

1           USCG/MMS MARINE BOARD OF INVESTIGATION  
2           INTO THE MARINE CASUALTY, EXPLOSION, FIRE,  
3           POLLUTION, AND SINKING  
4           OF MOBILE OFFSHORE DRILLING UNIT  
5           DEEPWATER HORIZON, WITH LOSS OF LIFE  
6           IN THE GULF OF MEXICO 21-22 APRIL 2010  
7           Tuesday, May 11, 2010

8                           \* \* \* \* \*

9                           The transcript of The Joint United  
10                          States Coast Guard Minerals Management Service  
11                          Investigation of the above-entitled cause,  
12                          before Dorothy N. Gros, a Certified Court  
13                          Reporter, authorized to administer oaths of  
14                          witnesses pursuant to Section 961.1 of Title  
15                          13 of the Louisiana Revised Statutes of 1950,  
16                          as amended, reported at the Radisson Hotel,  
17                          2150 Veterans Memorial Boulevard, Kenner,  
18                          Louisiana, 70062, on Tuesday, May 11, 2010,  
19                          beginning at 8:05 a.m.

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1 APPEARANCES:

2 MEMBERS OF THE BOARD:

3 CAPT HUNG M. NGUYEN, CO-CHAIR  
4 UNITED STATES COAST GUARD

5 DAVID DYKES, CO-CHAIR  
6 MINERALS MANAGEMENT SERVICE

7 JASON MATHEWS  
8 MINERALS MANAGEMENT SERVICE

9 JOHN McCARROLL  
10 MINERALS MANAGEMENT SERVICE

11 ROSS WHEATLEY  
12 UNITED STATES COAST GUARD

13 LTR ROBERT BUTTS, COURT RECORDER  
14 UNITED STATES COAST GUARD

15 REPORTED BY: DOROTHY N. GROS, CCR  
16 CERTIFIED COURT REPORTER  
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1 PROCEEDINGS

2 CAPT NGUYEN:

3 Good morning everyone. Please  
4 take your seats.

5 The Joint United States Coast  
6 Guard Minerals Management Service  
7 Investigation is now in session.

8 Court recorder, let's go on record.

9 Good morning, ladies and gentlemen. I  
10 am Captain Hung Nguyen, Commander  
11 Sector Ohio Valley. The Department of  
12 Homeland Security and the Department  
13 of Interior have determined that a  
14 Joint Investigation of the April 20  
15 through 22, 2010 explosion and sinking  
16 of the mobile offshore drilling unit,  
17 DEEPWATER HORIZON leaving 11 persons  
18 missing is warranted.

19 The Commandant of the Coast Guard,  
20 along with the Director of Minerals  
21 Management Service, have designated  
22 myself and Mr. David Dykes as co-  
23 chairs of this Joint Investigation,  
24 which we have convened under the  
25 authority of Title 46, U.S. Code 6301



1 through 6309, entitled 43 U.S. Code  
2 1348 and the regulation thereunder.

3 The Joint Investigation have the  
4 powers of both Agencies and for the  
5 public hearing portion of this Joint  
6 Investigation shall follow the  
7 policies and procedure for a Coast  
8 Guard Joint Investigation as contained  
9 in Title 46 of the Code of Federal  
10 Regulation Part 4 and the Coast Guard  
11 Marine Safety Manual, Volume 5. The  
12 gentleman to Mr. David Dykes' left is  
13 Mr. Jason Mathews, a Petroleum  
14 Engineer with the Minerals Management  
15 Service Office of Safety Management.

16 The gentleman on Mr. Mathews' left  
17 is Mr. John McCarroll, the District  
18 Manager, Lake Jackson District, for  
19 the Minerals Management Service.

20 The gentleman on my right is Mr.  
21 Ross Wheatley, Chief of the  
22 Investigation Division at Coast Guard  
23 Sector San Francisco.

24 Finally, on Mr. Wheatley's right  
25 is Lieutenant Robert Butts, currently



1 assigned to the Coast Guard Training  
2 Center at Yorktown, Virginia, as the  
3 lead instructor for marine  
4 investigation program. He is also  
5 serving as recorder.

6 Mr. Dykes, Mr. Mathews, Mr.  
7 McCarroll, Mr. Wheatley and I will  
8 make up the composition of this Joint  
9 Board. This board will submit a  
10 report of findings, conclusions and  
11 safety recommendations to prevent  
12 recurrence of this casualty to the  
13 Commandant of the United States Coast  
14 Guard and the Director of the Minerals  
15 Management Service.

16 The Republic of Marshall Islands,  
17 as flag state for the MODU DEEPWATER  
18 HORIZON is participating in this  
19 investigation as a substantially  
20 interested state under the  
21 international maritime organization  
22 code for the investigation of marine  
23 casualties and incidents. They will  
24 be represented by Mr. Brian Poskaitis.

25 I would like to request the



1 cooperation of all persons present to  
2 minimize the disruptive influence on  
3 the proceedings in general and on the  
4 witness, in particular. We will  
5 continue to allow pool media coverage  
6 as long as it does not interfere with  
7 the rights of the parties to a fair  
8 hearing and does not unduly distract  
9 from the solemnity, decorum and  
10 dignity of the proceedings. Unless  
11 there is an approved media  
12 availability, no interview will be  
13 conducted inside this hearing room or  
14 in the adjacent common area. Any  
15 violation of the guidelines previously  
16 agreed upon may result in the removal  
17 of the pool media representatives.

18 The use of laptops, PDAs, cell phones  
19 and iPhones to capture video or  
20 stills during the proceeding is  
21 prohibited. Audience members are also  
22 prohibited from using video recorders,  
23 camera, PDAs, cell phones, and iPhones  
24 during these proceedings. There will  
25 be only one official transcript of



1 these proceedings developed by the  
2 board. Any other transcript developed  
3 by any other party are for  
4 informational purposes only.

5 This investigation is intended to  
6 determine the cause of the casualty to  
7 the extent possible and the  
8 responsibilities thereof. Subject to  
9 the final review and approval of the  
10 Commandant of the Coast Guard and the  
11 Director of Minerals Management  
12 Service and to obtain information for  
13 the purpose of preventing or reducing  
14 the effects of similar casualties in  
15 the future.

16 This investigation is also  
17 intended to determine if there is  
18 evidence that incompetence,  
19 misconduct, unskillfulness or willful  
20 violation of the law on the part of  
21 any licenced officer, pilot, seaman,  
22 employee, owner or agent of such owner  
23 of any vessel involved or any  
24 inspector, officer of the Coast Guard,  
25 the Minerals Management Service or



1 other officer or employee of the  
2 United States or any other person  
3 caused or contributed to the cause of  
4 this casualty or if there is evidence  
5 of any act in violation of any of the  
6 provision of the United States Code or  
7 any of the regulation issued  
8 thereunder was committed.

9 This board is also empowered to  
10 recognize any commendable action by  
11 persons involved and to make  
12 appropriate recommendation in this  
13 regard.

14 A person may be designated as a  
15 party in interest by reason of his or  
16 her position or part in the casualty.  
17 Federal regulation entitled 46 Code of  
18 Federal Regulation, Part 4. The term  
19 "party in interest" shall mean any  
20 person whom this Joint Investigation  
21 shall find to have a direct interest  
22 in investigation conducted by it and  
23 shall include an owner, charterer, or  
24 agent of such owner or charterer of  
25 the vessel or vessels involved in the



1 marine casualty or incident and all  
2 license or certificate of personnel  
3 whose conduct whether or not involved  
4 in the marine casualty or incident is  
5 under the investigation by the board.

6 In addition, Mr. Dykes and I have  
7 designated additional -- may also  
8 designate additional Parties in  
9 Interest if during the course of the  
10 investigation, such designation is  
11 necessary and appropriate. All  
12 Parties in Interest have statutory  
13 right to be represented by counsel to  
14 examine, to cross-examine witnesses  
15 and to have witness called on their  
16 behalf.

17 Witnesses who are not designated  
18 as Parties in Interest may be assisted  
19 by counsel for the purpose of advising  
20 them concerning their rights.  
21 However, such counsel are not  
22 permitted to examine or cross-examine  
23 other witnesses or otherwise  
24 participate.

25 Mr. Dykes and I have designated



1 the following individuals and firms as

2 Parties in Interest:

3 Mr. Paul McIntyre, representing

4 British Petroleum;

5 Mr. Richard J. "Ned" Kohnke,

6 representing Transocean;

7 Ms. Kelley Green, representing

8 Halliburton;

9 Mr. Brad Eastman, representing

10 Cameron, Incorporated;

11 Mr. Lee Kaplan, representing Dril-

12 Quip, Incorporated;

13 Mr. Tim Browning, representing M-I

14 SWACO;

15 Mr. Michael Lemoine, representing

16 Weatherford, Incorporated;

17 Mr. William Lee, representing

18 Anadarko Petroleum Corporation; and,

19 Mr. Mark Pullman, representing

20 MOEX, U.S.A.

21 The board will place all witnesses

22 under oath. When testifying under

23 oath, a witness is subject to the

24 federal laws and penalties for perjury

25 or making false statements under Title



1 18 U.S. Code 1001. The penalties  
2 include a fine up to \$250,000.00 or  
3 imprisonment up to five years or both.

4 The sources of information into  
5 which this investigation will inquire  
6 are many and varied. The  
7 investigative resource of the Coast  
8 Guard and Minerals Management Services  
9 have made an attempt to look at every  
10 available piece of evidence having a  
11 pertinent bearing on this casualty.

12 This board will hear all such  
13 evidence. Should any person have or  
14 believe he or she has information not  
15 brought forward, but which might be of  
16 direct significance, that person is  
17 urged to bring that information to my  
18 attention.

19 At this time, I would like to ask  
20 that all of you to stand for a moment  
21 of silence in respect to those persons  
22 who are still missing as a result of  
23 this casualty.

24 (Whereupon, a moment of silence was had.)

25 Please be seated.



1                   We would like to commend them for  
2                   their action in the well control event  
3                   which took place on the DEEPWATER  
4                   HORIZON. Their heroic actions  
5                   attempting to control the well helped  
6                   save 115 co-workers who were able to  
7                   evacuate. We also would like to  
8                   commend the crew of the M/V DAMON B.  
9                   BANKSTON for their action during the  
10                  search and rescue of DEEPWATER HORIZON  
11                  personnel. Their efforts were  
12                  instrumental in the preservation of  
13                  the 115 survivors.

14                  This concludes the opening  
15                  statement. Thank you for your  
16                  attention. The board will now take  
17                  the oath. Following a ten minute  
18                  recess, we will call the first  
19                  witness. At this time, the board and  
20                  the Court Reporter will take their  
21                  oaths. Members please rise and raise  
22                  your right hand and repeat after me.  
23                  (Whereupon, all members of the board and the  
24                  official court reporter were sworn in.)  
25                  CAPT NGUYEN:



1                   The board will now call its first  
2                   witness, Mr. Kevin Robb.

3                   \* \* \* \* \*

4                   KEVIN ROBB,  
5                   after being first duly sworn in the cause,  
6                   testified as follows:

7                   CAPT NGUYEN:

8                   Thank you, Mr. Robb. Please be  
9                   seated.

10                  THE WITNESS:

11                  Thank you.

12                  CAPT NGUYEN:

13                  At this time, I request that all  
14                  other witnesses be excused from the  
15                  hearing room. (Witnesses comply.)

16                  Capt. Wheatley.

17                  E X A M I N A T I O N

18                  BY MR. WHEATLEY:

19                  Q. Good morning, Mr. Robb.

20                  A. Good morning.

21                  Q. Could you please state your complete  
22                  name for the record and spell your last name  
23                  slowly, please?

24                  A. Yes, sir. Kevin Michael Robb,  
25                  spelling, R--O--B--B.



1 Q. Thank you. Could you please tell the  
2 board where you are currently assigned?

3 A. I'm currently assigned to the Coast  
4 Guard District 8 Command Center. I'm a  
5 civilian employee up there engaged as a Search  
6 and Rescue Specialist.

7 Q. Could you please tell the board what  
8 does it mean to be a Search and Rescue  
9 Specialist?

10 A. Well, basically, that would be a  
11 person who would stand a watch, a command duty  
12 officer and other seats up there whose primary  
13 background in training manifests itself into  
14 the speciality of search and rescue.

15 Q. Could you briefly describe the scope  
16 of your duties?

17 A. The watches up in the District 8  
18 Command Center are 12-hour watches. There are  
19 three people, Command Duty Officer, which I am  
20 qualified as; an Operational Unit Duty  
21 Officer; and, a Situational Unit Duty Officer.  
22 The Command Center oversees the subordinate  
23 units of the 8th Coast Guard District, which is  
24 an extremely large district encompassing much  
25 of the Gulf of Mexico, from the Mexican-U.S.



1 border all the way over to Carrabelle, Florida  
2 and then also inland, the Mississippi and Ohio  
3 River watersheds. It is actually a  
4 multi-mission watch that oversees and responds  
5 to not only search and rescue, but marine  
6 environmental protection cases, law  
7 enforcement cases and facilitates the movement  
8 of information or provides direction for those  
9 cases.

10 Q. Thank you. Could you briefly outline  
11 for the board here your Coast Guard  
12 background?

13 A. Yes, no problem. I joined the Army  
14 in 1970; went to army war and flight school.  
15 When I got out of active duty in 1975, I flew  
16 for the Louisiana National Guard out here at  
17 Lakefront Airport. Then in 1980, I joined the  
18 Coast Guard. After completion of Officer  
19 Candidate School, I was designated a Coast  
20 Guard pilot, helicopter only, and had tours at  
21 Air Station San Francisco as a duty standing  
22 Search and Rescue pilot; a three-year tour in  
23 polar operations, flying off the back of Coast  
24 Guard icebreakers; a three-year tour in Canada  
25 on an exchange program flying with the



1 Canadian Services Search and Rescue. Upon  
2 completion of that tour, came back down to New  
3 Orleans as a duty standing pilot Air Station  
4 New Orleans. Then had an off-flight tour in  
5 the District 8 Command Center as Senior  
6 Controller and then returned to Air Station  
7 New Orleans as the Operations Office. That  
8 terminated my flying career. I retired as a  
9 staff officer here in the Hale Boggs Building  
10 in 2003 and then subsequently took this  
11 position.

12 Q. Thank you. Could you describe your  
13 experience and background related specifically  
14 to search and rescue missions?

15 A. Sure. Primarily, for most of my  
16 Coast Guard career, it would have been  
17 actively flying search and rescue helicopters  
18 approximately 15 years out of that career  
19 would have been actively flying. I also had  
20 the tour as senior controller in the District  
21 8 Command Center in the mid '90s.

22 Q. Do you own any licenses or  
23 certificates relative to your search and  
24 rescue background?

25 A. The watch standing command duty



1 officer and the other desks up there require a  
2 level of training to get certification.

3 That's a written certification that's signed  
4 by the Chief of Response certifying that  
5 you're qualified to set that particular  
6 position.

7 Q. Have you attended the Coast Guard  
8 Search and Rescue School?

9 A. Yes, I have. Four times.

10 Q. Could you briefly describe what is  
11 taught at that particular school?

12 A. The Coast Guard's National SAR school  
13 -- it used to be called the Maritime SAR  
14 School. It's a three and a half week course  
15 that goes into detail with the instructors as  
16 far as the manuals associated with search and  
17 rescue, the protocol, a number of practical  
18 application-type scenarios and then working  
19 with and getting familiar with our search and  
20 rescue computer program which allocates the  
21 drift in one way -- It's our primary -- we  
22 call it SAROPS. It's Search and Rescue  
23 Optimal Planning System and that is the Coast  
24 Guard's standard tool that we use to determine  
25 where to search during the course of a search



1 and rescue case. It's a very detailed course  
2 of instruction.

3 Q. Could you briefly summarize for the  
4 board in your estimation how many search and  
5 rescue cases have you basically supervised  
6 over your career here?

7 A. Tough question. I think it's  
8 probably well over a thousand, either directly  
9 or indirectly.

10 Q. Thank you, sir. If we could, move on  
11 to the events of April 20, 2010. Could you  
12 please tell us where you were stationed on  
13 that date?

14 A. At the Coast Guard Command Center,  
15 District 8.

16 Q. Were your duties on that particular  
17 date as you've described for us here today?

18 A. Yeah. That day -- that Tuesday, I  
19 had a 12-hour work day; got home probably  
20 about 7 p.m. I was not on watch that night,  
21 but sometime between 10:20 and 10:30 that  
22 evening I was called by the operational duty  
23 officer up there, Curtis Andrews, and he  
24 requested if I could come in as quickly as  
25 possible, that they had an unfolding event



1 that gave the appearance of a mass rescue  
2 operation coming into play. So I proceeded on  
3 in.

4 Q. Do you recall approximately what time  
5 that was, sir?

6 A. I arrived at the Command Center  
7 roughly 11:15 p.m.

8 Q. And when you arrived at the Command  
9 Center, what information was made available to  
10 you concerning the ongoing situation?

11 A. Well, there was a quick verbal brief  
12 by the controllers on duty, but they obviously  
13 were very engaged in the rescue effort at the  
14 time. So I read myself in as much as I  
15 possibly could as to the case. I did not  
16 relieve anybody. I augmented the watch. Once  
17 I felt reasonably comfortable with what was  
18 going on, I proceeded to a work station and  
19 proceeded to augment the watch for the rest of  
20 the evening.

21 Q. Do you recall what the initial  
22 notification was pertaining to this event,  
23 sir?

24 A. Yes. It was -- our initial  
25 notification was received over digital select



1 calling. It goes out on an HF frequency.  
2 It's one-way communication. It's kind of  
3 analogous to electronic paging and it goes out  
4 in both certain vessels at sea or units on  
5 land receive this notification. The hard  
6 copy, we got a notification and it goes out  
7 through satellite. It gives a position, the  
8 name of the vessel, some call signs and then  
9 nature of distress. This particular digital  
10 select calling didn't give the nature of  
11 distress, but by virtue of the way we received  
12 the initial notification through digital  
13 select calling, that automatically assigns the  
14 District 8 Command Center as our mission  
15 coordinator. That notification was augmented  
16 almost immediately by a call from an offshore  
17 platform indicated they could see a fire and  
18 that there was a problem. And Sector Mobile,  
19 shortly thereafter, also called and indicated  
20 they had received a digital select calling.

21 Q. Was this incident initially reported  
22 as a mass rescue operation or some other  
23 event?

24 A. I believe it was initially indicated  
25 that there was a fire onboard a platform.



1 Q. And is that distinction important?

2 A. It is regarding -- we have to drive  
3 our initial response and the Coast Guard  
4 protocol, a series of what's called quick  
5 response cards. And initially -- from the  
6 initial notification, this would have driven  
7 the watch to proceed with offshore vessel fire  
8 quick response card. But that switched over  
9 rather quickly to a mass rescue operation.

10 That's a quick response card. As I indicated,  
11 it is a general outline of initial actions and  
12 protocol to be followed at the beginning of  
13 the case.

14 Q. Do you recall how quickly the switch  
15 was made from the fire QRC to the mass rescue?

16 A. It was a matter of minutes from my  
17 understanding because when I received a call  
18 from Curtis Andrews at about 10:20, he was  
19 already indicating on the phone it was a mass  
20 rescue operation.

21 Q. Okay, sir. Could you briefly  
22 describe for the board the QRCs and how  
23 they're developed for the various types of  
24 incidents?

25 A. The Quick Response Cards, there are



1 what is called a program manager for each of  
2 those Quick Response Cards and it basically is  
3 the responsibility of the individual  
4 department chief to develop the protocol and  
5 the notifications in that Quick Response Card  
6 that follows suit. They're multi mission in  
7 nature. We have well over a hundred of those  
8 cards up there and they drive individual  
9 instances. For this particular instance,  
10 because it was a search and rescue effort,  
11 that Quick Response Card would have been under  
12 the authority of the District Chief of  
13 Response.

14 Q. Thank you. After initially assessing  
15 the situations, what actions did you take?

16 A. When I sat down, I started to make --  
17 I contacted the Air Stations to ensure that  
18 they understood the nature of this accident  
19 and were in the process of bringing in extra  
20 crews and giving them more of a, not so much  
21 initial response, but ongoing response to make  
22 sure they were onboard with the nature of this  
23 incident wasn't going to be over very quickly.  
24 Air Station New Orleans was incredibly  
25 responsive. They were already in the process



1 of bringing in crews to accommodate the nature  
2 of the accident.

3 Also, much of what I tried to do was to  
4 alleviate what would be extraneous aspect of  
5 things that go on in a Command Center so that  
6 the watchstanders on duty could focus solely  
7 on this particular incident. It isn't the  
8 only incident that's going on at the time up  
9 there. There are -- the district is rather  
10 large so there are other situations going on  
11 and I told the watchstanders if another search  
12 and rescue case came up or another incident,  
13 that I would go ahead and take the lead on  
14 that to keep the pressure off them.

15 I also knew that -- well, based on that, I  
16 also directed the law enforcement duty officer  
17 to come in and spend the evening with us so in  
18 case we had a law enforcement case, such as a  
19 fisheries violation or something of some  
20 degree of normalcy, we could pass that on to  
21 him immediately and keep the pressure off the  
22 watchstanders.

23 I also had the duty public affairs  
24 officers officer called in. In anticipation,  
25 obviously this would be -- the media would be



1 very interested. There would be a high media  
2 interest and their aspect of the job is to  
3 coordinate press releases and work with the  
4 media to try and get the information out and  
5 that helps us because it precludes us from  
6 having to take those phone calls. We can  
7 shift those over.

8 I was also concerned about the risk  
9 management of the responders. That's an  
10 important aspect of what we do. And this  
11 obviously was an accident that had some  
12 inherent risks to the people responding.  
13 There was an ongoing fire. It was -- the  
14 initial operation was conducted at night. So  
15 I determined rather quickly that we needed to  
16 establish a temporary flight restriction  
17 around the area of activity for the aviation  
18 community. So I contacted the FAA and  
19 coordinated that aspect and the FAA was able  
20 to obtain a temporary flight restriction five  
21 miles around the platform up to 4,000 feet.  
22 And what that does for risk management, it  
23 gives us the authority to prevent aircraft not  
24 directly associated in the response from  
25 entering that air space. When that happens,



1 the aviators have to turn their attention from  
2 looking for the people we were trying to find  
3 to deconflicting the air space so they don't  
4 run into each other. So you can imagine  
5 that's a good thing. And we maintained that  
6 temporary flight restriction throughout the  
7 duration of the search all the way to Friday.

8 I also contacted, knowing that area, after  
9 first light, there were going to be a number  
10 of helicopters in the area doing their normal  
11 oil industry support activity. So I contacted  
12 the dispatch at Petroleum Helicopters and a  
13 couple others to remind them that this  
14 temporary flight restriction was in place and  
15 to make sure that they got a notice to airmen  
16 out to their helicopter pilots so they could  
17 adjust their flight pattern to avoid that  
18 area.

19 After that -- our Chief of Staff was in  
20 that evening, also, Captain Tunstall, and we  
21 had several conversations regarding insuring  
22 the Marine Safety Unit at Morgan City and  
23 Sector New Orleans put the investigating  
24 officers on scene in anticipation of the  
25 follow-up, which goes on after a case like



1 this to try and determine exactly what we're  
2 determining here. For obvious reasons, we  
3 weren't able to take any action on that other  
4 than standby because the fire precluded any  
5 activity such as that.

6 I also coordinated the ambulance activity.  
7 Once we brought in any potential injured  
8 people, and I decided the best thing to do  
9 there was take it to Air Station New Orleans,  
10 and then go from there. The rationale being  
11 while there were a couple of hospitals closer  
12 to the incident, I was worried about them  
13 being overwhelmed and if we dropped a patient  
14 off at that hospital, forcing them to take  
15 another hour to hour and a half drive to a  
16 facility that could accommodate their  
17 injuries. So the aircraft went to Air Station  
18 New Orleans. I had seven ambulances awaiting  
19 at the Coast Guard Air Station to take on  
20 people that came in there. There were  
21 critically injured personnel and those people,  
22 for the most part, were medevac by Cougar  
23 Helicopter, which was incredibly responsive  
24 that evening. They have a couple of large  
25 Sikorsky helicopters, very experienced pilots,



1 and paramedic in the back. So once the triage  
2 began and the triage began on the offshore  
3 vessel. We put rescue swimmers and a flight  
4 surgeon from the Aviation Training Center in  
5 Mobile onboard that vessel to line up who  
6 needed to be medevaced based on their  
7 injuries. That seemed to work real well.  
8 Cougar Helicopter brought in one set of  
9 injured. I believe it was two, and they  
10 determined during the course of their flight  
11 rather than to take them directly to Air  
12 Station New Orleans, the nature of their  
13 injury was such, they went directly to West  
14 Jefferson Hospital. I had already given the  
15 hospital a heads-up that there was a potential  
16 for injured people coming in from this  
17 accident. Cougar Helicopters also medivaced,  
18 I believe it was seven people, to University  
19 Hospital in Mobile. Five of those individuals  
20 had been determined to be critically injured,  
21 a variation of burns. There are also some  
22 people that had suffered back injuries and  
23 some neck injuries. So that process was  
24 taking place. I was coordinating insuring  
25 everybody was on a common frequency and that's



1 the arrangement we established for bringing in  
2 the injured.

3 Q. Thank you, sir. I want to go back to  
4 something you mentioned earlier and that's  
5 with respect to shipboard firefighting. Could  
6 you outline for us the Coast Guard's current  
7 policy with respect to firefighting activities  
8 for offshore events such as this?

9 A. Yes, sir. The current policy for  
10 Coast Guard involvement in firefighting is  
11 outlined in the Coast Guard Addendum to the  
12 SAR manual, our primary manual, if you will,  
13 for search and rescue protocol. It's in  
14 Chapter 4. I believe it's on page 19. I'm  
15 not 100 percent sure. But the policy is  
16 conservative in nature. It offers -- it  
17 suggests guidelines for the Cabinet of Ports,  
18 of various ports to, if you will, partner with  
19 the local fire authorities should there be a  
20 fire in the port. It's supportive -- mutually  
21 supportive in nature. For this specific  
22 incident, an offshore commercial vessel, we  
23 are not the lead on the firefighting  
24 operation. I believe the outline specifically  
25 states that the lead agent on that would be a



1 certified fire marshal or fire boss, if you  
2 will.

3 The reason for this conservative policy,  
4 and it's basically a response if available-  
5 type policy, is we have a finite number of  
6 personnel, resources, budgetary considerations  
7 and the Commandant and Coast Guard policy has  
8 taken a conservative view on firefighting  
9 because of the limits of our ability. As we  
10 all know, firefighting involves life-long  
11 training, very detailed training and very  
12 specific-type assets. In the marine  
13 environment, in particular, because of the  
14 hazards of what may be on fire and  
15 constrictions, it requires a level of  
16 expertise that the Coast Guard does not have  
17 based on policy. That does not mean we don't  
18 fight fires. On a small scale, if we are  
19 forced to knock back a fire to engage  
20 ourselves in direct lifesaving, we can do  
21 that. The assets that were responding to this  
22 particular incident that night were basically  
23 search and rescue response assets. They were  
24 not firefighting assets.

25 Q. Thank you, sir. I'd like to go back



1 and discuss a little more about the SAR  
2 planning. Could you outline for us the  
3 current Coast Guard protocol for responding to  
4 mass rescue operations such as this and where  
5 would that guidance and protocol be provided?

6 A. Besides the Quick Response Card,  
7 which is basically an outline, the Coast Guard  
8 Addendum to the SAR manual speaks of mass  
9 rescue operations. There is also another  
10 manual that's been promulgated by the Coast  
11 Guard, which specifically talks about -- it's  
12 a crisis management-type manual. These are  
13 all in support of the national SAR plan on a  
14 larger scale. Mass rescue operations are  
15 somewhat difficult to define. The easiest  
16 definition I find it is recognizing that a  
17 situation has either the potential or is going  
18 to overwhelm the individual organization  
19 that's going to respond to it. So what you  
20 try and do to the best of your abilities is  
21 enlist anybody else who can lend a hand. It's  
22 a significant event for obvious reasons and  
23 that's what we based our response on was while  
24 I was brought in to be an augmentee, very  
25 quickly after the case we issued an urgent



1 Marine Information Broadcast soliciting  
2 response from any of the maritime community  
3 out there that could respond and we got good  
4 response from that. We had several -- I  
5 believe there was between ten and 15 good  
6 Samaritans responded to the incident, came on  
7 scene and supported the recovery operation as  
8 best they could, also, Cougar Helicopters.

9 Another aspect of this was we have a  
10 normal standby posture at Air Station New  
11 Orleans and the Aviation Training Center in  
12 Mobile for the normal aspect of any case. Air  
13 Station New Orleans has what they call a Bravo  
14 Zero helicopter on 24-hour standby. What that  
15 means is that helicopter -- the crew is  
16 onboard and they are ready to respond within  
17 30 minutes of notification. They also have a  
18 B1. All that means the same aspect, only an  
19 hour. Aviation Training Center in Mobile is  
20 mandated to have a Bravo Zero aircraft on  
21 standby. They have a CASA. It's a twin-  
22 engine turbo propped airplane that we can  
23 utilize. To their credit, what Air Station  
24 New Orleans and Aviation Training Center both  
25 immediately identified the nature of this.



1 Air Station New Orleans, as I had mentioned  
2 before, conducted a random recall and brought  
3 in as many pilots as they could. Aviation  
4 Training Center Mobile recalled an H-60. It's  
5 the Coast Guard's medium-lift helicopter and  
6 brought them into play and an H-65 crew, as  
7 well as the cutters we got underway.

8 But the significance of a mass rescue  
9 operation, for obvious reasons is, it's  
10 probably beyond the capabilities of what would  
11 be the normal standby posture to accommodate  
12 the situation.

13 Q. Thank you, sir. If we could just go  
14 back to the question here about the Quick  
15 Response Cards. Could you basically describe  
16 for us the significant differences between a  
17 QRC that deals with a fire and an explosion on  
18 a vessel and the one dealing with mass rescue?  
19 What additional factors are taken into  
20 consideration for planning the execution of  
21 that mission?

22 A. Well, the Fire Quick Response Card  
23 would probably be more of soliciting the  
24 expertise to respond to that fire and going  
25 into the risk management aspect of the



1 responders. If the fire is not associated  
2 with any casualties or any people onboard,  
3 then that coordination is pushed onto much  
4 more subject matter experts and expertise that  
5 we have. The mass rescue operation is much  
6 more of an actionable item for us to proceed  
7 in a distress situation. Inherent in that  
8 Quick Response Card, besides the protocol, is  
9 quickly bringing onboard the senior staff, not  
10 only at the district, but also our senior  
11 command and land area in headquarters. And  
12 there's a process in that called Critical  
13 Incident Communications and what we do, and I  
14 know it was done on this case, is we make one  
15 call to land area, explain briefly the  
16 situation and then they coordinate a  
17 subsequent conference call with our senior  
18 staff, the controllers, land area, and  
19 headquarters so that everybody up the chain of  
20 command, all the way up through the Commandant  
21 is made aware as quickly as possible of this  
22 event. That's pretty much the protocol. It  
23 goes much beyond that. The Quick Response  
24 Card is an outline to initially drive the  
25 mission and then based on the individual



1 aspect of the incident, and they all have  
2 their inherent individual characteristics,  
3 that would drive the response.

4 Q. Thank you. Based upon your  
5 assessment of the situation, could you outline  
6 for us the various Coast Guard assets that  
7 were considered and then those that were  
8 ultimately deployed in response to the  
9 situation?

10 A. Yes. The Air Station New Orleans, I  
11 believe within five minutes of the  
12 notification of the Command Center. Both Air  
13 Station New Orleans and Aviation Training  
14 Center Mobile were directed to launch their B  
15 Zero assets. I know the helicopter -- the  
16 first helicopter from Air Station New Orleans  
17 launched within roughly 24 to 26 minutes of  
18 notification and was on scene -- they were the  
19 first Coast Guard asset to arrive on scene.  
20 It was about an hour and four minutes after  
21 they were notified. Aviation Training Center  
22 Mobile's CASA aircraft arrived on scene about  
23 an hour and 15 minutes afterwards, obviously  
24 due to their speed. They would be the first  
25 assets to arrive. The Coast Guard 65 was



1 night vision goggled, equipped, and their crew  
2 was on night vision goggles. And the CASA,  
3 besides providing an initial on scene  
4 coordinator platform, also had a FLIR  
5 attached, a Forward Looking Infrared Radar  
6 system. What that system allows is kind of an  
7 enhanced search tool at night because it will  
8 break down heat exchanges on the water,  
9 possibly directed toward a higher heat  
10 signature in case there are people there. In  
11 addition to those assets, within another few  
12 minutes, the B1 helicopter at Air Station New  
13 Orleans was directed to get going. And then  
14 basically, as I had indicated before, the  
15 direction at Air Station New Orleans was start  
16 recalling people who were not directly on  
17 watch so we could maximize the effort. They  
18 have five helicopters at Air Station New  
19 Orleans. Aviation Training Center received  
20 the same direction, which is why they were  
21 able to provide an H-60 or an H-65. In  
22 addition to that, three 87-footer patrol boats  
23 were directed to get underway.

24 Each sector, and the two primary sectors  
25 involved, they're the units just subordinate



1 to the district New Orleans and Mobile, have  
2 again, it's called a B6 standby for a 87-  
3 footer, which basically that vessel is on  
4 standby to get underway within six hours of  
5 notification. It's a little bit of a  
6 different posture for obvious reasons than the  
7 aviation community. But all those patrol  
8 boats got underway. The closest was the  
9 patrol boat at Venice and they indicated once  
10 they got underway it would be about three  
11 hours and 45 minutes, I believe it was,  
12 getting on scene. But we had also, and I  
13 believe it was the COBIA from Sector Mobile  
14 was diverted to the incident. They had  
15 obviously a longer transit. They weren't  
16 going to arrive for about 12 hours and then a  
17 couple -- another patrol boat, I believe, from  
18 Pascagoula, Mississippi or Gulfport, I'm not a  
19 hundred percent sure. Anyway, those assets  
20 were directed to the scene.

21 We also got 179-foot cutter, the ZEPHYR,  
22 underway, which arrived, I believe, Wednesday  
23 morning, roughly around 8 or 8:30. That was a  
24 good asset to bring in because we wanted to  
25 have 24-hour on-scene coordinator. The on-



1 scene coordinator does specifically that.  
2 Once they get on scene, they access the  
3 weather; they access the viability of the  
4 search plans that we were promulgating and  
5 giving out to various assets. They're  
6 basically the SAR mission coordinators' eyes  
7 and ears on-scene, and they have the authority  
8 to keep the aircraft out of the air space, to  
9 divert assets when there's a sighting and  
10 throughout the course of that first evening  
11 there were numerous sightings. There were  
12 sightings of lifeboats and debris fields and  
13 then we would go investigate all those  
14 individual sites. So it's important to have  
15 an on-scene coordinator that has some  
16 endurance out there and the CASA could stay  
17 on-scene, the aircraft, for about four or five  
18 hours, but we were very interested in getting  
19 the ZEPHYR on-scene because they have a ten-  
20 day endurance and they would provide the  
21 continuity that's very important to this.

22 Q. Thank you, Mr. Robb. You outlined a  
23 number of different Coast Guard assets that  
24 were deployed. Could you briefly describe the  
25 general capabilities, for example, the 65



1 helicopter, the 60, and what the CASA is?

2 A. The H-65 helicopters, which are  
3 stationed at Air Station New Orleans, is our  
4 -- it's the smallest of the aircraft in the  
5 inventory -- very state-of-the art; cockpit  
6 very easy for them to accommodate detailed  
7 search patterns. They generally fly with four  
8 people -- a pilot and a co-pilot; the hoist  
9 operator and a rescue swimmer. They can  
10 establish very tight and very low and slow  
11 search patterns, which is particularly good at  
12 night due to the inherent aspect of trying to  
13 find somebody with the conditions we had out  
14 there in the evening. They can recover  
15 probably no more than about three or four  
16 people, depending on the conditions.

17 The H-60, which responded from Aviation  
18 Training Center Mobile, is a larger aircraft,  
19 about 22,000 pounds, much more of a medium-  
20 sized. They generally have the same make-up,  
21 crew make-up, but due to their larger  
22 capacity, we were glad to get a hold of them  
23 because they can put around 15 people onboard.

24 In addition to that, because of their  
25 response, Cougar Helicopters, they're Sikorsky



1     helicopters, and they provided two that  
2     evening and I believe they were involved in  
3     searching the next day, also. They have large  
4     Sikorsky aircraft. They are about 25, 27,000  
5     pounds; extremely well-equipped with paramedic  
6     in back and highly experienced pilots. They  
7     were an invaluable resource, also. The patrol  
8     boats, an 87-foot patrol boat, basically have  
9     anywhere from three, maybe to five days on-  
10    scene. It really varies what capacity they  
11    have when they launch. They're a good search  
12    platform, and we certainly utilized them. The  
13    weather conditions were such that it allowed  
14    them to be incorporated into the search.

15        Q. Thank you, sir. You touched upon the  
16    weather. Could you briefly outline the  
17    weather conditions on-scene as they reported  
18    to the Command Center?

19        A. The weather on-scene that night, I  
20    believe the air temperature was about 76  
21    degrees. It was a clear evening. Visibility  
22    was reported as ten miles in haze. The seas  
23    were less than one foot. It was very calm out  
24    there. The winds were less than five knots.  
25    I believe they were around three knots out of



1 the north, and the water temperature was 67  
2 degrees. I would describe those as very good  
3 search conditions, maybe not ideal. What we  
4 hope for in instances like this is a full moon  
5 to give us all the ambient light we can have.  
6 The moon that night was in the last quarter  
7 and it set -- the moonset was, I think,  
8 shortly before 1 a.m. So we lost that aspect.  
9 But in general, and for the duration of the  
10 active search through Friday, weather  
11 conditions out there were very good. There  
12 was no major frontal activity or no large  
13 weather shifts.

14 Q. Now, if I recall correctly in your  
15 earlier testimony, you talked about the SAR  
16 mission coordinator and the importance of  
17 having one on-scene. In this instance, the  
18 first Coast Guard cutter that was capable of  
19 assuming that role was the ZEPHYR, which  
20 didn't show up for a fairly prolonged period  
21 of time. In the meantime, can you tell us  
22 what vessel or vessels were essentially  
23 performing that role?

24 A. Well, from the Coast Guard side of  
25 things, it would have been the CASA aircraft.



1 But as I believe is probably obvious to  
2 everyone, we were very fortunate to have the  
3 DAMON BANKSTON on scene in the immediate area  
4 because of their size and the way they quickly  
5 disconnected from their routine operation,  
6 went to general quarters, and their crew  
7 turned to -- they were an invaluable asset for  
8 obvious reasons. It's a 262-foot vessel, or  
9 thereabouts, with the pilothouse forward,  
10 which gives them a very large well deck in the  
11 back, which accommodates not only to recover  
12 people, but triage assessment and any  
13 potential hoisting that the helicopters might  
14 have to do. So in that respect, and the way  
15 they reacted as professional mariners, obvious  
16 kudos to them. They were invaluable. I know  
17 we placed, I believe, several rescue swimmers,  
18 as many as four, and a flight surgeon that  
19 came out from Aviation Training Center Mobile  
20 on one of the helicopters onboard that vessel  
21 to assist in the triage, obviously an  
22 important factor for us to get the most  
23 critically injured off. So that was -- we  
24 were extremely fortunate to have them there.

25 Q. Thank you. You discussed the



1 deployment of a number of different Coast  
2 Guard assets from throughout the Gulf area in  
3 response to the situation. We've developed a  
4 picture here of essentially those. Could you  
5 just briefly take a minute, take a look at  
6 that, and then I'm going to ask you whether or  
7 not you believe that to be a fair depiction of  
8 the relative positions of those for purposes  
9 of helping us understand where the various  
10 assets were that were responding?

11 A. (Witness reviews picture.) Yes, that  
12 is a good overview, and particularly the last  
13 one there which shows the totality of the  
14 search effort.

15 Q. Sir, I was referring to this, and  
16 you're free to go ahead -- you can get up and  
17 come over here and take a look at this chart  
18 over here on the far left.

19 A. (Witness reviews chart.) Yes, that  
20 pretty much gives a geographical of where the  
21 stations were located, where the accident  
22 happened.

23 Q. Could you point of for us on that  
24 depiction there, for example, the platform and  
25 then the relative positions of the Coast Guard



1 stations that were responding?

2 A. Sure. The platform -- the accident  
3 occurred here, approximately 45 miles  
4 southeast of first landfall, which is the  
5 mouth of the river. Air Station New Orleans  
6 is up here. That's the air station up at  
7 Alvin Callender and I'll have to double-check  
8 here. I believe they are about 110 miles or  
9 so from the site. Aviation Training Center  
10 Mobile is located here. They are about 135  
11 miles from the site and then Station Venice,  
12 where one of the patrol boats came out of and  
13 the COBIA was over here near Panama City,  
14 quite a long transit, and the other stations  
15 up here.

16 Q. Thank you, sir. I'd like to talk a  
17 little bit about search and rescue operation  
18 software, if we could. Could you briefly  
19 outline for us the typical tools that are used  
20 by the Coast Guard in planning search and  
21 rescue-type evolutions?

22 A. Sure. One of the inherent  
23 difficulties of marine search and rescue is  
24 the environment is dynamic, it's constantly  
25 moving. The Coast Guard has a search and



1 rescue optimal planning system is what they  
2 call it. Of course, in the world of acronyms  
3 we live in, it's called SAROPS. This is a  
4 computer program, which taps on data -- an  
5 enormous amount of environmental data  
6 regarding currents and wind conditions. When  
7 the operator of SAROPS inputs his or her  
8 weather aspect, the assets are going to be  
9 utilized and the search object, this program  
10 will go about, and it's very user-friendly  
11 taking all this data and generate a search  
12 area and then we can overlay that search area  
13 based on the assets that we're going to  
14 utilize to conduct that search.

15       There are a number of variables associated  
16 with it. Like any program, it's only going to  
17 be as accurate as the information and some of  
18 the assumptions you put in it. In this  
19 instance, what's very important about SAROPS  
20 is, is knowing the position, the time of the  
21 situation and the object you're looking for.  
22 In this specific incident, we were very  
23 fortunate. We knew exactly where the incident  
24 happened. We knew the time it happened and we  
25 focused our efforts after the initial



1 response, I'm looking for people in the water.  
2 As this program goes and generates all this  
3 environmental data, it generates 10,000  
4 particles, for lack of a better term, that all  
5 end up transiting to the drift. And there are  
6 a number of mathematical probabilities  
7 involved in this very complex program. I  
8 believe Monte Carlo mathematical probability  
9 and some -- and generated by much smarter  
10 people than me. I'm interested in the  
11 outcome. But these particles transition and  
12 take -- what you do is you input the time  
13 you're going to have the asset on-scene and  
14 then it will overlay grids of high probability  
15 and it will, once you generate -- once you  
16 tell it what assets are going to be conducting  
17 the search, it will generate search patterns  
18 to maximize the efficiency of the search. If  
19 the input is good, and in this case it was,  
20 it's a very accurate program. It allows for  
21 some critical thinking. It allows the  
22 controller and the operator to move the  
23 patterns around if they want to or to adjust  
24 for conditions that the program itself can't  
25 adjust for. So in that respect, it's not just



1 a road program that the controller  
2 automatically has to utilize.

3 Another very good aspect of it, and it  
4 came into play on this case, it generates --  
5 we can restart the program after the initial  
6 search and it generates what's called a  
7 subsequent search and it takes all the input  
8 of the previous searches and generates what it  
9 believes is the most effective next search.

10 In this particular search and rescue mission,  
11 there were ten separate subsequent searches  
12 generated and those produced the search plans  
13 that we used up through Friday.

14 That's basically about it. It's a very  
15 good program if the information you're putting  
16 in it is accurate. And as I indicated, in  
17 this specific incident, we had good initial  
18 information.

19 Q. Thank you, Mr. Robb. We have up here  
20 on the easel right next to you, what's  
21 described as the Alpha Search Patterns. Could  
22 you basically tell us how those are developed,  
23 what factors went into that, and if you could,  
24 describe any differences between surface  
25 vessel search patterns and aircraft search



1 patterns.

2 A. In the Alpha Search Pattern, they use  
3 the ABCD. All that does is give you the time  
4 line of the subsequent pattern, Alpha being  
5 the first. In this particular case, Juliet  
6 being the last, or the 10th. And what it  
7 shows with these various colored grids, and it  
8 is difficult because it's a rather busy  
9 pattern, the search and rescue, the SAROPS,  
10 will generate high probability areas. The  
11 outlying areas, because of the theory involved  
12 where they may have some of the particles  
13 involved, but it concentrates our search on  
14 the highest probability areas, and that's  
15 based on the search allocations that we  
16 utilize and that's directly related to the  
17 number of assets that are responding to the  
18 case.

19 So in this instance, the overlays are the  
20 first pattern. Where you get the different  
21 lines is the H-65 because they have night-  
22 vision goggles, you might have a little bit  
23 different spread. The sweep width of where  
24 they're looking between the lines of tracking  
25 there. The tighter spaces indicate obviously



1 a, if you will, a more compacted search area  
2 because the objects that we were looking for  
3 obviously, at this time, we were focusing on  
4 people in the water. And as you can imagine,  
5 both at day or night, what you're looking for  
6 during these searches is about the size of a  
7 volleyball. It's a person's head. So the  
8 search pattern itself become very tightly  
9 constricted on their lines so there's less  
10 area to look at along each line, which will  
11 drive your probability of finding somebody up  
12 to a greater degree.

13 So during the course of the week, we  
14 started out with Alpha and we ended up with  
15 Juliet, which is an extremely busy slide, but  
16 that basically overlays all the searches that  
17 were conducted during the course of this  
18 search and rescue operation. There were 28  
19 separate SAROPS generated search patterns,  
20 both surface and air. And as I mentioned  
21 before, those searches were generated by ten  
22 different runs we did on the program, each one  
23 accommodating the previous searches and the  
24 ongoing drift. So you can kind of get a feel  
25 for the dynamic environment we were working



1 with regarding trying to find these folks.

2 Q. Thank you, Mr. Robb. I have some  
3 additional questions here mostly dealing with  
4 the issue of reporting. Could you describe  
5 for us the frequency in which reports  
6 concerning the various search and rescue  
7 efforts are made to the Command Op Center? I  
8 think they are referred to as SITREPs.

9 A. Sure. The Coast Guard Addendum  
10 requires -- SITREP is an acronym for  
11 Situational Report, which is basically an  
12 outline of all the actions that have been  
13 taken, discusses the weather, the assets that  
14 are on-scene and the future operations which  
15 are planned. While the Addendum outlines the  
16 requirement for the SITREPs, it doesn't  
17 establish a form of frequency rate, what we  
18 like to call nowadays, a battle rhythm. That  
19 basically becomes a function of when senior  
20 commands want the SITREPs and then we  
21 accommodate that. There's a lot of overlap to  
22 the reporting procedure. The MISLE, which is  
23 out computer-generated documentation for the  
24 case. It generates a case package and it  
25 generates a situation report, is depending on



1 the operator, a current SITREP. Every time  
2 it's deemed necessary to add documentation,  
3 this adds on to the SITREP. So at any one  
4 time, people in the Coast Guard can access in  
5 this and get as contemporaneous an information  
6 as they can. This computer-generated  
7 documentation package also allows the  
8 individual units, such as Air Station New  
9 Orleans, Aviation Training Center to submit  
10 their documentation, what area they flew, how  
11 much of the search they completed, the  
12 altitude and all that, and compiles this. I  
13 can't remember the number of pages on this  
14 significant case, but it's quite a few. In a  
15 SITREP, when we brief the senior staff or  
16 area, they know the MISLE number. They have  
17 direct access to this case and they can look  
18 for themselves if they have any questions.

19 In addition to that documentation, there's  
20 an ongoing telephonic update, a person will  
21 update the senior staff, that goes on that's  
22 -- well, it's just what it is. It's an  
23 ongoing update particularly if there's  
24 something significant.

25 In addition to this, the Coast Guard



1 District Command Duty Officer generates a  
2 written operational summary, if you will, that  
3 is sent out every evening at 8 o'clock to our  
4 senior staff area command headquarters and a  
5 number of other entities, which outlines not  
6 only this case, but each day outlines, in  
7 general, all the operational activities which  
8 are going on with the district. So that  
9 ops-sum would have provided an ongoing very  
10 generic, very simplified aspect of the case.

11 Additionally to that area, as this case  
12 went on, directed that we provide daily, a  
13 series of Powerpoint slides and a rather  
14 bulletized version of updates so they could  
15 keep their senior staff apprised of that.  
16 And I believe that went out in the evening,  
17 also. And we have access to those, so they're  
18 electronically available.

19 Additionally to that, there's a bit of a  
20 verbal brief done at 8 o'clock at night to the  
21 senior staff, particularly if there's  
22 something significant. And in the morning, we  
23 generate what's called a flag brief in the  
24 Command Center. This is where our district  
25 commander, Admiral Landry, and the senior



1 staff in the building, come into the Command  
2 Center and we discuss all the issues going on,  
3 all the operational activities that are going  
4 on, the current weather, the forecast weather  
5 and for the days where this search was going  
6 on, that would have been of primary importance  
7 and that would have been briefed at that  
8 point, too. So there's a lot of overlap,  
9 information flow, I think as we all know, is  
10 paramount in a case like this.

11 Q. Mr. Robb, you've just described a  
12 large quantity of information that flows  
13 together concerning this particular case. Is  
14 all that information captured in one  
15 particular place?

16 A. It is. As I mentioned earlier, sir,  
17 in that MISLE case, it generates not only a  
18 situation report, but it generates basically,  
19 I don't want to define this as a case study,  
20 but it is a large case package that documents  
21 everybody's input to the MISLE in a format, a  
22 timeline format, if you will, sir.

23 Q. We had asked you to bring with you,  
24 basically your SAR case package today, and I  
25 see that you have. Could you briefly describe



1 for us what's contained in there?

2 A. Well, in my package there's some  
3 short notes and there is some information  
4 regarding the timeline basically an outline  
5 of the timeline of the case, not the detailed  
6 package, sir, that you've been provided. It's  
7 rather weighty. Also, a description of the  
8 vessel, of the MODU. I have the documentation  
9 regarding the temporary flight restriction  
10 that the FAA put out, some documentation  
11 regarding hard copy on the digital select  
12 calling that went out. We have that in here.  
13 Our urgent information -- our urgent marine  
14 information broadcast is also in there. That  
15 is a broadcast that goes out, as I had  
16 mentioned before on Channel 16, VHF-FM, which  
17 is a marine-band radio. Channel 16 is on 156.8  
18 megahertz and that allows the maritime  
19 community to be notified that there is an  
20 incident so that broadcast is in here, also,  
21 sir.

22 Q. In your package there, would there be  
23 a summary of total assets deployed, searches  
24 conducted, sorties flown and square miles  
25 searched?



1           A. There probably -- I believe in here  
2 somewhere. If not, they are in your package.  
3 As I had mentioned before, sir, there were 28  
4 separate searches conducted; ten different  
5 drift programs conducted. In totality, the  
6 amount of square miles searched on this  
7 particular case was right around 5,300 square  
8 miles and to give you a perspective, a little  
9 bit better maybe than just the square miles,  
10 that's analogous roughly to the size of the  
11 State of Connecticut.

12          Q. Thank you, sir. And as it is in any  
13 case, there's ultimately there comes a time  
14 when a decision has to be made to basically  
15 stop searching. Could you basically describe  
16 for us the factors that are involved in that  
17 and who makes that final decision?

18          A. The decision to suspend the active  
19 search, obviously not taken lightly, we were  
20 all very intense for those days trying to  
21 recover the missing folks, but the authority  
22 for providing or for determining when the  
23 active search will be suspended goes up one  
24 level from the SAR mission coordinator. In  
25 routine cases, it's the Chief of Response. In



1 this particular case, because of the size of  
2 it, it was Admiral Landry that formalized the  
3 final suspension based on briefings from the  
4 Chief of Response and the Command Center.

5 A number of items go into determining the  
6 suspension process. And basically, you get to  
7 that point where it seems to be from the  
8 person who's going to suspend that the search  
9 effort has been significant and there's just  
10 no reasonable assumption can be made that the  
11 individuals are still alive. This is a really  
12 -- this is a very serious decision for obvious  
13 reasons. We're trying to find these folks.  
14 We're always trying to do the best we can.  
15 Sometimes it doesn't work out. Some of the  
16 things that come into play in a suspension  
17 process are the event itself. In this case,  
18 it was a catastrophic event -- an explosion  
19 followed by a fire. The will-to-live of the  
20 individuals and that's a moving target that we  
21 don't particularly use for a suspension  
22 process, but it comes into play. There is a  
23 cold, environmental submerging program, which  
24 is run. This is a program that was developed  
25 by, I believe it was the Canadian



1 Environmental Institute, part of their  
2 Department of Defense in Canada. And what  
3 this program does, when you input information,  
4 it will generate, based on the environmental  
5 condition, including water temperature,  
6 clothing on individuals and a number of items  
7 like that, how long they can live in the  
8 environment in which they are placed. This, I  
9 want to emphasize, is a guideline. This is a  
10 tool amongst many others to get to the  
11 suspension process. In this particular case,  
12 with 67 degree water temperature, the program  
13 indicated the outside limits of survivability,  
14 if you were totally immersed in the water was  
15 around 32 hours. It also provides another  
16 timeline and that's functionality.

17 In this particular incident, it indicated  
18 18 hours. What functionality means, and both  
19 of these indicators are based on hypothermia.  
20 For the survival it's based on what the input  
21 you provide for the environmental conditions  
22 and the body type and the clothing, when the  
23 body core temperature is estimated to reach  
24 around 82, 83 degrees. For the other  
25 timeline, it's the baseline for the onset of



1     hypothermia, which is around 92, 93 degrees.  
2     And the functionality limit isn't a survival  
3     indicator. It's basically an indicator that  
4     that individual has now reached an inability  
5     to self-rescue themselves. Maybe their  
6     extremities or whatever doesn't allow them to  
7     swim or move about and there are those  
8     guidelines.

9           Exposure during the day; the inability to  
10    a) get out of the water or dehydration; the  
11    search effort itself, the level of search  
12    allocation and search effort is a primary  
13    aspect for determining suspension; has the  
14    search been adequate; has it gotten to the  
15    point where there's a reasonable certainty  
16    that the individuals we're looking for a) are  
17    beyond the limits of their surviving and b)  
18    just aren't out there to be found. It's  
19    critical thinking and it's taken very  
20    seriously.

21           Q. Thank you, Mr. Robb. You've touched  
22    upon a couple of different ones. How long did  
23    the Coast Guard go before they actually  
24    decided to suspend the search?

25           A. The search went on for roughly 80



1 hours and that was both day and night. There  
2 was no discontinuance of the search. I  
3 believe the, and I was not there, I believe  
4 the search was suspended right around 7 p.m.  
5 Friday and that would have been at the  
6 conclusion of that day's search effort.

7 Q. Thank you, Mr. Robb. I just have a  
8 couple more questions for you. If I could go  
9 back just for a moment to the chart here that  
10 we have that shows the Juliet trip patterns on  
11 there. There's a variety of intensities of  
12 color as they are overlaid on the chart.  
13 Could you talk to us a little bit about what  
14 the differences and the color and the  
15 intensities and what they signify?

16 A. Sure. The program itself generates  
17 these color grids, if you will, and what the  
18 colors show on a graph in the program is the  
19 probability that the individual or your  
20 target, whatever it is, is within that grid  
21 and that is based on the number of  
22 particulars. Remember -- If I had not stated  
23 before, I will now. This program carries  
24 10,000 different particles that move with the  
25 drift and generate this varying aspect. The



1 colors, as you can see by one of the -- most  
2 of the searches were -- would indicate the  
3 highest degree of probability where these  
4 individuals would be. So that's what the  
5 varying colors show.

6 This is probably an aspect of search and  
7 rescue that is frustrating to all controllers.  
8 And that is because of the huge variations  
9 that can occur in drift, these grids are based  
10 on probability. It's scientific in nature,  
11 but it's ultimately based on mathematical  
12 theories and other aspects. It's not a  
13 perfect world out there. This is not a  
14 perfect search pattern. So you get varying  
15 levels of probability. That's pretty much  
16 what it is. And we focus, because they have  
17 no other way to do it, on the highest  
18 probability areas with the assets we have in  
19 the hope of recovering these people.

20 Q. Thank you. During the course of your  
21 testimony here, Mr. Robb, you've mentioned the  
22 SAR case report, the various search patterns  
23 and the SITREPs. Have you provided that  
24 information to this board?

25 A. Yes, I have.



1 MR. WHEATLEY:

2 Thank you.

3 EXAMINATION

4 BY CAPT NGUYEN:

5 Q. Mr. Robb, I have a couple of  
6 questions relating to firefighting. From your  
7 testimony, I understand that the Coast Guard  
8 policy is that we leave it up to the people on  
9 scene to make a decision on what action they  
10 need to take out there; is that correct?

11 A. For this specific incident, the Coast  
12 Guard would not have been the lead agency in  
13 the suppression of the fire due to our lack of  
14 capabilities and understanding that with the  
15 finite amount of assets that respond to cases  
16 like this, it's our position we want to focus  
17 on the search and recovery effort. And that  
18 falls in line with our training and the type  
19 of assets we have. So for a commercial vessel  
20 like this, the firefighting effort would have  
21 been lead by a certified fire marshal or fire  
22 boss coordinating that effort. So our aspect  
23 of the suppression of that fire would have  
24 been minimal, at best, based on where we  
25 wanted to focus our capabilities.



1           Q. Was that the case? Was there a  
2 certified fire marshal or whoever qualified to  
3 do the job?

4           A. To the best of my knowledge, sir,  
5 there was not. And I'm not a hundred percent  
6 sure of that answer, but I do not have any  
7 knowledge of a fire marshal being there. I  
8 know there was attempts at suppressing the  
9 fire that first evening. There was between  
10 one and five -- five, if I recall correctly,  
11 being the most vessels that were putting water  
12 on the unit. But I know at one point, and I  
13 think it was around 3 o'clock in the morning,  
14 I'm not a hundred percent sure, they were  
15 forced to back off due to the intensity of the  
16 fire and the fact that the MODU had started  
17 listing already. So it was a very dynamic  
18 situation, but I do not know, sir, if there  
19 was a formal coordinator out there.

20          Q. Do you know who started the  
21 firefighting effort? Which vessel?

22          A. No, sir, I don't. I know one of the  
23 platforms that called in indicated they were  
24 sending five boats on scene. I do not know  
25 specifically if those vessels were directly



1 involved in the firefighting operation or not.

2 Q. So the purpose of this investigation  
3 is to obtain information to prevent or reduce  
4 recurrence of such an incident. So what we're  
5 looking at here is maybe if there's no  
6 coordination out there, no direction out  
7 there, we maybe throwing water onto a disabled  
8 vessel that may lead to this sinking; is that  
9 correct? Is that the potential?

10 A. I'm not sure I understand the  
11 question, Captain.

12 Q. Well, if the firefighting efforts are  
13 not coordinated and we're putting water onto a  
14 disabled vessel, there's the possibility that  
15 no coordinated action may result in the  
16 sinking of the vessel; is that correct, any  
17 vessel?

18 A. That is exactly correct, Captain. I  
19 know the Coast Guard focuses their training on  
20 maintaining a level of firefighting expertise  
21 for their individual vessels and for our shore  
22 units. But firefighting in the marine  
23 environment requires such a significant amount  
24 of training and coordination and specific  
25 assets. The Coast Guard per the Commandant



1 policy has adopted and it's been like that for  
2 years, a rather conservative policy regarding  
3 firefighting. It doesn't say we can't. It's  
4 more or less if we're available and it's  
5 coordinated and in the interest of an  
6 individual response we're knocking down the  
7 fire for the point of saving a life. The  
8 Coast Guard obviously would not back off from  
9 doing that, but it's really on an individual  
10 basis and in this particular instance, due to  
11 where we wanted our assets to focus their  
12 attention and the significance of this event,  
13 the hazardous materials involved, the sheer  
14 size of it, it was not our focus, Captain.

15 Q. I understand. You say you have a  
16 copy of the Urgent Marine Information  
17 Broadcast with you?

18 A. Yes, sir, I do.

19 Q. Could you read that broadcast,  
20 please, to see what kind -- which guidance  
21 request the Coast Guard is asking for?

22 A. (Witness complies.) It's always the  
23 last one you look at. The Urgent Marine  
24 Information Broadcast, which was issued at  
25 0405 ZULU, which I believe was around 11



1 o'clock in the evening or a little bit  
2 thereafter. "The Coast Guard has received a  
3 report of the MODU DEEPWATER HORIZON on fire.  
4 Position 28-44.3 North 088-21.9 West with  
5 approximately 144 persons onboard. 45  
6 nautical miles east/southeast of South Pass,  
7 Louisiana. All mariners are requested to  
8 maintain a sharp lookout, assist if possible,  
9 and report all sightings to the nearest U.S.  
10 Coast Guard Unit. Signed U.S. Coast Guard."

11 CAPT NGUYEN:

12 At this time any members of the  
13 Minerals Management Service have any  
14 questions for Mr. Robb?

15 EXAMINATION

16 BY MR. MATHEWS:

17 Q. Mr. Robb, due to the remote location  
18 of the DEEPWATER HORIZON, are you aware of any  
19 enforcements that the United States Coast  
20 Guard has on life safety devices that the  
21 individual would have to dawn if abandoning  
22 vessel that would aid in search and rescue?

23 A. If there's somewhat of a controlled  
24 environment for people abandoning a MODU like  
25 that, you know, there's a level, I guess, of



1     what you hope for. In this incident, a lot of  
2     people were in life boats. I believe there  
3     was at least one raft. But in an ideal world,  
4     you would hope everybody onboard has a life  
5     preserver onboard, too, because that really  
6     not only increases dramatically their survival  
7     time, but gives us some time to find them.  
8     Does that answer your question?

9         Q. Actually, what I was eluding to was  
10     if there was any type of device on the life  
11     jacket itself that can send any type of  
12     information to search and rescue as opposed to  
13     relying on a computer system such as the  
14     system you defined earlier.

15         A. If in this specific incident there  
16     were any tools on the life preservers, I'm not  
17     aware of it. There are things that you can  
18     add to life preservers that enlist in helping  
19     to find people if they were on there -- some  
20     surprisingly simple ones, such as a whistle to  
21     make noise, a mirror for daylight so it can  
22     reflect off that -- reflective tape in and of  
23     itself, which helps in the individual  
24     environment. There are, depending on the  
25     individuals, you can also have a small



1 personal -- it being an emergency position  
2 indicating device onboard or radio, any  
3 variety of things like that. And what  
4 specifically might have been on the PFDs in  
5 this specific incident, I don't know.

6 MR. MATHEWS:

7 Thank you. That's it.

8 CAPT NGUYEN:

9 Does the representative of  
10 Marshall Island have any questions for  
11 the witness?

12 MR. LINSIN:

13 Yes, sir.

14 CAPT NGUYEN:

15 Would you come up to the podium  
16 and state your name and spell it?

17 MR. LINSIN:

18 Good morning, Captain. My name is  
19 Gregory Linsin. The last name is L-I-  
20 N-S-I-N, and I am representing the  
21 Republic of the Marshall Islands for  
22 the purposes of this hearing.

23 E X A M I N A T I O N

24 BY MR. LINSIN:

25 Q. Mr. Robb, good morning.



1 A. Good morning, sir.

2 Q. I just have a couple of follow-up  
3 questions, please.

4 A. Sure.

5 Q.. Going back to the question of the  
6 firefighting efforts, if we can. Is there any  
7 provision in the Coast Guard's SAR manual  
8 regarding how a certified fire marshal should  
9 be identified when there is an indication of a  
10 fire in an incident such as this?

11 A. I don't believe it identifies a  
12 specific process. It's guidance in nature.  
13 It's somewhat general in nature, but as far as  
14 specifically outlining a procedure or a  
15 process for identifying that, there's none  
16 that I know of.

17 Q. Did you, sir, make any efforts on  
18 that first night when you responded to the  
19 Command Center to identify a certified fire  
20 marshal to oversee the firefighting efforts?

21 A. No, sir, I did not.

22 Q. Are you aware of anyone else at the  
23 Coast Guard Command Center that made such an  
24 effort?

25 A. No, sir, not to my knowledge.



1           Q. Typically, in an incident such as  
2 this, who, to your knowledge, who would  
3 fulfill that role? Who would step in on  
4 behalf of federal authorities or state or  
5 local authorities to assist in a firefighting  
6 effort on an offshore platform?

7           A. I believe depending on the  
8 circumstances it might be either the  
9 responsible party or the owner of that  
10 platform who might enlist the efforts of  
11 professional firefighters. But my knowledge  
12 level on that is probably -- it's just not --  
13 because it's not part of our response policy,  
14 my knowledge on that is somewhat limited in  
15 that respect.

16          Q. You indicated, I believe, Mr. Robb,  
17 that you had information that on that first  
18 night there were some attempts made on the  
19 scene by some of the vessels to suppress the  
20 fire; is that correct?

21          A. Yes, sir.

22          Q. Do you know which vessels attempted  
23 to suppress the fire that first night?

24          A. No, sir, I do not.

25          Q. And where did your information come



1 from that that effort was made?

2 A. That basically came from the  
3 situation report in our MISLE which we're  
4 referring to. That remark was documented in  
5 there. I'm not sure by whom or where it came  
6 from. I did not receive a phone call  
7 regarding that information.

8 Q. My questions so far have focused on  
9 that first night. Do you know, if at any  
10 point, over the next several days there was  
11 ever any designation of an authority, a  
12 governmental authority to oversee or  
13 coordinate the firefighting effort for this  
14 rig?

15 A. No, sir, I don't. But I want to  
16 enlarge on that a little bit just to give the  
17 perspective. By 6 a.m. after that first  
18 night, I was relieved from the watch, entered  
19 some conferences and then I was not in  
20 Wednesday because I had been there all evening  
21 and Thursday and Friday, while I was in the  
22 Command Center, I was not a watchstander. So  
23 I would be somewhat remiss in answering that  
24 fully because I was not that intimately  
25 involved during that timeframe in what was



1 going on.

2 Q. Who was the Coast Guard watchstander  
3 that first night, sir?

4 A. I don't know. I don't have -- oh,  
5 the first night?

6 Q. Yes, sir.

7 A. Oh, I'm sorry. Lieutenant Nathan  
8 Houck, H-O-U-C-K, was the Command Duty  
9 Officer; Curtis Andrews was the Operational  
10 Unit watchstander. He's a civilian employee  
11 and that watchstander, he would have been the  
12 one that would have had the SAR expertise that  
13 evening and our situational unit duty officer  
14 was Petty Officer Zed Ahmed, A-H-M-E-D. His  
15 job is primarily oversight and information  
16 flow regarding the marine environmental aspect  
17 of the district in totality. There are three  
18 watchstanders, 12--hour shifts.

19 Q. A couple of different questions,  
20 please. You indicated in your testimony that  
21 you had asked the law enforcement duty officer  
22 that night to come into the Command Center.  
23 Who was that law enforcement duty officer?

24 A. It was Lieutenant Harrel. I believe  
25 it's H-A-R-R-E-L or E-L-L.



1 Q. And what office is he with?

2 A. He works for -- he's a Coast Guard  
3 Lieutenant. He works on staff there in the  
4 enforcement branch and the enforcement branch  
5 provides the Command Center with 24/7 law  
6 enforcement duty officer. Their basically  
7 expertise is to assist us when we get a law  
8 enforcement case, which we may not have all of  
9 the available information on. Their big  
10 assist is based on whether there's a fisheries  
11 violation or a safety violation of a  
12 commercial fishing vessel, illegal immigrant  
13 -- anything associated with maritime law  
14 enforcement policy thereof significance. I  
15 brought him in so if we had a case like that,  
16 it wouldn't be a detractor for the  
17 watchstanders focusing on the search and  
18 rescue aspect.

19 Q. And do you know when first  
20 communication was established between the  
21 Coast Guard Command Center and the DAMON  
22 BANKSTON that was on scene? Who was handling  
23 that communication?

24 A. I would -- we don't have a  
25 communication suite in the Command Center so I



1 would believe that would be Sector New Orleans  
2 who has the marine frequencies. And then  
3 also, the aircraft arrived on scene would have  
4 established communications, also.

5 Q. Would those communications have been  
6 recorded?

7 A. I believe they would have been,  
8 although I hesitate to speak for Sector New  
9 Orleans because I'm not there. I have to  
10 defer that question to them. I believe it is,  
11 but I'm not a hundred percent sure, sir.

12 Q. All right.

13 MR. LINSIN:

14 I have nothing further. Thank  
15 you, Captain.

16 CAPT NGUYEN:

17 Thank you, sir. We have  
18 identified an order for calling the  
19 Parties in Interest. The first one is  
20 M-I SWACO. Any representatives have  
21 any questions? Please state your name  
22 and spell it out for the recorder,  
23 please.

24 MR. EASON:

25 I am Tobin Eason, T-O-B-I-N E-A-



1           S-O-N, here on behalf of M-I. M-I had  
2           five members of its employee family  
3           out there on the rig HORIZON, two of  
4           whom we have not heard from, Mr.  
5           Gordon Jones and Mr. Blair Manuel.

6                           E X A M I N A T I O N

7   BY MR. EASON:

8           Q. Mr. Robb, can you confirm one way or  
9           another throughout these 80 hours of efforts  
10          whether or not you heard from any rescuers,  
11          ship personnel onboard the BANKSTON or any  
12          other individuals whatsoever, whether or not  
13          you heard one way or another, whether these  
14          individuals of M-I or the other missing  
15          crewman onboard the rig HORIZON, whether or  
16          not they were ever heard from at any time  
17          during those 80 hours?

18          A. Sir, are you speaking of the  
19          individuals who remain missing?

20          Q. Yes, sir.

21          A. I received no contact from any of  
22          those individuals.

23          Q. Would you be the individual that  
24          would have coordinated any communications as  
25          such, whether it be from the BANKSTON or any



1 of the aircraft or assets deployed after the  
2 explosion on the rig HORIZON?

3 A. I'm not real sure I understand the  
4 question.

5 Q. Would you be the focal point of that  
6 information one way or another?

7 A. The Command Center watchstanders and  
8 the Command Center would have, yes, sir.

9 Q. And who -- would that be you or would  
10 it be someone else?

11 A. It could have been any of the  
12 watchstanders in the Command Center, sir.

13 Q. If any such data came forward, would  
14 that be recorded in the documents you referred  
15 to previously?

16 A. It would either be recorded in the  
17 documents or it would have been recorded, if  
18 it had have come in telephonically because our  
19 telephone lines are recorded.

20 MR. EASON:

21 Thank you, sir. That's all the  
22 questions I have. Thank you.

23 CAPT NGUYEN:

24 Thank you, sir. Next up is  
25 Anadarko. Any questions for the



1 witness?

2 COUNSEL REPRESENTING ANADARKO

3 PETROLEUM CORPORATION:

4 No questions.

5 CAPT NGUYEN:

6 Thank you, sir. Weatherford?

7 COUNSEL REPRESENTING WEATHERFORD,

8 INC.:

9 No questions.

10 CAPT NGUYEN:

11 Thank you, sir. British

12 Petroleum?

13 MR. GODFREY:

14 Captain Nguyen, Richard Godfrey on

15 behalf of BP. We have no questions,

16 but would like to thank the witness

17 for his service that evening and the

18 following day.

19 CAPT NGUYEN:

20 Yes, sir. Thank you very much.

21 Transocean?

22 MR. KOHNKE:

23 I'm Ned Kohnke, K-O-H-N-K-E.

24 EXAMINATION

25 BY MR. KOHNKE:



1 Q. Mr. Robb, did you, at any time during  
2 this event, travel offshore to the scene?

3 A. No, sir, I did not.

4 Q. When did the Coast Guard assets first  
5 arrive out there? Do you have that time?

6 A. I do have that time. I know it's in  
7 the case package. The first helicopter from  
8 Air Station New Orleans arrived an hour and  
9 four minutes after they were directed to  
10 launch, sir.

11 Q. At that point in time, did the Coast  
12 Guard take over the search and rescue  
13 operation?

14 A. Yes, that's correct. The District  
15 Command Center was the SAR mission coordinator  
16 for that effort.

17 Q. Did the Coast Guard, at that point in  
18 time, when it took over, did it direct the  
19 DAMON BANKSTON in its movements?

20 A. If they did, I'm not aware of that.  
21 Direction may have come from one of the other  
22 watchstanders. But the CASA, the airplane  
23 that was the on-scene coordinator may have  
24 directed some maneuvering by that vessel. I  
25 cannot speak to that with a hundred percent



1 certainty, sir.

2 Q. Would you agree with me that the  
3 DAMON BANKSTON rescued all 115 of the  
4 survivors?

5 A. Yes.

6 Q. And do you know as of what point in  
7 time that had occurred? Was it before the  
8 arrival of the Coast Guard assets or was it  
9 sometime thereafter?

10 A. I believe they may have been somewhat  
11 simultaneous in nature. To the best of my  
12 estimation, or my remembering, the majority of  
13 the people were on the vessel by the time the  
14 Coast Guard arrived on scene, the vast  
15 majority, if not all of them. There may have  
16 been some further recoveries in conjunction  
17 with the Coast Guard assets' arrival.

18 Q. Was there a point in time when the  
19 Coast Guard did, in fact, direct the DAMON  
20 BANKSTON in its movements and control it in  
21 that respect?

22 A. If there was, sir, I'm not aware  
23 personally of that. As I'd indicated, there  
24 may have been some direction from the aircraft  
25 on-scene and there may have been -- there was



1 a myriad of communications out there between  
2 the various assets that I would not have been  
3 privy to. So there may have been some  
4 direction that I'm not aware of, sir.

5 Q. You simply would not have been in  
6 that loop. You're saying that it may have  
7 happened, you just wouldn't know about it?

8 A. That's correct, sir.

9 Q. But you do know that there was a  
10 point in time when Coast Guard rescue swimmers  
11 and I believe you said a flight surgeon  
12 boarded the vessel. So that direction should  
13 have been given to the vessel by those rescue  
14 swimmers or their commander to get the Coast  
15 Guard assets onboard the BANKSTON?

16 A. Oh, there would have been. There  
17 would have been at the point where the  
18 personnel were placed on the vessel, there  
19 would have been specific communications  
20 between the helicopter and the vessel to  
21 establish the operation itself, whether it's a  
22 specific heading the vessel would have had to  
23 have been on, clearing the deck -- all the  
24 those type communications to address a safe  
25 delivery of the people.



1 Q. In addition to the rescue swimmers  
2 and the flight surgeon, did the Coast Guard  
3 put any other personnel onboard the BANKSTON  
4 that day, that morning?

5 A. For the initial response, not that I  
6 know of, sir.

7 Q. Now, you're saying initial response.  
8 I don't know when the initial response ends.  
9 Let me simply ask you this:

10 A. Yes, sir.

11 Q. The following morning, which I  
12 believe would have been the morning of the  
13 21st, which would have been a Wednesday --

14 A. Yes, sir.

15 Q. -- did the Coast Guard personnel  
16 board the DAMON BANKSTON? And I'm talking  
17 about personnel other than, or in addition to,  
18 rescue swimmers and flight surgeons?

19 A. Did I know, no. But then I was not  
20 -- I would not have been involved in the  
21 relief and subsequent transit to Port  
22 Fourchon. That would be a question I would  
23 have to defer to other folks. That would not  
24 have been my focus of involvement once they  
25 were released and proceeded on.



1 Q. Do you know why --

2 CAPT NGUYEN:

3 Excuse me, Mr. Kohnke. Mr. Robb  
4 is here to testify on the search and  
5 rescue aspect. You're asking Coast  
6 Guard personnel other than those  
7 involved in the search and rescue. So  
8 that's something that we -- if you're  
9 looking at the investigation aspect of  
10 it, or other than the search and  
11 rescue, I think we can address that  
12 later. But I don't think he's in a  
13 position to answer those questions.

14 MR. KOHNKE:

15 I think you're correct. He's not.

16 Let me find out who is.

17 BY MR. KOHNKE:

18 Q. Who would be the best person to  
19 answer that question?

20 A. Are you asking me, sir?

21 Q. Yes, other than yourself. Do you  
22 know who at the Coast Guard would be the  
23 person?

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

25 CAPT NGUYEN:



1                   I will schedule to see if I can  
2           have Captain Pete Troedsson. He's the  
3           Chief of Response for 8th Coast Guard  
4           District to see if he can testify. We  
5           can go through other aspects of the  
6           SAR case.

7           MR. KOHNKE:

8                   Thank you.

9           BY MR. KOHNKE:

10           Q. One final question. You mentioned  
11           just now that you apparently were aware that  
12           the DAMON BANKSTON traveled to Fourchon once  
13           it did leave the field; is that correct?

14           A. That was what I had been told, yes,  
15           sir.

16           Q. Was that a decision made by the Coast  
17           Guard, by the DAMON BANKSTON? Do you know who  
18           made that decision to direct the BANKSTON to  
19           Fourchon versus perhaps Venice?

20           A. No, sir, I don't.

21           Q. In terms of proximity, would Venice  
22           through South Pass or Southwest Pass be closer  
23           to the incident site than Fourchon

24           A. It is geographically closer, yes,  
25           sir.



1 MR. KOHNKE:

2 Thank you. That's all I have.

3 EXAMINATION

4 BY MR. DYKES:

5 Q. Given what he's pointed out, what  
6 would be the time distance from transferring  
7 from the location to Venice versus  
8 transferring from the location to Fourchon?

9 A. I can't answer that without knowing  
10 what the speed of advance of the vessel was  
11 and without looking at the distances. It's  
12 shorter, but that being said, that is  
13 something that I would not have looked into  
14 and it would have been beyond the scope of  
15 where I was focused that week, sir.

16 CAPT NGUYEN:

17 Representative from Cameron?

18 COUNSEL REPRESENTING CAMERON INC.:

19 No questions.

20 CAPT NGUYEN:

21 Thank you, sir. Representative  
22 from Dril-Quip?

23 COUNSEL REPRESENTING DRIL-QUIP, INC.:

24 No questions.

25 CAPT NGUYEN:



1 MOEX USA?

2 COUNSEL REPRESENTING MOEX USA:

3 (No response.)

4 CAPT NGUYEN:

5 Okay. Halliburton?

6 COUNSEL REPRESENTING HALLIBURTON:

7 No questions.

8 CAPT NGUYEN:

9 Thank you, sir. Mr. Robb, is

10 there anything additional that the

11 board has not asked that you believe

12 we should know or be aware of?

13 THE WITNESS:

14 Not at this time. No, I don't

15 have anything I can bring up right

16 now.

17 CAPT NGUYEN:

18 Thank you very much for your

19 testimony. At this time, we will take

20 about a ten minute break.

21 (Whereupon, a ten minute break was taken off

22 the record.)

23 CAPT NGUYEN:

24 Please be seated so we can get

25 going with the next witness. At this



1 time, the board will call on the next  
2 witness, Captain Alwin Landry, Master  
3 of the DAMON B. BANKSTON.

4 Captain Landry, would you raise  
5 your right hand, please?

6 \* \* \* \* \*

7 CAPTAIN ALWIN LANDRY,  
8 after being first duly sworn in the cause,  
9 testified as follows:

10 E X A M I N A T I O N

11 BY MR. WHEATLEY:

12 Q. Good morning, Captain, thank you for  
13 coming.

14 A. Good morning.

15 Q. Could you please state your complete  
16 name and spell your last name slowly for the  
17 court reporter?

18 A. My name is Alwin James Landry. Last  
19 name is L-A-N-D-R-Y.

20 Q. And sir, currently where are you  
21 assigned or where are you employed?

22 A. Excuse me?

23 Q. Where are you assigned or currently  
24 employed?

25 A. I am employed with Tidewater Marine



1 and assigned to the motor vessel, DAMON B.  
2 BANKSTON.

3 Q. And in what capacity, sir?

4 A. As a master.

5 Q. Could you briefly outline the scope  
6 of your duties as a master of the BANKSTON?

7 A. As master of the BANKSTON, I  
8 facilitate all safety programs and  
9 assessments, my crew, day-to-day activity,  
10 maintenance of the vessel and register our  
11 customer and service.

12 Q. Could you briefly outline for us your  
13 maritime background and indicate any licenses,  
14 certificates, or documents that you may hold?

15 A. I got my master's license in '98; I  
16 ran master for 12 years. I worked my way up  
17 the deck in industry, AB mate on up. Supply  
18 work is all I've done. I done some well  
19 stimulations work and specially projects with  
20 the company and different other companies.

21 Q. Did you bring a copy of your license  
22 with you here today?

23 A. Yes, I did.

24 Q. Could you provide that to the board,  
25 please?



1 A. (Witness complies.)

2 Q. In addition to that, have you  
3 previously provided to the Coast Guard the  
4 Coast Guard report form 2692 concerning this  
5 incident?

6 A. Yes, I did.

7 Q. And have you provided a copy of the  
8 rough log of the BANKSTON from the date of the  
9 incident and the succeeding days?

10 A. Yes, I did.

11 Q. Thank you, sir. Before we get  
12 started into the actual events of that  
13 particular day and in reviewing the log that  
14 you've provided to the Coast Guard, I've noted  
15 the BANKSTON performed what they described as  
16 "a man overboard fast recovery drill" on April  
17 19th. Could you basically outline for us  
18 what's involved in that evolution for your  
19 vessel?

20 A. The evolution is a man overboard  
21 drill. And with the fast rescue craft, we  
22 don't -- typically at a safety meeting prior  
23 to that we have a JSA for the new members of  
24 the crew to orientate them with the vessel and  
25 the rescue craft itself. That particular day,



1 we had a drill scheduled through our safety  
2 management program as outlined for that week.  
3 And we went ahead, sounded the alarm, lowered  
4 the boat, made her ready, lowered the boat to  
5 the water and ran the boat around and made  
6 sure that it operated properly and which is  
7 also covered in our weekly inspection of it.

8 Q. And did you note any discrepancies or  
9 any problems on that day?

10 A. None.

11 Q. Do you recall who the operator or the  
12 coxswain of the vessel was and who the rescue  
13 individual was assigned that date?

14 A. The day of the drill or the day of  
15 the operation?

16 Q. The drill, sir.

17 A. Actually, my engineer, Anthony  
18 Gervasio performed the drill that day.

19 Q. Thank you. You mentioned the term  
20 "JSA." Could you tell us what that means,  
21 please?

22 A. It's a Job Safety Analysis.

23 Q. What's involved in that, sir?

24 A. That's when we do a pre-task plan of  
25 thinking what we're going to do, outlining any



1 concerns or dangers or anything addressing  
2 safety issues.

3 Q. I'd like to move on here to the  
4 evening of the 20th of April, 2009 -- 2010,  
5 excuse me. Were you on watch on that evening,  
6 sir?

7 A. Yes, I was.

8 Q. And in what capacity were you  
9 serving?

10 A. As master.

11 Q. When did you assume the watch?

12 A. At noon that day.

13 Q. What's the duration of your normal  
14 watch?

15 A. 12 hours.

16 Q. Where were you standing that watch,  
17 sir?

18 A. On the bridge.

19 Q. At the time, could you briefly  
20 describe what activities the BANKSTON was  
21 involved in while alongside the DEEPWATER?

22 A. At the time of the incident, we was  
23 standing by alongside waiting to receive more  
24 liquid mud from the rig.

25 Q. And then when you say "standby" what



1 do you mean by that term, sir?

2 A. There wasn't no activities going on  
3 other than we were in a dynamic position,  
4 holding position next to the rig with the hose  
5 on us waiting to receive more product.

6 Q. And could you describe for us how you  
7 were basically maintaining your position near  
8 the -- near the DEEPWATER, please?

9 A. Yes, the BANKSTON is the dynamic  
10 position vessel which has reference to  
11 location through GPS and a local reference  
12 fanbeam reflector which bounces a laser signal  
13 back and forth to an object that we're at to  
14 maintain position.

15 Q. When you're going to position your  
16 vessel using the dynamic position, the DP  
17 process, could you basically describe what's  
18 in involved in that and the duration or period  
19 of time it takes to do that, to complete that  
20 evolution?

21 A. Yes. Upon approaching the  
22 installation, when we're ten miles out we  
23 contact the bridge HORIZON and give them the  
24 location, another two mile check for any  
25 orders and at 500 meters we do a DP, dynamic



1 position checklist. We go through our whole  
2 system -- position moves, mix manual, full DP  
3 mode, make sure all the systems are up and  
4 operating properly, and that takes  
5 approximately half an hour.

6 Q. Approximately half an hour?

7 A. Right.

8 Q. And is that approximately the period  
9 of time it took on that day?

10 A. We was already in DP mode that day.  
11 We had been on location for a couple of days.

12 Q. Do you recall when you first got on  
13 location?

14 A. Could I refer to my logs?

15 Q. Yes, certainly.

16 A. (Witness reviews documents.)

17 Q. Is this the copy of the same log that  
18 you'd previously provided the Coast Guard?

19 A. For the most part, yes. I believe  
20 what I have here is from the 20th on. I want  
21 to say, from my recollection, I have to look  
22 further back. You don't have a copy of this  
23 portion of it. I believe you have from the  
24 20th on or maybe the 19th, I think was issued  
25 to you. On April 16th, we departed Port



1 Fourchon at 1845 enroute to HORIZON.

2 Q. When did you arrive?

3 A. That would have been the next morning  
4 -- on location at the HORIZON block area at  
5 8:20.

6 Q. Thank you. Now, in referring to your  
7 log in there, you indicate that the BANKSTON  
8 had been involved in a mud transfer. Could  
9 you briefly describe for us what that  
10 evolution is?

11 A. For this mud transfer in particular,  
12 we received a transfer hose from the rig by  
13 the crane. We connected to our connections on  
14 deck to receive a product from them. My crew  
15 goes out and manually connects the hoses,  
16 lines the valves, does a DOI inspection,  
17 pressure test the hose and then wait for  
18 orders from the rig to receive when they start  
19 pumping.

20 Q. And in this particular evolution when  
21 you were preparing to take on mud on the 20th,  
22 what was the relative perspective of the DAMON  
23 BANKSTON in relationship to the DEEPWATER?  
24 Was it port to port, port to starboard? How  
25 were you all aligned?



1 A. Port to port.

2 Q. Thank you. And the transfer was  
3 being made through your portside manifold; is  
4 that correct?

5 A. That's correct.

6 Q. Now for purposes of mud transfers, is  
7 there an agreed upon transfer rate at which  
8 the mud is transferred to you or do you simply  
9 act in a receive mode?

10 A. We act in a receive mode and if we  
11 have any issues with any connections on deck  
12 prior to that, we will discuss it or ask it to  
13 increase or decrease the flow rate. But  
14 typically, there's no issues.

15 Q. On the 20th when you were receiving  
16 the mud transfer, could you estimate for us  
17 approximately how much you were scheduled to  
18 take onboard and also outline for us what your  
19 capacities were on the BANKSTON?

20 A. The BANKSTON the full capacity of  
21 the BANKSTON max capacity is 8,000 barrels.  
22 But to 90 percent we operate about 7,200  
23 barrels. We previously had 1000 barrels  
24 onboard prior to the load that we brought back  
25 out with us from a previous trip. So plenty



1 of room to load what we knew as originally to  
2 be about 5,000 barrels. We got on location.  
3 We set up to receive this for that day and the  
4 first initial load was supposed to be 700 to  
5 1000 barrels of product. Before we started  
6 the transfer, a derrickhand came back to me  
7 and informed me that it would be approximately  
8 4,500 barrels they would pump to us. We  
9 started the transfer -- that was the next day  
10 -- on 1317 -- 1328 we loaded mud -- from 1328  
11 to 1717 we took on mud and they shut us down,  
12 which came out to be approximately 3,100  
13 barrels of mud transferred during that time.

14 Q. Do you recall what the weight of the  
15 mud that was being transferred was?

16 A. Yes, 14 pound mud -- 14 pounds per  
17 gallon.

18 Q. Was the weight of the mud consistent  
19 throughout?

20 A. Yes.

21 Q. To the best of your knowledge, was  
22 the transfer rate consistent throughout the  
23 transfer?

24 A. Yes, it was.

25 Q. I'm going to ask you, Captain, at



1 this point to shift to the events of the 20th  
2 and you certainly are free to refer to your  
3 log there as we go through. To the best of  
4 your knowledge and recollection, could you  
5 briefly outline for us the events of the 20th  
6 and how they unfolded?

7 A. As previously stated, we stopped the  
8 mud transfer around 1717. The rig told us  
9 they would be shutting down for a little  
10 while. I assumed it was for dinner break. I  
11 don't have no confirmation on that. We were  
12 standing by alongside waiting to receive the  
13 rest of the mud. We had a pending crew change  
14 for the day after with a 12-hour run in. I  
15 had concerns about making the CTA with parting  
16 the rig later and what the wait was -- we  
17 hadn't received the rest of the mud. I  
18 contacted the HORIZON bridge at 2100,  
19 approximately, and asked them the status of  
20 the mud. I was informed by the bridge that  
21 they would be displacing the riser here  
22 shortly and we would be receiving the rest of  
23 the mud thereafter. And that was around 2100.

24 Q. When you refer to displacing the  
25 riser, could you basically explain what that



1 means?

2 A. I'm not a driller, so I'm not sure.  
3 Just common knowledge I'm assuming they're  
4 going to be moving mud out of the riser pipe  
5 to discharge it back to us.

6 Q. On the BANKSTON, when you're taking  
7 on mud like that, are you aware of the routing  
8 of the mud from the platform to your vessel?

9 A. Not typically. We've been with  
10 HORIZON for quite a time and most of the time  
11 it's either from a pit or through a shaker  
12 system.

13 Q. On the day in question, are you aware  
14 of what the routing of the mud to your vessel  
15 was?

16 A. No, sir.

17 Q. If you could please continue, sir,  
18 after 2100. I'm sorry for interrupting.

19 A. Right -- 2100, we was advised of  
20 that. We stood by alongside waiting to  
21 transfer. Sometime after that, my mate, who  
22 was also on watch TPO with me, operating  
23 officer on the DP system, was on watch at the  
24 helm, controls at the back windows and I was  
25 back-to-back with him at my desk finishing up



1 some logs and catching up with my paperwork.  
2 And he advised me that there was mud or  
3 something coming out from under the rig. I  
4 started to turn to look and I seen mud falling  
5 on the back half of my boat, kind of like a  
6 black rain. And I was a little annoyed at  
7 first because I thought it might have been a  
8 ruptured hose through a process up there. So  
9 when I seen the magnitude of the mud coming  
10 down we instinctively closed the wheelhouse  
11 doors. I went to the port side and I looked  
12 out up at the derrick and that's when I seen  
13 the mud coming out the top of the derrick. I  
14 came back to the center of the ship,  
15 established contact with the HORIZON and asked  
16 them what was going on. "I'm getting mud on  
17 me." I was advised that they was having  
18 trouble with the well. Momentarily after  
19 that, another voice came over the radio asking  
20 me to go to 500 meter standby. I advised them  
21 I still had a transfer hose onboard. There  
22 was a pause and a response and then shortly  
23 after that, the first explosion at the rig  
24 occurred.

25 Q. If we could just back up for just a



1 minute. You mentioned that the mud was  
2 raining down on you and at one point you could  
3 see it coming out of the top of the derrick.  
4 Could you tell if it was coming from anywhere  
5 else?

6 A. At that point, my focus was on top  
7 the derrick. At that point, it was my concern  
8 for my crew, also, because I knew it was  
9 coming up aft deck and I couldn't see right  
10 behind my cabin on the lower levels. So  
11 simultaneously working radios and I talked to  
12 the bridge. I informed my guys to come inside  
13 away from the deck area. So my focus was  
14 there and it wasn't nowhere else on the rig  
15 until I felt and heard the explosion off the  
16 port side there.

17 Q. During your communication with the  
18 DEEPWATER HORIZON when they indicated they had  
19 trouble with the well, did they expand upon  
20 that or was that the only verbiage that you  
21 recall?

22 A. That was it right there.

23 Q. Now, you indicated they directed you  
24 to basically go to, I believe it was the 200  
25 meter?



1 A. 500 meter standby.

2 Q. 500 meter standby. What does that  
3 mean, sir?

4 A. He wanted me away from the rig at a  
5 500-meter zone and that's where we do all our  
6 checks and approach as a proximity zone.  
7 That's standard.

8 Q. And did you do that?

9 A. I couldn't.

10 Q. And why not, sir?

11 A. I had a transfer hose connected to  
12 the boat still.

13 Q. If the transfer hose is still  
14 connected to the boat and you need to get  
15 away, what's the process for doing that?

16 A. There's two things we could do. I  
17 could use the horsepower of the vessel and  
18 pull the hose or my guys can disconnect the  
19 hose.

20 Q. And does the BANKSTON have emergency  
21 disconnect procedures in place?

22 A. We don't have emergency disconnect,  
23 but the couplings that were used are a quick  
24 release that seal on the ends so they come off  
25 relatively easy, manually.



1 Q. Let's continue then. After you heard  
2 the first explosion, could you describe what  
3 you see -- what you saw, what you felt, what  
4 was going on?

5 A. Well it wasn't too much of a feeling,  
6 just the percussion and a slight hint of a  
7 green flash caught my eye at the rig there and  
8 I seen small bits of debris from the blast fly  
9 through the air. At that point, it was all  
10 pretty much -- it was drilled into us. The  
11 general alarm was going off, assembling my  
12 guys, moving the boat away -- away from the  
13 rig, from the blast area.

14 Q. And how did you execute the  
15 disconnect when you moved away?

16 A. Well, when I was coming away when  
17 they said they had trouble with the well and  
18 the thing come on top the derrick and I heard  
19 the concern in the voice of the operator when  
20 he said they had trouble with the well. I was  
21 talking to my guys on the inner vessel radio  
22 and I wanted to prepare to disconnect because  
23 I didn't feel like I wanted to pull the hose  
24 and take a chance of having excess hose to  
25 foul my props on the boat.



1 Q. At the time of the explosion or  
2 before that, did you smell anything out of the  
3 ordinary or did you see anything out of the  
4 ordinary besides the mud that you described  
5 falling?

6 A. No, one thing they had with the mud  
7 falling was I also heard a high pressure  
8 release of air or gas or something, which is  
9 not uncommon in most drilling outfits.  
10 Depending on what their rams are, you hear a  
11 release every now and again. I did recall  
12 hearing that release right as the mud was  
13 flying.

14 Q. And did you describe or mention that,  
15 or I'm sorry. Did I understand you correctly,  
16 it's not uncommon for that to happen?

17 A. I've heard it before from different  
18 rigs and locations -- this same location we've  
19 heard release high pressure before.

20 Q. Was there anything unusual about this  
21 release as opposed to maybe some of the others  
22 you'd previously heard?

23 A. I think it's the duration of it. I  
24 found them to be short in duration on the  
25 release and this one kind of seemed to go on a



1 little while until the explosion.

2 Q. Could you tell the direction from  
3 which that was coming or just generally the  
4 rig?

5 A. Just the rig, yeah.

6 Q. Once you basically disconnected and  
7 moved away, could you describe what happened  
8 after that?

9 A. As my guys disconnected the hose, I  
10 was moving the boat away. We got to  
11 approximately a hundred meters out,  
12 positioning myself off of their port bow area  
13 because it seemed most of the fire activities  
14 were on the stern of the rig at the time. We  
15 started to pull away and noticed the rig lost  
16 power during that time. But apparently the  
17 vessel sent out mayday calls. They started  
18 getting mayday calls out and assembling at the  
19 muster station and that's when I seen the  
20 first of three or four people jump to the  
21 water from the rig.

22 Q. How soon after the initial explosion  
23 do you recall hearing the mayday calls and  
24 observe the individuals jumping from the rig?

25 A. The time kind of slowed down on us



1 there. I would say within the first ten  
2 minutes.

3 Q. Do you recall the -- to the best of  
4 your recollection, the content of the mayday  
5 calls?

6 A. One of the last mayday calls I  
7 remember, other than hearing the GMDSS, Global  
8 Marine Distress alarms go off, was mayday,  
9 mayday, mayday, the rig's on fire, abandon  
10 ship.

11 Q. Prior to your vessel moving offsite,  
12 do you recall hearing any of the gas alarms  
13 that are onboard the DEEPWATER HORIZON go off?

14 A. No.

15 Q. Once you assumed your position  
16 approximately 500 meters off the DEEPWATER  
17 HORIZON, what did you do next?

18 A. Before I reached my 500-meter  
19 destination there and beyond, as I was moving  
20 away, my crew, as soon as they got the hose  
21 off, they started getting ready the FRC for  
22 recovery. So as I was moving away, they were  
23 launching and I seen the first couple of guys  
24 go to the water with the flash, their  
25 reflective gear. I put the spotlight on them



1 and we started the recovery.

2 Q. Could you estimate for us, sir, or  
3 from your log, do you recall approximately how  
4 much time after the first explosion you were  
5 able to get your fast recovery craft in the  
6 water?

7 A. Approximately 2212 we launched the  
8 FRC, fast recovery craft.

9 Q. So approximately 20 minutes after the  
10 explosion?

11 A. Yes.

12 Q. Do you recall who the crew, or does  
13 your log indicate who the crew of the FRC was  
14 on that evening?

15 A. Yes, my engineer, Anthony Gervasio  
16 and AB engine room assistant, Louis Longlois.

17 Q. In what positions were they serving  
18 respective, sir?

19 A. That day, Anthony was the engineer on  
20 watch and Louis was my AB on watch for that  
21 day.

22 Q. Once they launched the FRC, what type  
23 of action did they take or what type of  
24 actions did you direct them to take?

25 A. Once we zeroed in on the first



1 persons in the water coming toward the vessel,  
2 they started recovering those three and they  
3 brought them back to the ship to get them  
4 onboard.

5 Q. And what was the process for getting  
6 the people out of the water and onto the FRC?

7 A. From what I saw, they just assisted  
8 the person, grabbed them by their gear and  
9 dragged them onboard.

10 Q. Do you recall when the first recovery  
11 from the FRC was made and how many people they  
12 had picked out of the water?

13 A. During that time, I'm pretty sure  
14 there was -- I seen three persons enter the  
15 water. But during that time, my second  
16 captain was on station on the bridge with me  
17 and I was multi-tasking. I was getting  
18 communications out to shore base, trying to  
19 Satphone, and coordinate at that point. So my  
20 crew, I was directing my crew on the main deck  
21 to put out Jacob's ladders to assist in the  
22 recovery. So when they finally got to the  
23 boat I could actually see how many people was  
24 in the boat or how many they recovered the  
25 first trip.



1 Q. Thank you, sir. During the time in  
2 which the FRC was initially underway, do you  
3 recall seeing or could you estimate how many  
4 people you saw actually jump off the rig?

5 A. At that time, three.

6 Q. Do you recall at any particular time  
7 did you ever see the lifeboat from the  
8 DEEPWATER HORIZON launched?

9 A. Yes. After they approached the  
10 BANKSTON with the first persons that jumped in  
11 the water, we observed the lifeboats 1 and 2  
12 from HORIZON lower and disconnect the motor  
13 away.

14 Q. Did you observe anything else out of  
15 the ordinary concerning that evolution?

16 A. Not at that time.

17 Q. And once they launched and got into  
18 the water, what did they do at that point?

19 A. They went out and stood by a few  
20 hundred meters away and we were still moving  
21 during that time to our 500-meter position. I  
22 had my FRC make contact with them to come over  
23 to my starboard side of the vessel, the  
24 outboard side from the rig location, to start  
25 recovering those persons off the rescue boat



1 onto us. During that time the life capsules  
2 from the HORIZON, they established radio  
3 contact with me on the bridge and further  
4 directed them to the starboard side forward.

5 Q. At any point during the abandon ship  
6 evolution, if you will, from the DEEPWATER did  
7 you observe their life raft being lowered?

8 A. Yes. Once the two life capsules were  
9 coming and approaching the boat mooring on the  
10 starboard side, we observed the inflatable  
11 raft lowering to the water and then several  
12 more persons jumping to the water.

13 Q. Was there anything unusual about that  
14 particular evolution, that you can recall?

15 A. Not at that moment, no.

16 Q. Can you approximate for us  
17 approximately what time you saw the life raft  
18 being launched?

19 A. I'm not sure.

20 Q. During the course of the life raft  
21 being deployed at any point in time, did you  
22 ever observe any type of issues or problems  
23 with it?

24 A. What I observed at the time when it  
25 was being lowered with the calm conditions it



1 was and the fire underneath the rig was  
2 spreading on the water. My FRC was going back  
3 to assist those guys. Once they got to them,  
4 they started to pull them away, back them away  
5 from the rig, and the momentum was stopped.  
6 So apparently the raft was still tethered to  
7 the rig by painter line and my AB passed his  
8 knife over to the raft and cut the line loose  
9 to get them away from the fire in the water  
10 and the rig.

11 Q. And were they able to successfully do  
12 that after that point?

13 A. Yes, they were.

14 Q. You indicated that previously, and I  
15 just want to go back for a moment, that  
16 lifeboats 1 and 2 had been launched from  
17 DEEPWATER. Where were they located onboard  
18 the DEEPWATER?

19 A. That's the bow area of the HORIZON.

20 Q. And how about the life raft, sir?

21 A. Same area.

22 Q. Thank you. Now during this  
23 particular time, do you recall approximately  
24 when the first vessel, additional vessel  
25 arrived on scene to assist with the rescue



1 operations?

2 A. Yes. While the life raft was in tow  
3 with those persons in the water, hanging on  
4 the side of the raft, and my vessel is towing  
5 them in, a sports fishing vessel, the RAMBLING  
6 WRECK, was first on scene and he started  
7 searching the immediate vicinity around the  
8 rig when they was towing them back to the  
9 boat.

10 Q. Did you provide any direction to him  
11 or did he basically just pretty much take on  
12 the action on his own?

13 A. At first we got there, it's my  
14 understanding that, I think it was Captain  
15 Curt of the HORIZON requested that fishing  
16 boats to start search patterns. He was one of  
17 the persons in the water with the life raft.

18 Q. Thank you. You indicated earlier  
19 that there was a number of distress calls  
20 made. At any point in time, do you recall  
21 making additional distress calls on behalf of  
22 the DEEPWATER HORIZON?

23 A. My communications out at that time,  
24 I tried satellite phone board through shore  
25 base and was unsuccessful with the connection



1 and I sent a group email, a standard report, a  
2 nightly report to multiple persons in BP's  
3 organization dispatchers of the rig blowout  
4 and requested help.

5 Q. Do you recall approximately what time  
6 that happened, Captain?

7 A. I want to say that was at 2204, that  
8 start of the recovery.

9 Q. Now, shortly after you did that, I  
10 believe, according to your log, the first  
11 Coast Guard asset arrives on scene. Could you  
12 describe what you saw when that happened?

13 A. The first Coast Guard assets were on  
14 scene was at 2322. It was a Coast Guard  
15 helicopter. I believe it was 6605. He  
16 established radio contact with me and I gave  
17 him my lat and longitude position and he  
18 sectored in on us and he told me he would be  
19 lowering a rescue swimmer onboard who would  
20 command and coordinate the medevac of  
21 personnel and assess the injured onboard, the  
22 more criticals.

23 Q. Did that evolution occur?

24 A. Yes, it did.

25 Q. Could you briefly describe what the



1 rescue swimmer did once he got on deck of your  
2 vessel?

3 A. Once he came onboard the vessel --  
4 One thing did stand out was that due to the  
5 mud on the aft part of the boat it was a very  
6 slick environment. With the downdraft of the  
7 helicopter he actually slid across the deck to  
8 the assist of my crew and a couple of  
9 Transocean personnel that were on scene back  
10 there. He came forward to the ship's hospital  
11 area and I'm assuming he assessed persons down  
12 there. I had a couple of mates down there  
13 assisting them with the Transocean medics.

14 Q. Thank you. Now during any period in  
15 time after the initial explosion, did you  
16 receive additional medical supplies, and if  
17 so, where did they come from?

18 A. Yes, we did. The RAMBLING WRECK was  
19 still in the vicinity. I made radio contact  
20 with him and I believe it was the MAX CHOUEST,  
21 he went over to the anchor handling boat,  
22 which was the first commercial boat on scene  
23 within that first hour or so, who also did  
24 close searches. I requested any additional  
25 medical supplies from him. The RAMBLING WRECK



1 went over and retrieved them for us and then  
2 throughout several hours later, we did receive  
3 medical supplies from a couple of different  
4 locations and boats and platforms.

5 Q. Thank you. Now, after the rescue  
6 swimmer arrived onboard your vessel, could you  
7 approximate for us when the first medical  
8 evacuation took place?

9 A. I believe we have that actually  
10 listed here -- six minutes after midnight on  
11 the 21st the first person was evac'd off the  
12 boat.

13 Q. And were there successful persons  
14 evacuated after that?

15 A. Yes. Throughout the night, the next  
16 few hours -- just bear with me here with the  
17 logs.

18 Q. Certainly.

19 A. By 4:25 that morning, all injured  
20 persons were evac'd off, 16 of them.

21 Q. Thank you, sir. During the course of  
22 the operations and the evacuations from the  
23 vessel, can you tell us how many Coast Guard  
24 rescue swimmers were deployed to your vessel?

25 A. I personally seen at least four to



1 five of them were onboard.

2 Q. At any one point in time do you  
3 recall a flight surgeon being lowered to your  
4 vessel?

5 A. To the best of my knowledge, I don't  
6 recall exactly what their ranks are or  
7 specialities were, no.

8 Q. Thank you. Over the course of the  
9 evening there, could you estimate for us how  
10 many different Coast Guard aircraft you  
11 actually observed?

12 A. I believe I have that listed  
13 somewhere in my notes maybe, but I would say  
14 at least -- at least five -- four to five of  
15 them, yes.

16 Q. And how about Coast Guard vessels?

17 A. I think I observed the first cutter  
18 onboard -- on the scene around 3:18, 3:15 that  
19 morning.

20 Q. Do you recall what vessel that was,  
21 sir?

22 A. That would be the POMPANO.

23 Q. Thank you. During the course of the  
24 medical evacuation and the rescue operations,  
25 were there firefighting operations going on,



1 as well?

2 A. At one point, yes.

3 Q. To the best of your knowledge, what  
4 was the coordination of those firefighting  
5 operations?

6 A. Meaning?

7 Q. Were you involved in the direction,  
8 the assignment, the tasking of vessels going  
9 to fight the fire at all?

10 A. No, I wasn't.

11 Q. Do you know if anybody else was on  
12 scene conducting those or was it simply the  
13 response of the available vessels?

14 A. I think it was a general response. I  
15 do recall one vessel didn't request any name  
16 and Captain Curt of the HORIZON requested  
17 firefighting to the rig.

18 Q. So the rig basically requested the  
19 firefighting assets?

20 A. Yes.

21 Q. To the best of your knowledge, and  
22 then maybe contained in your log, do you  
23 recall how many firefighting vessels actually  
24 arrived on scene?

25 A. I don't think I have an accurate



1 number on total firefighting vessels, but at  
2 one point I do know there was four to six of  
3 them.

4 Q. During the course of the search and  
5 rescue operations, at one point was there a  
6 report of an overturned life raft?

7 A. Yes, there was.

8 Q. And how did you respond to that, sir?

9 A. We had multiple vessels approaching  
10 small vessels, crew boats and other utility  
11 vessels. As they came on scene, they  
12 contacted us because we was already  
13 established there and requested that they  
14 start search patterns of those areas. I  
15 believe it was the GULF PRINCESS, possibly --  
16 let me check my notes here. At 3 o'clock that  
17 morning, I remember hearing communications the  
18 GULF PRINCESS seeing an overturned life boat  
19 and I requested he find anything and he  
20 informed me he didn't in that vicinity.

21 Q. Thank you, sir. At some point  
22 obviously you recovered your fast recovery  
23 craft. Do you recall what time that was?

24 A. At 4:26 FRC was back onboard and  
25 secured in its rack.



1 Q. An in making the decision to take the  
2 FRC back onboard, what type of factors did you  
3 consider?

4 A. The multiple vessels on scene; the  
5 continued search pattern. We started from  
6 close in and continued outward. We felt my  
7 rescue boat was best served back in its  
8 cradle.

9 Q. Thank you, sir. And what were the  
10 ongoing firefighting efforts at that point in  
11 time? Do you recall?

12 A. I believe at that time we had at  
13 least four boats applying water to outer  
14 areas. They had a lot of secondary fires and  
15 explosions from the outer edges of the rig at  
16 that time.

17 Q. Now, at one point during the search  
18 and rescue efforts, the Coast Guard cutter  
19 ZEPHYR arrived on scene. Could you tell us  
20 when that occurred, sir, and then what, if  
21 anything, additional happened at that point?

22 A. Yes, at that point right prior to the  
23 ZEPHYR's arrival on scene, I spoke with the  
24 POMPANO requesting release of the scene and he  
25 said to make a phone call and then he informed



1 me that the ZEPHYR would be coming on the  
2 scene. And they arrived on scene  
3 approximately around 7:20 the ZEPHYR was on  
4 station. I spoke to the ZEPHYR and they  
5 informed me I was free to leave the scene and  
6 they requested my voyage plan.

7 Q. Did you provide that information to  
8 them?

9 A. Yes, to the best of my knowledge at  
10 that time, first I gave them MAKITA location,  
11 which was Plan 1, but then that got changed  
12 before we actually departed and we went to the  
13 OCEAN ENDEAVOR.

14 Q. You indicated that when the ZEPHYR  
15 arrived they basically had released you to go  
16 and continue your operations at that point in  
17 time. At any point up until that particular  
18 point had you asked to depart the area or to  
19 discontinue search and rescue operations?

20 A. No, I did not.

21 Q. What was your rationale for staying  
22 on station as long as you did?

23 A. I stayed on station as long as I did  
24 due to the concern for the 11 missing and the  
25 potential of having someone in the debris



1 field or adrift.

2 Q. Thank you, Captain. At the time,  
3 what -- approximately what time did you depart  
4 from the vicinity of the DEEPWATER HORIZON.

5 A. We got underway at 18 -- excuse me,  
6 8:13 that morning.

7 Q. What was your route back to Port  
8 Fourchon?

9 A. First we went to the ENDEAVOR, 14  
10 miles away. We offloaded four personnel to  
11 the MAX CHOUEST, BP/Transocean personnel. We  
12 received two Acadian medics onboard to assist  
13 the rig's medics for the journey in, and we  
14 also got some water and tobacco products from  
15 the other boat for the survivors onboard.

16 Q. Do you recall, sir, who directed you  
17 to take that particular route to go from the  
18 DEEPWATER HORIZON to the OCEAN ENDEAVOR?

19 A. BP/Transocean reps onboard.

20 Q. Thank you, sir. And how long did you  
21 stay on station there with the OCEAN ENDEAVOR?  
22 Do you recall or does your log indicate, sir?

23 A. Yes. From 09:49 to 10:28 we did the  
24 transfers and was underway to the MATTERHORN  
25 under the direction of the Coast Guard at



1 10:28.

2 Q. From the time that you departed the  
3 OCEAN ENDEAVOR, what was your estimated time  
4 of the journey to get to the MATTERHORN?

5 A. Roughly about three and a half hours.

6 Q. The course that you took enroute to  
7 the MATTERHORN, was that generally the same  
8 direction as your voyage back towards Port  
9 Fourchon?

10 A. That's correct. It's right on the  
11 course line.

12 Q. So it was right on the course line?  
13 You didn't have to deviate --

14 A. Thereabout -- Basically, we had to  
15 deviate for most transits, depending on  
16 traffic and shipping lanes.

17 Q. Certainly. And approximately what  
18 time did you arrive at the MATTERHORN, sir?

19 A. Arrival at the MATTERHORN was 1409.

20 Q. And when you arrived on scene at the  
21 MATTERHORN, what transpired at that point?

22 A. We did a DP check, set upon DP,  
23 waited for the Coast Guard representative and  
24 some Tidewater representatives to come  
25 onboard.



1 Q. From the time that you arrived in the  
2 vicinity of the MATTERHORN until the time that  
3 you were positioned using DP, approximately  
4 what period of time elapsed?

5 A. Thirty minutes for our DP check and  
6 set up to build a good mod on your DP system  
7 and then we moved in position. At 1439 to  
8 1522, we were standing by under the rig  
9 awaiting transfers.

10 Q. And then once you were successfully  
11 in position as directed, what evolution  
12 transpired at that point?

13 A. We did a transfer of personnel and  
14 some more items for the survivors from the  
15 MATTERHORN. Rig personnel from the  
16 MATTERHORN, half of them wanted tobacco  
17 products, coveralls for those who still didn't  
18 have enough to wear and water.

19 Q. When you arrived at the MATTERHORN  
20 are you aware of whether or not the Coast  
21 Guard passengers were taken onboard and the  
22 MMS passengers were taken onboard, were they  
23 already present?

24 A. What, the MATTERHORN?

25 Q. At the MATTERHORN when you arrived.



1           A. The Coast Guard/MMS was there about  
2 the same time I got there.

3           Q. Did you have to delay your departure  
4 because of their arrival?

5           A. Not for Coast Guard.

6           Q. Thank you, sir. Now, you indicated  
7 that once you departed or were departing the  
8 MATTERHORN, your next stop was going to be  
9 Port Fourchon. At whose direction were you  
10 told to go to Fourchon. I guess there's a  
11 little question that there may have been a  
12 closer location possibly in Venice.

13          A. Port Fourchon is our normal operation  
14 as the direction of BP.

15          Q. Is one port or the other easier to  
16 get into for a vessel like yours?

17          A. Yes.

18          Q. How so, sir?

19          A. For my vessel, with local knowledge  
20 and area of normal operation, Port Fourchon is  
21 more familiar and just is close if you've got  
22 to calculate running up against the current in  
23 the river. It's a facility that they're not  
24 aware of that they don't have there. I  
25 haven't worked for BP out of Venice or



1 anything like that.

2 Q. Are there any restrictions on your  
3 vessel going into Venice with respect to speed  
4 or other things like that?

5 A. No, sir.

6 Q. Approximately what time did you  
7 depart the MATTERHORN enroute to Port  
8 Fourchon, sir?

9 A. 1549 I had my vessel secured and  
10 underway.

11 Q. And how long of a voyage is it  
12 roughly for planning purposes to go from where  
13 the MATTERHORN was located to Port Fourchon?

14 A. If I recall, I think it was roughly  
15 nine hours or thereabouts. Let me see. Yeah,  
16 a little more than nine hours at that time.

17 Q. Is that a pretty standard transmit  
18 time for that voyage, sir?

19 A. Yes, with our current draft and  
20 vessel time and transit in. It was average  
21 speed.

22 Q. During the time of your transit from  
23 the MATTERHORN into Port Fourchon, did any  
24 crew evolution, such as crew change or things  
25 along that line take place?



1 A. Excuse me?

2 Q. Change of watch, I'm sorry. Did you  
3 have a change of watch during the voyage?

4 A. From the MATTERHORN in?

5 Q. Yes.

6 A. Yes. Prior to arriving at the  
7 MATTERHORN, I had a mate, and a AB go to get  
8 some rest for the transit in. My second  
9 captain also stayed up for the transit all the  
10 way in. From when we left the MATTERHORN, I  
11 went to bed for a few hours because I would be  
12 transiting the channel with personnel going  
13 in.

14 Q. So you went to bed for a little while  
15 and then you got back up before you arrived at  
16 Port Fourchon; is that correct?

17 A. Correct.

18 Q. And you were serving as master upon  
19 your arrival at Port Fourchon?

20 A. That's correct.

21 Q. Thank you. According to your logs,  
22 or to the best of your recollection,  
23 approximately what time did you arrive at Port  
24 Fourchon, sir?

25 A. We were secure in Slip 1 at C Port 1,



1 Port Fourchon at 1:27.

2 Q. And once you arrived, could you  
3 describe for us what happened at that point?

4 A. Once I docked the boat and got  
5 secured and the gangway was set out, all  
6 passengers onboard had their PFDs onboard and  
7 disembarked the vessel.

8 Q. Could you approximate for me, sir,  
9 how long that took to get all the passengers  
10 onboard off the vessel?

11 A. Roughly a half an hour, 25 minutes.

12 Q. And once the passengers departed the  
13 vessel, do you know what happened next with  
14 regard to the passengers?

15 A. Once they disembarked the vessel?

16 Q. Right.

17 A. What I seen is they went through a  
18 line and were met by Transocean, BP staff and  
19 they did a urinalysis test.

20 Q. Could you approximate for us, sir,  
21 how long that evolution took?

22 A. I do not know.

23 Q. With respect to the BANKSTON once you  
24 arrived, what actions or transactions occurred  
25 with regard to the crew?



1           A. With my crew onboard, we also stood  
2 by and waited for a facilitator to come by and  
3 we had a urinalysis test, also. And we were  
4 just gathering our equipment and making sure  
5 of the boat's condition and change of watches  
6 and getting ready for normal activities.

7           Q. And from your understanding, sir, in  
8 an incident like that, is the drug testing of  
9 your crew standard procedure?

10          A. Any incident that the tower is  
11 normally involved in or nearly associated with  
12 we do random drug screening and drug screening  
13 is a standard item.

14                   CAPT NGUYEN:

15                               Captain, I've got a few questions  
16 for you.

17                               E X A M I N A T I O N

18                   BY CAPT NGUYEN:

19           Q. Did the BANKSTON recover all of the  
20 survivors, sir?

21           A. Yes, sir. I'm pretty confident  
22 everyone that was able to abandon ship from  
23 the HORIZON was recovered.

24           Q. Now, when it comes to firefighting  
25 efforts, what is your understanding of Coast



1 Guard policy in terms of responsibilities of  
2 coordinating firefighting efforts out there,  
3 offshore?

4 A. I have no knowledge of Coast Guard  
5 policy in firefighting efforts.

6 Q. But from your testimony the master of  
7 the DEEPWATER HORIZON requested assistance  
8 from nearby vessels and coordinated  
9 firefighting efforts; is that correct?

10 A. Yes.

11 Q. As far as the transferring procedure,  
12 my understanding is that with the Coast Guard  
13 when there's a transfer between a commercial  
14 vessel and a facility, there is declaration of  
15 inspection that sign off between the two  
16 parties before transfer takes place. Is there  
17 such a mechanism between like a MODU and an  
18 OSV or BANKSTON to receive the mud? Is there  
19 a formal procedure to declare proper  
20 conditions for transfer?

21 A. For the mud transfer?

22 Q. Yes, sir.

23 A. Yes, sir -- DOI, Declaration of  
24 Inspection.

25 Q. Can you tell me what items on that



1 DOI?

2 A. There's multiple items on it and just  
3 basically you interrogate the hose, any  
4 weather conditions, any outstanding items.

5 Both parties agree everything is in  
6 satisfactory condition to continue.

7 Q. So that gets signed off both by the,  
8 I believe the --

9 A. That document is normally signed by  
10 the engineer and the derrick hand.

11 Q. Who on the BANKSTON signed that  
12 document before transfer took place?

13 A. Engineer Anthony Gervasio.

14 Q. To your knowledge, that was done  
15 prior to transfer?

16 A. Yes, that's correct.

17 Q. Now, I haven't been onboard the  
18 BANKSTON yet -- wait, let me get back. On the  
19 DOI Captain Wheatley asked about the  
20 characteristics of the mud and you talked  
21 about the weight of 14 pounds per gallon, I  
22 believe.

23 A. Yes.

24 Q. Now, does it specify any other  
25 characteristic of the mud like the



1 composition?

2 A. No, not to my knowledge.

3 Q. So if there are flammable substance,  
4 gas, whatever, in the mud, you would -- it  
5 would not be declared on that DOI?

6 A. No, not to my knowledge.

7 Q. Now, as far as your -- I haven't been  
8 aboard the BANKSTON as far as your holding  
9 tank, your mud holding tanks, could you tell  
10 me what over pressure protective system on  
11 those tanks? Are there pressure relief  
12 valves?

13 A. These are open tanks. They are  
14 vented through vents on decks to containments  
15 and we do loading procedures. We have an  
16 inspection plug that's open. We do a visual  
17 inspection as the tank's loaded.

18 Q. These are open tanks. Are they next  
19 to an area with a source of ignition, like an  
20 engine?

21 A. No, everything's on deck.

22 Q. And there's no pumps around on deck  
23 nearby?

24 A. No.

25 Q. How about intake for the engine, for



1 your engine room?

2 A. The engines are on the upper levels  
3 on the cabin.

4 Q. So they are not near where the mud  
5 tanks are?

6 A. No. Sir, we don't load flammable  
7 liquids.

8 Q. Well, my point is that since you  
9 don't -- the only thing you know about the mud  
10 is the weight?

11 A. Right.

12 Q. So if there are other hazards in the  
13 mud and you're not aware of it, there could be  
14 an explosive hazard you're not aware of?

15 A. Right.

16 Q. That's my point. Okay. Got it. Now,  
17 in terms of declaring the characteristic of  
18 the mud, only the weight in this case is  
19 declared. Is that standard industry practice?

20 A. Yes.

21 Q. Now, Captain Wheatley asked you about  
22 emergency disconnect procedure for your vessel  
23 and the DEEPWATER HORIZON. You say that  
24 there's not such procedure in place?

25 A. Nothing automated.



1 Q. What's that?

2 A. No automated procedures for  
3 disconnect.

4 Q. No, but is there a written  
5 understanding between the DEEPWATER HORIZON  
6 and your vessel in case of an emergency that  
7 both parties understand what they need to do?  
8 Is there such an agreement --

9 A. A document? No there's no document  
10 of that nature.

11 Q. Is that industry standard?

12 A. To my knowledge, yes.

13 Q. Now, when there's a release from the  
14 DEEPWATER HORIZON in terms of fluids stop  
15 flowing. Now, there was some debris that  
16 landed on the BANKSTON; is that correct? Mud?

17 A. Mud, yes.

18 Q. Can you describe the characteristics  
19 of the mud that landed on the BANKSTON?

20 A. Very slippery from what I could only  
21 see. From my vantage from being on the bridge  
22 during the incident I didn't smell it, I  
23 couldn't feel it. I just could only see it as  
24 being dark, muddy and slick.

25 Q. Was any of that debris collected by



1 Coast Guard or MMS investigators to your  
2 knowledge, that you know of?

3 A. I've heard.

4 Q. But you didn't see the sample that  
5 was taken off of the BANKSTON?

6 A. No, I did not.

7 Q. Was any of your crew members witness  
8 to the Coast Guard/MMS investigator collecting  
9 the rock sample -- I mean, the mud sample?

10 A. I believe they would have been.

11 Q. But you don't know who it is?

12 A. No, I'm not sure. We had a crew  
13 change that next morning and I went home that  
14 evening.

15 Q. I would like to request that -- do a  
16 query and identify the individual that  
17 interacted with the Coast Guard/MMS  
18 investigator that those samples were properly  
19 transferred to government custody. If you  
20 could do that, I'd appreciate it.

21 MR. LABORDE:

22 Would that be the responsibility  
23 of the company and not the captain?

24 CAPT NGUYEN:

25 That's correct. So that would be



1 Tidewater, if I can request that on  
2 the record.

3 MR. LABORDE:

4 We will do that.

5 CAPT NGUYEN:

6 Thank you very much.

7 BY CAPT NGUYEN:

8 Q. Now, you were saying that the fast  
9 recovery craft had to go to the life raft that  
10 was attached to the HORIZON, correct?

11 A. Correct.

12 Q. And you're saying that the FRC crew  
13 had to provide a knife to cut the line; is  
14 that correct?

15 A. That's correct.

16 Q. Do you know why there was not a knife  
17 in the life raft?

18 A. I do not know why.

19 Q. Do you know why the HORIZON crew  
20 member did not have a knife on them to cut the  
21 line if there was not a knife in the life  
22 raft?

23 A. I'm not sure why they weren't  
24 carrying a knife.

25 CAPT NGUYEN:



1                   I'll pass it on to you, Mr. Dykes,  
2           with MMS now.

3                   E X A M I N A T I O N

4   BY MR. DYKES:

5       Q. Let's back up to the beginning  
6       somewhat. You're laying alongside the rig  
7       port to port?

8       A. That's correct.

9       Q. So that puts your bow at the aft of  
10      the rig, correct?

11      A. Correct.

12      Q. Now, you're sitting at your desk and  
13      you're chief mate is standing watch. When he  
14      told you that something was coming down on --  
15      coming from the rig, what exactly did he  
16      describe to you?

17      A. I don't remember word for word, but  
18      he said something of the effect of mud coming  
19      under the rig or something.

20      Q. Coming from under the rig?

21      A. Right.

22      Q. Okay. And then when you turned  
23      around you saw mud coming where?

24      A. Falling onto the aft of the boat.

25      Q. From underneath the rig?



1 A. No.

2 Q. No.

3 A. No, I didn't see anything from  
4 underneath the rig. When I stood up to look  
5 aft I seen mud falling aft of the boat and my  
6 vision was up. When I seen mud coming down,  
7 like I said I didn't want it to get into the  
8 wheelhouse area because we have aluminum  
9 doors, steel doors. We were making sure we  
10 batten down the steel doors to keep any mud or  
11 debris from coming in the cabin in toward the  
12 interior. At that time, I went to the port  
13 side and looked up out of the side window and  
14 seen it coming out of the top of the derrick.

15 Q. You saw it up in the derrick or just  
16 coming out the top of the derrick?

17 A. Out of the top of the derrick.

18 Q. Out of the top of the derrick. But  
19 what was your field of view of the derrick?  
20 How much of the derrick could you see from  
21 your vantage point?

22 A. All the way up.

23 Q. All the way up?

24 A. Yep.

25 Q. How much -- how far down could you



1 see in the derrick?

2 A. All the way to about where the drill  
3 floor is at past a few buildings and skirting  
4 around there.

5 Q. So you could see the mud in that area  
6 coming up, as well?

7 A. No.

8 Q. From your vantage point there you  
9 mention you saw a green flash. Exactly where  
10 did you see that in relationship to where you  
11 were on the rig or where you were stationed  
12 at?

13 A. I was stationed on the center console  
14 steering the boat and through the support  
15 window. The green flash was coming from the  
16 main deck area aft of the derrick.

17 Q. The main deck to the aft?

18 A. Right. The height of my vessel is  
19 pretty much even with the main deck of the  
20 HORIZON.

21 Q. All right. So you've got a pretty  
22 good vantage point of everything on the deck  
23 right there?

24 A. Pretty much, from the wheelhouse.

25 Q. From the wheelhouse, correct. So at



1 the time of the incident though, you were not  
2 in the -- in the transfer -- you were not  
3 taking mud from the rig?

4 A. No. We was idle.

5 Q. You were standing by. Now, that --  
6 you had taken mud from roughly 1230 that day  
7 to, I think I recorded here 1717?

8 A. Yes.

9 Q. So for roughly five hours you pumped  
10 -- or they pumped roughly 3,100 barrels to  
11 you, correct?

12 A. Correct.

13 Q. And then you were standing by until  
14 further orders to begin pumping again?

15 A. Correct. And I would be receiving,  
16 not pumping.

17 Q. Yeah, they were pumping.

18 A. Correct.

19 Q. Excuse me. You're talking to an old  
20 production hand so you have to have a little  
21 sympathy for me. Now, when you saw the mud  
22 coming down on top of the vessel, did you see  
23 any rocks in it? There's some issues  
24 regarding some rocks that were covered from  
25 the deck of your boat? Did you -



1           A. Rocks -- hard to say. I didn't see  
2 anything specific or anything other than just  
3 mud coming down that I could identify.

4           Q. Now, once you reached C Port in  
5 Fourchon, it's my understanding that, I guess,  
6 BP came out and did a survey of your vessel at  
7 some point in time and they picked up rock  
8 samples or pieces of material would appear to  
9 be rock, maybe cement off the deck of your  
10 boat. Are you aware of that?

11          A. Just hearsay. I was not there for  
12 that incident either.

13          Q. Who would have been there?

14          A. My relief captain.

15          Q. Your relief captain, okay. And his  
16 name is?

17          A. Michael Trigg.

18          Q. Tregg?

19          A. Trigg, T--R-I-G-G.

20          Q. Now, at what point did you notice  
21 that the rig lost power? Was that between the  
22 first and second explosion or -- when did you  
23 notice it?

24          A. As I was moving away, I noticed the  
25 lights went out.



1 Q. And both of those -- that was, I  
2 guess, following the second explosion?

3 A. To my knowledge, I really recall the  
4 first explosion and I was in, you know, safety  
5 mode at that time. I knew a lot of activity  
6 was happening on the rig, but I don't recall a  
7 large or a second explosion other than  
8 secondary, smaller explosions from chemicals  
9 on deck or tanks.

10 Q. Did you see any emergency lighting  
11 come back on on the rig as you pulled away?

12 A. Yes, I did.

13 MR. DYKES:

14 I don't have any further questions  
15 at this point. I'm going to defer to  
16 Jason.

17 E X A M I N A T I O N

18 BY MR. MATHEWS:

19 Q. During your communication with the  
20 rig, was there any indication of where they  
21 were in the well before the offloading process  
22 took place?

23 A. No.

24 Q. Is there ever any communication with  
25 the engineer or anybody onboard of any type of



1 risk that may occur during the offloading  
2 process?

3 A. Not to my knowledge, no.

4 Q. Have you been back to work since the  
5 incident?

6 A. Briefly.

7 Q. To your knowledge, has Tidewater put  
8 out any internal documents regarding the  
9 process of offloading from vessels to the OSV?

10 A. No.

11 MR. MATHEWS:

12 Thank you.

13 EXAMINATION

14 BY MR. McCARROLL:

15 Q. Can I ask one question on the  
16 clarification of the volume. When you got to  
17 port, what was your volume of the mud total?

18 You had a 1,000 barrels from the other

19 loading -

20 A. Correct.

21 Q. -- and you loaded how much from  
22 HORIZON?

23 A. Approximately 3,100 barrels from the  
24 HORIZON which gives a total of 4,100 barrels  
25 onboard.



1 MR. McCARROLL:

2 Thank you.

3 CAPT NGUYEN:

4 Captain, I have a couple more  
5 questions for you.

6 EXAMINATION

7 BY CAPT NGUYEN:

8 Q. Based on your certificate of  
9 inspection issued by the Coast Guard, what's  
10 the highest grade of flammable liquid your  
11 vessel is authorized to carry?

12 A. I'd have to look at the document to  
13 verify.

14 Q. Please do.

15 A. (Witness reviews documents.)

16 MR. KOHNKE:

17 Captain, while that's taking  
18 place. Do you have copies of the log  
19 that you can share with the rest of  
20 us?

21 CAPT NGUYEN:

22 What log, sir?

23 MR. KOHNKE:

24 Apparently, the rough log the  
25 witness has been looking at. I don't



1 know if you have it or now, but we do

2 not --

3 CAPT NGUYEN:

4 We can provide it to you.

5 MR. KOHNKE:

6 Okay, sir. Thank you.

7 THE WITNESS:

8 Grade E.

9 BY CAPT NGUYEN:

10 Q. Are you -- is your vessel allowed to  
11 carry any combustible cargo?

12 A. Noncombustible -- Grade E or lower,  
13 noncombustible drilling fluids.

14 Q. How do you insure that the mud coming  
15 to your vessel does not violate the condition  
16 of your COI in terms of the type of cargo you  
17 can carry? If the only thing that we know  
18 about the cargo, the mud, is the weight? How  
19 do you know?

20 A. There's no definite document to prove  
21 that or that we sign off on. Now, when we  
22 load from the dockside we have loading sheets  
23 and MSDS sheets from the dock. We don't -- we  
24 get one from the rig for, in this particular  
25 case, mud coming back.



1 Q. So there's no way for you to know  
2 what's coming onto your vessel?

3 A. Only the original MSDS that's  
4 originated with the mud.

5 Q. But that mud has been -- the  
6 characteristics has been -- I'm not a  
7 petroleum engineer, but I would assume that --  
8 I'm not saying when it went down, but when  
9 coming back up it would have other substance  
10 in it from the well hole that would change --  
11 it would not be the same as what's on the MSDS  
12 that you --

13 A. There's a possibility, yes.

14 Q. So my point is that -- so there's  
15 conditions for what you're authorized to  
16 carry. The substance coming back over,  
17 there's no way for you to know whether that's  
18 within your authorization or not; is that  
19 correct?

20 A. That's correct.

21 CAPT NGUYEN:

22 Thank you.

23 MR. WHEATLEY:

24 Captain, I just have a couple real  
25 quick follow-up questions concerning



1           your log.

2                           E X A M I N A T I O N

3   BY MR. WHEATLEY:

4           Q.   During the course of the events on  
5   the 20th, the 21st, who was recording the  
6   events in the BANKSTON'S log?

7           A.   There was multiple note-taking on the  
8   bridge between myself, the second captain and  
9   a couple BP personnel and Transocean  
10   representatives there.

11          Q.   Does the BANKSTON, or does Tidewater  
12   have a policy on how often and after events  
13   and things of such this nature items are  
14   supposed to be recorded in the log?

15          A.   The Coast Guard requires 24-hours to  
16   make entries.

17          Q.   And did you follow those guidelines  
18   in creating this log that we've been  
19   discussing here today?

20          A.   To the best of my abilities, yes.

21                           MR. WHEATLEY:

22                           Thank you, sir. I have nothing  
23                           further.

24                           E X A M I N A T I O N

25   BY MR. DYKES:



1 Q. As I understand, you have a vessel  
2 layout of the DAMON BANKSTON with you?

3 A. Yes, we do.

4 Q. And you're ready to present that to  
5 the board?

6 A. Yes. (Witness complies.)

7 Q. Captain, one follow-up question. I  
8 understand that your mud tanks are vented to  
9 the deck of the boat; is that correct?

10 A. That's correct.

11 Q. And they're vented inside  
12 containment?

13 A. Yes.

14 Q. And those hatches for those tanks are  
15 on the deck of the boat. They do not open up  
16 inside the hull of the vessel, correct?

17 A. That's correct.

18 Q. And those are atmospheric tanks.  
19 Those are not pressurized tanks, correct?

20 Q. That is correct, sir.

21 A. So they're gravity fed to some sort  
22 of pump in your hole and then they're pumped  
23 from the vessel back to the rig, correct?

24 Q. Yes.

25 MR. DYKES:



1 I believe that's all of my  
2 questions for the time being. Thank  
3 you, Captain.

4 THE WITNESS:

5 You're welcome.

6 CAPT NGUYEN:

7 Representative of the flag state,  
8 do you have any questions?

9 MR. LINSIN:

10 Thank you, Captain. Good morning,  
11 Captain Landry.

12 THE WITNESS:

13 Good morning.

14 E X A M I N A T I O N

15 BY MR. LINSIN:

16 Q. First of all, Captain, on behalf of  
17 the Republic of the Marshall Islands, I would  
18 like to commend you, sir, and the members of  
19 your crew for all of your efforts that evening  
20 and for the heroic and successful recovery of  
21 mariners from this casualty operation.

22 I have a couple of questions I'd just like  
23 to try and make sure I understand, Captain.

24 Did I understand you to testify correctly that  
25 at one point during the evening there were 46



1 separate vessels on scene attempting to  
2 suppress the fire on the rig; is that correct?

3 A. Four to six.

4 Q. Four to six.

5 A. Right.

6 Q. Thank you. And do you know which of  
7 those vessels -- which vessels were attempting  
8 to suppress the fire?

9 A. I know a few vessels in close  
10 proximity. I'm not sure if I documented all  
11 of that or not. (Witness reviews documents.)  
12 Yes, I got a list of four boats here that were  
13 additionally in the water, SEACOR LEE, a  
14 supply vessel; a crew boat, GULF PRINCESS; a  
15 supply vessel, NORBERT; and, supply vessel  
16 MONICA ANN. Then approaching -- soon after  
17 that there were some more vessels, BEE STING,  
18 KATRINA FAGAN, also took a firefighting  
19 positions around the rig.

20 Q. And as best you were able to monitor  
21 communications, Captain, did you understand  
22 anybody to be coordinating that firefighting  
23 effort?

24 A. Not fully, no.

25 Q. Did you hear any such communications



1 or you're just not sure -

2 A. The only communications directly I  
3 understood for firefighting was requested  
4 through Captain Curt and then one vessel  
5 requested who's authorized, you know, asked  
6 who was requesting him to use his firefighting  
7 equipment. Captain Curt acknowledged that he  
8 was.

9 Q. And when did that inquiry occur? Who  
10 was requesting it?

11 A. The inquiry came from the NORBERT, a  
12 Chouest vessel. That's approximately 3:25.

13 Q. Captain, you were on the scene, if I  
14 heard you correctly until approximately 7:20  
15 in the morning; is that correct?

16 A. I was released of senior command or  
17 coordination there at 7:20 and I left the  
18 scene at 8:13.

19 Q. And up until that time, sir, had you  
20 been in touch with any Coast Guard personnel,  
21 shoreside Coast Guard personnel, at Morgan  
22 City?

23 A. No.

24 Q. Do you know if a federal on-scene  
25 coordinator had been named prior to your



1 departure from the scene?

2 A. Coast Guard ZEPHYR was first  
3 indication to me by POMPANO that they would be  
4 taking command of the scene.

5 MR. LINSIN:

6 I have nothing further. Thank  
7 you.

8 CAPT NGUYEN:

9 Thank you, sir. We are now  
10 calling the Parties in Interest.  
11 Anadarko?

12 COUNSEL REPRESENTING ANADARKO

13 PETROLEUM CORPORATION:

14 No questions.

15 CAPT NGUYEN:

16 Thank you, sir. Weatherford?

17 COUNSEL REPRESENTING WEATHERFORD,

18 INC.:

19 No questions.

20 CAPT NGUYEN:

21 Thank you, sir. BP?

22 MR. GODFREY:

23 Yes, Captain, we have a few  
24 questions.

25 EXAMINATION



1 BY MR. GODFREY:

2 Q. Good morning, Captain. My name is  
3 Richard Godfrey. I represent BP.

4 A. Good morning.

5 Q. Prior to 2100 hours when you were  
6 lying portside along the DEEPWATER HORIZON, as  
7 far as you knew as the master of the DAMON  
8 BANKSTON, everything was proceeding normally  
9 onboard the DEEPWATER HORIZON with respect to  
10 its operations; is that correct?

11 A. That's correct.

12 Q. Thank you. Now, you said at some  
13 point after 2100 hours you received a  
14 communication from the bridge of the DEEPWATER  
15 HORIZON at which someone indicated to you that  
16 you were having, or they were having well-  
17 control problems. Do you recall that?

18 A. No, at 2100 I contacted the HORIZON  
19 requesting the update on the status of the  
20 next mud transfer.

21 Q. When did you receive the  
22 communication that there were difficulties  
23 with well control from the DEEPWATER HORIZON  
24 bridge?

25 A. After my vessel was covered with the



1 mud.

2 Q. Mud first, contact second, right?

3 A. That's what happened, yes.

4 Q. And do you recall, or do you know the  
5 name of the person from the DEEPWATER HORIZON  
6 bridge with whom you spoke about the well-  
7 control problem?

8 A. No, I do not.

9 Q. Who was it from the DEEPWATER HORIZON  
10 bridge who instructed you to move 500 meters  
11 away from the DEEPWATER HORIZON?

12 A. At the time of the instructions, I  
13 had no knowledge of the person instructing me.  
14 But after the persons, survivors were onboard,  
15 I had long communications with Captain Curt.  
16 I recognized his voice and he acknowledged to  
17 me that he requested me to go to 500 meter  
18 standby.

19 Q. Now, according to your log, the well  
20 blow-out took place at approximately 2153?

21 A. Yes.

22 Q. Did you hear the hissing sound prior  
23 to 2153?

24 A. Yes.

25 Q. Approximately how long before 2153



1 -- at which point in your log reflects the  
2 well blow-out did you hear the hissing sound?

3 A. I don't think I have that documented,  
4 but it's just prior to that.

5 Q. Five minutes, ten minutes?

6 A. Less than five -- within five minutes  
7 or less.

8 Q. You indicated that the hissing sound,  
9 while not out of the ordinary, seemed somewhat  
10 longer to you than others you'd heard before.

11 Is that a fair -

12 A. That's correct.

13 Q. Did it last half a minute, 15  
14 seconds? How would you describe it for the  
15 panel?

16 A. At least a half a minute or longer.

17 Q. When did Captain Curt arrive onboard  
18 the DAMON BANKSTON?

19 A. Captain Curt was one of the last  
20 persons to come onboard. He was one of the  
21 last people to abandon ship, jumping to the  
22 water. As soon as he got onboard, he came  
23 immediately to the bridge and that's where I  
24 first had contact with him.

25 Q. Did you have any conversations with



1 Captain Curt while he was onboard your vessel  
2 about what transpired prior to or during the  
3 explosion onboard the DEEPWATER HORIZON?

4 A. I had a brief conversation with him,  
5 yes.

6 Q. Did Captain Curt, during that brief  
7 conversation with you, say anything about the  
8 kill switch not working onboard the DEEPWATER  
9 HORIZON?

10 A. He acknowledged comments to me on the  
11 bridge that they pressed it and they didn't  
12 know if it worked or not.

13 Q. What else did he say about the kill  
14 switch onboard the DEEPWATER HORIZON?

15 A. That's basically it.

16 Q. Do you know if the kill switch or the  
17 function of the kill switch is on the  
18 DEEPWATER HORIZON?

19 A. Not fully, just basic knowledge  
20 through conversations of events.

21 Q. Do you know from looking at your log  
22 when Captain Curt requested firefighting  
23 assistance or directed firefighting  
24 assistance, the time, please?

25 A. Yes.



1 Q. Can you tell us the time?

2 A. (Witness reviews documents.) At 3:25  
3 the NORBERT requested authorization, you know,  
4 a name for him using his firefighting  
5 equipment and during that time, Captain Curt  
6 used his name, but there was already vessels  
7 putting water on the rig at that time.

8 Q. Thank you. Now, you proceeded to the  
9 OCEAN ENDEAVOR, according to your log; is  
10 that -

11 A. That's correct.

12 Q. Thank you. And at the time you  
13 proceeded to the OCEAN ENDEAVOR, did you  
14 onload medics?

15 A. Yes. We loaded two Acadian ambulance  
16 medics from the ENDEAVOR that was flown in.

17 Q. I assume that there was a need for  
18 medics onboard the DAMON BANKSTON?

19 A. No apparent need at the time. I  
20 think it was an addition to assist in case  
21 anything else would arise on the voyage in.

22 Q. As an additional assistance to you in  
23 the event that you needed to have medical  
24 personnel onboard; is that fair?

25 A. Yes.



1 Q. Now, you then proceeded to the  
2 MARATHON; is that right?

3 A. MATTERHORN.

4 Q. MATTERHORN, MATTERHORN, yes. And at  
5 that time, did you load persons on from the  
6 United States Coast Guard Service?

7 A. That's correct.

8 Q. Can you tell us their names, please?

9 CAPT NGUYEN:

10 Mr. Godfrey, I mean -

11 MR. GODFREY:

12 I can move on.

13 CAPT NGUYEN:

14 No, no. I want to make a point  
15 here.

16 MR. GODFREY:

17 Yes.

18 CAPT NGUYEN:

19 Captain Landry already and the  
20 Coast Guard Investigator already went  
21 over the specifics of the members,  
22 Coast Guard member that came onboard  
23 the vessel. It's not relevant at this  
24 time, I mean, the actions are. So I  
25 just want us to keep in mind that it



1           can relate to the casualty. Thank  
2           you.

3 BY MR. GODFREY:

4           Q. I was going to simply ask whether any  
5           of those people who came onboard had any  
6           conversations with Captain Curt to your  
7           knowledge.

8           A. I'm assuming they did. I left the  
9           MATTERHORN. Like I said, I went to my cabin  
10          to rest for the rest of the journey in because  
11          I'd be making landfall with the vessel in the  
12          channel.

13          Q. Finally, is it your understanding  
14          that whenever there's a maritime incident or  
15          casualty that urinalysis testing of all  
16          members of the crew is pretty standard  
17          procedure after the fact?

18          A. Yes.

19                MR. GODFREY:

20                    Thank you. No further questions.

21                    Thank you, Captain Nguyen.

22                CAPT NGUYEN:

23                    Thank you, sir. Transocean?

24                    E X A M I N A T I O N

25 BY MR. KOHNKE:



1 Q. Captain Landry, during these  
2 operations and the period long before, for the  
3 weeks and months before while the HORIZON was  
4 on this location, by whom had the BANKSTON  
5 been chartered or hired?

6 A. BP.

7 Q. So you were working at the direction  
8 of BP; is that correct?

9 A. That's correct.

10 Q. What was your normal compliment of  
11 crew and was it any different on this  
12 occasion?

13 A. Normally it's 13 persons and we had  
14 13 that night.

15 Q. You mentioned, as you were answering  
16 questions at the beginning of your testimony,  
17 that when you observed the mud coming up  
18 through the derrick and on the back deck and I  
19 wrote down what you said. You said, and you  
20 also said, "small bits of debris flying  
21 through the air." And that was in addition to  
22 mud -- as I understood what you were saying,  
23 that was in addition to mud. What were you  
24 referring to when you referred to "small bits  
25 of debris?"



1           A. That was at the blast. I was looking  
2 right at the aft part of the rig when the  
3 blast occurred. I noticed the hint of green  
4 flash and bits of items around the deck that  
5 was thrown from the blast.

6           Q. All right. Do you use that term to  
7 describe what you had later heard was found on  
8 the back deck of the BANKSTON concrete or rock  
9 or something like that? Are you connecting  
10 the two?

11          A. No, I'm not. If I can expand on that  
12 part.

13          Q. Please, please.

14          A. Where my bridge was when the blast  
15 heard from the thing, the aft part of the rig,  
16 on the voyage in from ENDEAVOR to the  
17 MATTERHORN, I did climb to the top of the  
18 bridge to check my antennas to make sure all  
19 my radio equipment was still intact, even  
20 though it was operational during the entire  
21 time, I just wanted to verify with a visual  
22 inspection and I didn't see anything out of  
23 the ordinary on the top of my bridge.

24          Q. During the trip into Fourchon, or  
25 perhaps while you were still on route to the



1 MATTERHORN, did you go onto the back deck  
2 yourself?

3 A. No, no further than just like past  
4 the cabin where personnel were still assembled  
5 and stationed for the ride.

6 Q. On the ride in to Fourchon, the 115  
7 individuals that you were transporting, that  
8 number had grown somewhat. Where were they  
9 positioned on your vessel?

10 A. For the ride in, we had people in the  
11 lounge area, the galley area, open space on  
12 the main deck and any available bunks I had  
13 open in the state rooms, personnel was able to  
14 lay down.

15 Q. You mentioned that Captain Curt was  
16 one of the last to abandon ship, and I know  
17 that he eventually worked his way up to the  
18 wheelhouse and you talked to him there. How  
19 did you determine that he was one of the last  
20 to abandon? Could you see him and identify  
21 him using your spotlight?

22 A. That's a negative.

23 Q. How did you come to that conclusion?

24 A. He told me he was one of the last  
25 ones off.



1 Q. Did he tell you what -- how he ended  
2 up getting off the vessel? Was it on one of  
3 the life boats or was it the life raft? Did  
4 he jump? Do you know?

5 A. He told me he jumped.

6 Q. Do you have any idea what time that  
7 occurred, meaning one of the last ones off the  
8 vessel? When would that have been? What time  
9 period?

10 A. (Witness reviews documents.) The  
11 best I can recall, that time would have been  
12 between 2012 and 2322.

13 Q. What references are you using to  
14 establish those times?

15 A. In my entry at 2012, it goes through  
16 the recovery of persons in the water and  
17 toward the end of that entry, I have listed  
18 where I recovered all persons from the rig  
19 that was abandoned.

20 Q. Captain Landry, are you looking now  
21 at a rough log or a smooth log?

22 A. A rough log.

23 Q. Have you developed a smooth log from  
24 that rough log?

25 A. Yes.



- 1 Q. Has that been turned over to the  
2 Coast Guard as far as you know?
- 3 A. A smooth log?
- 4 Q. Yes.
- 5 A. I'm not aware of.
- 6 Q. So the only log that you are aware of  
7 that has been turned over is the one in front  
8 of you, the rough log?
- 9 A. That's correct.
- 10 Q. You mentioned the Coast Guard Cutter  
11 POMPARO. That stationed at the Coast Guard  
12 Station in Venice; is it not?
- 13 A. I'm not sure.
- 14 Q. All right. That was the first vessel  
15 on the scene, I believe you said.
- 16 A. The first Coast Guard vessel.
- 17 Q. The first Coast Guard vessel.
- 18 A. The helicopter was the first one on  
19 the scene.
- 20 Q. What time did it arrive on the scene  
21 again?
- 22 A. The exact time? I acknowledged when  
23 I actually seen him was around 3:18 -- 3:18  
24 the morning of the 21st.
- 25 Q. After arriving at the MATTERHORN, you



1 stood by, you testified as to how long you  
2 were standing by and then you started in for  
3 Fourchon; is that correct?

4 A. That's correct.

5 Q. You took on some additional personnel  
6 that you mentioned in your direct testimony.  
7 Which personnel were those? Can you identify  
8 who they were?

9 A. From the MATTERHORN?

10 Q. Yes.

11 A. We picked up Coast Guard personnel,  
12 MMS and Tidewater.

13 Q. How many total?

14 A. Nine.

15 Q. What was taking place on the ride in  
16 to Fourchon?

17 A. I orientated all personnel that just  
18 got onboard of their muster stations and  
19 alarms that they could potentially hear in  
20 case another event would happen. They  
21 informed me they were there to start  
22 conducting interviews of the survivors.

23 Q. Who informed you that they would  
24 start conducting interviews of the survivors?

25 A. That would be Coast Guard Barbara



1 Milk -- Wilk, excuse me, Wilk.

2 Q. So the Coast Guard started  
3 interviewing the survivors on the ride in?

4 A. Yes.

5 Q. What did MMS do? Did they do the  
6 same?

7 A. They assisted.

8 Q. Now, you said earlier in your  
9 testimony that you were released. I thought  
10 you said by the POMPANO. Am I correct? Did I  
11 hear that correctly?

12 A. No. When I finally got the POMPANO  
13 contact on the radio that morning, I requested  
14 if I could leave the scene and he said he  
15 would have to check into it and make a phone  
16 call.

17 Q. Now, why did you have to ask the  
18 POMPANO if you could be relieved to leave the  
19 scene?

20 A. It's the Coast Guard's jurisdiction  
21 and it's a marine casualty and we were the  
22 first responding vessel being on the scene.

23 Q. So would it be fair to say that from  
24 the time the Coast Guard arrived, you became  
25 subject to their control?



1 A. Yes.

2 Q. And your movements were dictated by  
3 the Coast Guard thereafter?

4 A. Meaning?

5 Q. Going to -- choosing a destination,  
6 choosing a location to go to, for example,  
7 going to the MATTERHORN. Was that your  
8 decision or the Coast Guard's decision?

9 A. The decision to go to the MATTERHORN  
10 was a request by the Coast Guard.

11 MR. KOHNKE:

12 That's all I have. Thank you.

13 CAPT NGUYEN:

14 Thank you, sir. Cameron?

15 COUNSEL REPRESENTING CAMERON INC.:

16 No questions.

17 CAPT NGUYEN:

18 Thank you, sir. Dril-Quip?

19 COUNSEL REPRESENTING DRIL-QUIP, INC.:

20 No questions.

21 CAPT NGUYEN:

22 Thank you, sir. MOEX?

23 COUNSEL REPRESENTING MOEX USA:

24 (No response.)

25 CAPT NGUYEN:



1                   Okay. Halliburton?

2                   COUNSEL REPRESENTING HALLIBURTON:

3                   No questions.

4                   CAPT NGUYEN:

5                   Thank you, sir.

6                   MR. EASON:

7                   Captain, M-I SWACO, I think you

8                   overlooked us.

9                   CAPT NGUYEN:

10                  M-I SWACO? I'm sorry.

11                  E X A M I N A T I O N

12                  BY MR. EASON:

13                  Q. Captain, I want to thank you for your  
14                  efforts that night. Some of the MI personnel  
15                  were recovered by your crew. We are very  
16                  appreciative of your efforts and your crew  
17                  that night.

18                  A. Thank you.

19                  Q. A couple of things --

20                  LT BUTTS:

21                  Excuse me, sir, can you state  
22                  your name for the record.

23                  MR. EASON:

24                  Yes, Tobin Eason.

25                  BY MR. EASON:



1           Q. Captain, you mentioned that night that  
2 you were notified and then saw drilling mud  
3 emanating from the rig?

4           A. Correct.

5           Q. The following morning, were your  
6 feelings and your knowledge confirmed when  
7 daylight hours arrived and you saw what was on  
8 your boat that came from the rig HORIZON  
9 explosion?

10          A. Yes.

11          Q. What did you actually see? Did you  
12 see drilling mud, per se, dried up on the back  
13 deck or on the deck off of your vessel?

14          A. Drilling mud was still wet on the  
15 vessel as we pulled in. The covering on the  
16 stern end appeared to be an inch or so thick,  
17 lighter toward the fore part of the boat.

18          Q. Anything else that you found on  
19 inspection aside from drilling mud?

20          A. Not to my knowledge. I didn't do a  
21 full inspection looking for any debris.

22          Q. There was a mention of rocks or  
23 something. I couldn't hear from your  
24 testimony. Did you notice or witness or any  
25 of your crew, to your knowledge, notice rocks,



1 debris, cement or anything else of that nature  
2 aside from the mud on inspection the following  
3 morning?

4 A. Not to my knowledge.

5 Q. There was a mention of samples. Can  
6 you enlighten us a little further on what  
7 samples were taken, to your knowledge, either  
8 by the Coast Guard or MMS or any other third  
9 party after the explosion?

10 A. No firsthand knowledge, it was just  
11 expressed to me that they came by to take  
12 samples from the mud in the tanks and samples  
13 from mud on deck.

14 Q. And do you know who actually acquired  
15 those samples?

16 A. I do not.

17 Q. Was a verification of who the  
18 employers were of the individuals or crew or  
19 the outfits that acquired those samples?

20 A. Not to my knowledge.

21 Q. There was a mention of a conversation  
22 you had with Captain Curt about a kill switch.

23 A. Okay.

24 Q. Were there any other conversations  
25 with any other individuals discussing the



1 cause of the explosion?

2 A. No.

3 Q. No one was curious about that to say  
4 what happened?

5 A. At the time I was coordinating more  
6 searches, vessels coming in the area, I was  
7 doing multi-tasking on the bridge, assessing  
8 the personnel. We started evacuating  
9 personnel off the boat. There was a lot of  
10 general activity going on, communications with  
11 shore by Satphones coordinating things. To my  
12 knowledge, I don't recall any prognosis of  
13 what went wrong.

14 Q. So the thinking was the rescue effort  
15 at that time?

16 A. Yes.

17 Q. And lastly, Captain, thank you once  
18 again for your efforts.

19 A. You're welcome.

20 CAPT NGUYEN:

21 Thank you very much. Is there  
22 anything, any additional, Captain,  
23 that you think the board has not asked  
24 or we should be aware of?

25 THE WITNESS:



1                   Nothing that I can think of  
2                   interest to the board other than the  
3                   fine job my crew did under extreme  
4                   circumstances, the moral factor of the  
5                   decisions they made, assisting the  
6                   persons abandoning ship to save  
7                   themselves and confident that we  
8                   recovered everybody that was able to  
9                   be recovered. The Coast Guard did an  
10                  outstanding approach with the helos.  
11                  All the guys were very professional.  
12                  They did a tremendous job evacuating  
13                  those persons critical on the boat.  
14                  For a bad situation, a lot of things  
15                  went right -- from the weather,  
16                  positioning. A lot little factors did  
17                  play a great role to our benefit to  
18                  recover so many.

19                  CAPT NGUYEN:

20                         Sir, on behalf of the Coast Guard,  
21                         we appreciate your crew's contribution  
22                         to recovering the 115 survivors.

23                  THE WITNESS:

24                         I'll convey that to my crew.

25                  CAPT NGUYEN:



1                   Captain Landry, thank you for your  
2                   service as a U.S. Merchant Marine  
3                   Officer and for your testimony today.  
4                   If we need to have further questions  
5                   for you, will you make yourself  
6                   available to the board?

7                   THE WITNESS:

8                   Yes.

9                   CAPT NGUYEN:

10                  Thank you very much, sir. You are  
11                  dismissed.

12                  THE WITNESS:

13                  Thank you.

14                  CAPT NGUYEN:

15                  At this time the board will take a  
16                  one hour break for lunch and we will  
17                  reconvene at 12:30. Thank you.

18                  (Whereupon, a break was taken for lunch.)

19                  CAPT NGUYEN:

20                  Good afternoon. We will restart  
21                  the hearing. As a reminder, the use  
22                  of laptops, PDAs, cell phones and  
23                  Iphones to capture video or stills  
24                  during the proceeding is prohibited.  
25                  Audience members are also prohibited



1 from using video recorder, cameras,  
2 PDAs, cell phones and Iphones during  
3 these proceeding. The board will call  
4 the next witness, Mr. Anthony  
5 Gervasio, chief engineer on the MV  
6 DAMON B. BANKSTON.

7 Mr. Gervasio, would you raise your  
8 right hand, please?

9 \* \* \* \* \*

10 ANTHONY GERVASIO,  
11 after being first duly sworn in the cause,  
12 testified as follows:

13 EXAMINATION

14 BY MR. WHEATLEY:

15 Q. Good afternoon, Chief. I hope you  
16 don't mind if I just call you that. I'll  
17 avoid any embarrassment to myself trying to  
18 get your name right.

19 A. No problem.

20 Q. Could you please state your complete  
21 name for the record and spell your last name  
22 slowly.

23 A. Anthony Robert Gervasio, G-E-R-V as  
24 in Victor - A-S-I-O.

25 Q. Thank you. And where are you



1 currently assigned, sir?

2 A. The DAMON BANKSTON.

3 Q. What position do you hold or are you  
4 assigned to on the DAMON BANKSTON?

5 A. I am the relief chief.

6 Q. Could you briefly outline for us the  
7 scope of your duties in that position?

8 A. As chief engineer, just to make sure  
9 the vessel runs, operates, everything from the  
10 wheelhouse all the way down to the engine  
11 room, that also includes pumping, fluids --  
12 taking on fluids and all general maintenance.

13 Q. Could you briefly outline for the  
14 board here your maritime background, sir?

15 A. My maritime background -- I graduated  
16 Maine Maritime in 2007 and I've been hired  
17 with Tidewater for three years.

18 Q. Do you hold any license certificates  
19 or documents?

20 A. Yes, sir. I have a First Assistant  
21 Engineer Unlimited horsepower and a Chief  
22 Engineer Oceans Limited.

23 Q. Did you bring a copy of your licenses  
24 with you today, sir?

25 A. Yes, sir.



1 Q. Could you hand that over to the  
2 board, please?

3 A. (Witness complies.)

4 Q. Before we get into the events of the  
5 20th, I wanted to go back in reading the  
6 vessel log. I noted that there was a man  
7 overboard FRC drill as indicated in the log,  
8 which occurred on the 19th. Could you  
9 describe for us what that involves?

10 A. Man overboard drill involves almost  
11 in an emergency situation. We have a general  
12 alarm, muster station. Everybody musters to  
13 make sure everybody's accounted for, brings  
14 their stuff, what they need to bring, lower  
15 the rescue boat, make sure it runs, operates,  
16 safe procedures. I guess just a normal drill  
17 and try and make it more almost life-like.  
18 Sometimes we'll put something in the water and  
19 go get it, things like that.

20 Q. And on the 19th when you had the  
21 drill, what role or position did you fulfill?

22 A. I was the coxswain. I was the driver  
23 of the FRC, the rescue boat.

24 Q. Was there anybody else aboard with  
25 you at that time?



1           A. In the rescue boat, yes, sir. There  
2 is always two people in the rescue boat  
3 whenever it gets deployed and that would be me  
4 and Paul Erickson.

5           Q. Thank you. Now, you indicated that  
6 sometimes you guys basically, if you will,  
7 deploy something overboard so that you can  
8 take a run. On that given date, do you recall  
9 if you actually did that evolution?

10          A. We didn't put anything in the water.  
11 We had just lowered it, did a couple of loops  
12 around the vessel, the DAMON BANKSTON, and  
13 cradled it and made sure the engine was  
14 running, get it up to temperature and stuff  
15 like that and make sure there was no  
16 maintenance that needed to be done on the  
17 motor or the boat itself.

18          Q. So I take it from your comments that  
19 there was no deficiencies noted?

20          A. Nope.

21          Q. How often does the DAMON BANKSTON  
22 typically do man overboard fast response craft  
23 drills?

24          A. Once a week. We do a man overboard  
25 drill, a fire drill, abandon ship drill once a



1 week.

2 Q. Is your role pretty much the same in  
3 all of those?

4 A. Yes, sir. For a fire drill, go down  
5 to the engine room, fire pumps and stuff like  
6 that; man overboard, running the boat  
7 depending on what's going on and abandon ship  
8 is also the same thing.

9 Q. In your opinion, do you believe that  
10 the current practice on the BANKSTON and  
11 current policy are sufficient for insuring  
12 your readiness to carry out those evolutions?

13 A. Yes, sir.

14 Q. I want to ask you a little bit about  
15 the mud transfer that was taking place as we  
16 understand it before the incident, the  
17 explosion. Could you -- were you on -- well,  
18 let me go back. Let me start over here again.  
19 Briefly, with respect to the drill, or the mud  
20 transfer, could you basically explain to us  
21 how that takes place?

22 A. The mud transfer, the beginning of  
23 the mud transfer takes place, pretty much  
24 either the rig calls down -- well, the rig  
25 calls down to the Captain and tells us they



1 want some mud, or they're going to pump us  
2 some mud. They give us an approximate amount  
3 of mud that they're going to pump to us or  
4 they want from us, the weight of the mud. I  
5 hold the JSA with my crew. A JSA is a safety  
6 practice, a pre-analysis of what could happen,  
7 what's going on, who's doing what, where we're  
8 loading things, get everything ready, set up  
9 tanks, hoses, things like that. The rig drops  
10 down a hose. They have a DOI, a Declaration  
11 of Inspection, that I fill out, which is what  
12 I call a kind of a JSA with the rig to keep in  
13 communications with whoever's pumping and we  
14 make sure that everything is up-to-date, hoses  
15 and things like that. And then once that's  
16 complete, all the emergency stops are checked  
17 and things like that. We make sure we have  
18 very good communications and start the  
19 procedure.

20 Q. Do you recall on that day what the --  
21 was there an agreed upon transfer rate? Is  
22 that standard procedure?

23 A. The transfer rate is a normal  
24 procedure, a normal flow, I guess. There's  
25 not an actual rate that per se, when they are



1 pumping to us. Whatever they can pump at is,  
2 I guess, the normal rate. There's no -- if I  
3 see the hose or if I feel the hose too big of  
4 a pressure, I tell them to slow down, but  
5 there's never a normal flow rate or a normal  
6 pressure, I would say.

7 Q. Is there a type of a gauge that you  
8 can utilize in determining what the flow rate  
9 is while the transfer is going on?

10 A. No, sir. Well, I can gauge by how  
11 fast my tanks are coming up, how much I  
12 believe I have received in an amount of time.

13 Q. On the day in question here, the 20th  
14 when you were doing the transfer, do you  
15 recall what the total quantity of transfer was  
16 and the characteristics of the mud that was  
17 being transferred?

18 A. The total that we had received from  
19 when we started to when we shut down for  
20 dinner was 3,100 barrels and we were taking on  
21 about 1,000 barrels an hour.

22 Q. Do you recall what the weight of the  
23 mud was?

24 A. 14.0.

25 Q. Now, when you come up with the number



1 of 3,100 barrels transferred is that based  
2 upon just sounding your mud tanks? Is that  
3 the common practice?

4 A. Yes, sir.

5 Q. We've got a diagram here or a  
6 schematic here of the DAMON BANKSTON. Could  
7 you indicate or walk up to the chart and  
8 indicate where the manifold was and how the  
9 mud is, once it comes through the manifold, is  
10 distributed in the tanks that you want it to  
11 get to on the DAMON BANKSTON?

12 A. Yes, sir. (Witness complies.) The  
13 manifold arrangement is in this area right  
14 here on the back deck. We have port,  
15 starboard, same manifolds. On this boat,  
16 there's three different systems -- three  
17 separate manifolds. As you can see, with  
18 these tanks right here, these three tanks are  
19 mud tanks. They're on a separate series.  
20 These four tanks are on a separate series and  
21 these four tanks. So we have three separate  
22 series of tanks so we can hold three different  
23 products. At the time, we had our jumper  
24 hoses and things lined up so all 11 tanks  
25 could hold the same amount of, or same product



1 at the same time. At the time, we had 1,000  
2 barrels of mud, 500 in each of these two  
3 tanks. They are Number 2, port and starboard.  
4 The manifold is easier to see. It's right  
5 about here (indicating). So we had a jumper  
6 hose, a 25-foot hose to make it easier for us  
7 instead of -- the rig hose has a total fitting  
8 with like a foot of coupling, a nipple, and  
9 stuff like that. So the fitting weighs  
10 probably 100 to 150 pounds. So when the crane  
11 drops it down, instead of trying to drag that  
12 thing all the way through here, we make a  
13 little extension so we can just hook it up  
14 right about where the bits are. Usually we  
15 put the hose down through the bits and tie it  
16 off and make it fast and then hook up to our  
17 normal hose. At that time, they told us we  
18 were going to receive around 4,500 barrels  
19 from them when we started. So I lined up  
20 everything to fill these tanks the rest of the  
21 way to our normal capacity, which is 90  
22 percent. We never fill up over 90 percent for  
23 safety factors and things like that. So we  
24 filled these two tanks up and then we finished  
25 -- and then we started to fill up the front



1 tanks for stability and then we went to the  
2 back, Number 3 tanks and that's when the --  
3 they ran out of mud or they shut down.

4 Q. Do you recall on that particular day  
5 what the orientation of the BANKSTON was  
6 relative to the DEEPWATER HORIZON?

7 A. Yeah, we were -- our port side was to  
8 their port side so we were alongside. So your  
9 bow was where their stern was and their stern  
10 was where your bow was?

11 Q. Right. Their bow was here and stern  
12 and we were just -- if you would take this  
13 boat and flip it over and imagine that's the  
14 rig, that's how we were sitting. I think  
15 that's all the questions I have on that for  
16 now. As you take on the mud, the 3,100  
17 barrels, is there a log book in which that's  
18 recorded and where is that?

19 A. Yes, sir. The rough log -- my engine  
20 room, rough log. I also have a smooth log.  
21 After 24 hours I fill out my smooth log and  
22 the Captain also has it in his logs for his  
23 rough log and then smooth log for BP, Coast  
24 Guard and things like that.

25 Q. Did you record the results of this



1 transfer?

2 A. Yes, sir.

3 Q. At this point, I guess I'd like to  
4 move on to the actual events of the evening of  
5 the 20th and the 21st. Could you briefly  
6 describe for the board here exactly what you  
7 recall seeing and experiencing.

8 A. I guess I can start off by telling  
9 you what I was doing at the time. I was down  
10 in the engine room. You've got the main deck;  
11 I was on the next deck down getting ready to  
12 fill the day tanks for the day. Every day we  
13 fill the day tanks to get our fuel consumption  
14 and things like that. So I was opening the  
15 valves and I was on the port side. There's a  
16 door that goes to the man deck on the port  
17 side with stairs so I was right in front of  
18 that and I heard air blowing off or gas  
19 blowing off or whatever it was. So I -- for  
20 some reason I was like, let me go see what's  
21 going on. I went up the stairs and it comes  
22 out right to where the rig was because we're  
23 on the port side and so I was looking at it  
24 and when I looked up, I might have been there  
25 for a couple of seconds, 30 seconds or so, and



1 I saw the lights go out on the rig, the flood  
2 lights go out on the rig. And then within two  
3 or three seconds after that, I saw a small  
4 explosion behind the aft of the derrick. At  
5 that point, I was a little weirded out, didn't  
6 know what to do. So I went to go start  
7 heading for the engine room door and I saw, or  
8 I felt, out of the corner of my eye, I saw  
9 another big explosion and at that time, I knew  
10 there was something definitely wrong. So I  
11 ran down the engine room because I couldn't  
12 remember if I turned the fuel pumps on or not.  
13 So I ran downstairs and made sure the fuel  
14 pumps were off and then I came out the other  
15 side of the engine room on the starboard side.  
16 There's another door on the starboard side  
17 inside the house, this one's outside. I ran  
18 out that door. I was met by my QMED and two  
19 of the ABs. They asked what happened. I  
20 said, "the rig just blew up." And I knew we  
21 had -- we still had the mud hose on. So I  
22 grabbed our TP, ran outside and disconnected  
23 the mud hose so we could get away from the  
24 rig, disconnected the mud hose, untied it,  
25 threw it over the side. At that time, I gave



1 the Captain -- I didn't have a radio on me  
2 because I was in the engine room, so I gave  
3 the Captain the go-ahead and we started moving  
4 away from the rig. So then I grabbed the guys  
5 and we got ready -- got the rescue boat ready  
6 because I knew something was going to happen.  
7 At that time -- by the time I got to the  
8 rescue boat, which is all the way, almost  
9 forward on the next deck up, got that ready  
10 and we saw a couple of people jumping in the  
11 water.

12 Q. Let me go back for just a second  
13 here. You indicated that you were down in the  
14 engine room and as you had come out through  
15 the door on the port side when you heard the  
16 sound, the escaping gas, the hiss. Could you  
17 tell where it was emanating from?

18 A. The gas?

19 Q. The gas.

20 A. I couldn't, not when I was in the  
21 engine room. But it was -- we had heard it  
22 throughout the day while we were loading mud  
23 and it was coming out the bottom of the -- I  
24 don't know if it's the derrick or -- it was  
25 just coming out of the bottom of the rig.



1 Q. As far as you could tell, based on  
2 the sound, it was coming out of the bottom of  
3 the rig, not the side or through the top?

4 A. Yeah. It sounded like the normal  
5 things that we heard throughout the day. I  
6 couldn't -- couldn't tell you if it was any  
7 mud blowing out of the hole because I -- when  
8 I came out of the engine room, the QMEDs had  
9 said that the Captain said we've got to go  
10 disconnect the hose because there's mud on the  
11 deck. So I couldn't tell you if it was that  
12 noise, or if it was gas or anything like that.

13 Q. Now, you indicated that you had heard  
14 this sound or the release of gas periodically  
15 throughout the day. Was this release any  
16 different in any way, shape, form, the length,  
17 the duration, the volume?

18 A. No, not really. I couldn't really  
19 tell you because I was in the engine room with  
20 headphones on and three engines running, so...

21 Q. And you indicated that you saw, or  
22 felt the first explosion and then some period  
23 of time the second. Could you estimate  
24 roughly what the duration was between the two  
25 explosions?



1 A. Ten seconds, maybe, five seconds.

2 Q. Fairly quick?

3 A. Yeah, fairly quick.

4 Q. Now, before you got underway, you had  
5 to disconnect the mud hose, do you guys have  
6 established emergency disconnect procedures on  
7 the BANKSTON for an evolution like that?

8 A. We don't have an actual emergency  
9 disconnect. We've had -- we've talked about  
10 it and things like that. But there's not -- I  
11 don't think there's a procedure in place for  
12 something like that. We've talked about it  
13 before with -- when we were working the rig  
14 when it has H2S and things like that. Say  
15 there's H2S gas coming down on the boat,  
16 nobody can go on the back deck anyway so the  
17 Captain has to do what he's got to do to get  
18 us safe. But we don't -- I don't believe that  
19 Tidewater has an emergency disconnect  
20 procedure at this time.

21 Q. And would that be true also for the  
22 BANKSTON itself?

23 A. What's that?

24 Q. That would be true for the BANKSTON  
25 itself?



1           A. Yeah, yeah. We go through  
2 Tidewater's safety plans, their management  
3 system.

4           Q. Now, you indicated that at some point  
5 you were, you launched the fast recovery  
6 craft. Do you recall about when that was and  
7 how long after the actual explosion that  
8 happened?

9           A. I can't tell you for a time. As long  
10 as it took me to run from the back deck to the  
11 rescue boat --

12          Q. Ballpark figure?

13          A. 30 seconds, a minute maybe. The deck  
14 was slippery so I didn't want to fall on my  
15 ass so -- it could have took me a little bit  
16 longer. But I couldn't tell you exactly -- a  
17 minute maybe.

18          Q. Could you explain to us the actual  
19 evolution, the physical evolution, of lowering  
20 the fast response craft? What has to happen?

21          A. We have two straps that go, like  
22 actually bellywrap the boat, to hold it in  
23 place. You've got to take those two straps  
24 off. They're just ratchet straps. You pull  
25 those off. There's a cord for a battery



1 charger that charges the battery for it so it  
2 just has a trickle charge. You take that off  
3 and then you have a sea painter that you have  
4 to make sure that's clear when it goes down  
5 and you have to pick up the motor. You have  
6 to tilt it up, and you also have to go inside  
7 and turn -- not inside, but underneath the  
8 seat there's the battery disconnect so that  
9 the lights and stuff don't stay on at all  
10 times. So you just shut that off.

11 Q. On the evening of the 20th, do you  
12 recall who the crew was on the FRC?

13 A. The crew --

14 Q. Yes.

15 A. -- that was running it? It was me --  
16 myself, and the QMED, AB Louis Longlois.

17 Q. Were you the coxswain on the --

18 A. Yes, sir.

19 Q. As a coxswain, what actions do you  
20 take once the boat was lowered into the water?

21 A. Once the boat was lowered in the  
22 water, lowered the motor, got everything  
23 running, made sure everything was okay so we  
24 didn't get stranded ourselves. It seemed -- I  
25 mean, it started up. I knew everything was



1 fine because we just had a drill. I started  
2 it up; disconnected everything and proceeded  
3 to go pick up the people that were in the  
4 water.

5 Q. And if you could, just kind of walk  
6 us through what you were seeing, what you were  
7 feeling when you were doing that.

8 A. I could feel the adrenaline, you  
9 know. It was kind of -- it wasn't --  
10 everybody knew what we had to do. It was just  
11 kind of, because with normal people and the  
12 normal responsibilities and stuff, not  
13 everybody was at the drill at the time or at  
14 the scene at the time because people were  
15 sleeping and things like that. So we had to  
16 delegate people that had different jobs  
17 normally to help with the rescue boat and  
18 things like that. When I was in the boat, I  
19 was looking behind me and I saw the first  
20 person jump in the water. So I told one of  
21 the guys to keep an eye on him and then he  
22 said there's another guy in the water. So we  
23 wanted to keep an eye on them to make sure we  
24 could go get them. At the time, I was just  
25 concentrating on saving people's lives.



1 Q. Now, you indicated that you saw at  
2 least one person jump off the MODU. Do you  
3 recall seeing other individuals and did it  
4 happen in rapid succession or was it --

5 A. The first person I saw. The second  
6 person I kind of saw out of the corner of my  
7 eye. The third and fourth person, I couldn't  
8 -- I didn't seem them. By that time, we were  
9 already trying to get the boat lowered and  
10 ready to go.

11 Q. When you responded and obviously  
12 located some of these people, how did you get  
13 them onboard your vessel?

14 A. Just grabbed whatever I could grab  
15 and pulled them in the boat.

16 Q. During the course of picking these  
17 people out of the water, did you make return  
18 visits to the BANKSTON or did you just pick  
19 them all up at once?

20 A. The first time we lowered the boat,  
21 got everything running, went and grabbed -- I  
22 can't remember if it was three or four people  
23 the first time. We picked up three or four  
24 people, pulled them in the boat, brought them  
25 back to the BANKSTON, off-loaded them. We did



1 two -- two and a half loops around the rig, or  
2 not complete loops around it because that one  
3 side was on fire, but we did -- we went to  
4 their bow, to the stern, and then looked on  
5 the starboard side of their rig two or three  
6 times to make sure nobody got blown off or  
7 jumped on the other side that we couldn't see  
8 or anything like that. So everybody that we  
9 could see in the water at that time, we picked  
10 up. So we headed back to the boat, the  
11 BANKSTON, to figure out what was next. At  
12 that time, as we were heading back, we saw the  
13 rig's lifeboats lowered. They hit the water.  
14 They were able to start up and drive away from  
15 the rig. So we went over to them and told  
16 them to come on our starboard side because at  
17 that time, the Captain had moved the, our boat  
18 to make almost like a shield because there  
19 were secondary explosions going off and things  
20 like that -- make a shield so they could start  
21 getting off without having to worry about  
22 heat, flames, debris, anything like that.  
23 When I, or when we went over to the lifeboat,  
24 the lifeboats on both the starboard side, I  
25 looked back and I noticed a couple more people



1 jumping off the bridge of the rig. At that  
2 time, the fire was pretty intense. The water  
3 was on fire right around them. They were --  
4 where the bridge is oriented, they were  
5 between the two legs of the rig and the fire  
6 was getting close to them. So at that time, I  
7 looked at Louis, gave him the look, and we  
8 went in after them. We grabbed about four  
9 people out of the water. Well, as we were  
10 heading over to those people, there was a life  
11 raft that lowered and then we saw about three  
12 more people jump in the water after that. We  
13 pulled the three people out of the water that  
14 was closest in our rescue boat, drove up to  
15 the life raft, threw them a line. I didn't  
16 want to turn the boat around because of the  
17 prop or anything like that, so I just nosed  
18 into them, tied a line off to their raft and  
19 told everybody else to grab onto the sides  
20 that could and then we just proceeded to back  
21 up. The only problem with that was the life  
22 raft had been tied off to the rig so when we  
23 were backing up with the life raft and all  
24 these people hanging off on the side, the sea  
25 painter had gotten tight and we couldn't go



1 nowhere. So at that time, I knew we had a  
2 knife. I know there's a knife in the life  
3 raft and stuff, but dark, discombobulated and  
4 things like that. So they couldn't find it.  
5 So Louis gave them a knife and they were able  
6 to cut the line and we were able to get away  
7 from the fire because at that time the fire  
8 was 20, 25 feet from the raft in the water.  
9 So we were able to get away from them, or get  
10 everybody out of there and we brought them to  
11 the BANKSTON.

12 Q. You indicated that at the last point  
13 there before you departed the fire was roughly  
14 25 feet away. Could you feel the heat?

15 A. People ask me that and I couldn't  
16 tell you. I was more worried about everything  
17 else than worrying about heat or explosions  
18 and things like that. We knew what we needed  
19 to do so we just went and did it.

20 Q. Now, I believe I heard you state  
21 earlier in your testimony that the BANKSTON  
22 had moved off away from the rig and basically  
23 positioned itself to create a shield, if you  
24 will, between the rig that was on fire and to  
25 be able to safely load the personnel. Where



1 exactly was that in the relationship to the  
2 rig? Were they on the bow, the stern,  
3 portside?

4 A. They were kind of on the port, stern  
5 quarter, I guess, if you -- if you would look  
6 at --

7 Q. You can use the diagram if that would  
8 be helpful.

9 A. Well, it's kind of too big. If you  
10 would say this is the rig, right, and this is  
11 the bow, and this is the stern, we were kind  
12 of positioned like this (indicating) and this  
13 is our bow. So we were kind of positioned  
14 like this. This was where the fire was  
15 mostly, but you could see that it was -- there  
16 was tanks and stuff back here and up forward.  
17 So we were kind of positioned to shield  
18 everybody.

19 Q. You indicated that, by your diagram  
20 there, that when you saw the fire, the fire  
21 was what, primarily on the starboard side?

22 A. It was primarily coming out the  
23 starboard side -- starboard stern, I guess you  
24 could say.

25 Q. Was there any particular area in



1 which it seemed to be more concentrated than  
2 another?

3 A. At the time, I wasn't really looking  
4 at the fire. I couldn't tell you. I was more  
5 worried about getting people into safety.

6 Q. Okay. Fair enough. When you would  
7 take the FRC back to the BANKSTON and then try  
8 to offload personnel, how were the people  
9 getting from the life boats and from the FRC  
10 onto the BANKSTON?

11 A. We had three Jacob's ladders or pilot  
12 ladders. They're just rope ladders with  
13 plastic footing draped over the side and  
14 people were just climbing out, being helped by  
15 the other BANKSTON crew.

16 Q. Now, if I'm correct here, I believe  
17 you indicated that you made multiple trips  
18 back and forth between the BANKSTON to  
19 transfer passengers out of the water that you  
20 picked up?

21 A. Yes, sir.

22 Q. Do you recall how long you engaged in  
23 those search and rescue activities before you  
24 actually returned to the BANKSTON for the last  
25 time?



1           A. I couldn't tell you. I couldn't tell  
2 you how long -- 20 minutes, maybe.

3           Q. Do you recall about what time you got  
4 back to the BANKSTON?

5           A. No. By the time I got back with the  
6 life raft and things, there were still people  
7 offloading. It was kind of a little hectic  
8 because people are in shock and things and not  
9 sure what to do. So I kind of took control of  
10 the situation. I told people they needed to  
11 get off of the one life boat because we had  
12 two injured guys -- one guy was in the life  
13 raft in a stretcher and then there was another  
14 guy that we needed to put on a stretcher. Our  
15 boat, the BANKSTON, was -- it sits pretty high  
16 out of the water at that time because we were  
17 pretty light. So I knew there was no way to  
18 pick up people out of a stretcher and hand  
19 them to people up on the boat. So I knew our  
20 crane could only reach so far so we needed to  
21 position the FRC. So what I did was I  
22 positioned the FRC because it's got a flat  
23 bottom, we put the people in the stretcher on  
24 the bottom of the FRC and was able to move the  
25 FRC close enough where the crane could pick



1       them up without hurting them or trying to pick  
2       them up, move them, so they stayed flat. We  
3       picked them up with the crane and put them on  
4       the deck.

5           Q. During the course of the time in  
6       which you, after you returned to the BANKSTON  
7       with the FRC, did you participate in any of  
8       the firefighting efforts or the planning at  
9       all?

10          A. No, sir.

11          Q. Did you ever have a period in time in  
12       which you had a conversation with any of the  
13       people who came off the DEEPWATER HORIZON and  
14       did any of them express what happened to you?

15          A. Not really. I kind of -- I was just  
16       -- after we got off the FRC and people were  
17       getting counted and things like that, I think  
18       a lot of us went to our rooms and things,  
19       grabbed clothes, shoes, sweatshirts, whatever  
20       we could do. I never really had a  
21       conversation with anybody about what happened  
22       or anything like that. There was -- I was  
23       sitting out on the back deck overhearing  
24       things and stuff like that, but I didn't  
25       really have a one-on-one conversation with



1 anybody.

2 Q. Now, during the period in time after  
3 you returned to the BANKSTON with the FRC, did  
4 you participate in any of the additional  
5 emergency evacuations via Coast Guard helo at  
6 all?

7 A. No, sir.

8 Q. Do you recall approximately what time  
9 it was when the BANKSTON ultimately departed  
10 from the DEEPWATER HORIZON?

11 A. I couldn't tell you. I went to bed  
12 about -- I went to my room about 6, 6:30 in  
13 the morning and we were still at the HORIZON.  
14 It wasn't -- it wasn't light out yet when I  
15 went -- finally went to bed.

16 Q. So sometime after 6:30?

17 A. I think so.

18 CAPT NGUYEN:

19 I have a couple questions for you.

20 EXAMINATION

21 BY CAPT NGUYEN:

22 Q. At that time of the day, did you have  
23 good visibility of the water in terms of  
24 people in the water? Were you able to see  
25 them because of the light from the fire and



1 all that? Were you able to see --

2 A. Yes, sir. I don't know if it was the  
3 Captain or whoever was on the bridge at the  
4 time, once people starting hitting water, once  
5 we picked them up, they would -- we have one  
6 big search light on the stern and they were  
7 helping me out with that, pointing the search  
8 light on people.

9 Q. Was there a lot of debris in the  
10 water?

11 A. The first time we went and picked up  
12 people there wasn't a lot of debris in the  
13 water. But the second time there was a little  
14 bit of debris. When we did our search, there  
15 was a couple of things that we went and  
16 checked out because they had reflecting tape.  
17 It was like a life raft or it was -- not a  
18 life raft, a life buoy, a life ring and things  
19 like that or anything that was shiny we went  
20 and checked out to make sure there was no  
21 possible way there was anybody in the water at  
22 that time.

23 Q. Was there any time that you ran over  
24 any debris with your FRC?

25 A. No, sir.



1 Q. Now, with all the survivors that you  
2 rescued, were all of them have a life jacket  
3 on?

4 A. Yes, sir.

5 Q. All of them?

6 A. Every single one.

7 Q. Was there any concern from the  
8 surviving crew members of adequacy of life-  
9 saving equipment, the capacity of the life  
10 boat, for example?

11 A. No, sir, not that I --

12 MR. LABORDE:

13 The rig's equipment?

14 CAPT NGUYEN:

15 Yes, sir, the rig's equipment.

16 MR. LABORDE:

17 I need to clarify that --

18 CAPT NGUYEN:

19 Yes, sir, the rig's equipment,  
20 yes.

21 THE WITNESS:

22 Are you asking if I heard anybody  
23 say anything about --

24 CAPT NGUYEN:

25 Yes.



1 THE WITNESS:

2 I didn't hear anybody talk about  
3 any lifesaving equipment. Like I  
4 said, I didn't really talk to anybody  
5 at that time.

6 BY CAPT NGUYEN:

7 Q. Now, was your FRC, was it covered  
8 with mud or anything?

9 A. It wasn't -- it was like maybe a  
10 little bit of, like a misting on it, but  
11 nothing -- nothing like the back deck was  
12 covered.

13 Q. It was just a thin film of --

14 A. Not even a film -- kind of like a --  
15 like fine, fine speckle-like. I know you guys  
16 -- I don't know if you're -- like snow -- like  
17 when it -- a little bit of snow. I don't  
18 know.

19 Q. I understand. Now, you say that  
20 during the course of the day, I believe April  
21 20th, the air release was throughout the day?

22 A. Yeah.

23 Q. How early was the first one?

24 A. I got up at noon time. We started  
25 taking on mud so I was out on the back deck.



1 I would say maybe around that time, about 1,  
2 1:30 was the first one that I heard. I  
3 couldn't tell you before that, but about 1:30,  
4 2 o'clock. I remember because we were  
5 receiving mud at that time.

6 Q. Had you experienced something like  
7 that before?

8 A. Yes, sir. The BANKSTON stays with  
9 this rig all the time. We work this rig  
10 wherever it goes. So if it moves holes or  
11 anything like that, we go with it. I've heard  
12 it in the past at different holes and things  
13 like that. So we just thought it was normal.

14 Q. So no concern from the BANKSTON  
15 crew? Nothing out of the ordinary.

16 A. Not really. We've heard it before.  
17 We just -- it's loud. It's a little  
18 frightening not -- well, a little jumpy at  
19 first, when you first hear it, or when it  
20 first goes off because you're not expecting  
21 it. But it's -- I don't know if it's normal  
22 or not, but for us it kind of seemed normal.

23 Q. So there's no concern in the sense of  
24 if this air release it's a flammable  
25 environment that the BANKSTON nearby that



1 could be a source of ignition or anything like  
2 that? There's no concern at all?

3 A. Right. See we don't know what it is,  
4 what they're blowing off. We were never told  
5 anything. We just thought it was air or  
6 something because they -- we hear it when  
7 they're blowing down their cement tanks or  
8 barite tanks, things like that. So we didn't  
9 know if it was just something normal like that  
10 and we've heard it before at other locations.  
11 So we couldn't tell you what -- I couldn't  
12 tell you what it is, but I can tell you the  
13 BANKSTON crew did not think it was out of the  
14 ordinary or something to be worried about.

15 Q. So if there was any concern you would  
16 expect that the crew of the DEEPWATER HORIZON  
17 would communicate that to you?

18 A. Yes, sir.

19 EXAMINATION

20 BY MR. DYKES:

21 Q. Let's back up a little bit. When you  
22 came out of the engine room, the mud was  
23 already, you saw mud already on the deck of  
24 the --

25 A. I don't -- I didn't look that way.



1 The engine room door is right there and then I  
2 can just look and the rig is right there so I  
3 didn't look at the back deck at all. I just  
4 looked at the rig to make -- for some reason I  
5 went out there to look at the rig.

6 Q. But when you looked up at the rig and  
7 you could hear the gas blowing, did it sound  
8 like it was coming from underneath or --

9 A. At the time -- by the time I got up  
10 out of the engine room, there was no more gas  
11 blowing off.

12 Q. What did you see when you exited that  
13 engine room?

14 A. I just, it was normal -- normal  
15 operations, normal -- the rig was just --

16 Q. It appeared to be normal at that  
17 point in time?

18 A. -- doing its thing, yeah.

19 Q. And then roughly how many seconds  
20 elapsed before the first explosion?

21 A. I was probably standing out there for  
22 maybe a minute or so before I noticed the  
23 lights go out and then the small explosion.

24 Q. Are you very familiar with the rig --  
25 this vessel works with this rig. Are you



1 familiar with what they call the diverter  
2 lines on this rig?

3 A. No, sir.

4 MR. DYKES:

5 That's all I have.

6 EXAMINATION

7 BY MR. MATHEWS:

8 Q. Earlier in the testimony you just  
9 mentioned that it was a normal release that  
10 you heard throughout the day and I also think  
11 I interpreted from what you said you had a  
12 pair of headsets or some earplugs on in the  
13 engine room. Why did you come out of the  
14 engine room?

15 A. I heard the gas or I heard the air  
16 blowing off.

17 Q. So that was not a normal release?

18 A. No, it was normal. I just -- for  
19 some reason I just went out there. It wasn't  
20 an abnormal release. It wasn't prolonged, I  
21 don't think. It was just me being curious and  
22 just to see what's going on because I -- when  
23 I -- I was in the wheelhouse around 9:30 with  
24 the Captain, or actually earlier than that  
25 because we had been waiting. We were suppose



1 to receive more mud. So I was up in the  
2 wheelhouse. I had the Captain call the bridge  
3 and find out what's going on, if we're getting  
4 more mud, if we're not, what are we doing, you  
5 know. And he called and they said they're  
6 going to start displacing the riser in a  
7 little while and then we'll get back to the  
8 mud transfer. So I went downstairs just to do  
9 my nightly routine, fill the day tanks, check  
10 some things, and stuff like that before we  
11 started doing the mud transfer again. And I  
12 just went out there to look because I figured  
13 it might be a process of them displacing the  
14 riser.

15 Q. Also, earlier, in some earlier  
16 testimony, it was brought to our attention  
17 that you were possibly the individual that  
18 received the Declaration of Inspection and  
19 signed off on it. Is that an accurate  
20 statement?

21 A. Yes, sir.

22 Q. Can you please describe what was in  
23 that inspection form?

24 A. The inspection form is a standard  
25 DOI, or a Declaration of Inspection. It's got



1 everything from when the hose was last tested  
2 all the way to emergency shutdowns, what  
3 channel we're going to be on. It goes over  
4 numerous things that you check or make sure  
5 that's up-to-date and things like that.

6 Q. In this inspection, is there any type  
7 of communication with anyone onboard the  
8 vessel and if so, who?

9 A. On the rig?

10 Q. On the HORIZON, yes, sir.

11 A. Yeah. We communicate back and forth  
12 with the derrick hand or the person that's in  
13 charge of pumping. At that time, it was the  
14 derrick hand.

15 Q. Did the derrick hand indicate any  
16 type of possible safety issues or any type of  
17 concerns that where they were in the wellbore  
18 with the procedure that they were running at  
19 that time?

20 A. No, sir.

21 MR. MATHEWS:

22 That's all I have. Thank you.

23 MR. MR. McCARROLL:

24 Just one quick question.

25 EXAMINATION



1 BY MR. MR. McCARROLL:

2 Q. You said you went up to the  
3 wheelhouse around 9:30. About what time did  
4 they stop pumping mud to you?

5 A. They stopped pumping mud -- I can  
6 look through my logs to give you an exact  
7 time.

8 Q. Just an estimate.

9 A. It was around 5, 5:30, around  
10 dinnertime.

11 MR. McCARROLL:

12 Thank you.

13 CAPT NGUYEN:

14 A couple of questions for you,  
15 Chief.

16 EXAMINATION

17 BY CAPT NGUYEN:

18 Q. When you returned to the BANKSTON,  
19 did you see any mud on the BANKSTON?

20 A. When I returned from the FRC?

21 Q. Yes.

22 A. Oh, yes, sir. I noticed mud on the  
23 back deck when I came out of the engine room  
24 to go disconnect the lip and mud hose.

25 Q. Could you describe the



1 characteristics of the mud?

2 A. What are you looking for? It was  
3 mud. I don't -- I'm not sure. If you're  
4 looking for like if there was big chunks in it  
5 or anything like that, I did not see any of  
6 that throughout the whole time I was on the  
7 boat or had been on the boat.

8 CAPT NGUYEN:

9 Let me pass it over to my MMS  
10 counterpart. He's more familiar with  
11 the mud.

12 BY MR. DYKES:

13 Q. Question. Did you see any gas coming  
14 out of the mud or anything unusual bubbling,  
15 boiling or anything of that nature?

16 A. No, sir.

17 Q. So it looked like it was just dead  
18 mud.

19 A. That's it.

20 EXAMINATION

21 BY MR. MATHEWS:

22 Q. Is there any pressure indicator on  
23 the connection on your vessel from the  
24 DEEPWATER HORIZON?

25 A. A pressure gauge you're talking



1 about --

2 Q. Yes, sir.

3 A. -- in the hose?

4 Q. Yes.

5 A. No, sir.

6 Q. So you wouldn't know, even though you  
7 were not receiving mud at the time of the  
8 incident, would there be any indication to  
9 show that there was any type of pressure  
10 build-up or release to your hose?

11 A. Yes, sir. Throughout -- when we were  
12 in standby mode or when we were finished the  
13 transfer, I kept going on the back deck and  
14 looking at our hose and you can tell when --  
15 if there's no pressure on the hose because the  
16 -- from where the manifold is on the rig to  
17 where our boat sits is probably 75 feet down.  
18 So just the normal gravity effect of the  
19 liquid going through the hose actually sucks  
20 the hose closed. So the hose was flat about  
21 from the manifold down about 50 feet. So I  
22 knew there was no pressure on it and then you  
23 can check. I can step on my hose and see if  
24 there's any pressure at all.

25

E X A M I N A T I O N



1 BY CAPT NGUYEN:

2 Q. Were you aware of any mud samples  
3 that were taken by Coast Guard or MMS  
4 investigators from the BANKSTON?

5 A. Like after the whole incident?

6 Q. Yes.

7 A. Yes, sir.

8 Q. Did you see the samples they were  
9 taken?

10 A. I did not see the samples taken. I  
11 knew they were on the boat. I don't know -- I  
12 couldn't tell you who it was or anything like  
13 that, but I know they came on the boat and  
14 took some samples.

15 CAPT NGUYEN:

16 Thank you, Chief. Anybody else  
17 from the Coast Guard or MMS? The  
18 representative from Marshall Islands?

19 EXAMINATION

20 BY MR. LINSIN:

21 Q. Gregory Linsin for the Marshall  
22 Islands. Good afternoon, Chief Gervasio.

23 A. Good afternoon, sir.

24 Q. Just a couple of quick questions,  
25 Chief. The first trip you took in the



1 recovery vessel you returned three to four  
2 people back to your boat; is that correct?

3 A. Yes, sir.

4 Q. Was it three or four, do you  
5 remember?

6 A. I couldn't tell you. The -- I  
7 couldn't tell you. It was just the moment.  
8 It was just --

9 Q. And you went back to the rig a second  
10 time and returned again with four people  
11 inside of your response craft; is that right?

12 A. No, sir. I only went to the rig  
13 twice. The first time I picked up three or  
14 four people. The second time I went and there  
15 was four people in our rescue boat and also I  
16 had the life raft tied off to our rescue boat.

17 Q. And were there other people actually  
18 hanging on to the life raft?

19 A. Yes, sir.

20 Q. How many?

21 A. There was -- I would say six or  
22 seven, maybe eight. I couldn't -- I can't  
23 tell you an exact number of how many people,  
24 but there was people hanging onto the outside  
25 of the lift raft. There was people inside the



1 life raft and also a gentleman in a stretcher  
2 inside the life raft.

3 Q. And after the line to the raft was  
4 cut, then you backed your boat back to the  
5 BANKSTON; is that correct?

6 A. Yes, sir.

7 Q. You testified, Chief, that you didn't  
8 have any one-to-one conversations with any of  
9 the people who had come off the rig; is that  
10 correct, about what had happened?

11 A. Yes, sir. I had conversations with  
12 people to make sure they were okay, you know,  
13 if they needed anything like that, but I  
14 didn't have any full blown-out conversations  
15 with anybody saying I think this happened or I  
16 think that happened. I was around a group  
17 that was talking about it and things like  
18 that, but I didn't -- it wasn't like me and  
19 you are talking right now.

20 Q. I understand. As I recalled your  
21 testimony initially, I thought I heard you to  
22 say that you had overheard some things from  
23 the crew of the rig regarding what had  
24 happened; is that correct?

25 A. Yes, sir.



1 Q. What did you hear from the rig crew?

2 MR. KOHNKE:

3 Let me note an objection. Given

4 the gravitas of what we're doing here,

5 it's important that we understand that

6 we're listening to fact. I'm not sure

7 he can identify who made these

8 statements much less whether these

9 statements are factual or supposition.

10 It could be that we're hearing

11 guesswork, we're hearing conjecture.

12 We don't know what is being overheard.

13 All we know is we're now being asked--

14 this witness is being asked what did

15 you overhear from some unknown person

16 with absolutely no trustworthiness

17 attached. I think given the gravitas

18 of what we're doing, we ought to find

19 out, lay a foundation first, if it can

20 be laid. And if a foundation of

21 trustworthiness cannot be laid let's

22 not admit this into the record. We

23 can call everyone of these crew

24 members and ask them, "What did you

25 say; what do you think; what did you



1 do," but let's not go through the back  
2 door to get there.

3 CAPT NGUYEN:

4 I understand, sir. And again, as  
5 we discussed yesterday, this is not a  
6 court of law. This is a safety  
7 investigation and as the co-chair of  
8 this board, I will intervene as needed  
9 and I appreciate your concern. But  
10 let's continue for now.

11 BY MR. LINSIN:

12 Q. Chief, do you recall the question?

13 A. Yes, sir.

14 Q. I was sitting around some gentlemen  
15 that had said that they thought the air or the  
16 gas that was blowing off, because of the  
17 weather that it was so calm out, accumulated  
18 in the spaces up in the engine room and the  
19 engine room had caught on fire or it blew up.

20 A. And if I understand you correctly,  
21 these were statements being made by personnel  
22 that had come off of the rig; is that correct?

23 Q. Yes, sir.

24 MR. LINSIN:

25 I don't have anything further,



1 Captain. Thank you very much.

2 CAPT NGUYEN:

3 At this time, I would like to call

4 on representatives of Parties in

5 Interest. The next one up is

6 Weatherford. Any questions?

7 COUNSEL FOR WEATHERFORD INC.:

8 No questions.

9 CAPT NGUYEN:

10 Thank you, sir. BP?

11 MR. GODFREY:

12 Thank you, Captain. May I proceed,

13 Captain?

14 CAPT NGUYEN:

15 Yes, please. Go ahead.

16 MR. GODFREY:

17 I only have a few questions for

18 you, Chief.

19 E X A M I N A T I O N

20 BY MR. GODFREY:

21 Q. You said that sometime between 1:00

22 and 1:30 on April 20, 2010, you heard a

23 release of air and that it was common and it

24 was the type you heard before. Do you recall

25 that?



1 A. Yes, sir.

2 Q. Between the 1:00 to 1:30 time period  
3 and the release that you heard which prompted  
4 you to leave the engine room, how many other  
5 releases of air did you hear that day; do you  
6 recall?

7 A. Probably about three or four.

8 Q. Do you recall the sequence? Were  
9 they close together, were they a couple hours  
10 apart? What do you recall about that?

11 A. They were pretty spaced apart, maybe  
12 once an hour, once every half hour, something  
13 like that. They weren't back-to-back  
14 consecutive. They were spread apart.

15 Q. And you consider those releases  
16 normal or types of things you'd heard before?

17 A. Yes, sir.

18 Q. The other area that I want to ask you  
19 about was, and I apologize if I didn't quite  
20 understand you, but I think you said that when  
21 you first went out you were going to go  
22 looping around the rig, but you had to stay  
23 away from the side which was on fire. Do you  
24 recall that?

25 A. Yes, sir.



1 Q. What side was that fire when you  
2 first went out in your FRC?

3 A. It was the starboard side.

4 Q. The starboard side?

5 Q. Yes, sir.

6 MR. GODFREY:

7 Chief, I have no further  
8 questions, but I would like to express  
9 the deep gratitude of BP for the lives  
10 that you saved. Thank you very much.

11 THE WITNESS:

12 Thank you, sir.

13 E X A M I N A T I O N

14 BY MR. DYKES:

15 Q. And following one of the gentleman's  
16 questions, the starboard side, you had  
17 mentioned earlier that it was starboard and  
18 starboard aft?

19 A. Yes, sir. It was more -- I guess if  
20 you would be at the four legs, it was the  
21 starboard -- it was mostly the starboard side,  
22 but it was a little bit on the stern, too.

23 CAPT NGUYEN:

24 Transocean, please?

25 MR. KOHNKE:



1 No questions.

2 CAPT NGUYEN:

3 Thank you, sir. Cameron?

4 COUNSEL REPRESENTING CAMERON INC.:

5 No questions.

6 CAPT NGUYEN:

7 Thank you, sir. Dril-Quip?

8 COUNSEL REPRESENTING DRIL-QUIP, INC.:

9 No questions.

10 CAPT NGUYEN:

11 Thank you, sir. MOEX?

12 COUNSEL REPRESENTING MOEX USA:

13 (No response.)

14 CAPT NGUYEN:

15 Halliburton?

16 COUNSEL REPRESENTING HALLIBURTON:

17 No questions.

18 CAPT NGUYEN:

19 Thank you, sir. M-I SWACO?

20 E X A M I N A T I O N

21 BY MR. EASON:

22 Q. Chief, I am Tobin Eason here on  
23 behalf of M-I SWACO. I want to tell you that  
24 one of the gentleman you saved was an M-I hand  
25 and I know he's very, very grateful for your



1 efforts and it sounds like to me you were a  
2 hero that night. I wanted to ask you about  
3 that DOI. Are you the individual that  
4 actually signs off on that DOI?

5 A. Yes, sir.

6 Q. And how do you get that information  
7 specifically from the rig?

8 A. The crane loads it down in a basket.  
9 Like I said, the DOI is a standardized thing  
10 so it's -- and we've been working this rig so  
11 long that it's the same DOI every time. Well,  
12 not the same one, but it's the same questions  
13 or procedures that you go through to make  
14 sure. The only thing that changes sometimes  
15 may be the radio station or personnel that's  
16 doing the transfer. But it's lowered down in  
17 the basket. It's already signed by the  
18 gentleman on the rig. I sign mine and I keep  
19 a copy and he has a copy.

20 Q. And on that initial signed version,  
21 does it refer, for example, to the 3,100  
22 barrels of mud that you were taking on that  
23 you referred to previously?

24 A. No, sir. It doesn't -- it doesn't  
25 have an amount or the weight on the DOI.



1 That's just a verbal agreement between me, the  
2 captain and the person that's in charge up on  
3 the rig.

4 Q. Now, that person on the rig, did that  
5 person ever mention to you where the 3,100  
6 pounds of mud was actually coming from on the  
7 rig?

8 A. No, sir.

9 Q. Did you make any assumptions about  
10 where that mud was coming from?

11 A. We knew they were moving in a couple  
12 of days so we figured it was just coming out  
13 of the hole. They were cleaning out the drill  
14 pipe -- all the mud -- the residual mud that  
15 was in the drill pipe and things like that.

16 Q. Could it have been from anywhere on  
17 the location other than down hole, such as the  
18 rig's pit, for example?

19 A. I couldn't tell you that. I'm not --  
20 I'm not --

21 Q. You made some assumptions about where  
22 that mud was coming from.

23 A. Right. I just -- I couldn't tell you  
24 where it came from. All I know is they pumped  
25 it to me and I bring it to the dock.



1 Q. Let me make sure I understand this.  
2 The DOI comes down. You have that form. You  
3 sign off on it.

4 A. Yes, sir.

5 Q. It indicates or you had a  
6 conversation that it's going to be 14-pound  
7 mud?

8 A. Yes, sir.

9 Q. And that there's going to be an  
10 initial flow of roughly 3,100 barrels that are  
11 coming to your tanks?

12 A. At the time, before we started, it  
13 was supposed to be 4,500 barrels and that's  
14 what I arranged my tanks for.

15 Q. You arranged for the 4,500 barrels,  
16 but you only received 3,100 at that time?

17 A. Yes, sir.

18 Q. And then how long a gap was there, or  
19 did they give you any indication at all about  
20 a time frame when they were going to initiate  
21 the remainder of the mud that was going to  
22 come on down to your tanks?

23 A. No, sir.

24 Q. Then was there any further  
25 conversations pinpointing the location of the



1 remaining mud that was to come down to your  
2 tanks?

3 A. Like I said, the captain called  
4 around 9:00 and they said they were going to  
5 displace the riser and I'm assuming the mud's  
6 coming from the riser at that time.

7 Q. Did you hear that conversation  
8 between the captain and the rig?

9 A. No, sir.

10 Q. Did you get that information from the  
11 captain afterwards?

12 A. Yes, sir.

13 MR. EASON:

14 Thank you, sir. That's all the  
15 questions I have and thank you once  
16 again.

17 THE WITNESS:

18 Thank you, sir.

19 CAPT NGUYEN:

20 Thank you very much.

21 E X A M I N A T I O N

22 BY MR. WHEATLEY:

23 Q. Chief, I just have one question and  
24 it kind of relates back to some of the  
25 information you provided us. You had



1 indicated that you had walked back on the deck  
2 after coming out of the engine room because  
3 you heard the air release. At any time  
4 subsequent to when you heard that air release,  
5 did you hear the engines on the DEEPWATER  
6 HORIZON speed up or over speed or anything  
7 like that?

8 A. No, sir. I couldn't tell you that.

9 MR. WHEATLEY:

10 Thank you.

11 CAPT NGUYEN:

12 Anadarko?

13 COUNSEL REPRESENTING ANADARKO

14 PETROLEUM CORPORATION:

15 No questions.

16 CAPT NGUYEN:

17 Thank you.

18 E X A M I N A T I O N

19 BY CAPT NGUYEN:

20 Q. Now, Chief, the conversation that you  
21 overheard, if today if you see the individual,  
22 would you recognize him?

23 A. I couldn't tell you. There was a  
24 hundred people on the boat. I was trying to  
25 help everybody making sure they were



1 comfortable, giving clothes out and things  
2 like that. I couldn't -- I couldn't tell you.

3 Q. Is there any other additional  
4 information that we have not asked you for  
5 that you think is relevant to this  
6 investigation that we should be aware of?

7 A. No, I don't think so, sir.

8 CAPT NGUYEN:

9 On behalf of the U.S. Coast Guard,  
10 I want to express my great gratitude  
11 to what you did out there in terms of  
12 saving the survivors of the DEEPWATER  
13 HORIZON. It was very heroic of you  
14 and the crew of the BANKSTON. Thank  
15 you very much and if we have further  
16 questions for you, will you make  
17 yourself available to the board?

18 THE WITNESS:

19 Yes, sir.

20 CAPT NGUYEN:

21 Thank you very much. We will call  
22 the next witness, Mr. Paul Erickson,  
23 Chief Mate of the DAMON BANKSTON. Mr.  
24 Erickson, would you raise your right  
25 hand. I'd like to place you under



1 oath?

2 \* \* \* \* \*

3 PAUL ERICKSON,

4 after being first duly sworn in the cause,

5 testified as follows:

6 E X A M I N A T I O N

7 BY MR. WHEATLEY:

8 Q. Good afternoon, Mr. Banks -- Mr.  
9 Erickson, I'm sorry. I appreciate you being  
10 here. To start off with, could you state your  
11 complete name and then spell your last name  
12 slowly for the record?

13 A. My name is Paul C. Erickson, E-R-I-C-  
14 K-S-O-N.

15 Q. Thank you, sir. And on April 20th of  
16 this year where were you assigned, sir?

17 A. I was onboard the DAMON B. BANKSTON  
18 on watch as dynamic positioning officer and  
19 mate on watch.

20 Q. Could you briefly outline for us the  
21 scope of your duties as the dynamic  
22 positioning officer and the mate?

23 A. I was monitoring the dynamic  
24 positioning system assuring that the vessel  
25 was maintaining position, that the reference



1 systems in use were adequate and providing  
2 good data and I was generally watching and  
3 observing all the activities going on, keeping  
4 a notebook of the events and -- I think I've  
5 ran out of words.

6 Q. That's okay. We'll give you another  
7 chance.

8 A. No good deed goes unpunished.

9 Q. That's right. Could you please  
10 briefly outline for us your maritime  
11 background, sir?

12 A. Sir, I'm a 1970 graduate of the  
13 United States Merchant Marine Academy. I've  
14 got about 39 years and 11 months experience as  
15 a third mate of unlimited tons upon oceans.  
16 I've run everything from supertankers to  
17 tugboats and for the last six years I've had a  
18 home on the DAMON BANKSTON.

19 Q. Do you hold any licenses,  
20 certificates or documents and could you  
21 basically identify them for us?

22 A. Yes, sir. I hold a third mate's  
23 license of unlimited tons upon oceans; I am  
24 certified as an unlimited dynamics position  
25 operator.



1 Q. Thank you. Were you on watch on the  
2 evening of the 20th of April, 2010?

3 A. Yes, sir.

4 Q. What time did you assume that watch,  
5 sir?

6 A. 11:30 in the morning.

7 Q. What was the duration of your watch?

8 A. 11:30 normally to 2330.

9 Q. At approximately 9:30 p.m on the  
10 evening of the 20th, where were you?

11 A. I was in the chair at the dynamic  
12 positioning console at the wheelhouse of the  
13 BANKSTON.

14 Q. And who else was on watch with you on  
15 the bridge that evening?

16 A. Captain Alwin Landry.

17 Q. Anybody else?

18 A. Not on the bridge, no, sir.

19 Q. If you could sir, starting at  
20 approximately 9:30 in the evening on the 21st  
21 -- on the 20th, excuse me, could you basically  
22 relay to the board the events as you best  
23 recall them that unfolded?

24 A. Yes, sir. Shortly after 9:30 I  
25 observed a cascade of liquid coming out of the



1 rig, the area of the drilling gear. I  
2 mentioned it to Captain Landry. His comment  
3 was, "Well, they're displacing the well." I  
4 thought it was unusual, but it was -- we don't  
5 always see all of what's going on and we were  
6 aware that there had been some problems with  
7 the well and there might be something  
8 different going on.

9 Q. You indicated that you were aware  
10 that there had been some problems with the  
11 well. Could you elaborate on that? What were  
12 you aware of?

13 A. They had had some problems with  
14 regard to having to redrill or reroute the  
15 well. I wasn't really clear on how much, to  
16 what extent their problems were, but you know,  
17 it was kind of a vague suggestions that we had  
18 picked up there had been some problems.

19 Q. So you understand there was some type  
20 of problems, you're just not quite sure what  
21 they were?

22 A. Exactly, sir.

23 Q. During the course of the day, while  
24 you were on watch, did you hear any releases  
25 of air or gas from the riser?



1           A. Yes, sir. Shortly after the -- after  
2           9:30, after the, I saw the liquid coming out  
3           the bottom of the rig, I heard what I thought  
4           at the time was a pressure tank unloading.  
5           It's not uncommon to dump the air out of a  
6           pressure tank, but it lasted maybe 20, 30  
7           seconds, which was not an unusual occurrence,  
8           but I mentally categorized it as an unloading,  
9           which was not exception. In fact, it escaped  
10          my mind because it seemed to be one of the  
11          fairly routine things to happen.

12          Q. Now, earlier in the day we had heard  
13          testimony that there had been prior releases  
14          of air or gas or something. Did you hear any  
15          of those?

16          A. Not earlier, no.

17          Q. So the first one you heard was in and  
18          around 9:30 or thereabout?

19          A. Yes, sir.

20          Q. And based upon your experience and  
21          having worked on the BANKSTON as long as you  
22          have and worked for the various rigs, was  
23          there any unusual or noteworthy about that  
24          particular release?

25          A. No, sir, not at that time.



1 Q. That air release, as far as you  
2 recall, came after you realized that there was  
3 some mud coming out?

4 A. Yes, sir.

5 Q. Could you identify where the mud was  
6 coming from on the rig itself? Was it coming  
7 out the top of the derrick, was it coming out  
8 the side?

9 A. I really wasn't able to observe it.  
10 When the mud first appeared, first saw it  
11 coming down, I went to close one of the  
12 wheelhouse doors and the Captain closed the  
13 other wheelhouse door and he assumed the  
14 position in the middle of the control area and  
15 he had a better view than I did and, the  
16 Captain's a pretty big man and I couldn't see  
17 around him. So I was kind of limited by --  
18 I'm 5'6". I prayed for more, but that's it.

19 Q. You indicated you saw the mud raining  
20 down, could you characterize it? Was it  
21 pretty much pure mud, was it mud with debris,  
22 anything unusual as far as you could tell?

23 A. Shortly after the mud started raining  
24 down, I saw a couple of birds fall out of the  
25 sky and I figured -- we had been covered by



1 seagulls and egrets for a couple of days out  
2 there and I thought the birds had been hit by  
3 the mud and knocked down. Shortly after that,  
4 I saw an eruption of fluid out of the aft end  
5 of the derrick on the main deck of the rig and  
6 the Captain had been on the radio to the rig  
7 telling them we were being covered with mud  
8 and they had responded that they were having a  
9 well control problem and shortly after that we  
10 were told that we ought get out of the way.

11 We had a liquid mud hose attached to the rig  
12 and we had to deal with that before we could  
13 move. Somewhere in that interval, the  
14 eruption of liquid and the aft end of the rig  
15 behind the -- aft of the derrick, there was a  
16 flash of fire and I hollered, "Fire on the  
17 rig, fire on the rig," and headed for the  
18 general alarm and after that it got pretty  
19 chaotic.

20 Q. I can imagine so. You indicated that  
21 you experienced this raining down of mud.  
22 Have you ever been on another OSV or some  
23 other vessel working with a drilling rig where  
24 that raining of mud has happened?

25 A. Yes, sir. I have.



1 Q. What were the circumstances of that,  
2 to the best of your knowledge?

3 A. At that particular circumstance, a  
4 mud hose on the deck of a work over rig had  
5 broken and it was a heavy, high wind situation  
6 and the wind was blowing the mud off the deck  
7 of the work over rig down on us. I had  
8 similar things happen a couple of times with  
9 broken hoses causing, you know, mud showers.

10 Q. So your previous experiences with mud  
11 showers were all the result of broken hoses  
12 and --

13 A. Broken hoses, valve malfunctions,  
14 that sort of thing.

15 Q. Let's go back to your testimony here.  
16 You indicated that they directed you to  
17 basically leave the position and move away  
18 from the vessel. Do you recall specially what  
19 your direction was and how long it took you to  
20 accomplish that.

21 A. I was -- once I saw the fire, I left  
22 the aft end of the wheelhouse and went  
23 directly to the general alarm and activated  
24 the general alarm. At that point, I was in a  
25 position where I did not have a visual on the



1 rig because the center of the wheelhouse was  
2 occupied by the chart table, elevator and  
3 other equipment and so my view was blocked. I  
4 would estimate two, two minutes, two and a  
5 half minutes, something on that order.

6 Q. And then after you moved away, at  
7 what point did you actually launch your Fast  
8 Recovery Craft?

9 A. In the immediate aftermath of  
10 sounding the general alarm, the crew -- we  
11 would normally muster outside. We made a  
12 public address announcement that they should  
13 muster inside and stay off the deck, that  
14 there was a fire on the rig. And so the crew  
15 mustered in the wheelhouse and I'm sorry -- I  
16 missed part of it. I'm trying to recall the  
17 question exactly as it was stated.

18 Q. We were discussing that -- I asked  
19 you how long after you had moved away and  
20 started to move away from your station do you  
21 recall launching your recovery craft.

22 A. The recover craft was launched -- the  
23 order was given as soon as we saw someone hit  
24 the water. At that point, my duty changed  
25 from being look-out and standing by preparing



1 to deal with the fire, to dealing with the  
2 rescue craft and its contingencies. And I  
3 left the bridge, got my PPE and my hard hat  
4 and my work vest and grabbed a VHF radio out  
5 of my room and headed for the rescue craft.  
6 By the time I got to that area, the boat had  
7 already been launched. So that interval was  
8 probably another minute, minute and a half.

9 Q. So fairly quickly then, sir?

10 A. Yes, sir. I left the bridge before  
11 the alarm was sounded. The DGBS time tick on  
12 the global marine distress and safety system  
13 was at 9:52:57 and I didn't -- normally I  
14 would have responded to that alarm, but I was  
15 already out of the wheelhouse.

16 Q. After you realized that the FRC had  
17 departed the vessel before you arrived at that  
18 station, what did you do then?

19 A. I maintained lookout for the person  
20 in the water. I had the VHF radio, which I  
21 put on Channel 16 and 6 to scan and maintain  
22 communications. I had already passed my UHF  
23 radio off to the other mate. So we both were  
24 out on deck with mutual communications to the  
25 wheelhouse and I was able to link to their



1 survival craft, etc. We launched the boat and  
2 picked up, I believe, three people. They  
3 brought them back to our port side and I  
4 assisted in getting those people onboard the  
5 BANKSTON. After that, I spent the next couple  
6 of hours helping people out of boats and tying  
7 off ladders and finding toilet paper and  
8 keeping people from smoking and liquid mud  
9 puddles and definitely control as much chaos  
10 as possible.

11 Q. Thank you, sir. You had indicated  
12 earlier in your testimony that you saw at  
13 least one person jump off. Did you see  
14 additional people jump off? And if you  
15 could --

16 A. I saw one -- the first person in the  
17 water, I did not see him jump. Our mercury  
18 vapor lights had picked up the reflective  
19 material on his clothing and we weren't sure  
20 whether it was a life ring or something else,  
21 but I saw an arm come out of the water so it  
22 was a person and we needed to get to him and  
23 the FRC, the man overboard boat, was already  
24 on the way -- a very efficient operation.

25 Q. Now, do you periodically on the



1 BANKSTON have abandon ship and FRC launching  
2 drills?

3 A. Yes, sir.

4 Q. Do you consider them to be adequate  
5 for purposes of training and having your crew  
6 ready to go?

7 A. Yes, sir. I think we demonstrated  
8 that quite effectively.

9 Q. Thank you. Now, afterwards you had  
10 indicated at some point, you mentioned  
11 firefighting, did you have any role in the  
12 direction of firefighting assets or accounting  
13 for vessels that responded to the fire?

14 A. Yes, sir. At one point, shortly  
15 after, while we were in the process of getting  
16 people out of the rescue craft, I went to the  
17 bridge to check on the general situation and I  
18 was asked to make up a list of the vessels in  
19 the neighborhood and that was probably about  
20 11 o'clock and there were 17 vessels within  
21 six miles responding.

22 Q. Now, did you provide any specific  
23 direction to those vessels as to where to go  
24 or were they pretty much responding on their  
25 own?



1           A. They were responding on their own.  
2       Captain Landry and Captain Logsdon were  
3       attempting to coordinate the distribution of  
4       vessels. There were bulk carriers and ITB,  
5       integrated tug and barge units that were too  
6       big to get into the area, but could  
7       participate in the search efforts. They were  
8       organized through Captain Landry's efforts and  
9       he was pretty much telling them where to go.  
10      There was a large number of vessels in the  
11      area. There was a small fishing boat, sport  
12      fisherman who shuttled medical supplies and  
13      offered assistance and was real handy, made a  
14      couple of runs around the rig looking for  
15      people. But he was running out of gas so he  
16      headed home, but it was a remarkable and  
17      beautiful response really.

18           Q. Sir, do you recall at any point in  
19      time did you receive any direction concerning  
20      firefighting from the Coast Guard at all?

21           A. Excuse me?

22           Q. Did you receive any direction from  
23      the Coast Guard concerning firefighting  
24      efforts?

25           A. No, sir. We were not equipped with



1 the water cannon so our ability to directly  
2 confront the fire would have been extremely  
3 limited by our hoses. We simply wouldn't have  
4 been able to reach them from any of our units.

5 Q. No, my question was a little bit  
6 broader than that. Did you receive any  
7 direction from the Coast Guard about your  
8 coordination efforts of the firefighting?

9 A. I was not aware of any because  
10 basically I was involved on deck of the  
11 communication side. I overheard, through the  
12 radio, when we were directed toward the  
13 medevac operations at the time.

14 Q. Now, to the best of your  
15 recollection, do you recall approximately what  
16 time you departed from the DEEPWATER HORIZON?

17 A. Actually, no. I was relieved about 1  
18 o'clock in the morning by the other mate,  
19 Jeffrey Malcolm. We looked at the prognosis  
20 of the situation and somebody was going to  
21 have to drive home and it was going to be me.  
22 So they sent me to bed. At 63, I was pretty  
23 worn out so I took advantage of the situation  
24 and got a couple hours sleep and resumed my  
25 duties about 10 o'clock the next morning.



1           Q. Now, during the course of all of  
2 these events there were lots of things going  
3 on and the BANKSTON's log actually was fairly  
4 well-documented. Do you recall who was making  
5 the entries in the log on the evening as the  
6 events unfolded?

7           A. I believe Captain Normand was making  
8 notes of what was going on and Captain Landry  
9 was handling communications. It's amazing how  
10 many lines of communication you can open at  
11 once and when everybody wants to talk that's  
12 full-time job.

13          Q. Do you know if the BANKSTON and/or  
14 Tidewater have any specific policy regarding  
15 entry of log book entries?

16          A. Other than maintaining a  
17 chronological statement of facts, that's about  
18 it. Under this kind of circumstance, you  
19 would write down everything you can and try to  
20 keep it in order, a lot of inputs. Some of  
21 them are germane and some of them aren't.

22           CAPT NGUYEN:

23                   I'm going to go ahead and pass it  
24           on to MMS for your questions, if you  
25           have any.



1 EXAMINATION

2 BY MR. MATHEWS:

3 Q. Earlier in your testimony, you said  
4 that you had a conversation about a problem  
5 within the well. Can you give us some type of  
6 timeline when that was? Was that in January,  
7 February, two weeks prior, the day before?

8 A. Yeah, several -- a hitch before, a  
9 month before. We had carried some extra  
10 liquid mud out because of a circulation  
11 problem of some kind and statements with the  
12 well was difficult, a non-typically difficult  
13 operation.

14 Q. How long is your hitch, if you're  
15 saying a hitch before?

16 A. It would have been -- I was working  
17 28 on and 14 off. So it could have been six  
18 weeks earlier.

19 Q. And outside of loss circulation, was  
20 there any other thing that you can call to  
21 memory about what was possibly discussed with  
22 the well?

23 A. No, nothing specific.

24 Q. Who made the communication with you  
25 that there was a problem with the well? Was



1 it someone from BP?

2 A. Yes. I believe, you know, we had  
3 carried an extra load of mud out and some  
4 comment was made that the well was being -- it  
5 was a difficult situation. It wasn't typical.

6 Q. And that comment came from BP?

7 A. I believe so. I'm not sure.

8 Q. How often did you have communication  
9 with either BP or the company man on the rig  
10 or someone from Transocean?

11 A. Oh, on a daily basis.

12 Q. Had they indicated anything the day  
13 of the incident that may have raised some  
14 eyebrows or concerns on your behalf that  
15 something was not right with the well that  
16 day?

17 A. No, sir.

18 MR. MATHEWS:

19 Thank you.

20 EXAMINATION

21 BY MR. WHEATLEY:

22 Q. Can I just go back to one question?  
23 You said the aft end of the rig was afire?

24 A. Yes, sir.

25 Q. Could you really visualize it as kind



1 of the rear of the rig, more than the  
2 starboard side, or what is your recollection?

3 A. My recollection was that it was about  
4 a midship's aft. I saw an eruption of liquid  
5 that looked like seawater. It didn't look  
6 brown as mud coming up out of the deck. It  
7 was a pretty heavy eruption of liquid because  
8 it was higher than the eight-foot high  
9 containers that were on deck. I could see  
10 this liquid boiling out of the deck and  
11 shortly after that, a flash of fire on top of  
12 the liquid above it and it continued to burn.

13 Q. So kind of in the derrick area?

14 A. Yes, sir, aft of the derrick center,  
15 midship center.

16 Q. Thank you.

17 E X A M I N A T I O N

18 BY CAPT NGUYEN:

19 Q. Chief, I just have one question for  
20 you. As Chief Mate you should have a hand  
21 held radio; is that correct, with you?

22 A. Yes, sir.

23 Q. Did you receive any call for  
24 assistance with the life boat or the life  
25 raft?



1           A. I heard a call with regard to the  
2           inflatable life raft. They had called saying  
3           that they were lowering an inflatable tethered  
4           raft from the rig after the rescue craft had  
5           been lowered and our MOB boat proceeded in  
6           that direction to assist. And that was about  
7           it. There were other communications, but none  
8           of them that I recall any context.

9           CAPT NGUYEN:

10                    Thank you, Chief. Representative  
11           from Marshall Islands, any questions  
12           for the witness?

13           MR. LINSIN:

14                    No questions.

15           CAPT NGUYEN:

16                    Thank you, sir. The next party in  
17           interest up is BP.

18           MR. GODFREY:

19                    Just a few questions, Captain.

20                    Captain, may I proceed?

21           CAPT NGUYEN:

22                    Yes, sir.

23           MR. GODFREY:

24                    Thank you.

25                    E X A M I N A T I O N



1 BY MR. GODFREY:

2 Q. My name is Richard Godfrey, Chief.

3 It's a pleasure to meet you. When you  
4 testified that you saw, after the mud started  
5 raining down, you saw an eruption of liquid.  
6 Where precisely did you see that eruption  
7 emanating from on the rig?

8 A. Aft of the derrick, nearly midship's  
9 aft.

10 Q. Could you get a sense or did you  
11 develop a sense at the time as to what the  
12 composition was of that liquid?

13 A. Optically, it was a white -- it  
14 appeared to be a white liquid. It looked like  
15 it might be seawater. I really couldn't tell.  
16 All I know is there was a lot of it.

17 Q. During the evening of April 20, 2010,  
18 did you personally have any communications  
19 with anyone on the rig, the DEEPWATER HORIZON.

20 A. No, sir, I didn't. At 5:17 they  
21 stopped pumping mud to us to go to dinner and  
22 after that we didn't hear anything more from  
23 them until the incident occurred.

24 Q. One final question: The liquid that  
25 you saw emanating, that you just testified



1 about, do you have a time when you saw that,  
2 an approximate time?

3 A. The liquid emanating from the main  
4 deck or the --

5 Q. Yes, sir.

6 A. Yes, sir. I would call it 9:40,  
7 9:45.

8 MR. GODFREY:

9 Thank you, Chief. No further  
10 questions and thank you for your  
11 service that night.

12 THE WITNESS:

13 Thank you, sir.

14 CAPT NGUYEN:

15 Thank you, sir. Transocean next.

16 EXAMINATION

17 BY MR. KOHNKE:

18 Q. You said something that I would  
19 follow up on. If I recorded correctly what  
20 you said, you said you saw a flash of fire  
21 above it. And I thought the "it" referred to  
22 the derrick.

23 A. The flash of fire was above the  
24 liquid.

25 Q. Above the liquid. And where --



1 A. Emerging.

2 Q. Where was the liquid in comparison to  
3 the derrick? If you want to come point to  
4 this, that would help.

5 A. Yes, sir. (Witness complies.) The  
6 liquid emerged approximately here. It was  
7 above the cargo that was located on the -- I'm  
8 looking at the other side. The liquid  
9 cascaded up over the cargo and then shortly  
10 afterwards, flames emerged over the liquid.

11 MR. KOHNKE:

12 Any objection to asking the  
13 witness to mark where he saw the  
14 liquid, where he saw the flame with X1  
15 and X2.

16 CAPT NGUYEN:

17 No, sir, go ahead.

18 MR. KOHNKE:

19 Would you do that, please?

20 THE WITNESS:

21 Sure.

22 BY MR. KOHNKE:

23 Q. X1 being where you saw the liquid.

24 Put an X1 for where the liquid was.

25 A. The liquid was coming out.



1 Q. X2 will be where the flame was --

2 A. Yes, sir.

3 Q. -- above the liquid.

4 A. Right.

5 Q. And you said it was coming out and  
6 you pointed, I thought. What did you see?

7 A. Yes, sir. The liquid was coming out  
8 over the cargo, which was approximately the  
9 same level as these risers that I indicated.

10 And then the fire emerged over the top of the  
11 liquid, at which point, I yelled, "Fire, fire,  
12 fire on the rig," and headed for the general  
13 alarm.

14 Q. Now, when you said the cargo, you're  
15 pointing to this --

16 A. Yes, sir. This is a riser rack. I  
17 don't believe there were any risers visible at  
18 the time. There was a deck cargo loaded, as I  
19 said, it's a 180 degree in terms of what I was  
20 looking at at the time.

21 Q. We're looking at the starboard side?

22 A. You're looking at the starboard side.  
23 I was looking at the portside.

24 Q. I see.

25 A. It appeared to be about directly



1 under the derrick and aft.

2 Q. Directly under the derrick, and of  
3 course, you've drawn it a little bit forward  
4 of the derrick, did you not?

5 A. This is forward, this is aft, right?

6 Q. Yes.

7 A. I'm still trying to spin it 180  
8 degrees. Yeah, it was -- the derrick centered  
9 over the hull. The eruption was apparently in  
10 the middle of the deck aboard ship and the  
11 fire was right on top of it. It emerged right  
12 over the top of the liquid.

13 MR. KOHNKE:

14 Thank you, sir.

15 CAPT NGUYEN:

16 Thank you, sir. Cameron?

17 COUNSEL REPRESENTING CAMERON INC.:

18 No questions.

19 CAPT NGUYEN:

20 Thank you, sir. Dril-Quip?

21 COUNSEL REPRESENTING DRIL-QUIP, INC.

22 No questions.

23 CAPT NGUYEN:

24 Thank you, sir. MOEX?

25 COUNSEL REPRESENTING MOEX USA:



1 (No response.)  
2 CAPT NGUYEN:  
3 Halliburton?  
4 COUNSEL REPRESENTING HALLIBURTON:  
5 No questions.  
6 CAPT NGUYEN:  
7 Thank you, sir. M-I SWACO?  
8 MR. EASON:  
9 No questions.  
10 CAPT NGUYEN:  
11 Thank you, sir. Anadarko?  
12 COUNSEL REPRESENTING ANADARKO:  
13 No questions.  
14 CAPT NGUYEN:  
15 Thank you, sir. And finally, I  
16 believe, it's Weatherford.  
17 COUNSEL REPRESENTING WEATHERFORD:  
18 No questions.  
19 CAPT NGUYEN:  
20 Thank you, sir. Any other  
21 questions from the Coast Guard or MMS  
22 members? Chief, is there any other  
23 information that we have not asked you  
24 for that you think that we should be  
25 aware that is pertinent to the



1 investigation?

2 THE WITNESS:

3 Not that I can think of.

4 CAPT NGUYEN:

5 On behalf of the Coast Guard,

6 thank you very much for being a U.S.

7 Merchant Marine officer and your

8 contribution to the rescue of 115 crew

9 members of the HORIZON. If we have

10 further questions in the future, will

11 you be available to the board?

12 THE WITNESS:

13 Certainly, sir.

14 CAPT NGUYEN:

15 Thank you, sir. You are

16 dismissed. Thank you.

17 THE WITNESS:

18 Thank you, sir.

19 CAPT NGUYEN:

20 We are going to go ahead and take

21 a break for about 10 minutes.

22 (Whereupon, a ten minute break was taken off

23 the record.)

24 CAPT NGUYEN:

25 The board will now call the next



1 witness, Mr. Frank Patton, MMS  
2 Permitting. Mr. Patton, thank you for  
3 being here. I would like to place you  
4 under oath. Mr. Patton, please raise  
5 your right hand.

6 \* \* \* \* \*

7 FRANK PATTON,  
8 after being first duly sworn in the cause,  
9 testified as follows:

10 EXAMINATION

11 BY MR. MATHEWS:

12 Q. For the record, could you please  
13 state your name and spell your last name?

14 A. My name is Frank Patton, P-A-T-T-O-N.

15 Q. Thank you. Could you please inform  
16 the board what your current position is?

17 A. My current position is New Orleans  
18 District Drilling Engineer for Minerals  
19 Management Service, a part of the Department  
20 of the Interior.

21 Q. How long have you been the drilling  
22 engineer in the New Orleans district?

23 A. Since December of 2008.

24 Q. Prior to being a drilling engineer,  
25 what was your experience within the MMS or



1 industry?

2 A. Well, starting from the beginning,  
3 after I graduated from college in 1973,  
4 December of 1973, I went to work as a drilling  
5 engineer with Penzoil. I was there  
6 approximately nine months and then I went to  
7 work for the Federal Power Commission in  
8 reservoir engineering. I was there  
9 approximately two years and I went to work  
10 with the U.S. Geological Survey Conservation  
11 Division, which is now the Minerals Management  
12 Service. First I worked in reservoir  
13 engineering and then I was -- I assumed the  
14 position, or I got the position of district  
15 drilling engineer in the mid-Atlantic office  
16 in Atlantic City, New Jersey. I was there for  
17 approximately a year and a half and then I  
18 went back into industry and I was drilling  
19 engineer for approximately seven years with a  
20 company, Gruy Petroleum Management Company out  
21 of Dallas, Texas drilling wells and consulting  
22 and then I went to work for another company,  
23 Shoshone Oil Company. I was there for just a  
24 short while before I came back with the  
25 Minerals Management Service and I came back.



1 Well, I came to work for Minerals Management  
2 Service in 1988. That was up in Washington.  
3 In 1991, I came down here. Up in Washington,  
4 I was working with, I guess, a policy and  
5 planning-type group and everything, and then  
6 when I came down here, I was mostly in the  
7 pipeline group. I spent a little while in  
8 technical assessment until 2004, when I was --  
9 I believe it was in June or July where I got a  
10 position as a staff engineer with the District  
11 and I was working with different engineers and  
12 I then, about 2006, I believe became the OPA  
13 Production Engineer and then in, as I said, in  
14 December of 2008, I assumed the position of  
15 District Drilling Engineer.

16 Q. Can you please give us a brief  
17 overview of what your responsibilities are  
18 within the drilling engineering role at the  
19 district level?

20 A. My basic responsibilities are, of  
21 course, to review and approve applications to  
22 drill, new wells, sidetracks, bypasses, and to  
23 make modifications to those wells, including  
24 completions, changes in plans and everything  
25 like that.



1           Q. Can you go into a little further  
2 detail of what is actually covered in the  
3 application for permit to drill?  
4           A. Sure. It's a long, involved process.  
5 Applications are submitted in the process, a  
6 computer-process we call eWell. And when they  
7 are reviewed -- when they are inputted, I will  
8 review my listing and when I see them, I will  
9 put it in to review. After I put in to  
10 review, the first thing I do is make sure  
11 everything is accurate as to where they plan  
12 to drill and all that. So I will review -- I  
13 open up the plat showing the certain block  
14 that they want to drill in. I will look on  
15 the general information page of the  
16 application, make sure that they have the  
17 right lat/longs, XY coordinates, distances  
18 from lease lines. I will look to see that  
19 they have approved plans for the surface and  
20 the bottom hole locations. I will check on  
21 that page to make sure that they have oil  
22 spill financial responsibility. I will also  
23 open up the wellbore schematic, look at it  
24 and, of course, that shows water depth most  
25 times and the depths the well is going to be



1 drilled to. I would check that information  
2 against the -- You know they have the water  
3 depth on the general information page and then  
4 after doing that, I will also open up the rig  
5 information and we have a rig data base that's  
6 attached to it. And it will show water depths  
7 that the rigs are rated to be drilled in, the  
8 total depth that the rig is capable of  
9 drilling to, and I make sure that those are  
10 okay. And then I would check also to see if  
11 the Coast Guard permit is current and that the  
12 ABS or DNV permit is current. At that point,  
13 if any of that is wrong, I will send it back  
14 to them to make corrections. If all that is  
15 correct, I will put that into review for a  
16 geologist and geophysicist to conduct their  
17 reviews and, of course, the shallow hazards.  
18 Also, I will take a look at our tab that has  
19 geological markers and make sure they have  
20 those things listed, which are things that the  
21 geologist and geophysicist will use in their  
22 review. That's the first part, just to make  
23 sure that's all done. And once I determine  
24 that that is complete to the best of my  
25 knowledge, I will begin reviewing other data,



1 such as on the page I just -- the geological  
2 information they also have is an H2S presence  
3 in the well and I check that and if it's not,  
4 fine. If it is, I will check to make sure,  
5 and there are attachments that they have an  
6 H2S contingency plan, which we review  
7 separately. We have a multi-page checklist on  
8 that that goes according to our regulations on  
9 hydrogen sulfide wells. Then the next thing I  
10 do is I will start doing my actual review of  
11 the wellbore itself in the process of drilling  
12 the well. Now, on that basically I will look  
13 at three different things. The main thing is  
14 the casing information, pages they submit,  
15 which has all the information on the size,  
16 weight and grade casing they are going to use.  
17 It has the depths; it has the mud weights; the  
18 amounts of cement they're going to use; it has  
19 -- as far as mud weight, it also has a pore  
20 pressure frac gradient. You want to insure  
21 that it's within that range so they don't  
22 affect the formation or lose mud to the  
23 formation at all. And so I will check that on  
24 that page. And then I will also check that  
25 against their procedure and make sure that



1 they show everything is being the same on  
2 their procedure and also, on their wellbore  
3 schematic. And I will make sure that all  
4 three of those things are all the same and, of  
5 course, if they're not I will send it back and  
6 have them reconcile their differences so we  
7 can make sure that everything is in agreement,  
8 that they're talking in all aspects about the  
9 same program.

10 After that, I will -- from that data, we  
11 have a -- I'll press another button and it  
12 will do calculations and it will show for all  
13 those casings and everything that they are  
14 using the proper -- the casings involved for  
15 those depths as far as collapse versus  
16 pressure, check to make sure they have  
17 sufficient cement, make sure that we check  
18 their formation integrity test, which is what  
19 they do after they set a string of casing and  
20 cement it. They will test the bottom of their  
21 casing to see what type of pressure it can  
22 withstand. They don't do it up to its  
23 maximum, but what they feel is sufficient for  
24 their next section of hole. And after they do  
25 that, our general rule is they cannot come



1 within a half pound per gallon on the mud  
2 weight of that formation integrity test. Now,  
3 we do at times grant departures and one of  
4 them sometimes in the upper hole sections  
5 where there are no hydrocarbons expected to be  
6 encountered. We will allow them to possibly  
7 go to .3 or I think there may have been a  
8 variance of .2, but we put in the conditions  
9 that if they encounter hydrocarbons, they have  
10 to set the pipe. So we go through that for  
11 all of the casings and everything. If they  
12 use liners, which are partial casing strings,  
13 we insure that those are in compliance with  
14 the regulations, such as if they use a liner  
15 for the conductor or surface casing, they have  
16 to be at least 200 feet inside the casing  
17 above it. If it's intermediate or production,  
18 it has to be at least 100 feet inside where  
19 they hang it off of the upper string of  
20 casing. And then, of course, as I said, we  
21 have our requirements about cementing and all,  
22 the conductor has to be cement to surface, a  
23 surface 200 feet inside the conductor. And  
24 then the other ones are intermediates or  
25 production casings either have to be cemented



1 at least 500 feet into -- up from the shoe of  
2 it, or else if there are hydrocarbons, at  
3 least 500 feet above any hydrocarbon shows.  
4 There's a lot involved so I'm trying to think.  
5 After we do all that, if there's anything  
6 wrong, any of those calculations are wrong,  
7 anything, we will -- of course, I will send it  
8 back and have them make corrections so it will  
9 be in compliance with the regulations.

10 Next -- oh, one thing I said earlier is, I  
11 was talking about the plans. I check on the  
12 plans to make sure they are complete. Now, if  
13 the plans have "A" for approved, there's no  
14 problem with that for surface and bottom-hole  
15 locations. If they have a "C", that means  
16 there's a condition of approval attached and  
17 in that case, I will generally go into our --  
18 another big database called our TIMS, Total  
19 Information Management System, and I will pull  
20 up the plan and see what the condition of  
21 approval is that is attached. After I see  
22 that, I will contact the person in the  
23 planning section who did the review and I will  
24 check with them to see if there is something  
25 presently being done to remove that condition,



1 of it not, then I will attach a condition of  
2 approval when I do get my approval at a later  
3 time stating what that condition is that we  
4 can give approval for that well.

5 After I've done all those reviews -- well,  
6 of course, let me go back. I'm sorry. When I  
7 was talking before about the pore pressures,  
8 mud weight, frac gradient, they also supply a  
9 chart for that and when I am looking at those  
10 in the casing information, I will -- that's  
11 another thing I cross-check to make sure  
12 they're both saying the same thing. So in a  
13 lot of instances, we're doing two or three --  
14 we have two or three pieces of information and  
15 we want to make sure that they are all talking  
16 the same thing in their applications. We want  
17 to make sure that everything is in accordance  
18 with regulations and everything is capable of  
19 being used for the instance they want to use  
20 it, at the depths they want to use, that  
21 they're safety-wise and everything, that their  
22 casing program and cementing program and  
23 drilling program, in general, is safe and  
24 sufficient to drill a successful and safe  
25 well.



1           Then after that all that is reviewed,  
2           after I've completed my review, I will look at  
3           the reviews that have been done by the  
4           geologist and geophysicist. Most of their  
5           information is dealing with shallow hazards,  
6           such as shallow gas flows, shallow faults,  
7           shallow water flows and if they have  
8           information about that, that would be one  
9           thing that I would put down as cautions into  
10          my conditions of approval. And as I stated  
11          before, if there was something about the plan,  
12          I would put that in and there are other  
13          engineering-type things that I may have to put  
14          cautions or other conditions of approval in  
15          when I do my approval. But, of course, like I  
16          said, a lot of times we will -- most  
17          applications I send back at least once for  
18          some problem and some of them several times  
19          if, you know, other things develop from other  
20          parts of the review and all.

21                 But in general, that is the process. I  
22                 may have forgotten something. It's a long  
23                 process, but basically that is the process for  
24                 reviewing applications to drill wells.

25                 Q. Thanks, Frank, for that explanation.



1 Outside of your review of the application, is  
2 it ever in your role to go out and inspect the  
3 facility as a drilling engineer?

4 A. On occasions, I'll go out. I don't,  
5 per se, do inspections. A lot of times I go  
6 out and look at possibly new technology or  
7 different technology or special operations  
8 that are going on. I will, at times, go out  
9 with the drilling inspectors just overseeing  
10 what they're doing and make sure everything's  
11 being done -- the way it's done -- I'm sorry,  
12 everything's being done the way that I would  
13 do it. And of course, they are much more  
14 specialized, but I'm very familiar with the  
15 process of inspecting the rigs. A lot of  
16 that, of course, is inspecting records from  
17 what they have been doing and insuring that  
18 the -- oh, I'm sorry. There's something I  
19 forgot from the other part -- but insuring  
20 that the BOP tests are performed when they  
21 need to be and everything and that everything  
22 -- the casings are set where they were  
23 supposed to be, they have proper mud weights  
24 and those type of things. If I could go  
25 back, part of my review process from the APD,



1 and it is a very important one --

2 Q. Sure, just to get some clarification  
3 because I'm certain not everybody knows what  
4 the application --

5 A. Yes. The application to drill, an  
6 important part of it is reviewing the blowout  
7 preventers and those are, of course, submitted  
8 by the rig company. We will -- it shows on  
9 the application what they're going to test  
10 them to. It shows on the application maximum  
11 anticipated surface pressures and with those  
12 things, we have to check the BOP stack to  
13 insure that it is rated highly enough that it  
14 can contain any kick that would be taken from  
15 that well. Also, we have requirements -- we  
16 have requirements that a well must be equipped  
17 with at least one annular preventer, which is  
18 a preventer that closes around the pipe, at  
19 least, one blind shear ram and two pipe rams.  
20 And the pipe rams, of course, go around -- the  
21 blind shear is a device that will shear the  
22 drill pipe and in some cases they have ones  
23 that will shear casing, if need be, which  
24 that's the last line of resort. But as I  
25 said, we insure that those are suitable for



1 the operation they are going to conduct. And  
2 then, of course, when inspections are done, we  
3 insure that they comply with the regulations  
4 which require them to be tested every two  
5 weeks and the blind shears are to be tested  
6 once every thirty days and also, the rams and  
7 all must be function-tested every seven days  
8 when they are not doing their BOP test.

9 Q. Sir, to go back to the inspection.  
10 Did you ever inspect the DEEPWATER HORIZON  
11 while on location at Mississippi Canyon 252?

12 A. To the best of my knowledge, I don't  
13 believe I've ever been on the DEEPWATER  
14 HORIZON.

15 Q. Did you review and approve the  
16 original APD when the well was being drilled  
17 by the MARIANAS?

18 A. Yes, I did.

19 Q. Was there any indication during the  
20 drilling of that well that they encountered  
21 any type of problems during reporting back to  
22 you within their weekly activity report?

23 A. I checked this morning with the  
24 engineer who is working with me who's  
25 reviewing those weekly reports. And he



1 indicated that in reviewing them, he did not  
2 see any information as to taking kicks.

3 Q. Prior to when this well was being  
4 drilled, did BP or anybody from Transocean  
5 meet with the New Orleans District to give any  
6 type of overview or concerns that they had on  
7 that specific well?

8 A. To the best of my knowledge, I can't  
9 recall. It's possible. The companies do come  
10 in from time to time prior to drilling wells  
11 and discuss them with us. I don't recall  
12 having a meeting on that well, but it is  
13 possible. It could have happened because this  
14 was originally approved over a year ago and it  
15 would have been prior to that they would have  
16 come in if they did.

17 Q. Being that you approved the wellbore  
18 that the incident occurred on, from your  
19 review you were able to, I guess, access that  
20 the DEEPWATER HORIZON was outfitted and had  
21 the capability to work in the water depth and  
22 location it was in?

23 A. That is correct. As I stated before,  
24 we have attachment to our TIMS database which  
25 has information on each rig. And, of course,



1 if that information isn't in there, and it's a  
2 new rig that comes in, we will gather that  
3 information from the companies and verify that  
4 it was capable of working in both in that  
5 water depth and in drilling a well to that  
6 depth and that its inspection permits were  
7 current.

8 Q. And you did approve the most recent  
9 APD for the wellbore that the incident  
10 occurred on?

11 A. Yes, advised permits to drill, yes.

12 Q. Do you know how many revisions were  
13 made to that APD by the operator, BP?

14 A. I believe we had five or six revised  
15 permits to drill. I can't tell you  
16 specifically what they were right now. I know  
17 one of them was from when they had problems  
18 with the MARIANAS and they had to change over  
19 to the DEEPWATER HORIZON. I believe that was  
20 it.

21 Q. When was the most recent change and  
22 how many changes were there?

23 A. I can't recall when the most recent  
24 change was. I know the last thing I approved  
25 on it was their setting of the production



1 casing string and the cementing of it. I  
2 can't recall if that was a revised permit to  
3 drill or if that was an application for a  
4 permit to modify.

5 Q. Do you remember the date of when that  
6 occurred or whereabouts?

7 A. It was possible a month, six weeks  
8 ago, I would estimate.

9 Q. Being that they had changed the APD a  
10 few times prior to completion of the well, was  
11 there any concerns at your level or within the  
12 New Orleans District with any type of  
13 procedural issues that had been going on?

14 A. No, there wasn't. We didn't have any  
15 indications that there were any problems or  
16 anything that were going on. As I said, every  
17 time we review a change, of course, it goes  
18 through a more set process, we do all the  
19 calculations again by computer making sure  
20 that everything is still suitable for the rest  
21 of the wellbore and for the conditions that  
22 exist and at the ensuing wellbore sections  
23 that they plan on drilling to TD.

24 Q. So it is safe to say that all APDs  
25 that were approved by the MMS, BP had met the



1 minimum requirements per our regulations?

2 A. That is correct.

3 Q. Did you review the weekly activity  
4 reports prior to the incident?

5 A. I was reviewing the weekly activity  
6 reports until approximately December or mid-  
7 January. I have an engineer who works with me  
8 and for several months I was training him in  
9 reviewing those, and of course, advising him  
10 of mistakes and all and after a while, of  
11 course, he became very proficient at it. He  
12 knew what we had to look for, how to do  
13 everything and to come to me if there were any  
14 problems. And from that point on, I did not  
15 -- I occasionally will just go in randomly and  
16 look at some of the permits just to make sure  
17 he was doing fine on them. But we had  
18 confidence at the time that he was very  
19 capable of reviewing those reports and we  
20 allowed him to review them by himself and that  
21 was, as I said, I believe, approximately mid-  
22 January.

23 Q. I know you didn't review them, but  
24 can you inform us if there was any type of  
25 violations or any type of INC issued per what



1 was reported in that weekly activity report,  
2 in the last -- since January?

3 A. I talked to the other engineer and he  
4 said he has not issued any INCs on that well,  
5 any office INCs.

6 Q. Now, if a bad cement job, a bad BOP  
7 test or any type of problem that a drilling --  
8 or during the drilling operation, would that  
9 be captured in a WAR, a weekly activity  
10 report? I'm sorry for using acronyms.

11 A. Well, as far as BOP tests and the  
12 WARs, some people will go into more detail  
13 than others. But we have a space where they  
14 indicated the last BOP test and a lot of them  
15 will just say, "conducted BOP test." It  
16 starts one day and ends the same day or if it  
17 ends the next day, says "finish conducting BOP  
18 test." From that we cannot determine if they  
19 did them as required and as far as cement  
20 jobs, we will check the casing and the  
21 cementing and see if they are as approved or  
22 prescribed in the application for permit to  
23 drill. The engineer, whether it was myself or  
24 another person checks it, we always bring up  
25 the application for permit to drill, we look



1 at the wellbore data and we determine if it is  
2 the same. Now, at times they may get a  
3 departure that may not be shown in our data or  
4 they have to definitely have to get approval  
5 if they want to set it more than 100' deeper  
6 vertically than approved. But we will check  
7 to make sure that that setting depth and that  
8 amount of cement was approved prior to them  
9 performing that operation. And as I said, we  
10 never issued an INC so I would assume that  
11 everything is in accordance with what was  
12 approved at the time.

13 Q. So it's safe to say that no one from  
14 BP ever informed you of any issues concerning  
15 any cement job performed on that wellbore?

16 A. No, sir.

17 Q. About how many APDs do you review  
18 personally a week?

19 A. Depending on the level of activity,  
20 I'd say in the range of two to three APDs,  
21 Application for Permit to Drill.

22 Q. And about how many weekly activity  
23 reports are going, or how many drilling  
24 operations are ongoing in your district alone?

25 A. I'd say it probably averages about 15



1 to 18 wells per week, depending on activity  
2 levels. Sometimes a little bit lower or maybe  
3 a little bit higher, but I'd say that's a good  
4 average rating for the number of wells that we  
5 normally have drilling in the New Orleans  
6 District.

7 Q. So you have approximately two to  
8 three applications and 15 weekly activity  
9 reports that come in on a weekly basis. Do  
10 you have any concerns at any time that you, or  
11 the engineering staff that reviews the weekly  
12 activity reports, could have possibly  
13 overlooked any type of incident that may have  
14 occurred?

15 A. I guess there's always a possibility,  
16 but I don't believe. We try and do a very  
17 detailed review of everything and make sure  
18 that we double check always to make sure that  
19 we did not make any omissions, oversights on  
20 our reviews.

21 Q. Earlier you brought up BOP testing as  
22 a part of your APD review process. Could you  
23 touch on that a little more in detail as to  
24 what goes in or what the operator is required  
25 to do within their BOP testing?



1           A. Well, they're required to test  
2 different elements of the blowout preventers  
3 themselves. They're supposed to -- basically  
4 when they do their 14-day test, they're  
5 supposed to test their annular, test their ram  
6 preventers. I believe the testing procedure  
7 is for 15 minutes and they prescribe a certain  
8 test pressure they are going to test them to,  
9 which is above any anticipated pressures they  
10 expect to see in the next hull section. They  
11 perform those, as I say, on a biweekly basis  
12 and they record everything they test to and  
13 that, of course, is verified by our inspectors  
14 when they go out to the rigs when they do  
15 their inspections of the rig.

16           Q. Do you know if the MMS granted any  
17 type of departure on extension on that 14-day  
18 BOP test?

19           A. As far as I can recall, I do not  
20 recall ever doing that. Normally, the only  
21 reason we would require an extension is if the  
22 well was either, if they had a situation where  
23 the well was kicking or if they were have a  
24 loss circulation problem. Other than that we  
25 do not grant extensions, and when we do that



1 we tell them their next step after they gain  
2 control of the well is immediately to begin  
3 the BOP test.

4 Q. Outside of that departure, was there  
5 any other departures granted to BP on that BOP  
6 stay.

7 A. I'm not positive. There's one  
8 extension that we grant in several instances  
9 and we say possibly was granted. I'd have to  
10 look back and check. But a lot of times the  
11 regulations say that the BOPs must also be  
12 tested after each casing string is set and we  
13 will grant a departure on that stating that  
14 the departure is granted to not test the BOPs  
15 unless the 14-day BOP test is due.

16 Q. I know you referenced a lot of  
17 information about what they are required to  
18 submit for the BOP. Are you familiar with the  
19 federal regulation 250.416?

20 A. Yes, I am.

21 Q. Can you please tell me what an  
22 operator is expected to submit within their  
23 application according to that regulation?

24 A. Verbatim I can't tell you everything,  
25 but they submit their ratings for the BOPs;



1 they submit a schematic for the BOP. They  
2 submit -- I'm not sure exactly what all.

3 Q. Well, do you know if the operator is  
4 required to submit any information on how they  
5 insure the blind shear ram would activate?

6 A. I'm not sure I'm clear on what you're  
7 saying.

8 Q. Within 250.416(e), an operator is  
9 required to submit some information as to how  
10 they can insure that the blind shear ram  
11 activates and that it has enough ability to  
12 close on drill pipe.

13 A. No, actually to shear the drill pipe.

14 Q. Sorry.

15 A. I have never looked for a statement  
16 on that in my applications to drill. When I  
17 was in training for this, I was never -- as  
18 far as I can recall, ever told to look for  
19 this statement.

20 Q. So would you say that within the APD  
21 that you approved, there was no information  
22 submitted on the blind shear ram or its  
23 capabilities?

24 A. There wasn't -- no, not on its  
25 ability to shear the drill pipe that was being



1 used. That was not submitted.

2 Q. If they didn't submit it, you might  
3 have touched on this, why did we approve the  
4 application?

5 A. That is one thing I do not look for  
6 in my application and in my approval process.  
7 So everything that I do look for was  
8 appropriate for the approval of the permit and  
9 I deemed that it was correct and in compliance  
10 and that is why I approved it, but I have  
11 never looked for that statement.

12 Q. And just for clarification, is this  
13 just you or is this MMS wide?

14 A. I'm not aware. I don't know. I  
15 assume it may be other offices, but I cannot  
16 tell you definitely.

17 MR. MATHEWS:

18 Are there any other questions for  
19 the MMS?

20 EXAMINATION

21 BY MR. McCARROLL:

22 Q. I have a question. Frank, are you  
23 aware of the West Engineering Study in 2004 on  
24 the ability of blind shear rams to shear 6-5/8  
25 drill pipe?



1 A. No, I'm not.

2 Q. Are you aware of the study stated  
3 that the blind shear rams will shear  
4 everything except heavy duty workpipe?

5 A. I'm not aware of that. I know that  
6 it will not shear drill collars or heavy  
7 weight drill pipe.

8 Q. When did you become the drilling  
9 engineer for New Orleans?

10 A. December of 2008.

11 Q. And that study was completed in 2004.  
12 That's the only question I have.

13 EXAMINATION

14 BY MR. MATHEWS:

15 Q. Frank, could you please state the  
16 name of the engineer that reviewed the WARs  
17 and spell his name for us, please?

18 A. His name is Peter Botros, B--O-T-R-O-  
19 S.

20 Q. And one last question: How long does  
21 a typical APD review take from once it's  
22 submitted and completed in proper release back  
23 to the operator?

24 A. That would vary widely, depending on  
25 the depth of the well, the water depth, the



1 complexity of the casing strings and all and,  
2 of course, review process by other geologists,  
3 geophysicists and all. I would say the actual  
4 time I would put into review of an APD would  
5 probably be an average three to four hours.  
6 Of course, the review of itself, going back  
7 and forth and all that, I'd say could vary  
8 anywhere from possibly five days up until  
9 several weeks, depending on the amount of time  
10 it takes to get it resubmitted, on the amount  
11 of time it takes them to correct the problems  
12 we have and getting all the reviews done. So  
13 it's has a wide range, but we want to insure  
14 that everything is correct before we approve  
15 it so that would be the approximate range.

#### 16 EXAMINATION

17 BY CAPT NGUYEN:

18 Q. Mr. Patton, I'm an engineer in the  
19 Coast Guard Marine Technical Program so my  
20 question is going to be very general to try to  
21 see how I can compare what the Coast Guard is  
22 doing on the outside in terms of approving and  
23 certification of commercial marine vessels.  
24 So first of all, the first question I have is,  
25 how do you establish minimum requirements for



1 drilling, you know, in terms of the well  
2 casings and the performance of the blowout  
3 preventer? Who sets the minimum requirements?

4 A. Well, those are determined by  
5 pressure analysis. As far as depths your  
6 overburdens, such as from the water depths,  
7 from the land itself and that type of  
8 information.

9 Q. I understand that. So did the  
10 pressure determine how thick the piping is  
11 supposed to be and all that, right?

12 A. That's correct and it's metallurgical  
13 properties, etc.

14 Q. So the standard for the piping -- Who  
15 sets the standard for piping?

16 A. The American Petroleum Institute.

17 Q. API?

18 A. Yes.

19 Q. Now, my understanding from the  
20 question from Mr. Mathews is that BP's design  
21 meets the minimum requirement in MMS  
22 regulations; is that correct?

23 A. Yes, sir. All casings exceeded the  
24 minimum requirements that are set for those  
25 casings at those depths.



1 Q. The minimum requirement, what is the  
2 safety factor?

3 A. Normally, it's at least a -- well,  
4 most of the time it's at least 1.5 is the  
5 safety factor that they use. I couldn't tell  
6 you exactly what was the safety factor in this  
7 well for these casings.

8 Q. So generally the operator come in  
9 with the design just to meet the minimum  
10 requirements or how does that work?

11 A. Most designs that come in far exceed  
12 the minimum requirements. Many of them are  
13 over twice, over 2, 2.5. So they make sure  
14 they have ample -- ample construction of the  
15 pipe for the depth that they plan to set them  
16 at.

17 Q. Is that typical of a BP design, that  
18 they exceed minimum requirement by that --  
19 those factors that you just indicated?

20 A. I couldn't say for sure, but most  
21 applications I look at do have, as I said,  
22 well over -- at least usually over 1.5 is the  
23 factor and in many cases over 2. I can't  
24 recall their casings, but I would say they  
25 were probably around that range.



1 Q. So MMS regulations, is that adopted  
2 international standards or industry standards  
3 by reference in the regulations?

4 A. Yes. Yes, we -- especially with  
5 American Petroleum Institute, we incorporate a  
6 lot of their regulations into ours and a lot  
7 of that is used in the design of our  
8 regulations, I believe. But as you said, a  
9 lot of the API regulations, the American  
10 Petroleum Institute regulations are  
11 incorporated into the Code of Federal  
12 Regulations that we use for our review and  
13 approval of applications to drill.

14 Q. So it appears that the well is design  
15 depends on the situation, how deep you're  
16 going to drill and the formation make-up and  
17 all of that. Now, so I assume that very  
18 intensive calculations to check the work of  
19 the submitter; is that correct?

20 A. Yes, that's correct.

21 Q. And it's done all by government  
22 employees?

23 A. It is -- right now basically it's is  
24 done through our computer program. The  
25 formulas have been inputted and, as I said,



1 they have that casing analysis data and then I  
2 will hit the one button that says calculations  
3 and it will perform all the calculations and I  
4 will check those calculations to make sure  
5 that it shows everything is correct for the  
6 depth, the casing is going to be set for the  
7 size of it and all that.

8 Q. Yes, sir. So the calculations done  
9 by all government employees and no contractors  
10 or third parties on behalf of the government?

11 A. No. These designs were done, these  
12 calculations that are put in the program were  
13 done by MMS employees.

14 Q. Yes, sir. And the program that you  
15 use, is that off-the-shelf program that  
16 industry use?

17 A. No, sir. It was one that was created  
18 by personnel in MMS, to the best of my  
19 knowledge. There may have been some  
20 contractors involved in building it, but the  
21 MMS did the design and that was based on our  
22 reviews we did before computers by hand. We  
23 used to have to do hand calculations on  
24 everything.

25 Q. So in terms of computing



1 capabilities, does MMS have the same  
2 capability as industry?

3 A. I would say yes. It has the same  
4 standard type of formulas everybody uses  
5 according to the petroleum engineering  
6 practices and API standards.

7 Q. Yes, sir. Now, once the design is  
8 approved by your office, who -- and from what  
9 I understand from the conversation before, is  
10 that you take the design approval and you  
11 match it with the weekly activity report and  
12 you match them up each piping with string was  
13 put down with the specification and all of  
14 that and you want to make sure that the data  
15 on the WAR is in compliance with the design --  
16 approved design; is that correct?

17 A. That's correct. We always will open  
18 the weekly activity report and then we will  
19 open up the application that was submitted.  
20 We will compare them and make sure that what  
21 they stated and make sure that it is the same.  
22 Otherwise, we will question them. But, you  
23 know, everything was fine as far as this well  
24 was concerned. But yes, we do. We always  
25 open up our applications to drill, compare



1 those to weekly reports. They have a section  
2 on the weekly reports that shows for when it  
3 says casing, they will enter the casing, the  
4 size, the weight, the grade and the amount of  
5 cement they use and we will compare that to  
6 what we approved in our application for permit  
7 to drill.

8 Q. Yes, sir. With the Coast Guard,  
9 after we approve the design, we have the  
10 inspector go out to the shipyard and oversee  
11 the construction of a vessel. On the MMS  
12 side, do you have inspectors or engineers to  
13 go out and maybe go on deck to verify that  
14 beside the report they send in, we have eye on  
15 the activities or is that the same with MMS or  
16 no?

17 A. Yes. We have an inspection group.  
18 We have personnel that go out on a regular  
19 basis to all of the drilling rigs and all of  
20 the production facilities and check them. As  
21 far as the drilling rigs, they will go out  
22 there and they will check their -- all the  
23 reports that were done. It's called the IADC  
24 reports. They would check those against --  
25 when I approve a permit, I print out something



1 that's called an IWR. I call it the Individual  
2 War Report and give that to the inspectors.  
3 When the inspectors go out to the rig, they  
4 will look at that and that has the casings  
5 setting, that type of information and they  
6 will go out and in addition to inspecting the  
7 rig itself, they will inspect all the  
8 drilling, IADCs drilling reports, which are  
9 daily drilling reports that they have and see  
10 where they set the casings, what sizes, grades  
11 all the casing were, the cement used and make  
12 sure those are within the limits that were  
13 approved in the APD.

14 Q. These MMS Inspectors are they -- do  
15 they have a different qualification? For  
16 example, in the Coast Guard, we have MODU  
17 inspector; we have chemical tank inspector;  
18 passenger and ship inspector. Do you separate  
19 between drilling inspector and production  
20 inspector?

21 A. No, sir. Our inspectors are all  
22 cross-trained. They're in the process of  
23 being cross-trained so they can perform either  
24 drilling or production inspections. I believe  
25 that most of them will, for a while, just



1 being doing drilling or production. But they  
2 can change them at any time to do the other  
3 type and everybody is qualified in both  
4 aspects or is being trained to be qualified in  
5 both aspects of inspection.

6 Q. Being jack-of-all trades, does that  
7 dilute the knowledge? It seems like drilling  
8 activities are very complex. Has there ever  
9 been that the drilling inspection activities  
10 and the production activities have different  
11 types of inspectors assigned to them?

12 A. I believe before I went to work in  
13 the District that they had at one time been  
14 individual, but I believe they changed over to  
15 cross-training and all at some time prior to  
16 my arrival there.

17 Q. Do you know what the reason for the  
18 change?

19 A. I can't speculate, possibly just -- I  
20 don't know.

21 Q. When an operator come in with their  
22 design, does MMS have a scheme where they  
23 would accept third party reveal? For example,  
24 if BP come in with third party engineer, a  
25 professional engineer certification of those



1 plans, they would submit to MMS. Do you have  
2 a program that you would not look at those  
3 plans as carefully as the one that is  
4 submitted directly from the operator?

5 A. No, sir. All of the applications for  
6 permit to drill are reviewed under the same  
7 process in the same way. We do not -- no  
8 matter who submits it or who does, who  
9 performs the work for it, whether it's the  
10 company themselves or consultants, we review  
11 everything the same way according to our  
12 regulations to make sure they are in  
13 compliance with the regulations and that  
14 everything is planned safely so they comply  
15 with all regulations and the well can be  
16 drilled safely in our organization.

17 Q. I understand that the piping, the API  
18 standard, now with the blowout preventer, who  
19 certify the blowout preventer equipment?

20 A. I'm not sure what the answer to that  
21 is, sir.

22 Q. Okay. You said --

23 A. It either could be the companies that  
24 construct them. I believe they are possibly  
25 API standards or something that they have to



1       comply with and they have to certify that they  
2       are in compliance with those regulations. I'm  
3       not positive.

4       Q. But your design approval, does that  
5       go from the bottom of the well all the way up  
6       to the deck of the drilling floor and  
7       everything inbetween or it's cut off  
8       somewhere?

9       A. The BOP, blowout preventers on  
10      deepwater wells sit on the sea floor, on the  
11      wellhead and all. And we do, we analyze that.  
12      Our evaluation does not evaluate the riser  
13      that runs from the top of the BOP to the rig.  
14      But there is drill pipe in there that has been  
15      used, but we do not perform an evaluation of  
16      the riser itself.

17      Q. Yes, sir. I'm just trying to  
18      understand if the system from the top go down  
19      all the way to the bottom of the well, right.  
20      So I was going to see if MMS is responsible  
21      for every component from the piping, the  
22      blowout preventers and the stacks and the  
23      blue, yellow pods and all that, every aspect  
24      of it.

25      A. Yes, sir.



1 Q. So the certification of the blowout  
2 preventer, who certifies -- they come in and  
3 they say, "Well, BOP is designed for this  
4 particular well." Who certify that BOP?

5 A. I believe they -- the companies that  
6 build them themselves certify them in  
7 accordance with API regulations and they are  
8 rated for certain pressures, such as 10,000,  
9 15,000 pounds.

10 Q. So it's self-certification from what  
11 you understand?

12 A. I believe that is the situation in  
13 accordance with the standards they follow that  
14 they certify that they are in compliance with  
15 those API standards.

16 Q. What other component in the system  
17 that it self-certified?

18 A. I believe that would be the entire  
19 stack -- the entire block within the stack.

20 Q. And the annular rams on top is also  
21 self-certified?

22 A. I believe so. I'm not certain on  
23 that, sir.

24 Q. On the testing of -- once they design  
25 the -- like for example, the blowout



1       preventer, and they, I guess you call it  
2       function test, is that right, with the stack  
3       and all of that?

4       A. Yes.

5       Q. Does the government go out there and  
6       witness the function test?

7       A. No. If the inspector is out there at  
8       the time, they will witness it. But as a  
9       general rule, we do not witness them. I know  
10      for some of these tests related to what's  
11      going on now with the tragedy that's happened,  
12      we are going out and doing, witnessing tests,  
13      myself and -- I went out last week to witness  
14      the testing on the ENTERPRISE, the LMRP and we  
15      have a person right now on the DD3 witnessing  
16      the testing -- the stump testing of the  
17      blowout preventer.

18      Q. Yes, sir. So the 14-day blowout  
19      preventer test frequency, I assume MMS set  
20      that frequency?

21      A. Yes, that's correct.

22      Q. Why 14 days?

23      A. I couldn't tell you. That's been set  
24      for a while. I know -- I don't know what the  
25      reasoning is behind that being set. I believe



1 it has been 14 days for quite a while.

2 Q. So it was changed from something else  
3 before?

4 A. Yes. I was told that at one time it  
5 was seven days and I don't know the reason for  
6 changing it to 14 days.

7 Q. So it went from seven days to 14 days  
8 in terms of regular testing. Is any activity  
9 during the operation that they need to test  
10 the BOP or other components more frequently  
11 than what normally tested?

12 A. No, no. As I said, there's one  
13 regulation that states that whenever they set  
14 casing they have to test the BOPs then and  
15 that's another time in addition to it. But  
16 there are instances where they request  
17 departure from doing that and we approve that  
18 as long as the 14-day test is not due.

19 E X A M I N A T I O N

20 BY MR. DYKES:

21 Q. Why would you grant that departure?

22 A. Unless, you know, of course, if they  
23 had removed BOPs or something, we would  
24 definitely make them test them again as soon  
25 as they attached up. But since they are not



1 doing anything to the BOP while they are  
2 running the casing, we don't see any reason  
3 that there would be a -- that it would be a  
4 safety hazard or anything to allow them to not  
5 test it, since the regular required test is  
6 not due, but they would be required to do it  
7 when the regular test is due.

8 EXAMINATION

9 BY MR. MATHEWS:

10 Q. I know there's been some discussion  
11 just recently about the 14-day BOP test. Do  
12 you know of, outside of the Gulf of Mexico,  
13 what the typical requirement is for a BOP  
14 test?

15 A. I'm not sure. I heard that in some  
16 areas, I believe, they can be 21 days or more.

17 MR. MATHEWS:

18 Thank you.

19 EXAMINATION

20 BY CAPT NGUYEN:

21 Q. Another question here, sir. So if we  
22 have self-certification for some of these  
23 critical pieces of equipment, what about  
24 certification of the people who are doing the  
25 self-certification. Who is doing the



1 certification of those people?

2 A. I cannot tell you, sir.

3 CAPT NGUYEN:

4 Thank you. Anybody else have any  
5 questions.

6 E X A M I N A T I O N

7 BY MR. WHEATLEY:

8 Q. I just have one question and I'm not  
9 an engineer, but as related to maritime  
10 vessels, typically many vessels are now  
11 required to carry voyage data recorders or  
12 VDRs. Is there any type of similar device  
13 installed on the well or on the platform  
14 itself which can verify, collect this  
15 information to validate, in fact, the BOP  
16 tests were done as they're being reported?

17 A. No, there's no requirement for that.  
18 And as far as I know, nobody has that. I know  
19 some of the companies do transmit some of  
20 their data live to their head offices, but I  
21 don't know what all would be included in that  
22 and what would they transmit.

23 Q. Are you aware of whether or not BP  
24 did that type of data transfer with respect to  
25 the DEEPWATER HORIZON?



1           A. I'm not aware at all. I believe BP  
2 does have capabilities to transmit some of  
3 their information, such as, probably some of  
4 their computer screening things that they have  
5 in their offices to shore probably on a live  
6 time, a very close live-time basis. I  
7 couldn't tell you for sure if they did on that  
8 well or what they do transfer back to shore.

9           MR. WHEATLEY:

10                   Thank you, sir.

11           THE WITNESS:

12                   You're welcome.

13           CAPT NGUYEN:

14                   Any questions from MMS or Coast  
15 Guard?

16           MR. McCARROLL:

17                   Could I have one follow-up  
18 questions?

19           CAPT NGUYEN:

20                   Yes, sir.

21                   E X A M I N A T I O N

22           BY MR. McCARROLL:

23           Q. Generally speaking, you've dealt with  
24 BP on other wells?

25           A. Yes, I have approved several wells



1 for them in my --

2 Q. Do they have any history of any  
3 issues with APDs or drilling wells in your  
4 area?

5 A. No. No, I'm not aware of any.  
6 They've complied with everything we requested  
7 them to do and I'm not aware of any problems.  
8 I can't tell you of any instance of non-  
9 compliance were issued for them by inspectors,  
10 but as far as I know we had requirements.  
11 They had their applications all -- when they  
12 were approved they were in compliance with all  
13 regulations that we have.

14 EXAMINATION

15 BY CAPT NGUYEN:

16 Q. One last question from me. Do you  
17 have adequate staff to review these weekly  
18 activity reports before the next week report  
19 come in?

20 A. Yes, we do. As I said, I have one  
21 engineer that helps me and he has plenty of  
22 time to do that. And, of course, if there are  
23 every any questions, he can come to me if  
24 there's any problem about it. We have other  
25 engineers. We have some working with our



1       workover engineers, but if the workload ever  
2       got too high, we have engineers available that  
3       can help the other ones do the work. But as  
4       far as the drilling, 15 to 18 can be easily  
5       reviewed and approved completely by our staff.

6                CAPT NGUYEN:

7                        Yes, sir. Thank you. Any  
8       questions from the flag state?

9                MR. LINSIN:

10                       No questions.

11               CAPT NGUYEN:

12                       Thank you, sir. I'll call on the  
13       Parties in Interest now. Transocean?

14                       E X A M I N A T I O N

15       BY MR. KOHNKE:

16               Q. The question was why is the pressure  
17       test performed every 14 days and not at some  
18       other interval? Let me show you Code of  
19       Federal Regulations 250. -- I think it's 441  
20       or 7. It sets forth a 14-day interval. Isn't  
21       that correct, unless you determine a shorter  
22       period is necessary?

23               A. That is correct.

24               Q. So it's set forth in the Code of  
25       Federal Regulations, that's the reason?



1           A. Oh, I'm sorry. I misinterpreted that  
2 to be as to what type of background  
3 information lead us to set a 14-day test  
4 period and --

5           CAPT NGUYEN:

6                       I know it's my question. I  
7                       realize that it would be in the Code  
8                       of Federal Regulations. I just wanted  
9                       to know the background behind the 14  
10                      days. How did we determine that?

11          MR. KOHNKE:

12                      No further questions.

13          CAPT NGUYEN:

14                      Thank you, sir. Cameron?

15          COUNSEL REPRESENTING CAMERON INC.:

16                      No questions.

17          CAPT NGUYEN:

18                      Thank you, sir. Dril-Quip?

19          COUNSEL REPRESENTING DRIL-QUIP, INC.:

20                      No questions.

21          CAPT NGUYEN:

22                      Thank you, sir. MOEX?

23          COUNSEL REPRESENTING MOEX USA:

24                      (No response.)

25          CAPT NGUYEN:



1 Halliburton?  
2 COUNSEL REPRESENTING HALLIBURTON:  
3 No questions.  
4 CAPT NGUYEN:  
5 M-I SWACO?  
6 MR. EASON:  
7 No questions.  
8 CAPT NGUYEN:  
9 Anadarko?  
10 COUNSEL REPRESENTING ANADARKO  
11 PETROLEUM CORPORATION:  
12 No questions.  
13 CAPT NGUYEN:  
14 Thank you, sir. Weatherford?  
15 COUNSEL REPRESENTING WEATHERFORD:  
16 No questions.  
17 CAPT NGUYEN:  
18 BP?  
19 MR. GODFREY:  
20 May I proceed, Captain?  
21 CAPT NGUYEN:  
22 Yes, sir.  
23 MR. GODFREY:  
24 Thank you.  
25 EXAMINATION



1 BY MR. GODFREY:

2 Q. The BOP stands for -- the acronym  
3 stands for what?

4 A. Blowout preventer.

5 Q. Would the MMS ever approve a welling  
6 plan where a drilling rig operator did not  
7 have a blowout preventer?

8 A. No, sir. A blowout preventer is  
9 required for any drilling operations, past a  
10 conductor casing and they must have it and it  
11 must be pressure rated to the prescribed  
12 pressures and it must be tested -- prescribed  
13 to pressures determined from the casing depths  
14 and the depth of the well.

15 Q. And would the MMS ever approve a  
16 drilling plan or a drilling rig operator  
17 having a blowout preventer which was not  
18 workable?

19 A. No, definitely not.

20 Q. What is the function of a blowout  
21 preventer with respect to the drilling  
22 operations?

23 A. It's to insure that safe control of  
24 the well is maintained, especially in the  
25 event of intake of gas or high pressure fluids



1 so you can maintain control of the well.

2 Q. Is an operating blowout preventer  
3 critical to the safe drilling operations by a  
4 drilling rig operator?

5 A. It is probably the most, in my  
6 estimation, the most important factor in  
7 maintaining safety of the well and safety of  
8 everything involved, the rig and personnel.

9 Q. Do you know, with respect to the  
10 mobile offshore drilling unit, DEEPWATER  
11 HORIZON, who built the blowout preventer?

12 A. I do not know right now. I could not  
13 tell you. I'd have to look at the application  
14 to get the information on that.

15 Q. If I were to suggest that Cameron  
16 built the blowout preventer would that refresh  
17 your recollection?

18 A. That's very possible. Cameron is one  
19 of the leading companies and building blocks  
20 for preventers.

21 Q. With respect to the mobile offshore  
22 drilling unit, DEEPWATER HORIZON, who owned  
23 the blowout preventer?

24 A. I would say that the blowout  
25 preventer was owned by Transocean, but I may



1 be wrong. It could possibly be owned by the  
2 company that built it and it may be leased to  
3 the rig. I do not have that information and  
4 it's not of concern in my review.

5 Q. All you know is that the drilling rig  
6 operator has to have the blowout preventer in  
7 order to perform its functions?

8 A. Definitely, yes.

9 Q. Do you know -- have you ever  
10 personally reviewed the inspection reports of  
11 the blowout preventer for the DEEPWATER  
12 HORIZON rig?

13 A. No, I haven't.

14 Q. Let's change topics and talk for a  
15 moment about cement.

16 A. Okay.

17 Q. What is the purpose of the MMS's  
18 approval of the cement plan?

19 A. That is to contain all well pressures  
20 in the well, such as when you're setting  
21 casings that their no zones want to isolate.  
22 The next zone you're going to drill from the  
23 upper section to the hole and also if there  
24 are hydrocarbons contained you want to make,  
25 in that section of the hole, you want to make



1 sure that the cement is placed so that it  
2 contains that pressure, keeps it back to  
3 within the formation until you're ready to  
4 produce it and that you have sufficient  
5 strength to hold that back, a lot of that  
6 being the -- the height of the cement we  
7 prescribe 500 feet of cement above any  
8 hydrocarbon bearing zones.

9 Q. Is the function of the cement to also  
10 provide a safe drilling operation?

11 A. Yes. Yes, that's part of what I  
12 described, to isolate it and to hold back  
13 anything that -- when you said a casing  
14 string, to seal off the hole that has been  
15 drilled so you can concentrate on the hole  
16 that you are drilling and then contain any  
17 hydrocarbons.

18 Q. Do you know who is responsible, with  
19 respect to the well at issue for the cement  
20 job as part of the drilling plan?

21 A. From what I've heard, the cementing,  
22 and this was in the newspapers, the cementing  
23 of the production string was done by  
24 Halliburton.

25 Q. Is there any inspection of the



1 cementing that was done by Halliburton that  
2 MMS does?

3 A. I'm not aware of any inspecting that  
4 had been done.

5 Q. Did anyone from Transocean or  
6 Halliburton at any time inform you or anyone  
7 else within the MMS of concerns about the  
8 cementing at the drill site in question?

9 A. I was not informed of anything and  
10 I'm not aware of anybody with any of those  
11 companies expressing any concern about the  
12 cementing done to the well.

13 Q. One final question.

14 A. Yes.

15 Q. With respect to the drilling rig  
16 operator, Transocean, do you know whether it  
17 records data about BOP tests either on the rig  
18 or that's transmitted to its headquarters in  
19 Houston?

20 A. Yes. Whenever a blowout preventer  
21 test is performed, it is recorded in their  
22 IADC or the daily drilling reports. And also,  
23 of course, they usually have digital or chart  
24 recordings showing the pressure tests that are  
25 kept as background information showing that



1 the test was done and our inspectors checked  
2 to make sure they were successfully done to  
3 the pressures prescribed in our applications  
4 to drill.

5 MR. GODFREY:

6 Thank you very much, sir. And for  
7 the Panel I think we had indicated  
8 previously that we may wish to have  
9 Mr. Patton back once we've received  
10 certain documents. We don't have a  
11 judgment at that time yet, but once we  
12 see the documents he may be  
13 appropriate to call back at the  
14 Panel's discretion.

15 CAPT NGUYEN:

16 Yes, sir. I will keep that in  
17 mind.

18 MR. GODFREY:

19 Thank you so much.

20 MR. KOHNKE:

21 Captain, may I have a follow-up.

22 CAPT NGUYEN:

23 Sure. Well, let me have my  
24 follow-up first. Sorry.

25 EXAMINATION



1 BY CAPT NGUYEN:

2 Q. I'm learning this stuff, so I want to  
3 ask an elementary question here.

4 A. Yes.

5 Q. From what I've learned this last  
6 week, so that the blowout preventer is  
7 important but there are primary, secondary,  
8 measure in place to control the well; is that  
9 correct?

10 A. Yes, of course. When you are  
11 drilling the well, your main pressure of  
12 control method is your mud weight that you  
13 use.

14 Q. Right. And my understanding is that  
15 the blowout preventer is the secondary  
16 safeguard; is that correct?

17 A. That is correct, yes.

18 Q. I just wanted to clarify that for my  
19 novice knowledge, here.

20 EXAMINATION

21 BY MR. MATHEWS:

22 Q. Following-up what you just mentioned,  
23 can you please inform us who designs the mud  
24 program?

25 A. I cannot say. It is submitted in the



1 application for permit to drill. We do not  
2 have any access to who designs it. It could  
3 either -- most likely would be a mud company  
4 whose specific function is to supply drilling  
5 mud, design them and design the drilling  
6 programs. But from the information we  
7 receive, we do not have any indication as to  
8 who designed the program.

9 Q. But for the record, there are other  
10 ways of managing pressure within the wellbore  
11 outside of the BOP?

12 A. Yes, sir, yes. As well as being  
13 drilled, the primary method is the drilling  
14 mud that used with the weight that is  
15 prescribed at different depths that they  
16 weight up to and that is the primary method of  
17 controlling a well while it is being drilled  
18 and after it is drilled.

19 Q. So is it safe to say that if you  
20 properly function within the proper weight  
21 drill mud controlling pressure and volumes  
22 within the well you would not even have to  
23 activate your BOP?

24 A. That is correct.

25 MR. MATHEWS:



1 Thank you.

2 CAPT NGUYEN:

3 Just to be fair about it,  
4 Transocean had the lead in the last  
5 round.

6 MR. KOHNKE:

7 I have a follow-up question.

8 CAPT NGUYEN:

9 I understand that. So I'm going  
10 through the second round of this  
11 questioning. So Cameron, questions?

12 COUNSEL REPRESENTING CAMERON INC.:

13 No questions.

14 CAPT NGUYEN:

15 Dril-Quip?

16 COUNSEL REPRESENTING DRIL-QUIP, INC.:

17 No questions.

18 CAPT NGUYEN:

19 MOEX?

20 COUNSEL REPRESENTING MOEX USA:

21 (No response.)

22 CAPT NGUYEN:

23 Halliburton?

24 COUNSEL REPRESENTING HALLIBURTON:

25 No questions.



1 CAPT NGUYEN:

2 M-I SWACO?

3 E X A M I N A T I O N

4 BY MR. EASON:

5 Q. Frank, I'm Tobin Eason here on behalf  
6 of M-I SWACO. I tried to make a laundry list  
7 of all the documents that your office  
8 possesses pertaining to this well. I have an  
9 APD, revised application for permit, WARS,  
10 IWRs, a cement plan, IADC, a mud program, and  
11 I think that may be it. And I was wondering  
12 if you actually have access to those documents  
13 readily and if you could make that available  
14 to all of us here today since you're referring  
15 to it in your testimony.

16 A. I believe most of that information,  
17 of ours anyway, is proprietary data. It  
18 cannot be released at this time. You referred  
19 to IADC sheets. We do not have that  
20 information. Our inspectors, inspector IADC  
21 reports out on the rig when they are doing  
22 their inspections. But we do not have those  
23 as a normal course of action on wells. It's  
24 possible that somebody may have gotten them  
25 since this incident, but I'm not aware of



1 that.

2 MR. EASON:

3 Captain --

4 CAPT NGUYEN:

5 If you put your question in

6 writing to the board then we will see

7 what we can release to you.

8 MR. EASON:

9 Okay, thank you.

10 BY MR. EASON:

11 Q. And just to clarify one thing to make

12 sure, during your initial APD, in this

13 instance, BP, would they go ahead and include

14 the mud weights if they pertain to a different

15 straddle on the well site, the wellbore?

16 A. Yes. As I stated, in my review, they

17 will have for each casing section what their

18 maximum expected mud weight will be. They

19 also have a chart showing the pressure, pore

20 pressure and expected mud weight. And, of

21 course, we check to make sure the mud weight

22 will be between those two and then we check

23 that diagram for the specific depths where the

24 string casing, making sure the frac pressure,

25 pore pressure and mud weight are the same as



1 they indicate. But that is submitted to us  
2 and one other thing I left out is that we  
3 always make sure that they include a statement  
4 stating that they have enough mud onboard to  
5 raise the mud weight at least a half pound per  
6 gallon in case of a kick or something like  
7 that.

8 MR. EASON:

9 Thank you, sir.

10 THE WITNESS:

11 You're welcome.

12 CAPT NGUYEN:

13 Thank you, sir. Anadarko?

14 COUNSEL REPRESENTING ANADARKO

15 PETROLEUM CORPORATION:

16 No questions.

17 CAPT NGUYEN:

18 Thank you, sir. Weatherford?

19 COUNSEL REPRESENTING WEATHERFORD,

20 INC.:

21 No questions.

22 CAPT NGUYEN:

23 Thank you, sir. BP?

24 MR. GODFREY:

25 I think I just did. Thank you,



1 sir.

2 CAPT NGUYEN:

3 Transocean now, sir. Sorry about  
4 that.

5 EXAMINATION

6 BY MR. KOHNKE:

7 Q. Everybody's calling you Frank.

8 A. That's fine. That's my name, sir.

9 Q. So I'll call you Frank. Frank, would  
10 you explain this process of applying to drill,  
11 this application to drill. You said it begins  
12 sometimes a year before the actual drilling?

13 A. I didn't state that, but it could  
14 start then. There's different time frames  
15 and, of course, some applications are  
16 submitted and the wells are never drilled.  
17 But, normally if there is a lag of a year or  
18 anywhere close to that, we normally request  
19 the company to submit a revised permit to  
20 drill for any changes such as they're using a  
21 different rig or anything else has changed.  
22 Normally I would say they'll submit them  
23 possibly for the deep wells maybe three or  
24 four months prior to their drilling the wells.  
25 For some of the shallow ones, it's a lot less



1 period of time between approval and initiation  
2 of drilling.

3 Q. And in connection with this incident,  
4 who was it that submitted the application to  
5 drill, the APD?

6 A. Application for the permit to drill  
7 mainly would be submitted by the operator of  
8 the lease.

9 Q. And do they have a name?

10 A. That was -- BP. It was one of the BP  
11 companies. I'm not exactly sure what the full  
12 official name was on that application.

13 Q. And did BP's application to drill  
14 include the plat that you say you looked at to  
15 determine geographic location, correct?

16 A. Yes, that's correct.

17 Q. The design criteria for the proposed  
18 well?

19 A. That's correct.

20 Q. Okay. The drilling prognosis?

21 A. Yes, that's correct.

22 Q. Casing and cementing programs?

23 A. That is all included in it, sir.

24 Q. So when you -- when someone talked  
25 about Halliburton, who did the cement job, it



1 would have been pursuant to a cementing  
2 program submitted to you by BP?

3 A. That is correct.

4 Q. Okay. And if there is a modification  
5 from the APD, the application for permission  
6 to drill, then there must be an APL,  
7 application for permission to modify?

8 A. Yes --

9 Q. And that would come from BP?

10 A. That is correct.

11 Q. So in short, this well is drilled in  
12 accordance with the permit put together by BP  
13 and approved by MMS?

14 A. Yes. Permits are submitted by the  
15 operator, or the -- yeah, the operator and  
16 they are approved by us.

17 MR. KOHNKE:

18 Thank you.

19 CAPT NGUYEN:

20 Thank you, sir. Any other  
21 questions from the Coast Guard or MMS  
22 members?

23 MR. MATHEWS:

24 I have one.

25 EXAMINATION



1 BY MR. MATHEWS:

2 Q. Just in closing, Frank, is there any  
3 additional information that the board has not  
4 asked you that you believe would help or make,  
5 shed some light on how this incident occurred?

6 A. Nothing that I can think of, sir.

7 MR. MATHEWS:

8 Thank you.

9 CAPT NGUYEN:

10 Mr. Patton, thank you very much  
11 for your testimony. If the board has  
12 further questions for you, will you  
13 make yourself available to the board?

14 THE WITNESS:

15 Yes, I will, sir. Thank you.

16 CAPT NGUYEN:

17 Thank you, sir. You are  
18 dismissed.

19 THE WITNESS:

20 Thank you.

21 CAPT NGUYEN:

22 At this time, the board will call  
23 the next witness, Mr. Eric Neal, MMS  
24 inspector. Why don't we take a break  
25 for about ten minutes.



1 (Whereupon, a ten minute break was taken off  
2 the record.)

3 CAPT NGUYEN:

4 Please be seated so we can get the  
5 hearing going again. Thank you. The  
6 board will call the next witness, Mr.  
7 Eric Neal, Minerals Management Service  
8 Inspector. Mr. Neal, would you raise  
9 your right hand so I can swear you in  
10 under oath.

11 \* \* \* \* \*

12 ERIC NEAL,

13 after being first duly sworn in the cause,  
14 testified as follows:

15 A M I N A T I O N E X

16 BY MR. MATHEWS:

17 Q. Mr. Neal, could you please inform us  
18 by whom you are employed?

19 A. Minerals Management Services.

20 Q. And before we go any further, I  
21 forgot to ask you. Can you please say your  
22 name and spell your last name?

23 A. Eric Neal, N-E-A-L.

24 Q. Thank you. What position do you  
25 currently hold within the MMS?



1 A. Inspector.

2 Q. Can you please tell me how long  
3 you've been an inspector with the MMS?

4 A. Since November 2003.

5 Q. What did you do prior to being an  
6 inspector with the MMS?

7 A. I worked production offshore.

8 Q. For how long did you do that?

9 A. Eight years.

10 Q. While your duration at the MMS, were  
11 you -- can you please describe what type of an  
12 inspector you were, either production or  
13 drilling?

14 A. Production.

15 Q. Have you done any drilling  
16 inspections?

17 A. Only in training.

18 Q. So you're currently in training?

19 A. That's correct.

20 Q. And for how long have you been in  
21 training?

22 A. Four months.

23 Q. So you definitely feel that you're  
24 more knowledgeable in production as opposed to  
25 being a drilling inspector at this time?



1 A. That's correct.

2 Q. What is your educational background  
3 before you became an inspector or have any  
4 type of training or any type of past  
5 educational experience that qualifies you to  
6 be an inspector?

7 A. Extensive training that would be a  
8 long list to go through. It's quite a bit of  
9 training. It's quite a list. I believe it  
10 would all be available through request.

11 Q. I'm sorry.

12 A. Extensive training in various  
13 different categories for the oilfield and it  
14 can all be available at request to our office.

15 Q. Can you elaborate on that, like have  
16 you been through any type of well control  
17 production 14C training and any type of  
18 training?

19 A. Yes. Subsea well control; I've been  
20 to the Shell Robert classes for T-1, T-2, all  
21 the technical training.

22 Q. Could you please briefly describe  
23 your role as an inspector on a day-to-day  
24 basis when you go offshore?

25 A. As far as the normal inspection?



1 Q. Yes, sir.

2 A. Just going offshore, meeting with the  
3 -- going to the facility; meeting with the  
4 people in charge and then you begin the  
5 inspection process.

6 Q. For the -- when was the last time you  
7 had visited the DEEPWATER HORIZON to perform  
8 an inspection?

9 A. It was April 1st, this year.

10 Q. For the record, could you verify that  
11 this is your inspection record that you filled  
12 out after completion of that inspection?

13 A. (Witness reviews document.) That's  
14 correct.

15 Q. Can you please inform me what's on  
16 that -- what you capture after you perform  
17 your inspection that's on that form?

18 A. As far as the numbers and such?

19 Q. Yes. Outside of any casing  
20 information with depths, can you please tell  
21 me what you capture on that form once you get  
22 back from performing your inspection?

23 A. We capture the BOP test results, the  
24 mud weights and we capture the casing tests,  
25 the times and the BOP tests. We capture the



1 pressures and make sure that they are matching  
2 with the approved plan.

3 Q. And according to that record that  
4 you're hold in your hand, did the BOP test  
5 properly in accordance with our regulations?

6 A. Yes, it did.

7 Q. While performing the drilling  
8 inspection on April 1st, did you look at any  
9 type of well control fluids, equipment or any  
10 type of operations when you were on the rig?

11 A. Yes, I did.

12 Q. Can you please elaborate on possibly  
13 well control and what you looked at, any  
14 persons that you may have talked to?

15 A. Just the general -- walked through  
16 the inspection as far as when I get to the  
17 platform?

18 Q. Yes, please.

19 A. We meet with the person in charge.  
20 We go through an orientation. Once the  
21 orientation is done, we meet with the person  
22 who would have the paperwork, capture any  
23 pertinent information that is required and we  
24 do a general walk-through. We go through the  
25 entire facility and make sure that everything



1 is in order.

2 Q. Is there a checklist or any  
3 requirements of things you must verify during  
4 your inspection?

5 A. Yes.

6 Q. Can you give me an example of what  
7 those components may be?

8 A. We check for stuff like the inside  
9 BOPs on the drill deck, make sure that they  
10 have their board filled out on the drill  
11 floor. We do various checks like gas  
12 detection, make sure the no-floats everything  
13 is good inside the -- well, I said inside BOP,  
14 the chromatic, checking of those things.  
15 It's pretty extensive.

16 Q. During your visit there, do you also  
17 look at the operational aspect of what's going  
18 on on the DEEPWATER HORIZON, the workman-like  
19 manner, the safety. Is there anything you can  
20 add to that?

21 A. Just to make sure that they're doing  
22 their job safely, yes, sir.

23 Q. So on the DEEPWATER HORIZON, on the  
24 last inspection you went to, they were  
25 performing in a safe and workman-like fashion?



1 A. That is correct.

2 Q. Did you visit the engine rooms or any  
3 other facilities, components of the DEEPWATER  
4 HORIZON, and inspect any type of air-intake  
5 devices on their motors?

6 A. Yes, during the walk through.

7 Q. Was there any indication when you did  
8 that that there could have been a possible  
9 issue with air-intake shutdown devices on any  
10 of those components?

11 A. Not that I found.

12 Q. Do you inspect the gas detection  
13 systems when you visit a drilling rig?

14 A. Generally, we do.

15 Q. Does that mean that you make sure  
16 that they set alarm or they test alarm when  
17 you are on the facility?

18 A. That would be correct.

19 Q. At the time of your last inspection,  
20 did you make them activate the gas detection  
21 system?

22 A. I don't recall.

23 Q. At any time during the inspection, do  
24 you manually or go up or inspect anything on  
25 the emergency disconnect system associated



1 with the BOP?

2 A. No, I do not.

3 Q. Was this -- the last inspection on  
4 April 1st, was this an unannounced or  
5 announced inspection?

6 A. It was announced.

7 Q. And who announced that inspection?

8 A. Our pilots call ahead.

9 Q. How long were you onboard when you  
10 performed that inspection on April 1st?

11 A. I believe it was about two hours --  
12 according to here, two hours.

13 Q. Outside of what I've brought up  
14 between gas detection systems, housekeeping,  
15 well-control components, is there any other  
16 things that you can recall that you looked at  
17 on April 1st?

18 A. Not specifically.

19 Q. So you basically just did a general  
20 walk around of the facility, looked at the  
21 components that you were required to look at  
22 and found no problems with the rig on that  
23 date?

24 A. That's correct.

25 Q. Did you have any communication with



1 Transocean or BP personnel?

2 A. On the rig?

3 Q. Yes.

4 A. The company man, yes.

5 Q. The company man. Did you have --  
6 from the conversations that you had with the  
7 company man, did you find his attitude to be  
8 professional and forthcoming with you?

9 A. Yes.

10 Q. And I also have a record here of, I  
11 believe the date in January -- February the  
12 17th. And on that inspection, you were in  
13 conjunction of performing that with Mr. Bob  
14 Neal, correct?

15 A. That's correct.

16 Q. On that inspection, did you identify  
17 any other issues of any type of non-compliance  
18 on the behalf of BP or anybody on that vessel?

19 A. No.

20 Q. At any time in your duration as a  
21 drilling inspector, have you ever issued an  
22 issuance of non-compliance in INC?

23 A. Yes.

24 Q. How many have you -- ballpark?  
25 Specifically to drilling.



1 A. I would not know.

2 Q. Have you ever shut-in a drilling rig?

3 A. No.

4 Q. Is there any type of protocol that  
5 you must take within the MMS if you were to  
6 shut-in a rig?

7 A. I must call the office and get prior  
8 approval from my supervisor.

9 Q. Is this a documented policy or is  
10 this something that just we do on an internal  
11 basis?

12 A. From what I understand, it's a  
13 document. I have not seen it.

14 MR. MATHEWS:

15 I've completed my questions.

16 CAPT NGUYEN:

17 I've got a few questions, sir.

18 E X A M I N A T I O N

19 BY CAPT NGUYEN:

20 Q. When you go on a MODU to do an  
21 inspection, what do you use as a guide for  
22 your activities? Is the inspection report  
23 that's your guide or do you have some other  
24 job aid that you use to make sure you conduct  
25 all the activities that are required of the



1 inspection?

2 A. We do have a PINC list. We do go off  
3 of the inspection form, but the PINC list is  
4 the guide.

5 Q. What's the difference -- so the  
6 inspection report should have all the  
7 activities listed there, right or no? Like  
8 for example, checking the gas detection  
9 system, would that be on that list?

10 A. It's not on our list. It's on our  
11 list for the PINCs. It's not on the form.

12 Q. I haven't seen the inspection form,  
13 but what's in the inspection form that -- is  
14 the PINC, the official record, the inspection  
15 record for the MODU or is it the inspection  
16 report?

17 A. Are you referring to this  
18 (indicating)?

19 Q. Yes, sir. That's the official record  
20 or the PINC guide that you're talking about?  
21 Which one is the official record?

22 A. This is the record that goes on file  
23 of what we capture from the rig.

24 EXAMINATION

25 BY MR. DYKES:



1 Q. For everybody in the room, would  
2 you please explain what the PINC list is?

3 A. It is the guide with the regulations  
4 in it of everything that we are required to  
5 check when we go on the rig.

6 Q. And what does the acronym PINC  
7 what does it replace?

8 A. It's goes off the Code of Federal  
9 Regulation, if you go to the CFRs.

10 Q. So doesn't PINC stand for Potential  
11 Incidents and Non-Compliance?

12 A. Correct.

13 Q. Okay.

14 E X A M I N A T I O N

15 BY CAPT NGUYEN:

16 Q. So could you describe what's on the  
17 inspection record, the report you have there?  
18 What items are on that report?

19 A. On this report (indicating)?

20 Q. Yes, sir.

21 A. We capture the rig name, the number,  
22 the dates of when we're there. We capture who  
23 the tool pusher company rep is, the operator,  
24 the area and block, the lease, whether their  
25 in present operation. We capture what well



1 they're on, all the pertinent information of  
2 the well and what the drilling rig is doing at  
3 that time as far as location, miles to shore,  
4 water depth. We capture their number. We  
5 also capture when the approval date was. We  
6 capture when the spud date, when they first  
7 initiated the well. We capture your permitted  
8 TD, TDD, and we also capture where they are  
9 presently, all your casing information, the  
10 BOP test and the mud properties. There's also  
11 a spot for if we do -- find an incident of  
12 non-compliance and a spot for remarks.

13 Q. So it does not include items that you  
14 test --

15 A. No, sir.

16 Q. -- or your observation?

17 A. No, sir.

18 Q. So if you did do a gas detection  
19 system test, it would not -- where would that  
20 be?

21 A. It would not be on the form.

22 Q. So how do we know if it was done if  
23 you don't recollect. So where do we find a  
24 record to show that that was done?

25 A. It wouldn't be there.



1 MR. McCARROLL:

2 Could I follow-up to that  
3 question?

4 CAPT NGUYEN:

5 Yes, sir.

6 EXAMINATION

7 BY MR. McCARROLL:

8 Q. Eric, do they keep a record on the  
9 rig when they do gas detection?

10 A. That is correct. We do verify.

11 Q. And it's a historical record?

12 A. Yes, sir.

13 Q. And when you go out each time, do you  
14 review that historical record?

15 A. Yes, sir.

16 MR. McCARROLL:

17 Thank you.

18 BY CAPT NGUYEN:

19 Q. Do you know that historical records  
20 are only kept on the vessel, sir, or is that  
21 kept somewhere else?

22 A. That would be for the rig to answer.

23 I don't know. I know that they capture it and  
24 I monitor it there.

25 Q. So when you go out there and you do



1 -- do you do a test -- let's say a gas  
2 detection test, do you actually do it, or  
3 require the crew to do it?

4 A. I witness it.

5 Q. You witness it, okay. And they  
6 document it and the government has no record  
7 of that?

8 A. That's correct.

9 Q. Now, while you were onboard the  
10 HORIZON did you go down to, I believe the  
11 subsea room? Is that what they call it,  
12 subsea engineer room? It's down below --

13 A. No.

14 MR. McCARROLL:

15 Are you referring to the pontoons,  
16 or are you talking about the subsea  
17 engineering room?

18 CAPT NGUYEN:

19 Down below where they have -- when  
20 I was on the NAUTILUS, there was a  
21 computer down there for control  
22 logging --

23 MR. McCARROLL:

24 Controlling the BOPs?

25 CAPT NGUYEN:



1 Yes, sir.

2 MR. McCARROLL:

3 Yes, that would be the subsea  
4 engineering room.

5 BY CAPT NGUYEN:

6 Q. Did you go into -- do you remember  
7 you going to the subsea engineering room?

8 A. I don't recall.

9 Q. Is that -- would that be part of your  
10 routine inspection of a MODU?

11 A. Yes.

12 Q. Now, do you remember whether there  
13 was a computer in there logging the events  
14 going on with the blowout preventer in terms  
15 of tests and all that? Do you remember such  
16 equipment in there?

17 A. Can you clarify the question?

18 Q. Yes. When I was on the NAUTILUS and  
19 for the blowout preventer, the NAUTILUS was  
20 supposed to be a similar ship to the HORIZON.  
21 And when I went down to visit -- when I  
22 visited the ship, the MODU, I went down to the  
23 subsea engineering room and I saw this  
24 computer down there that logged in the events  
25 of the blowout preventer, all the tests done,



1 if you logged on this computer. Was there  
2 such a computer on the HORIZON, if you  
3 remember?

4 A. Not that I recall offhand.

5 Q. But in terms of visiting the subsea  
6 engineering room is part of your routine when  
7 you go and inspect a MODU?

8 A. To check with the BOP -- I don't know  
9 -- I don't understand the question for the  
10 subsea engineering room. I've never heard it  
11 called that. That's what I'm saying.

12 Q. Right. But I'm just trying to -- you  
13 were the last -- are you the last government  
14 employee on that vessel?

15 A. Yes, sir.

16 Q. Now, there's a piece of equipment  
17 that logs all the testing that's done to or  
18 with the blowout preventer.

19 A. Uh-huh (affirmative response).

20 Q. And I just wonder whether you saw  
21 that piece of equipment or not, whether they  
22 exist on that vessel, similar to the one on  
23 the NAUTILUS or not, if you remember, is there  
24 such a machine down there. Because what we're  
25 going to do is we're going to go to Transocean



1 and ask them the same question. Is there such  
2 a piece of equipment on there and then we  
3 follow up and say okay if the data is kept  
4 right there on that computer, is it somewhere  
5 else that we can retrieve the information?

6 Try to get a government impartial --

7 A. I look at the BOP file, as far as the  
8 charts and their results. That's what I look  
9 at and I capture that on my form. As far as  
10 their computer, I don't look at that. I look  
11 at their print-outs and their actual charts.

12 Q. So you can see when they do a test  
13 and all that?

14 A. Correct.

15 Q. But you don't remember whether there  
16 was -- for that print-out, do you know how  
17 often --

18 A. They're required every time they do a  
19 BOP test to have that on file and available.

20 Q. My understanding was that the  
21 MARIANAS was on the same location before the  
22 HORIZON. Did you do an inspection on the  
23 MARIANAS?

24 A. I don't recall.

25 Q. How many visits did you make to the



1 HORIZON?

2 A. As I recall correctly, two. That's  
3 all I can remember at this time.

4 Q. Would that be March, April or would  
5 it be before April?

6 A. I believe it was -- well, three,  
7 because I went March and April and this one  
8 here, February.

9 Q. When you talk about your authority --  
10 yes, sir --

11 A. Actually, I apologize. I wasn't  
12 there for the March one. I recall the  
13 inspection form -- Bob Neal inspected that  
14 one. So two times.

15 Q. All right. I think there was a  
16 question about your authority to shut in a  
17 well. And you say that you had to call your  
18 supervisor to get permission; is that correct?

19 A. That's correct.

20 Q. The question was that is that written  
21 policy or is that verbal and you're not sure,  
22 right?

23 A. I am not sure.

24 Q. Now, in terms of your qualification  
25 as inspector, that should be -- is there any



1 written qualification program that that will  
2 be part of the instruction?

3 A. I don't understand. What are you --

4 Q. For example, you know, when you  
5 complete your qualification, can you describe  
6 for me what your qualification program is to  
7 become an inspector?

8 A. That's for my supervisor to answer.

9 CAPT NGUYEN:

10 Anybody else from MMS or Coast  
11 Guard?

12 E X A M I N A T I O N

13 BY MR. WHEATLEY:

14 Q. Good afternoon. I just have a couple  
15 of questions for you and again, it pertains  
16 specifically to the reports that you're  
17 talking about right here. Now, if I  
18 understand correctly there's a remarks block  
19 on the bottom of the form where you can  
20 provide additional information; is that  
21 correct?

22 A. That's correct.

23 Q. If you had done a gas detection test  
24 onboard the DEEPWATER HORIZON, would you make  
25 any specific note of that in those remarks?



1 A. No, I wouldn't.

2 Q. If you made a test of any other major  
3 system would you put a note in those remarks?

4 A. No, I wouldn't.

5 Q. Is there any guidance that you know  
6 of from MMS concerning mandatory items that  
7 must be entered into the remarks section  
8 during inspections?

9 A. Other than what's on the form?

10 Q. Correct.

11 A. No, sir.

12 Q. So basically you're at your  
13 discretion to decide what, if anything, to put  
14 in there?

15 MR. McCARROLL:

16 Can I follow up on that?

17 MR. WHEATLEY:

18 Well, can he answer the question,  
19 first?

20 MR. McCARROLL:

21 Yes.

22 BY MR. WHEATLEY:

23 Q. Is it your understanding that it is  
24 your discretion as to when and where to enter  
25 a remark, or enter information in the remarks



1 section?

2 A. I haven't been instructed to put that  
3 information in the remarks column. I don't --

4 MR. McCARROLL:

5 Can I follow up on that?

6 MR. WHEATLEY:

7 Sure.

8 E X A M I N A T I O N

9 BY MR. McCARROLL:

10 Q. Generally, do you put in the remarks  
11 section anything that fails to pass a test?

12 A. That is correct.

13 MR. McCARROLL:

14 Thank you.

15 THE WITNESS:

16 Actually -- can I --

17 MR. McCARROLL:

18 Yes.

19 THE WITNESS:

20 If it fails, it would be in the  
21 enforcement action section if it were  
22 to fail. It would be documented.

23

24 E X A M I N A T I O N

25 BY MR. MATHEWS:



1 Q. When you perform a drilling  
2 inspection, is it similar to a production  
3 inspection where you do a sample inspection or  
4 do you do a full all-out inspection?

5 A. It's a full inspection.

6 Q. And that full inspection, what does  
7 it follow? It follows the national PINC list?

8 A. That's correct.

9 MR. MATHEWS:

10 Thank you.

11 EXAMINATION

12 BY CAPT NGUYEN:

13 Q. So how do we know when we look at  
14 report that it's complete?

15 A. Could you --

16 Q. I mean, when I look at an inspector  
17 report, there's certain information you enter  
18 there's certain places where they are blank,  
19 right, in the remarks section, I believe on  
20 one of them? So how do I know for sure that  
21 the inspection report is complete and if the  
22 inspection report is not complete, how do I  
23 know whether the inspection was not complete?

24 A. I would -- are you referring to the  
25 blanks on the inspection form?



1 Q. How do I know when I look at an  
2 inspector report that I know it has been  
3 properly completed?

4 A. (No response.)

5 Q. Is there a blank and you could put  
6 "none" to indicate that you -- there's none.  
7 But if it's blank, then it raises questions  
8 whether the report is complete or not. That's  
9 all I'm saying. How do I know?

10 A. If the form, like the remarks,  
11 there's nothing in remarks -- normally for  
12 remarks we put anything that's out of the  
13 ordinary. That's a spot where if they had a  
14 request for an approval to do something or an  
15 extension or anything, we would capture that  
16 there. But otherwise, we wouldn't put any  
17 remarks.

18 Q. Is there a statement on that report  
19 attesting to your judgment as to the proper  
20 operation of that MODU?

21 A. Repeat that.

22 Q. Is there a statement that you sign --  
23 when you sign the report, is there a signature  
24 -- is there a block for your signature on that  
25 report?



1           A. No, sir. I just put my code and my  
2 name here, but not a signature. It's just me  
3 putting my name and code down.

4           CAPT NGUYEN:

5                     Any other questions from the Coast  
6 Guard or MMS.

7           MR. MATHEWS:

8                     Yes, just to a point of  
9 clarification to all the Parties in  
10 Interest. We're talking about blank  
11 forms on the inspection form that we  
12 have made available to you all.  
13 Please be aware that a lot of  
14 information has been redacted for  
15 proprietary data for a casing setting  
16 and intervals that BP was at in the  
17 well. So just to clarify what is not  
18 included on that form. And if there's  
19 anything that anybody specifically of  
20 the Parties in Interest has any  
21 questions about that's been redacted,  
22 you can approach the board for any  
23 type of such, but if it's proprietary  
24 information we likely will not release  
25 that information.



1 CAPT NGUYEN:

2 Thank you. Any questions from the  
3 flag state?

4 MR. LINSIN:

5 No question, Captain. Thank you.

6 CAPT NGUYEN:

7 Thank you. Questions from the  
8 Parties in Interest. Dril-Quip?

9 COUNSEL REPRESENTING DRIL-QUIP, INC.:

10 No questions.

11 CAPT NGUYEN:

12 Thank you, sir. MOEX?

13 COUNSEL REPRESENTING MOEX USA:

14 (No response.)

15 CAPT NGUYEN:

16 Halliburton?

17 COUNSEL REPRESENTING HALLIBURTON:

18 No questions.

19 CAPT NGUYEN:

20 M-I SWACO?

21 MR. EASON:

22 No questions.

23 CAPT NGUYEN:

24 Anadarko?

25 COUNSEL REPRESENTING ANADARKO



1 PETROLEUM CORPORATION:

2 No questions.

3 CAPT NGUYEN:

4 Weatherford?

5 COUNSEL REPRESENTING WEATHERFORD, INC.

6 No questions.

7 CAPT NGUYEN:

8 BP?

9 MR. GODFREY:

10 No questions.

11 CAPT NGUYEN:

12 Transocean?

13 MR. KOHNKE:

14 No questions.

15 CAPT NGUYEN:

16 Cameron?

17 COUNSEL REPRESENTING CAMERON INC.:

18 No questions.

19 CAPT NGUYEN:

20 Mr. Neal, is there any other

21 information that we have not asked

22 you, but you think that we should be

23 aware of that you want to bring it up

24 at this time?

25 THE WITNESS:



1                   No, sir.

2           CAPT NGUYEN:

3                   Thank you. Well, thank you for  
4           being here. If we need further  
5           information, would you make yourself  
6           available to the board?

7           THE WITNESS:

8                   That would be up to my employer,  
9           but whatever they decide.

10          CAPT NGUYEN:

11                  Thank you, sir. You are  
12          dismissed.

13          THE WITNESS:

14                  Thank you.

15          CAPT NGUYEN:

16                  The board will now call the next  
17          witness, Mr. Bob Neal, Minerals  
18          Management Service Inspector. Mr.  
19          Neal, thank you for being here.  
20          Please raise your right hand so I can  
21          swear you in.

22                  \* \* \* \* \*

23                  ROBERT G. NEAL,

24          after being first duly sworn in the cause,

25          testified as follows:



1 EXAMINATION

2 BY MR. MATHEWS:

3 Q. Mr. Neal, for the record, would you  
4 please state your name and spell your last  
5 name?

6 A. Robert Glenn Neal, N-E-A-L.

7 Q. Could you please inform the board by  
8 whom you are employed?

9 A. By the United States Department of  
10 the Interior, Minerals Management Service.

11 Q. What current position do you hold  
12 within the MMS?

13 A. I'm an inspector.

14 Q. And how many years have you been an  
15 inspector with the MMS?

16 A. 25 years and seven months.

17 Q. Prior to your experience as being an  
18 inspector with the MMS, did you have any other  
19 offshore industry experience?

20 A. Yes.

21 Q. For how long did you have that  
22 experience?

23 A. 15 years.

24 Q. Thank you. So as an inspector, do  
25 you inspect both production and drilling



1 rigs --

2 A. Yes, sir.

3 Q. -- production platforms and drilling  
4 rigs?

5 A. Yes, sir.

6 Q. And currently, are you inspecting  
7 both or are you just solely doing drilling  
8 rigs?

9 A. Both at the moment.

10 Q. Do you have any more knowledge in one  
11 aspect of the oil and gas industry, whether it  
12 be production or drilling?

13 A. Drilling.

14 Q. What type of educational background  
15 do you have?

16 A. A high school.

17 Q. Do you have any type of special  
18 training that you've done on the job or  
19 through educational courses that make you  
20 qualified to be an inspector?

21 A. Yes, I have.

22 Q. Could you please elaborate on those  
23 type of courses that you've participated in?

24 A. I have had T-1, T-2 and T-3.

25 Q. Have you had any well control



1 courses?

2 A. Yes, I have.

3 Q. What type of courses were those?

4 Were those equipment courses, technique or  
5 methods?

6 A. Well control, fire control and what  
7 you elaborated to.

8 Q. Can you please briefly describe what  
9 your role is as an inspector when you are in the  
10 field?

11 A. To go over the records of each  
12 facility and visuals.

13 Q. What type of records do you review  
14 when you come to a facility?

15 A. The testing.

16 Q. Can you please tell me what type of  
17 testing that you perform -- what tests are you  
18 looking at, BOP tests, gas detection systems,  
19 life saving systems? Can you please elaborate  
20 on that?

21 A. The BOP test makes certain that  
22 they're done as they're prescribed and gas  
23 detector.

24 Q. During your inspection, if I can hand  
25 these over to you, could you please confirm



1 that that's your name on those inspection  
2 forms dated March 3rd and February 7th?

3 A. Yes, it is.

4 Q. Could you please tell me what you  
5 inspected during those visits to the DEEPWATER  
6 HORIZON?

7 A. The records of testing as required by  
8 MMS, and also a visual walk around where we  
9 tested the audio and visual alarms and the  
10 testing procedures.

11 Q. Did all those audio and visual alarms  
12 work?

13 A. They did.

14 Q. Were there any abnormalities that you  
15 identified during your inspection?

16 A. None.

17 Q. Can you please refer to the  
18 inspection form I just handed on to you and  
19 please refer to what was in the remarks  
20 section on both those two visits.

21 A. (Witness reviews documents.) Yes,  
22 sir.

23 Q. Could you please read what they say,  
24 please?

25 A. (Witness complies.) Rig drilled



1 through cement, lost circulation, conditioning  
2 well, bled cumulator and tested the alarms.

3 Q. And how did you determine that they  
4 had a loss circulation incident?

5 A. They were not getting any returns.

6 Q. Could you please pick up the next one  
7 and read what the remarks were on the next  
8 incident?

9 A. (Witness complies.) There are no  
10 remarks.

11 Q. So if there's no remarks that means  
12 that there was no indication of any type of  
13 possible issues of non-compliance?

14 A. No, sir.

15 Q. What did you do when you first  
16 boarded the HORIZON?

17 A. I was greeted by the HLO and given to  
18 the safety orientation personnel and he gave  
19 me to the OIM.

20 Q. How long before you visit the OIM do  
21 you actually hit the ground and hit the deck  
22 and start inspecting that facility?

23 A. 45 minutes to an hour.

24 Q. Would you assume that anybody from --  
25 that's on the rig, either from BP or



1 Transocean has adequate time to make any type  
2 of modifications or any type of changes to any  
3 type of equipment within that 45 minutes to  
4 two hour timeframe?

5 A. Not that I'm aware.

6 Q. Not that you're aware of or not that  
7 you would think that it's possible?

8 A. It's possible.

9 Q. When you last inspected the DEEPWATER  
10 HORIZON, did you actually go into the engine  
11 rooms?

12 A. I did.

13 Q. Did you actually look at the air  
14 intake shutdown systems on their engine  
15 components?

16 A. I did not.

17 Q. Did you look at their gas detection  
18 system on the rig?

19 A. I did.

20 Q. Did it pass inspection and audio  
21 alarms go off?

22 A. Yes, sir.

23 Q. Did you look at the emergency  
24 disconnect system on the DEEPWATER HORIZON?

25 A. Yes, sir.



1 Q. Did it pass inspection?

2 A. Yes, sir.

3 Q. Can you please inform me how you  
4 performed such a test on that component?

5 A. There are monitors and cameras where  
6 I can observe the stacks whenever I want to,  
7 plus they have video recordings of the ROV.

8 Q. Was that last inspection an announced  
9 or unannounced inspection?

10 A. Announced.

11 Q. And how far in advance did the  
12 DEEPWATER HORIZON know of your arrival?

13 A. An hour and a half.

14 Q. So by the time that you made the  
15 announcement and by the time that you possibly  
16 hit the rig floor you're possibly looking at a  
17 three-hour duration?

18 A. Correct.

19 Q. How long were you on the HORIZON  
20 during that last inspection?

21 A. Two hours.

22 Q. Can you please tell me how you  
23 performed your inspection? Is there a list or  
24 some type of guidance that the MMS provides  
25 the inspectors to do an adequate job while



1 they're there?

2 A. A PINC list.

3 Q. Could you please elaborate on what  
4 PINC stands for and what it actually contains?

5 A. It's the Potential Incidents of Non-  
6 Compliance. It contains all of the testing  
7 procedures and records that are required.

8 Q. Do you document, in any fashion, of  
9 any components that you look at in accordance  
10 with that PINC list?

11 A. Not on the drilling rig.

12 Q. Could you please tell me the  
13 difference between a drilling inspection and a  
14 sample production inspection?

15 A. A drilling inspection is always a  
16 complete inspection. A sample inspection in  
17 production is given to us by a computer which  
18 randomly selects components.

19 Q. And in a random component selection  
20 such as that, if a company fails, don't you do  
21 an all out inspection or to go to the next  
22 level?

23 A. There is a given number which gives  
24 the inspector the authority to go through a  
25 full inspection, yes.



1 Q. But on a drilling rig you're not  
2 given an option to select certain components  
3 to look at?

4 A. No, sir.

5 Q. While your time on the DEEPWATER  
6 HORIZON, did you witness any unsafe conditions  
7 or acts?

8 A. I did not.

9 Q. Did BP or Transocean, a company man  
10 or OIM, whoever you may have met with meet you  
11 in a professional fashion?

12 A. Yes, sir.

13 Q. If you could refer back to the  
14 inspection form, did you issue any violations  
15 or notice any issues of non-compliance on your  
16 last visit?

17 A. None.

18 Q. Have you ever issued a drilling INC?

19 A. Yes, sir.

20 Q. Have you ever issued an S-INC which  
21 is essentially shutting in the drill rig?

22 A. Yes, sir.

23 Q. Could you please tell me about that  
24 process as to what happens when you issue a S-  
25 INC, a shut in of a drilling rig?



1           A. I will write the INC up and call my  
2           superiors and they will decide whether or not  
3           the rig will continue to drill or stay shut  
4           in. I do not have that authority.

5           Q. Who makes that decision?

6           A. My district supervisor, David  
7           Troquet.

8           Q. Do you know when this policy was  
9           implemented?

10          A. I do not.

11                                   E X A M I N A T I O N

12          BY CAPT NGUYEN:

13          Q. Mr. Neal, just a couple of questions  
14          from me. Now, you're out there and you  
15          witness a situation where a well shut in is  
16          critical and you can't make a decision. You  
17          have to call back to the office to get your  
18          supervisor authority?

19          A. Correct.

20          Q. During your walk about on the MODU,  
21          did you go down to the subsea engineering  
22          room?

23          A. I did not.

24          Q. It's not part of the regular  
25          inspection of the MODU by MMS?



1 A. No, sir.

2 Q. It's not. Have you ever been down to  
3 the subsea engineering room on the HORIZON?

4 A. Once before.

5 Q. Is there a computer down there that  
6 logs events of the blowout preventer?

7 A. I don't recall.

8 Q. Were there records of the blowout  
9 preventer activities in the office that you  
10 review?

11 A. Correct.

12 CAPT NGUYEN:

13 Thank you, sir. Any additional  
14 questions from MMS or Coast Guard?  
15 Flag state?

16 MR. MATHEWS:

17 I have one more question, please.

18 EXAMINATION

19 BY MR. MATHEWS:

20 Q. Could you please inform the board how  
21 often MMS visits the drilling rig?

22 A. Once a month.

23 Q. And how often do we visit a  
24 production platform?

25 A. Once a year.



1 MR. MATHEWS:  
2 Thank you.  
3 CAPT NGUYEN:  
4 Questions from Parties in Interest  
5 -- MOEX?  
6 COUNSEL REPRESENTING MOEX USA:  
7 (No response.)  
8 CAPT NGUYEN:  
9 Halliburton?  
10 COUNSEL REPRESENTING HALLIBURTON:  
11 No questions.  
12 CAPT NGUYEN:  
13 M-I SWACO?  
14 MR. EASON:  
15 No questions.  
16 CAPT NGUYEN:  
17 Anadarko?  
18 COUNSEL REPRESENTING ANADARKO  
19 PETROLEUM CORPORATION:  
20 No questions.  
21 CAPT NGUYEN:  
22 Weatherford?  
23 COUNSEL REPRESENTING WEATHERFORD,  
24 INC.:  
25 No questions.



1 CAPT NGUYEN:

2 BP?

3 MR. GODFREY:

4 No questions, Captain.

5 CAPT NGUYEN:

6 Transocean?

7 MR. KOHNKE:

8 No questions.

9 CAPT NGUYEN:

10 Cameron?

11 COUNSEL REPRESENTING CAMERON INC.:

12 No questions.

13 CAPT NGUYEN:

14 Dril-Quip?

15 COUNSEL REPRESENTING DRIL-QUIP, INC.:

16 No questions.

17 CAPT NGUYEN:

18 Mr. Neal, are there any other

19 questions that we didn't ask or any

20 information that we should be aware as

21 a board that you want to bring

22 forward?

23 THE WITNESS:

24 Not that I can think of at this

25 time.



1 CAPT NGUYEN:

2 If we need further information,  
3 will you make yourself available to  
4 the board.

5 THE WITNESS:

6 Gladly.

7 CAPT NGUYEN:

8 Thank you, sir. You are  
9 dismissed. This concludes today's  
10 testimony. Tomorrow, Wednesday, May  
11 12, 2010, we will call the following  
12 witnesses: Mr. Michael Saucier, MMS  
13 Regulatory and Inspection Program;  
14 Captain Vern Gifford, 8th Coast Guard  
15 District, Chief of Prevention;  
16 Lieutenant Commander Michael Odom,  
17 Liquified Gas Carrier National Center  
18 of Expertise, National Technical  
19 Advisor; Lieutenant Barbara Wilk,  
20 Investigating Officer, Coast Guard  
21 Marine Station Unit Morgan City; Mr.  
22 Brian Bubar, Deputy Commissioner of  
23 Maritime Affairs, Republic of Marshall  
24 Islands; and, Captain Thomas Heinan,  
25 Deputy Commissioner, Maritime Affairs,



1            Republic of Marshall Islands. We are  
2            adjourned. Thank you.

3                    \* \* \* \* \*

4            (Whereupon, the meeting adjourned for the day  
5            at 4:35 p.m.)

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1                   R E P O R T E R ' S   P A G E  
2                   I, DOROTHY N. GROS, Certified Court  
3 Reporter in and for the State of Louisiana,  
4 the officer, as defined in Rule 28 of the  
5 Federal Rules of Civil Procedure and/or  
6 Article 1434(B) of the Louisiana Code of Civil  
7 Procedure, before who this sworn testimony was  
8 taken, do hereby state on the Record:

9                   That due to the interaction in the  
10 spontaneous discourse of this proceeding,  
11 dashes (--) have been used to indicate pauses,  
12 changes in thought, and/or talk overs; that  
13 same is the proper method for a Court  
14 Reporter's transcription of proceeding, and  
15 that the dashes (--) do not indicate that  
16 words or phrases have been left out of this  
17 transcript;

18                  That any words and/or names which  
19 could not be verified through references  
20 material have been denoted with the phrase  
21 "(phonetic)".  
22  
23

24 \_\_\_\_\_  
25                                   DOROTHY N. GROS, CCR



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CERTIFICATE

I, Dorothy N. Gros, Certified Court Reporter, in and for the State of Louisiana, authorized by the laws of said State to administer oaths and to take the depositions of witnesses, hereby certify that the foregoing matter was taken before me at the time and place herein above stated; the matter being reported by me and thereafter transcribed under my supervision; that the foregoing pages contain a true and correct transcription of the matter as thus given to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause, and that I am in no wise interested in the result of said cause.

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1 DOROTHY N. GROS, CCR  
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