case.

18 Q. Let's turn to Tab No. 22. That
19 was an email from Brian Morel and you are
20 included on that email; is that right?

21 A. Yes, sir.

22 Q. Beginning with the word "please",
23 could you read that for me?

24 A. "Please set time aside to review
25 the casing abandonment options for Macondo."

1 Q. Now, when you disagreed with me
2 just a second ago, I gathered the point was
3 certain decisions had been made but not all
4 final decisions had been made?

5 A. That's right.

6 Q. Was this meeting part of the
7 process of trying to finalize some of those
8 decisions?

9 A. Yes.

10 Q. And what was the date of this
11 email, sir?

12 A. April 13.

13 Q. 2010?

14 A. Yes, sorry.

15 Q. We have gotten a lot of testimony
16 on this so I'm not going to go through it in
17 too much detail, but from your perspective
18 as the engineering manager, who has the
19 ultimate authority on well design decisions
20 made for the Macondo well in your group?

21 A. In engineering?

22 Q. Yes.

23 A. Me.

24 Q. Okay. You have the ultimate
25 decision-making authority?

1 A. Not entirely. If you looked at
2 the -- when we looked at earlier the RACI
3 chart, the operations manager who would have
4 been David Sims and myself both have
5 accountability for that, the ultimate
6 decision.

7 Q. So the ultimate decision would be
8 a joint decision between engineering and
9 operations?

10 A. Yes, sir.

11 Q. But as to -- and operations would
12 then participate in the final engineering
13 decisions? In other words, my question was
14 specifically tailored to engineering
15 decisions. Are you the final authority on
16 engineering decisions?

17 A. I am the engineering authority and
18 any changes to the basis of the design or
19 dispensation then I have to approve.

20 Q. In term of issues like whether to
21 go with a long string versus a liner with
22 tieback, who is the ultimate decision-making
23 authority for an issue like that?

24 A. Again, it's a balanced issue
25 between operations and drilling engineering.

1 Q. What about the cementing program?

2 A. That's typically handled at the
3 engineering team leader level in conjunction
4 with the wells -- and the wells team.

5 Q. Do you know who was charged with
6 working with Halliburton to decide on a
7 cement program?

8 A. I believe that Brian Morel and
9 Mark Hafle were.

10 Q. And was it those gentlemen that
11 ultimately had to approve the design
12 recommendation themselves?

13 A. Along with Mr. Gregg Walz.

14 Q. Do you know, or have you been told
15 that prior to the cementing job on this
16 well, that no one from BP had seen a
17 successful test for stabilization of the
18 cement?

19 A. I didn't know that prior to the
20 incident.

21 Q. Do you know that now?

22 A. What I know is what I have read
23 from the Presidential Commission findings.

24 Q. You are aware of that fact now,
25 though, are you not, sir?

1 A. Yes.

2 Q. Is that acceptable for you as the
3 managing -- engineering manager?

4 A. It's not what I would expect.

5 Q. That does not meet your
6 expectations from the people that you
7 manage?

8 A. That's correct.

9 Q. From your perspective, you would
10 have demanded that the engineers you task
11 with that responsibility, that they would
12 have gotten a successful stabilization test
13 prior to proceeding with the cement job;
14 isn't that true?

15 A. Could you restate that question?

16 Q. Sure. You would have demanded
17 that they got a successful test prior to
18 proceeding, true?

19 A. My expectation was that we would
20 have a successful test before starting the
21 cement job.

22 Q. And before starting that cement
23 job, if you didn't have a successful test,
24 you wouldn't have started, right?

25 A. That's correct.

1 Q. Have you discussed the
2 decision-making process with any of these
3 individuals, asked them why they didn't act
4 in accordance with your expectations?

5 A. No, I have not. Two of them are
6 on administrative leave right now.

7 Q. Are there any guidelines within BP
8 for making sure that you have successful
9 test results before proceeding?

10 A. We have a new cementing
11 requirement, but prior to the incident it
12 was an expectation. And we had some
13 basically draft protocol for testing of
14 cement.

15 Q. In that draft protocol, did the
16 protocol require a successful stability test
17 before proceeding?

18 A. Specifically stability, I'm sorry,
19 I don't know, nitrogen stability.
20 Successful cement slurry test, yes. I don't
21 know if we actually spelled that out for
22 nitrogen, but my expectation would be that
23 we would have had a stable cement slurry
24 prior to cementing.

25 Q. And you would agree that that's a

1 good engineering practice?

2 A. Yes.

3 Q. And that was an engineering
4 practice that was not followed here,
5 correct?

6 A. I didn't know at the time and I'm
7 not -- I don't have details of whether it
8 was followed or not.

9 Q. That's not what I asked you.
10 Based on your knowledge now, you would agree
11 that that was a good engineering practice
12 that was not followed, correct?

13 MS. KARIS:

14 Objection. That's the same
15 question. Asked and answered.

16 JUDGE ANDERSEN:

17 He answered that he has knowledge
18 from the Presidential Commission report.
19 And I'm assuming you have no knowledge
20 beyond that or you haven't looked at any of
21 the cement tests; is that correct?

22 THE WITNESS:

23 I have not. I've read in the Bly
24 report.

25 JUDGE ANDERSEN:

1 So we can draw our own conclusions
2 and we have had lots of testimony on the
3 tests, apparently more than you have been
4 able to see. So I think your answers to
5 those questions can stand, and I would not
6 speculate beyond that, not having actually
7 studied those tests. So I will sustain that
8 objection, but that does not strike any
9 testimony that's already in the record.

10 EXAMINATION BY MR. JOHNSON:

11 Q. Do you know what risks were
12 identified during the planning of the
13 temporary plug and abandoning procedures?

14 A. No, I do not.

15 Q. Should there have been a risk
16 analysis done that charted the various risks
17 that were involved and the procedures that
18 were considered?

19 A. I believe there was some
20 discussion of risks, which is contained in
21 the MOC.

22 Q. To your knowledge, did anyone
23 raise a concern with you about the unusual
24 displacement depth?

25 A. Unusual displacement depth? I

1 don't understand.

2 Q. Do you agree that there was an
3 unusual displacement depth in the temporary
4 plug and abandonment procedure in this well?

5 A. Nobody raised that with me.

6 Q. Who has the ultimate decision for
7 accepting whether a negative test result is
8 valid or invalid, sir?

9 A. That decision is made at the rig
10 site, and actually, the rig site has the
11 opportunity to engage or include people,
12 engineers, other resources, in the D&C group
13 if needed.

14 Q. Now, the negative pressure test
15 itself is designed to gather certain data;
16 is that right, Mr. Sprague?

17 A. Yes.

18 Q. Now, from that data you have to
19 interpret whether or not the test is
20 successful or not, correct?

21 A. That's correct.

22 Q. To interpret that data the
23 interpreter would need an understanding of
24 what?

25 A. Basically the hydrostatic column

1 in the choke and kill line, the drill pipe,
2 the way it was carried out on the HORIZON.

3 Q. Should you be able to calculate
4 the effect on bottomhole pressure?

5 A. Yes.

6 Q. And what about the type and
7 densities and the volumes of fluids used?
8 Was it mud, seawater in spacer?

9 A. I'm not sure I understand.

10 Q. How those items interact together.

11 A. Yes.

12 Q. Is that something someone needs to
13 understand in order to interpret data from a
14 negative pressure test?

15 A. Yes.

16 Q. How about wellbore and drill
17 string geometry?

18 A. Yes.

19 Q. Are those items that you think
20 that an engineer is best positioned to
21 interpret the data from?

22 A. No. I think all of our well site
23 leaders, I think the rig personnel and
24 engineers are all capable of interpreting a
25 negative test.

1 Q. Are you aware if there are any
2 industry standards about whether or not
3 calls back to the shore to get confirmation
4 from engineering, whether or not that's
5 standard in industry practice?

6 A. I'm not aware of that.

7 Q. How long would it take to make a
8 phone call back to shore to talk to an
9 engineer and have them interpret the data
10 for you?

11 A. I presume not very long.

12 Q. Is there any reason that's not a
13 requirement?

14 MR. CLARKE:

15 I will object that it's vague as
16 to time. I'm not sure it isn't now a
17 requirement.

18 EXAMINATION BY MR. JOHNSON:

19 Q. Fair enough. Is it a requirement
20 now, Mr. Sprague?

21 A. We have not finalized our go
22 forward plans for negative testing, but in
23 light of some of the concerns and findings
24 around the negative test, for the relief
25 well we did put together a procedure for

1 that.

2 Q. A procedure whereby the rig would
3 call the beach and have an engineer confirm
4 the result of the negative test?

5 A. It wasn't an engineer. I believe
6 it was the wells team leader.

7 Q. Turn, if you would, to Tab 28. If
8 you could familiarize yourself with the top
9 email there, I will come back to it in a
10 second. Who is that email from?

11 MS. KARIS:

12 I request that some foundation be
13 laid. Mr. Sprague is not copied on this.
14 It's not clear he's ever seen this document.
15 And I don't want him just reading documents
16 that he has no familiarity with. In fact, I
17 think that was a prior Transocean objection.

18 EXAMINATION BY MR. JOHNSON:

19 Q. Do you see the document, sir?

20 A. This is the first time I have seen
21 it.

22 MR. JOHNSON:

23 If I may, Judge, this individual
24 manages the engineers that are on this
25 email. What I would like to do is ask him

1 about the process that they are undergoing
2 and whether or not from his perspective it's
3 appropriate. I think there is sufficient
4 foundation for him as a manager to be able
5 to do that.

6 JUDGE ANDERSEN:

7 If you feel like looking through
8 this stuff, this trail of emails, and you
9 can understand the purpose and nature of the
10 discussion between these gentlemen, then you
11 are welcome to explain that to us.

12 But obviously we can't push the
13 witness to guess at things beyond his
14 knowledge. But in glancing at it myself, it
15 looks like people he is very familiar with
16 and I'm guessing that he understands what
17 they are talking about here.

18 So please proceed. I will
19 overrule the objection. But once again, the
20 witness, if it's something you don't
21 understand or know the background for, you
22 are welcome to just decline to answer a
23 question.

24 EXAMINATION BY MR. JOHNSON:

25 Q. Let me ask you this, sir. You

1 have read the top email from Mr. Morel?

2 A. Yes.

3 Q. Is he under the group that you
4 manage?

5 A. Yes, as of April 14, 2010.

6 Q. Fair enough. This email was sent
7 when?

8 A. Sunday, April 18, 2010.

9 Q. So he's under your umbrella?

10 A. Yes.

11 Q. It appears to me from reading this
12 email, and I want to get your take on it as
13 well, that Mr. Morel is looking, struggling
14 to find what procedures would be encompassed
15 in a negative test. Do you agree that's
16 what he is asking the people that are copied
17 on that email about?

18 A. I had no conversations with
19 Mr. Morel. I really would not like to
20 speculate what he was looking for.

21 Q. Fair enough. How do you
22 understand the email, the way you read it
23 today here?

24 MS. KARIS:

25 Your Honor, I object to

1 foundation. This witness has just testified
2 he hasn't seen it. He doesn't want to
3 speculate as to what exactly was being
4 communicated.

5 MR. JOHNSON:

6 I'm asking about his
7 understanding.

8 JUDGE ANDERSEN:

9 For the same reason I overruled --
10 he just demonstrated the fact that he's
11 not -- even though he might know, he is not
12 going to guess here. So these are
13 procedures that he is familiar with with
14 people he knows. So there is a chance he
15 understands this. If so, he can testify to
16 it. If not, he can just repeat the same
17 answer he had to the last question.

18 As has been made clear, presumably
19 before four minutes ago, he didn't know
20 these emails existed. All of us think that
21 needs to be a lot of allowance if someone is
22 asked to look at a document and respond
23 under oath publicly on them.

24 Okay. What is your question?

25 EXAMINATION BY MR. JOHNSON:

1 Q. With that said, how do you
2 understand the email? What do you
3 understand Mr. Morel is trying to
4 accomplish?

5 A. Again, I didn't talk to these
6 individuals, so I don't have all the
7 detailed knowledge about what was being
8 discussed.

9 Q. You would agree he is trying to
10 get an understanding about negative test
11 procedures, would you not, sir?

12 MR. MONICO:

13 Objection, Your Honor. He just
14 asked the question. I object.

15 JUDGE ANDERSEN:

16 If you do not glean that from
17 this, I don't know, or I just can't answer
18 that based on the information I have, is
19 fine, if that's the truth. But if you think
20 that's what this is about, then you can
21 testify to that.

22 THE WITNESS:

23 I don't feel comfortable.

24 EXAMINATION BY MR. JOHNSON:

25 Q. You don't feel comfortable with

1 that?

2 A. No, I don't.

3 Q. Okay. Fair enough. Let me ask
4 you this. Regarding -- and I'm reading the
5 email here: Regarding the negative test,
6 all I can find in CFR 30 is 250.422. And
7 then he cites that provision of the regs.
8 And then he says: If anyone else has any
9 idea of where something else might be, let
10 me know. Do you have -- is there any
11 in-office guidance about what a negative
12 test procedure would be?

13 A. Basically previous to the incident
14 each wells team had their own procedure for
15 doing negative tests and that was a
16 cooperative effort between the wells team
17 leader and the engineers. The HORIZON had
18 been working for BP for quite some time and
19 had performed several negative tests. So
20 all I can say is I would think that that was
21 done for this. And I don't know why Brian
22 was seeking to -- searching, as you say, in
23 this email for some guidance.

24 Q. As far as you know, then, he
25 should have had the procedures for the

1 negative test and this was not an effort to
2 nail down those procedures?

3 A. I don't know that to be the case,
4 but the HORIZON had been doing negative
5 tests for BP for quite some time. I would
6 have thought that there was already pretty
7 much a standard negative test for that
8 operation, but I don't know.

9 Q. Let me have you turn, if you
10 would, to Exhibit 32. Have you ever seen
11 that email before, sir?

12 A. I saw this email after the
13 incident.

14 Q. What is that email -- first of
15 all, what is the date of that email?

16 A. The date of the email is -- which
17 one, the top or the bottom?

18 Q. The bottom one, I'm sorry.

19 A. April 20.

20 Q. The time?

21 A. It is 10:43 a.m.

22 Q. Do you know when the negative test
23 procedure was supposed to commence?

24 A. In that evening, I believe.

25 Q. It was supposed to commence

1 several hours after the receipt of this
2 email delivering the procedures?

3 A. I believe that's true.

4 Q. I have one copy here. Have you
5 seen that email before, sir?

6 A. No, sir.

7 Q. What is the date on that email?

8 A. Tuesday, April 20 at 2010.

9 Q. The time on that email?

10 A. 1536.

11 Q. It would have been several hours
12 after the first email, correct?

13 MS. KARIS:

14 Counsel, I'm sorry to interrupt
15 you. Is this in your binder or do you have
16 a copy? I don't know what email you are
17 looking at.

18 MR. JOHNSON:

19 I have a copy. The Bates No. is
20 BP-HZN-MBI00129108.

21 EXAMINATION BY MR. JOHNSON:

22 Q. If you could take the two emails
23 we were just discussing, sir, and put them
24 side by side. Tell me whether or not the
25 procedures, the two procedures that were

1 sent to the rig the very day of the negative
2 pressure test, whether or not those
3 procedures are the same?

4 A. They look like they are different.

5 Q. They look to be different
6 procedures for the negative pressure test
7 and the temporary plug and abandon; isn't
8 that true?

9 A. Yes.

10 Q. And sent the very day that the
11 negative pressure test was supposed to
12 occur; is that correct?

13 A. That's correct.

14 Q. Do you consider that a critical
15 operation?

16 A. I consider a negative test a very
17 important operation, yes.

18 Q. In terms of planning, the
19 timeliness of planning and the procedures
20 have been a problem in the Gulf of Mexico
21 around this time; isn't that true,
22 Mr. Sprague?

23 A. I don't know that to be the case.

24 Q. Turn with me, if you don't mind,
25 to Exhibit 3.

1 A. Which tab?

2 Q. Tab 3.

3 MR. MONICO:

4 30 or 33?

5 MR. JOHNSON:

6 3.

7 MR. MONICO:

8 We are going in the wrong

9 direction.

10 MR. JOHNSON:

11 I don't have that much more.

12 MS. KIRBY:

13 Did you hand out binders?

14 MR. JOHNSON:

15 Only to special people on the

16 Board.

17 MS. KIRBY:

18 Well, apparently I'm not special.

19 I have no clue.

20 MR. JOHNSON:

21 You are very special. Let me give

22 you the Bates number.

23 The Bates No. for Tab 3 is

24 BP-HZN-CECO22433.

25 EXAMINATION BY MR. JOHNSON:

1 Q. If I could, I want to direct your
2 attention to the April 16 email from Gregg
3 Walz to John Guide. Do you see that, sir?

4 A. Yes.

5 Q. And I'd like to go to the bottom
6 of that email. Do you see where it says:
7 John? This will be the second page.

8 A. Okay.

9 Q. And I'm going to read that for
10 you, sir: John, I do not like or want to
11 disrupt your operations and I'm a full
12 believer that the rig needs only one team
13 leader. I know that planning has been
14 lagging behind the operations and I have to
15 turn that around. Did I read that
16 correctly, sir?

17 A. Yes.

18 Q. And is that something that you had
19 knowledge of at the time, that planning was
20 lagging behind operations?

21 A. No, I did not.

22 Q. No one ever told you that?

23 A. No.

24 Q. Mr. Guide never complained that
25 there was problems getting plans and that

1 those procedures were lagging behind his
2 operations?

3 A. No, not to my recollection.

4 Q. Have you ever heard of anybody
5 complaining about that?

6 A. On occasion. Nature of our
7 business, sometimes planning, because it
8 changes, does fall behind on occasion.

9 Q. Let me have you turn to Tab 8,
10 Bates number BP-HZN-CEC021533. Who is that
11 email from, sir?

12 A. Mr. Pat O'Bryan.

13 Q. And I know, just for the record --
14 turn back just very quickly to Tab 3, the
15 email talking about operations -- planning
16 lagging behind operations. What was the
17 date of that email from Mr. Walz to
18 Mr. Guide?

19 A. Friday, April 16.

20 Q. Year?

21 A. 2010.

22 Q. And turning to Tab 8 now, who is
23 that email from?

24 A. Mr. Pat O'Bryan.

25 Q. And this is an email that you are

1 finally on; isn't that correct?

2 A. Yes, that's correct.

3 Q. And the date is what, sir?

4 A. It is Sunday, March 21.

5 Q. What is the topic of this email?

6 A. Current state of operations
7 discussion.

8 Q. Mr. O'Bryan -- by the way,
9 Mr. O'Bryan is over the Gulf of Mexico,
10 correct?

11 A. Yes.

12 Q. He lists several items there that
13 he wants to discuss in order to facilitate
14 the conversation, does he not?

15 A. Yes, he does.

16 Q. One of those is what is getting in
17 the way; isn't that true?

18 A. Yes.

19 Q. And one of the things he lists as
20 a possibility is, quote, just in time
21 delivery of well plans, end quote; isn't
22 that true, sir?

23 A. Yes.

24 Q. Let me ask you in terms of the two
25 different negative pressure tests that we

1 just reviewed that came only hours before
2 the testing was to begin, would you
3 characterize that as just in time delivery
4 of plans, sir?

5 A. If I could, I'd like to make a
6 point. When Mr. O'Bryan is talking about
7 just in time delivery of well plans is
8 different than the operations note that
9 Mr. Morel sent to the rig.

10 Q. Would you agree with me, though,
11 sir, that sending the negative pressure
12 test, two different versions only hours
13 before it's supposed to commence, would be
14 just in time delivery of plans?

15 A. It sounds like it, but let me say
16 this. I'm not aware of the conversations
17 that had been going on between the wells
18 team and the rig. There is a whole
19 background conversation that I suspect may
20 have been going on between the engineer and
21 the well site leader, but I don't know.

22 Q. Is there any reason in your mind
23 that the negative test procedure could not
24 have been planned and delivered to the rig
25 several days in advance?

1 A. I think that it would be dependent
2 on the final well configuration, casing
3 landed and cemented, and as soon as that's
4 done, I think the negative test procedure
5 could be delivered. But again, I don't know
6 what was already in place with the wells
7 team in this regard.

8 Q. In your view, the correct and
9 final plans should arrive to the rig as soon
10 as possible; isn't that true?

11 A. I believe that to be the case,
12 yes.

13 Q. You can plan and understand things
14 a lot better the sooner they get there,
15 isn't that true?

16 A. That's correct.

17 Q. Mr. Robinson testified this
18 morning. Do you know him?

19 A. Yes, I do.

20 Q. I wrote down a quote from him and
21 I want to read it to you. He was referring
22 to the negative pressure test procedures
23 that we were just looking at. What he said
24 was: More detailed procedures could have
25 led to a more successful result. Do you

1 agree with that statement, sir?

2 A. I'm not familiar with the HORIZON,
3 but I do believe that more detailed
4 procedures are a good thing.

5 Q. I'm talking about the procedures
6 that are in front of you right now.

7 A. Okay.

8 Q. Those procedures, do you believe
9 those are detailed procedures?

10 A. They don't look detailed, but
11 again, I don't know what conversation -- the
12 detail could have been filled in with
13 conversations with the wells team on the rig
14 site.

15 Q. Do you normally convey negative
16 test procedures in an oral fashion?

17 A. No. We supplement our written ops
18 notes with a discussion with the rig
19 however.

20 Q. As far as the written procedures,
21 you would agree it's good practice to commit
22 to writing exactly what procedure is to be
23 followed, correct?

24 A. Yes.

25 Q. You don't write down half of it

1 and orally convey the other half, do you,
2 sir?

3 A. You can provide an outline and
4 fill in the blanks with the rig with the
5 detail.

6 Q. With a conversation?

7 A. Yes.

8 Q. Is that best practice, sir?

9 A. I would prefer to have it in
10 writing ahead of time.

11 Q. It's hard to do that when you are
12 sending it only a few hours before you start
13 the process; isn't that true, sir?

14 A. I would think that to be the case.

15 Q. If you have more time to write
16 more detailed procedures, there is a greater
17 chance that the result, as Mr. Robinson put
18 it this morning, might be more successful?

19 A. I wouldn't disagree with that.

20 MR. JOHNSON:

21 That's all I have. Thank you.

22 JUDGE ANDERSEN:

23 Thank you very much.

24 Okay. Doug Brown?

25 COUNSEL REPRESENTING DOUG BROWN:

1 No questions.

2 JUDGE ANDERSEN:

3 Steve Bertone?

4 COUNSEL REPRESENTING MR. BERTONE:

5 No questions.

6 JUDGE ANDERSEN:

7 Mike Williams?

8 COUNSEL REPRESENTING MIKE WILLIAMS:

9 No questions.

10 JUDGE ANDERSEN:

11 I skipped Halliburton.

12 MR. GODWIN:

13 Yes, Your Honor, thank you.

14 EXAMINATION BY MR. GODWIN:

15 Q. Good afternoon, Mr. Sprague, how
16 are you, sir?

17 A. Good.

18 Q. My name is Don Godwin and I
19 represent Halliburton. I hope not to be
20 very long. You said this morning that you
21 had met with Mr. Walz and Mr. Cunningham to
22 talk about the cementing?

23 A. Yes, sir.

24 Q. When did you meet with those
25 gentlemen?

1 A. I believe it was on April 15.

2 Q. I'm not trying to mix you up or
3 confuse you by any means, but I wrote down
4 that you said you had a conference call with
5 several folks there at the BP organization
6 on April 14?

7 A. It was actually the 13th.

8 Q. The 13th?

9 A. Yes, I'm sorry. You are right, it
10 was the 14th.

11 Q. I wrote down the 14th.

12 A. Yes.

13 Q. You had a conference call on the
14 14th. I wrote down you, Mr. John Guide,
15 Mr. Sims, Mr. Brian Morel, Mr. Walz. Was
16 Mr. Cunningham on the call?

17 A. No.

18 Q. Who else was on that call on the
19 14th?

20 A. Brian Morel and I believe Mark
21 Hafle.

22 Q. Engineers within BP?

23 A. Yes, sir.

24 Q. And do I understand that there was
25 also, then, a meeting between you and

1 Mr. Walz and Mr. Cunningham on the 15th?

2 A. Yes.

3 Q. Okay, sir. Now, tell us, if you
4 will briefly, what was discussed in the
5 conference call on April 14 concerning the
6 cement job? And I believe you said you
7 discussed also the OptiCem model. This was
8 on the 14th?

9 A. Yes.

10 Q. Did you have an OptiCem model that
11 was a written model on April 14?

12 A. I did not.

13 Q. Had you seen one on April 14 or
14 any date prior to that?

15 A. Not prior to that. I think an
16 OptiCem model was attached to the MOC that
17 came out later in that day.

18 Q. On the 14th?

19 A. I think so.

20 Q. But your testimony is for sure
21 that on April 14 you had a conference call
22 with a number of folks there at BP, you have
23 named them, and you all were talking about
24 an OptiCem model?

25 A. Yes.

1 Q. That was on the 14th. Tell us
2 what you all were talking about in that
3 conference call on the 14th concerning an
4 OptiCem model?

5 A. Right. So on the 14th Mr. Morel
6 and Mr. Walz indicated that some additional
7 modeling had been done and on the 14th the
8 indications were that we could successfully
9 cement a long string based on the OptiCem
10 model.

11 Q. Is that all you all talked about
12 on the 14th concerning the OptiCem model?

13 A. No, sir.

14 Q. Was there anything else you talked
15 about in that conference call?

16 A. Yes. We talked about the original
17 basis of design was a long string. And that
18 the options were to run the liner or to
19 temporarily abandon the well and come back
20 and run the casing later.

21 Q. And was a decision made during
22 that conference call as to whether to run a
23 liner or a long string?

24 A. At that time we felt like the best
25 course of action was to run a long string,

1 because we could equally successfully cement
2 the long string as the liner -- as good as
3 the liner, but it was going to be based on
4 hole conditions after the logging trip.

5 Q. So this was as of the 14th?

6 A. Yes.

7 Q. Had the decision been made prior
8 to the 14th of April to use a liner as
9 opposed to a long string?

10 A. On the 13th the recommendation
11 from the team was to run a liner and the
12 team concurred with that, under the
13 condition that additional OptiCem modeling
14 would be carried out, and that if we could,
15 we would like to stick with the long string,
16 because it had the best case for well
17 integrity.

18 Q. Well, now, you are aware in the
19 OptiCem models that Halliburton prepared
20 that they included a recommendation
21 concerning centralizers?

22 A. I was not aware of that.

23 Q. This morning I had for
24 Mr. Robinson a book, the Bly report. I have
25 one place I want to have you look at in

1 here.

2 MR. GODWIN:

3 And if I might, I will hand this
4 to the witness, Your Honor.

5 JUDGE ANDERSEN:

6 Okay.

7 EXAMINATION BY MR. GODWIN:

8 Q. Thank you, sir. Turn, if you
9 will -- there's just one place here I want
10 to go to. Look at Page 22, if you will,
11 please, sir. And go to the entry on March
12 12 through 22. Tell me when you get there,
13 sir.

14 A. Okay.

15 Q. That says there that the decision
16 was made to use a long string sometime in
17 that entry of March 12 through 22, does it
18 not, sir?

19 A. That's what it says.

20 Q. It says that MMS approval --
21 approved the change to go to the long
22 string, does it not?

23 A. Yes.

24 Q. Okay, sir. Thank you.

25 A. Let me say that was a change from

1 a nine and seven-eighths full string -- long
2 string of nine and seven-eighths, to nine
3 and seven-eighths by seven-inch long string.

4 Q. I understand, sir. Thank you.

5 MR. GODWIN:

6 Judge, may I approach?

7 JUDGE ANDERSEN:

8 Sure.

9 JUDGE ANDERSEN:

10 The good part about these exhibits
11 are they are still warm. I will hold onto
12 them.

13 EXAMINATION BY MR. GODWIN:

14 Q. Mr. Sprague, you have the exhibit
15 there before you?

16 A. Yes.

17 Q. This is a document, I'm going to
18 try to go through it fairly quickly, and it
19 follows with what you have been talking
20 about here as far as the meeting on the
21 14th, the conference call on the 14th, and
22 the meeting on the 13th. And you said also
23 a meeting on the 15th.

24 Here on the exhibit that you have
25 there before you -- for those that don't

1 have the exhibit it's -- the Bates number is
2 BP-HZN-MBI00126619 and it runs through
3 BP-HZN-MBI00126633. It appears to be a
4 14-page exhibit including -- with an
5 attached transmittal page, does it not, sir?

6 A. Yes.

7 Q. 14 numbered pages?

8 A. Yes.

9 Q. Thank you, very much, Mr. Sprague.

10 It shows that Mr. Gregg Walz sent
11 this document to you on April 13 at 2309,
12 does it not, sir?

13 A. Yes.

14 Q. Along with Mr. David Sims?

15 A. Yes.

16 Q. And it says that: Slides from our
17 Macondo meeting this afternoon. John, the
18 well currently still has, quote, tight
19 status.

20 A. Yes.

21 MS. KARIS:

22 Your Honor, I apologize for
23 interrupting Mr. Godwin's examination, but I
24 want to raise again that this is the GMT
25 issue with respect to time that we

1 previously raised with the Panel. So to the
2 extent we are trying to establish a point
3 regarding the time on this, we have raised
4 this issue with the Panel previously.

5 JUDGE ANDERSEN:

6 The 2309 is Greenwich mean time
7 not Central time; is that correct?

8 MS. KARIS:

9 That's correct.

10 MR. GODWIN:

11 Time is not an issue with me,
12 Judge. I'm just reading it to show that it
13 was on the face of the document, but I
14 understand the point.

15 JUDGE ANDERSEN:

16 Particularly with other emails
17 that we've had, if people want to put them
18 together, the time could be significant. I
19 was looking at this thinking this hearing is
20 going to end early as compared to how late
21 Mr. Walz was working that night. Now I find
22 out it was noon.

23 EXAMINATION BY MR. GODWIN:

24 Q. If you will, Mr. Sprague, go over
25 to Page No. 2, No. 2 at the bottom. If you

1 will just follow along and we will try to
2 read the pertinent parts and you tell me if
3 I read it incorrectly rather than go through
4 all of it. But this is talking about key
5 topics and it says: The decision is to set
6 liner versus long string for, quote, deeper
7 well objective. Did I read that correctly?

8 A. Yes.

9 Q. You go on over now to Page No. 7.
10 Here it looks like a graph here, a printout,
11 and it shows different depths in the well,
12 does it not?

13 A. Yes, it does.

14 Q. And read there what it says with
15 the word possible, read that sentence
16 through in its entirety.

17 A. "Possible or even likely low FG
18 sand loss zone somewhere in the section."

19 Q. What does FG stand for?

20 A. Frac gradient.

21 Q. And then turn to the next page,
22 No. 8. And read there what is typed out
23 there next to that pictorial.

24 A. Suspect that loss zone for major
25 loss event.

1 Q. Major loss event. Now, when you
2 received this email from Gregg Walz, did you
3 ask him what he meant by a major loss event
4 as written here on this Page No. 8?

5 A. No.

6 Q. You did not?

7 A. No. But I was aware of what had
8 happened.

9 Q. What was it, sir?

10 A. We had loss returns.

11 Q. And major -- tell us -- put that
12 in context, what does major mean in the
13 context of this email?

14 A. I think it's several hundred
15 barrels of losses.

16 Q. And at what depth was that?

17 A. I can't read it, but it was --

18 Q. Something over 18,200?

19 A. Yes.

20 Q. It looks like it to me. It is
21 very small print.

22 Go to Page No. 9, if you will,
23 please. And if you will read that page
24 there, it's just about six or seven lines.
25 Read that in its entirety into the record,

1 please?

2 A. "Long string of nine and
3 seven-eighths by seven-inch casing was the
4 primary option. Cement simulations
5 indicated it is unlikely to be a successful
6 cement job due to formation breakdown.
7 Unable to fulfill MMS regulations of
8 500 feet of cement above top hydrocarbon
9 zone. Go up to B17803. Open annulus to
10 wellhead with hydrocarbon zone open to nine
11 and seven-eighths. The seal assembly is on
12 a barrier. Potential need to verify bond
13 log and perform remedial cement job prior to
14 temporary abandonment or obtain BP
15 dispensation."

16 Q. When you received this email from
17 Mr. Gregg Walz, did you disagree with any
18 part of Page 9?

19 A. Yes. Essentially the statement
20 about open annulus to the wellhead with
21 hydrocarbon zone if opened at nine and seven
22 and seal assembly would only apply if we did
23 have loss returns. It wasn't clear in that
24 statement.

25 Q. Was that to be the only -- if you

1 were going to use -- would that be the only
2 barrier, the seal assembly going up through
3 the annulus?

4 A. No. We cement, mud and then the
5 seal assembly were barriers.

6 Q. It says that as of this date, the
7 13th of April, the long string was the
8 primary option and that, in fact, had been
9 the case since March 12 to 22 in that time
10 frame?

11 A. Actually since the beginning of
12 the well.

13 Q. And the primary option and it
14 said: The cement simulations indicated it
15 was unlikely to be a successful cement job
16 due to formation breakdown.

17 A. That's correct.

18 Q. Now go to the next page, if you
19 will, please, No. 10 and follow up here with
20 me as I read this and try to go through it
21 quickly: Seven-inch liner with seven-inch
22 by nine and seven-eighths crossover times 11
23 and seven-eighths VersaFlex hanger is now
24 the recommended option. Less issue with
25 landing it shallow, we can also ream it

1 down. Liner hanger acts as second barrier
2 for -- is that hydrocarbons in annulus?

3 A. Yes.

4 Q. "Primary cement job has slightly
5 higher chance for successful cement lift due
6 to lower ECD. Remedial cement job is
7 required, easier to justify to be left for
8 later." Did I read that correctly?

9 A. Yes.

10 Q. So then, as of the 13th it was
11 stating that it appeared --

12 A. Can I make a point?

13 Q. Yes, sir, please.

14 A. I don't believe the second
15 subbullet, the liner hanger acts as a second
16 barrier for hydrocarbon in annulus. It's
17 just a deeper barrier with the liner hanger
18 packer replacing the seal assembly
19 essentially with the liner hanger and the
20 packer.

21 Q. Did you tell Mr. Walz that you
22 disagreed with that second bullet point?

23 A. I can't remember.

24 Q. Either by email or by phone or in
25 person?

1 A. I can't remember telling him that.

2 Q. Going back briefly to the
3 preceding Page No. 9, when you said there
4 you disagreed with one of the points there,
5 the open annulus to the wellhead as the only
6 barrier, did you tell Mr. Walz in any form
7 that you disagreed with that bullet point?

8 A. I don't think I did.

9 Q. Thank you, sir. So it appears,
10 then, as of the 13th of April that the
11 decision was made by BP, with you and
12 others, that the liner hanger was going to
13 be the recommended option in the well,
14 correct?

15 A. That's correct.

16 Q. On the 13th. And it talked about
17 there the remedial job was easier to justify
18 to be left for later if needed, correct?
19 That was on the last bullet point there on
20 Page 10.

21 A. Yes, that's what it says.

22 Q. Now, we go over to Page 11 and
23 here it says: Plug open hole and TA well,
24 and that's temporary abandon for TA?

25 A. Yes.

1 Q. "And minimize cost forward and
2 MPT." What does that mean?

3 A. That meant we had the option to
4 plug the hole at the time and temporary
5 abandonment and come back and run the pipe
6 later.

7 Q. Were you and Mr. Sims and Mr. Walz
8 all in agreement on the 13th of April to use
9 the liner hanger as opposed to the long
10 string?

11 A. I believe that's true, yes.

12 Q. Was there anybody who voiced any
13 disagreement of the group you were speaking
14 with?

15 A. No.

16 Q. Thank you. Now, if you will, I
17 have given you here a document, and for
18 those that don't have the document, I'm
19 going to read the Bates number, sir. The
20 Bates No. is BP-HZN-MBI00143259 and it is a
21 three-page document ending with 143261. Do
22 you have the document in front of you, sir?

23 A. Yes.

24 Q. Now, this document was dated
25 April 14, 2010, was it not?

1 A. Yes.

2 Q. By Mr. Mark Hafle?

3 A. Yes.

4 Q. And it, in fact, shows there at
5 the bottom of the page under the level one
6 reviews, the review for engineering
7 operations, engineering authority and asset,
8 it shows you as the responsible party for
9 the engineering authority, does it not?

10 A. Yes.

11 Q. And it shows you as -- it shows
12 completed by, over to right, Jonathan
13 Sprague, it shows your name there also, does
14 it not?

15 A. Yes.

16 Q. Now, this document, it's very hard
17 to read, so I'm going to try to read it and
18 you follow along with me. This document by
19 Mr. Mark Hafle starts out: As the time of
20 production casing for Macondo, that's
21 referring to a long string, is it not, sir?

22 A. Yes.

23 Q. So one day after the decision was
24 made that a liner hanger was going to be
25 used, a decision is now being made,

1 according to this drilling and completion
2 MOC initiative, that a long string is going
3 to be used; is that what it says, sir?

4 A. Yes.

5 Q. And if you will, go down with me
6 to under the scope, it says: The current
7 plan -- I'm not going to read all of it, I'm
8 just going to read complete sentences of
9 those portions, so follow with me: The
10 current plan we are seeking approval for is
11 to run a tapered long string of nine and
12 seven-eighths, seven-eighths by seven-inch
13 production casing. Did I read that
14 correctly?

15 A. Yes.

16 Q. "If the wellbore conditions
17 deteriorate (additional losses, wellbore
18 stability, hole fill, et cetera) during the
19 planned conditioning trip then the
20 recommendation will be made to run a liner
21 instead of a long string."

22 A. Yes.

23 Q. It goes on further down three
24 lines later, it says: The long string
25 provides the best economic case and well

1 integrity for future completion operations.

2 A. Yes.

3 Q. What was meant there by best
4 economic case, the one with the long string?

5 A. Well, the long string actually was
6 more expensive to run than the liner
7 initially, but when we come back to
8 complete, as it typically is the turn
9 tieback and complete later, we would run a
10 tieback, tie back the liner.

11 Q. Okay.

12 A. Okay? And back to the wellhead.
13 Now, that would add additional costs to the
14 well, but that cost is insignificant because
15 it is a keeper well. And our concern was
16 with long term well integrity and
17 introduction of the tieback. Tiebacks are
18 complicated and we have had a number of
19 leaks with them. So what this was trying to
20 indicate was that the long string had better
21 well integrity with less chance for leaking
22 and less complications during the
23 completion, but it did acknowledge that it
24 was cheaper by seven to \$10 million.

25 Q. And there was -- you said that it

1 was likely to be more successful. Now going
2 back, if you will, very briefly to
3 Page No. 9 of the first exhibit I gave you
4 there, the document, it says: Cement
5 simulations indicate it is unlikely to be a
6 successful cement job due to formation
7 breakdown.

8 A. That's what it said on the 13th,
9 yes.

10 Q. Did you disagree with that?

11 A. At that time, no.

12 Q. Thank you, sir. Now, let's go
13 forward in the same document you have there,
14 the one for the 14th. It says: The liner,
15 if required, is also an acceptable option
16 but will add an additional seven to
17 \$10 million to the completion cost, correct?

18 A. Yes.

19 Q. At the time of April 14, was this
20 well already about \$40 million over budget?

21 A. I don't know the exact number. I
22 do know it was over budget.

23 Q. Was it in the millions of dollars
24 over budget?

25 A. Yes.

1 Q. And it was several days -- they
2 had been on that well by several days longer
3 than was planned?

4 A. Yes.

5 Q. We go on down further, so if you
6 are going to use, then, the long string, at
7 least according to this document, the
8 liner -- you would save seven to \$10 million
9 by using the long string as compared to the
10 liner?

11 A. Yes.

12 Q. According to the document.

13 A. Not at this time, but when we came
14 back to complete.

15 Q. Ultimately?

16 A. Yes.

17 Q. We go on down further with the
18 document. It shows an arrest mitigation,
19 lost circulation during the cement job. It
20 says: There have been two lost circulation
21 events in this hole section. We have
22 already seen those earlier, did we not,
23 where one was the major?

24 A. Yes.

25 Q. It goes on to say: Losses for

1 this event were cured with Form-A-Set and MW
2 reduction. Since that second event we have
3 been using a 14.5 arbitrary frac gradient
4 and we are attempting to abide by. Based on
5 actual circulating conditions, we have put
6 the wellbore under since having losses and
7 fixing them. And then it says the
8 following: The cement job has been designed
9 to minimize the ECD as low as practical,
10 correct?

11 A. That's correct.

12 Q. Foam cement light-weight spacer
13 and a small base of spacer along with low
14 pump rates will be used together to keep the
15 ECD below an acceptable level.

16 A. That's correct.

17 Q. Okay, sir. Did you agree with all
18 that when you received this document and
19 reviewed it?

20 A. Yes.

21 Q. And then it goes on, it shows if
22 losses occur during a cement job, and it
23 talks about doing remedial efforts if there
24 were losses, does it not, in that last
25 paragraph there?

1 A. Yes.

2 Q. So from the -- in a one-day period
3 from the 13th of April to the 14th of April,
4 a decision was made to go from long string
5 to a liner, long string to a liner, and then
6 back to a long string?

7 A. That's correct.

8 Q. Now, you said that there had been
9 discussions with somebody at Halliburton
10 regarding the -- or had there been, to your
11 knowledge, regarding the possibility that
12 the cement would be a good job in that time
13 frame of April 13 and 14?

14 A. Yes. I was told Brian Morel was
15 working with Halliburton to redo the
16 OptiCem -- rerun the OptiCem model.
17 Halliburton said the OptiCem model had
18 indicated that we could circulate the long
19 string.

20 Q. Based on a number of parameters
21 set forth in the OptiCem, were you told
22 that?

23 A. I don't remember. I may have
24 been.

25 Q. Well, just thinking it through

1 here with me, the OptiCem obviously included
2 information pertaining to ECDs?

3 A. Right.

4 Q. It pertained to centralizers?

5 A. That part I wasn't aware of.

6 Q. Right. But there were a number of
7 factors and things that were in the OptiCem
8 that you discussed?

9 A. Yes.

10 Q. Were you aware that on the morning
11 of the 15th of April that after the decision
12 has been made to go back to a long string,
13 that Jesse Gagliano with Halliburton spoke
14 to two of your engineers there, Mr. Hafle
15 and I believe Mr. Cocales, and told them
16 that using the long string that there was
17 going to be a problem with gas flow
18 potential?

19 A. No.

20 Q. You did not know that?

21 A. I did not know that.

22 Q. Are you aware that on the 15th of
23 April that those gentlemen there at BP, the
24 engineers, they told Mr. Gagliano at
25 Halliburton: Go back and give us a model

1 that you think will work that will allow us
2 to use the long string and go down with
3 minimal problems insofar as gas flow
4 potential problems; were you aware of that?

5 A. No.

6 Q. So then are you telling the Panel
7 and others that you participated in the
8 decision on the 13th to go from a long
9 string to a liner and then went right back
10 on the 14th, one day later, and reversed
11 that decision and went from a liner back to
12 a long string believing that it was going to
13 work in the well and that you would get a
14 good cement job, right?

15 A. Yes.

16 Q. And then a day later, when there
17 has been testimony that the liner would not
18 work unless certain things were done, i.e
19 centralizers, that you knew nothing about
20 those conversations on the 15th; is that
21 your testimony?

22 A. Yes, it is.

23 MS. KARIS:

24 If I can interrupt. I'm going to
25 object to what the testimony has been,

1 whether there has been any testimony that
2 the liner or long string would have worked.
3 This witness can answer to the extent that
4 he knew, but I do object to what the
5 testimony has been.

6 EXAMINATION BY MR. GODWIN:

7 Q. Sir, are you --

8 JUDGE ANDERSEN:

9 I will sustain the objection, but
10 you may restate the question or state it
11 again. There are enough variables in there,
12 so I'm not sure. And also, his testimony is
13 his testimony, so if you want to give him a
14 chance to change it, you could ask the
15 question. But if you like the way it's
16 been, you can let it sit there and later on
17 the Board will consider the testimony.

18 EXAMINATION BY MR. GODWIN:

19 Q. Sir, we know what you said as of
20 the 13th, no reason to go back on that. We
21 know what you said on the 14th, no reason to
22 rehash that. My question is: On the 15th
23 of April, the engineers working under you,
24 specifically under your ultimate direction,
25 Mr. Hafle, Mr. Walz, Mr. Coteles, did any of

1 them tell you that they had talked to Jesse
2 Gagliano about yet another OptiCem model?

3 A. I don't remember them telling me
4 that.

5 Q. And them saying: Go back and give
6 us another model and something that you,
7 Halliburton, think will work; did they tell
8 you that?

9 A. I don't remember them telling me
10 that.

11 Q. Okay, sir. And would you have
12 expected from them that if the OptiCem model
13 was going to change, and that you had been
14 involved in those discussions on the 13th
15 and 14th, would you have expected that they
16 would have told you about a subsequent
17 OptiCem model if one was asked for and
18 prepared?

19 A. If it made a difference to the
20 ultimate decision, yes, I would have
21 expected them to.

22 Q. Thank you, sir. Now, are you
23 aware that on the 18th of April there was
24 yet another OptiCem model prepared by Jesse
25 Gagliano at Halliburton?

1 A. No. I was not, until after the
2 incident.

3 Q. Until after the incident. Okay.
4 And would you have likewise expected that if
5 the OptiCem that was prepared by Halliburton
6 on April 18 and sent to these gentlemen I
7 have referenced as well as others, if it had
8 made a difference in the earlier OptiCem or
9 OptiCems that you were aware of, would you
10 have expected your engineers to have told
11 you about it?

12 A. If it would have made a difference
13 between a decision between a long string and
14 a liner?

15 Q. And how about the gas flow
16 potential?

17 A. Would I want it know about that?

18 Q. Yes.

19 A. Yes, sir.

20 Q. Thank you, sir. And you are
21 telling us, though, that you knew nothing
22 about those later OptiCems?

23 A. I don't remember ever having
24 information about those.

25 Q. Even as we sit here today, have

1 you spoken with any of the engineers working
2 there under your direction about the
3 OptiCems Halliburton prepared on April 15
4 and April 18?

5 A. I actually got -- I think I got a
6 copy of the report after the incident.

7 Q. Yes, sir.

8 A. And I don't know which OptiCem
9 model it was, but I think I may have asked
10 for -- to see an OptiCem report after the
11 incident. I can't remember.

12 Q. You, in fact, got a copy of the
13 OSHA report, did you not, on April 20?

14 A. Yes, I did.

15 Q. And it referred to the earlier
16 OptiCems, did it not?

17 JUDGE ANDERSEN:

18 Obviously --

19 MR. GODWIN:

20 I'm not going to go into the post
21 job. He is just talking about he received
22 it, Your Honor.

23 JUDGE ANDERSEN:

24 You don't need to create a memory.
25 If you can't remember one or the other or

1 either or when, you can let us know that.

2 We are familiar with the reports.

3 MS. KARIS:

4 Your Honor, I'm sorry for
5 interrupting again, but I must say that BP
6 made a submission to this Panel in advance
7 of this hearing regarding some Halliburton
8 cement testing that it did not have
9 knowledge of or awareness at the time that
10 Halliburton's witnesses testified or the
11 time that several other witnesses testified.
12 We were told by this Panel that that
13 submission was not going to be accepted at
14 this time because cementing was not going to
15 be the subject of this round of hearings.
16 And as a result, those exhibits and those
17 submissions were not part of this record.

18 It seems to me that at a minimum
19 that door has been thrown wide open. There
20 has been plenty of testimony regarding
21 cementing. And we would again make a
22 proffer to submit to this Panel Halliburton
23 testing that we have only very recently
24 become aware of as a result of the
25 Presidential Commission's work and findings,

1 that were never made available to BP.

2 And so, when all these questions
3 are asked about what Mr. Sprague would have
4 expected and wanted of his personnel, I
5 think it's fair to be able to inquire as to
6 what Mr. Sprague's personnel should have had
7 access to from Halliburton that we offered
8 to make available.

9 JUDGE ANDERSEN:

10 Let's recess, Mr. Mathews.

11 MR. MATHEWS:

12 I can address it real quickly.
13 When was that stuff submitted to the Board?
14 Thursday night?

15 MS. KARIS:

16 It may have been last Thursday,
17 but it was at the same time that several
18 other exhibits were submitted.

19 MR. MATHEWS:

20 A lot of those exhibits we had
21 seen or previously seen. We had never seen
22 those and we had not had time to prepare any
23 questions for those. I assure you there
24 will be testimony in the last hearing with
25 Dr. Ravi and possibly others to testify on

1 cement. The Board didn't release them
2 because we didn't feel comfortable without
3 knowing what was in those documents to
4 release them to the PIIs at this time.

5 MS. KARIS:

6 Understood. I just want to make
7 clear that these issues on cementing, we
8 were told cementing wouldn't be a subject --
9 in fact, I think that's what it said, it
10 wouldn't be a subject of testimony.

11 MR. MATHEWS:

12 I don't know how much cementing is
13 being discussed and if he has seen an
14 OptiCem model or post-op report. I think
15 the analysis of the cement job and how it
16 was designed is what we were discussing.

17 MS. KARIS:

18 Fair enough. I just want to make
19 sure that if this is fair grounds for asking
20 Mr. Sprague whether his engineers should
21 have, or whether he would have expected his
22 engineers to go back to him with this
23 information, and I want to make sure I'm not
24 precluded from asking him whether he would
25 expect that his engineers would have been

1 given all of the information by Halliburton
2 that they would have needed in order to make
3 an informed decision, including testing that
4 may have shown that this slurry was not
5 going to pass, that Halliburton was aware of
6 but BP was not.

7 JUDGE ANDERSEN:

8 You have a good point.

9 MR. GODWIN:

10 Can I go forward, Judge?

11 JUDGE ANDERSEN:

12 Sure. And I gather as a practical
13 matter what the experts on the Board are
14 going to take a look at those studies and
15 they will be very likely part of our future
16 discussions whenever we have another
17 hearing.

18 MR. GODWIN:

19 We certainly, Your Honor, would
20 invite testimony regarding the cementing and
21 the testing and the design, all of that, is
22 subject to this hearing. We did provide the
23 documents. We did not ask that they not be
24 provided to anyone or not posted, so that's
25 where we are, so we will cover that.

1 EXAMINATION BY MR. GODWIN:

2 Q. But anyway, so now -- you said
3 that on the 15th of April you also met with
4 some of the folks at BP. You said on the
5 13th you met and the 14th you had a
6 conference call, and you said the 15th. Was
7 I mistaken?

8 A. On the 15th I had a meeting with
9 Mr. Walz and Mr. Cunningham.

10 Q. And if you will, tell us on the
11 15th -- my notes say -- show here that you
12 said on the 15th you met to discuss cement
13 design?

14 A. We met to discuss the high
15 level -- the overall cement program.

16 Q. And that was on the 15th?

17 A. Yes.

18 Q. Well, tell us what was discussed
19 between and among you three gentlemen on the
20 15th of April.

21 A. Okay. I asked Mr. Walz and
22 Mr. Cunningham if they were comfortable that
23 we would be able to successfully cement the
24 long string as effectively as we could the
25 liner.

1 Q. Right.

2 A. And they said yes.

3 Q. Okay.

4 A. Also I --

5 Q. Was Mr. Cunningham comfortable
6 with that?

7 A. Yes.

8 Q. He is the cementing expert in BP?

9 A. Yes, he is.

10 Q. Okay, sir, go ahead.

11 A. I also asked both of them if
12 Mr. Walz and his team and Mr. Cunningham
13 were comfortable with the cement slurry that
14 was proposed.

15 Q. What did they say?

16 A. They both said yes.

17 Q. Anything further?

18 A. No. That was pretty much the two
19 big items.

20 Q. Did you say that you were involved
21 with the relief well?

22 A. Yes, sir.

23 Q. What role did you play with that?

24 A. Engineering manager.

25 Q. And was Halliburton involved there

1 on that well?

2 A. Yes, sir.

3 Q. And did it do the cementing on
4 that relief well or wells?

5 A. Yes, it did.

6 Q. And was there any part of the
7 cement work done on the two relief wells
8 foam cement?

9 A. I think the top were done foam
10 cement.

11 Q. Let me change subjects and very
12 briefly the last subject, and that is this,
13 you said that during the static kill which
14 we are talking about now, that the seal
15 assembly did not move. You said the work
16 was done and looking at the well, the
17 Macondo, and the Macondo you all determined
18 the seal assembly did not move. Did I
19 remember that correctly?

20 A. Well, there was evidence from the
21 static kill and the cementing, as well as
22 after the static kill where we were doing
23 the open hole, we did a sub ambient test on
24 it. And then when we actually did the P&A,
25 the plug and abandonment of the blowout and

1 the relief well, there was evidence to
2 indicate that the casing hanger and seal
3 assembly did not lift.

4 Q. And did you personally make that
5 observation, or were you told that by
6 someone?

7 A. I had firsthand knowledge of all
8 of the operations that were conducted to
9 determine that and I was involved in the
10 static kill as well as the P&A of the No. 1
11 well.

12 Q. Was the seal assembly retrieved
13 and brought to the surface?

14 A. Yes.

15 Q. And you said that the crossover
16 was never retrieved?

17 A. That's right.

18 Q. Was there efforts made to retrieve
19 it?

20 A. We were going to try to retrieve
21 it, but we were never able to get down far
22 enough inside of the nine and seven-eighths
23 to cut the casing deep enough.

24 Q. Was any of the casing retrieved?

25 A. Yes.

1 Q. How many feet?

2 A. I can't remember exactly, but
3 several thousand.

4 Q. And I believe you said -- you were
5 asked your opinion by other lawyers here
6 today as to how the gas escaped and got to
7 the surface. You said your opinion was that
8 it came through the reservoir, through the
9 shoe track, through the float collar up the
10 casing through the riser to the surface?

11 A. Yes.

12 Q. That's what you said?

13 A. Yes.

14 Q. Since you didn't receive -- since
15 the crossover was never retrieved -- let me
16 ask you this. When you say you formed that
17 opinion as to where the gas, how it came up
18 through the casing, did you make any efforts
19 to determine if the gas came up through the
20 annulus, in through the crossover or a break
21 in the casing, and on up the casing through
22 the float collar and into the riser? Did
23 you personally make any efforts to determine
24 if that was a possibility of what happened?

25 A. Yes, because what we did was when

1 we intersected the annulus with the relief
2 well --

3 Q. Yes, sir.

4 A. -- we were above the reservoir and
5 now we are into the open annulus on the
6 No. 1 well. Had the crossover failed, oil
7 and/or gas would have entered the annulus
8 and then tried to go up or down. We had no
9 evidence of any oil or gas being in that
10 annulus when we intersected with the relief
11 well. And we had no evidence of any oil or
12 gas being in that annulus after we cut the
13 casing and circulated that fluid out. It
14 was synthetic-based mud.

15 Q. Well, not being able to retrieve
16 the crossover and actually see it as you did
17 with the seal assembly, do you believe that
18 it was a possibility that the gas could have
19 come up the annulus, through the crossover
20 and up the casing and up through the riser?

21 A. No, I do not. And another piece
22 of information is when we did the static
23 kill, and the cementing from the static
24 kill, we took the -- we opened up -- I think
25 we did a 48-hour subambient test where we

1 exposed it -- near ambient test is what we
2 called it, where we exposed it through the
3 hydrostatic of the sea. And had there been
4 hydrocarbon flowing out the crossover and in
5 that annulus, the hanger, based on
6 calculations done, should have lifted and it
7 never did. So there was virtually -- we did
8 not retrieve the crossover, but there is no
9 indication, any other evidence to suggest
10 that hydrocarbon ever got in that annulus.

11 Q. Are you aware that it took nine
12 attempts to set the float collar?

13 A. I was after the fact.

14 Q. Did you look at the possibility
15 that the casing was damaged and perforated
16 during those attempts to set that float
17 collar as a possibility of allowing
18 hydrocarbons to get into the casing through
19 a break or puncture?

20 A. We discussed that.

21 Q. It was discussed?

22 A. Yes.

23 Q. You could not rule it out, because
24 you didn't retrieve all the casing, did you?

25 A. Well, at the time, before we had

1 all the other evidence, we thought it was a
2 possibility. But given the evidence again
3 from the relief well, the seal assembly,
4 circulating out that annulus and cutting the
5 casing, there is no evidence to support that
6 that could have happened.

7 MR. GODWIN:

8 Thank you, sir.

9 Thank you, Your Honor.

10 JUDGE ANDERSEN:

11 Thank you, very much.

12 Okay, Cameron?

13 COUNSEL REPRESENTING CAMERON:

14 No questions.

15 JUDGE ANDERSEN:

16 M-I SWACO?

17 COUNSEL REPRESENTING M-I SWACO:

18 No questions, Your Honor.

19 JUDGE ANDERSEN:

20 Weatherford?

21 COUNSEL REPRESENTING WEATHERFORD:

22 No questions.

23 JUDGE ANDERSEN:

24 Anadarko?

25 MS. KIRBY:

1 Briefly.

2 EXAMINATION BY MS. KIRBY:

3 Q. Mr. Sprague, my name is Ky Kirby.
4 I represent Anadarko obviously, as well as
5 MOEX Offshore. I would like to return very
6 briefly to the management of change document
7 that you were just testifying about a moment
8 ago, which begins with Bates No.
9 BP-HZN-MBI00143259.

10 This particular MOC, while dated
11 April 14, was actually one that was not
12 approved; is that right?

13 A. Yes.

14 Q. There was one that was identical
15 to this that was approved, correct?

16 A. It wasn't identical, but it was
17 pretty close.

18 Q. How was it different?

19 A. Approval levels -- approvers, I'm
20 sorry, reviewers and approvers, the names.

21 Q. And you were one of the approvers?

22 A. Yes.

23 Q. And that was on the management of
24 change form that actually was finally
25 approved, correct?

1 A. Yes.

2 Q. And on this form there was, or on
3 the form that was finally approved there was
4 indeed a decision tree attached, correct?

5 A. Yes.

6 Q. And according to the MOC, that was
7 approved. Effectively it said: Right now
8 we want to go with a long string but if we
9 have trouble with well stability, the hole
10 conditions deteriorate or so on, then we are
11 going to revisit and we are going to
12 recommend the liner, correct?

13 A. That was going to be based on the
14 conditioning trip after the logging job,
15 yes.

16 Q. So in other words, you couldn't
17 really know until you did the conditioning
18 trip what it was you were going to do,
19 correct?

20 A. Yes. We wanted to use the latest
21 possible data.

22 Q. Now, you said that you assumed
23 your position as drilling engineering
24 manager for the Gulf of Mexico on April 14;
25 is that right?

1 A. That's correct.

2 Q. Did you have a transition period
3 into that job beforehand?

4 A. I had had informal conversations
5 with Mr. Walz and Mr. Sims prior to that,
6 just to try to get up to speed with the
7 well.

8 Q. And, in fact, you were talking
9 earlier with Mr. Godwin about conversations
10 on April 13, right?

11 A. That's correct.

12 Q. So you were already beginning to
13 become involved with the Macondo well,
14 right?

15 A. That's correct.

16 Q. And, in fact, you were in the loop
17 on some reports back when the Macondo well,
18 in March of 2010, had a level two well
19 control event, right?

20 A. Yes, I was.

21 Q. Why were you in the loop, let me
22 ask you that?

23 A. Yes. We have a well control
24 response guy that outlines a response and
25 notifications. It's a new document for

1 different levels of well control and the
2 response and who should be notified, and
3 also outlines roles and responsibilities for
4 the persons involved, and so that's why I
5 was notified.

6 Q. And your role and responsibility
7 was what?

8 A. Was engineering authority.

9 Q. So you were essentially keeping an
10 eye on what was being done on the Macondo
11 well during that event?

12 A. Yes, I was.

13 Q. Is it fair to say that you are
14 familiar with the -- what is lovingly called
15 the DWOP in this proceeding?

16 A. Yes.

17 Q. That is the drilling and well
18 operations practice manual?

19 A. Yes.

20 Q. The procedures that are outlined
21 in that manual are identified by BP as
22 critical procedures; is that true?

23 A. It's a policy.

24 Q. Does the DWOP itself actually
25 state that the procedures it outlines are

1 critical to achieving the company's goals of
2 safety, avoidance of harm to the
3 environment, and so on?

4 A. They are not procedures. They are
5 policy statements.

6 Q. But does it say those policy
7 statements, or following those policies are
8 critical, correct?

9 A. Yes.

10 Q. And indeed, the DWOP sets out
11 policies that are considered mandatory for
12 people to follow by using the word "shall,"
13 right?

14 A. That's correct.

15 Q. And then those that are preferred
16 or recommended are identified by using the
17 word "should," right?

18 A. Yes.

19 Q. You, I understand, have not had an
20 opportunity to go back and interview some of
21 the folks on your team because they are on
22 administrative leave, correct?

23 A. Yes.

24 Q. What folks are those?

25 A. Mark Hafle and Brian Morel.

1 Q. And you have talked to Gregg Walz;
2 is that true?

3 A. About what?

4 Q. About what happened, about the
5 event leading up --

6 A. Oh, okay.

7 Q. How about Brett Cocalles?

8 A. Yes.

9 Q. In the course of doing that, were
10 you attempting to identify whether or not
11 there were any DWOP violations or
12 deviations?

13 A. I don't remember if I asked those
14 two gentlemen if there were DWOP
15 dispensations.

16 Q. Let's go back for a moment to the
17 slides that Mr. Godwin, I believe, was
18 showing you with regard to the
19 recommendation, at least for a while, to go
20 to the liner types. You recall those
21 slides, right?

22 A. The liner versus long string?

23 Q. That's right.

24 A. Yes.

25 Q. Do you recall what the target top

1 of cement was for that job?

2 A. I think it was 17,260, but I'm not
3 certain.

4 Q. But it was 500 feet -- was it
5 500 feet?

6 A. That was going to be the plan,
7 yes.

8 Q. 500 feet above the hydrocarbon
9 bearing zone?

10 A. Right.

11 Q. Now, do you know what the DWOP
12 says about where the top of cement should
13 be?

14 A. Actually, the DWOP does reference
15 top of cement. That's contained within the
16 engineering technical practice.

17 Q. And is that, in fact, under the
18 section of significant risk in the DWOP?

19 A. Yes.

20 Q. What does the DWOP say about that
21 very issue?

22 A. I would like to see the ETP for
23 zonal isolation, if you have it.

24 Q. I have this right here with me.

25 MS. KIRBY:

1 May I approach, Your Honor?

2 JUDGE ANDERSEN:

3 Sure.

4 EXAMINATION BY MS. KIRBY:

5 Q. If I can just point you to the
6 page or the section, it would be page B-52?

7 A. I'm sorry?

8 Q. Page B-52, at the end. Bates
9 No. 130888. And I would like to point you
10 further to the paragraph titled Design
11 Criteria, 26.1.3.

12 A. Okay.

13 Q. Now, in the case of the Macondo
14 well cement job, which of these criteria
15 applied?

16 A. There is actually some additional
17 data within our ETP. This is not complete.
18 The team would have been going and using the
19 engineering technical practice 1060 for
20 zonal isolation, because there is
21 additional -- it says refer to ETP1060, so I
22 really need that document to clarify.

23 Q. So you are not able to tell me
24 whether per the DWOP the cement should have
25 been a thousand feet above the hydrocarbon

1 bearing zones, because no cement bond log or
2 other method of validation was performed?

3 A. No.

4 Q. You have no idea?

5 A. No. I have an idea.

6 Q. Okay.

7 A. I need the ETP GP1060, so that I
8 can convey what is contained there. And, in
9 fact, we were going to run a cement bond log
10 when we came back to complete. There is not
11 a requirement to run a cement bond log for
12 temporary abandonment in our zonal isolation
13 1060.

14 Q. What you are saying is that
15 particular design criteria hadn't been fully
16 kicked in yet, because you hadn't had the
17 opportunity to finish the cement bond log,
18 which you would have done when you came
19 back; is that it?

20 A. No. What I was saying in order to
21 answer your question and be sure I'm making
22 an accurate answer, I need to refer to
23 GP1060, which has additional specifications
24 of what zonal isolation is required for
25 temporary abandonment.

1 Q. In the course -- you were aware
2 that the DWOP says that all risks associated
3 with drilling and well operations are to be
4 managed to a level which is as low as
5 reasonably practical, correct?

6 A. Yes.

7 Q. From what you have looked at in
8 connection with this event, was that policy
9 adhered to?

10 A. Which one?

11 Q. The DWOP requirement that all
12 risks be managed to a level which is as low
13 as reasonably practical?

14 A. I think so.

15 Q. Now, when you took on your current
16 position, did you have any concerns or
17 issues with the wells team leader,
18 Mr. Guide?

19 A. In terms of skills, capability?

20 Q. Competence, ability to perform?

21 A. No.

22 Q. Do you recall being interviewed by
23 the Bly investigative team on July 7, 2010?

24 A. Yes.

25 Q. And who were you interviewed by?

1 A. Mr. Robinson and Mr. Corser.

2 Q. Do you recall telling them that
3 you had a sense that John Guide had some
4 issues, and you asked David about John and
5 David said he will be okay?

6 A. Yes, I remember that.

7 Q. What did you mean by that
8 statement?

9 A. I was concerned that John may not
10 be comfortable with the new organization,
11 and so I had asked David that and David
12 said, no, that's not the case.

13 Q. New organization as in having a
14 new boss and that kind of thing?

15 A. Right. Because David and
16 Mr. Guide were peers and now David was his
17 boss.

18 MS. KIRBY:

19 Thank you. That's all I have.

20 JUDGE ANDERSEN:

21 Dril-Quip?

22 COUNSEL REPRESENTING DRIL-QUIP:

23 No questions.

24 JUDGE ANDERSEN:

25 James Harrell?

1 EXAMINATION BY MR. FANNING:

2 Q. Good evening, Mr. Sprague. My
3 name is Pat Fanning. I represent Jimmy
4 Harrell. You have already said that you
5 know Jimmy, so I'm not going to ask you
6 that.

7 A. Yes, I know Jimmy.

8 Q. I wanted to ask you, you had an
9 exchange with Captain Nguyen, it seems like
10 hours ago.

11 JUDGE ANDERSEN:

12 That's because it was.

13 EXAMINATION BY MR. FANNING:

14 Q. About Jimmy and Randy Ezell and
15 others perhaps testifying that they did not
16 have a full awareness of well control. Do
17 you remember that conversation?

18 A. Yes.

19 Q. Is that a term of art used in your
20 industry, full awareness of well control?
21 Are you familiar with that term?

22 A. We are certified in well control.

23 Q. I know, but full awareness is what
24 I'm talking about.

25 A. I hadn't heard that before.

1 Q. Well, do you have -- since you
2 were engaged in that discourse with Captain
3 Nguyen earlier, do you have some idea in
4 your head of what that means, full awareness
5 of well control?

6 A. To me, it would mean -- what I
7 interpreted was -- at the time I was
8 thinking that Captain Nguyen was asking me
9 about did they have the skills to execute
10 well control.

11 Q. So you took it as, generally
12 speaking, did they have knowledge of well
13 control and the ability to perform well
14 control functions in a general sense?

15 A. Yes.

16 Q. You did not take it to mean that
17 on April 20 Jimmy did not have full
18 awareness of well control?

19 A. I had no knowledge of that being
20 the case, so that's correct.

21 Q. So you were just talking in a
22 general sense?

23 A. Yes.

24 Q. Do you have some opinion about
25 whether or not Jimmy Harrell has good skills

1 and training in well control?

2 A. I think he does.

3 Q. And do you have any reason to
4 believe that Jimmy Harrell failed to
5 discharge his duties as offshore
6 installation manager on the rig on April 20
7 or any time before that?

8 A. I have no reason to believe that.

9 Q. Let me ask you quickly about the
10 negative test. I thought I heard you say
11 that the DEEPWATER HORIZON had been working
12 for BP for years and you would have thought
13 they had a procedure for a negative test; is
14 that correct?

15 A. Yes.

16 Q. Well, in fact, BP set out a
17 procedure for the negative test in its
18 application for permit to drill and
19 modification, didn't it?

20 A. I learned that after the incident,
21 yes. I wasn't aware of it at the time of
22 the incident.

23 Q. You know that now?

24 A. I'm sorry. The Transocean lawyer
25 showed me that.

1 Q. And you saw documents earlier that
2 showed you that BP on the shore, in fact,
3 sent the procedure to the rig --

4 A. Yes.

5 Q. -- for them to follow?

6 MR. CLARKE:

7 Your Honor, I am just going to
8 object, that I think it's assuming facts not
9 in evidence. BP said a test should be
10 conducted. Whether or not that constituted
11 the, quote, procedure I think is open to
12 interpretation.

13 MS. KARIS:

14 And I think it misstates the
15 evidence that BP sent onto shore.

16 JUDGE ANDERSEN:

17 What is your question?

18 MR. FANNING:

19 I will try again.

20 JUDGE ANDERSEN:

21 What we say within a question, of
22 course, the Board is conscious of that, that
23 what we say when we ask a question does not
24 constitute evidence. What the witness says
25 may constitute evidence. So on the sheer

1 chance that from time to time we will
2 misstate the evidence in our question, when
3 the Board ultimately deliberates, it will
4 not rely upon the word of the questioner.
5 It's going to rely upon the documents and
6 testimony given.

7 EXAMINATION BY MR. FANNING:

8 Q. I will try again. Are you aware
9 now, sir, that BP set out steps to be
10 followed by the people on the rig to perform
11 the negative test?

12 A. Yes. I saw the email.

13 MR. FANNING:

14 Thank you. That's all I have.

15 JUDGE ANDERSEN:

16 Curtis Kuchta.

17 COUNSEL REPRESENTING MR. KUCHTA:

18 No questions.

19 JUDGE ANDERSEN:

20 Patrick O'Bryan?

21 Robert Kaluza?

22 COUNSEL REPRESENTING MR. O'BRYAN:

23 No questions.

24 JUDGE ANDERSEN:

25 Any questions from BP?

1 MS. KARIS:

2 Very briefly, Your Honor.

3 MR. GODWIN:

4 Judge, what would be the reason
5 for allowing BP another opportunity? When
6 you asked earlier she said she had none.

7 JUDGE ANDERSEN:

8 We have always let the employer of
9 a witness to be able to ask follow-up
10 questions as well.

11 MR. GODWIN:

12 That's for the lawyers sitting up
13 here, as with all the rest of us, whereas
14 BP, their rules were different.

15 JUDGE ANDERSEN:

16 At the beginning we have always
17 let the employer do it as well. And then we
18 have let -- when they have had a separate
19 lawyer, then we have allowed him to do it.
20 So for example, as the lawyer for
21 Halliburton, when you have represented
22 employees of Halliburton, I only had to ask
23 you once, but in my mind you were also
24 asking follow-up questions that the employer
25 might want to ask as well as the clients

1 that you were sitting next to at the time.

2 So I think that I have been consistent in

3 that regard. That is my intention.

4 MR. GODWIN:

5 The rules are that with BP or with

6 anybody, if a lawyer is representing the

7 witness, they get to ask the party -- such

8 as BP gets to ask, they say no, then you

9 come back later and you ask them do you want

10 to do it again?

11 JUDGE ANDERSEN:

12 Yeah. Well, that's why we had the

13 thing with Transocean, because knowing that

14 that was going to happen, BP last time

15 waived its first round and thereby I felt

16 Transocean should have a right to do some

17 follow-up. But I think we have been

18 consistent the three weeks that I have been

19 doing this.

20 MR. GODWIN:

21 On the earlier witness, Judge, she

22 was sitting up here is what I'm saying. But

23 if those are the rules, we will live by

24 them. I just wanted to know what the rules

25 are.

1 JUDGE ANDERSEN:

2 She was, in effect, representing
3 the witness as well so she was wearing two
4 hats at that point in time. Okay. So
5 that's the reason, right or wrong.

6 You said you are only going to
7 have a couple of questions?

8 MS. KARIS:

9 Right.

10 JUDGE ANDERSEN:

11 Then Mr. Monico will get a chance
12 to follow up if he would like to.

13 MR. MONICO:

14 Thank you, Your Honor.

15 EXAMINATION BY MS. KARIS:

16 Q. Mr. Sprague, I'm going to try to
17 keep this short. I know it's very late in
18 the day. I want to follow up on
19 Mr. Godwin's questions about what you would
20 have expected the drilling engineers that
21 worked for you, or at least worked under you
22 to have come to you with. And I believe
23 Mr. Godwin asked you whether you would have
24 expected them to inform you of subsequent
25 models if those models had made some

1 significant change. Do you recall that
2 generally?

3 A. Yes.

4 MR. GODWIN:

5 Judge, object to this leading.
6 Obviously she's going to restate it. It
7 would be easier to just ask the questions
8 without leading.

9 MS. KARIS:

10 I wanted to set the stage for what
11 the content --

12 JUDGE ANDERSEN:

13 Okay. The stage is set. Please
14 avoid leading questions since he is your
15 employee.

16 MS. KARIS:

17 Understood.

18 EXAMINATION BY MS. KARIS:

19 Q. Would you have expected the
20 engineers that worked for you to have
21 received from Halliburton any tests that
22 Halliburton ran if those tests showed that
23 the nitrogen -- excuse me -- nitrified
24 cement was going to be unstable if it was
25 poured as Halliburton had designed and

1 recommended?

2 A. Yes.

3 Q. And would you have expected
4 Halliburton to provide your engineers with
5 tests that Halliburton may have run that
6 showed that that cement slurry they were
7 recommending would not pass Halliburton's
8 tests?

9 A. Yes.

10 Q. Would you have expected
11 Halliburton to provide your engineers with
12 tests that showed whether the slurry they
13 were recommending was stable?

14 A. Yes.

15 Q. Would you have expected
16 Halliburton to have pointed out to your
17 engineers if they had run tests which showed
18 that that slurry design would not work if it
19 was poured?

20 MR. GODWIN:

21 Objection, Your Honor, again to
22 the leading part of it.

23 JUDGE ANDERSEN:

24 Well, not only that, Counsel, you
25 wanted to cut off the questions regarding

1 this, which basically we did because we
2 agreed that the next time this Board meets
3 this subject will come up. So I know you
4 want to complete the record, but this
5 subject, you know, we are going to study
6 these reports and bring these up again.

7 MS. KARIS:

8 Fair enough.

9 JUDGE ANDERSEN:

10 You can ask would you expect them
11 to turn over any tests or --

12 MS. KARIS:

13 Well, let me ask it that way.

14 MR. CLARKE:

15 Also, Your Honor, by her questions
16 she is attempting to mislead and if she
17 doesn't know, nor does this witness know
18 what the discussions were between
19 Halliburton and the BP people with whom
20 Halliburton was dealing.

21 JUDGE ANDERSEN:

22 Okay. Mr. Godwin had guiding
23 questions. She has misleading questions.

24 MS. KARIS:

25 Funny how that works, isn't it?

1 JUDGE ANDERSEN:

2 Exactly.

3 MS. KARIS:

4 Let me ask just one general
5 question.

6 JUDGE ANDERSEN:

7 All right. One question, and
8 then -- because this obviously, from what
9 Mr. Mathews says that after the Board
10 reviews it, if there is significance there
11 and there's likely to be, it will be part of
12 what we discuss next time we are together.

13 MS. KARIS:

14 Your Honor, I just want to
15 interrupt. I apologize if I misunderstood
16 you. I thought what I said was I wanted to
17 make sure that I was allowed to ask
18 Mr. Sprague, since he was asked about what
19 he would expect of his employees. But let
20 me ask one general question. I just want to
21 make sure I don't violate what the intention
22 of this panel is.

23 EXAMINATION BY MS. KARIS:

24 Q. Mr. Sprague, would you want your
25 engineers to have access to any and all

1 tests that were run by the cementing
2 contractor?

3 A. Yes.

4 Q. Do you know whether that was done
5 in this case?

6 A. I don't know.

7 MS. KARIS:

8 I have nothing further. Thanks.

9 JUDGE ANDERSEN:

10 Mr. Monico, do you have any
11 questions?

12 MR. MONICO:

13 No, Your Honor.

14 JUDGE ANDERSEN:

15 Any more follow-up questions from
16 the Board?

17 EXAMINATION BY LTCR. BUTTS:

18 Q. Could you tell us real quick,
19 maybe I missed it, but this document here is
20 Drilling and Wells Operations Documentation.
21 What is this?

22 A. This is the DWOP.

23 Q. This is the DWOP? And this is the
24 most recent one?

25 A. This is the most recent one.

1 Q. This is not?

2 A. I'm not sure what that one is.

3 MR. MONICO:

4 That's BP-HZN-MBI00130799.

5 LTCR. BUTTS:

6 That's the most recent DWOP there.

7 Thank you, very much.

8 EXAMINATION BY CAPT. HIGGINS:

9 Q. Just two quick questions,
10 Mr. Sprague. Noting on a management of
11 change document that was provided to the
12 Board, it indicates that Mr. Sims did not
13 agree. In the subsequent one did he, in
14 fact, concur?

15 A. Yes. And let me clarify why he
16 marked this, because we had the wrong
17 reviewers and approvers. And so in order to
18 kill it in the system he didn't disagree in
19 principal with the MOC. He just started
20 another MOC process.

21 Q. Thank you. One other question.
22 Are you familiar with the term conditioned
23 based maintenance?

24 A. No, I'm not.

25 Q. If a requirement was for a

1 periodic certification, would condition
2 based maintenance meet that requirement or
3 would it have to be periodic?

4 A. I don't know.

5 CAPT. HIGGINS:

6 Thank you.

7 EXAMINATION BY CAPT. NGUYEN:

8 Q. Mr. Sprague, I apologize for
9 confusing you with my questions previously.
10 What I meant by full awareness was not about
11 the knowledge of well control of the OIMs
12 and the masters and the senior toolpusher.
13 What I meant was full awareness of ongoing
14 well activities and any well control issues
15 that the crew was experiencing. That's what
16 I was asking. And if that was the case and
17 all three didn't have full awareness, would
18 that not meet BP's expectations?

19 MR. FANNING:

20 That's going to have to make me go
21 back up there, because we are changing the
22 game now.

23 JUDGE ANDERSEN:

24 Is there a question?

25 MR. FANNING:

1 He's asking a different question.

2 At least, the witness misunderstood the
3 question earlier as being asked differently
4 now and explained to him. We are getting
5 new testimony about my client's actions on
6 the rig.

7 MR. SCHONEKAS:

8 I object to the vague nature of
9 full awareness. Let's be specific about
10 what we are talking about.

11 EXAMINATION BY CAPT. NGUYEN:

12 Q. Well, Mr. Sprague, do you
13 understand my question, sir? I mean, I'm
14 asking you the questions. I'm not asking
15 the PIIs.

16 MR. SCHONEKAS:

17 I get to attend this as well,
18 Captain Nguyen, and I have a right to
19 understand the question.

20 JUDGE ANDERSEN:

21 So we are all on the same page,
22 since I was checking to see if anyone else
23 had questions, Captain, if you could repeat
24 your question again, then it will be clear
25 to all of us. Thank you.

1 EXAMINATION BY CAPT. NGUYEN:

2 Q. What I meant by full awareness,
3 it's not about well control knowledge of the
4 OIM, master or senior toolpusher. What I
5 meant was full awareness of all ongoing well
6 activities and any well control issues that
7 the crew may be experiencing. That's what I
8 was asking. And if all three did not have
9 full awareness of those items, would that
10 not meet BP's expectations?

11 MR. SCHONEKAS:

12 Object to the compound nature of
13 the question. Let's break it down.

14 JUDGE ANDERSEN:

15 We will see what the witness says.
16 I thought I understood it, actually.

17 THE WITNESS:

18 Again, I wasn't familiar with this
19 event in detail. When there is a well
20 control event we follow the Transocean
21 policy for well control. And I do not know
22 what the notification chain of command is,
23 so I can't really comment who should know,
24 the OIM, or I believe it was Mr. Ezell you
25 mentioned.

1 EXAMINATION BY CAPT. NGUYEN:

2 Q. No, sir. My question is general
3 about those positions. You have a drilling
4 contractor. They have OIM, master and
5 senior toolpusher. Is it your expectation
6 that those three individuals, or at least
7 one of them, should have full awareness of
8 what is going on with well activities and
9 any well control issues that the crew would
10 be experiencing?

11 MR. SCHONEKAS:

12 I object to the extent he is
13 asking for an opinion from this engineer as
14 to what the duties and responsibilities are
15 of a captain. He lacks competence --

16 JUDGE ANDERSEN:

17 This engineer has already shown an
18 unwillingness to speculate or guess in areas
19 outside of his confidence. He said that he
20 believes that BP was following the
21 Transocean plan and then we interrupted him.

22 So what is your final conclusion?

23 THE WITNESS:

24 Not being familiar with,
25 intimately familiar with the roles and

1 responsibilities in the plan and without
2 looking at the plan, I don't want to
3 speculate.

4 EXAMINATION BY CAPT. NGUYEN:

5 Q. All right. I will move on. Now,
6 what is your philosophy on use of a cement
7 bond log? As the drilling manager for the
8 Gulf of Mexico, what is your philosophy on
9 that?

10 A. It's spelled out in our
11 engineering technical practice for zonal
12 isolation when a cement bond log should be
13 run and should not and per our engineering
14 technical practice, we were going to run the
15 cement bond log at the time of completion
16 unless, after the cement job, we had
17 problems with the cement job, losses, loss
18 of returns, then we would have considered
19 running the cement bond log. But we had no
20 losses, so we did not run the cement bond
21 log at that time.

22 Q. All right. So there is a written
23 policy on the use of the cement bond log,
24 from what I understand you just stated, sir?

25 A. There are guidelines within our

1 engineering technical practices as to when
2 it should be run and when it shouldn't.

3 Q. So it's not up to an individual
4 philosophy on whether you believe in the
5 merits of the tool, right? It's spelled out
6 in company policy on when the cement bond
7 log is to be used?

8 A. Yes. There are guidelines for
9 that.

10 Q. So if Mr. Hafle testified that he
11 does not give a lot of faith in the cement
12 bond log, does he have a choice? If there
13 are clear written guidance, does he have a
14 choice on when it would be used or not be
15 used, or any individual would have a choice
16 if there is clear written guidance?

17 A. I'm speaking in general not in
18 this particular instance. If the ETP
19 indicates clearly that the return shall, and
20 if it's not run it requires a dispensation
21 of the policy.

22 Q. So the decision to not run the CBL
23 for this job was in accordance with BP
24 written policy, sir?

25 A. For a temporary abandonment, yes.

1 CAPT. NGUYEN:

2 Thank you, sir.

3 JUDGE ANDERSEN:

4 Any other questions?

5 Well, tomorrow only Mr. Canducci
6 is -- we only expect him to testify
7 tomorrow, so there is a chance we will be
8 done earlier than expected, good chance. We
9 will meet at 7:30 and then the hearing will
10 begin at 8:00.

11 MS. KARIS:

12 One more thing before we go off
13 the record. I just want to make sure the
14 record is clear that earlier this morning I
15 did not represent Mr. Robinson in his
16 individual capacity. I represented BP, as I
17 stated when Your Honor asked me to introduce
18 myself into the record, just so we are
19 clear.

20 JUDGE ANDERSEN:

21 Thank you, all.

22

23 (Whereupon, the Proceeding was
24 concluded at 7:30 p.m.)

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REPORTER'S CERTIFICATE

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I, Pat Kennedy Quintini, Certified

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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

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correct transcript, to the best of my

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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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PAT KENNEDY QUINTINI, CCR

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