

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

Date taken: December 7, 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
TUESDAY, DECEMBER 7, 2010
P.M. SESSION

* * * * *

The Transcript of the Joint United States Coast Guard/Bureau of Ocean Energy Management Investigation of the above entitled cause before Cathy Renee' Powell, a certified court reporter authorized to administer oaths of witnesses pursuant to Section 961.1 of Title 13 of the Louisiana Revised Statutes of 1950, as amended, reported at the Hilton Houston Hobby Airport, 8181 Airport Boulevard, Houston, Texas 77061, on Tuesday, December 7, 2010, beginning at 1:46 p.m.

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MEMBERS OF THE BOARD:

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CO-CHAIR UNITED STATES COAST GUARD

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JOHN McCARROLL
MINERALS MANAGEMENT SERVICE

LCDR. ROBERT BUTTS, COURT RECORDER
UNITED STATES COAST GUARD

REPORTED BY:

CATHY RENEE POWELL
CERTIFIED COURT REPORTER
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WITNESSES

John Gisclair5
represented by Donald E. Godwin, Esquire
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represented by Matt Hennessy, Esquire

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1 JUDGE ANDERSEN:

2 Mr. Gisclair, would you please
3 stand.

4 I want to advise you, as I have
5 all of the witnesses, this is a federal
6 proceeding, and in a federal proceeding, you
7 are bound to tell the truth; if you don't,
8 that's perjury, and it is a punishable crime
9 by fine or prison sentence.

10 I'm trying to say that in a
11 nonthreatening way, but be that as it may,
12 would you raise your right hand.

13 JOHN GISCLAIR,
14 having been first duly sworn as a witness,
15 was examined and testified as follows:

16 MR. DYKES:

17 BOEM led the questions at the last
18 hearing where Mr. Gisclair testified, so we
19 may have some follow-ups after everybody,
20 but most of ours got answered at the last
21 hearing.

22 JUDGE ANDERSEN:

23 Marshall Islands?

24 EXAMINATION BY MR. LINSIN:

25 Q. Mr. Gisclair, my name is Greg

1 Linsin, and I represent the Republic of the
2 Marshall Islands, the flag state for the
3 DEEPWATER HORIZON.

4 I just have a few questions for
5 you, Mr. Gisclair, regarding the data from
6 the DEEPWATER HORIZON for April 20, 2010.

7 You have analyzed that data; is
8 that correct?

9 A. Yes, sir.

10 Q. Have you, previous to your current
11 position -- and would you remind us, please,
12 what your current position is.

13 A. I am the INSITE Support Service
14 Coordinator for the Lafayette district.

15 Q. And had you ever worked aboard a
16 rig prior to assuming your current
17 responsibilities?

18 A. Yes. I worked offshore for eight
19 years as a MWD engineer.

20 Q. All right. Are you familiar with
21 the alarm systems in the mud logging units
22 that Sperry-Sun uses?

23 A. Yes, sir.

24 Q. And you are -- your interpretation
25 of this data, I assume, that's been informed

1 by your experience aboard previous rigs; is
2 that correct?

3 A. Yes, sir.

4 Q. If an alarm is set at 20 barrels
5 gain or loss in a mud logging unit, is that
6 a cumulative total for triggering the alarm
7 or is it an instantaneous event alarm?

8 A. It is keyed off of whatever
9 starting point you give it. So if there
10 is -- let's say you were starting at a pit
11 gain of zero, didn't have no gains or
12 losses. If you have an alarm that has a
13 threshold positive for negative 20 barrels,
14 then once it crosses that threshold, it will
15 trigger the alarm. Once the alarm is
16 acknowledged, then it would have to go
17 another 20 for the alarm to go off again.

18 Q. And how is an alarm acknowledged?

19 A. When an alarm is triggered in the
20 system, it pops up a window that shows you
21 that an alarm has gone off. It will give
22 you a listing of any and all criteria that
23 has triggered the alarm, and it will also
24 produce an audio alarm as well.

25 So if anyone in the unit is not

1 sitting at the computer and they hear the
2 alarm, they just turn to the computer and
3 they see the open window, and they can tell
4 which, you know, which data has crossed the
5 threshold.

6 Q. And do they then need to do
7 something to interact with the system to
8 cause the alarm to suspend?

9 A. Yes.

10 Q. What do they need to do?

11 A. Well, there is an acknowledgment
12 button on the alarm. They can just click
13 that acknowledgment button to make the alarm
14 go away or they could delete the alarm. But
15 if they were to delete the alarm, they would
16 have to put it back in place.

17 Typically, they are acknowledged.
18 The alarm pops up, you click the acknowledge
19 button just to tell the system you don't
20 need the alarm information.

21 Q. So it takes some active
22 intervention on the part of the mud logger,
23 correct?

24 A. Yes, sir.

25 Q. And if a mud logger was away from

1 the controls or away from the unit for a
2 period of time -- say, 15 or 20 minutes --
3 and an event occurred that would have caused
4 an alarm to sound in his or her absence,
5 would that alarm continue to sound after
6 that individual's return after 15 or 20
7 minutes?

8 A. Yes, sir.

9 Q. And is there some record that is
10 maintained in the system of alarms being
11 activated?

12 A. No, sir. The alarm criteria is
13 not stored in the database.

14 Q. All right. The thresholds are not
15 stored and the alarm events are not stored;
16 is that correct?

17 A. That's correct.

18 Q. And you had a conversation with
19 Mr. Keith, did you not, about the data
20 concerning the evening hours of April 20,
21 2010, on board the DEEPWATER HORIZON?

22 A. Yes, sir.

23 Q. And did you discuss with him
24 whether or not alarms had sounded while he
25 was on tour that night on the rig?

1 A. No, sir, we didn't discuss the
2 alarms.

3 Q. Did you discuss with him events
4 that may have occurred while Mr. Keith was
5 out of the unit?

6 A. I wasn't aware of the time
7 Mr. Keith was out of the unit. We didn't
8 discuss what breaks he might have taken.

9 Q. Did he have any other duties that
10 evening other than monitoring these alarms?

11 A. I don't know among what of Joe's
12 duties he was giving his attention to on
13 that particular night. Rig monitoring was
14 one of them, but I really couldn't say if
15 there were any other activities that needed
16 his attention.

17 Q. In your analysis of this data, did
18 you observe certain events in the data from
19 that evening where outflow was exceeding
20 inflow into the well?

21 A. There were instances when the
22 flow-out had increased, but it is not easy
23 to tell if that flow-out increase was due to
24 an influx from the well or if it had come
25 from other rig activities.

1 Q. And what other rig activities
2 might account for that?

3 A. It depends on the flow-out
4 increase.

5 Q. Would emptying of a trip tank be
6 one of those factors?

7 A. Yes, sir. There were instances
8 where the rig crew had drained the trip tank
9 to the flow line, which in turn increased
10 the flow-out rating.

11 Q. And did you do a calculation
12 regarding the volumes that would have been
13 involved in emptying the trip tank on either
14 of the occasions when it was emptied and
15 evaluate whether that value from the trip
16 tank actually accounted for the outflow
17 increase that you observed in the data?

18 A. Could you be specific about a time
19 frame? Because there were several
20 instances --

21 Q. 2030.

22 A. At 2030?

23 Q. Yes, sir.

24 A. Yes, sir, there was an instance
25 where they had drained the trip tank to the

1 flow line, which gave them an apparent
2 increase in flow-out. The trip tank loss
3 was roughly 42 barrels, and there was a
4 subsequent and coinciding pit volume gain
5 about the same amount.

6 Q. All right. And what about 2100,
7 did you see a similar phenomenon at or about
8 that time in the data?

9 A. Yes, sir.

10 Q. And what was your calculation as
11 to whether or not the quantity added from
12 the trip tank, whether or not that accounted
13 for the increase in flow-out?

14 A. Yes, sir, during the mud
15 displacement, there were two drains of the
16 trip tank. And both drains of the trip tank
17 coincided with an increase in flow-out and
18 coinciding increases in pit volume.

19 Q. Yes. My question though,
20 especially now with regard to the event at
21 2100, my question is whether or not you made
22 a calculation as to whether or not the
23 volume that was added to the system from the
24 trip tank actually accounted for the
25 increase in flow-out at 2100?

1 A. Yes, sir. I did not do a
2 calculation of volume of the trip tank gain
3 versus the flow-out. I did a calculation of
4 the volume of the trip tank versus the pit
5 volume gain.

6 If you want to compare volumes,
7 you always want to compare pit to pit. You
8 don't want to compare a pit to a flow-out.
9 The flow-out is not a quantitative
10 measurement. It is strictly for trend
11 analysis.

12 But if you want to identify and
13 calculate the amounts of fluid that have
14 been gained or lost, you would always want
15 to use the pit volumes.

16 Q. And were you able to make that
17 assessment based on a comparison of volumes?

18 A. Yes.

19 Q. What were the results?

20 A. The pit gain matched the trip tank
21 loss.

22 Q. And what accounted for the
23 increase in flow-out at about 2100?

24 A. That would have been the result of
25 the drain of the trip tank.

1 Q. And how do you know that all of
2 that increase was accounted for by the
3 draining of the trip tank if there is not a
4 volumetric correlation?

5 A. Well, the fluid going past the
6 flow sensor is going to the trip tank. If
7 you have any additional fluid that is
8 influencing that volume, it is also going to
9 influence the pit volume.

10 There is no separation of fluid
11 beyond the flow sensor that would divert
12 some of the flow to one pit and some of the
13 flow to the other. At that particular gain,
14 they were taking gains to pit No. 6. All of
15 the fluid coming down the flow line and past
16 that flow sensor was going into pit 6. So
17 any increase in the flow-out, all of the
18 fluid from that increase would have gone
19 into pit 6.

20 So if a flow-out increase were
21 from a well influx and you were getting
22 additional fluid put into the system, that
23 additional fluid would have ended up in pit
24 6.

25 Q. And did you consider why it was

1 that you continued to see this increased
2 flow-out even after the rig had diverted the
3 flow overboard to discharge the spacer?

4 A. There was no increase in the
5 flow-out after flow was diverted overboard.
6 When they shut down at 2108, there was a
7 continuation of flow-out for about a minute
8 after they shut down, and then they did the
9 sheen test.

10 After the sheen test, they
11 diverted overboard, and we got no further
12 flow-out read and no more indication of
13 overflow on the pit system.

14 Q. Your recollection is that you and
15 Mr. Keith had no discussion about the alarm
16 that evening, correct?

17 A. That's correct.

18 Q. And did he talk to you about his
19 being absent from the unit at any point
20 during the evening?

21 A. No, sir, we didn't discuss it.

22 Q. Just one second.

23 At approximately, I believe, 2109
24 to 2114 was when the static sheen test was
25 performed. Does that fit with your

1 recollection?

2 A. Yes, sir.

3 Q. And as I understand it, your
4 notation indicated that there was a visual
5 confirmation that no flow was coming from
6 the well at that point; is that correct?

7 A. That's correct.

8 Q. Is it not true, though, that there
9 continued to be a substantial flow-out from
10 the well based on the data?

11 A. No, sir. There was a residual
12 reading of the flow-out that drew a very
13 slight trace just above the border. But
14 that reading was due to residual fluid
15 sitting in the line.

16 The sonic sensor is not a flow
17 indicator. It is a fluid height indicator.
18 So if there is a little bit of fluid just
19 sitting in the line, even if it is static,
20 it will show as a flow-out.

21 Q. And that trace amount would be in
22 the neighborhood of up to 100 gallons per
23 minute? Is that the range of flow you are
24 talking about?

25 A. I believe the trace did show in

1 the 70- to 100-gallon range at that time.

2 Q. Did you analyze the decreases in
3 upload in this data for the evening of
4 April 20, 2010?

5 A. Yes, sir, during and after the mud
6 displacement. Yes, sir.

7 Q. And is it accurate, based on your
8 recollection, that between approximately
9 1830 and 1930 hours that evening, that even
10 though the drill pipe pressure was remaining
11 constant, that there was a decrease of
12 approximately 1,200 pounds of upload?

13 A. I would have to refer back to the
14 chart.

15 Q. Would it be helpful if I put the
16 chart up?

17 A. If you like, yes.

18 JUDGE ANDERSEN:

19 BP, is the chart in your exhibit
20 book?

21 MR. GODWIN:

22 No, it is not, Your Honor.

23 Wait. I may have spoken too fast.

24 No.

25 EXAMINATION BY MR. LINSIN:

1 Q. This is the same exhibit utilized
2 by the last witness in his testimony. It
3 does not have an identifying number on it,
4 but it is labeled "Macondo Bypass DEEPWATER
5 HORIZON, Mississippi Canyon, Block 252," and
6 the time range on it is from approximately
7 1930 at the top to 2150 at the bottom.

8 Is that close enough for you to be
9 able to see it, sir?

10 A. Yes.

11 Q. Now, are you able to make
12 references to that chart at this point?

13 A. Yes, sir. Can you repeat the
14 question.

15 Q. Between approximately 1830 and
16 1930 hours, is it accurate to say that the
17 drill pipe pressure remained relatively
18 constant?

19 A. Okay. Well, this chart doesn't
20 have that time frame. This chart goes from
21 1930 to 2150.

22 Q. That was just a test.

23 I have placed a second chart in
24 front of you going from 1700 to
25 approximately 1920. Is that a little more

1 helpful?

2 A. Yes, sir.

3 Q. All right. My apologies, sir.

4 I'm sorry.

5 Making reference to the 1830 to
6 1920 time frame, does it appear that the
7 drill pipe pressure is remaining fairly
8 constant?

9 A. Well, in this particular case,
10 there is no standpipe pressure. The
11 pressure exerted on the drill pipe at this
12 point was coming from the cementing unit,
13 and there is an increase that actually began
14 at 1800 hours and leveled out at 1832. And
15 over this time period, you have a rough
16 corresponding change in the hook load and
17 weight on deck.

18 Q. I'm sorry, what is the hook load
19 value?

20 A. You can't tell the hook load value
21 just by looking at the graph.

22 Q. And why is that, sir?

23 A. Well, you can get a rough
24 estimate. Let's see. The hook load appears
25 to be between 350 and 400 over this time

1 period.

2 Q. And is it trending in a decreasing
3 level?

4 A. Yes, sir.

5 Q. Is that decrease in hook load a
6 potential indication of a kick?

7 A. Well, as there is no flow-out, I
8 would say that it is a good possibility that
9 there may be other rig influences that may
10 have affected that hook load.

11 In order to properly analyze this
12 or any other chart showing rig sensor data,
13 it requires a very good understanding of
14 what activities were occurring on the rig.
15 Because there are so many rig activities
16 that will affect sensor readings that have
17 nothing to do with the hole itself.

18 Q. What other variables would you
19 want to know about in evaluating that
20 decreasing hook load?

21 A. Well, the first thing I would look
22 at would be block position to make sure that
23 it wasn't being very slowly slacked off.
24 The block movement is one of the most
25 immediate effects on hook load and weight on

1 deck.

2 Q. Is that recorded in the data
3 anywhere?

4 A. Yes, sir.

5 Q. Where is that?

6 A. It's -- well, it is in the same
7 place that the hook load is stored.

8 Q. That is in Sperry-Sun's data; is
9 that right?

10 A. Yes, sir.

11 Q. But it is not depicted graphically
12 in this exhibit; is that correct?

13 A. It is, but a movement of that -- a
14 movement very slight like that would be
15 difficult to pick up on this chart. You
16 would have to look at the raw numbers.

17 Q. All right. In looking at the data
18 during the time of the negative test that
19 evening, did you detect that the drill pipe
20 pressure had increased and then was bled off
21 on multiple occasions?

22 A. There were several instances where
23 there were pressure buildups on the
24 standpipe, choke and kill, which were
25 consequently bled off. Yes, sir, there were

1 several instances.

2 Q. And did you make any determination
3 based on the data you reviewed as to what it
4 was that had caused that drill pipe pressure
5 to build up again after having been bled
6 off?

7 A. I didn't see an immediate cause
8 for it, but I didn't take that close of an
9 analytical view of the negative test.
10 Typically, the negative tests or the
11 activities during a negative test and the
12 results of those tests are visible to the
13 Sperry mud loggers.

14 Q. Is it accurate to say, though,
15 that the continued and repetitive buildup of
16 that drill pipe pressure could have been an
17 indication of a kick from the well?

18 A. I don't know. I wouldn't be the
19 person to answer that. I know there have
20 been many questions focused on that pressure
21 buildup. But again, the Sperry personnel on
22 the rig do not conduct the negative tests,
23 and they are in no way involved in analyzing
24 the negative tests.

25 So that would be more for BP or

1 Transocean to analyze the negative tests.

2 Q. Do you see anything in this data
3 that you have analyzed that would otherwise
4 account for that repetitive buildup in drill
5 pipe pressure?

6 A. No, sir. Typically, when it came
7 to this data, I stayed away from taking an
8 analytical view. My intention was focused
9 mainly on identifying rig activities that
10 would match sensor responses to the best I
11 can, solely coming from the experience of
12 knowing that in order to properly interpret
13 any of this data, you need to know what was
14 going on.

15 So that was the main focus of my
16 efforts, was identifying rig activities to
17 match against sensor responses.

18 Q. If that was your objective,
19 Mr. Gisclair, why did you not ask Mr. Keith
20 what his activities were during that
21 evening?

22 A. That was the bulk of our
23 conversation. I was seeking Mr. Keith's
24 help when it came to identifying rig
25 activities, so that is where most of our

1 conversation came in.

2 So we had -- if I saw a sensor
3 response, I would have asked Mr. Keith. And
4 the other personnel I spoke to, you know, Do
5 you know what was happening on the rig at
6 this time that would have caused this sensor
7 response? And if they knew, they would tell
8 me.

9 Q. And my question is: If you are
10 speaking to Mr. Keith seeking that
11 information, wouldn't it have been logical
12 for you to then ask him, "Were there times
13 when you were out of the unit? Were there
14 times when you were not monitoring this
15 data? Were there times when you were doing
16 something else?"

17 MR. GODWIN:

18 Object, argumentative.

19 JUDGE ANDERSEN:

20 Overruled. It was a friendly
21 enough tone, and it was redundant.

22 But what is your answer?

23 THE WITNESS:

24 I never felt it was my position to
25 question any Halliburton personnel about

1 what they were doing, whether or not they
2 were in a position to perform their job
3 functions. I was simply trying to figure
4 out what rig activities occurred at what
5 times, so I did not focus much beyond any of
6 that.

7 EXAMINATION BY MR. LINSIN:

8 Q. Prior to your analysis of this
9 data, Mr. Gisclair, did you monitor on a
10 regular basis the data from the DEEPWATER
11 HORIZON before April 20, 2010?

12 A. No, sir.

13 Q. Did you have occasion to be in
14 touch with the Sperry-Sun and Halliburton
15 personnel aboard the rig?

16 A. Yes, sir.

17 Q. With whom did you speak?

18 A. Well, when the rig crews are
19 having difficulties with the service
20 system -- more specifically the software
21 when it comes to performing their mud
22 logging or MWD or other directional
23 services -- it is me and my crew that they
24 call.

25 So I field the calls from rigs all

1 over the Gulf of Mexico and all over North
2 America when it comes to people having
3 problems with it.

4 So yes, I have spoken to the crew
5 on the HORIZON on many occasions over the
6 years.

7 Q. And let's just select a time frame
8 in the two months before this casualty. Did
9 you speak to members on board -- crew
10 members on board the DEEPWATER HORIZON
11 regarding any of those problems you have
12 just identified?

13 A. I can't say for certain.

14 Q. Do you have any recollection of
15 there being software problems or data
16 interpretation problems on board the
17 DEEPWATER HORIZON at any time?

18 A. Yes. They have had the occasional
19 software problem that they would call and I
20 would help them through.

21 Q. And would you describe what
22 problems those were.

23 A. For instance, just the computer
24 freezing up and they wanted to get back up
25 and running as quickly as possible to have

1 the least impact on operations.

2 Q. And are you able to provide an
3 approximate time frame when that occurred?

4 A. No, sir.

5 Q. Was it within a month before the
6 casualty?

7 MR. GODWIN:

8 Objection, asked and answered. He
9 said he didn't know.

10 JUDGE ANDERSEN:

11 Well, maybe he can narrow it down
12 through questions. If you can't, don't
13 guess or speculate.

14 THE WITNESS:

15 I couldn't tell you any ballpark
16 figure.

17 EXAMINATION BY MR. LINSIN:

18 Q. Thank you.

19 MR. LINSIN:

20 I don't have any further
21 questions.

22 JUDGE ANDERSEN:

23 Mr. Godwin, would you like to ask
24 any questions right now?

25 MR. GODWIN:

1 No, Your Honor. I reserve the
2 right to do so if needed.

3 JUDGE ANDERSEN:

4 Transocean?

5 EXAMINATION BY MR. HYMEL:

6 Q. Good afternoon, my name is Richard
7 Hymel; I represent Transocean.

8 Mr. Keith told us this morning
9 that the sensors on the HORIZON registered
10 data every 1 second; is that correct?

11 A. In realtime, yes, sir.

12 Q. The data that was provided by
13 Sperry-Sun to the Coast Guard, was it the
14 1-second data?

15 A. The data is presented in realtime
16 in seconds, but it is stored in varying
17 intervals. Depending on the nature of the
18 data, it could be stored in 5- or 10-second
19 intervals or maybe longer.

20 Q. Does the data get stored in
21 1-second intervals as well?

22 A. The cementing data was transmitted
23 and stored in 1-second intervals. The
24 surface data, such as pressure and flows,
25 those were stored in 5-second intervals.

1 Q. So the data provided by Sperry-Sun
2 to the Coast Guard was the 5-second data?

3 A. I have not -- the data may have
4 been given to them in several different
5 files and several different formats. I
6 would have to look at the data, but mostly
7 it would be 5-second intervals.

8 Q. Did you prepare that chart from
9 stored data?

10 A. Yes, sir.

11 Q. So that chart was not being
12 printed in realtime while this incident was
13 happening?

14 A. No, this was a chart printed from
15 stored data.

16 Q. Was the chart printed from stored
17 data, or did you take the data itself and
18 plot it and create this chart?

19 A. The data always resides within the
20 database. The charts do not take the data
21 out. The charts just, if you want to, say,
22 plot a standpipe pressure, the chart will --
23 you go to the database and say you want to
24 see the standpipe pressure, "Give me the
25 standpipe pressure."

1 So it just displays it for that
2 one moment.

3 Q. Do you recall what data was used
4 when you plotted this chart? Was it the
5 5-second data?

6 A. It is a combination of 1-, 5- and
7 10-second data.

8 Q. Now, I understand that the MMS got
9 some data directly from BP. I think on the
10 day of the incident, someone was at BP's
11 office and transmitted some data to the MMS.
12 Do you know if that data was 1-second,
13 5-second or 10-second data?

14 A. It depends on what day it would
15 have been. If it were in --

16 MR. GODFREY:

17 Objection to speculation. The
18 question is does he know, not what he might
19 have done.

20 JUDGE ANDERSEN:

21 Sustained. Do you know what data
22 they transmitted?

23 THE WITNESS:

24 No, I don't.

25 EXAMINATION BY MR. HYMEL:

1 Q. Have you seen any such charts that
2 have been drawn up by anyone that are
3 different from the chart you plotted?

4 A. Yes, sir.

5 Q. What can account for those
6 differences?

7 A. Well, aside from the obvious
8 colors and line types, there are ways to
9 stretch the scales and time frames. It
10 might be the same data, but it will look
11 different because of the stretches of the
12 scales. What might appear as a slight slope
13 on one chart may be a very dramatic slope on
14 another chart.

15 Q. Talking about based on the scale
16 that is used.

17 A. Yes, sir.

18 Q. Have you seen any such charts
19 drawn by anyone else where some of the data
20 points are actually in different places?
21 Not talking about spread out, but one at one
22 pressure level and another at a higher
23 pressure level?

24 A. No, sir.

25 Q. Mr. Keith said that 30 seconds are

1 shown in a 1-inch space when looking at a
2 chart like this.

3 A. It depends on the chart that
4 Mr. Keith was looking at at the time. We
5 have the ability of changing that scale to
6 whatever scale we need.

7 Q. Is this chart set forth where 30
8 minutes are set forth in a 1-inch interval?

9 A. This particular chart in front of
10 me excluded that for purposes of putting it
11 on a poster board, but if it were printed to
12 scale in the manner in which you intended,
13 it would be 1 inch equals every 10 minutes.

14 Q. The Sperry-Sun displays that were
15 on the HORIZON, do you know how many minutes
16 were shown on the screen?

17 A. One particular chart that they
18 would have been using for monitoring would
19 have been 1 to 10, 1 inch equals 10 minutes.

20 Q. And if you have one where 1 inch
21 equals 10 minutes, do you know how many
22 1 inches would be on that screen? I don't
23 know the size of the screen.

24 A. I couldn't say either.

25 Q. All right. Were you involved in

1 any of the OptiChem testing?

2 A. No. That is the cement function,
3 different division.

4 Q. Do you know if the OptiChem was
5 ever run in the same place that BP says they
6 were in?

7 A. I have no knowledge as to how the
8 OptiChem was run.

9 MR. HYMEL:

10 I have a question from his last
11 transcript, and I really just want to
12 present the question, have him read it and
13 explain it to me.

14 JUDGE ANDERSEN:

15 Sure.

16 MR. GODFREY:

17 Can we get a page and line number?

18 MR. HYMEL:

19 Page 145, line 3.

20 JUDGE ANDERSEN:

21 You want him to read it out loud?

22 MR. HYMEL:

23 Yes.

24 THE WITNESS:

25 "In your experience, not speaking

1 of the DEEPWATER HORIZON, but in your
2 experience, have you ever been made aware of
3 any incident where the mud logger said, 'You
4 have got too many operations going on,' and
5 the operator contractor listened to that?"

6 My answer was, "No, sir, not in my
7 experience."

8 EXAMINATION BY MR. HYMEL:

9 Q. I understood that question to mean
10 that in your experience, there were times
11 when mud loggers complained to a company
12 crew, but the company crew did not listen to
13 the complaint. Is that what you meant?

14 A. The question was if I was aware
15 that we had ever mentioned that to the
16 operator and they listened to us. And I am
17 not aware.

18 Q. So you are not aware either way,
19 whether they did listen to you or didn't?
20 You are just not aware of any instances?

21 A. I am not aware of instances where
22 they listened. I know there have been
23 incidents where the mud loggers have brought
24 it up to the contractor that the effects of
25 certain drilling operations, what the

1 effects might have on sensor readings, but I
2 am not aware either way of whether they
3 listened or not.

4 Q. Okay. Mr. Gisclair, I was looking
5 on that document there for the time when the
6 HORIZON quit transferring mud to the
7 BANKSTON. And according to the log I
8 copied, which was sent to us on the
9 computer, it showed that the HORIZON quit
10 transferring mud to the boat at 1712. Is
11 that on the chart you have there?

12 A. Yes, sir.

13 Q. And is it also on that chart that
14 the negative test ended at 2000 hours?

15 A. That would be on the next chart.

16 Q. Do you recall that or do you need
17 to look at the chart?

18 A. I would rather look at the chart.

19 Q. Sure. Does that chart reflect
20 that the negative test ended around 8:00?

21 A. Yes, sir, 2002. 8:02 in the
22 evening.

23 Q. And after the negative test ended,
24 that is when the crew started displacing the
25 mud out of the riser; is that correct?

1 A. Yes, sir.

2 Q. So during the time when the
3 HORIZON was displacing the mud out of the
4 riser, there was no mud being transferred to
5 the boat. Do you agree?

6 A. That's been the indication in
7 testimony and on reports, yes, sir.

8 Q. If what we have here is true, that
9 the mud transfer to the boat ended at 1712,
10 then, when the crew started displacing the
11 mud out of the riser, they were no longer
12 transferring mud to the boat, correct?

13 A. Correct.

14 Q. And similarly, if we accept as
15 true what is on this chart, that there were
16 no mud transfers to the boat after 1712,
17 then any mud that was displaced out of the
18 riser after 1712 would have been put into
19 the mud pits of the HORIZON?

20 A. Up until the time of the sheen
21 test, correct.

22 Q. Well, at the time of the sheen
23 test when you started going overboard, you
24 were not pumping mud overboard, you were
25 pumping spacer and seawater, correct?

1 A. Correct.

2 Q. So any mud that came out of the
3 riser after 1712 would have been put into
4 the mud pits, correct?

5 A. Correct.

6 Q. Because Captain Nguyen asked the
7 question, or I was assuming he was asking
8 whether or not there was mud on the HORIZON
9 still in case there was a well-control
10 situation, and all the mud that was taken
11 out of the riser was basically left on the
12 rig based upon what this chart says,
13 correct?

14 A. Yes. Six, 7, 9 and 10 were filled
15 with the mud.

16 Q. The data that comes from the
17 Sperry-Sun sensors is sent to shore via
18 satellite; is that correct?

19 A. Correct.

20 Q. Now, does the data come -- does
21 the data that is transmitted also include
22 data from the Transocean Hi-Tech system as
23 well?

24 A. Any and all data transmitted from
25 the Sperry unit to the Hi-Tech system, any

1 of that data that is stored in our database
2 is transmitted.

3 Q. Is more data transmitted than what
4 is shown on this chart?

5 A. Yes, sir.

6 Q. What other data is transmitted
7 that is not shown on this chart? If it is
8 too much to go through --

9 A. There are thousands of variables.
10 Not all of them are populated, but for every
11 value, there is an associated TBD and a
12 subsurface TBD, vertical section direction,
13 so forth and so on.

14 Q. Now, since this data is
15 transmitted to shore via satellite, it can
16 be seen onshore as well, right?

17 A. Right.

18 Q. And it is transmitted to the BP
19 office, isn't it?

20 A. Yes, sir. The BP office is the
21 first hub.

22 Q. So anybody at the BP office could
23 look at this data in realtime if they chose
24 to do so?

25 A. Yes, sir. Well, not anyone.

1 Anyone within BP's office that had access to
2 view the data.

3 Q. And I was going to get to that.

4 Good point. Good qualification.

5 This data was viewable through the
6 Sperry-Sun INSITE program, correct?

7 A. Yes, sir.

8 Q. So to be able to view the program,
9 you had to have access to INSITE?

10 A. Yes, sir.

11 Q. Now, if someone at BP had a laptop
12 where they could log into the system, can
13 they do that remotely?

14 A. Yes, they can do that over the Web
15 using the INSITE service.

16 Q. A number of parties have asked for
17 the INSITE log-in information, and some of
18 that was provided to the board via subpoena.
19 When I reviewed the data, the access
20 information stopped around -- I can't
21 remember exactly, but before this time
22 frame, before the last hour.

23 Are you aware of any INSITE data
24 that shows who was logged in to the system
25 during the last hour?

1 A. No, I am not aware of any. That
2 is not within my realm of management.

3 Q. Do you know if that data was
4 transmitted to shore?

5 A. Yes, sir, it was.

6 Q. Do you know if that access data
7 does exist as to who was logged in during
8 the last hour?

9 A. I don't know.

10 Q. Now, of course, the purpose of
11 gathering this data is so the data could be
12 monitored, correct?

13 MR. GODFREY:

14 Objection, lack of foundation.

15 EXAMINATION BY MR. HYMEL:

16 Q. Is it your understanding that this
17 data is sent to shore so that it can be
18 monitored?

19 A. Yes, sir.

20 Q. And similarly, one of the reasons
21 the data is gathered and shown on the
22 monitors on the rig is so the data can be
23 monitored?

24 A. Yes.

25 Q. Do you know how many places on the

1 rig the data can be monitored?

2 A. I don't know how many. I know
3 that one of the channels -- it was one of
4 the channel selections on closed-circuit TV.
5 I don't know how many it was they had
6 throughout the rig. Everywhere there was a
7 TV that was connected to the closed-circuit
8 system, they would have been able to see at
9 least one of the displays from the mud
10 logger units.

11 Q. Do you know who at Sperry had
12 monitors in their location or office?

13 A. No, sir, I don't.

14 Q. And am I correct that one of the
15 reasons the mud loggers monitor this data is
16 to look for kick indicators?

17 A. Yes, sir.

18 Q. Would you agree with me that
19 flow-out is a kick indicator?

20 A. Yes, sir.

21 Q. And would you agree with me that
22 pit gain is a flow indicator?

23 A. Yes, sir.

24 Q. And similarly, gas-cut mud is a
25 flow indicator?

1 A. Not necessarily a flow indicator.
2 It depends on the situation. But yes, if
3 you are getting a kick, then gas-cut mud --
4 I am assuming you are talking about the gas
5 that is read from our sensor and not the mud
6 that is read by the derrickman?

7 Q. I'm talking about mud that crosses
8 your sensor and pushes your gas sensor off.
9 Would you consider that a kick indicator?

10 A. Depending on the level of gas,
11 yes.

12 Q. Okay. I want to talk with you
13 about the last hour before the explosion.
14 The Transocean drill crew began displacing
15 mud in the riser with seawater around 8:00.
16 We have already talked about that. You
17 agree with that?

18 A. Yes, sir.

19 Q. The crew shut down the mud pumps
20 around 2108 to do the sheen test?

21 A. Yes, sir.

22 Q. And after the sheen test, the crew
23 started pumping the spacer and the seawater
24 overboard, correct?

25 A. Correct.

1 Q. Now, when the crew was pumping the
2 seawater and the spacer overboard, at that
3 point, the Sperry-Sun sensor could not show
4 flow-out?

5 A. Correct.

6 Q. The Sperry-Sun sensor was placed
7 after the valve that was closed, flow-out;
8 is that right?

9 A. Correct.

10 Q. Do you know where that sensor was
11 placed on the flow-out line?

12 A. I was informed the flow-out sensor
13 was only a few feet away from the entrance
14 of the flow line into the gumbo box.

15 Q. Do you know that the Transocean
16 Hi-Tech flow-out sensor was before the valve
17 that directed the flow overboard?

18 A. That is my understanding, yes.

19 Q. Did Sperry-Sun have access to the
20 Transocean Hi-Tech flow-out sensor?

21 A. I don't know. I know it was not
22 stored in the database.

23 Q. At that time when the Transocean
24 crew was pumping the spacer and the seawater
25 overboard, one of the kick indicators,

1 flow-out, could not be read, at least with
2 the Sperry-Sun sensor, correct?

3 A. True.

4 Q. And similarly, since the flow was
5 going overboard and not to the pits, one of
6 the kick indicators, pit gain, could not be
7 monitored either, true?

8 A. Correct.

9 Q. And if we consider that the gas
10 may have been high enough to become a kick
11 indicator, there was nothing flowing over
12 the gas sensors to show that indicator
13 either, true?

14 A. Correct.

15 Q. Now, even though those indicators
16 were not available at the time, you could
17 also check flow visually, correct?

18 A. Yes.

19 Q. In fact, that is what the
20 Sperry-Sun employee, Mr. Keith, did. Is
21 that your understanding?

22 A. Are you speaking about after they
23 diverted overboard, whether he could view
24 the flow-out over the closed-circuit TV?

25 Q. Before they diverted overboard.

1 A. Yes, sir.

2 Q. And you had a conversation with
3 Mr. Keith and he told you that he visually
4 saw evidence of that?

5 A. Yes.

6 Q. Did he tell you who he discussed
7 that with?

8 A. He did not say whether or not he
9 discussed that with anyone or not.

10 Q. We also have notes from the BP
11 internal investigation, their interview with
12 Don Vidrine where he states, "Checked for
13 flow and it was okay."

14 Do you know if Mr. Keith had any
15 discussions with Mr. Vidrine about Mr. Keith
16 visually checking for flow?

17 A. No, sir, I don't.

18 Q. There have been discussions here
19 by different people about whether the flow
20 increased at certain times, and you went
21 through what you thought was happening
22 during that time.

23 Based on your review of this
24 chart, did it look to you like every time
25 there was an indication of an increase in

1 flow that there was some reason for it?

2 A. During the mud displacement?

3 Q. Yes.

4 A. Yes, sir. By flow, you mean
5 flow-out?

6 Q. Yes.

7 A. Yes, sir, the indicators I saw,
8 the increases I saw in flow-out seemed to be
9 corresponding to other indicators that would
10 affect that flow-out.

11 Q. And similarly, there were some
12 questions asked about increases in pressure.
13 I think there were two instances where there
14 was a 100-pound increase in pressure from
15 2100 to 2108, and a 250-pound increase from
16 2108 to 2114. Did you see those increases?

17 A. I can see that in the data, yes.

18 Q. Now, if we look back at the kick
19 indicators we talked about, increase in
20 pressure is not one of the traditional kick
21 indicators. You agree?

22 A. Yes. That is not a conventional
23 kick indicator.

24 Q. In fact, when you were asked about
25 these increases in pressure in your previous

1 testimony, you stated that -- the term you
2 used was "a curiosity"?

3 A. Yes.

4 Q. In fact, you stated that if that
5 is all you have to go on, that is not a
6 whole lot of information. Was that your
7 testimony?

8 A. Yes.

9 Q. And you still agree with that?

10 A. Yes, sir.

11 Q. And if one of the pieces of
12 information that is out there is that one of
13 the Sperry-Sun employees visually checked
14 for flow and there was no indication of
15 flow, that would be important, correct?

16 A. Yes.

17 Q. And that would change or at least
18 make what you said about the increase in
19 standpipe pressure being a curiosity, that
20 would probably just leave it at that, just
21 being a curiosity. You agree?

22 MR. GODFREY:

23 Objection, speculation. And now
24 he is giving an opinion about what Mr. Keith
25 did or did not do, and we know precisely

1 what Mr. Keith did.

2 MR. HYMEL:

3 I was asking this witness whether,
4 based upon what he understands Mr. Keith
5 saw, if that would confirm Mr. Gisclair's
6 statement that the increase in pressure is
7 simply a curiosity. So I am asking
8 Mr. Gisclair; I am not asking him about what
9 Mr. Keith did.

10 JUDGE ANDERSEN:

11 I suppose that a curiosity on its
12 face is not a scientific term, and so he is
13 really just asking for him to opine on that.
14 You can't give a -- you can't speculate or
15 guess, but if you believe that what he saw
16 falls within your meaning of curiosity or
17 anomaly, you may answer.

18 THE WITNESS:

19 I can't answer for what Mr. Keith
20 saw or did not see.

21 JUDGE ANDERSEN:

22 Let's just leave it at that. We
23 have a record, and later on, the board will
24 have to evaluate that.

25 EXAMINATION BY MR. HYMEL:

1 Q. Do you agree that an increase in
2 standpipe pressure clearly does not mean the
3 well is flowing if there is evidence that
4 someone visually checked for flow and did
5 not see any flow?

6 A. I would agree with that.

7 Q. Mr. Keith testified he did not see
8 anything during his monitoring to cause him
9 to call the drill floor to shut the job
10 down. Was your evaluation of this chart the
11 same?

12 A. Well, evaluating the chart and
13 sitting down and watching it in realtime are
14 two different things. And I imagine you can
15 look at this chart and you may see things
16 that over a given time period may look
17 obvious, but as you are watching it, it
18 takes some time for that to become more
19 apparent.

20 So you really can't look at this
21 chart and say, Well, if I had been sitting
22 in this chair, I would have seen this and
23 brought notice to it.

24 MR. HYMEL:

25 Thank you. Those are all the

1 questions I have.

2 JUDGE ANDERSEN:

3 Thank you very much.

4 Douglas Harold Brown?

5 BP?

6 MR. GODFREY:

7 Yes, Your Honor. Thank you.

8 EXAMINATION BY MR. GODFREY:

9 Q. Mr. Gisclair, we have never met; I
10 have seen you around, you have seen me
11 around. Nice to meet you, sir.

12 Is it correct that you personally
13 never were on board the DEEPWATER HORIZON?

14 A. No, sir, that is not correct.

15 Q. When were you on board the
16 DEEPWATER HORIZON?

17 A. I can't say specific dates, but I
18 had made trips out to the HORIZON on two
19 different projects.

20 Q. Did you ever personally monitor
21 the data to see how it was set up on the
22 screen in your prior trips?

23 A. I never sat on the HORIZON at a
24 monitor, no. But I did go in the unit, and
25 I was familiar with their setup.

1 Q. But in terms of what the mud
2 logger actually saw on the various screens,
3 you don't know what that display was looking
4 like?

5 A. No, sir, I can't answer for what
6 was on his screen at the exact time of the
7 incident.

8 Q. Did you ever personally work with
9 either Mr. Keith or Ms. Cathleenia Willis in
10 the performance of their mud logging duties
11 previously?

12 A. No, sir, I never worked with
13 either of those as mud loggers.

14 Q. When you were on the DEEPWATER
15 HORIZON, did you ever personally inspect the
16 location of the sensors?

17 A. No, sir.

18 Q. When you met with Mr. Keith, did
19 you meet with him one time or more than one
20 time?

21 A. Several times.

22 Q. Did you make any notes of those
23 meetings?

24 A. Only the annotations that you see
25 on the logs.

1 Q. Did you ever ask Mr. Keith when he
2 first suspected that there might be a well
3 that was flowing or a kick in progress?

4 A. I did. I asked if he had noticed
5 anything unusual, and he didn't say he had
6 seen anything.

7 Q. I noticed in looking at the charts
8 that you have prepared, it doesn't indicate
9 the various activities that Mr. Keith was
10 engaged in. Did you ever prepare a log or
11 notes to determine what precise times --
12 what Mr. Keith was doing at each of those
13 times?

14 A. No, sir. My intention was
15 identifying only rig activities that could
16 influence sensor readings.

17 Q. You were asked a question by other
18 counsel about Mr. Keith's other duties. Did
19 Mr. Keith have any other duty than to sit in
20 that unit and to monitor continuously the
21 various data that was crossing the screens
22 before him?

23 A. I can't answer for what
24 Mr. Keith's duties were at that time.

25 Q. Have you ever looked at the

1 contract that Sperry-Sun and Halliburton
2 signed with BP, where they promised and
3 expressly represented the kinds of duties
4 that their mud loggers would be performing
5 in terms of monitoring continuously?

6 A. Not that I recall.

7 Q. You testified previously in your
8 first time here about -- you used the phrase
9 about being "pretty close to blind," the mud
10 loggers, at various points in time. Do you
11 recall that testimony?

12 A. Yes, sir.

13 Q. So at what points in time,
14 specifically on the evening of April 20,
15 2010, on board the DEEPWATER HORIZON was
16 Mr. Keith pretty close to blind with respect
17 to performing his duties with respect to the
18 flow-in meter?

19 A. I would say the most inhibited
20 anyone with Sperry-Sun would have been with
21 respect to monitoring rig operations would
22 have been after the sheen test. There were
23 incidents after the sheen test that would
24 have also inhibited rig monitoring. But
25 once they started diverting overboard is

1 when they were bypassing most of what would
2 typically be used to --

3 Q. Was that at 2114?

4 A. Yes, sir, it was diverted
5 overboard at that time.

6 Q. So was the flow-in meter capable
7 of being monitored after 2114?

8 A. Yes, sir. The flow-in is actually
9 not a measurement. It is a calculation
10 based on the stroke rate of a rig pump.

11 Q. Was the flow-in monitor capable of
12 being calculated after 2120 on April 20,
13 2010?

14 A. Yes. They were not bypassing
15 the --

16 Q. And prior to 2114, was the flow-in
17 meter capable of being calculated?

18 A. Yes.

19 Q. The flow-out meter, was that
20 capable of being accurately calculated after
21 that?

22 A. No.

23 Q. What about prior to 9:14 on the
24 evening of April 20, 2010, was the flow-out
25 meter capable of being accurately

1 calculated?

2 A. When you say "accurately
3 calculated"...

4 Q. Monitored accurately.

5 A. To an extent.

6 Q. How is it limited in its
7 monitoring capabilities?

8 A. It was limited by draining of the
9 trip tank. It would have increased it, and
10 it would have been impossible to tell in
11 realtime what increase might have been due
12 to the trip tank drain or what increases
13 might have been due to a well influx.

14 There were also, at the time of
15 the mud displacement, crane operations which
16 also have an effect on the flow-out and
17 makes it a much less reliable sensor.

18 Q. Did Mr. Keith tell you that he had
19 alerted anyone that he was inhibited or
20 unable to provide continuous, accurate
21 monitoring of the flow-out meter during the
22 evening of April 20, 2010?

23 A. No, sir.

24 Q. What about the pump rate on pumps
25 1, 2, 3 and 4? During the evening of

1 April 20, 2010, was the mud logger on
2 station, Mr. Keith, able to accurately and
3 continuously monitor those four pump rates?

4 A. Yes, sir.

5 Q. What about the riser flow, during
6 the evening of April 20, 2010, was the mud
7 logger on duty, Mr. Keith, able to
8 accurately and continuously monitor the
9 riser flow?

10 A. Yes, sir.

11 Q. What about pit volume change, was
12 the mud logger on duty on April 20, 2010, in
13 the evening, able to accurately monitor pit
14 volume changes?

15 A. No, sir.

16 Q. What period of time was the mud
17 logger on duty, that is, Mr. Keith, on the
18 evening of April 20, 2010, on board the
19 DEEPWATER HORIZON unable to continuously and
20 accurately monitor pit volume changes?

21 A. Well, the moment that they started
22 displacing the mud with seawater, he was
23 unable to monitor pit volume changes based
24 on just the pit volume change. The pit
25 volume changes -- being a closed system --

1 meaning that you are drawing fluid from the
2 same pit that you are going to be replacing
3 it into. At the time of the displacement,
4 they were sucking seawater out of the sea
5 chest and pumping it downhole and taking
6 returns into the active pit system. The sea
7 chest is not a monitored pit, so it is
8 impossible for them to have a computer in
9 realtime show them an ongoing pit change.

10 Any comparisons of what you pumped
11 compared to what you got back would have to
12 be done after the fact.

13 Q. Based upon your analysis of the
14 data, what were the precise times that
15 Mr. Keith, as the mud logger on station, was
16 unable to accurately and continuously
17 monitor pit volume changes during the
18 evening of April 20, 2010, on board the
19 DEEPWATER HORIZON?

20 A. Well, certainly during the mud
21 displacement and beyond, from 2002, 8:02 in
22 the evening is when they started displacing
23 the riser. From that moment on until the
24 end of transmission, it would not have been
25 possible for Mr. Keith to accurately monitor

1 pit changes in realtime.

2 Q. Did Mr. Keith, to your knowledge,
3 call anyone on the drilling rig floor, the
4 OIM or anyone else, to say that As of
5 8:02 this evening, I can no longer
6 continuously and accurately monitor the pit
7 volume changes?

8 A. No, but neither could Transocean.

9 Q. Thank you.

10 Cement pump pressure, was
11 Mr. Keith able to accurately and
12 continuously monitor cement pump pressure
13 during the evening of April 20, 2010, on
14 board the DEEPWATER HORIZON?

15 A. Yes, sir, the cementer was
16 transmitting his data to us at that time.

17 Q. With respect to cement flow, was
18 Mr. Keith able to continuously and
19 accurately monitor cement flow during the
20 evening of April 20, 2010?

21 A. Yes.

22 Q. What about the pit volumes for
23 each of the 20 active pits? Was Mr. Keith
24 able to accurately and continuously monitor
25 the pit volumes for all 20 active pits

1 during the evening of April 20, 2010?

2 A. He was able to monitor all 20
3 pits, but not all 20 were active.

4 Q. Fair enough. The ones that were
5 active, he was able to continuously and
6 accurately monitor; is that correct?

7 A. Yes.

8 Q. Where those pits were active, was
9 Mr. Keith able to determine on a continuous
10 basis with accuracy the pit total volume?

11 A. Yes, with the exception of the pit
12 volume change.

13 Q. What about the auxiliary pits, was
14 he able to continuously and accurately
15 monitor the pit volume of the auxiliary pits
16 during the evening of April 20, 2010?

17 A. Yes.

18 Q. What about the trip tank sensor,
19 was he able to continuously and accurately
20 monitor the trip tank sensor on the evening
21 of April 20, 2010?

22 A. Yes.

23 Q. Was he able to continuously and
24 accurately monitor the standpipe pressure on
25 the evening of April 20, 2010?

1 A. Yes.

2 Q. So of the 14 or 15 data sensor
3 points I have listed, is it correct that it
4 was the flow-out meter and the pit volume
5 changes alone that Mr. Keith was inhibited
6 or unable to continuously and accurately
7 monitor during the evening hours of
8 April 20, 2010?

9 A. Of the ones you mentioned, yes.

10 Q. All right. Were there any sensors
11 on board the DEEPWATER HORIZON that were not
12 working or operational on the evening of
13 April 20, 2010, as far as you know?

14 A. I am not aware of any.

15 Q. By the way, the data that is
16 transmitted to shore in the INSITE system,
17 is there another program called Well Site?

18 A. No, sir, that is not part of the
19 realtime.

20 Q. What about Well Space?

21 A. I believe that Well Space is a
22 file repository and not a realtime data
23 collection system.

24 Q. And the people that have access to
25 that data are BP, right?

1 A. BP and anyone that they chose to
2 put on that access list.

3 Q. Anadarko and MOEX?

4 A. Yes.

5 Q. Halliburton, right?

6 A. Yes.

7 Q. Sperry-Sun?

8 A. Yes.

9 Q. Transocean?

10 A. I'm not aware of any Transocean
11 personnel on that access list, but if BP
12 chose to put them on, they could.

13 Q. Were there ever any documents or
14 notes you saw generated at any time, either
15 before or after the incident, in which the
16 mud loggers, either Mr. Keith or Ms. Willis
17 or Kelley Gray or Kelley Garner, did they
18 generate any concerns about being able to
19 continuously and accurately monitor the data
20 they were supposed to be monitoring?

21 A. No, sir, I have seen no such
22 notes.

23 Q. Is it common, in your experience,
24 that there are periods of time when you are
25 unable to -- due to procedures on board a

1 rig, whether it is the DEEPWATER HORIZON or
2 other rigs, that the Sperry-Sun mud loggers
3 on duty are unable to monitor all of the
4 data that they otherwise are supposed to be
5 monitoring?

6 A. Yes, sir.

7 Q. That is common?

8 A. Yes, sir.

9 Q. Let's talk for a moment about the
10 alarms at the mud logger station. Do you
11 know whether any alarms were triggered in
12 the mud logger station on the evening of
13 April 20, 2010, on board the DEEPWATER
14 HORIZON?

15 A. No.

16 Q. Did you ask Mr. Keith?

17 A. No, sir, we didn't discuss the
18 alarms.

19 Q. Is there any written data that is
20 transmitted to shore that shows when an
21 alarm is triggered?

22 A. No, sir, but there may be a record
23 when the mud loggers note significant events
24 in their logbook. But that is a written
25 book that went down with the rig.

1 Q. We know at 2108, the data you
2 analyzed shows an increase in the standpipe
3 or drill pipe pressure of about 250 pounds
4 per square inch, correct?

5 A. Right.

6 Q. And you testified earlier that
7 that pressure increase was something you
8 would have investigated, right?

9 A. If it were brought to my
10 attention, yes.

11 Q. You would have to see it first,
12 right?

13 A. I would have to see it.

14 Q. In your conversations with
15 Mr. Keith, did he ever indicate that he
16 noticed the increase in pressure on the
17 evening of April 20, 2010, on board the
18 vessel?

19 A. No, sir.

20 Q. Looking at the data that you have
21 analyzed, does any of that data, in your
22 judgment, show an indication at any time on
23 the evening of April 20, 2010, an indication
24 of the well flowing, or a pit --

25 A. No, sir. Again, looking at a

1 chart like this is not the same as sitting
2 in the chair. I can't say that if I were
3 sitting in front of the monitors monitoring
4 this particular rig at this particular time
5 that I would have spotted something that Joe
6 did not.

7 Q. Do you recall your appearance
8 before the presidential committee?

9 A. Yes, sir.

10 Q. Do you remember being asked a
11 question about whether or not the increase
12 in drill pipe pressure would have caused you
13 any concern or anything? Do you remember
14 that?

15 A. Yes, sir.

16 Q. You remember saying it would have
17 caused an alarm if they had noticed it?

18 A. If they had noticed it?

19 Q. Right.

20 A. Possibly.

21 Q. When you said it would have caused
22 an alarm if they had noticed it, what kind
23 of alarm? To call the drilling floor? Or
24 to call who?

25 What should the mud logger have

1 done if he had noticed that increase in
2 drill pipe pressure causing him an alarm?

3 A. At any point, anyone monitoring
4 the rig, any third party monitoring the rig
5 identifies something that is unusual that
6 they think needs attention, they will call
7 the rig floor, the driller, the AB, whoever
8 is in charge on the floor.

9 Q. Did Mr. Keith ever indicate to you
10 that he called the rig floor to indicate any
11 concerns?

12 A. No, sir.

13 Q. Did he ever mention to you that he
14 called the rig floor to ask about a gain in
15 the pits?

16 A. No, sir.

17 Q. Let's change topics. Are you
18 aware of whether or not Sperry-Sun and
19 Halliburton entered into a contract to
20 provide mud logging services to BP with
21 respect to the DEEPWATER HORIZON?

22 A. I have no knowledge of the
23 contracts. I don't deal with those.

24 Q. Have you ever looked at the
25 contractual obligations and the promises and

1 representations that Sperry-Sun made about
2 what it was capable of doing and what it
3 would do for the benefit of the Transocean
4 crew and BP on a continuous basis?

5 MR. GODWIN:

6 Objection, asked and answered. He
7 said he was unaware of contractual
8 arrangements between the two companies and
9 never saw the document.

10 MR. GODFREY:

11 I will rephrase and make it
12 simpler.

13 EXAMINATION BY MR. GODFREY:

14 Q. In your position in dealing with
15 and helping with data problems on board this
16 rig and other rigs, have you ever been
17 informed by anyone as to what obligations
18 and duties Sperry-Sun might have agreed to
19 perform on those rigs and for the benefit of
20 that drilling crew?

21 MR. GODWIN:

22 Object to the extent that the
23 question calls for any attorney/client
24 privileged communications, Your Honor. Or
25 any other lawyer for Halliburton.

1 JUDGE ANDERSEN:

2 In terms of your duties to the
3 company, have you been advised by the
4 company of your duties to the people you
5 have contracts with?

6 THE WITNESS:

7 Only as it applies to my specific
8 area. I am typically not privy to any
9 overall contract review.

10 If a customer requires a specific
11 service that is in a contract that requires
12 my participation, someone will notify me
13 that, you know, BP needs this specific
14 service on this rig when it starts drilling
15 at this time. And so I will start
16 coordinating it.

17 Those services that I am involved
18 in are realtime data. So anything beyond
19 the realtime data, I am not typically aware
20 of the contractual obligations.

21 EXAMINATION BY MR. GODFREY:

22 Q. Let me ask you a few questions,
23 and if you don't know the answers, fair
24 enough. I don't know if you know or don't
25 know.

1 Do you know whether Sperry-Sun
2 agreed to have continuous, full-time
3 monitoring of various data on board the rig?

4 MR. GODWIN:

5 Objection, calls again for him to
6 interpret the document, the contract between
7 Halliburton and Sperry-Sun and between BP.

8 JUDGE ANDERSEN:

9 If you don't know, you don't know.
10 That is fine.

11 THE WITNESS:

12 All I know is that they hired our
13 mud logging service. I don't know what
14 specific services they were obligated to do
15 according to the contract.

16 EXAMINATION BY MR. GODFREY:

17 Q. Is it fair to say that in terms of
18 the duties, the responsibilities, the
19 expectations, the promises, the
20 representations that are contained in any
21 written document between BP, Sperry-Sun and
22 Halliburton, you are not aware of what those
23 are; that's a fair statement?

24 A. Yes, sir.

25 Q. Okay, then, we will move on a lot

1 faster. Thank you.

2 Do you know whether or not one of
3 the duties performed, whether by contract or
4 otherwise, by the Sperry-Sun mud loggers on
5 board the DEEPWATER HORIZON was to monitor
6 the data for purposes of detecting well flow
7 or a kick?

8 A. Yes. Rig monitoring is one of the
9 services we were providing on the HORIZON.

10 Q. And what is your understanding of
11 the services that are captured under the
12 phrase "rig monitoring"? What is your
13 understanding of what those services entail?

14 A. That we would capture and monitor
15 surface parameters and all other rig or
16 drilling data pertinent to the well and
17 monitor those throughout the life of the
18 well.

19 Q. And in order to monitor that data,
20 do you ever train your people, the mud
21 loggers in well-control, in how to detect a
22 kick in monitoring the data?

23 A. Kick detection is part of the mud
24 logging training regimen.

25 Q. And what is the standard regimen,

1 once every six months, once every six years?

2 Do you know?

3 A. I'm not involved in that process,
4 so I don't know.

5 Q. What are the types of kick
6 indicators that a mud logger should be
7 looking for as he or she is sitting there
8 monitoring the data coming across their
9 various screens?

10 A. Depends on the rig operations.
11 Kick indicators during casing or completion
12 might be different than kick indicators
13 while drilling.

14 Q. Fair enough. Let's focus on the
15 last five hours on board the DEEPWATER
16 HORIZON prior to the explosion.

17 What were the types of kick
18 indicators that the mud loggers on station
19 should have been paying attention to with
20 respect to the data coming across their
21 screens?

22 A. Generally, they will be looking at
23 the flow-out trend, they will be looking at
24 pit volume gain or loss, gas-cut mud, drops
25 in standpipe pressure, maybe changes in

1 stroke rate in some cases.

2 Q. Anything else?

3 A. In some cases, you could be
4 looking at fluctuations in hook load due to
5 the buoyancy effect off the hydrocarbons --

6 Q. I'm not going to cover hook load.
7 I think that has been covered earlier.

8 Flow-out trend is one of the
9 indicators that the mud logger on station on
10 the evening of April 20, 2010, was supposed
11 to be looking for, correct?

12 A. Yes.

13 Q. But after 2002, or 8:02 p.m., the
14 mud logger on station was unable to monitor
15 the data for flow-out; is that correct?

16 A. No, sir. There were specific
17 events during that time when he was
18 inhibited, but not for the flow-out.

19 Q. Was Mr. Keith able to or not able
20 to monitor on a continuous and uninterrupted
21 basis the flow-out stream data to determine
22 whether or not he could detect a kick?

23 A. Not on a continuous basis, no.

24 Q. And would you not expect -- since
25 one of the five indicators of kick detection

1 is flow-out trends, would you not have
2 expected Mr. Keith to notify the drilling
3 crew, Hey, fellows, I can't follow some of
4 the data I need to be following?

5 A. I can't speak with respect to
6 that, not knowing the relationship he has
7 with the rig crew. It may have been
8 discussed prior.

9 Q. Do you know whether it was
10 discussed prior?

11 A. No.

12 Q. What about pit volumes, was
13 Mr. Keith able to monitor on a continuous
14 and accurate basis pit volumes for purposes
15 of detecting a kick during the evening hours
16 of April 20, 2010?

17 A. After 8 p.m., no, sir.

18 Q. And again, of the kick detection
19 criteria on the list, you identified five,
20 possibly six -- him being unable to do the
21 second one as well -- would you expect him
22 to have notified the drilling crew that he
23 couldn't monitor that data?

24 A. The drilling crew would already
25 know that because they would not be able to

1 monitor it either. The pit volume data was
2 Transocean's, which was transmitted to us in
3 realtime. So we were looking at the exact
4 same data in the pit volume. So if our pit
5 volume data was obscured, so would theirs
6 be.

7 Q. The third was gas in the mud. Do
8 you recall that?

9 A. Yes.

10 Q. Was Mr. Keith, on the evening of
11 April 20, 2010, able to monitor accurately
12 and continuously the gas content in the mud?

13 A. Yes, sir.

14 Q. Now, the standpipe or drill pipe
15 pressure, he was able at all times to
16 accurately and continuously monitor,
17 correct?

18 A. Yes.

19 Q. And the pump stroke rates, he was
20 able to accurately and continuously monitor
21 that, correct?

22 A. Yes, sir.

23 Q. So of your first five primary kick
24 indicators, two of them he was not able to
25 monitor accurately and continuously after 8

1 on the evening of April 20, 2010; one had an
2 increase of 250 psi in pressure at 9:08; and
3 the other two were normal, right?

4 A. What other two?

5 Q. Gas in the mud and pump stroke
6 rate were normal, as far as you know?

7 A. Well, they didn't keep a
8 continuous flow-in, so the pump -- the
9 stroke rate is difficult --

10 Q. It was irrelevant, right?

11 A. Right.

12 Q. So the first four primary
13 indicators of a kick, Mr. Keith was not able
14 to accurately and continuously monitor the
15 data for two of those. The third showed an
16 increase in drill pipe pressure of
17 250 pounds per square inch. And the fourth
18 and final one was normal, and he chose to
19 not notify the crew. Is that your
20 understanding?

21 MR. GODWIN:

22 Objection to what Mr. Keith did,
23 whether he chose not to do it. There is no
24 testimony that he chose not to do anything.

25 JUDGE ANDERSEN:

1 I will sustain it. That is
2 calling for mind reading.

3 EXAMINATION BY MR. GODFREY:

4 Q. The four principal indicators of a
5 kick, based on the data Mr. Keith was
6 monitoring, two streams of data were not
7 able to be accurately and continuously
8 monitored. And the third stream indicated a
9 250-pound-per-square-inch increase in
10 pressure, and the fourth was normal.

11 And as far as you know, he did not
12 call and discuss this with the drilling
13 crew, correct?

14 A. Correct.

15 Q. Are you familiar with the
16 well-control handbook of Transocean?

17 A. No, sir.

18 Q. Do you know whether or not the mud
19 loggers on station are made familiar with
20 the drilling and well-control handbook of
21 Transocean?

22 A. I don't know.

23 Q. Does Sperry-Sun have a policy or
24 procedure in which it expects its mud
25 loggers on station, whose responsibility it

1 is to monitor data for a kick, to become
2 familiar with Transocean's well-control
3 policies and procedures?

4 A. Again, I am not involved in that
5 training regimen, so I can't answer.

6 Q. Do you know what information is
7 provided to the mud loggers on station by
8 the drilling rig crew or the company man or
9 anyone else on the rig on a daily or weekly
10 basis?

11 A. On the HORIZON, I know they had a
12 standard tour meeting, pretour meeting. I
13 don't know what information was conveyed in
14 those meetings.

15 Q. Was there a daily operations
16 report provided, as far as you know?

17 A. From whom to whom?

18 Q. At the pretour meeting, from
19 either Transocean or BP to the Sperry-Sun
20 mud loggers?

21 A. I don't know.

22 Q. Were the 5-day planners setting
23 forth the rig activity expected over the
24 next five days provided to the Sperry-Sun
25 mud loggers?

1 A. I don't know.

2 Q. Were the Sperry-Sun mud loggers
3 expected to attend the daily pretour
4 meeting?

5 A. Yes.

6 Q. Did they, to your knowledge?

7 A. I know that -- well, according to
8 some personal conversations with Cathleenia,
9 she was in the meeting prior to our tour on
10 the 19th and the 20th.

11 Q. Thank you. Let's change topics.

12 You testified that on occasion,
13 prior to April 20, 2010, you would receive
14 calls with data issues that the DEEPWATER
15 HORIZON or other rigs in the Gulf of Mexico
16 had. Do you recall that?

17 A. Yes, sir.

18 Q. And with respect to the DEEPWATER
19 HORIZON, you were called when the computer
20 froze. Do you recall that?

21 A. Yes, sir.

22 Q. Froze up. Do you recall that?

23 A. Yes.

24 Q. Was this the computer which was
25 referred to earlier in the day as the "blue

1 screen of death computer"?

2 A. No, that is Transocean's system.
3 The computers to which I was referring are
4 in the Sperry-Sun units, Sperry-Sun
5 owned-and-operated computers.

6 Q. So with respect to the Sperry
7 owned-and-operated computers, which are in
8 the mud loggers' unit -- is that right?

9 A. Yes.

10 Q. Is the mud loggers' unit painted a
11 particular color, by the way?

12 A. I believe on the HORIZON it was
13 painted the standard red and white colors.

14 Q. Standard Halliburton colors?

15 A. Yes, sir.

16 Q. Because this was a Halliburton
17 unit, correct?

18 A. Yes, sir.

19 Q. As was the cement unit, I'm told?

20 A. I can't speak to that.

21 Q. You just speak for the mud
22 loggers?

23 A. That's correct.

24 Q. In the red-painted unit, there
25 were computers and they froze up. And they

1 were owned by Sperry-Sun?

2 A. Yes, sir.

3 MR. GODWIN:

4 I object. I think he is talking
5 about computers freezing up, and I think it
6 misstates prior testimony.

7 MR. GODFREY:

8 I will rephrase it. Was it more
9 than one computer or only one computer that
10 froze up?

11 THE WITNESS:

12 If I recall, I believe it was only
13 one computer.

14 EXAMINATION BY MR. GODFREY:

15 Q. And how often did this computer
16 freeze up?

17 A. I can't say the frequency.

18 Q. And how many computers were in the
19 Sperry-Sun mud logging unit? One or more
20 than one?

21 A. I think in the HORIZON, they had
22 at least six.

23 Q. And the computer that froze up,
24 whether it was more than one time or how
25 many times, do you recall the kind of data

1 that was on that computer?

2 A. Yes, sir. It is the same data.

3 To be honest, I don't know -- I don't recall
4 if it was the computer that was actually
5 collecting and storing the data or if there
6 was another computer and that was providing
7 some of that data. The six computers worked
8 in tandem to detect data, but the data is
9 stored on a single computer.

10 Q. And I assume there would be
11 records you have maintained that would
12 reflect any computer freeze-ups that took
13 place prior to April 20, 2010?

14 A. No, sir.

15 Q. No, there are not?

16 A. No. I don't generally record
17 calls that I get, no, sir.

18 Q. Was that computer fixed, do you
19 know?

20 A. Yes, sir.

21 Q. Let's talk about the chart. I am
22 not going to put it up again. I would
23 rather have a clear view of Mr. Fanning.

24 You selected the data for
25 inclusion on the chart; is that right?

1 A. Yes, sir.

2 Q. You selected the time period
3 covered by the chart; is that right?

4 A. Yes, sir.

5 Q. You selected how the data was to
6 be presented, that is, the scale and types
7 of data, correct?

8 A. To an extent, yes.

9 Q. You selected and made the
10 annotations yourself, right?

11 A. Yes, sir.

12 Q. Did you exclude any data from that
13 chart when you created it?

14 A. Well, there is some data that had
15 nothing to do with operations at the time.
16 For instance, ROP. If you are not drilling,
17 there is no ROP, so there is no sense in
18 taking up room on the log floor. The ROP
19 was being recorded to the database, but it
20 was all zero.

21 Q. Did you include trip tank volume
22 data on the chart?

23 A. Yes, sir.

24 Q. Did you include pit volume, total
25 measurement data?

1 A. Yes, sir.

2 Q. Now, in the mud logging unit, the
3 method of displaying the data is selected by
4 the mud logger; is that correct?

5 A. Yes, sir.

6 Q. And do you know how the data was
7 selected by Mr. Keith?

8 A. They were working off of a
9 template that was similar to the chart that
10 we see here.

11 Q. One inch equals 10 minutes?

12 A. Yes, sir.

13 Q. So how big is the screen?

14 A. I'm not certain.

15 Q. It is not a 1-inch screen?

16 A. No, it is a typical screen --

17 Q. Twelve or 14 inches?

18 A. Maybe a little bigger.

19 Q. So you are looking at 120 or 140
20 minutes at any given time?

21 A. I can't say.

22 Q. And 22.5 hours is the interval on
23 the chart you prepared. You are aware of
24 that?

25 A. That sounds about right.

1 Q. But that is not the time period
2 that Mr. Keith or Ms. Willis would see?
3 They see an hour forty or an hour and a
4 half?

5 A. They are capable of seeing
6 whatever it is they want to pull up. I
7 don't know how much data is visible to them
8 at any given time. I know it is not 22
9 hours' worth of data in one shot.

10 Q. Obviously, the more data on a
11 compressed screen, the smaller the data
12 appears, right?

13 A. That's right.

14 Q. And the more the data is stretched
15 out over a limited time, the more resolution
16 the data gets, correct?

17 A. Correct.

18 Q. And with respect to scale, what
19 was the scale you used on that chart --

20 A. Well, we referred --

21 Q. -- in terms of barrels?

22 A. For what particular piece of data?

23 For instance, the pit volume
24 change is on a scale of negative to
25 100 barrels. But the pit volume total for a

1 certain pit -- for instance, pit 6 -- might
2 be on a scale of -- pit 9 was on a scale of
3 0 to 100. It depends on what pit you are
4 displaying and what scale you choose.

5 Q. Do you know what scale was
6 selected by the mud logger on tour?

7 A. No, sir, not for the pit volume.

8 Q. Fair enough. Is it correct then
9 that the charts you have created are not
10 intended by you to be representative of what
11 the mud loggers actually saw on tour at the
12 time on the evening of April 20, 2010?

13 A. In most cases, no.

14 Q. That's correct?

15 A. That's correct.

16 Q. Thank you.

17 Now, at 2020, you wrote the remark
18 on there "erratic flow-out due to crane
19 movement."

20 Do you remember that?

21 A. Yes.

22 Q. Did Mr. Keith tell you that was
23 his conclusion, that there was erratic
24 flow-out due to crane movement? Or was that
25 your interpretation once you determined

1 there was crane movement at the time?

2 A. That was Mr. Keith who told me
3 there was crane movement at the time that
4 influenced the trend of the flow-out.

5 Q. Do you know whether Mr. Keith
6 discussed crane movement in influencing the
7 trend of the --

8 A. On the rig?

9 Q. Yes.

10 A. No, I'm not aware of that.

11 Q. What about dumping sand traps to
12 the pits?

13 A. It has an influence on the pit
14 volume change and total for 9 and 10.

15 Q. Do you know if Mr. Keith discussed
16 that with anyone at the time?

17 A. On the rig crew? No, sir, I don't
18 know.

19 Q. Is there anything that you can
20 point to on the data, other than the 2108
21 discussion we had earlier and the testimony
22 that you gave to the Presidential
23 Commission, that indicates that the rig
24 floor should have been called?

25 A. The only way to know whether or

1 not something would be apparent enough to
2 call someone and alert them would be to sit
3 in that chair and monitor the data. I can't
4 say I would have reacted any differently
5 than Mr. Keith did had I been sitting in his
6 place.

7 Q. Let's change topics. Are you
8 familiar with the INSITE and Well Space
9 data?

10 JUDGE ANDERSEN:

11 Just a second. How much longer do
12 you think you have? We have been going over
13 an hour and a half, and a brief break --

14 MR. GODFREY:

15 Why don't we take a brief break.
16 This is a perfect time.

17 JUDGE ANDERSEN:

18 See you in 15 minutes.

19 (Recess.)

20 JUDGE ANDERSEN:

21 Please be seated. Mr. Godfrey
22 will be able to resume in about 14 seconds,
23 as long as we are using nice round numbers.

24 EXAMINATION BY MR. GODFREY:

25 Q. Mr. Gisclair, before the break, I

1 indicated we were going to change topics.

2 If you would look at the notebook in front
3 of you, please, and turn to Tab 20.

4 This document is entitled "INSITE
5 Anywhere Access Log," and it was made
6 available on the home port or something, I
7 think. It is not a BP document.

8 You see the Halliburton Bates No.
9 HAL0050546 and the pages behind it, sir?

10 A. I am still trying to find the one
11 you are referring to. In our Section 20, it
12 is well --

13 Q. Turn to Tab 19, then.

14 May I approach the witness,
15 please?

16 JUDGE ANDERSEN:

17 Certainly. Our tab was different
18 too.

19 MR. GODWIN:

20 It is 21.

21 EXAMINATION BY MR. GODFREY:

22 Q. Have you seen this log before?

23 A. Very recently, yes, sir.

24 Q. And what, in general terms, does
25 this document or this recordation reflect?

1 A. Could you repeat the question.

2 Q. Sure.

3 MR. GODWIN:

4 You mind if I --

5 MR. GODFREY:

6 Absolutely, Don.

7 (Discussion between Mr. Godwin and the
8 witness.)

9 MR. GODWIN:

10 Your Honor, I have been informed
11 by the witness that prior to seeing it very
12 recently with an attorney for Halliburton,
13 he has never seen the document before. And
14 so, because of that, we are going to object
15 to him testifying about anything with regard
16 to the document and any entry in it.

17 He has a right to do that, and I
18 reserve the right to object if I deem
19 necessary or appropriate. But in terms of
20 him reviewing the document, it was in the
21 presence of a Halliburton lawyer, and we
22 object on that basis, for that reason.

23 JUDGE ANDERSEN:

24 He can't, perhaps, verify the
25 document, but if you want to ask him about

1 any information in it --

2 MR. GODFREY:

3 I understand the limitations on
4 the witness.

5 JUDGE ANDERSEN:

6 And having the document might help
7 us all understand the questions and
8 responses.

9 EXAMINATION BY MR. GODFREY:

10 Q. Are you familiar with the INSITE
11 Anywhere log system?

12 A. I know it exists, but its
13 maintenance is not within my responsibility.

14 Q. And do you have access to the
15 INSITE Anywhere access log?

16 A. No, sir.

17 Q. Is your office in Houston?

18 A. No, sir. I am based out of
19 Lafayette.

20 Q. And any time you wanted to see
21 what was going on in terms of the data being
22 transmitted back to shore, would you access
23 the data through INSITE Anywhere access?

24 A. I don't know if I was specifically
25 on the access list for the DEEPWATER

1 HORIZON. Typically, I am.

2 Q. And is the notion behind the
3 INSITE Anywhere access system that anyone
4 who has a password can see what is going on
5 with regard to the data, correct?

6 A. Yes.

7 Q. And so if you turn to page, for
8 example, the fourth page in here ending in
9 549 -- do you have that, behind Tab 21?

10 MR. GODWIN:

11 We have it.

12 EXAMINATION BY MR. GODFREY:

13 Q. Okay. So you see there is a Derek
14 Folger, care of anadarko.com. You see that?

15 A. Yes.

16 Q. And so is it fair to say he did
17 access that system on or about April 20,
18 2010, or would you know that?

19 A. I can't say for certain.

20 Q. Do you know whether or not
21 Anadarko routinely had access or did
22 routinely access the INSITE Anywhere access
23 log?

24 A. I know certain people from
25 Anadarko had access, but I can't say whether

1 they did.

2 Q. Let's turn to Well Space. Are you
3 familiar with Well Space?

4 A. Only by the nature of its
5 function.

6 Q. What is the function of Well
7 Space, in your experience or understanding?

8 A. It is my understanding it is
9 mainly a file repository, if someone wanted
10 to save documents to share with someone else
11 with specific access to Well Space, as a
12 means for them to do it.

13 Q. Do you know who has access to it?

14 A. No, sir.

15 Q. Would you expect that it is
16 password protected?

17 A. I suspect, since it holds certain
18 data sensitive to the customer, it would be
19 password protected.

20 Q. All right. I appreciate you
21 telling me what you knew and didn't know.

22 Now, you testified generally in
23 the first session that there were some rig
24 activities that in your judgment -- or at
25 least in the analysis that you have done --

1 interfered with or somehow inhibited the
2 ability to monitor data. Do you recall
3 that?

4 A. Yes.

5 Q. And we talked about the crane
6 previously, right?

7 A. Yes.

8 Q. Let's talk about ballast. You
9 know what ballast is, right?

10 A. Yes.

11 Q. Did you view ballast as having a
12 negative impact as far as inhibiting the mud
13 logger's ability to accurately and
14 continuously monitor the data on the evening
15 of April 20, 2010?

16 A. Ballasting has an impact on the
17 pit volume sensors and flow-out sensors. I
18 can't say if ballasting was a factor at any
19 given time for any of the data stored on our
20 database because we don't store ballast
21 information.

22 Q. You don't know personally one way
23 or the other, sitting here today, whether
24 ballasting had any impact on the mud
25 logger's ability to accurately and

1 continuously monitor the data on the evening
2 of April 20, 2010, correct?

3 A. That's correct.

4 Q. You also indicated that sea
5 movement could affect Sperry-Sun's ability
6 to monitor various of the data. Do you
7 recall that?

8 A. Yes, sir.

9 Q. What did you mean by "sea
10 movement"?

11 A. Just any floating vessel. Because
12 it is floating on the surface of the water,
13 it is going to heave along with sea
14 movement. If you have high seas, it will
15 rise and fall with those seas, and as it
16 rises and falls, it will tilt one way or the
17 other. And when the rig tilts, it will
18 affect the fluid levels.

19 Q. Is another word for the phrase
20 "sea movement," waves?

21 A. Sure.

22 Q. And waves are not an unexpected
23 phenomenon in the Gulf of Mexico, right?

24 A. No.

25 Q. And it is your testimony that the

1 Sperry-Sun sensors don't work as well when
2 there are waves?

3 A. The flow-out sensors and the pit
4 volume sensors, the sonic sensor or any
5 sensor that would detect fluid height will
6 be influenced by sea waves, yes, sir.

7 Q. Sperry-Sun provides data on mud
8 logging services to BP and Transocean,
9 right?

10 A. Yes.

11 Q. And Sperry-Sun is supposed to
12 monitor the data accurately and
13 continuously, right?

14 A. Yes.

15 Q. And waves inhibit the ability of
16 Sperry-Sun to monitor the data accurately
17 and continuously when you are out in the
18 Gulf of Mexico. Is that your testimony?

19 A. It is an influence, yes.

20 Q. Really? Okay.

21 Do you know whether or not on the
22 evening of April 20, 2010, the waves were of
23 any particular significance?

24 A. I'm not aware of the sea
25 conditions that night.

1 Q. Is it correct that you personally
2 do not know whether or not the waves in the
3 Gulf of Mexico had any negative influence on
4 the ability of the mud logger to accurately
5 and continuously monitor the data?

6 A. No, I am not aware of the wave
7 movement.

8 Q. Do you know whether the crane
9 operation that took place on the evening of
10 April 20, 2010, had any negative impact on
11 the ability of the mud logger on station --
12 that is, Mr. Keith -- to accurately and
13 continuously monitor the various data that
14 he was seeing on the screens?

15 A. I was not personally on the
16 HORIZON, so I can't say I personally
17 witnessed the influence of the crane
18 operation on the flow-out. All I can do is
19 when someone tells me there were crane
20 operations, I can compare that flow-out
21 trend to other flow-out profiles when there
22 were no crane operations; compare the traces
23 there and determine whether or not the
24 flow-out may have been influenced by crane
25 operations.

1 Q. So the answer to my question is,
2 you personally do not know whether or not
3 the crane movement on the evening of
4 April 20, 2010, had a negative influence or
5 impact on the ability of Mr. Keith to
6 accurately and continuously monitor the
7 data, can you?

8 A. Not personally, no, sir.

9 Q. Thank you.

10 As far as you know, sitting here
11 today, on the evening of April 20, 2010, was
12 the Sperry-Sun mud logger on station,
13 Mr. Keith, capable of monitoring and
14 displaying trends in total pit volume?

15 A. Yes, sir.

16 Q. Did he do so, and was he capable
17 of doing so entirely during the time period
18 of 6 p.m. until the time of the explosion?

19 A. He had a display that showed the
20 individual pits and also the total pit
21 volume, and he would have seen that on
22 screen, yes.

23 Q. And it would have been an accurate
24 measurement?

25 A. Well, it would have been affected

1 by the same influences when they were
2 displacing mud. They were sucking mud from
3 an unmonitored pit, so what you see on the
4 total pit gain would be just the amount of
5 fluid you were getting out of the hole. But
6 you would not be able to offset that by what
7 was pumped downhole.

8 So when you see a gain in the pit
9 system, you will also see a gain in the
10 total reading. But you would not be able to
11 determine how much of that gain was coming
12 from pumping operations and how much might
13 have been coming from other influences. Not
14 in realtime. He would have to do it after
15 pumping stopped.

16 Q. My question was actually simpler.
17 Was he able to accurately and continuously
18 monitor the pit volumes?

19 A. No, sir.

20 Q. On the evening of April 20, 2010,
21 was Mr. Keith, the mud logger on station,
22 able to accurately and continuously monitor
23 and display the individual trends?

24 A. Yes, he could display the pit
25 volumes, but he could not monitor them

1 accurately. At least not the pits being
2 used for the active system at the time.

3 Q. During the evening of April 20,
4 2010, from 6 until the moment of the
5 explosion, was Mr. Keith, the mud logger on
6 station for the DEEPWATER HORIZON, able to
7 accurately and continuously monitor the mud
8 flow in and out? From 6 until the moment of
9 the explosion?

10 A. The flow rate in, yes; the flow
11 rate out, no.

12 Q. You said a couple of times -- and
13 I may not have understood the point you were
14 making -- but you said that because of the
15 changes in the pits, you could see a
16 42-barrel movement from one pit to another.

17 A. Whenever you do a transfer from
18 one pit to another and you want to determine
19 if the amount transferred from one was the
20 amount transferred into the other, you have
21 to do that after the transfer. There is no
22 sensor on the transfer pump that tells us
23 flow rates between pits.

24 Q. How long after the transfer time
25 would the mud logger do that check?

1 A. I can't say how long.

2 Q. Minutes, hours, days?

3 A. Typically, they want to do it
4 pretty soon after the transfer is finished,
5 because the idea is to identify whether or
6 not you have gained or lost.

7 Q. Right. So the mud logger sees a
8 gain or loss of 42 barrels, for example, as
9 one of the previous counsel mentioned. Is
10 there any indication that Mr. Keith then did
11 a calculation in the next 10 or 20 minutes
12 to determine whether or not that was
13 explicable by the explanation you gave?

14 A. I don't know whether he did.

15 Q. Was it important to you when you
16 were doing your work afterwards to know
17 whether or not Mr. Keith missed a 42-barrel
18 gain?

19 A. Well, a 42-barrel gain in the
20 entire system or the pits?

21 Q. Start with the entire system.

22 A. There wasn't a 42-barrel gain in
23 the entire system. It was transferred from
24 one pit to another.

25 Q. But that's based on your ex post

1 facto analysis.

2 At the time, and correct me if I'm
3 wrong, you said you don't know whether
4 Mr. Keith determined whether that 42-barrel
5 gain was offset by transfer. So if he
6 noticed a 42-barrel change, shouldn't he
7 have done something like called the drilling
8 crew to find out what is going on?

9 A. I can't say what Mr. Keith should
10 or shouldn't have done, sitting in that
11 chair.

12 Q. Does Sperry-Sun have a policy or a
13 procedure that tells mud loggers that at no
14 time are they to leave their monitoring
15 stations unattended for any reason?

16 A. No, there is no such policy.

17 Q. Prior to today, did you have any
18 information or knowledge that Mr. Keith had
19 left the mud logging station unattended
20 during the evening hours of April 20, 2010,
21 on board the DEEPWATER HORIZON?

22 A. No, sir.

23 Q. One final question, or final
24 topic. I won't limit myself to a question.

25 When we spoke of the five possible

1 kick indicators that you told me about half
2 an hour or so ago, one of them, you said,
3 was the decrease in pressure on the drill
4 pipe or standpipe. Do you recall that?

5 A. Yes.

6 Q. What about an increase in the
7 drill pipe or standpipe, is that an
8 indicator?

9 A. An increase under these specific
10 circumstances can denote a kick. Generally,
11 it goes the opposite way, though. The most
12 common kicks occur, and they will produce
13 the -- when the most common kicks occur,
14 they will produce a drop in standpipe
15 pressure, not an increase.

16 But due to the mud placement in
17 the drill string and the well and the
18 annulus, and the geometry of the drill
19 string and the casing in the riser, and
20 depending on where the kick might have come
21 from, it could conceivably have created an
22 increase in pressure, which is generally an
23 uncommon type of kick.

24 Q. Was the mud logger on station
25 trained to recognize not just the common

1 types of kicks but the uncommon as well?

2 A. I can't answer for Mr. Keith.

3 MR. GODFREY:

4 No further questions.

5 JUDGE ANDERSEN:

6 Steve Bertone?

7 Mike Williams?

8 MR. PENTON:

9 Just a few.

10 EXAMINATION BY MR. PENTON:

11 Q. Ronnie Penton on behalf of Mike
12 Williams. I have a few.

13 Halliburton's contract with BP
14 required Halliburton to monitor the
15 pressures and fluid downhole for detection
16 of hydrocarbons to facilitate well-control.
17 Is that accurate?

18 MR. GODWIN:

19 Objection. He is asking him to
20 interpret a document he has had nothing to
21 do with and has never seen in whole or in
22 part. If he wants to ask him factually.

23 JUDGE ANDERSEN:

24 Let's just say, was it your
25 understanding that was your mission? We

1 know that the formal contract might or might
2 not include that. It might be different,
3 but counsel is entitled to know what you
4 thought your mission was on the DEEPWATER
5 HORIZON.

6 THE WITNESS:

7 Well, we were hired for rig
8 monitoring -- in part for a rig monitoring
9 service, and that would be what I would
10 consider included in the rig monitoring
11 service.

12 I can't say whether or not that is
13 included in the contract, but that is what I
14 generally understand to be the traditional
15 meaning of rig monitoring.

16 EXAMINATION BY MR. PENTON:

17 Q. And is it true in this case that
18 hydrocarbons entered the well and the riser
19 undetected by Halliburton?

20 MR. GODWIN:

21 Object, speculation.

22 JUDGE ANDERSEN:

23 Only if you know. You do not have
24 to guess or speculate.

25 THE WITNESS:

1 I am not aware, no.

2 EXAMINATION BY MR. PENTON:

3 Q. You don't know if hydrocarbons
4 entered the well or the riser?

5 MR. GODWIN:

6 Repeat that question.

7 MR. PENTON:

8 I'll break it up into two, because
9 the --

10 THE WITNESS:

11 Quite obviously, hydrocarbons
12 entered the annulus of the well.

13 EXAMINATION BY MR. PENTON:

14 Q. And the second part is that
15 Halliburton failed to detect those
16 hydrocarbons before it entered the riser,
17 correct?

18 MR. GODWIN:

19 Object as calling for a
20 conclusion. Also speculation, Your Honor.

21 JUDGE ANDERSEN:

22 He might not know.

23 If you have an answer, you can
24 give it, but you don't have to guess or
25 speculate.

1 THE WITNESS:

2 I can't answer for everything that
3 Mr. Keith saw or did not see or was aware
4 of.

5 EXAMINATION BY MR. PENTON:

6 Q. Are you aware of any evidence that
7 would lead you to believe that Halliburton
8 did detect hydrocarbons before they entered
9 the riser?

10 A. No, sir, I am aware of no such
11 evidence.

12 Q. Say again, I'm sorry.

13 A. I am aware of no such evidence.

14 Q. Thank you.

15 Is it also true that well-control
16 was lost on the DEEPWATER HORIZON?

17 A. Yes.

18 Q. I have a narrow set of questions
19 related to between the time of 9:08 p.m. and
20 after 9:14, 9:15 p.m. that evening. Feel
21 free to look at your chart.

22 This is my question: I heard your
23 testimony about the fact that you don't
24 believe that you would know what Mr. Keith
25 was seeing or what really happened unless

1 you were really there in the unit on the
2 rig, monitoring it yourself. Is that
3 correct?

4 A. Correct.

5 Q. Well, sir, let me ask you, isn't
6 that data, at great expense, satellite-fed
7 to BP in Houston for them to look at and for
8 others to look at associated with this well?

9 A. It was transmitted via satellite
10 to BP. I can't answer for their intention
11 as to what they wanted to do with the data.

12 Q. And is this the best data from
13 your computer system or your management
14 system for this monitoring procedure?

15 A. Yes, sir.

16 Q. And so, is it inferior in any way
17 that you know of such that customers like BP
18 can't fully appreciate the exact realtime
19 status of this well?

20 MR. GODWIN:

21 I object, Your Honor, as asking
22 him to infer or guess about what BP may or
23 may not know from the data they are
24 receiving.

25 MR. PENTON:

1 He is the manager of the realtime
2 data. He has to make sure the customer gets
3 data he needs, I would assume.

4 MR. GODWIN:

5 But the question was to the effect
6 of what BP does with it.

7 JUDGE ANDERSEN:

8 Believe it or not, I couldn't
9 follow the question. So if you want to ask
10 the same question again, you are welcome to,
11 and then I will be attuned to the objection.
12 If you want to rephrase it or break it down
13 into separate questions, that is fine.

14 EXAMINATION BY MR. PENTON:

15 Q. Is the realtime data that
16 Halliburton feeds to BP adequate data for
17 BP, or any customer of Halliburton, to
18 appreciate the status of the downhole
19 conditions of the well?

20 MR. GODFREY:

21 Objection, lack of foundation.

22 JUDGE ANDERSEN:

23 If you have knowledge of what data
24 is required, based on your experience, you
25 can answer it. If you are not sure what

1 data is required so that they can make a
2 knowledgeable assessment, you can tell us
3 that.

4 THE WITNESS:

5 BP received an exact duplicate of
6 the database we had offshore so everything
7 that was stored within the INSITE system on
8 Sperry's computer on the DEEPWATER HORIZON
9 was transmitted over satellite to BP's
10 office. So they had an exact duplicate of
11 the INSITE database within their office. So
12 they had the ability to bring up any
13 displays or any raw data they chose to see,
14 or that the mud loggers would be able to
15 see.

16 There is a key piece of data that
17 is not transmitted over the satellite, and
18 that is the rig's activities. It takes a
19 person on the rig knowing what is going on
20 to properly identify issues on this chart.

21 It is very easy to misinterpret
22 some of these responses if you don't know
23 what is going on on the rig. So it would
24 require an excellent and constant
25 communication from whoever is monitoring on

1 the rig to the rig crew to understand what
2 they are doing so they can interpret this
3 information.

4 EXAMINATION BY MR. PENTON:

5 Q. Thank you.

6 So that is the advantage over
7 being realtime on the beach getting the data
8 and actually being on the rig?

9 A. Yes, sir.

10 Q. Okay. Thank you.

11 Let me ask you this: Does your
12 mud logger have technical support from
13 Halliburton that they can call 24/7 to air
14 any technical issues they may be having with
15 their monitoring?

16 A. Yes.

17 Q. Do you have any record that
18 Mr. Keith ever made such a call?

19 A. I have not seen any record of
20 that, no, sir.

21 Q. Thank you, sir.

22 Now, let me ask you about the
23 period of time from 2108, or 9:08 that
24 evening, right into 9:30. It is true, is it
25 not, that flow-out did exceed flow-in after

1 2108, correct?

2 A. No, sir. I have no way of knowing
3 if our flow-out sensor was bypassed after
4 2108 so that we have no flow-out data. I
5 cannot say if the flow-out or flow-in was
6 above one or the other.

7 Q. And you have been unable to
8 analyze any other data in order to put
9 together an impression that you may have of
10 whether flow-out exceeded flow-in at the
11 time, correct?

12 A. Because they were diverting
13 overboard, we had no flow-out and no pit
14 volume data. So there is no way to tell if
15 we were getting out more or less than we
16 were putting in.

17 Q. Did Halliburton notify BP or
18 Transocean of this problem, that it could
19 not monitor those two things?

20 A. I don't know.

21 Q. Was it Halliburton's
22 responsibility, and is it your
23 understanding, to notify BP and/or
24 Transocean of any anticipated problems or
25 difficulties it may be having with

1 monitoring?

2 MR. GODWIN:

3 Objection, calls for a legal
4 conclusion and asks to him guess as to what
5 was the arrangement as between Halliburton,
6 BP and/or Transocean, if any.

7 MR. PENTON:

8 If he knows.

9 JUDGE ANDERSEN:

10 You can state whether or not it is
11 your understanding it is a duty or whether
12 or not it is the custom. We understand you
13 are not an expert on what was actually in
14 those particular contracts. But based on
15 your experience either with the DEEPWATER
16 HORIZON or in general, if you know what the
17 obligation would be, you can let us know.

18 THE WITNESS:

19 Well, I can't say for certain what
20 might or might not have been communicated.
21 Mr. Keith had been on the HORIZON for six or
22 eight years. I don't know what kind of
23 rapport he had with the rig crew.

24 This is not the first time this
25 kind of operation had been performed on the

1 rig, so the crew may be aware of the
2 limitations once they went overboard.

3 So I can't say.

4 EXAMINATION BY MR. PENTON:

5 Q. You really don't know?

6 A. No.

7 Q. I want to talk to you about this
8 curiosity you have with the drill pipe
9 pressure.

10 Isn't it true that from 9:08 that
11 evening right on past 9:15 into the latter
12 part of the half of that hour, that although
13 the pumps were shut down, that drill pipe
14 pressure did, in fact, progressively
15 increase?

16 A. From 2108 to 2114, yes.

17 Q. And is it your testimony that that
18 was not an indication of influx from that
19 well?

20 A. I can't say whether or not it was
21 an influx from the well because I don't know
22 at what point the fluid was diverted
23 overboard.

24 If the fluid had been diverted
25 overboard immediately prior to them bringing

1 the pumps back up, that would indicate that
2 no, we were not taking a kick. It depends
3 on the conditions.

4 I don't want to ramble on, but it
5 doesn't strike me immediately as a
6 noticeable impending kick.

7 Q. So has Halliburton done anything
8 post casualty here to analyze that one fact?

9 A. Why the pressure would increase?

10 Q. Yes.

11 A. Over that time period?

12 Q. Yes.

13 A. Yes. And that is in part why I
14 was discussing it a little while ago. In
15 fact, if it were a kick, it is not the
16 typical kind of kick you would expect to
17 see.

18 So doing a little bit of looking
19 into the data and trying to figure out why
20 the pressure would increase, it was -- it
21 shows why you would get a pressure increase
22 in that period if you were taking a kick, if
23 that was the result of a kick.

24 Again, there is no way for me to
25 know.

1 Q. So based on your experience and
2 knowledge with the issue, it is inconclusive
3 in your mind right now?

4 A. Right. There is nothing other
5 than that 250-pound increase that indicates
6 a kick.

7 Q. Just two more. By the way, I
8 don't think anybody asked you, what is your
9 education?

10 A. I have a degree from the
11 University of Louisiana in Lafayette.

12 Q. In what?

13 A. General studies.

14 Q. Do you have any engineering
15 training?

16 A. Well, the general studies was
17 mainly focused in electrical engineering.

18 Q. But you are not an electrical
19 engineer?

20 A. No, sir.

21 Q. Not a mechanical engineer?

22 A. No, sir.

23 Q. One final thing. Can you tell me
24 what, other than an influx of hydrocarbons
25 into the well with the pump shut off, may

1 cause the drill pressure to build? Within
2 those two parameters?

3 A. There's a number of rig operations
4 that might influence that. It is difficult
5 to say.

6 Q. That you know of in this case,
7 though?

8 A. Again, in this case, as I was
9 saying, when you go to interpret these logs
10 in trying to figure out what responses any
11 sensor produced, having a very thorough
12 record of rig operations is crucial.

13 As far as that goes, I am limited
14 in my resources. At this point, all I have
15 to go on is what little is in the BP reports
16 and investigation reports.

17 Q. Does Schlumberger get in the
18 business of monitoring downhole and so on?

19 A. I'm not aware of that, if they do.

20 Q. Any other companies that do that?

21 A. There are many companies that do.

22 Q. Do you know any of them who have a
23 correction instrument to their measurement
24 so they are not affected by waves?

25 A. You mean with regard to pit

1 volume?

2 Q. Yes, sir.

3 A. I'm not aware of any.

4 MR. PENTON:

5 Thank you.

6 JUDGE ANDERSEN:

7 Cameron?

8 M-I SWACO.

9 Anadarko and MOEX?

10 MS. POLK:

11 Yes.

12 EXAMINATION BY MS. POLK:

13 Q. Hello, my name is Janika Polk, and

14 I represent Anadarko and MOEX.

15 Can you help me identify which

16 pits were not being monitored.

17 MR. GODWIN:

18 At what time?

19 MS. POLK:

20 During the time of Mr. Joseph

21 Keith's shift. Toward the end of the

22 negative test and going forward.

23 THE WITNESS:

24 It is my understanding that

25 HORIZON had 20 mud pits that they would

1 usually employ for the typical drilling
2 operations. We had data transmitted to us
3 by Transocean for all 20 of those pits.

4 The only source of fluid I am
5 aware of that we did not monitor that was in
6 use was the sea chest for displacement.

7 EXAMINATION BY MS. POLK:

8 Q. Would the same be true for
9 Ms. Cathleenia Willis' tour?

10 A. Yes. She wasn't on tour during
11 the displacement.

12 Q. Correct. But in terms of the pits
13 being monitored, that would be true?

14 A. Yes.

15 Q. Is the trip tank volume included
16 in the active pit volume total?

17 A. No, ma'am.

18 Q. When the trip tank was emptied,
19 what pit was the mud sent to?

20 A. Pit 6.

21 Q. And that is where you believe
22 there was a gain?

23 A. If I recall, actually, I think
24 perhaps the -- and we are talking about
25 during the mud displacement?

1 Q. Yes.

2 A. I believe the first trip tank
3 drained went to pit No. 7, and the second
4 went to pit No. 6. If you want, I can pull
5 up the chart and confirm that.

6 Q. Would you, please.

7 A. Sure. The first occurred when 9
8 and 10 were active and ended when they were
9 inactive. So they switched active pits.
10 The second drain, all of the fluid went into
11 pit No. 6.

12 I'm sorry, did I say pit No. 6 or
13 No. 7? Let me repeat it.

14 The first trip tank drained went,
15 at first, into pits 9 and 10, and then into
16 pit 7. The second trip tank drained went
17 into pit 6.

18 Q. All right. Do you have the BP
19 exhibit binder in front of you?

20 A. Yes, ma'am.

21 Q. Can I ask you, please, to turn to
22 Tab 21. And when you get there, I would
23 like you to go to the page that shows the
24 date of April 20, 2010. Just let me know
25 when you get there.

1 MR. GODWIN:

2 Starts on Halliburton 50559?

3 MS. POLK:

4 That is right. 50559.

5 EXAMINATION BY MS. POLK:

6 Q. Take a look at the individuals
7 that accessed INSITE on April 20, 2010, and
8 I would like you to look at that and confirm
9 for me that there is no record of anyone
10 from Anadarko or MOEX accessing INSITE on
11 April 20, 2010.

12 MR. GODFREY:

13 Objection. How can he do that
14 since one, it is only a partial inclusion in
15 this document of the April 20, 2010, date.
16 We don't have the entire document.

17 No. 2, I backed off questioning
18 him because I was told he had a fundamental
19 lack of familiarity.

20 MR. GODWIN:

21 And that is my objection. He said
22 he had never seen it before.

23 JUDGE ANDERSEN:

24 The document also speaks for
25 itself.

1 MR. MATHEWS:

2 I would like to know what
3 Mr. Godfrey is alluding to, that it is not a
4 complete document.

5 MR. GODFREY:

6 Sure. I don't know what was
7 produced by Halliburton to the board. The
8 last document showing access we have shows
9 through 1656. So I don't know whether from
10 your perspective that was the last page
11 produced or just the page that was made
12 available to the parties. So that is the
13 basis for my objection.

14 MR. MATHEWS:

15 And I was asked this question
16 during the breakout session. We did contact
17 Halliburton, because we had the same
18 question, if that was a complete, full
19 document. And it actually is. That is the
20 last transmission. We followed up on it.

21 MR. GODFREY:

22 Then to be clear on the record,
23 that means that after 1656, there is no more
24 data transmitted to shore, if I understand
25 correctly.

1 MR. BOWMAN:

2 We are still investigating, to be
3 clear. And now I think we have been told
4 there may be some additional data after this
5 date, but for some reason it is not kept by
6 the well. So they are having to search the
7 data for all wells worldwide.

8 JUDGE ANDERSEN:

9 Could you state your name?

10 MR. BOWMAN:

11 I'm sorry. Bruce Bowman for
12 Halliburton.

13 JUDGE ANDERSEN:

14 It will turn out to be what it
15 turns out to be.

16 I will sustain the objection right
17 now with respect to this witness's
18 knowledge, but obviously, the documents will
19 reveal what they will reveal and probably
20 speak for themselves.

21 Next question.

22 EXAMINATION BY MS. POLK:

23 Q. And Mr. Gisclair, you don't see
24 anyone accessing the document who is related
25 to Anadarko or MOEX, correct?

1 MR. GODWIN:

2 He sustained the objection.

3 JUDGE ANDERSEN:

4 Yes, I did.

5 MS. POLK:

6 That's correct, you did, Your
7 Honor. Just making sure you were paying
8 attention.

9 EXAMINATION BY MS. POLK:

10 Q. Mr. Gisclair, let's move on. I
11 wanted to direct your attention back to your
12 data. You may want to take a look at it in
13 reference to these questions I have.

14 Are you able to tell me from your
15 dataset, from the mud log data, when the
16 overboard line was opened during the sheen
17 test?

18 A. No, ma'am. You can't determine
19 that from the data.

20 Q. Is there any way to determine
21 that?

22 A. All we can see is that it was
23 diverted overboard, but we can't see when.
24 There is no sensor that tells us the status
25 of the valve that determines whether it goes

1 down the flow line into the pit system or if
2 it is diverted overboard.

3 All we know is that all of the
4 fluid was going into the pit system before
5 the sheen test. After the sheen test, no
6 fluid came from out of the hole into the pit
7 system. So we know it was diverted
8 overboard; we do not know at what point it
9 was diverted overboard.

10 Q. Does opening the overboard line
11 have any impact on camera 14?

12 A. No. The camera itself? I would
13 imagine no, it would not.

14 Q. If you look at the mud log data
15 from 1713 to 1955 -- can you look at that
16 time frame, please.

17 What I am interested in is if you
18 can tell me if that data shows a standpipe
19 pressure of zero.

20 A. Except for a small spike at 1733,
21 yes, it is zero.

22 Q. Does that mean that a mud logger
23 was isolated from reading standpipe
24 pressures during those time periods where
25 you get a zero reading?

1 A. It is not just the mud logger.
2 The standpipe pressure you see in that data
3 was transmitted to us by Transocean. So it
4 is Transocean's sensor at a specific point
5 on the standpipe. It was plumbed in such a
6 way it was not seeing the downhole pressure.

7 Q. So that data was not being
8 generated for anyone during that time
9 period?

10 A. Correct.

11 Q. After the mud transfer that ended
12 at 1712, the offloading to the BANKSTON, do
13 you see any evidence in the data that mud
14 was still being moved from the reserve pit
15 to the active pit?

16 A. There were -- there was mud
17 movement from pit to pit after that point,
18 yes.

19 Q. So did that continuing mud
20 movement have any effect on the mud logger's
21 ability to track pit volumes?

22 A. It wasn't a continuing transfer.
23 It was just transfers at specific points.

24 Q. And during those points, would
25 that affect the mud logger's ability to

1 track pit volumes?

2 A. If we were taking returns from the
3 hole at the same time, yes.

4 Q. And did you notice any times on
5 the dataset where you were taking mud at the
6 same time that mud was being transferred
7 from reserve pit to active pit?

8 A. I just want to clarify the terms
9 "reserve" and "active."

10 The mud was transferred from one
11 pit to another in such a way that it was
12 influencing what the INSITE system perceived
13 as the active system. The active system is
14 a designation whenever they are taking fluid
15 to a specific pit, sucking from a specific
16 pit. The mud logger will identify those
17 pits as the active system in the computer
18 system so it can identify an accurate pit
19 volume change.

20 So at any given moment when you
21 have a certain pit designated as active, all
22 others, except for the trip tank, are
23 designated as auxiliary.

24 But yes, there is fluid movement
25 between pits that would have influenced

1 their ability for accurately monitoring
2 gains and losses.

3 Q. Do you know who makes the decision
4 relative to how many Sperry hands were going
5 to be on the rig?

6 A. That would be a BP decision.

7 MR. GODFREY:

8 Objection, lack of foundation,
9 move to strike. After telling me he doesn't
10 know what the contract provides and what the
11 relationship is between the parties,
12 suddenly he knows how many people are
13 supposed to be on the rigs and their
14 responsibilities?

15 MR. GODWIN:

16 I object. He didn't say he knew
17 the relationship between the parties. He
18 just didn't know about the contract.

19 JUDGE ANDERSEN:

20 As I stated before, you are not
21 required to know the legal technicalities of
22 a contract. Insofar as you have experience
23 with whoever you had it with at the
24 DEEPWATER HORIZON and your understanding as
25 to why they were there, you can answer the

1 question.

2 So you are answering as to your
3 custom and experience. The contract may
4 well be different, and the board does not
5 expect you to be an expert and the final
6 word on all of the contractual arrangements
7 between Halliburton and BP.

8 THE WITNESS:

9 In my personal experience, when I
10 was going to and from a rig, I was never
11 able to get to the rig without the
12 customer's permission. So if a particular
13 customer wanted additional personnel, he
14 would request it. If a customer did not
15 want additional personnel and somebody
16 wanted to send additional personnel, he
17 could deny it.

18 MR. GODFREY:

19 I request to strike based on
20 speculation for that inference. That based
21 on prior years past, he is drawing a
22 conclusion about what BP wanted in terms of
23 the number of personnel on board the rig.

24 JUDGE ANDERSEN:

25 The board understands his answer

1 is not necessarily the final word if it
2 turns out this is a significant factor.
3 This is his observations, and we can all
4 imagine circumstances which might be
5 different.

6 Okay. Next question.

7 MS. POLK:

8 Thank you, Mr. Gisclair. That's
9 all the questions I have.

10 JUDGE ANDERSEN:

11 Dril-Quip?

12 Curt Kuchta?

13 MR. SCHONEKAS:

14 Very briefly.

15 EXAMINATION BY MR. SCHONEKAS:

16 Q. My name is Kyle Schonekas, and I
17 want to ask you about the last hour of
18 information.

19 I am interested in the flow-out at
20 2110. It was shut down for the sheen test,
21 correct?

22 A. Yes, sir.

23 Q. And would you agree with me that
24 at some point closely thereafter, the well
25 began to flow?

1 A. I can't identify when the well
2 began to flow because the flow-out and pit
3 volumes were bypassed at that time.

4 Q. And stuff was being diverted over
5 the side, correct?

6 A. Yes.

7 Q. And at some point, the mud had
8 been displaced, correct?

9 A. Correct.

10 Q. And seawater was supposedly going
11 to be displaced as well, correct?

12 A. Seawater was being pumped in to
13 force the rest of the fluids out, correct.

14 Q. So at some point, it was expected
15 to flow, you just can't tell the exact
16 moment?

17 A. Not from this data.

18 Q. At the very end though, there is
19 an end of transmission. You see that at
20 2150?

21 A. Yes, sir.

22 Q. And immediately prior to that,
23 referring to this portion here, there is
24 another reading on the flow-out meter.

25 Do you see that?

1 A. Yes, sir.

2 Q. Can you tell me what that is?

3 A. Not knowing how the rig was
4 plumbed, no.

5 Q. Can you tell me your most likely
6 theory?

7 MR. GODWIN:

8 Objection. Asking for
9 speculation.

10 JUDGE ANDERSEN:

11 He wouldn't answer if he didn't
12 have a theory. He already said he has
13 several theories, and if there is one he
14 considers most likely, he can tell us. Even
15 if it doesn't answer a question, it might
16 point the board in a direction to a
17 worthwhile inquiry.

18 MR. SCHONEKAS:

19 Let me lay another predicate then,
20 Judge.

21 EXAMINATION BY MR. SCHONEKAS:

22 Q. Have you looked at this phenomenon
23 prior to today, meaning there is a variation
24 in the reading at the very end between the
25 flatline of flow-out and then suddenly a

1 significant reading at the very end there?

2 A. Have I noticed that before?

3 Q. Yes, sir.

4 A. Yes, sir.

5 Q. All right. Have you attempted to
6 determine what caused that to occur in terms
7 of that reading by the sensor?

8 A. Well, again, my resources for
9 identifying rig operations were very
10 limited, so I didn't have anyone to turn to
11 to help me determine what was going on on
12 the rig at that time.

13 Q. And you haven't had any
14 discussions with anybody else within your
15 company about what that could be?

16 A. Well, as I said earlier, you can
17 look at any sensor response and guess what
18 might have caused that sensor response. But
19 if you don't know what exactly was going on
20 on the rig and how the plumbing was
21 configured, you are grasping at straws.

22 Q. My question was, though, you have
23 had no discussions with anybody else within
24 your company as to what that is?

25 A. No, sir.

1 Q. Thank you.

2 MR. SCHONEKAS:

3 That is all I have. Thank you,
4 Judge.

5 JUDGE ANDERSEN:

6 Patrick O'Bryan? Robert Kaluza?
7 Anybody from the board have any
8 follow-up questions?

9 MR. MATHEWS:

10 I have three quick questions.

11 EXAMINATION BY MR. MATHEWS:

12 Q. Who at Sperry-Sun assigned you to
13 interview Mr. Keith and Ms. Willis?

14 A. To be honest, I can't exactly
15 remember the person who asked me.

16 Q. Do you remember how long ago?

17 A. That was back in either May or
18 June.

19 Q. Do you know when you actually did
20 perform an interview with Mr. Keith?

21 A. I could not give you an exact
22 date. May or June.

23 Q. And the information on the chart,
24 how was he familiar with that? I know he
25 lost his ledger on the rig.

1 A. That was a compilation of
2 discussions with Mr. Keith, Ms. Willis and
3 Vincent Tabler, the Halliburton cementer on
4 the rig. It is information from the DIMS
5 reports and information from the BP
6 investigation report, testimony to this
7 board and other government panels.

8 It is a lot of information from a
9 lot of different sources. My main objective
10 was to essentially identify as many rig
11 operations as I could, as could be seen from
12 the data.

13 Q. Were you just assigned to find
14 reasons that the data would be misconstrued?
15 Or were you assigned to actually try and
16 find when a flow-in exceeded flow-out or
17 when you were actually having a kick?

18 A. Essentially, the assignment was to
19 just make interpretations as well as
20 possible.

21 Q. So from the testimony of the
22 representatives of Sperry-Sun, you don't
23 know when the kick occurred? From not
24 knowing what was going on realtime on that
25 rig, you can't know?

1 A. It is difficult to identify a spot
2 where that started because we have no
3 flow-out data and no pit volume data. If we
4 had flow-out data and the pumps were shut
5 down, obviously, you can see -- we are
6 getting data from somewhere, if it is not
7 from the trip tank or whatever.

8 But without that data, it is very
9 difficult to narrow it down in that one-hour
10 or so window and say, Well, it definitely
11 started at this point.

12 Q. And if you can find out, I want to
13 know who specifically assigned you this job
14 to go out and get that information. I would
15 appreciate it if you could get that for us.

16 MR. MATHEWS:

17 That's all.

18 EXAMINATION BY CAPT. HIGGINS:

19 Q. Sir, I would like to clarify one
20 point. I have in my notes that from 2002,
21 you would be unable to continuously monitor
22 the flow-out and the pit volumes. Is that
23 correct, sir?

24 A. 2002? That was the beginning of
25 the mud displacement?

1 Q. Yes, sir.

2 A. Yes. At that point, because they
3 were pumping water from the sea chest which
4 was not monitored and taking runs back into
5 the active system, there was no way to do a
6 proper comparison of what was going in
7 compared to what was going out. So we would
8 not see that pit trace change. It would
9 constantly show a gain.

10 Q. And your testimony was that it was
11 not unusual that the mud logger would not
12 tell the drill floor that he was unable to
13 monitor those, correct?

14 A. I can't say that it would have
15 been unusual on the HORIZON. Each working
16 relationship the mud loggers build with the
17 rig crew is considerably different. I'm not
18 aware of any communications Joe typically
19 had with the rig crew.

20 Q. Why wouldn't a mud logger provide
21 that information to the rig floor?

22 A. The rig crew's pit volume
23 information was there, the pit volume data.
24 The pit volume sensors were not Sperry's.
25 They were Transocean's and Transocean

1 transmitted their data to us. So whatever
2 pit volume data was obscured on our end was
3 obscured on their end as well.

4 Q. So the reason he may not have
5 contacted them would be that they would have
6 the same information and they would know he
7 could not monitor?

8 A. I can't guess as to what Joe may
9 or may not have done.

10 Q. So you don't find it unusual that
11 he didn't contact them; you have no opinion
12 on that?

13 A. No, sir.

14 CAPT. HIGGINS:

15 Thank you.

16 EXAMINATION BY MR. DYKES:

17 Q. Mr. Gisclair, back to the pumping
18 of the seawater from the sea chest.

19 What is your understanding of the
20 configuration of how they were bringing that
21 saltwater into the system and pumping it
22 downhole?

23 A. I don't know the configuration on
24 the HORIZON. I am not familiar with the
25 equipment on that rig.

1 Q. But the data indicates they were
2 not using the mud pumps by which you could
3 monitor the pump strokes and determine
4 volume?

5 A. Yeah. The fluid going into the
6 hole was seawater. It was not stored in any
7 of the rig-monitored pits that was
8 transmitted to us.

9 Q. But did you-all have any
10 indication that they were using the mud
11 pumps to pump the seawater?

12 A. Yes. The mud pumps were pumping
13 the seawater. It just wasn't from a
14 monitored pit.

15 Q. But you could tell how much was
16 being pumped in based on a pump stroke
17 calculation, right?

18 A. Yes.

19 Q. But you don't have that data?

20 A. There is a constant running stroke
21 rate in the system, but it doesn't do a
22 realtime comparison based on pump stroke
23 rate versus pit volume gain.

24 MR. DYKES:

25 Thank you.

1 EXAMINATION BY LCDR. BUTTS:

2 Q. So at the end of the day here --
3 or at least to the end of this testimony --
4 it sounds like the mud logger, Mr. Keith,
5 the assistant driller and the driller
6 potentially were not aware of what was going
7 on downhole; the sensors were just not
8 picking it up.

9 If we can't determine months later
10 by the data on the chart, could the guys on
11 the rig have determined that?

12 A. I can't answer for what they could
13 or could not see. I know their flow-out
14 sensor was in a different position than
15 Sperry's, so their sensor may or may not
16 have picked up the additional flow-out. I
17 really don't know. But because that data
18 was not stored in our data, I can't tell.

19 All I can answer for is the data
20 that Sperry collected in its database.

21 Q. And at the end of the day, based
22 upon the Sperry data, the mud logger could
23 not determine then what was going on
24 downhole?

25 A. Again, it is difficult to gauge

1 what anybody might or might not have been
2 able to see in that unit unless you were
3 actually sitting in that chair.

4 Q. And based upon the chart you went
5 over this afternoon and in the last hearing
6 as well, there is no one or two indicators?

7 A. I see nowhere on the chart that
8 without a doubt there was an influx that
9 should have been caught.

10 EXAMINATION BY CAPT. NGUYEN:

11 Q. Are you aware of any documents
12 that show how many barrels were in the mud
13 pit?

14 A. We have the data that gives us the
15 pit volumes. I don't know how that might
16 compare to any inventory that the mud
17 engineer kept.

18 Q. But the level in the mud pits,
19 would it tell you the total pit volumes that
20 you have?

21 A. Yes.

22 Q. So if somebody wanted to figure it
23 out, if there was an adequate volume of mud
24 to pump down -- you know, to prevent gas and
25 oil from coming up -- they could calculate

1 that?

2 A. Yes.

3 Q. Knowing the total volume?

4 A. Yes. All of the mud that was in
5 the riser prior to and during the negative
6 test, that was all still in the rig system.
7 None of that had been transferred to the
8 BANKSTON.

9 Q. Right. But I wonder if that
10 volume was enough to pump it all the way
11 from the riser down to the bottom of the --

12 A. I guess Transocean would be the
13 experts.

14 Q. I just wanted to know whether
15 there is a number that people can use to
16 calculate whether there was enough mud to
17 use to stop the flow of gas and oil up the
18 riser there?

19 A. The numbers are there for anyone
20 to do the calculations, yes. The amount of
21 mud that was in the annulus seemed to have
22 been enough to keep the well static prior to
23 displacement in the annulus. If some of the
24 mud were replaced into the annulus, I would
25 expect it to be enough to keep it under

1 control, since it was under control prior.

2 Q. Yes, sir. And the question a
3 while ago related to using the seawater to
4 transfer mud from the sea chest into the
5 riser, how long would it take to reconfigure
6 for pumping mud from the mud pits downhole?

7 A. That would be a question for
8 Transocean. I don't know how quickly their
9 equipment could respond.

10 Q. That's what I am wondering, what
11 is the volume and how quickly the pumping
12 can be reconfigured to take the action
13 needed?

14 A. I know that they can switch
15 systems in a matter of minutes.

16 Q. Yes, sir. I'm sure somebody will
17 correct me if I am wrong, but from the
18 testimony of Mr. Keith this morning, there
19 was not a Transocean requirement for the
20 Sperry-Sun mud logger to be familiar with
21 the vessel emergency response plan. Is that
22 your understanding?

23 A. The emergency response plan as far
24 as where to go in the case of a general
25 alarm or how to operate certain safety and

1 well-control equipment?

2 Q. The procedure in certain events --
3 for example, well-control, shallow gas
4 blowout -- would the emergency response
5 manual for the DEEPWATER HORIZON be a
6 requirement, a Transocean requirement for
7 your mud logger to be familiar with?

8 A. I'm not aware of any such
9 requirement.

10 Q. Referencing document Bates stamped
11 BP-HZN-MBI00014820 to 28, this is the
12 emergency procedure for responding to gas or
13 well-control blowout.

14 MBI00014826, if you can refer to
15 that. Is there a specific responsibility
16 for the mud logger in this response?

17 Item 5.9.

18 A. Right.

19 Q. So if there is no Transocean
20 requirement for Sperry-Sun mud logger to be
21 familiar with this manual, how would they
22 know what their response would be for this
23 scenario?

24 A. I have never seen this document
25 before, so I don't know what is typically

1 given to surface personnel on Transocean's
2 rigs as far as their expectations or duties.
3 So I really couldn't say.

4 CAPT. NGUYEN:

5 Thank you, sir.

6 EXAMINATION BY MR. DYKES:

7 Q. Based on your experience, what
8 would you do as a mud logger in a
9 well-control situation?

10 A. Well, in the well-control
11 situation, a mud logger's duties, in my
12 view, are traditional rig-monitoring duties.
13 When gas exceeds certain expected levels,
14 the mud logger generally will call those
15 out.

16 It is almost like a cadence, you
17 will have one person calling out the mud
18 weight coming out, one mud logger calling
19 out the gas and another person calling the
20 mud weight in. They will continue their
21 rig-monitoring operations and assist in
22 monitoring operations as best they can. But
23 they are generally given absolutely no
24 control over any of the rig equipment.

25 Q. I was just looking for your

1 experience as to what a mud logger would do
2 in a well-control situation. I don't have
3 that document in front of me, but based on
4 what that document says and -- read it for
5 everybody, if you would.

6 Does that line up with what you
7 just described?

8 A. Yes. Basically, it says, in just
9 a general well-control situation, mud logger
10 monitors gas concentrations and
11 well-monitoring equipment. Under normal
12 operations, continuously monitors gas
13 concentrations and drilling fluids.

14 On a level 1 -- and I don't know
15 what constitutes levels 1, 2 or 3 -- but on
16 level 1, well-control, he advises the
17 driller and toolpusher of abnormal readings
18 for gas or well-monitoring equipment.

19 Level 2, he continues to monitor
20 gas concentrations and rig monitoring until
21 ordered to evacuate.

22 Three, exercise abandon unit
23 procedures or stand by for orders.

24 Q. So based on what you just said and
25 what you just told me prior to reading that,

1 are those in alignment with each other?

2 A. That is exactly what I would
3 expect.

4 MR. DYKES:

5 Thank you.

6 EXAMINATION BY CAPT. NGUYEN:

7 Q. So there is not an item in that
8 list of things to do there related to work
9 stop, is there?

10 A. Stop work authority?

11 Q. Is there a step in there that
12 identifies when the mud logger can exercise
13 a stop work authority?

14 A. This being a well-control event,
15 the rig already knows that they have a
16 problem, and it is incumbent upon everyone
17 on the rig to do their part to get the well
18 back under control.

19 It doesn't mention anything about
20 if during a well-control situation, if the
21 mud logger sees an unsafe act, he has the
22 right to stop that. It isn't mentioned.

23 EXAMINATION BY CAPT. HIGGINS:

24 Q. In diverting this flow overboard,
25 you defeated your ability to monitor the

1 flow. Is there an alternative to that that
2 would allow you to continue to monitor
3 the --

4 MR. GODWIN:

5 Talking about diverting it
6 overboard?

7 EXAMINATION BY CAPT. HIGGINS:

8 Q. Right. To continue to allow the
9 mud logger to monitor the things that would
10 give the indications that you were no longer
11 able to monitor?

12 A. If you were going to properly
13 monitor the pit volume, your recourse would
14 be to have a sensor to tell you how much
15 seawater is being pumped in so we can
16 compare that to what is coming out. And
17 that is prior to diverting.

18 That would be a combination of
19 always monitoring how much fluid you were
20 pumping in. So have a sensor on any source
21 of drilling fluid for the mud pumps. And
22 essentially don't divert overboard.

23 But I mean, not being familiar
24 with rig operations when it comes to how
25 they treat their fluids, BP, I'm sure, had

1 their reasons for wanting to send this fluid
2 overboard.

3 MR. GODFREY:

4 Objection, lack of foundation,
5 speculation as to BP's reasons.

6 JUDGE ANDERSEN:

7 Okay. We will note that it is
8 speculation on his part.

9 THE WITNESS:

10 The short answer is you want to
11 always maintain constant monitoring, you
12 always want a sensor on the source pit,
13 return pit, and you would not want to divert
14 that fluid outside of the pit system.

15 EXAMINATION BY CAPT. HIGGINS:

16 Q. Did diverting that fluid obscure
17 your ability to monitor the gas?

18 A. Yes. The gas sensors were in the
19 shakers between the gumbo box and the pits.
20 So if it were diverted prior to the shakers,
21 as in this case it was, then it is going to
22 be bypassing the gas sensors.

23 Q. So diverting the fluids overboard,
24 that prevented the mud logger from being
25 able to monitor and determine if there was

1 this kick?

2 A. That would be a big factor in it,
3 yes.

4 CAPT. HIGGINS:

5 Thank you.

6 JUDGE ANDERSEN:

7 Any other questions?

8 Counsel, would you like to ask
9 your client questions?

10 MR. GODWIN:

11 No, sir, thank you.

12 JUDGE ANDERSEN:

13 Mr. Gisclair, is there anything
14 you would like to add that we have not asked
15 you?

16 THE WITNESS:

17 No, sir.

18 JUDGE ANDERSEN:

19 You are excused. Thank you very
20 much.

21 We will take a 15-minute break,
22 and we have one more witness.

23 (Recess.)

24 CAPT. NGUYEN:

25 Please state your name.

1 THE WITNESS:

2 Michael Wright.

3 (Mr. Matt Hennessy is appearing
4 with Mr. Wright.)

5 JUDGE ANDERSEN:

6 I tell you as I tell everyone
7 else, this is a federally convened panel.
8 You are obligated to tell us the truth, and
9 if you do not, that is considered perjury
10 and is punishable by fine or imprisonment.

11 Having said that -- and,
12 Mr. Hennessy, if you could state your name
13 for the record, now that we have the court
14 reporter, that would be helpful.

15 MR. HENNESSY:

16 Matt Hennessy.

17 MICHAEL WRIGHT,
18 having been first duly sworn as a witness,
19 was examined and testified as follows:

20 EXAMINATION BY CAPT. NGUYEN:

21 Q. Mr. Wright, I understand that you
22 were the Transocean command center officer
23 on the night of April 20, 2010.

24 A. I was the coordinator, is what I
25 was.

1 Q. So if something goes wrong on
2 board a vessel, they call you?

3 A. No. As coordinator, you are
4 appointed by the team leader. The
5 coordinator is a neutral party, an
6 operations manager. So I had no ties to the
7 DEEPWATER HORIZON.

8 Q. You had no ties to it?

9 A. I wasn't a manager. It wasn't
10 under my authority, anything like that.

11 Q. I understand. That coordinator
12 position, is that your regular duty?

13 A. No, I am an operations manager for
14 the company.

15 Q. So you stand duty once a month?

16 A. You stand duty when you are called
17 in.

18 Q. I understand. The board
19 understands you have some information
20 relating to Transocean's initial response
21 actions to the casualty. This includes any
22 action with BP, any of BP's contractors, the
23 Republic of Marshall Islands, Transocean and
24 any other support contractors.

25 Before I ask you specific

1 questions relating to your responsibility
2 and actions as the coordinator, to put
3 things in perspective, I will direct you to
4 this chart on my right. It is "The Maritime
5 'Safety Net' Layers and Potential System
6 Failures."

7 This has been posted on our Web
8 site. This chart is used for the purpose of
9 background information and to facilitate
10 discussions. If any of the information we
11 discuss is not correct or incomplete, I
12 encourage all interested parties to submit
13 additional information to the board for
14 clarifying or supplementing the record.

15 The Maritime "Safety Net" is not a
16 new concept. It was developed by the Coast
17 Guard in late 1990. This diagram focuses on
18 the marine system in operation. However,
19 some aspects, since it has corporate safety
20 culture, do cover both drilling and marine
21 area.

22 For this casualty, we have four
23 major stakeholders: No. 1, the vessel
24 operator; No. 2, the lessee operator; No. 3,
25 the flag state and No. 4, the coastal state.

1 For the limited purpose of our
2 discussion with you, I did not include BP or
3 other contractors such as Halliburton.

4 For the day-to-day operation as
5 the vessel operator, Transocean has the
6 responsibility for ensuring the safety of
7 the vessel, personnel on board and the
8 prevention of pollution. As the lessee
9 operator, BP has the same responsibility.

10 The Republic of Marshall Islands,
11 vessel flag state, and its recognized
12 organization, including DNV and ABS, are
13 responsible for ensuring the vessel's proper
14 construction, equipment, manning and
15 operation in accordance with coastal state
16 and flag state requirements. For the
17 coastal state, they are to reinforce the
18 safety net by verifying documents,
19 conducting safety checks and witnessing
20 emergency drills.

21 On the bottom there, threats to
22 the safety of a vessel exist in both
23 drilling and marine operations. When holes
24 are in safety net, casualty may result. The
25 DEEPWATER HORIZON casualty included a number

1 of events, including a blowout, explosion,
2 fire and the vessel sinking.

3 Mr. Wright, in your position of
4 responsibility, you may have some
5 information that would help us identify
6 system failures and close the gaps. I will
7 now ask you some questions, and I appreciate
8 it if you would answer them to the best of
9 your ability.

10 Would you quickly outline your
11 maritime background, sir.

12 A. My background is in drilling. I
13 have approximately 31 years of experience.
14 I believe I started in 1979, October. I
15 basically started at the bottom and worked
16 my way up through the ranks. I have been
17 working for Transocean since 2007 when the
18 merger occurred with GlobalSantaFe.

19 Q. Do you hold a Coast Guard-issued
20 certificate or license?

21 A. No, I don't.

22 Q. Does your maritime experience
23 include any time on a MODU?

24 A. It does.

25 Q. Can you briefly outline that

1 experience.

2 A. I worked on MODUs probably
3 starting somewhere around 1982 and worked on
4 various installations, mostly international
5 and overseas, from '82 to '99.

6 Q. What were your activities on these
7 MODUs, sir?

8 A. I held the position of toolpusher,
9 driller and OIM before I moved to
10 shore-based and started managing rigs.

11 Q. What is your educational
12 background?

13 A. I have two years of college.

14 Q. Do you hold any professional
15 license?

16 A. No, I don't.

17 Q. And you say you have been employed
18 by Transocean since 2007, with the merger of
19 GlobalSantaFe?

20 A. That's correct.

21 Q. How long have you held the
22 position of being a coordinator?

23 A. I wouldn't say it is a position I
24 hold. It is my responsibility as part of
25 that job in an emergency situation. That

1 duty gets appointed by the team leader. I
2 have been in that position maybe two or
3 three times and certainly drilled previously
4 in that position.

5 Q. As the coordinator, sir?

6 A. Yes.

7 Q. So it is continuous?

8 A. Every year the vessel holds a
9 tabletop drill, and the guys are in the
10 office with us as far as the various
11 disciplines and responsibilities.

12 Q. How many coordinators are there?

13 A. Potentially could be three. The
14 operations managers are assigned that duty.

15 Q. What is the scope of your duties
16 as coordinator?

17 A. A multitude of things. One of the
18 primary things is to organize the response
19 team. We have the HSC coordinator, safety
20 liaison. We have a client liaison. We have
21 the person of the rig manager who would be
22 in direct contact with the client and who we
23 would be getting our information from.

24 We have a guy that takes care of
25 the documentation, and I think there are

1 three or four that don't come to my mind
2 right now, off the top of my head.

3 Q. Were these positions preassigned?

4 A. They were appointed to us -- I was
5 appointed the position upon arrival that
6 evening by the team leader, who is the
7 division manager. So he appointed me as the
8 coordinator, and I appointed the other
9 positions accordingly.

10 It is pretty straightforward.
11 Where you have a marine coordinator, it
12 needs to be our marine manager, and our HSC
13 coordinator is definitely the marine
14 manager. Other roles could be filled by a
15 rig manager or other operations managers,
16 depending on who is actually in the office
17 and responding.

18 Q. So there is not what we in the
19 Coast Guard and Navy call a watch bill or
20 station bill?

21 A. No, it is by position.

22 Q. What emergency response training
23 have you received?

24 A. Like I said, we have drills. We
25 bring in a safety consulting firm. In the

1 past years, it has been O'Brien. Prior to
2 that, at GlobalSantaFe, we had another
3 consulting agency that would come in and
4 they would critique our drills, give us
5 feedback. And from there, we would make
6 adjustments to our emergency response plan
7 or changes in the facility we were using in
8 order to help us make things run better.

9 Q. So if I understand what you are
10 saying, your emergency management training
11 is limited to those two or three drills you
12 have been involved in?

13 A. No. I didn't say I have been
14 involved in two or three drills. We drill
15 on every rig every year -- we have about 14
16 rigs in the Gulf -- and between our team, we
17 have about 14 drills under our belts.

18 Q. What about in terms of classroom
19 training?

20 A. I have not had any formal
21 classroom training per se. I have had
22 oversight by a consulting firm, hands-on
23 training, I guess, in a tabletop drill
24 scenario.

25 Q. Is there a major emergency

1 management program, training program, that
2 Transocean has?

3 A. There is.

4 Q. Can you describe that, please.

5 A. The EMR program is run locally
6 here out of Houston by the senior management
7 on board the rig, so the OIM, the master and
8 typically the bridge crew and/or the drill
9 crew, the senior guys out there. The
10 toolpusher, the mate, possibly the DPO.

11 Q. Have you had any MEM training?

12 A. I personally have not had any MEM
13 training.

14 Q. Do you know whether or not Captain
15 Kuchta had MEM training?

16 A. I do not know.

17 Q. How about Mr. Jimmy Harrell?

18 A. I don't know.

19 Q. How about Mr. Randy Ezell, the
20 senior toolpusher?

21 A. I'm not familiar with anybody
22 associated with the HORIZON that may or may
23 not have had MEM training.

24 Q. So let me understand. You are the
25 coordinator, but you don't have any

1 responsibility relating to the HORIZON?

2 A. No.

3 Q. So you don't know the people on
4 board the vessel when you go into a
5 response?

6 A. No.

7 Q. Now, for these drills you talked
8 about -- you know, 14 rigs out there, once a
9 year -- were any of these drills involving a
10 well-control event?

11 A. Yes, there were well-control
12 events. Typically, our drills run to a
13 scenario where there is a rig evacuation.
14 Obviously, it is all simulated, but -- and
15 the intent of that is to really test our
16 response on the shore-based side so that we
17 understand what the protocol is when we show
18 up and what those duties involve.

19 Q. Do you know when is the last time
20 the DEEPWATER HORIZON conducted a
21 well-control event drill that led to an
22 evacuation?

23 A. No, I'm sorry, I don't.

24 Q. Have you had any marine
25 firefighting experience or training?

1 A. Yes, years ago, when I worked on
2 rigs, I had firefighting training and
3 whatever was required at that time.

4 Q. Have you participated in any
5 firefighting exercises?

6 A. From years ago, when I worked on
7 rigs, I have personally participated in
8 firefighting exercises, yes.

9 Q. Have you responded to a major fire
10 on a deepwater drilling rig?

11 A. Not prior to the HORIZON, I have
12 not.

13 Q. What rescue training or experience
14 have you had?

15 A. Pretty much the same as years back
16 with the firefighting. We had rescue
17 training on the rig, and that kind of goes
18 into a multitude of things: rescue from
19 heights, confined spaces, man overboard. A
20 multitude of things where different rescue
21 scenarios are drilled.

22 Q. Have you ever worked with the
23 Coast Guard or MMS in responding to an
24 actual casualty?

25 A. No, I have not.

1 Q. I understand you are not familiar
2 with the leadership on the DEEPWATER
3 HORIZON. Have you ever visited the vessel?

4 A. No, I have not.

5 Q. Are you familiar with its layout
6 at all?

7 A. I am familiar with the type of
8 vessel. The specifics of the layout, no,
9 I'm not.

10 Q. But the dual command
11 organizational structure, the structure that
12 places the OIM, when the rig is on location
13 and attached, in charge, and the master on
14 the vessel in charge when it is not on
15 location, are you aware of a vessel that has
16 had a dual command organizational structure?

17 A. I don't think I understand that
18 question. What I am aware of is that the
19 master on board the vessel is the person in
20 charge, and he is responsible for the safety
21 of the vessel and the people on board the
22 vessel. And any time -- he has overriding
23 authority any time he feels the safety of
24 the vessel or the personnel is at risk.

25 The OIM is the onboard manager and

1 oftentimes he may be the subject matter
2 expert in the event of a well-control
3 situation. Whereas the master may need to
4 get information or statistics from him; no
5 different than he may have to get it from
6 the chief engineer or another person who may
7 be a subject matter expert in the field.

8 Q. So your understanding is that the
9 OIM is working for the master at all times?

10 MR. SCHONEKAS:

11 I object to the vague nature of
12 the question. We have been through this
13 many times in terms of the division of
14 authority and what a captain does and the
15 master does. And we are attempting to plow
16 that ground again with a witness who doesn't
17 have any experience in that.

18 JUDGE ANDERSEN:

19 It could make a difference with
20 respect to how he discharged his duties, and
21 the board is entitled know what his
22 understanding is. There may be a
23 recommendation from the board based on all
24 we have talked about.

25 But if you can give us your

1 understanding of what the division of
2 responsibilities is, having those objections
3 noted for the record, we would be grateful.

4 THE WITNESS:

5 Could you repeat the question.

6 EXAMINATION BY CAPT. NGUYEN:

7 Q. Yes, sir. Is it your
8 understanding that at all times the OIM is
9 working for the master and the master has
10 the overriding responsibility for the
11 vessel?

12 MR. SCHONEKAS:

13 Objection, compound.

14 EXAMINATION BY CAPT. NGUYEN:

15 Q. At all times, does the OIM work
16 for the master?

17 A. No, not in the event of an
18 emergency.

19 Q. Not in the event of an emergency?

20 A. Yes. I'm a little confused by the
21 question.

22 Q. I apologize for my accent and
23 broken English. But is it your
24 understanding that the OIM is supervised by
25 the master at all times?

1 A. Not at all times. In the event of
2 an emergency, the OIM is responsible to
3 report to the master, and he is under
4 whatever the master is commanding at the
5 time in order to make the vessel safe.

6 Q. That is what I meant.

7 A. I'm getting confused.

8 Q. At all times, whether emergency --
9 or not -- response, does the OIM answer to
10 the master of the vessel?

11 A. Yes.

12 Q. And Mr. Schonekas is correct, we
13 have repeatedly raised the question of who
14 was in charge of the DEEPWATER HORIZON at
15 what time. Do you believe that it is a
16 critical issue, because an ineffective
17 organizational structure could adversely --

18 If you have an ineffective
19 organizational structure, would that
20 adversely impact the effectiveness of the
21 emergency operation?

22 MR. SCHONEKAS:

23 I object. He is attempting to
24 elicit an expert opinion from a man who is
25 not an expert.

1 Secondly, there has been no
2 testimony that there was a misunderstanding
3 that led to any form of death or mishap or
4 injury, so it assumes facts not in evidence.

5 JUDGE ANDERSEN:

6 You don't need to guess or
7 speculate. If you have an opinion, you can
8 state it. Part of the mission of the board
9 is forward-looking.

10 I will overrule the objection. If
11 you have an opinion, please state it.

12 THE WITNESS:

13 It depends on your background and
14 where you have worked before in the past.
15 Mostly I have worked in the international
16 market overseas, and I worked on a MODU that
17 was not dynamically positioned or a
18 self-propelled vessel. On those types of
19 installations, the OIM was the person in
20 charge.

21 It is a different situation when
22 you work on a self-propelled vessel where
23 the understanding -- or at least my
24 understanding is that the master is the PIC.

25 EXAMINATION BY CAPT. NGUYEN:

1 Q. I understand that. Do you know
2 the history of flagging for the DEEPWATER
3 HORIZON?

4 A. I am not familiar with the
5 flagging of it.

6 Q. Yes, sir. For your information,
7 the DEEPWATER HORIZON was flagged under
8 Panama in 2001. And in 2004, it was
9 reflagged under the Republic of Marshall
10 Islands.

11 Let's go through Tab No. 1. This
12 references a document Bates No. RMI00456.

13 Can you read what is -- is that an
14 application for Minimum Safe Manning
15 Certificate for the DEEPWATER HORIZON?

16 A. Yes, sir.

17 Q. Is it marked "Self-propelled MODU"
18 under "Type" box?

19 A. It is.

20 Q. If you look at the bottom of that
21 form, the revision is 1101. Is that
22 correct, sir?

23 A. Yes.

24 Q. Anywhere on that type box, do you
25 see an option for DPV or drilling ship?

1 A. I don't see one.

2 Q. I have a form I printed off the
3 Internet. I believe that is the new
4 application form.

5 MR. SCHONEKAS:

6 Do you have a copy for us?

7 CAPT. NGUYEN:

8 No, we will post this to our Web
9 site.

10 MR. SCHONEKAS:

11 Well, the board requires us to
12 provide all documents we intend to use
13 beforehand, but you don't offer us the same
14 courtesy.

15 CAPT. NGUYEN:

16 We will make this available
17 tomorrow.

18 EXAMINATION BY CAPT. NGUYEN:

19 Q. Do you see the revision date on
20 the bottom left-hand corner?

21 A. Yes, I do.

22 Q. Can you see the date?

23 A. It says 6-10.

24 Q. June of 2010, obviously?

25 A. Yes, sir.

1 Q. If you can reference Tab 10.
2 Again, that doesn't have a Bates number. I
3 will post it on the home port for the PIIs.

4 If you turn to page 6 of 30, the
5 second page, sir. If you compare the
6 manning requirements there for RMI -- if you
7 will compare that with Tab 1, those
8 documents, would you agree with me that is
9 the same manning requirement?

10 MR. BAAY:

11 Your Honor, this man was called
12 here in his role as emergency coordinator.
13 He is now being asked questions about
14 manning requirements. He said quite clearly
15 that he is not familiar with the flagging
16 requirements. I am a little confused.

17 CAPT. NGUYEN:

18 Yes, sir. One of the criticisms I
19 received from various PII deal with
20 foundation. Let me get to where I need to
21 go. But that is what I am trying to do, is
22 build a foundation and get to the reason why
23 we have Mr. Wright here today. So please
24 exercise patience with me. I appreciate it.

25 MR. FANNING:

1 May I make a statement? I was
2 just handed the document you apparently took
3 off the Internet and provided to the
4 witness. And it says it was revised June of
5 2010, which is after the incident. So I am
6 not sure if these same things were in effect
7 at the time of the incident.

8 Is this the same document?

9 CAPT. NGUYEN:

10 Let me make the point and then we
11 will get there, okay?

12 MR. FANNING:

13 I just want to put on the record I
14 don't know if this document even existed at
15 the time of the incident.

16 JUDGE ANDERSEN:

17 I think the captain intends to
18 bring that out. And with respect to the
19 first objection, if there is something you
20 have no opinion on or have no knowledge of,
21 just say so. Obviously, the board and
22 specifically the chair believes you may well
23 be very helpful to us with respect to your
24 background and experience.

25 EXAMINATION BY CAPT. NGUYEN:

1 Q. Please exercise patience with me.

2 I am trying to build a foundation.

3 If you look at the requirement on
4 page 6 of 30 and the application for minimum
5 manning requirement, are they the same?

6 MR. LINSIN:

7 Could you identify what document
8 you are questioning the witness about? You
9 mentioned it is 30 pages long.

10 CAPT. NGUYEN:

11 Marine Notice 7-038-2, Revision
12 12/09, and the subject is Minimum Safe
13 Manning Requirements for Vessels.

14 MR. LINSIN:

15 Thank you.

16 CAPT. NGUYEN:

17 And that is a Marshall Islands
18 document. There is no Bates on here.

19 The Republic of Marshall Islands
20 Marine Notice No. 7-038-2, and it is
21 revision 12/09.

22 The page that I asked Mr. Wright
23 to compare is page 6 of 30, the actual
24 application for Minimum Safe Manning
25 Certificate submitted by Transocean back in

1 2004.

2 EXAMINATION BY CAPT. NGUYEN:

3 Q. If you could compare those two
4 sections and see whether they are the same.

5 A. Is that for Underway?

6 Q. I believe it is both Underway and
7 On Location. I believe that the two
8 documents are the same.

9 A. The Underway appears to be the
10 same.

11 Q. Now, if you go to page 7 of 30 of
12 that document I provided to you. The left
13 side is Schedule DPV and for On Location and
14 Underway, do you see that a master is
15 required for all modes of operation for a
16 DPV?

17 MR. SCHONEKAS:

18 Judge, I object, because I can't
19 conduct an effective examination where I
20 don't have the documents. We were all
21 required to post our documents and give them
22 to the committee beforehand. Captain Nguyen
23 did not do that, and this is a subject that
24 affects my client. So I vigorously object
25 to not being supplied these documents.

1 JUDGE ANDERSEN:

2 The documents will be posted this
3 evening when we finish this testimony.
4 Perhaps tomorrow we can come back with the
5 witness after you have had a chance to look
6 at the documents. Maybe you won't find that
7 necessary.

8 MR. SCHONEKAS:

9 It would make for a much better
10 understanding and examination if we could
11 share and know what the examination is about
12 and to be able to see the documents to
13 confirm, like Mr. Fanning did, that one of
14 them wasn't even created until after this
15 incident.

16 So it is a tremendous
17 disadvantage, and I have to urge my
18 objection and submit to you that this is not
19 proper and it is prejudicial to my client's
20 rights.

21 JUDGE ANDERSEN:

22 Thank you.

23 EXAMINATION BY CAPT. NGUYEN:

24 Q. Tab 3, this document is Minimum
25 Safe Manning Certificate issued to the

1 DEEPWATER HORIZON by RMI, Bates No.

2 RMI00455.

3 You see that, sir?

4 A. Yes, I do.

5 Q. If you look at the -- if you can
6 bear with me. If you look at the
7 requirements there on this page on this
8 document, is that the same as the ones
9 requested by the owner on the document Bates
10 numbered RMI00456? Are those two the same
11 manning requirements there?

12 If you will bear with me.

13 A. They don't appear to be the same.

14 Q. What is the difference, sir?

15 A. There is a difference in the -- I
16 take that back. I guess it is a little
17 confusing in reading and trying to compare
18 the two.

19 Q. I believe they are the same.

20 MR. HENNESSY:

21 Well, the document speaks for
22 itself.

23 JUDGE ANDERSEN:

24 If the captain -- we can move
25 forward on that basis. If there is a

1 difference --

2 MR. LINSIN:

3 Excuse me. Captain, can I please
4 get clarification on which two documents you
5 are comparing?

6 CAPT. NGUYEN:

7 RMI00455 and RMI00456.

8 EXAMINATION BY CAPT. NGUYEN:

9 Q. Please look at RMI00027. That is
10 the minimum manning certificate in 2009,
11 which I believe is the last certificate
12 issued to the DEEPWATER HORIZON. If you do
13 a quick comparison, from what I can see,
14 they are the same manning requirements.

15 MR. HENNESSY:

16 Comparison to what?

17 CAPT. NGUYEN:

18 00455 and the 00027. The reason I
19 am asking is trying to nail down where do we
20 get this dual command organizational
21 structure, who approved this structure?

22 MR. HENNESSY:

23 You just want him to represent
24 whether they are the same or different?

25 CAPT. NGUYEN:

1 Yes. And we will move on.

2 THE WITNESS:

3 They appear to be the same.

4 EXAMINATION BY CAPT. NGUYEN:

5 Q. So it is consistent from the
6 application all the way to the last
7 certificate issued. Is that consistent with
8 what you see there?

9 A. From what I can see.

10 Q. Yes, sir.

11 JUDGE ANDERSEN:

12 It is interesting to note that
13 when he says they appear to be the same, he
14 is becoming a lawyer, reading fast.

15 THE WITNESS:

16 Well, there is a lot of
17 information.

18 JUDGE ANDERSEN:

19 No. I agree with you. I appear
20 to have a bottle in my hand.

21 EXAMINATION BY CAPT. NGUYEN:

22 Q. Now, Tab 5, ABSDWH000061 through
23 68 --

24 A. You actually have it tabbed as 6,
25 but okay.

1 CAPT. NGUYEN:

2 You don't have a Tab 5?

3 MR. HENNESSY:

4 We have a Tab 5, but -- we have
5 Tab 6.

6 CAPT. NGUYEN:

7 The Bates numbers are -- the
8 document is ABSDWH000061 through 68, I
9 believe.

10 JUDGE ANDERSEN:

11 They are copying them now.

12 MR. SCHONEKAS:

13 My objection is different.
14 Captain Nguyen is asking this witness
15 whether or not these documents are the same.
16 He is neither the originator nor the
17 custodian of these documents, and it is not
18 within his purview to generate or maintain
19 those.

20 We can, for that matter, have
21 Mr. Fanning, with his limited capabilities,
22 confirm whether or not they are the same.

23 JUDGE ANDERSEN:

24 It does not take original
25 knowledge of the creation for authenticity

1 of a document. Copies are being made for
2 distribution now. If you object a few more
3 times, maybe they will be distributed before
4 six or seven questions from now.

5 The captain is trying to lay the
6 groundwork for a point he is trying to make.
7 If he represents they are the same, then we
8 can accept that. Everyone will have a
9 chance to look at the documents in case that
10 is wrong.

11 EXAMINATION BY CAPT. NGUYEN:

12 Q. Yes. We have seen this one
13 particular document before, ABSDWH00068.
14 That is the last page, the one you are
15 looking at.

16 If you look at the top there, you
17 see the master is in charge when the vessel
18 is underway. And then on the bottom of it,
19 it says the OIM is in charge in drill mode.

20 You see that?

21 A. Yes.

22 Q. So that is contrary to what you
23 believed about the OIM working for the
24 master in all modes, right?

25 A. Yes.

1 Q. For your information, this is the
2 operation manual for the DEEPWATER HORIZON,
3 and it is approved by the American Bureau of
4 Shipping on behalf of the Republic of
5 Marshall Islands.

6 So this, what I have here -- and
7 again, the information we have, if it is not
8 correct or is incomplete, I urge all
9 interested parties to provide additional
10 information to supplement the record or
11 clarify.

12 But you are the coordinator and
13 you need to know who is out there that you
14 need to talk to, correct?

15 MR. SCHONEKAS:

16 I object to that being
17 incomprehensible.

18 JUDGE ANDERSEN:

19 The last part of the question
20 summarizes it. As part of your duties, when
21 you are called on to perform those duties,
22 do you need to know at that moment who is in
23 charge, the master or the OIM?

24 EXAMINATION BY CAPT. NGUYEN:

25 Q. Who is in charge of the vessel?

1 A. If it is an emergency, we are
2 talking to the master. And if I can add,
3 this is an org chart, but if the station
4 bill was here, it may clear things up.
5 That's what we would look at.

6 Q. I understand. The evidence that
7 we have is this dual command organizational
8 structure was approved by the flag state
9 through this document.

10 A. I understand what you are saying,
11 sir. But you are asking me to validate it,
12 and I can validate the document, but I don't
13 understand -- I guess, from my perspective,
14 there is more that I would look at than just
15 the org chart.

16 Q. Some of my later questions will
17 relate to this. I was laying a foundation
18 for the following questions. That is what I
19 was doing. So I appreciate your patience
20 with me on this.

21 Now, in terms of clarifying the
22 roles of the command structure, we received
23 a couple of documents from the flag state.
24 One is claiming that the minimum requirement
25 certificate was a clerical error, and both

1 of these are posted online for the PII
2 attorneys to look at, but that is the flag
3 state's position on this issue.

4 Now, if you go to Tab 8, sir,
5 Bates No. BP-HZN-MBI00014820. You see that,
6 sir?

7 A. I do.

8 Q. What is that document?

9 A. It looks like a document out of
10 the emergency response manual for a
11 well-control event or shallow gas blowout.
12 Transocean for the DEEPWATER HORIZON.

13 Q. And this section is 14820 to
14 14828. If you can scan through it.

15 Do you see the master has any
16 specific responsibility identified in this
17 document, sir, for well-control and shallow
18 gas blowout?

19 A. I don't see where the master is
20 listed other than in the area where he may
21 be requested to initiate evacuation.

22 Q. So in referring to the ops manual
23 and then going to the emergency response
24 manual and the HSC manual, what I see is
25 because of the organizational structure

1 provided, it dictates plans and procedures
2 on the DEEPWATER HORIZON to treat it as
3 pretty much a fixed platform with the OIM in
4 charge.

5 MR. HENNESSY:

6 I object. It seems like you are
7 asking to him agree with your conclusion
8 based upon certain assumptions, so I object
9 to the form of the question.

10 MR. BAAY:

11 Transocean joins.

12 MR. SCHONEKAS:

13 And I object to the competency of
14 this witness to testify about that.

15 JUDGE ANDERSEN:

16 We understand. If you can repeat
17 the question, we will see if the witness has
18 an understanding.

19 If you do not, you don't have to
20 make it up or guess as you sit here. It is
21 hard to do.

22 EXAMINATION BY CAPT. NGUYEN:

23 Q. We try to be transparent with the
24 evidence we have and the errors we are
25 focusing on that may have potential gaps, as

1 I indicated on the diagram there. So that
2 is what we are seeing, is that this is a
3 piece of information, just like ISM full
4 compliance, we only have pieces of
5 information.

6 What I am showing you is trying to
7 be transparent to show you this is what we
8 are looking at. This was approved and this
9 is what the results are.

10 And again, people, if they don't
11 think we have a complete picture, then we
12 welcome additional information.

13 Now, as coordinator, how would you
14 be informed as to who was the PIC, as you
15 say, the person in charge? How would you be
16 informed based on Transocean's procedure?

17 A. Is this specific to the HORIZON?

18 Q. Yes, sir.

19 A. The initial contact and the
20 information we were getting came off of the
21 BANKSTON. And it came from the operations
22 manager, Daun Winslow -- who had gotten off
23 the rig -- and then immediately contacted
24 shore base. We had made contact with him.

25 Q. We will get to Mr. Winslow, but

1 for this casualty, who did he call?

2 A. Back onshore?

3 Q. Yes.

4 A. I'm sure he called others before I
5 actually talked to him. I did not talk to
6 him until I was at the emergency response
7 center.

8 Q. What is the procedure for an
9 emergency response for the personnel on
10 scene? Who are they supposed to call?

11 A. The person -- the rig manager
12 would contact the operations manager.
13 Unfortunately, the operations manager was
14 offshore. So he contacted his alternate,
15 the division manager at the time, Keelan
16 Adamson, and he initiated the emergency
17 response.

18 And through protocol, one
19 operations manager called the other, and we
20 went through the list of contacting,
21 basically, the management team that was in
22 North America at the time.

23 Q. Is that protocol documented?

24 A. I believe it is in the emergency
25 response plan.

1 Q. But you have never seen it?

2 A. Yes, I have. That is the plan
3 that we followed.

4 Q. I know that I gave you a section
5 of the operations manual. Have you ever
6 seen a copy of the DEEPWATER HORIZON's
7 operations manual?

8 A. No.

9 Q. Have you ever seen the operations
10 manual for any MODU?

11 A. Yes.

12 Q. What is in it?

13 MR. SCHONEKAS:

14 I object. Vague and nonspecific.
15 "What's in it?" That could cover the
16 waterfront.

17 JUDGE ANDERSEN:

18 If there is a specific subject
19 matter you want the witness to address, you
20 could tell us.

21 EXAMINATION BY CAPT. NGUYEN:

22 Q. The operations manual --

23 MR. BAAY:

24 Your Honor, he was called here as
25 coordinator. He relied on emergency

1 response manuals, and so I think that would
2 be relevant. But to ask him about
3 operations manuals, I don't think is proper
4 for this witness.

5 JUDGE ANDERSEN:

6 And it is such a broad question.
7 If there is a focus.

8 EXAMINATION BY CAPT. NGUYEN:

9 Q. You are the coordinator, right,
10 and you have vessels in the Gulf you are
11 going to provide support to?

12 A. Yes.

13 Q. Have you ever looked at any of
14 their operations manuals?

15 A. Yes. I am familiar with
16 operations manuals. Operations manuals give
17 you specific instructions on how a vessel's
18 stability works, on how the firefighting
19 plans -- it gives you specifics on
20 structural limitations of the vessel. It
21 gives you the capacity of the tanks. A
22 multitude of things.

23 Basically, it is more of a
24 construction portfolio of how the vessel is
25 built.

1 That is my familiarity with an
2 operations manual. If I need to go find out
3 information about a particular vessel, the
4 general layout, I could go there and find
5 it.

6 Q. Was the DEEPWATER HORIZON's
7 operations manual available to you during
8 this emergency --

9 A. Yes.

10 Q. -- if you needed it?

11 A. If we needed it for reference, it
12 was there available to us, yes.

13 Q. Back to Tab 6 in your exhibit
14 binder, page Bates ABSDWH000062. Read the
15 last paragraph for me, sir. Start with "The
16 company."

17 A. Out loud?

18 Q. Yes, sir.

19 A. "The company requires that should
20 a situation develop that could endanger the
21 vessel, personnel or environment, the
22 installation manager can request the master
23 to receive the role of person in charge at
24 any time and the master must not refuse.
25 Similarly, if the master feels that a

1 situation has developed that endangers the
2 vessel, personnel or environment, he can
3 request the installation manager to kill the
4 well and disconnect from the wellhead in a
5 safe and timely manner, and that the role of
6 the PIC be passed to him and the
7 installation manager must not refuse."

8 Q. Do you know what situation the
9 manual refers to?

10 A. No, I don't.

11 Q. Please read the paragraph, "In
12 accordance with the ISM code."

13 A. "In accordance with the ISM code,
14 the master has overriding authority and
15 responsibility to make decisions with
16 respect to safety and pollution prevention
17 and to request all internal company
18 assistance as necessary. Self-propelled
19 rigs carry a marine crew headed by the
20 master in addition to normal industrial
21 function of the vessel headed by the
22 installation manager."

23 Q. Yes, sir. If the master has the
24 overriding authority, why does he have to
25 request the OIM to secure the well and

1 disconnect from the wellhead in a safe and
2 timely manner and the role of the person in
3 charge be passed to him?

4 MR. HENNESSY:

5 Your Honor, this is not his
6 document. He is being asked to speculate
7 and interpret, and I don't think he is the
8 proper person to speculate and interpret.

9 MR. SCHONEKAS:

10 I join in that objection.

11 JUDGE ANDERSEN:

12 If he knows, he may answer. If he
13 doesn't, that's an honest answer.

14 THE WITNESS:

15 I don't know.

16 EXAMINATION BY CAPT. NGUYEN:

17 Q. Was a copy of the DEEPWATER
18 HORIZON's emergency response manual
19 available to you?

20 A. Yes.

21 Q. Can you describe the contents of
22 that manual, sir.

23 A. Basically, it laid out duties and
24 responsibilities for the positions on board
25 the rig, master, OIM, chief engineer,

1 toolpusher, driller, on down the line.
2 Crane operators. It went into quite a bit
3 of detail as to what role each person played
4 as far as responsibilities.

5 It also laid out the reporting
6 criteria. It gave scenarios and checks for
7 different types of emergencies: threat of a
8 bomb, fire, well-control, blowout, man
9 overboard.

10 There is a multitude of scenarios
11 in there that would be high risk or high
12 impact, maybe; incidents that require
13 immediate action.

14 Q. Yes, sir. Now, was a copy of the
15 BP emergency evacuation plan available where
16 you were at, sir?

17 A. No, it was not.

18 Q. So how do you evacuate the vessel
19 if that plan was not available?

20 MR. SCHONEKAS:

21 Objection, Your Honor. How do you
22 evacuate a vessel when BP's plan is not
23 available?

24 JUDGE ANDERSEN:

25 You could answer the question --

1 MR. SCHONEKAS:

2 I could.

3 JUDGE ANDERSEN:

4 -- but he asked the witness.

5 THE WITNESS:

6 I would not evacuate it in
7 accordance to BP's plan; I would evacuate it
8 in accordance with Transocean's procedures.

9 EXAMINATION BY CAPT. NGUYEN:

10 Q. And the BP evacuation plan is the
11 required document for the vessel and would
12 be the document to guide the evacuation of
13 the vessel?

14 MR. SCHONEKAS:

15 Objection, compound. Calls for a
16 legal conclusion.

17 JUDGE ANDERSEN:

18 It is not a question. He is
19 asserting what the document says.

20 MR. SCHONEKAS:

21 More objectionable on that basis.

22 JUDGE ANDERSEN:

23 Fine.

24 EXAMINATION BY CAPT. NGUYEN:

25 Q. If you go to Tab 9, sir. Now,

1 that is a copy of the emergency evacuation
2 plan, and that is referencing document
3 BP-HZN-MBI00002516 through 2548.

4 Now, on page 4, sir --

5 MR. BAAY:

6 What section are we looking at?

7 CAPT. NGUYEN:

8 Page 4 of 33. BP-HZN-MBI00002516,
9 Section 2, Facility ID and Location
10 Information.

11 EXAMINATION BY CAPT. NGUYEN:

12 Q. You see that, sir?

13 A. Yes.

14 Q. "Person in charge - drilling
15 supervisor."

16 You see that?

17 A. Yes.

18 Q. Now, if you go to the next page,
19 on top, under Section 3, Chain of Command,
20 Immediate Evacuation, it says, "Person in
21 charge. The drilling supervisor is in
22 charge of immediate evacuation."

23 You see that?

24 MR. SCHONEKAS:

25 Objection. He is asking this

1 witness to apply the BP emergency evacuation
2 plan when the witness said he neither
3 consulted it or used it in connection with
4 the evacuation of this particular MODU.

5 This is an exercise in what-ifs.
6 It calls for speculation and is absolutely
7 irrelevant to these proceedings. It has
8 nothing to do with the cause of this
9 explosion or the evacuation of any of these
10 people or any resulting harm.

11 EXAMINATION BY CAPT. NGUYEN:

12 Q. The point here is that your
13 understanding is that the master is
14 responsible for the evacuation. And in this
15 document right here, it pretty much puts BP
16 in charge of the evacuation.

17 MR. GODFREY:

18 Objection, Captain. I am looking
19 at the same document, which may be a
20 mistaken assumption. Page 3 of 33 advises
21 the person in charge is the master or other
22 individual designated as such by the owner
23 or operator.

24 I have seen nothing to indicate
25 that BP designated anyone other than the

1 master or OIM as the person in charge of the
2 vessel.

3 CAPT. NGUYEN:

4 What I am trying to point out,
5 there is some confusion here. On one page
6 you have one thing, another page says
7 another thing. And somebody else has an
8 impression of who is in charge and all that.

9 EXAMINATION BY CAPT. NGUYEN:

10 Q. Again, back to the point about an
11 effective organizational structure that can
12 handle an emergency.

13 You have a blowout, explosion,
14 fire, and what I see from the various
15 documents, it seems very confusing to me,
16 and that is the point. You tell me if it is
17 clear to you.

18 MR. SCHONEKAS:

19 Objection, Your Honor. Absolutely
20 unintelligible. I don't know what statement
21 or portion of it or if he is asking the
22 witness to agree with him. It is not
23 probative to any issues that this commission
24 is supposed to be addressing, and the only
25 confusion appears to be on the part of

1 Captain Nguyen.

2 MR. GODFREY:

3 I don't join in that objection,
4 but if Your Honor wants a clarification, I
5 now understand the question. And I think
6 from the BP perspective, we can submit
7 something to you in an appropriate time once
8 we hear the rest of the questions.

9 I don't think it is confusing from
10 our perspective, but I will be happy to
11 submit something if the board will find it
12 helpful.

13 JUDGE ANDERSEN:

14 This is what it boils down to: A
15 person reading these different documents
16 might be confused as to who would be in
17 charge in an emergency situation.

18 Were you, in fact, confused as to
19 who was in charge of the vessel in the
20 situation you were called to act upon?

21 THE WITNESS:

22 No. There was no confusion from
23 the response team as to who was in charge.

24 JUDGE ANDERSEN:

25 And my understanding is that you

1 went with the Transocean emergency plan, and
2 the master of the vessel was the person in
3 charge once the emergency had been declared?

4 THE WITNESS:

5 That's correct.

6 JUDGE ANDERSEN:

7 Obviously, the board may recommend
8 that further documentation be congruent with
9 that.

10 CAPT. HIGGINS:

11 The person you were dealing with
12 in terms of the response was Mr. Winslow,
13 was it not?

14 THE WITNESS:

15 That's correct.

16 CAPT. HIGGINS:

17 Was he either the master or the
18 OIM on board?

19 THE WITNESS:

20 He was neither the master or the
21 OIM.

22 CAPT. HIGGINS:

23 So the person you were dealing
24 with with regard to the response was neither
25 the OIM or master of the vessel?

1 THE WITNESS:

2 No. He was simply a person of
3 contact on the BANKSTON, along with the
4 master and the crew who had safely gotten
5 aboard the vessel.

6 CAPT. HIGGINS:

7 I think that is Captain Nguyen's
8 point. You were dealing with Mr. Winslow,
9 not the master or the OIM, and none of these
10 documents designate --

11 MR. FANNING:

12 I can tell you that Captain
13 Harrell had medical problems. Mr. Winslow
14 stepped up as the contact person, is what we
15 were told. I think, in fairness, Jimmy was
16 not in a position to be taking care of
17 things.

18 And also, both the master, Captain
19 Kuchta, and the OIM were on the BANKSTON.
20 And the Coast Guard, I believe, directed
21 them to go to shore.

22 There were other people out there
23 handling operations, including the Coast
24 Guard, firefighting, setting up a safety
25 perimeter.

1 So I believe the implication that
2 the master and OIM were not functioning in
3 their positions, I think, under the
4 circumstances, is unfair.

5 EXAMINATION BY CAPT. HIGGINS:

6 Q. Where was Mr. Winslow when you
7 were communicating with him?

8 A. On board the BANKSTON at the
9 bridge, I assume.

10 Q. Given that the OIM may have been
11 incapacitated and there were no documents
12 that would put him in charge, but you
13 assumed he was in charge?

14 A. I never said he was the person in
15 charge. What I do know is that Mr. Winslow
16 had communicated to us that the OIM was not
17 in very good shape and the captain was on
18 the bridge helping direct traffic. And the
19 captain was helping reconcile POB.

20 And the main focus of our response
21 was trying to account for all of the people
22 who had gone overboard in the lifeboats and
23 to verify how many were missing.

24 EXAMINATION BY CAPT. NGUYEN:

25 Q. Was a copy of the DEEPWATER

1 HORIZON's emergency response plan available
2 to you?

3 A. There was a copy in the emergency
4 response room with us, yes.

5 Q. Do you know what is inside that
6 manual?

7 A. Not the details.

8 Q. But you have a general knowledge?

9 A. Yes.

10 Q. Can you give us your knowledge?

11 A. The vessel emergency response
12 plan.

13 Q. The vessel emergency response
14 plan?

15 MR. FANNING:

16 I don't know that we are talking
17 about the same document.

18 EXAMINATION BY CAPT. NGUYEN:

19 Q. Have you heard of what is called a
20 "vessel response plan"?

21 A. I am not familiar with the term
22 "vessel response plan," no, sir.

23 Q. Are you familiar with the term
24 "qualified individual"?

25 A. I am not familiar with the term

1 "qualified individual."

2 Q. How about "spill management team"?

3 A. I am not familiar with the "spill
4 management team."

5 Q. How about "spill response
6 operating team"?

7 MR. BAAY:

8 Your Honor, I ask for some context
9 for these questions. Are they coming from a
10 Coast Guard document --

11 JUDGE ANDERSEN:

12 He is just asking if they are
13 terms he is familiar with. If he is, we can
14 find out how. If not, then he is not.

15 THE WITNESS:

16 I'm not familiar with that term.

17 EXAMINATION BY CAPT. NGUYEN:

18 Q. Did Transocean have a planned
19 location for a spill response operations
20 center?

21 A. We do have a -- we use O'Brien's,
22 a contractor, in the event we need to
23 respond to a spill or an environmental
24 incident.

25 Q. But was there a planned location?

1 A. No, there was not a planned
2 location.

3 Q. Did Transocean have a vessel
4 firefighting plan for deepwater operations
5 prior to the casualty?

6 A. There is a vessel firefighting
7 plan attached to each vessel. The vessel
8 firefighting plan guides you to locations
9 for evacuation, of fire extinguishers,
10 monitors, gas alarms, H2S alarms and things
11 of that sort that would aid in fighting a
12 fire on board the vessel.

13 Q. How about activities from other
14 parties assisting?

15 A. Again, in ours, there is a
16 contact. We use O'Brien's. They have the
17 resources for fighting fire in that case.

18 Q. Is there a Transocean command
19 center in Houston?

20 A. There is an emergency response
21 center in North America, yes.

22 Q. Please describe the function,
23 staffing and capability of your ERC.

24 A. Our ERC is staffed mainly from the
25 operations managers and the rig managers,

1 and then the supporting personnel here in
2 Houston, and that would be a marine manager,
3 HSC manager.

4 We have a legal team here. We
5 have, obviously, an accounting group, a
6 procurement group. We also have contracts
7 in place that would help through O'Brien's,
8 and they would typically review and help
9 create a lot of the documentation that we
10 don't have immediate resources for, as I
11 said earlier, for firefighting and oilfield
12 response and some of those things.

13 Also, the assembly, I guess, for
14 that is based upon an initial phone call
15 either coming from the onshore installation
16 or through the rig manager to our managing
17 director. He would understand the
18 situation, and then he would decide whether
19 or not it was required to call out the
20 emergency response team. And that calling
21 process is basically by a phone list, and
22 the operations managers start going down and
23 calling people in as required.

24 Q. My understanding is that there is
25 not a 24/7 live watch?

1 A. It is not a manned center, no, it
2 is not.

3 CAPT. NGUYEN:

4 I have a large number of questions
5 left for you. You want to take a break now?

6 (Recess.)

7 JUDGE ANDERSEN:

8 We will resume.

9 EXAMINATION BY CAPT. NGUYEN:

10 Q. Turn to Tab 11. Please look at
11 document TRN-USCG-MMS00043661.

12 A. I see that.

13 Q. Can you read observation No. 1,
14 please.

15 A. "It was noted that following the
16 merger between Transocean and GlobalSantaFe,
17 many policies and procedures existing within
18 the combined organization were in the
19 process of being reviewed, evaluated or
20 combined. The company's next step process,
21 equal distribution of the management system,
22 combined with education and training and
23 follow-up reevaluation and incorporation of
24 the best practices is to be commended,
25 particularly since the company has committed

1 not to lose focus on safety and
2 environmental protection during the period
3 of change."

4 Q. You came from GlobalSantaFe,
5 correct?

6 A. Yes.

7 Q. And you assumed the position of
8 coordinator since 2007, right?

9 A. I have the position of operations
10 manager.

11 Q. Yes, sir, but you also have this
12 responsibility of being coordinator?

13 A. That's correct.

14 Q. So can you describe how that
15 merger impacted the effectiveness of
16 coordinator in responding to a casualty?
17 Were there different policies and procedures
18 going on?

19 A. I don't recall what the
20 GlobalSantaFe title of that position would
21 be. Could be similar. But the training was
22 almost identical and the duties were
23 similar.

24 There was little difference from
25 what I recall.

1 Q. Tab 12, Bates

2 TRN-USCG-MMS00043664.

3 MR. HENNESSY:

4 The last digits are cut off. You
5 will have to direct us to the page number up
6 to 3.

7 CAPT. NGUYEN:

8 Under the last page, page 3 of 3,
9 observation No. 1.

10 THE WITNESS:

11 You want me to read it?

12 EXAMINATION BY CAPT. NGUYEN:

13 Q. Yes, sir.

14 A. "It was noted the progress on the
15 merger of Transocean/GlobalSantaFe's
16 policies and procedures and positions within
17 the combined organization has been
18 considerable, and the companies' next step
19 process, equal distribution of the
20 management system combined with education
21 and follow-up, evaluation and incorporation
22 of best practices, has been successful. The
23 company is to be commended as statistics
24 suggest that focus on safety and
25 environmental protection has been maintained

1 during this period of change. Reference ISM
2 code 1.2.2."

3 Q. Yes, sir. Based on that document,
4 it appears that Transocean was still working
5 on merging policies and procedures and
6 positions within a combined organization; is
7 that right?

8 MR. SCHONEKAS:

9 Objection. Competency, Your
10 Honor. He did not generate this document.

11 JUDGE ANDERSEN:

12 What is the question?

13 EXAMINATION BY CAPT. NGUYEN:

14 Q. Were changes still going on as of
15 April 2010 as a result of the merger, sir?
16 If you know, based on that observation from
17 DNV.

18 A. As far as policy changes?

19 Q. As far as merging policies,
20 procedures and positions within the combined
21 organization, was that still ongoing in
22 April of 2010?

23 A. No. The policies were done in
24 April of 2009.

25 Q. How about procedures in terms of

1 responding to a casualty?

2 A. That was already done.

3 Q. That was already done?

4 A. Yes.

5 Q. And the various positions in terms
6 of coordinators?

7 A. That was done.

8 Q. That was done?

9 A. Yes.

10 Q. Now, let's go to Tab No. 13, sir.

11 A. Okay.

12 Q. That is referencing a document
13 with the Bates TRN-USCG-MMS00043694.

14 A. Yes.

15 Q. This is internal ISM audit of
16 Transocean's corporate office in Houston on
17 15 March 2010. Is that correct, sir,
18 according to what you see there?

19 A. Yes.

20 Q. Please read observation item
21 No. 4. Do you have that, sir, items 2 and
22 3?

23 A. Section 4?

24 Q. Yes. Items 2 and 3, do you have
25 that, sir?

1 A. Yes.

2 Q. Can you read those items 2 and 3,
3 please.

4 A. Under "Observations and
5 Opportunities for Improvement," item 2, "An
6 audit of records demonstrated that the
7 Corporate Emergency Response Team contact
8 list on the QHSE Intranet website has not
9 been maintained or updated in a timely
10 manner to ensure the contact information is
11 correct. Last revision date, October 1,
12 2009."

13 Q. All right, Item 3.

14 A. "In reviewing the roles of the
15 emergency response team, it was identified
16 that personnel assigned a role within the
17 team have not been provided with training
18 regarding their duties."

19 Q. Yes. So based on that document
20 there you just read, it appears to me that a
21 month prior to the DEEPWATER HORIZON
22 casualty, Transocean's emergency response
23 team was not prepared to deal with a major
24 accident. Do you have any information to
25 the contrary?

1 A. No, I don't.

2 MR. HENNESSY:

3 That is assuming facts, Your
4 Honor. I object to the form of the
5 question. I understand he has already
6 answered, but I would ask that you ask it in
7 a different form. I don't believe he
8 understood your question.

9 CAPT. NGUYEN:

10 I understand.

11 EXAMINATION BY CAPT. NGUYEN:

12 Q. Mr. Wright, you read one
13 observation that said the contact list was
14 not up-to-date; you read another observation
15 that said the training of the emergency
16 response team has not been provided.

17 So based on those two facts, my
18 question is: One month prior to the
19 casualty, it appears to me that Transocean's
20 emergency response team was not prepared to
21 deal with a major accident. Do you have any
22 information, Mr. Wright, to the contrary?

23 MR. SCHONEKAS:

24 Object to the form of the
25 question. Misstates facts and is clearly

1 irrelevant. The question is: As a result
2 of these alleged omissions, can you tell us
3 whether or not anybody was lost or injured
4 as a result of that?

5 JUDGE ANDERSEN:

6 Want to answer that question
7 first?

8 THE WITNESS:

9 As a result of that omission,
10 nobody was lost.

11 JUDGE ANDERSEN:

12 So do you believe that Transocean
13 was prepared to meet a serious emergency?
14 Because reading these documents, in the mind
15 of the reader, creates some confusion
16 perhaps.

17 You were there to implement things
18 in real life. Do you think Transocean was
19 well prepared for this? Should it have been
20 better prepared?

21 THE WITNESS:

22 I can only speak for the team out
23 of the North America division working out at
24 Park 10, and I feel we were well prepared.
25 We responded accordingly, per the procedures

1 for the North America division; we made
2 contact with everybody that we needed to
3 make contact with in a timely manner; we
4 made contact offshore through Daun Winslow,
5 who was our line of communication to
6 offshore.

7 Otherwise, we would have had a
8 long delay in trying to make contact with
9 somebody offshore. Other than the BANKSTON,
10 there would have been nobody out there.

11 I think the key factor is the
12 evacuation of that rig went extremely smooth
13 in getting as many people off as we did.

14 EXAMINATION BY CAPT. NGUYEN:

15 Q. Yes, sir. The document you just
16 read, TRN-USCG-MMS00043694, this is an
17 internal ISM audit conducted by Transocean
18 personnel for the Transocean corporate
19 office in Houston, correct?

20 A. That is what it appears to be.

21 Q. And the two items you read out
22 loud is that the contact list is outdated
23 and training for the emergency response team
24 was not provided?

25 A. Yes. But I have no knowledge of

1 this because I do not work out of the
2 corporate office.

3 Q. Yes. Next one, these are about
4 previous incidents. I want to know about
5 Transocean's response.

6 Tab 14, RMI00184 through 95, and
7 ABSDWH0033904 through 16.

8 Do you have that?

9 A. I don't appear to have the ABS.

10 MR. SCHONEKAS:

11 The numbers again?

12 CAPT. NGUYEN:

13 Yes, sir. Let me take back the
14 ABS number. RMI00184 through 95.

15 MR. HENNESSY:

16 We have through 94. Excuse me,
17 95.

18 EXAMINATION BY CAPT. NGUYEN:

19 Q. 00191, this is a Report of
20 Casualty to the Republic of Marshall
21 Islands, and it is related to the flood and
22 casualty on May 26 of 2008.

23 You see that, Mr. Wright?

24 A. I do.

25 Q. If you go to the next page,

1 RMI00192, you see the estimated loss and
2 damage to the vessel of \$920,000, sir?

3 A. I do.

4 Q. Are you aware of this casualty,
5 sir?

6 A. No. I am aware of the incident,
7 but I am not aware of any of the details of
8 the incident.

9 Q. Yes, sir. Since the DEEPWATER
10 HORIZON was a foreign flag vessel, this was
11 a reportable casualty to the flag state but
12 not to the Coast Guard.

13 Now, would it be a situation that
14 the vessel would have to contact you as the
15 coordinator, sir?

16 A. If I were the manager of that
17 vessel, then I would have been contacted.

18 Q. Based on the amount and the
19 circumstances?

20 A. Yes, it is reportable.

21 Q. And you don't know what action was
22 taken besides submitting this report?

23 A. No, sir. I had no involvement
24 with the HORIZON.

25 Q. Right. You are not aware of an

1 investigation to see whether the vessel's
2 Safety Management System had issues or not?

3 A. There was an incident
4 investigation that came out of this and that
5 is all that I know.

6 Q. Was there an informal report, do
7 you know? Do you know if there is a written
8 report of this investigation of this
9 casualty?

10 A. Not that I'm aware of.

11 Q. Usually when Transocean
12 investigates a casualty, do they document it
13 in some form?

14 A. Yes. Depending on the severity of
15 the casualty, it will be documented on a --
16 we have three levels of investigation. Just
17 looking at this briefly, this would have
18 been investigated definitely and a report
19 submitted to the operations manager,
20 division manager and the marine manager.

21 Q. And would it be something readily
22 available to the board that we can request,
23 sir?

24 A. I would assume so, yes.

25 Q. Now, up to this point, I know you

1 didn't respond to this casualty, but the
2 board has no evidence that the flag state
3 conducted an investigation into the
4 casualty. Do you have any information to
5 indicate the contrary?

6 A. No, I don't.

7 Q. Tab 15, RMI00180 through 3. It
8 relates to a loss of power. The passage I'm
9 referring to is 0182, in block 12. The date
10 is August 7 of 2008.

11 A. That's correct.

12 Q. And in the back page, on RMI00183,
13 they talk about loss of electrical power for
14 two minutes.

15 A. That's correct.

16 Q. Yes, sir. Would that be something
17 that the vessel would have to report to you,
18 to a coordinator, for response or
19 investigation?

20 MR. BAAY:

21 Your Honor, I object. There is no
22 foundation for this witness to answer
23 questions about this document. He has no
24 connection to this document.

25 CAPT. NGUYEN:

1 He is a coordinator, and I am
2 trying to find out what type of event
3 required the vessel to contact him for
4 response.

5 MR. BAAY:

6 He is a coordinator for certain
7 events, and he was not a coordinator for
8 this event.

9 CAPT. NGUYEN:

10 I am trying to find out what
11 events --

12 JUDGE ANDERSEN:

13 And whether this event was
14 substantial enough, so that he, as a
15 coordinator, would be expected to be
16 contacted. Obviously, other people might be
17 called in, but he must know where you would
18 draw that line.

19 Would you anticipate being called
20 for this type of event?

21 THE WITNESS:

22 This was an equipment failure, no
23 injury to personnel or pollution, so I would
24 say no.

25 EXAMINATION BY CAPT. NGUYEN:

1 Q. Yes, sir, but this is a vessel
2 with dynamic positioning capability, and you
3 have a loss of two minutes of electrical
4 power. Wouldn't that be of concern to you
5 when you were an OIM on board a vessel?

6 A. This would not be investigated --
7 I guess the point I want to make is this
8 would not call for an emergency response
9 team to actually muster.

10 This would be a technical query
11 that would go into our technical field
12 support group, and they would troubleshoot
13 the problem from there. It would not be an
14 emergency response situation.

15 Q. But there would be an
16 investigation done on this?

17 A. Yes, sir.

18 Q. Were you aware of this incident?

19 A. No.

20 Q. Up to this point, we have no
21 evidence that the flag state conducted an
22 investigation into this casualty. Do you
23 have any information to show otherwise?

24 A. No, I do not.

25 Q. Prior to the casualty, were you

1 aware of any well-control event --

2 MR. FANNING:

3 Are we shifting casualties? Are
4 we going to April 20, 2010, now?

5 CAPT. NGUYEN:

6 Yes, sir.

7 THE WITNESS:

8 No.

9 EXAMINATION BY CAPT. NGUYEN:

10 Q. During the response, did you have
11 any information on the vessel's loading
12 condition prior to the casualty?

13 A. Not prior to the casualty, I did
14 not.

15 Q. Was the vessel's loading condition
16 available at the location where you were
17 responding?

18 A. Yes.

19 Q. What vessel loading condition did
20 you see?

21 A. I don't recall how many hours
22 beforehand, but there are vessel reports,
23 loading conditions sent in so that they are
24 there and available in the event we need
25 them.

1 Q. That's daily or weekly?

2 A. I don't know.

3 Q. Have you seen one before?

4 A. Yes.

5 Q. Did you see one for the DEEPWATER
6 HORIZON during the response?

7 A. I would not have been looking at
8 that in my position. The marine manager
9 would have been doing that.

10 Q. And that would be Mr. Neil
11 Cramond?

12 A. No, Steve Rogers would have been
13 the one called in.

14 Q. He would have retrieved vessel
15 loading conditions?

16 A. Yes.

17 Q. Is that located on a computer?

18 A. Yes.

19 Q. And available to the board if we
20 asked for that document?

21 A. I assume that is the case; I'm not
22 sure.

23 Q. Did anybody ask for the vessel
24 loading conditions during the response?

25 A. Not that I recall, no.

1 Q. Did you contact SMIT America for
2 salvage support?

3 A. No, I did not.

4 Q. Do you know who did that?

5 A. Yes, our engineering group
6 contacted SMIT. We contacted our
7 engineering group.

8 Q. Now, as the Transocean coordinator
9 for the DEEPWATER HORIZON, do you have a BP
10 counterpart? For this response, do --

11 A. In this particular incident, yes,
12 we had a counterpart over at BP when they
13 established their command center.

14 I don't know how long it was, but
15 we immediately made contact and started
16 mobilizing resources to BP so that we had
17 personnel at their command center. We were
18 given updated reports on a conference call,
19 probably four or five hours after the event
20 started is the first time I recall being on
21 a conference call.

22 Q. Who was your BP counterpart?

23 A. I don't recall his name.

24 Q. What position does he hold?

25 A. His position probably would have

1 been equal to that of mine over at
2 Transocean, but I know he was a drilling
3 guy. That is all I know.

4 Q. Did you meet him?

5 A. Not face-to-face, no.

6 Q. And you don't know his name?

7 A. Not off the top of my head, I
8 don't.

9 Q. Do you know when he contacted you
10 or you contacted him?

11 A. I don't recall the exact time.
12 They sent a representative from BP over to
13 our office, so there was someone there in
14 our response center. And we had done the
15 same thing so that if for some reason we
16 couldn't contact one another, we had a
17 representative in each office.

18 Q. Were you responsible for making
19 notification to the flag state?

20 A. No, I was not responsible to
21 ensure that. Someone was assigned to do
22 that.

23 Q. Who was that?

24 A. The marine coordinator, Steve
25 Walker.

1 Q. Is he the same one who made
2 notification to the U.S. Coast Guard and
3 MMS?

4 A. Yes. He made notification to all
5 regulatory authorities, the Coast Guard, MMS
6 and the flag state.

7 Q. Did you have any communication
8 with the DEEPWATER HORIZON before the
9 evacuation?

10 A. No, sir. When we arrived, the
11 DEEPWATER HORIZON had already been
12 evacuated, boats were in the water, people
13 were in the water. They were recovering
14 people from the lifeboats and out of the
15 water, and they were continuing the search
16 and rescue process of trying to pick up any
17 survivors.

18 Q. I understand you talked to
19 Mr. Winslow on board the DAMON BANKSTON,
20 correct?

21 A. That's correct.

22 Q. Did you talk to anybody else on
23 the DAMON BANKSTON?

24 A. No. Mr. Winslow was our source of
25 information and any requests that were

1 coming from the captain of the BANKSTON and
2 any needs of the crew, medical conditions.
3 That is how we were getting our information
4 so that we could respond.

5 Q. Did you direct Mr. Winslow to take
6 any action?

7 A. No. We requested information from
8 Winslow. It was mainly around personnel and
9 their well-being. Pretty much the first 12
10 to 14 hours, that's what our main focus was,
11 making sure we took care of the people.

12 Q. Did you direct the DAMON BANKSTON
13 to take any actions?

14 A. No.

15 Q. So, just Mr. Winslow, who --

16 A. That's correct.

17 MR. SCHONEKAS:

18 I would like to hear the full
19 question.

20 EXAMINATION BY CAPT. NGUYEN:

21 Q. Did Mr. Winslow have authority
22 from Transocean out on the scene?

23 MR. SCHONEKAS:

24 Objection, he was not on the
25 scene. How would he know that? Competency

1 of the witness to answer.

2 EXAMINATION BY CAPT. NGUYEN:

3 Q. Mr. Winslow was at the scene,
4 correct?

5 A. Mr. Winslow was on the DAMON
6 BANKSTON, correct.

7 Q. And he was the lead Transocean
8 person out on the scene coordinating
9 activities?

10 A. No. He was our source of
11 information. He was our primary contact out
12 there.

13 Q. But you, as the coordinator, did
14 not direct him to take any action out there?

15 A. No, sir.

16 Q. You did not direct him to take any
17 action to secure the fuel source to the
18 fire?

19 A. No, sir.

20 Q. You didn't direct him to take
21 control of the ROV to secure the source of
22 fuel to the fire?

23 A. I think I am misunderstanding your
24 questions.

25 Q. There was no direction you

1 provided to Mr. Winslow; you only received
2 information from him?

3 MR. SCHONEKAS:

4 At what point in time?

5 EXAMINATION BY CAPT. NGUYEN:

6 Q. While Mr. Winslow is out there and
7 Mr. Wright is responding.

8 A. Mr. Winslow was out there about
9 five days, so there were a lot of
10 conversations between Mr. Winslow and I.
11 The initial phase was trying to get
12 personnel ashore, and that was probably the
13 vast majority of our focus and concentration
14 the first 12 to 18 hours.

15 Following that, once the BANKSTON
16 left, Mr. Winslow stayed offshore. He was
17 transferred to another vessel. At that
18 point in time, he was a person of authority
19 representing Transocean.

20 Q. So you were acting in support of
21 Mr. Winslow?

22 A. Yes. Us along with BP.

23 Q. Is that according to Transocean's
24 written procedures or policies?

25 MR. SCHONEKAS:

1 Referring to after they leave?

2 CAPT. NGUYEN:

3 In terms of Mr. Wright's role
4 supporting Mr. Winslow on the scene.

5 EXAMINATION BY CAPT. NGUYEN:

6 Q. The relation between you and
7 Mr. Winslow, is that carried out as per some
8 Transocean procedure?

9 MR. SCHONEKAS:

10 I am trying to get a time frame.
11 Are you talking about the subsequent ROV
12 activity?

13 EXAMINATION BY CAPT. NGUYEN:

14 Q. After the crew evacuated and
15 Mr. Winslow is on board the vessel and you
16 were serving as the coordinator, that
17 interaction.

18 Were you acting in a support role
19 to Mr. Winslow?

20 A. We were -- at that stage in time,
21 once personnel had been sent to shore on the
22 BANKSTON, at that point in time, the control
23 had already shifted over and the
24 intervention portion was over at the BP
25 command center, we had sent personnel over

1 there. We were monitoring the site from the
2 Park 10 offices, which we continued to man
3 throughout that process.

4 So I guess to answer your
5 question, not directly from us. They were
6 not taking instructions unless somebody
7 asked for needed information through North
8 America. Then we would ask Mr. Winslow
9 specifically for that piece of information.

10 Q. Yes, sir.

11 A. Now, once the engineers started
12 asking questions, we asked Mr. Winslow to
13 verify information that the engineers were
14 asking for.

15 Q. Who was directing Mr. Winslow's
16 actions?

17 MR. SCHONEKAS:

18 At what point, Captain?

19 CAPT. NGUYEN:

20 First 24 hours.

21 MR. SCHONEKAS:

22 Subsequent to the explosion?

23 CAPT. NGUYEN:

24 Yes, sir.

25 EXAMINATION BY CAPT. NGUYEN:

1 Q. Was he acting under his own
2 authority?

3 MR. SCHONEKAS:

4 I'm going to object. I don't know
5 that the witness is competent to say that.
6 He wasn't there.

7 CAPT. NGUYEN:

8 But he was the coordinator onshore
9 who was directing Mr. Winslow's actions
10 offshore.

11 JUDGE ANDERSEN:

12 If he doesn't know, he doesn't
13 know. We're not going to make stuff up,
14 particularly under these circumstances.

15 THE WITNESS:

16 We were not instructing
17 Mr. Winslow. I guess I didn't make that
18 point clear earlier. The instructions, or
19 the role that Mr. Winslow served for us
20 within the first 24 hours was a point of
21 contact.

22 The rig was burning, people were
23 off on the back of the DAMON BANKSTON, and
24 we had injured people we were transporting
25 ashore. Mr. Winslow was simply a point of

1 information, a source for gathering
2 information that we needed at the time. I
3 don't know what Mr. Winslow was doing
4 outside of that.

5 EXAMINATION BY CAPT. NGUYEN:

6 Q. Who was out there taking care of
7 the crew? Mr. Harrell, Captain Kuchta?

8 MR. SCHONEKAS:

9 Same objection, competency.

10 THE WITNESS:

11 What I know is Mr. Harrell was not
12 in good condition, and Captain Kuchta was on
13 the bridge of the DAMON BANKSTON trying to
14 gather information to verify the number of
15 people missing.

16 EXAMINATION BY CAPT. NGUYEN:

17 Q. Yes, sir, you are the coordinator
18 onshore and you need information and you
19 were providing information and providing
20 support. I am trying to understand the
21 relationship here.

22 Are you in a position of authority
23 to direct action out on the scene?

24 A. If required, I was in a position
25 to do that.

1 Q. Firefighting, putting water on top
2 of this rig, from Mr. Winslow's testimony,
3 he was the one who directed the firefighting
4 effort out there. Who approved his action
5 out there? Did you?

6 A. It wasn't my responsibility to
7 approve his actions.

8 Q. So he acted on his own?

9 A. I don't know. Again, Mr. Winslow
10 was our point of contact out there and there
11 was direction to be given to Transocean, to
12 Oceaneering, to ourselves. And when we
13 needed information or we needed to
14 understand whether or not additional
15 firefighting or boundary cooling was
16 required, we would gather that information
17 from Mr. Winslow.

18 It was an agreed -- we had a
19 discussion about it -- a risk assessment,
20 you might call it that -- as to whether or
21 not we should continue, take away or add
22 boundary perimeters.

23 Q. Yes, sir. By point of contact,
24 somebody who provided information, right?

25 A. Yes, sir.

1 Q. But he was taking action out
2 there. It appeared to me he was acting as
3 more than just a point of contact and giving
4 you information. He was taking action out
5 there, and I wonder was he acting under his
6 own authority or did someone approve his
7 actions out there?

8 A. We approved his actions out there.

9 Q. You did? Or who did?

10 A. I don't know who did. Mr. Winslow
11 was the senior person on-site, and he was
12 the only Transocean representative on the
13 site once the BANKSTON left.

14 Q. I understand. But you say "we
15 approved" Mr. Winslow's actions. Who is
16 "we"? You, the coordinator, or where did he
17 get his approval from?

18 MR. FANNING:

19 Objection, Judge. It assumes that
20 one particular person gave approval. It may
21 have been tacit approval.

22 JUDGE ANDERSEN:

23 The captain is trying to figure
24 out what you mean by "we."

25 THE WITNESS:

1 The command center personnel. I
2 didn't see there was a requirement for a
3 company representative to get that taken
4 care of before we were to give instructions
5 or get information back from Mr. Winslow.
6 That is not in our procedures.

7 EXAMINATION BY CAPT. NGUYEN:

8 Q. I don't want to beat a dead
9 horse --

10 MR. SCHONEKAS:

11 You are, Captain.

12 JUDGE ANDERSEN:

13 You can't object when he hasn't
14 asked a question.

15 MR. SCHONEKAS:

16 He just gave me the predicate.

17 EXAMINATION BY CAPT. NGUYEN:

18 Q. Mr. Winslow was taking actions out
19 there, and I am asking: Was he acting under
20 his authority or was he -- his action was
21 approved by somebody at the office. You
22 said that "we" approved his actions. I am
23 trying to figure out who the "we" is?

24 A. The emergency response team.

25 Q. You described different positions

1 in the emergency response team. Were those
2 all positions who -- were there people
3 independently asking him to do certain
4 things without your knowledge or approval?

5 A. He did nothing without our
6 knowledge. Like I said, he was our source
7 of information, our source of communication.
8 There was two-way communication there.
9 Nothing was done or not done if it wasn't
10 communicated between Mr. Winslow and
11 ourselves.

12 He was also the point of
13 communication as well for the intervention
14 work that we were trying to get established.
15 So he was the point of communication for a
16 lot of facets there that we needed
17 information on so that we could respond to
18 the blowout.

19 Q. Yes, sir. So is my understanding
20 correct that Transocean approved --

21 A. That's correct.

22 Q. -- Mr. Winslow's firefighting
23 coordination efforts out there?

24 A. Yes.

25 Q. Besides Mr. Winslow, did you talk

1 to Mr. Harrell while he was on the BANKSTON?

2 A. No, I did not.

3 Q. Do you know if Mr. Harrell talked
4 to anybody onshore while he was on the
5 BANKSTON?

6 A. I do not.

7 Q. Did you talk to Captain Kuchta
8 while he was aboard the BANKSTON?

9 A. I did not.

10 Q. While Captain Kuchta was aboard
11 the BANKSTON, were you aware of any
12 communication he may have had with
13 Transocean officials onshore?

14 A. I am not aware of that.

15 Q. Did Captain Kuchta ask permission
16 to be part of the scene from the DAMON
17 BANKSTON with the emergency response team?

18 MR. SCHONEKAS:

19 I object. He testified he had no
20 conversation with Captain Kuchta.

21 CAPT. NGUYEN:

22 Maybe he didn't, but he is on the
23 emergency response team.

24 EXAMINATION BY CAPT. NGUYEN:

25 Q. Did Captain Kuchta ask permission

1 from the emergency response team? I
2 understand it was more than just you.

3 JUDGE ANDERSEN:

4 If he knows, he can answer it.

5 THE WITNESS:

6 I am not aware of that.

7 EXAMINATION BY CAPT. NGUYEN:

8 Q. When were you aware that Captain
9 Kuchta was leaving the scene?

10 A. When we made provisions for
11 Mr. Winslow and two subsea engineers to be
12 transferred to another vessel so that they
13 could remain on-site to help with
14 intervention. We had received the crew
15 complement of everybody that was on board.

16 Q. Mr. Winslow testified that he
17 ordered the lowering of the lifeboat he was
18 in. Were you aware of that?

19 A. I was not.

20 Q. Was his action in accordance with
21 Transocean's policy and procedures?

22 MR. SCHONEKAS:

23 I object. He doesn't know.

24 MR. HENNESSY:

25 He said he doesn't know.

1 JUDGE ANDERSEN:

2 If he had ordered the lowering of
3 the lifeboat, would that have been
4 appropriate within Transocean's policies?

5 THE WITNESS:

6 I believe it would have been.

7 EXAMINATION BY CAPT. NGUYEN:

8 Q. And if he ordered the lowering of
9 a lifeboat during evacuation, that would be
10 okay according to Transocean's policies and
11 procedures and to you as a former OIM?

12 MR. HENNESSY:

13 That is complete speculation, Your
14 Honor, in the midst of a catastrophe.

15 EXAMINATION BY CAPT. NGUYEN:

16 Q. I am asking if his actions were in
17 accordance with Transocean's policies and
18 procedures based on your knowledge as a
19 former OIM?

20 A. I think his actions, his duties
21 and responses, being an ex-OIM, and the
22 years of experience and understanding of
23 operations that Mr. Winslow had, he did the
24 appropriate thing.

25 Q. But he was not in the chain of

1 command for the DEEPWATER HORIZON?

2 A. Mr. Winslow was not in the chain
3 of command for the DEEPWATER HORIZON.

4 Q. Do you know what qualifications
5 Mr. Winslow has with regard to marine
6 firefighting?

7 A. I do not.

8 Q. Did anyone question his
9 qualifications?

10 A. They did not.

11 Q. While Mr. Winslow was aboard the
12 DAMON BANKSTON, are you aware of any
13 conversation he had with anybody onshore
14 with Transocean?

15 A. Yes, he contacted Keelan Adamson
16 before the emergency response team had even
17 shown up to muster.

18 Q. Did Transocean establish an
19 incident command organization to handle the
20 emergency response?

21 A. I don't know what you mean. Did
22 we have a response organization at the ERC?
23 Yes.

24 Q. How soon after the casualty was
25 that established?

1 A. I received a call about 10:30 that
2 evening, and I think we had approximately 14
3 people in there by 11:00.

4 Q. Did you have incident objectives
5 for the response? Did you establish
6 objectives for the response?

7 A. Absolutely.

8 Q. What were they, sir?

9 A. Our first objective was to look
10 after the people and make sure we had a
11 proper muster and to go ahead and organize
12 evacuation support to get those people in.

13 Q. Was safe and effective
14 firefighting an objective?

15 A. It was not.

16 Q. Were any BP representatives at the
17 ERC prior to the vessel sinking?

18 A. Yes.

19 Q. Who were they?

20 A. I don't recall his name. He was a
21 logistics coordinator who basically carried
22 out liaison as we needed resources that we
23 didn't have that BP had access to.

24 Q. So he is not an operations guy, he
25 was a logistics guy?

1 A. I don't know what his background
2 was. He was put there for logistics.

3 Q. Were you aware of any discussion
4 between BP and Transocean relating to
5 whether the ROV intervention on the BOP
6 should be viewed as a pollution source
7 control or fire and fuel source control
8 action?

9 A. It was a well-control, source
10 control, as far as my knowledge.

11 Q. Was it a pollution source control?

12 A. If that is how you interpret it.
13 It was to bring the fire under control. The
14 intent of the ROV intervention was to close
15 in the well so that we could handle the
16 situation on the rig.

17 Q. Yes, sir. So who has the
18 responsibility for the ROV intervention?
19 Was that Transocean or BP that have the
20 responsibility?

21 MR. GODFREY:

22 Objection, foundation.

23 JUDGE ANDERSEN:

24 If you know.

25 MR. SCHONEKAS:

1 I'm going to join in his
2 objection.

3 JUDGE ANDERSEN:

4 That is twice today.

5 MR. SCHONEKAS:

6 Simpatico.

7 MR. GODFREY:

8 I don't know about that.

9 JUDGE ANDERSEN:

10 We will sustain that objection.

11 EXAMINATION BY CAPT. NGUYEN:

12 Q. Did BP or Transocean have the lead
13 on the intervention of the ROV?

14 A. From our perspective, we were not
15 directly involved with the ROV intervention.
16 The team assembled over at the BP command
17 center. That is where I believe it was
18 Oceaneering had their equipment taken and
19 set up. So we dispatched our technical
20 well-control people, BOP experts over there
21 to assist.

22 Q. So BP had the lead on the ROV
23 intervention?

24 MR. GODFREY:

25 Objection, lack of foundation.

1 MR. SCHONEKAS:

2 Misstates the witness's testimony.

3 EXAMINATION BY CAPT. NGUYEN:

4 Q. Before the vessel sinking, who had
5 control over the ROVs throughout?

6 MR. GODFREY:

7 Same objection.

8 MR. HENNESSY:

9 With all respect, he just answered
10 the question.

11 JUDGE ANDERSEN:

12 We forgot it.

13 THE WITNESS:

14 BP contacted and contracted them
15 and was giving the instructions for
16 Oceaneering to do the work.

17 EXAMINATION BY CAPT. NGUYEN:

18 Q. So Mr. Winslow did not have any
19 ROV intervention authority out there?

20 A. No.

21 Q. I know it has been a long set of
22 questions and I appreciate your time.

23 Based on your knowledge of the
24 casualty, have you identified any of the
25 system failures that contributed to this

1 casualty? You will probably say it is my
2 job, but I just wonder if you have
3 identified any.

4 A. No.

5 Q. Do you have any recommendations to
6 enhance the response to a future casualty of
7 this nature?

8 A. No, I don't.

9 Q. In enhancing the safety net for
10 deepwater gas and oil exploration, do you
11 have any recommendations for the board at
12 this time, sir?

13 A. I do not.

14 CAPT. NGUYEN:

15 Thank you, Mr. Wright. I don't
16 have any further questions at this time.

17 JUDGE ANDERSEN:

18 Any other board questions?

19 MR. MATHEWS:

20 I have one that deals with mass
21 evacuations.

22 EXAMINATION BY MR. MATHEWS:

23 Q. Does Transocean, in their
24 emergency response file, have any plans in
25 place if they have multiple casualties to

1 evacuate the injured, and if so, how do you
2 do that?

3 A. Can you repeat the question.

4 Q. Does Transocean have a casualty
5 response plan, not talking about the
6 DEEPWATER HORIZON, but if you have four or
7 five people injured in a lifting incident --
8 they were struck by a load -- does
9 Transocean have something in place to
10 quickly get assets up into the field and
11 evacuate those individuals?

12 A. Yes.

13 Q. Now I will relate that back to the
14 DEEPWATER HORIZON. How did you implement
15 those plans for this incident?

16 A. We have access to Medevac
17 facilities not only through BP, but we also
18 have access to Acadian and West Jefferson
19 Hospital, and some of the medical facilities
20 we use offshore.

21 Q. Did you actually have assets to
22 get out there or did you have to rely on the
23 Coast Guard?

24 A. We mobilized assets.

25 Q. How did you communicate with the

1 hospital, is what I am concerned with? Are
2 you sending people to emergency rooms that
3 can only handle too badly burned or injured
4 people?

5 A. We had information coming from the
6 Coast Guard -- I believe it was Acadian
7 Ambulance Services down there -- and our
8 claims people down there feeding back
9 information so that we could dispatch
10 management personnel to meet those people at
11 the hospital with their families.

12 MR. MATHEWS:

13 Thank you.

14 MR. DYKES:

15 I have a couple.

16 EXAMINATION BY MR. DYKES:

17 Q. Mr. Wright, you are a rig manager?

18 A. Operations manager.

19 Q. Is that performance or asset?

20 A. That is performance.

21 Q. Daun Winslow is an operations
22 manager as well?

23 A. Correct.

24 Q. Performance or asset?

25 A. He is a performance manager.

1 Q. Knowing that he is, I guess, the
2 equivalent, what rigs are you responsible
3 for?

4 A. At the time of the incident, I was
5 responsible for the SPIRIT, the NAUTILUS,
6 the C.R. LUIGS, the DEVELOPMENT DRILLER I
7 and the AMERICAS.

8 Q. Is Mr. Winslow on the same
9 rotation for being an incident coordinator,
10 just as you were in this role?

11 A. If one of my rigs were affected,
12 Mr. Winslow could have been sitting in that
13 chair. That's correct.

14 MR. DYKES:

15 Thank you.

16 EXAMINATION BY MR. McCARROLL:

17 Q. Did MMS -- now BOEM -- show up at
18 the command center eventually, and did the
19 Coast Guard?

20 A. Both the Coast Guard and the MMS
21 showed up in the early hours of the morning.

22 Q. Do you know how many people showed
23 up from each agency?

24 A. Yes. There were two Coast Guard
25 personnel that showed up and one MMS person

1 that showed up.

2 Q. Did they supply you with
3 information that you needed or were they
4 requesting information from you?

5 A. A little bit of both. Then we
6 debriefed typically in the early morning
7 hours. Anything that they needed
8 information on, we provided. The feedback
9 that they had for us, we took into account
10 and tried to address those issues.

11 EXAMINATION BY CAPT. HIGGINS:

12 Q. With regard to the firefighting
13 water being placed on the rig, did you
14 provide any guidance to the people on scene?

15 A. No, we didn't. The guidance
16 provided to the people offshore was through
17 our engineering department. I believe Bob
18 McKechnie was there with a group of
19 engineers with SMIT, and that is where that
20 information came from.

21 Q. Do you know to whom that
22 information was provided?

23 A. To the offshore guys. The point
24 of contact offshore was Daun Winslow for
25 Transocean until the SMIT boats arrived

1 offshore as well.

2 Q. Did you, at the emergency response
3 center, have concerns with regard to the
4 stability of the vessel?

5 A. We had concerns, yes, but it
6 wasn't our primary concern. The stability
7 of the vessel allowed us to realize -- to do
8 intervention work as long as it was afloat.

9 Q. Who communicated those concerns to
10 the scene and who received those concerns?

11 A. Mr. Winslow received the concerns.
12 I think the important thing was we had an
13 open line, so not only were we on an open
14 line, the guys offshore were on an open
15 line, and the vessels that were out there
16 operating had an open line.

17 So it wasn't just Mr. Winslow
18 hearing the communication. It was BP
19 hearing the communication, the intervention
20 team was hearing the communication and the
21 guys offshore who were the captains of the
22 vessels had an open line.

23 If a concern was raised, we would
24 back off and assess the situation. It is
25 not as though we were pointing fingers.

1 Q. Do you know who was doing the
2 stability calculations with regard to the
3 vessel?

4 A. As it regards the DEEPWATER
5 HORIZON?

6 Q. Yes.

7 A. That was done with Mr. McKechnie
8 as I recall. I believe they had some naval
9 architects, I'm not sure. But a team of
10 marine engineers in an adjacent conference
11 room.

12 Q. Do you know if Mr. McKechnie had
13 all of the information he needed to be able
14 to make good stability calculations?

15 A. As fair as I am aware, he had all
16 the information he needed.

17 Q. Did you review his salvage plan?

18 A. No.

19 Q. Are you familiar at all that the
20 salvage plan had very limited stability
21 information?

22 A. No, I'm not. I guess -- the
23 salvage plan, can you clarify that?

24 Q. Basically, what actions were to be
25 taken to try and preserve the vessel for

1 salvage? Mr. McKechnie testified they were
2 not able to formulate a detailed plan
3 because they did not have all of the loading
4 information that was required.

5 What I am trying to bring together
6 is your statement saying that you had the
7 load information there at the ERC, and
8 Mr. McKechnie's testimony saying he did not
9 have that information. Do you have any
10 comments with regard to that scenario?

11 A. No.

12 CAPT. HIGGINS:

13 Thank you, sir.

14 EXAMINATION BY LCDR. BUTTS:

15 Q. Good evening. Just two questions
16 about the tabletop drills Transocean is
17 performing now.

18 You have 14 rigs in the Gulf of
19 Mexico, and you have a drill every month.
20 In those drills, do you include the local
21 Coast Guard office or the Coast Guard
22 district office in those exercises?

23 A. We include them to the point we
24 ensure we can make contact with them and
25 notify them that we are carrying out a drill

1 and it is a drill only.

2 Q. That's good to hear. In the
3 emergency evacuation plan that Mr. Mathews
4 was asking you about, it does list contacts
5 to be called. Did I hear you say that
6 Transocean did not have a copy of that and
7 the resources available to them?

8 A. No, you did not hear me say that.
9 We have in our emergency response manual
10 those same points of contact. We have the
11 MMS, flag state, Coast Guard, local
12 authorities, police, the FBI. Anybody that
13 may be required out of a numerous amount of
14 scenarios.

15 Q. And the local hospitals in the
16 areas?

17 A. Correct.

18 CAPT. NGUYEN:

19 Couple of follow-up questions.

20 EXAMINATION BY CAPT. NGUYEN:

21 Q. Who was the initial coordinator,
22 the federal on-scene coordinator? Do you
23 know?

24 A. No.

25 Q. You don't know whether or not a

1 federal official would be the Coast Guard,
2 MMS?

3 A. I thought you meant by name.

4 Q. Which agency would be the federal
5 on-scene coordinator?

6 A. The first confirmation we had of
7 somebody responsible was through the Coast
8 Guard.

9 Q. Responsible for what, sir?

10 A. For the response in the search and
11 rescue, and they were the first on scene.

12 Q. They were the first on scene, but
13 would they have been the predesignated
14 federal on-scene coordinator for such an
15 event, do you know?

16 A. I'm not sure about that, no.

17 Q. Yes, sir. Usually for a response,
18 the initial incident command organization is
19 the Coast Guard federal office.

20 MR. FANNING:

21 Sir, I think you need to ask him
22 first if there was such an office.

23 JUDGE ANDERSEN:

24 The captain can ask his questions.

25 THE WITNESS:

1 I know what happened. What
2 happened is the marine manager contacted the
3 command center through the Coast Guard, and
4 there was an on-duty person who answered the
5 phone, and they probably did the same thing
6 we did: They started calling in people to
7 respond.

8 It wasn't but about two hours
9 later that someone from the Coast Guard, two
10 people from the Coast Guard actually showed
11 up at our site. And they stayed there until
12 mid-morning and then went to BP.

13 EXAMINATION BY CAPT. NGUYEN:

14 Q. Were they just liaison officers?

15 A. At that stage, they were liaison
16 officers. They did notify us they would be
17 in charge of search and rescue, which was --
18 I don't recall the timing in that, but it
19 was quite a few hours later.

20 Q. Yes, sir. But were you aware of
21 where the initial Coast Guard or unified
22 incident command organization, where was
23 that established? Were you aware of where
24 it was established?

25 A. It was days later when an incident

1 command center was established through the
2 Coast Guard. It was not immediate.

3 Q. Did Transocean send anyone to the
4 local Coast Guard office which the manager
5 contacted?

6 A. I believe they did. They sent
7 representatives when the command center was
8 up.

9 Q. Early on in the response?

10 A. As soon as we were notified that
11 they had a place to go and muster, yes.

12 CAPT. NGUYEN:

13 Thank you, sir.

14 JUDGE ANDERSEN:

15 Any other board questions?

16 Marshall Islands?

17 EXAMINATION BY MR. LINSIN:

18 Q. These tabletop drills you
19 participated in as an emergency coordinator,
20 you testified some involved well-control
21 events and others involved rig evacuations,
22 correct?

23 A. Yes.

24 Q. And in the course of these drills,
25 are the personnel onshore in touch with the

1 crew members aboard the particular rig that
2 is being drilled?

3 A. Yes, they are.

4 Q. And during the course of any of
5 the drills in which you have participated,
6 have you observed there to be any confusion
7 or uncertainty on the part of the people
8 onshore or on the part of any of the crew
9 members on the rig as to who is in charge on
10 the rig?

11 A. No, sir.

12 Q. And in each of those scenarios,
13 who is determined to be in charge based on
14 your experience?

15 A. The PIC would be the master.

16 Q. I believe you testified that
17 Mr. Winslow was serving as the point of
18 contact, but you did not perceive him as the
19 person in charge as you were speaking to
20 him.

21 My understanding was that you
22 heard through Mr. Winslow that Captain
23 Kuchta was on the bridge of the vessel
24 helping to direct traffic, identifying who
25 was on board and organizing the search and

1 rescue efforts; is that correct?

2 A. That's correct.

3 Q. And based on the information you
4 received through Mr. Winslow, did you have
5 any doubt at that point, immediately after
6 the evacuation, as to who was in charge on
7 the scene with regard to the personnel from
8 the DEEPWATER HORIZON?

9 A. No. Once we knew the status of
10 the people and if they were injured, then we
11 had no doubt.

12 Q. Who was that?

13 A. It was the captain.

14 Q. Lastly, you were asked questions
15 by Captain Nguyen concerning two casualties
16 that occurred on the DEEPWATER HORIZON in
17 2008, one involving a flooding incident and
18 another involving a loss of electrical
19 power.

20 MR. LINSIN:

21 At this point, I request the
22 board's indulgence to supplement the record
23 with information that was relayed to the
24 board yesterday; that I sent to the board
25 regarding those two events.

1 I am concerned by the implication
2 in a couple of Captain Nguyen's questions
3 that the board was lacking information about
4 whether or not the flag administration had
5 conducted an investigation of those
6 incidents.

7 In the letter sent to the board
8 yesterday morning, it is stated in part that
9 the RMI Maritime Administrator's preliminary
10 assessment of the May 28 flooding incident
11 and the August of 2008 loss of electrical
12 power determined that the circumstances and
13 outcomes of those incidents did not meet the
14 threshold of a "serious marine casualty," in
15 accordance with IMO Resolution A.849(20),
16 and a formal investigation was not called
17 for under the IMO casualty code or Chapter 6
18 of the RMI Maritime Regulations.

19 It is the RMI Maritime
20 Administrator's understanding that the
21 operator reported both of those events to
22 the U.S. Coast Guard.

23 The letter closes with a
24 paragraph, I won't read in its entirety, but
25 it does note that following the flooding

1 incident, ABS did attend the vessel; that it
2 did so pursuant to its responsibilities as
3 the unit's classification society and its
4 procedural requirement to determine if there
5 were any deficiencies related to possible
6 SMS failures in connection with the
7 incident. And if they determined that there
8 is such a failure, that a report is sent
9 following that attendance. The ABS did not
10 note any such deficiencies during his
11 attendance, and therefore, no report was
12 made regarding an SMS failure.

13 I wanted to be sure that the
14 record was clear that this information had
15 been provided to the board and make certain
16 there was no misunderstanding as to what
17 information had been provided as requested
18 from the Republic of Marshall Islands.

19 CAPT. NGUYEN:

20 I appreciate your comments,
21 Mr. Linsin. If there is documentation to
22 show there were preliminary investigations
23 done on these two casualties, we will
24 welcome those. But until we have any kind
25 of documentation to show that an assessment

1 had been done as far as a determination as
2 to the cause of the casualty, we can only
3 conclude that there was no evidence of a
4 response.

5 So if you have documentation,
6 please provide it to the board. Otherwise,
7 I cannot take your word for it that there
8 was a preliminary investigation done.

9 Secondly, with regard to DNV and
10 ABS action, ABS action was performed for
11 class purpose, not as the recognized
12 organization on behalf of the Marshall
13 Islands. And the DNV would not have been
14 involved unless they were told so by the
15 owner and operator, the flag state.

16 So we have no evidence here to
17 show that an investigation was done. So if
18 you can show it to us, we would appreciate
19 it.

20 JUDGE ANDERSEN:

21 Mr. Hennessy, do you have any
22 questions?

23 MR. HENNESSY:

24 Not at this time.

25 JUDGE ANDERSEN:

1 Transocean?

2 EXAMINATION BY MR. BAAY:

3 Q. I'm David Baay on behalf of
4 Transocean.

5 You testified that the emergency
6 response team relies on the rig's emergency
7 response manual.

8 A. That's correct.

9 Q. Does that incorporate the
10 rig-specific manual?

11 A. It does not incorporate the
12 rig-specific manual.

13 Q. Does it incorporate the
14 rig-specific emergency response manual?

15 A. Not the rig-specific emergency
16 response manual. There are portions that
17 are similar.

18 Q. The USCG sector emergency response
19 plan and the rig emergency response manual
20 are two things you had at your disposal at
21 the ERC?

22 A. Correct.

23 Q. And in addition to that, you had a
24 pretty experienced group you were relying
25 on?

1 A. Yes.

2 Q. And that group is defined and
3 determined by the org chart that is laid out
4 in the Transocean emergency response manual?

5 A. That's correct.

6 Q. Is it true that as you came into
7 the emergency response team and formed the
8 team, you were the person in contact with
9 the various areas of responsibility?

10 A. That's correct. We assigned the
11 roles and responsibilities based on the
12 personnel we had there, who were very
13 experienced.

14 Q. Were there also people you had
15 from Transocean that you pulled in to help
16 you in the response that were not
17 necessarily defined on the org chart?

18 A. Yes. We pulled in legal support.
19 We had engineering support. We had medical
20 support. Seemed like it never ended. We
21 had a lot of resources.

22 Q. Would you define Transocean's
23 emergency response as highly organized and
24 highly coordinated?

25 A. Yes, I would. It was very well

1 organized and coordinated.

2 Q. I believe you said you had been
3 responsible for two or three incidents with
4 Transocean; is that correct?

5 A. I have been in that role two or
6 three different times, yes.

7 Q. And in that role with those
8 incidents, have you seen times where people
9 stand up and take responsibility for actions
10 that are not necessarily defined in a manual
11 or some policy or procedure?

12 A. That's correct.

13 Q. How would you define Mr. Winslow's
14 conduct in this case? Did you see times
15 where he stood up and took responsibility?

16 A. Absolutely. Mr. Winslow rose to
17 the occasion, and he demonstrated his
18 leadership and experience.

19 Q. And he did not have a manual
20 guiding him?

21 A. He did not have a manual guiding
22 him.

23 MR. BAAY:

24 Thank you.

25 JUDGE ANDERSEN:

1 Douglas Brown?

2 BP?

3 MR. GODFREY:

4 I did not have any intention of
5 asking questions until a topic was
6 addressed, so I need to show the witness
7 some logs.

8 JUDGE ANDERSEN:

9 Absolutely.

10 EXAMINATION BY MR. GODFREY:

11 Q. My name is Rick Godfrey, and I
12 represent BP. I will try to keep this
13 short.

14 Did I understand you to testify
15 that it was BP and not Transocean that was
16 principally responsible for the ROV
17 intervention after the explosion?

18 A. It was BP's equipment that was
19 contracted to Oceaneering and our personnel
20 there to assist in the intervention.

21 Q. Isn't it a fact that your
22 personnel were giving the orders and the
23 division of authority between BP and
24 Transocean was that Transocean was in charge
25 of the ROV and BP would be in charge of

1 pollution control subsequent to that?

2 A. BP gave us authority to go ahead
3 and utilize Oceaneering for whatever we
4 needed to do for intervention.

5 Q. My question is: Isn't it a fact
6 that Transocean was in charge solely of the
7 ROV intervention and that BP was going to be
8 in charge, subsequently, of the pollution
9 control; that was the division of authority
10 that was agreed upon, correct?

11 A. Later in the game, I don't know
12 exactly what the agreement was. But I think
13 days later, that was the agreement, yes.
14 And we were there solely operating the
15 intervention.

16 Q. You were solely operating the
17 intervention as of April 21, were you not?

18 A. I could not say that because we
19 were writing procedures and carrying out
20 risk assessments. And we were not the sole
21 company that was involved in those risk
22 assessments. It was in joint collaboration
23 with the BP personnel, the Oceaneering
24 personnel and the folks offshore.

25 Q. Who owned the BOP?

1 A. Transocean.

2 Q. Who maintained the BOP?

3 A. Transocean.

4 Q. Who operated the BOP?

5 A. Transocean.

6 Q. Who attempted to activate the BOP

7 on the evening of April 20, 2010?

8 A. Transocean.

9 Q. Who is Mr. Ramsey?

10 A. I'm not sure who he is.

11 Q. Have you ever seen the logs that

12 Transocean produced to the board in this

13 case, contemporaneous written logs?

14 A. Yes, I am familiar.

15 Q. Could you turn to page 1 in the

16 notebook, please.

17 Have you seen that before?

18 A. I have seen it.

19 Q. As far as you know, is it true and

20 accurate?

21 A. As far as I know.

22 Q. Who maintained and who prepared

23 it, do you know?

24 A. I believe this is a copy of the

25 event log that the log keepers were keeping

1 during the emergency response.

2 Q. Turning to page 38814, which is at
3 5:37 on the morning of April 21, do you have
4 that, sir?

5 A. Yes.

6 Q. You see the top says, "Keith
7 called to discuss the details of supporting
8 TOI in trying to shut in the well."

9 Do you see that?

10 A. I do.

11 Q. So TOI was trying to shut in the
12 well at that time?

13 A. Yes.

14 Q. And that is with the ROV, correct?

15 A. Yes.

16 Q. "Discussed conducting a risk
17 assessment for doing this."

18 Who conducted the risk assessment?

19 That was TOI, Transocean, correct?

20 A. I'm not sure who conducted the
21 risk assessment.

22 Q. Have you seen the risk assessment?
23 Turn to Tab 3. It is another Transocean
24 document. I think it is TRN.

25 I should ask you, have you seen

1 this document before which is behind Tab 3?

2 A. No, I haven't. I don't recall it.

3 Q. You were copied on it, correct?

4 A. Correct.

5 Q. And I see Mr. McKechnie?

6 A. That's correct.

7 Q. And Mr. Dan Riddlehoover?

8 A. Correct.

9 Q. Is he with Transocean also?

10 A. Yes.

11 Q. I see Paul Johnson with
12 Transocean?

13 A. Yes.

14 Q. Eric Hall from Transocean?

15 A. Yes.

16 Q. Have you ever looked at this risk
17 assessment document before?

18 A. I am sure I did.

19 Q. Was this prepared by or for
20 Transocean?

21 A. I assume it was.

22 Q. Thank you. Let's go back to Tab
23 1 again. Do you have it?

24 A. Yes.

25 Q. Let's go back to the 21st again,

1 which is at 7:45 in the morning. Do you see
2 that, page 8816? You see that?

3 A. Yes.

4 Q. Under 65, it says, "Mike W. called
5 Don Richards from Diamond regarding when
6 helicopters were coming from the NAUTILUS
7 with hot-stab to kill the well."

8 A. Yes.

9 Q. That Mike W. is you?

10 A. Yes.

11 Q. You were arranging for the
12 hot-stab to kill the well, weren't you?

13 A. That's correct.

14 Q. Let's go to April 22, page 8824.
15 You see that?

16 A. Yes.

17 Q. It says, "SEA EXPRESS, ROV,
18 arrives at the stack"? Page 2301.

19 A. That's correct.

20 Q. You arranged for that, didn't you?

21 A. I don't recall if I arranged for
22 the SEA EXPRESS, but most likely we arranged
23 for some vessels in that area.

24 Q. Same page, 1:46 in the morning,
25 see that? It says, "Mike W." That is you?

1 A. That is me.

2 Q. "Called Daun Winslow," another
3 Transocean employee, correct?

4 A. Yes.

5 Q. "To make sure Ramsey only takes
6 orders from Billy Stringfield." Correct?

7 A. Correct.

8 Q. And Ramsey was the ROV operator,
9 was he not?

10 A. No.

11 Q. Who is Ramsey?

12 A. Ramsey Richards was a rig manager
13 who was offshore on the DD3 at the time. If
14 I recall right, we were trying to get some
15 materials, get some parts off the DD3. And
16 somebody else was calling out there, and
17 there was confusion as to who to communicate
18 through. That was a clarification for
19 Ramsey.

20 Q. And the parts you were trying to
21 get were for the ROV intervention, right?

22 A. It might have been. I'm sure it
23 was.

24 Q. Let's cut to the chase. Go to
25 page 8826. Do you have that? 4:43, you see

1 that?

2 A. Yes.

3 Q. Bottom line says, "BP spill
4 control, TOI well-control intervention."

5 You see that?

6 A. Yes.

7 Q. And that is what was agreed to,
8 that Transocean was responsible for the ROV
9 intervention and BP would be responsible for
10 the spill control, right, sir?

11 A. That's correct.

12 MR. GODFREY:

13 Thank you. No further questions.

14 I appreciate your time.

15 JUDGE ANDERSEN:

16 Steve Bertone?

17 Halliburton?

18 MR. GODWIN:

19 No questions.

20 JUDGE ANDERSEN:

21 Mike Williams?

22 MR. STERBCOW:

23 No questions.

24 JUDGE ANDERSEN:

25 Anadarko?

1 MS. KUCHLER:

2 No questions.

3 JUDGE ANDERSEN:

4 Jimmy Harrell?

5 EXAMINATION BY MR. FANNING:

6 Q. Looking at the log Mr. Godfrey
7 just showed you -- the event log that starts
8 on April 20, 2010 -- it starts at 10:07 on
9 the 20th. And you have phone calls coming
10 in "Coast Guard call to BP. 2228 to Coast
11 Guard. Confirmed rig on fire and
12 abandoned."

13 You see that?

14 A. Yes.

15 Q. "2244, Daun Winslow called"?

16 A. Yes.

17 Q. Is there any notation that Jimmy
18 Harrell called to tell you the F'ing rig was
19 on fire, and "I told you this was going to
20 happen"?

21 A. I don't see that, no.

22 Q. No indication that Mr. Harrell
23 called at all from the bridge or anywhere
24 else; is that correct?

25 A. That's correct.

1 Q. Switching subjects. Let me ask
2 you: Do you have any reason to believe that
3 the command structure, having both a master
4 and OIM on the rig, contributed in any way
5 to any loss of life or property damage in
6 this incident?

7 A. No, I do not.

8 Q. As long as you have been at
9 Transocean, or any knowledge you have before
10 that, do you have any knowledge of any
11 incident in which this command structure has
12 contributed to any damage, injury or loss of
13 life in any event previously?

14 A. No.

15 Q. Do you have any incidents recorded
16 in which this command structure resulted in
17 confusion as to who was in authority on the
18 rig at any time?

19 A. No.

20 Q. In any incident?

21 A. Not in any incident.

22 MR. FANNING:

23 Thank you. That is all I have.

24 JUDGE ANDERSEN:

25 Curt Kuchta?

1 MR. SCHONEKAS:

2 Mr. Fanning read my notes and
3 asked all my questions.

4 JUDGE ANDERSEN:

5 So you get to bill for his time.

6 Patrick O'Bryan?

7 Robert Kaluza?

8 We have normally allowed an
9 employer to ask follow-up questions. Does
10 Transocean wish to ask anymore questions?

11 MR. BAAY:

12 No, thank you.

13 JUDGE ANDERSEN:

14 Mr. Hennessy?

15 From the board?

16 The board will reconvene at
17 8:00 a.m. tomorrow morning.

18 (Which adjourned the proceedings.)

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1 REPORTER'S CERTIFICATE

2

3 I, CATHY RENEE' POWELL, Certified
4 Court Reporter, do hereby certify that the
5 foregoing testimony/transcript was reported
6 by me in shorthand and transcribed under my
7 personal direction and supervision, and is a
8 true and correct transcript, to the best of
9 my ability and understanding;

10 That I am not of counsel, not related
11 to counsel or parties hereto, and not in any
12 way interested in the outcome of this
13 matter.

14

15

16 CATHY RENEE' POWELL
17 Certified Court Reporter

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A				
AB 65:7	211:7	60:6 61:19	23:9,16,20,25	2:10
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