

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

Date taken: October 4, 2010
AM Session

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

*****Note*****

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<p>USCG/BOEM BOARD OF INVESTIGATION INTO THE MARINE CASUALTY, EXPLOSION, FIRE, POLLUTION AND SINKING OF MOBILE OFFSHORE DRILLING UNIT DEEPWATER HORIZON, WITH LOSS OF LIFE IN THE GULF OF MEXICO, 21-22 APRIL 2010, MONDAY, OCTOBER 4, 2010, 8:00 A.M.</p> <p style="text-align: center;">* * * * *</p> <p>The Transcript of the Joint United States Coast Guard/Bureau of Ocean Energy Management Investigation of the above entitled cause before Cathy Renee' Powell, a certified court reporter authorized to administer oaths of witnesses pursuant to Section 961.1 of Title 13 of the Louisiana Revised Statutes of 1950, as amended, reported at the Holiday Inn, 2261 N. Causeway Boulevard, Metairie, Louisiana 70001, on Monday, October 4, 2010, beginning at 8:00 a.m.</p> <p style="text-align: right;">Page 1</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>REPORTED BY: CATHY RENEE' POWELL, CCR</p> <p>WITNESSES:</p> <p>CAPT. JAMES HANZALIK 12 USCG</p> <p>DOUG MARTIN 97 SMIT Salvage Americas Represented by Bijan Siahatgar, Esq. * * *</p> <p>EXAMINATION INDEX</p> <p>EXAMINATION BY CAPT. HIGGINS:12 EXAMINATION BY MR. MATHEWS:36 EXAMINATION BY MR. McCARROLL:49 EXAMINATION BY MR. DYKES:50 EXAMINATION BY CAPT. NGUYEN:55 EXAMINATION BY MR. LINSIN:64 EXAMINATION BY MR. JOHNSON:68 EXAMINATION BY MR. SCHONEKAS:79 EXAMINATION BY MR. FANNING:88 EXAMINATION BY CAPT. HIGGINS:95 EXAMINATION BY CAPT. NGUYEN:97 EXAMINATION BY MR. MATHEWS:172 EXAMINATION BY MR. McCARROLL:180 EXAMINATION BY CAPT. HIGGINS:184 EXAMINATION BY MR. DYKES:189</p> <p style="text-align: right;">Page 3</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>APPEARANCES:</p> <p>MEMBERS OF THE BOARD:</p> <p>CAPTAIN HUNG M. NGUYEN CO-CHAIR UNITED STATES COAST GUARD</p> <p>DAVID DYKES CO-CHAIR MINERALS MANAGEMENT SERVICE</p> <p>JUDGE WAYNE R. ANDERSEN UNITED STATES DISTRICT JUDGE (RET.)</p> <p>CAPTAIN MARK R. HIGGINS STAFF JUDGE ADVOCATE COAST GUARD ATLANTIC AREA</p> <p>JASON MATHEWS MINERALS MANAGEMENT SERVICE</p> <p>JOHN McCARROLL MINERALS MANAGEMENT SERVICE</p> <p>ROSS WHEATLEY UNITED STATES COAST GUARD</p> <p>LTR. ROBERT BUTTS COURT RECORDER UNITED STATES COAST GUARD</p> <p style="text-align: right;">Page 2</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>EXAMINATION BY CAPT. NGUYEN:191 EXAMINATION BY MR. LINSIN:193 EXAMINATION BY MR. GODFREY:204 EXAMINATION BY MR. JOHNSON:214 EXAMINATION BY MR. SCHONEKAS:225 EXAMINATION BY CAPT. NGUYEN:231</p> <p style="text-align: right;">Page 4</p>

<p>1 (PROCEEDINGS) 2 CAPT. NGUYEN: 3 Good morning. 4 The Joint United States Coast 5 Guard and Bureau of Ocean Energy Management, 6 Regulation and Enforcement Investigation, is 7 now in session. 8 I am Captain Nguyen, Coast Guard 9 District 14. 10 The Department of Homeland 11 Security and Department of Interior have 12 determined that a joint investigation of the 13 April 20 through 22, 2010, explosion and 14 sinking of the mobile offshore drilling unit 15 DEEPWATER HORIZON, leaving 11 persons 16 missing, is warranted. 17 The Commandant of the Coast Guard, 18 along with the Coast Guard, along with the 19 Director of the Bureau of Ocean Energy 20 Management, Regulation and Enforcement, 21 formerly known as the Minerals Management 22 Service, have designated myself and 23 Mr. David Dykes as co-chairs of this joint 24 investigation, which they have convened 25 under the authority of Title 46 U.S. Code</p> <p style="text-align: right;">Page 5</p>	<p>1 The gentleman to my right is 2 retired Judge Wayne Anderson. 3 To his right, Captain Mark 4 Higgins, the staff judge advocate for the 5 U.S. Coast Guard Atlantic area. 6 The gentleman to Captain Higgins' 7 right is Lieutenant Robert Butts, currently 8 assigned to the Coast Guard Training Center 9 at Yorktown, Virginia, as the lead 10 instructor for the marine investigation 11 program. 12 The board will submit its report 13 of findings and conclusions and safety 14 recommendations to prevent recurrence of 15 this type of casualty to the Commandant of 16 the United States Coast Guard and the Bureau 17 of Ocean Energy Management, Regulation and 18 Enforcement. 19 This investigation is intended to 20 determine the cause of the casualty to the 21 extent possible and the responsibility 22 thereof, subject to the final review and 23 approval of the Commandant of the Coast 24 Guard and the director of the Bureau of 25 Ocean Energy Management, Regulation and</p> <p style="text-align: right;">Page 7</p>
<p>1 6301 and 43 U.S. Code 1348 and the 2 regulations thereunder. 3 The joint investigation shall have 4 the powers of both agencies and, for the 5 public hearing portion of this joint 6 investigation, shall follow the policies and 7 procedures for Coast Guard investigation as 8 contained in Title 46 in the Code of Federal 9 Regulations, Part 4, and the Coast Guard 10 Marine Safety Manual, Vol. 5. 11 The gentleman on my left is 12 Mr. David Dykes, chief officer of safety 13 management, New Orleans, for the Bureau of 14 Ocean Energy Management, Regulation and 15 Enforcement and the cochair of this 16 investigation. 17 On Mr. Dykes' left is Mr. Jason 18 Mathews, petroleum engineer for the Bureau 19 of Ocean Energy Management, Regulation and 20 Enforcement. 21 The gentleman on Mr. Mathews' left 22 is Mr. John McCarroll, the district manager, 23 Lake Jackson District, for the Bureau of 24 Ocean Energy Management, Regulation and 25 Enforcement.</p> <p style="text-align: right;">Page 6</p>	<p>1 Enforcement to obtain information for the 2 purpose of preventing or reducing the 3 effects of similar casualties in the future. 4 This investigation is also 5 intended to determine if there is evidence 6 that incompetence, misconduct, 7 unskillfulness, or willful violation of law 8 on the part of any licensed officer, pilot, 9 seaman, employee, owner or agents of such 10 owner of any vessel involved, or any 11 inspector or officer of the Coast Guard, 12 Bureau of Ocean Energy Management, 13 Regulation and Enforcement, or other officer 14 and employee of the United States, or any 15 other person who caused or contributed to 16 the cause of this casualty. If there's 17 evidence that any act or violation of any of 18 the provisions of the United States Code or 19 any of the regulations issued thereunder was 20 committed, this board is also empowered to 21 recognize any -- and to make appropriate 22 recommendations in this regard. 23 The scope of this five-day session 24 will focus on emergency preparedness and 25 response, technical verification, safety</p> <p style="text-align: right;">Page 8</p>

1 codes, and operational decision making.
 2 I would like to request the
 3 cooperation of all persons present to
 4 minimize any disruptive influence on the
 5 proceedings in general and on witnesses in
 6 particular. We will continue to afford full
 7 media coverage as long as it does not
 8 interfere with the rights of the parties to
 9 a fair hearing and does not unduly distract
 10 from the solemnity, decorum, and dignity of
 11 the proceedings.
 12 Unless there is a preapproved
 13 media availability, no interviews will be
 14 conducted inside this hearing room or in the
 15 adjacent common area. Any violation of the
 16 guidelines previously agreed upon will
 17 result in the removal of all media
 18 representatives. The use of video
 19 recorders, cameras, laptops, PDA, and/or
 20 cell phones to capture video or still
 21 photography during the proceeding is
 22 prohibited. There will be only one official
 23 transcript of these proceedings developed by
 24 the board. Any other transcripts developed
 25 by any other party are for informational

Page 9

1 purposes only.
 2 When called upon, a witness will
 3 be placed under oath by Judge Wayne
 4 Anderson. When testifying under oath, a
 5 witness is subject to the federal rules and
 6 penalties for perjury and for making false
 7 statements under 18 USC 1001. Penalties
 8 include a fine up to \$250,000 or
 9 imprisonment up to five years, or both.
 10 The board members and the court
 11 reporter are reminded you are still under
 12 oath.
 13 Also as a reminder, no part of a
 14 report of a marine casualty investigation
 15 conducted under 46 USC 6301, including
 16 findings of fact, opinions, recommendations,
 17 deliberations, or conclusions shall be
 18 admissible as evidence or subject to
 19 discovery in any civil or administrative
 20 proceedings other than an administrative
 21 proceeding initiated by the United States.
 22 Prior to receiving testimony
 23 during each session of the proceeding, we
 24 shall call for and receive appearances by
 25 counsel for the Parties in Interest or for

Page 10

1 the witnesses. In the interest of time and
 2 efficiency, we respectfully request Parties
 3 in Interest to honor the scope of these five
 4 days as we will examine other areas later.
 5 We expect Parties in Interest to conduct
 6 themselves in accordance with the rules for
 7 Parties in Interest discussed earlier this
 8 morning, a copy of which will be added to
 9 the record at this time.
 10 If procedural questions arise,
 11 Judge Anderson and/or Captain Higgins will
 12 address the matter and resolve any issue
 13 with the Parties in Interest.
 14 During these five days of
 15 testimony, we are expecting a personal
 16 appearance by each person listed on our
 17 witness list which is posted on our Web
 18 site. As a reminder, prior to receiving a
 19 witness' testimony, witnesses, with the
 20 exception of the Party in Interest, shall be
 21 excused from the room and moved to a
 22 separate designated waiting area.
 23 This waiting area shall be far
 24 removed from the primary hearing location so
 25 that witnesses cannot hear or be aware of

Page 11

1 any testimony presented to the board.
 2 The sources of information into
 3 which the investigation will inquire are
 4 many and varied. The investigative
 5 resources of the Coast Guard and the Bureau
 6 of Ocean Energy Management, Enforcement and
 7 Regulation have made attempts to locate
 8 every available piece of evidence which has
 9 a permanent bearing on the casualty. This
 10 board will hear all evidence. Should any
 11 person have or believe he or she has
 12 information not brought forward but which
 13 may be of direct significance, that person
 14 is urged to bring that information to the
 15 attention of the board.
 16 CAPT. JAMES HANZALIK,
 17 having been first duly sworn as a witness,
 18 was examined and testified:
 19 EXAMINATION BY CAPT. HIGGINS:
 20 Q. Good morning, Capt. Hanzalik.
 21 A. Good morning.
 22 Q. Thank you for being here this
 23 morning.
 24 A. Okay.
 25 Q. Will you please briefly describe

Page 12

1 your background in emergency response and
 2 incident management?
 3 A. Sure.
 4 I have had over 20 years of
 5 oilfield response experience. I have had
 6 two tours on the National Strike Force, one
 7 on the Gulf strike team as the operations
 8 officer and also as the deputy commander in
 9 the National Strike Force.
 10 I have responded to numerous
 11 minor, medium, and major incidents,
 12 including the Amtrak train derailment in
 13 Mobile, Alabama; several hurricanes,
 14 including most recently Hurricanes Gustav
 15 and Ike; the oil spill in the Mississippi
 16 River, where I was the deputy incident
 17 commander; and most recently, the deputy
 18 area commander for pollution response for
 19 the DEEPWATER HORIZON; and also the incident
 20 and deputy incident commander at ICP in
 21 Houma.
 22 Q. My understanding is you're
 23 currently the chief of incident response at
 24 the Eighth Coast Guard District. Would you
 25 briefly describe your duties in that role.

Page 13

1 A. Sure.
 2 I am responsible for policy and
 3 development, and oversight of pollution is
 4 our response. Active duty is in the Eighth
 5 District, which encompasses roughly 26
 6 states and over 10,000 miles of shoreline.
 7 I am also the cochair for the
 8 Regional Response Team for Regions 6, 7, and
 9 8.
 10 Q. On the date of this incident, my
 11 understanding is you were the acting chief
 12 of response. Would you describe those
 13 duties?
 14 A. The acting chief of response is a
 15 little bit more expanded. I am also
 16 responsible for law enforcement in that
 17 capacity and also the gathering of
 18 intelligence information, in addition to my
 19 pollution response and search and rescue
 20 duties.
 21 Q. So as the acting chief of response
 22 on that date, what were your
 23 responsibilities for the Eighth Coast Guard
 24 District?
 25 A. For this particular incident?

Page 14

1 Q. Yes, sir.
 2 A. The coordination of Coast Guard
 3 units to support the port of Morgan City and
 4 Sector New Orleans for this incident.
 5 That's our primary role, is to support and
 6 provide any command and control that may be
 7 needed.
 8 Q. What was the Eighth District's
 9 role with regard to search and rescue
 10 following the incident?
 11 A. The Eighth Coast Guard District's
 12 role for the particular incident was we were
 13 at SMC because it was a mass rescue
 14 operation.
 15 Q. What is SMC, sir?
 16 A. SAR Mission Coordinator. We are
 17 responsible for the coordination of all
 18 search and rescue for that particular
 19 incident.
 20 Q. What legislation requires the
 21 development of a national planning and
 22 response system?
 23 A. It was the Federal Water Pollution
 24 Control Act, which was admitted by OPA in
 25 1990.

Page 15

1 Q. As you know, the EXXON VALDEZ
 2 spill prompted the Oil Pollution Act of
 3 1990. What has OPA '90 required related to
 4 emergency preparedness and response?
 5 A. It created a bigger scheme for
 6 planning and response for mainly the
 7 responsible parties, and it also beefed up
 8 some of the Coast Guard response
 9 capabilities. Mainly, it put into place the
 10 requirement for double-hull barges and
 11 double-hull tank ships. It also required
 12 vessel response and facility response plans
 13 and a number of other things as far as the
 14 creation of the Oil Spill Liability Trust
 15 Fund. And then, also, it gives a little bit
 16 more power to the federal on-scene
 17 coordinator in directing the response.
 18 Q. What are the requirements that are
 19 placed on the Captains of the Port under
 20 that plan?
 21 A. Each Captain of the Port is
 22 required to develop an area contingency plan
 23 under that law.
 24 Q. How many Captains of the Port are
 25 there that are responsible for areas in the

Page 16

1 Gulf of Mexico?

2 A. There are seven Captains of the

3 Port in the Gulf of Mexico. If you include

4 Tampa, eight Captains of the Port.

5 Q. Is there one overriding plan that

6 unifies those, or are they independent

7 plans?

8 A. They are independent plans, but

9 they are compiled into one plan. It's

10 called the One Gulf Plan. But each one of

11 those plans is individually developed by

12 each Captain of the Port.

13 Q. So there is one kind of

14 overarching plan, but each individual zone

15 has an area contingency plan as well?

16 A. Each Captain of the Port Zone is

17 required to have an area contingency plan,

18 and in that One Gulf Plan, those plans are

19 basically put on, basically, a CD so

20 everybody can have access to those same

21 plans.

22 CAPT. HIGGINS:

23 We'll make that as an exhibit.

24 EXAMINATION BY CAPT. HIGGINS:

25 Q. Do you know if any of the offshore

Page 17

1 drilling contractors or oil companies

2 participate with the area committees?

3 A. From my personal experience, I

4 have seen offshore oil companies at the area

5 committee meetings, but I don't recall any

6 drilling contractors.

7 There may have been maybe some

8 support. Like Wild Well Control, I have

9 seen some of those folks at area committee

10 meetings. But typically not.

11 In my current capacity, I go to a

12 lot of the regional response team meetings,

13 and we do have some industry participation

14 at those meetings.

15 Q. What other plans are in place for

16 these types of emergencies?

17 A. Several plans. For instance, of

18 course, we have each vessel or facility is

19 required to have their own emergency

20 response plan. And then on top of that, the

21 state or the locals may have an individual

22 oil spill response plan. They are not

23 required to have that. But, typically, the

24 state plan and the local plan is rolled into

25 the area contingency plan.

Page 18

1 And then, from that, you have

2 regional contingency plans that require

3 certain things of those area contingency

4 plans. And then on top of the regional

5 contingency plan, you have the national

6 contingency plan.

7 Q. What is the relationship between

8 the oil spill response plan and the vessel

9 response plan?

10 A. For the DEEPWATER HORIZON, the oil

11 spill response plan is that plan that is

12 required for, basically, the well operation.

13 And then you also have a plan for the vessel

14 itself.

15 Q. Who approves BP's response plan?

16 A. BOEM approves -- or it used to be

17 known as Management Service -- approves that

18 plan. For the MODU DEEPWATER HORIZON, that

19 would be the Coast Guard.

20 Q. And who would be responsible for

21 the vessel response plan?

22 A. The Coast Guard would review that

23 plan, yes.

24 Q. Are U.S. or foreign flag MODUs

25 operating on the Outer Continental Shelf

Page 19

1 the United States required to have a vessel

2 response plan that includes provisions for

3 salvage and marine firefighting?

4 A. Yes, there is. Specifically,

5 there is a requirement for them to have

6 identified salvage resources identified in

7 their plans.

8 Q. Do you know if Transocean's

9 DEEPWATER HORIZON vessel response plan

10 included these similar provisions?

11 A. I haven't reviewed their plan.

12 No, I don't know that.

13 Q. What are the Coast Guard's

14 responsibilities and response guidelines for

15 a reported vessel fire in the Gulf of

16 Mexico?

17 A. Well, as you know, Captain of the

18 Port authority only extends to navigable

19 waterways of the United States, so those

20 authorities are limited in scope. There are

21 only certain things that we can do within

22 that 12-mile or -- in the navigable water

23 area. Outside of that, it is more in an

24 advisory capacity.

25 If there is a threat of oil

Page 20

<p>1 pollution to the United States, the federal 2 on-scene coordinator -- and Captain of the 3 Port is one and the same for this -- would 4 direct a resource to do certain things, but 5 that's limited to actually directing the 6 vessel. And that would be, in this case, 7 the DEEPWATER HORIZON. 8 Q. So did -- 9 A. Can't do much correction if 10 there's no one on board the vessel. 11 Q. So Captain of the Port authorities 12 are distinctly different inside and outside 13 of navigable waters? 14 A. Correct. 15 Q. What are the vessel owner/operator 16 responsibilities for fighting a fire in the 17 Gulf of Mexico? 18 A. Based on my training, it is the 19 vessel owner, operator, or captain who is 20 responsible for fighting the fire on board 21 his vessel. 22 Q. What are the master's 23 responsibilities for fighting a fire? 24 A. Well, his responsibility is to use 25 those systems on that vessel as much as</p> <p style="text-align: right;">Page 21</p>	<p>1 aspect. Also, protection of any resources 2 that may be in that general area, we want to 3 make sure that people that are on maybe 4 close-by rigs and other things are safe. 5 Also, we would be concerned with 6 the actual vessel itself, with what would 7 happen to, actually, the vessel if it -- you 8 know, if it sank or other things, what 9 damage would it do. Other pipelines or 10 other things that may be in the area. 11 Q. In general, what are the Coast 12 Guard priorities for an offshore ship fire 13 in terms of what -- how do you prosecute 14 that response? 15 A. Well, typically, the Coast Guard, 16 we are not trained firefighters. So we, 17 mainly in our planning efforts, we 18 facilitate communication between a local 19 fire department and a responsible party. 20 And we may, in some respects, assist in that 21 facilitation. And then also, basically, we 22 would maybe put a safety zone in effect for 23 that area to keep people out of that area. 24 But our expertise is limited, and 25 our policy really is to assist when we have</p> <p style="text-align: right;">Page 23</p>
<p>1 possible to fight that fire, and also the 2 safety of his crew to make sure that they 3 are safe in executing that responsibility. 4 Q. Do you know what Transocean's 5 contingency plan was for fighting a fire, a 6 major fire, on board the DEEPWATER HORIZON 7 while it was on station in the Gulf of 8 Mexico? 9 A. No, I don't. 10 Q. Do you know if DEEPWATER HORIZON 11 was required to have a vessel response plan 12 for fighting fires in salvage? 13 A. I know they are required to have a 14 vessel response plan that includes an annex, 15 that requires them to have identified 16 salvage and firefighting resource 17 capabilities. 18 Q. Do you think that the requirements 19 of that salvage and firefighting plan should 20 be increased? Are you aware of that? 21 A. No, I wasn't. 22 Q. Subsequent to -- operations, what 23 was the primary concern for the Coast Guard? 24 A. The primary concern is going to 25 be, of course, the pollution response</p> <p style="text-align: right;">Page 22</p>	<p>1 people that are trained to actually do that. 2 But in this case, I don't know what the 3 training of those individuals was in Morgan 4 City at that time. 5 Q. Specific to the incident on the 6 DEEPWATER HORIZON, how did you become 7 involved in the response? 8 A. Well, I was -- as chief of 9 incident management, I got the call, 10 roughly, at about 11:30. I think the 11 incident happened about 10 o'clock. 12 Typically, we tell our 13 watch-standers, you know, gather as much 14 information as possible. I think I may have 15 gotten a call earlier, but a little bit more 16 information about 11:30, and then we started 17 heading into the office at that point in 18 time. 19 Q. And what was your role in the 20 response? 21 A. Well, I was overseeing some of the 22 other activities that were going on, 23 typically, for our watch-standers and the 24 SMC, who was acting SMC at the time. We 25 kind of let them run the response because</p> <p style="text-align: right;">Page 24</p>

1 there is a lot of other things that are
 2 going on, and we want to make sure that they
 3 are focused in briefing us, and we are doing
 4 other things, to not get in their way.
 5 We try to stay back a little bit
 6 and let them kind of run things and just
 7 offer oversight and direct things when we
 8 have to.
 9 What we were really concentrating
 10 on at that point in time was what the
 11 pollution effect was going to be if the fire
 12 goes out or if there's a sinking of the
 13 vessel, what is being done about that. Also
 14 because we had -- we felt that the search
 15 and rescue at that point in time was pretty
 16 much well in hand.
 17 Some of the firefighting aspects
 18 as far as, you know, what is it doing, what
 19 is the stability of the vessel maybe. And
 20 then, you know, just the coordination of who
 21 is responsible, who is doing what, who is
 22 bringing resources on scene.
 23 Q. You described --
 24 A. And then some of the
 25 investigations also.

Page 25

1 Q. You described Morgan City as the
 2 initial primary responder. Would you
 3 briefly discuss your -- or the district's
 4 relationship to MSU Morgan City with regards
 5 to the response.
 6 A. Sure.
 7 Morgan City is a subunit for
 8 Sector New Orleans. They are a marine
 9 safety unit, and they report directly to the
 10 Captain of the Port and Sector New Orleans.
 11 Sector New Orleans reports to the Eighth
 12 Coast Guard District.
 13 Q. How were the SAR, firefighting,
 14 and pollution activities coordinated within
 15 the Coast Guard?
 16 A. Because it's a mass rescue
 17 operation, the Eighth Coast Guard District
 18 was the SMC, or SAR Mission Coordinator.
 19 Captain of the Port Morgan City retained
 20 their FOSC responsibilities, Captain of the
 21 Port responsibilities.
 22 Sector New Orleans, because they
 23 initially received the call, was initially
 24 the SAR Mission Coordinator, but that was
 25 quickly transferred to the district because

Page 26

1 it was a mass rescue operation.
 2 Q. Did the district command assume
 3 more responsibility in this case? You
 4 described MSU Morgan City as the initial
 5 responder in the call to Sector New Orleans.
 6 Did the district come to assume more
 7 responsibilities in the case?
 8 A. We did later on. After the
 9 DEEPWATER HORIZON sank and we saw that there
 10 was a huge potential for oil to hit multiple
 11 Captain of the Port Zones, Admiral Landry
 12 made the decision to be the FOSC.
 13 Q. When did the Eighth District
 14 assume SMC and when did the Eighth District
 15 assume the FOSC role? Do you know?
 16 A. My understanding is we assumed SMC
 17 after we received a call, and there were
 18 multiple people that were injured that cued
 19 us to be -- we have Quick -- what we call
 20 Quick Response Cards. We go through that
 21 checklist, and that checklist pretty much
 22 tells us who the SMC is, and we take it at
 23 that point. At that point, the command
 24 center makes a call out that we have taken
 25 SMC for a particular incident.

Page 27

1 But as far as FOSC, typically, the
 2 district doesn't take FOSC. Because of
 3 this -- because we felt that this was going
 4 to be a large incident with huge potential,
 5 Admiral Landry made the decision to take
 6 FOSC. I want to say it was around the time
 7 the DEEPWATER HORIZON sank, and then we had
 8 some pollution sighted. Somewhere around
 9 that time frame. Now, exactly what time or
 10 day, I'm not sure. I just remember the
 11 event.
 12 Q. When the Eighth District commander
 13 took the FOSC, did they establish a Unified
 14 Area Command?
 15 A. Yes. We had some individuals from
 16 BP that did actually come to the Eighth
 17 Coast Guard District. I believe it was Dave
 18 Rainey and I believe a representative from
 19 Transocean. I'm not sure exactly. I don't
 20 remember. It may have been -- I can see his
 21 face, but I can't remember his name right --
 22 right offhand, but there was a Transocean
 23 rep, I believe, there too.
 24 And we ended up moving to Robert,
 25 Louisiana, that Saturday.

Page 28

1 Q. What were the functions of the
 2 Unified Area Command and why was one
 3 established?
 4 A. Okay. Typically, you would
 5 establish an area of command because you
 6 would have multiple operations going in
 7 multiple geographic areas.
 8 In this case, we felt that there
 9 were at least two Captain of the Port Zones
 10 affected, and we felt that having an area
 11 command to broker critical resources would
 12 be needed. And, also, to report information
 13 in the chain of command and the press and
 14 everything else that was going on, we needed
 15 another layer on top of those folks so they
 16 could concentrate on tactical operations in
 17 the field.
 18 Q. Based on your understanding then
 19 and now, what was the Coast Guard's role in
 20 terms of directing the firefighting on
 21 scene?
 22 A. Well, based on this particular
 23 incident, the Coast Guard pretty much didn't
 24 take an active role in firefighting. We
 25 monitored what was going on, but we were not

Page 29

1 directing any firefighting resources.
 2 Q. Do you know if a firefighting
 3 group was established within the Unified
 4 Area Command?
 5 A. Not at the Unified Area Command.
 6 There may have been a group set up at the
 7 MSU Morgan City, but I wasn't aware of that.
 8 Q. Do you know how many Coast Guard
 9 units responded to the DEEPWATER HORIZON
 10 incident?
 11 A. I can't tell you the total number.
 12 I know over a half a dozen resources were
 13 immediately dispatched. I know there was a
 14 number of Coast Guard cutters and aircraft
 15 that were involved in the incident
 16 throughout.
 17 Q. Did the district have full
 18 visibility of all the activities of the
 19 subunits?
 20 A. I would say we had 85 to
 21 90 percent visibility on everything that was
 22 going on.
 23 Of course, you know, with people
 24 responding and reporting information, to
 25 collect all that information and report it

Page 30

1 up, that is a huge task, and we had -- I
 2 think we had a pretty good handle on what
 3 was going on.
 4 Q. Did the Coast Guard issue an
 5 Urgent Marine Information Broadcast to
 6 request assistance with the firefighting
 7 efforts?
 8 A. Yes, we did. Immediately. And
 9 that was done by Sector New Orleans.
 10 Q. Did the Eighth Coast Guard
 11 District issue a safety zone?
 12 A. The Eighth Coast Guard District
 13 did issue a safety zone, and the reason for
 14 that is because the local Captain of the
 15 Port can't do that because of some of the
 16 nuances in the law.
 17 Admiral Landry can effect the
 18 safety zone around the facility or whatever,
 19 roughly about 500 meters or 500 yards around
 20 the facility.
 21 Q. Do you know if BP or Transocean
 22 was responsible for the firefighting effort?
 23 A. Do I know if they were . . .
 24 Q. Which one would have been
 25 responsible.

Page 31

1 A. I would assume that both would be.
 2 Q. Do you know if the responsibility
 3 for the firefighting effort shifted during
 4 the course of the event?
 5 A. No, I am not aware of that.
 6 Q. Do you know if the use of the
 7 blowout preventer was part of the
 8 firefighting effort? Would that have been
 9 part of the firefighting effort?
 10 A. If you were able to shut off the
 11 flow of oil, I think that would have been
 12 part of the firefighting effort, yes.
 13 Q. Do you know if the Coast Guard was
 14 involved in monitoring the attempts to
 15 execute the cutoff through the blowout
 16 preventer?
 17 A. We were involved to a certain
 18 extent. I don't know at the beginning. We
 19 did end up sending someone to Houston very
 20 early on, and they were monitoring the
 21 situation, and we were getting reports from
 22 BP directly to Admiral Landry.
 23 Q. Do you know if a salvage and
 24 firefighting company was contracted to
 25 assist?

Page 32

1 A. I don't know in particular, but I
 2 understand that there was a contractor that
 3 was hired.
 4 Q. Do you know if a qualified fire
 5 officer was on scene for BP or Transocean at
 6 the command center?
 7 A. No, I don't know that.
 8 Q. Did the Coast Guard ever assume
 9 responsibility for directing the
 10 firefighting?
 11 A. No.
 12 Q. Do you know if Transocean or BP
 13 had a contingency plan for fighting a major
 14 fire on the DEEPWATER HORIZON?
 15 A. Not that I am aware of.
 16 Q. Do you know of any drilling
 17 contractor or petroleum companies operating
 18 in the Outer Continental Shelf that have
 19 such a firefighting plan?
 20 A. Not that I am aware of.
 21 Q. Should they have such a plan?
 22 A. I think they should, yes.
 23 Q. Are you aware of the master's
 24 duties on board a vessel to fight a fire?
 25 A. I know that the master is

Page 33

1 responsible for his vessel, and if there was
 2 a fire on his vessel, I would assume that he
 3 would be responsible for fighting the fire
 4 on his vessel.
 5 Q. Do you know if Captain Kirk Kuchta
 6 assumed the overall control of the
 7 firefighting effort?
 8 A. No, I don't know if he did or not.
 9 Q. In his testimony, Mr. Daun Winslow
 10 indicated that he directed the firefighting
 11 effort from the DAMON BANKSTON. Was the
 12 Eighth District command center aware of this
 13 situation?
 14 A. No.
 15 Q. Do you know if Transocean
 16 coordinated the firefighting efforts with
 17 the Coast Guard?
 18 A. Not that I am aware of.
 19 Q. When concerns about the vessel's
 20 stability were raised, do you know who
 21 raised them or if they were raised?
 22 A. I know, in my mind, it came up.
 23 But I'm sure that would have been more of a
 24 tactical -- that would have been handled by
 25 Morgan City. At the district, we would

Page 34

1 think about those things, but since they
 2 were running the tactical operation, we
 3 wouldn't, you know, engage.
 4 Q. There was testimony from
 5 Mr. Winslow that the firefighting water was
 6 directed to the columns rather than the deck
 7 so that the firefighting water wouldn't
 8 impact the stability.
 9 Who would normally be making those
 10 types of decisions with regard to where
 11 water would be placed and direct those
 12 firefighting activities?
 13 A. Hopefully, it would be a trained
 14 marine firefighter. Typically, in a port
 15 environment, it would be a chief, a fire
 16 chief, from a local fire department or
 17 municipal fire department.
 18 Q. Do you know if the master was ever
 19 relieved of his duties to direct the
 20 firefighting response?
 21 A. No, I'm not aware that he was.
 22 Q. Would he normally hold those
 23 responsibilities until relieved by a more
 24 competent firefighting person?
 25 A. I believe he would, yes.

Page 35

1 Q. So until he was relieved, you
 2 would assume that the master would be the
 3 one who would be directing those efforts?
 4 A. Yes.
 5 Q. In enhancing the safety of gas in
 6 offshore exploration and production, do you
 7 have any recommendations for the board?
 8 A. I believe there needs to be a
 9 little bit more oversight on maybe some of
 10 the testing and evaluation of BOPs. I also
 11 believe that if you regulate a particular
 12 industry, I think you should also be
 13 responsible for responding to it. That's
 14 just my personal feeling.
 15 CAPT. HIGGINS:
 16 Thank you, Captain Hanzalik. No
 17 further questions at this time.
 18 EXAMINATION BY MR. MATHEWS:
 19 Q. Captain Hanzalik, earlier in your
 20 testimony, you had indicated, I think, you
 21 had 20 years of oilfield response. Is that
 22 correct, sir?
 23 A. That's correct.
 24 Q. At what levels did you gain that
 25 20 years of experience? From where you are

Page 36

1 now, I think you had said you were acting
 2 Chief of Response. Can you please tell me
 3 how many years you have had at each level?
 4 A. Okay. I was at the Marine Safety
 5 Office Mobile for five years. Then I moved
 6 from there to the Gulf Strike Team. I was
 7 there for three years.
 8 Then Marine Safety Office
 9 Savannah, I was there for four years.
 10 I was chief of operations for the
 11 National Strike Force for a year and then
 12 deputy commander for the National Strike
 13 Force for three years.
 14 Q. And how long have you been in the
 15 Chief Incident Response position?
 16 A. I was there for two years.
 17 Roughly until about the time of the
 18 incident.
 19 Q. And the term "acting chief," was
 20 there -- I'm not sure I understand the term
 21 "acting."
 22 A. Well, if your boss is not there,
 23 you are the acting.
 24 Q. So you were the acting chief?
 25 A. Of response for the Eighth

Page 37

1 District, yes.
 2 Q. How long had you been in that
 3 position prior to the incident?
 4 A. Oh, I would take that position --
 5 you know, anytime my boss was gone, I would
 6 be acting. But I just took that position
 7 over in July. That is my current title.
 8 Q. But at the time of the incident on
 9 April 20, how many days had you been serving
 10 in that capacity?
 11 A. I want to say my boss was maybe
 12 gone -- maybe left Saturday or Sunday that
 13 week, if I'm not mistaken.
 14 Q. Outside of the incident -- an oil
 15 spill response plan, have you had any other
 16 responsibilities in respect to OCS drilling
 17 and production operation?
 18 A. I have had limited experience with
 19 OCS activities other than response to them.
 20 I mean, we have had spills offshore when I
 21 was in Mobile, and we did have some
 22 interaction with those types of incidents.
 23 Q. Have you had any special training
 24 for the current job that you have with
 25 respect to incident command or oil spill

Page 38

1 response in the past two years?
 2 A. The past two years, I've had -- I
 3 refreshed on the area command course. I've
 4 had a number of other courses that I've
 5 attended. Most of my OCS training was in
 6 the mid to early 2000s, but I've already had
 7 the training.
 8 Q. Earlier, I believe, you answered a
 9 question that you said you reviewed the
 10 emergency response plan, the firefighting
 11 plan, in the Coast Guard. Which office
 12 specifically reviewed this plan?
 13 A. Well, there's a number of offices
 14 that review facility and vessel -- for
 15 vessel response plans, that's done by
 16 headquarters. I think, Captain of the Port
 17 level, we would typically review facility
 18 response plans. And I did review facility
 19 response plans in the marine safety office
 20 in Mobile.
 21 Q. Do you know if, in the Eighth
 22 District office, you were responsible for
 23 reviewing these emergency evacuation plans
 24 for the DEEPWATER HORIZON?
 25 A. There's a possibility that our

Page 39

1 prevention department -- division within the
 2 Eighth District, they do that.
 3 Q. When you review those plans, is it
 4 also your responsibility to ensure that the
 5 data that is submitted is accurate?
 6 A. I don't know.
 7 Q. Do you know what that review
 8 entails? Like, do you actually sit down and
 9 review it and --
 10 A. I don't review those plans.
 11 Q. The Coast Guard, do you know what
 12 their office -- do you know how they
 13 actually review it?
 14 A. Are you talking about vessel
 15 response plans?
 16 Q. Yes.
 17 A. My understanding is there is a
 18 group there that reviews those plans at
 19 headquarters. I am not sure exactly what
 20 their criteria is, but I know what their
 21 criteria is for facility response plans.
 22 Q. But as far as you know, they
 23 actually take the document and go through it
 24 to verify that the data is accurate?
 25 A. That is my understanding, yes.

Page 40

1 Q. Since you have been in the
 2 district, Eighth District, I think your
 3 capacity has more been in response. That's
 4 what I want to go to now.
 5 I have a visual to your right.
 6 A. Um-hum.
 7 Q. In the emergency coverage, are you
 8 aware of how large the OCS is?
 9 A. Yes.
 10 Q. About how many square miles; do
 11 you know that?
 12 A. I don't know that, but I know how
 13 much water is in the Gulf of Mexico.
 14 Q. BOEM, we estimate it to be about
 15 160,000 square miles. We put a red chart on
 16 there. Visually, I would like you to move
 17 it up just a few inches on there, and it
 18 pretty much covers all the way from Texas,
 19 Oklahoma, almost to South Carolina, back
 20 down to Florida. Do you agree with that?
 21 A. Yes.
 22 Q. How many personnel offshore rely
 23 on the Coast Guard for emergency response?
 24 A. My understanding is there is
 25 roughly 3,000 facilities, so I am not sure

Page 41

1 exactly the number of people there.
 2 Q. At BOEM, I'm not trying to be
 3 contradictory to you, but we have about 3700
 4 facilities, not including support vessels or
 5 anything else, and around 35,000 people,
 6 which comes to about .2 people per square
 7 mile that depend on emergency response.
 8 Do you think that the OCS is what
 9 you would define as a remote area for
 10 emergency response?
 11 A. Yes.
 12 Q. What type of assets does the Coast
 13 Guard have allocated to the Gulf of Mexico
 14 emergency search and rescue?
 15 A. We have a number of vessels, a
 16 number of patrol boats, that are assigned to
 17 do mainly search and rescue, and they are
 18 scattered throughout the Gulf of Mexico.
 19 Q. Do you have a feel for the number?
 20 A. Well, I know in the immediate area
 21 of the DEEPWATER HORIZON there is roughly --
 22 I have to think for a second. I would say
 23 roughly 10 to 12 patrol boats.
 24 Q. And that is solely DEEPWATER
 25 HORIZON. What do you mean by that? Is

Page 42

1 that --
 2 A. Oh, no, no. This would be for the
 3 Gulf.
 4 Q. And how many helicopters?
 5 A. Helicopters. Eleven assigned to
 6 the Eighth District.
 7 Q. Do all of those have night-flight
 8 capability?
 9 A. To my understanding, they do.
 10 Q. Do all of those have medical
 11 capability, medical transfer?
 12 A. They can do medivacs, yes.
 13 Q. To your knowledge, at any time,
 14 has the Coast Guard ever performed a
 15 tabletop drill with either BP or Transocean?
 16 Or any operator, for that matter.
 17 A. Not since I have been at the
 18 Eighth District. I mean, it could have
 19 happened at the sector level.
 20 Q. Within Transocean's emergency
 21 response plan, there is actually a section
 22 that's entitled "Government-Initiated
 23 Unannounced Exercises" and also some
 24 offshore side drills and exercises.
 25 A. Um-hum.

Page 43

1 Q. Do you know if ever the Coast
 2 Guard -- not in the last two years you've
 3 been there -- but ever, since this plan has
 4 been implemented, if the Coast Guard has
 5 ever participated in any
 6 government-initiated emergency response
 7 drills with them?
 8 A. Not that -- not that I am aware
 9 of, no.
 10 Q. Are you aware of any unique
 11 challenges they face in deepwater emergency
 12 response?
 13 A. Oh, yes, a number. I mean, it is
 14 a fairly confined area. There is nowhere to
 15 go other than the water.
 16 And also, to get assets there,
 17 floating assets there, it takes quite a
 18 while. Roughly, you know, for -- just for
 19 the DEEPWATER HORIZON, we are looking at
 20 about 12 hours to get patrol boats on the
 21 scene.
 22 Q. Are you aware of any requirements
 23 to have any on-site response, to have
 24 specifically trained personnel either on
 25 board or within the field?

Page 44

1 A. As far as Coast Guard people?
 2 Q. No. Operators. To have any
 3 specific training for OCS operators, the
 4 drilling contractors to have trained
 5 personnel on their facilities to have
 6 specific medical training.
 7 A. I understand that the floating
 8 assets are required to do fire drills and
 9 things like that, but I am not sure about
 10 the fixed platforms.
 11 Q. In respect to the DEEPWATER
 12 HORIZON, did you have any communication plan
 13 developed to how you would communicate to
 14 send individuals to specific hospitals?
 15 A. We had a list of hospitals. Based
 16 on the capabilities of those hospitals, we
 17 would move patients. You know, if they had
 18 a burn unit or whatever, we would be able to
 19 move those. And we would coordinate with
 20 the hospitals as to how many patients that
 21 they could take and those types of things,
 22 so -- and we would do that up front during
 23 the response, move those people to those
 24 particular burn units or whatever.
 25 Q. So the Coast Guard has a direct
 Page 45

1 line of communication with the emergency
 2 rooms that you are transporting individuals
 3 to?
 4 A. Yes. We routinely contact those
 5 people, yes.
 6 Q. Are you familiar with NOSAC?
 7 A. No.
 8 Q. Are you familiar with the National
 9 Offshore Safety Advisory Committee?
 10 A. No.
 11 Q. Specifically, how do you plan to
 12 rescue 126 personnel with, I believe you
 13 said, 11 helos in the Gulf of Mexico, in an
 14 evacuation similar to this if there was no
 15 DAMON BANKSTON?
 16 A. Typically, we don't have those
 17 assets to do that. We rely on our industry
 18 partners out there.
 19 And there are a lot of vessels in
 20 that area just -- for instance, this
 21 particular incident kind of sheds a little
 22 light on it, and we have -- there are a lot
 23 of resources out there. Typically, we are
 24 helping each other out. So that is kind of
 25 SOP for us.
 Page 46

1 Q. And I don't remember or recall the
 2 first time the Coast Guard actually arrived
 3 on scene, but is there any limit on response
 4 time that you see as part of your response
 5 plan?
 6 A. Well, as far as the Coast Guard
 7 goes, we have what they call a B-0
 8 requirement. We have to have crews
 9 immediately available for helos and vessels.
 10 And it's on a rotational basis, so there is
 11 always an aircraft or a vessel ready in a
 12 particular area to respond.
 13 Q. I know we just -- you just touched
 14 on a subject that I think you -- that you
 15 reviewed. I think the recommendation you
 16 gave was that, if we regulate, we need to
 17 respond to the firefighting or evacuations.
 18 At any time, does the Coast Guard
 19 meet with OCS operators to discuss certain
 20 issues that you are aware of and how to
 21 control those assets that they have in the
 22 field?
 23 A. Well, we have -- we do also -- on
 24 the security side, we do have a security
 25 coordinator, and that's done through the
 Page 47

1 Eighth District, and that covers the whole
 2 Gulf. We do have meetings with our offshore
 3 operators, typically, in those types of
 4 meetings. But as far as is in particular for
 5 search and rescue, no.
 6 Q. And from your testimony, it's
 7 just -- in some of the responses that I've
 8 gotten from you, it's almost as if
 9 individuals that work on the OCS, whether it
 10 be 25 miles out or 200 miles out, are solely
 11 dependent on -- not totally dependent, but
 12 more dependent on their neighbors and their
 13 assets than they are on the United States
 14 Coast Guard. Would you...
 15 A. I would say that is probably a
 16 fair assessment.
 17 Q. Do you know, to your knowledge, if
 18 there is any cross-communication to ensure
 19 that the OCS individuals that are working
 20 out there, if there is a similar response,
 21 like the DEEPWATER HORIZON, and you need all
 22 of these field assets, who is in charge or
 23 who is communicating or responsible for
 24 making sure that those assets are available
 25 to those employees offshore?
 Page 48

1 A. I don't know. Could you repeat
 2 that question? It was long.
 3 Q. The individuals offshore --
 4 A. Got it.
 5 Q. -- they are relying upon, for
 6 their safety, the neighbors and assets that
 7 are within that field. Who is responsible
 8 for coordinating that -- the operators don't
 9 work together. The drilling contractors
 10 don't work together. Who is responsible to
 11 ensure that my neighborhood is going to come
 12 and save me when I need them?
 13 A. Well, I would assume that that
 14 would be some type of mutual agreement
 15 between parties, but I would think that each
 16 owner or operator would be responsible for
 17 having some type of plan to evacuate their
 18 members and to provide the safety that's
 19 required.
 20 MR. MATHEWS:
 21 Thank you. I have no further
 22 questions.
 23 EXAMINATION BY MR. McCARROLL:
 24 Q. I have one question. The Coast
 25 Guard requires they -- that they practice

Page 49

1 "abandon ship" drills. Is that correct?
 2 A. That's correct.
 3 Q. So if they get their people off in
 4 the lifeboats, you would think that they
 5 would practice also some sort of rescue
 6 after they are in the lifeboats with their
 7 neighbors, following up on what Jason's
 8 saying?
 9 A. Yes. I'm sure that's in the realm
 10 of possibility, yes, sir.
 11 Q. So does the Coast Guard mandate
 12 that?
 13 A. Not that I am aware of. I am sure
 14 that we have had exercises in the past where
 15 we may have done that.
 16 Q. That they actually have had
 17 exercises?
 18 A. Actually, they have search and
 19 rescue exercises, yes.
 20 Q. I mean, collectively, with
 21 everybody in the neighborhood?
 22 A. No, not that I am aware of, no.
 23 MR. McCARROLL:
 24 Okay. Thank you.
 25 EXAMINATION BY MR. DYKES:

Page 50

1 Q. Captain, you mentioned earlier
 2 regarding the oilfield response plan and the
 3 vessel response plan and your office's role
 4 with those two documents. What role does
 5 your office play in relationship to the
 6 emergency evacuation plan as required in
 7 subchapter M?
 8 A. I believe it is more of a
 9 prevention question, but I -- well, can you
 10 please repeat the question one more time?
 11 Q. What role does your office play
 12 with respect to the emergency evacuation
 13 plan that's required under subchapter M?
 14 A. I would imagine -- and this is --
 15 this is kind of out of -- I am not a marine
 16 inspector, but I would imagine that a Coast
 17 Guard marine inspector would be responsible
 18 for ensuring that that's done. And they do
 19 periodic inspections.
 20 Q. All right. Who coordinates
 21 between the prevention office and your
 22 office? Because the emergency evacuation
 23 plan in and of itself is a response plan, so
 24 I'm trying to make sure I understand where
 25 the --

Page 51

1 A. Are you talking about, like, for a
 2 hurricane or other things?
 3 Q. The emergency evacuation plan
 4 that's required by 33 CFR 146.140.
 5 A. My understanding is that we
 6 have --
 7 Q. For fire and for --
 8 A. -- instructors that actually go
 9 out there and do that.
 10 Q. But who -- your office is
 11 responsible for response operation?
 12 A. Correct.
 13 Q. Who coordinates between the
 14 prevention office and your office to make
 15 sure you-all have that information as well?
 16 A. Well, I have an individual that
 17 just works down the hall from me. If I need
 18 any of that information, I'll walk down
 19 there and get it.
 20 Q. Okay. Would it be important to
 21 know whether or not this information is
 22 accurate or to have this information
 23 beforehand?
 24 A. Or access, yeah. Sure.
 25 Q. Have you looked at the emergency

Page 52

1 evacuation plan for BP for the DEEPWATER
 2 HORIZON?
 3 A. No, I haven't.
 4 Q. Do you know who they designated as
 5 the person in charge in this document?
 6 A. No, I don't.
 7 Q. Would it surprise you that BP had
 8 designated the person in charge to be the
 9 rig -- I'm sorry, the drilling supervisor?
 10 A. No.
 11 Q. Is that contrary to what the Coast
 12 Guard believes should be the person in
 13 charge, as either being the master or the
 14 OIM if there's two different individuals?
 15 A. I'm not sure if I understood your
 16 initial question. Are you saying that the
 17 drilling rig operator is responsible for the
 18 safety of the crew on board the vessel? And
 19 it could be a fixed platform. I don't know.
 20 Q. Well, this one is specific to the
 21 DEEPWATER HORIZON that BP submitted to the
 22 Coast Guard.
 23 Where would this plan be submitted
 24 for approval?
 25 A. Probably to our OCS folks down in
 Page 53

1 Morgan City.
 2 Q. According to the regulations that
 3 are outlined in 33 CFR, Subchapter 146, it
 4 says, "The person in charge shall be the
 5 master or other individual designated as
 6 such by the owner or operator."
 7 A. It says "or." So they designated
 8 the rig operator to be the person --
 9 Q. Well, they designated the drilling
 10 supervisor.
 11 A. Or supervisor.
 12 Q. Now, in this document, they also
 13 reference -- for blowout and uncontrolled
 14 well flow, it states: "Whenever the
 15 potential for uncontrolled well flow exists,
 16 the company man and OIM will evaluate the
 17 danger to personnel and request the master
 18 to proceed with evacuation of non-personnel
 19 or all personnel if appropriate."
 20 It says -- then it goes on to
 21 read: "The person in charge will order the
 22 securing of the well and initiating
 23 evacuation of all personnel."
 24 And then the next paragraph down,
 25 it says, "The person in charge should
 Page 54

1 evaluate the circumstances and order an
 2 evacuation from the windward side of the
 3 MODU."
 4 Now, we have identified the
 5 company man, the OIM, the master, and the
 6 person in charge. Now, based on my 20 years
 7 in the industry, or 26 years in the
 8 industry, when I read "The person in charge,
 9 based on job title, the drilling
 10 supervisor," is that the master or is that
 11 the OIM or is that the company man?
 12 A. I don't know.
 13 Q. Well, let me ask you this. As the
 14 Coast Guard being the reviewing agency of
 15 this plan, do you think it would be a fair
 16 assessment to go back to the operator and
 17 ask them to speculate -- or not speculate,
 18 but specify who is the person in charge?
 19 A. I would think so, yes.
 20 MR. DYKES:
 21 Thank you.
 22 EXAMINATION BY CAPT. NGUYEN:
 23 Q. Okay. Captain Hanzalik, I have a
 24 couple of questions.
 25 A. Sure.
 Page 55

1 Q. A while ago, in an exchange
 2 between you and Mr. Mathews regarding
 3 response to a casualty on board one of the
 4 vessels out there, my understanding is that,
 5 because the Coast Guard have limited
 6 resources, I guess, the scenario that
 7 neighbors rely on neighbors. Is that
 8 correct, sir?
 9 A. That's correct.
 10 Q. We have a moratorium on drilling
 11 in place right now, so are there the same
 12 number of -- so I presume that there is less
 13 activities going on out there. Is that
 14 correct, sir?
 15 A. I don't know. I don't know if
 16 there is a decrease in activity or not. I
 17 know there was increased activity based on
 18 the spill, but I am sure that has calmed
 19 down quite a bit.
 20 Q. I understand.
 21 So do you know whether there are
 22 less vessels operating in the OCS right now,
 23 sir?
 24 A. I don't know.
 25 Q. Let's say there are less vessels
 Page 56

1 operating in the OCS.
 2 A. Right.
 3 Q. Isn't the moratorium resulting in
 4 unintended consequences in terms of, you
 5 know, making an impact on the safety of
 6 vessels out there?
 7 A. I'm sure that if there is a
 8 decrease in activity, yes, that would
 9 definitely decrease the risk.
 10 Q. In your interaction with Captain
 11 Higgins, you were talking about different
 12 requirements for whether it is inside or
 13 outside of navigable waters. Do you think
 14 there is a gap in reporting requirements for
 15 marine casualties or hazardous condition out
 16 there on a vessel?
 17 A. Yes. I think -- well, if it's a
 18 U.S. vessel, I think they are required to
 19 report it. But if it's not, there could be
 20 definitely some issues with us getting
 21 information that could be critical to us
 22 making decisions, yes.
 23 Q. So if the regulation, as I
 24 understand it, for the OCS in terms of
 25 reporting casualties right now for a foreign
 Page 57

1 vessel is pretty much based on the
 2 whistleblower scheme, is that adequate, sir?
 3 A. No, I don't believe so.
 4 Q. Okay.
 5 A. But they are required to report
 6 any casualties or anything before they come
 7 into port, so -- if they have current
 8 casualties. But if they are out there
 9 floating around with a casualty, no, they
 10 don't -- there is no requirement
 11 concerning --
 12 Q. And you believe there is a gap?
 13 A. Yes. I believe there is a gap,
 14 yes. Because we had an incident just before
 15 Hurricane Gustav or Ike. We had a floating
 16 vessel offshore, yes, with a problem.
 17 Q. And there is a new salvage and
 18 firefighting regulation that is coming into
 19 effect in February of next year. Is that
 20 correct?
 21 A. That's correct.
 22 Q. How does that impact a vessel
 23 operating under OCS?
 24 A. It will probably have a huge
 25 impact because there is a requirement to
 Page 58

1 keep salvage and firefighting resources
 2 within a certain time frame of responding,
 3 and then that would be -- based on what we
 4 know now, the 12-hour requirement is
 5 probably not going to make it.
 6 Q. So that regulation does apply to
 7 your vessel operating under OCS outside of
 8 navigable water?
 9 A. I believe so. They are required
 10 to have that plan in place. I don't know if
 11 it is required if it is outside of navigable
 12 water. I don't believe that is the case.
 13 Q. So if it is not required for
 14 vessels operating outside of navigable water
 15 under OCS, then you think that that
 16 regulation needs to be looked at based on
 17 the results of this casualty?
 18 A. Yes.
 19 Q. In your conversation with Captain
 20 Higgins, again, you said there are multiple
 21 Captains of the Port Zones in the Gulf of
 22 Mexico. I think you said seven within the
 23 Eighth District. And the Gulf of Mexico
 24 also has seven district, which is the Tampa
 25 zone. Correct?
 Page 59

1 A. Correct.
 2 Q. Now, when you have a casualty of
 3 this magnitude, does it make sense that you
 4 just have one Captain of the Port Zone for
 5 outside of the navigable water covering the
 6 entire Gulf of Mexico?
 7 A. I think you probably could do
 8 that. It is just a basing of -- basing of
 9 personnel. I mean, you could slice it a
 10 number of different ways.
 11 I have seen it from the FMSC part
 12 of this, for the Federal Maritime Security
 13 Coordinator. There are some issues with the
 14 coordination of tactical resources, and I
 15 would think that if you kept them at those
 16 Captains of the Port, I think it would be a
 17 more efficient operation than keeping it at
 18 the district.
 19 Q. But in terms of many layers of,
 20 you know, bureaucracy, you know, for an
 21 incident of this magnitude --
 22 A. Right.
 23 Q. -- there should be one Captain of
 24 the Port Zone, which is to streamline
 25 everything so all of the communications go
 Page 60

1 to one place and activities get coordinated.
 2 You don't think that's better than the
 3 current system where you have layers, where
 4 the Captain of the Port will respond first,
 5 and then authority shifts from one Captain
 6 of the Port to another one --
 7 A. Yes. You could look at it a
 8 different way. Maybe Morgan City should be
 9 a sector, and they could probably pretty
 10 much handle both things. So I guess from an
 11 organizational standpoint, you could go
 12 either way.
 13 Q. But even if a sector now, you have
 14 eight, you are going to have nine.
 15 A. Right. Oh, yeah. Span of
 16 control, yeah, that is an issue. Right.
 17 Q. Would it be better both in terms
 18 of prevention and response activities to
 19 have the entire area of the Gulf of Mexico
 20 outside of navigable water to be one zone,
 21 but have the Eighth District serve as the
 22 Captain of the Port area on-scene
 23 coordinators, and officer in charge of
 24 marine inspection would have one zone, so
 25 you have consistent policy and streamlined

1 response? Do you think that would be a good
 2 idea?
 3 A. I don't think so. Because you
 4 could have that same argument inside that
 5 12-mile area where you have multiple
 6 facilities, multiple vessels, and you have
 7 multiple Captains of the Port, and they are
 8 all doing their regulations. They're
 9 enforcing their regulations. Hopefully, the
 10 same. So I don't see that as an issue.
 11 Q. But it would be a different --
 12 A. It would be different. It would
 13 be more streamlined, yes. No doubt about
 14 that. Anything is possible.
 15 Q. I mean, the difference is that,
 16 within the navigable water, their shore, the
 17 local office can respond pretty quickly and
 18 coordinate activities.
 19 A. Yes.
 20 Q. In the Gulf of Mexico and out in
 21 deep water, it is more remote, so --
 22 A. Yes. Well, I mean, at the
 23 district level, we have -- we can get those
 24 air assets and those things a lot quicker
 25 than just to kind of focus in and control

1 those assets. So from a resource management
 2 perspective, yes, it would probably be a
 3 better way to do that; if you did have one
 4 zone offshore and you handled it through one
 5 group, yes.
 6 Q. Has the Eighth District conducted
 7 a hot watch on the response operation to
 8 see, you know, these questions that I'm
 9 asking right now, were there any lessons
 10 learned out of it so whether we need to do
 11 anything in terms of --
 12 A. Yes. We are looking at different
 13 aspects of that to see how we can more
 14 efficiently respond and really take a look
 15 at when the district should step in and when
 16 the district shouldn't step in. So that is
 17 going to be an ongoing discussion we'll have
 18 in the next couple of weeks.
 19 Q. The next couple of weeks?
 20 A. We are having a COs conference,
 21 and I know that is going to be one of our
 22 main discussion topics.
 23 Q. So is there a plan to -- you know,
 24 a systematic way to study these issues and
 25 is there a deliverable product --

1 A. There is nothing formal right now,
 2 Captain Nguyen, but I would imagine in
 3 the -- going into the future, I think we
 4 will really be taking a good look at how we
 5 have that set up.
 6 CAPT. NGUYEN:
 7 Thank you.
 8 JUDGE ANDERSON:
 9 Any other board questions?
 10 Republic of the Marshall Islands?
 11 MR. LINSIN:
 12 Thank you, Judge.
 13 EXAMINATION BY MR. LINSIN:
 14 Q. Good morning, Captain Hanzalik.
 15 My name is Greg Linsin. I represent the
 16 Republic of the Marshall Islands, the flag
 17 state for the DEEPWATER HORIZON. Just a
 18 couple of follow-ups, sir.
 19 Do you know, in this after-action
 20 assessment, do you know if the Coast Guard
 21 is evaluating whether or not coordinating
 22 drills should be initiated with the Coast
 23 Guard's involvement for evacuation? Is that
 24 one of the items that is being looked at?
 25 A. I am not sure specifically, sir.

1 I don't know specifically, but I know there
 2 is a number of ongoing -- we have the oil
 3 spill commission that's -- and then we also
 4 had what -- we had the Pittsburgh Group that
 5 was looking at the response itself. We also
 6 have a SERT study that is also going on for
 7 this particular incident. So I am sure, at
 8 some point in time, somebody is going to be
 9 looking at that.

10 Q. All of those recommendations would
 11 flow back to headquarters? Is that an
 12 assumption?

13 A. Well, I don't know that they would
 14 probably flow from those commissions to
 15 headquarters. That would be my guess.

16 Q. All right. Are you aware,
 17 Captain, whether a salvage engineering
 18 response team was activated in the aftermath
 19 of this casualty?

20 A. No. No, I am not aware. I would
 21 assume there would be, but I wasn't --
 22 personally, I wasn't aware of that.

23 Q. What is the function of the SERT
 24 team?

25 A. Oh. You are talking about the

Page 65

1 Coast Guard SERT team.

2 Q. Yes, sir.

3 A. Oh, okay. I'm sorry. I thought
 4 you were talking about somebody else.

5 Q. No. I'm talking about the Coast
 6 Guard SERT team. Was there one activated?

7 A. My understanding is that there was
 8 some communication between Morgan City and
 9 the SERT team, yes.

10 Q. And what is the SERT team and what
 11 expertise does it provide?

12 A. They provide their naval
 13 architects that provide some technical
 14 evaluation of whether a -- they look at
 15 weights and other things on vessels to see
 16 what the stability of those particular
 17 vessels are, and they make recommendations
 18 to the Captain of the Port on specific types
 19 of wiring or other things that may be going
 20 on. Or salvaging of a particular vessel.
 21 We take that information and we work with
 22 the -- whoever the salvage engineer is, and
 23 we basically compare notes.

24 Q. Is this SERT team, where is it
 25 physically located? Is it at headquarters,

Page 66

1 or is it at --

2 A. It is --

3 THE WITNESS:
 4 Help me out.
 5 He knows.

6 CAPT. NGUYEN:
 7 The salvage engineer response team
 8 is located -- it is a function of the Marine
 9 Safety Center located in Washington, D.C.

10 Let me maybe clarify what Captain
 11 Hanzalik is saying. The SERT team is
 12 advising their on-site coordinator, the
 13 captain aboard. However, their function is
 14 to review the plan that is submitted by the
 15 salvor, which is working for the RP. It is
 16 not the SERT team's responsibility to come
 17 up with the salvage plan or the firefighting
 18 plan or the FOSC. The SERT team is an
 19 advisor to the FOSC.

20 THE WITNESS:
 21 That's correct, yeah.

22 EXAMINATION BY MR. LINSIN:
 23 Q. My only interest in asking the
 24 question is to determine whether there were
 25 personnel within the Coast Guard that were

Page 67

1 involved in discussions regarding the
 2 stability of this rig, whether it was in an
 3 advisory capacity or a director capacity.
 4 That was my interest.

5 A. My understanding is they were
 6 called. I am not sure exactly what the
 7 communication was after that.

8 Q. All right. But this would have
 9 been through the FOSC. Is that your
 10 understanding?

11 A. That's correct. It would have
 12 been from MSU Morgan City.

13 MR. LINSIN:
 14 Thank you. Nothing further.

15 JUDGE ANDERSON:
 16 Any questions from BP?
 17 Transocean?

18 EXAMINATION BY MR. JOHNSON:
 19 Q. Daniel Johnson on behalf of
 20 Transocean. Morning, Captain.

21 A. Morning.

22 Q. Regarding the emergency response
 23 operations within the first 36 hours, was
 24 the Coast Guard in charge?

25 A. The Coast Guard was in charge of

Page 68

1 the search and rescue aspect of the
 2 response, yes.
 3 Q. Were you aware of any Coast Guard
 4 public statements made by any
 5 representatives of the Coast Guard that they
 6 were in charge from day one of this
 7 incident?
 8 A. I am sure that there was, but I
 9 couldn't tell you specifically who.
 10 Q. If those statements were made,
 11 that would be contrary to your understanding
 12 of the Coast Guard's role?
 13 A. I would say yes.
 14 Q. At some point during the 90 days
 15 that this well went uncontrolled, did the
 16 Coast Guard ever assume complete control of
 17 the situation?
 18 A. That depends on what you mean by
 19 "complete control." I mean, the FOSC is
 20 responsible for directing the response
 21 activity for the responsible party. That
 22 direction could be in a number of different
 23 forms. It could be a directive. It could
 24 be a verbal "do this." It could be a number
 25 of different things. And that's

Page 69

1 collectively with other agencies.
 2 Q. Perhaps I can clarify. What I
 3 mean is the final authority on the direction
 4 that the response was taking.
 5 A. The federal on-scene coordinator
 6 has the authority to direct the response,
 7 and that is the final authority.
 8 Q. When the Coast Guard arrived on
 9 scene at the MACONDO well, it took over
 10 command and control of the search and rescue
 11 operation. That's right?
 12 A. We are the SAR Mission
 13 Coordinator, so we are coordinating with
 14 other vessels and other things in the area
 15 to effect the response of individuals on
 16 board. Fixed facilities, vessels, whatever
 17 the case may be.
 18 Q. The Coast Guard exercised, in
 19 conjunction with its contact with the FAA,
 20 control over the airspace in that area;
 21 isn't that true?
 22 A. That's correct.
 23 Q. At what point -- or who, rather,
 24 was in charge on-site from the Coast Guard
 25 at the MACONDO well location?

Page 70

1 A. I'm not sure who was actually in
 2 charge on scene.
 3 Q. Do you know at what point did that
 4 individual arrive on scene and announce what
 5 areas the Coast Guard would be in charge of
 6 and what areas that the Coast Guard was not
 7 taking any responsibility for?
 8 A. No, I'm not aware of that.
 9 Q. So the Coast Guard arrived on
 10 scene, exercised command and control over
 11 some areas of the response. Some areas of
 12 the response, they took no responsibility
 13 for and didn't deliver any of that
 14 information to any of the vessels or
 15 participants on-site?
 16 A. I think you -- could you repeat
 17 that question? I mean, that was -- because
 18 there was a lot of leading up to that
 19 question.
 20 Q. There were areas that the Coast
 21 Guard arrived on-site and took command and
 22 control of, correct?
 23 A. That's correct.
 24 Q. And then there were other areas
 25 that the Coast Guard apparently took no

Page 71

1 responsibility for. Is that right?
 2 A. Like what?
 3 Q. Well, I believe you testified
 4 earlier that the Coast Guard did not take
 5 any responsibility for firefighting efforts.
 6 Did I get that wrong?
 7 A. We didn't -- we never exercised
 8 our control over the firefighting effort,
 9 that's correct.
 10 Q. Did you provide any advice in
 11 connection with the firefighting efforts?
 12 A. No, I didn't personally, no.
 13 Q. Did the Coast Guard handle it?
 14 A. They may have, but I don't know.
 15 Q. You are not aware whether they
 16 provided any advice or not?
 17 A. No, I am not aware of that.
 18 Q. Should they have provided any
 19 advice?
 20 A. Well, if you have -- if someone is
 21 trained and they know exactly what they are
 22 doing, I would say maybe yes.
 23 But we are not trained
 24 firefighters, so I would say that probably
 25 the answer would be no.

Page 72

1 Q. I think you testified earlier that
 2 the Coast Guard would assist in the
 3 firefighting efforts. In what way did they
 4 assist?
 5 A. Well, the Coast Guard would assist
 6 in actually putting out the fire if it was
 7 reasonable and it wasn't going to impact the
 8 use -- or the crew or the safety of the crew
 9 on a vessel.
 10 And typically, that is mainly for
 11 recreational type incidents. We really
 12 don't do any kind of commercial
 13 firefighting. It's just -- it's just not
 14 our role. We just don't do that.
 15 Q. I believe there has been some
 16 testimony in this hearing that the Coast
 17 Guard's role would be supportive in nature
 18 in an incident like this?
 19 A. Supportive, yes. Mainly from the
 20 preplanning aspect of -- and we're talking
 21 typically in a port area, not in an offshore
 22 area.
 23 You've got to remember the Ports
 24 and Waterways Safety Act was implemented for
 25 ports and waterways, not offshore

Page 73

1 facilities. So that requirement was to
 2 coordinate with local municipalities on
 3 firefighting activities and vessel and
 4 facility owners on those activities.
 5 Q. So the Coast Guard takes no role
 6 in assisting or supporting firefighting
 7 activities in a situation like this?
 8 A. That's not what I said. What I
 9 said is the Coast Guard does not have that
 10 authority offshore. We can assist and
 11 provide assistance to facility and vessel
 12 owners, but to say that we are in charge or
 13 in control of a firefighting operation, that
 14 would not be true.
 15 Q. In what ways could you assist?
 16 A. We could assist with facilitating
 17 bringing experts to assist with providing
 18 firefighting expertise. We can keep people
 19 out of that immediate area so no one's
 20 getting hurt. We can rescue people that may
 21 be in distress on a burning rig, for
 22 instance. But as far as the actual
 23 firefighting or putting out the fire,
 24 typically, that is not a Coast Guard role.
 25 Q. How about vessel coordination?

Page 74

1 A. Yes, there could be some vessel
 2 coordination or movement of vessels. But,
 3 again, we are going back to the authority of
 4 the Coast Guard to actually direct movement
 5 of vessels outside the navigable waters of
 6 the United States.
 7 We can, in a law enforcement
 8 effort, board and direct vessels, but we
 9 can't direct vessels in international
 10 waters.
 11 Q. Did the Coast Guard provide any
 12 assistance in coordination with the vessels
 13 during this incident?
 14 A. To my knowledge, no.
 15 Q. Did they offer to?
 16 A. To my knowledge, no.
 17 Q. Were there any Coast Guard assets
 18 on scene that had any firefighting
 19 capabilities?
 20 A. If we are talking about patrol
 21 boats, limited firefighting capability. But
 22 I wouldn't consider that firefighting.
 23 And especially with regard to the
 24 DEEPWATER HORIZON. I would not put our
 25 vessels in that area to fight a fire because

Page 75

1 that is not what that role is.
 2 Q. Did the Coast Guard consider this
 3 a marine firefighting effort?
 4 A. I would say yes. It is in a
 5 marine environment, and it is a fire, yes.
 6 It would be marine firefighting, yes.
 7 Q. And the reason I ask is
 8 distinguished from a control of a well
 9 effort.
 10 Are you aware of whether experts
 11 in marine firefighting would consider this a
 12 marine firefighting effort as opposed to a
 13 control-of-well effort?
 14 A. I am sure that is debatable. I
 15 mean, I'm sure if you had someone that was
 16 from, like, Williams Firefighting or Wild
 17 Well Control, yeah, they would probably say
 18 it would be different than a typical marine
 19 firefighting event on a normal vessel in a
 20 port area, yes.
 21 Q. The Coast Guard approved
 22 Transocean's vessel response plan; isn't
 23 that true?
 24 A. Could you repeat that?
 25 Q. That the Coast Guard had approved

Page 76

1 Transocean's vessel response plan?
 2 A. Yes. To my knowledge, yes.
 3 Q. And you are aware, are you not,
 4 that Transocean brought to bear salvage
 5 expertise to this incident; isn't that true,
 6 sir?
 7 A. I understand that there was a
 8 salvage contractor hired, but I don't recall
 9 who it was.
 10 Q. Are you familiar with a company
 11 called SMIT?
 12 A. Yes.
 13 Q. Are you familiar with their
 14 reputation in the industry?
 15 A. Yes.
 16 Q. What is that reputation?
 17 A. My understanding is that they have
 18 a fairly well -- a fairly good reputation
 19 amongst the industry on what they do.
 20 MR. JOHNSON:
 21 I believe that is all the
 22 questions I have. Thank you, sir.
 23 JUDGE ANDERSON:
 24 Halliburton?
 25 MR. GODWIN:

Page 77

1 No questions.
 2 JUDGE ANDERSON:
 3 Weatherford?
 4 MR. LEMOINE:
 5 No questions, Judge.
 6 JUDGE ANDERSON:
 7 M-I SWACO?
 8 COUNSEL FOR M-I SWACO:
 9 No questions.
 10 JUDGE ANDERSON:
 11 Anadarko?
 12 MS. KUCHLER:
 13 No questions.
 14 JUDGE ANDERSON:
 15 MOEX?
 16 MS. KIRBY:
 17 No questions.
 18 JUDGE ANDERSON:
 19 Douglas Brown?
 20 MR. GORDON:
 21 No questions.
 22 JUDGE ANDERSON:
 23 Dril-Quip?
 24 MR. KAPLAN:
 25 No questions.

Page 78

1 JUDGE ANDERSON:
 2 Mike Williams?
 3 MR. STERBCOW:
 4 No questions.
 5 JUDGE ANDERSON:
 6 Captain Kuchta?
 7 MR. SCHONEKAS:
 8 A few questions, Judge.
 9 EXAMINATION BY MR. SCHONEKAS:
 10 Q. Good morning, Captain. My name is
 11 Kyle Schonekas. I represent Captain Kuchta.
 12 Captain Higgins had asked you some
 13 questions concerning responsibility for
 14 firefighting on the vessel. Do you recall
 15 that, sir?
 16 A. Yes.
 17 Q. I believe it was your testimony
 18 that it would be inappropriate for the
 19 captain to abdicate those responsibilities.
 20 Is that correct?
 21 A. I believe -- I don't know if I --
 22 if that was my specific language, but yeah,
 23 I think the master would be responsible.
 24 Q. In fact, Captain Higgins suggested
 25 that, in fact, that had occurred on the

Page 79

1 HORIZON, did he not?
 2 A. I don't know. If he said it, I am
 3 sure that is correct.
 4 Q. Let me ask you this, sir. Did you
 5 make a review of any of the testimony to
 6 determine whether or not that, in fact,
 7 occurred?
 8 A. No, I didn't.
 9 Q. So you have no knowledge of that.
 10 Is that right, sir?
 11 A. That's correct.
 12 Q. All right, sir. Since you have
 13 not done that, I would like to refer you to
 14 Captain Landry's testimony. Do you recall
 15 Captain Landry?
 16 A. Yes. I know the captain.
 17 Captain Landry or Admiral Landry?
 18 Q. I'm sorry. I don't know his
 19 title, but Landry.
 20 CAPT. NGUYEN:
 21 Captain Landry was the master of
 22 the DAMON BANKSTON.
 23 THE WITNESS:
 24 Go ahead. I understand who the
 25 individual is, but there's a lot of Landrys

Page 80

1 in this area.
 2 EXAMINATION BY MR. SCHONEKAS:
 3 Q. Fair enough, sir.
 4 Particularly, he was asked by
 5 Mr. Wheatley:
 6 "QUESTION: Okay. Do you know if
 7 anybody else was on scene conducting those,
 8 or simply the response of available vessels?
 9 "ANSWER: I think it was their
 10 general response. I recall one vessel
 11 didn't request any name, and Captain Curt
 12 from the HORIZON requested firefighting to
 13 the rig."
 14 Do you recall reading that, sir?
 15 A. No. I didn't -- I didn't review
 16 any of that testimony.
 17 Q. And that would suggest to you,
 18 would it not, sir, that, in fact, he didn't
 19 abdicate or stop firefighting
 20 responsibilities; is that right?
 21 A. Based on what you just said, yes.
 22 Q. Did you review Mr. Bertone's
 23 testimony, sir?
 24 A. No, I haven't.
 25 Q. Mr. Bertone was the chief

Page 81

1 engineer, and he testified that, immediately
 2 after these explosions, when the rig is on
 3 fire, he was dispatched by the captain to
 4 attempt to start the auxiliary generator.
 5 Did you review that, sir?
 6 A. No, I didn't.
 7 Q. All right, sir. Would that
 8 suggest to you that -- if he told them to do
 9 that for purposes of firefighting, would
 10 that suggest to you, sir, that he abdicated
 11 firefighting responsibilities?
 12 A. No.
 13 Q. In fact, it is to the contrary,
 14 isn't it, sir?
 15 A. Yes.
 16 Q. All right, sir. Did you see the
 17 portion of Captain Landry's testimony where
 18 Captain Nguyen asked him:
 19 "QUESTION: But it is your
 20 testimony that the master of the vessel
 21 requested assistance from nearby vessels in
 22 coordinating firefighting efforts. Is that
 23 correct?
 24 "ANSWER: Yes, sir."
 25 That's at pages 118, 119.

Page 82

1 Again, sir, that would suggest to
 2 you that the captain continued with
 3 firefighting efforts, would it not?
 4 A. Yes.
 5 Q. Did you review the captain's
 6 testimony, sir?
 7 A. No, I didn't.
 8 Q. I want to refer you to page 197,
 9 lines 7 through 23. It was asked:
 10 "QUESTION: After you got rescued,
 11 arrived on the DAMON BANKSTON, as far as
 12 firefighting effort, what was your
 13 involvement in that?
 14 "ANSWER: The only thing I recall
 15 is leaving the water and going directly to
 16 the bridge of the DAMON BANKSTON, where I
 17 stayed until we got to Fourchon and
 18 coordinated our crewboats, seeing who had
 19 firefighting capacity, stuff like that."
 20 Would that suggest to you, sir,
 21 that, in fact, the captain continued
 22 firefighting efforts after he had left the
 23 DAMON BANKSTON?
 24 A. Yes.
 25 Q. Sir, do you believe it to be

Page 83

1 substandard for the captain to consult with
 2 the chief operating officer, Mr. Daun
 3 Winslow, in connection with firefighting
 4 efforts? Would you be critical of him for
 5 that?
 6 A. No.
 7 Q. In fact, it would be an advisable
 8 thing, would it not, sir, to consult with
 9 the people who were the most knowledgeable
 10 in terms of equipment and assets of
 11 Transocean, would it not?
 12 A. Yes.
 13 Q. You would expect him to do that,
 14 would you not?
 15 A. Yes.
 16 Q. And you wouldn't be critical of
 17 him soliciting Mr. Winslow's 30-plus years'
 18 experience in terms of firefighting, would
 19 you, sir?
 20 A. No.
 21 Q. Are you critical of Transocean
 22 soliciting the advice of SMIT in terms of
 23 firefighting?
 24 A. No.
 25 Q. In fact, if they had an expert in

Page 84

1 the area they had retained like SMIT, you
 2 would encourage them to confer with them in
 3 an effort to control this fire?
 4 A. Yes.
 5 Q. In fact, sir, most of the
 6 regulations that the Coast Guard promulgated
 7 with respect to this vessel had to do with
 8 firefighting when the source of the fire is
 9 on the vessel itself; is that correct?
 10 A. Yes.
 11 Q. It would be the tanks to operate
 12 the vessel; is that correct?
 13 A. That's correct.
 14 Q. Do you have any knowledge as to
 15 whether or not the primary source of fire
 16 aboard the HORIZON were these tanks, or was
 17 it, in fact, this wellhead?
 18 A. I don't know that.
 19 Q. You would need to know that before
 20 you leveled any criticism at either
 21 Transocean or Captain Kuchta, would you not,
 22 sir?
 23 A. Correct.
 24 Q. And you haven't done that; is that
 25 right?

Page 85

1 A. No.
 2 CAPT. NGUYEN:
 3 Before we go to Jimmy Harrell, I
 4 just want to know if -- have you reviewed
 5 the testimony of Mr. Daun Winslow?
 6 THE WITNESS:
 7 No, I haven't.
 8 CAPT. NGUYEN:
 9 But if the testimony of Mr. Daun
 10 Winslow indicated that he directed the
 11 firefighting effort out there, does that
 12 give you the impression that he has assumed
 13 the responsibility of the master in the
 14 firefighting effort?
 15 MR. SCHONEKAS:
 16 Captain, I'm going to object. I
 17 would prefer, if you would, to refer to
 18 particular lines and pages as opposed to
 19 paraphrasing what the testimony is.
 20 CAPT. NGUYEN:
 21 I understand, sir.
 22 If, in his testimony, he indicated
 23 that he had directed the firefighting
 24 effort, would that give you the impression
 25 that he has assumed responsibility from the

Page 86

1 captain?
 2 THE WITNESS:
 3 No.
 4 CAPT. NGUYEN:
 5 It would not?
 6 If he indicated he directed the
 7 firefighting effort on the scene.
 8 THE WITNESS:
 9 If he directed the firefighting
 10 effort on scene, that doesn't mean he took
 11 over for the master unless he said, "Hey,
 12 I'll take over from the master on directing
 13 the firefighting effort."
 14 CAPT. NGUYEN:
 15 But there would have to be
 16 evidence to show the master was still in
 17 control of the vessel -- I mean, the
 18 firefighting effort, right?
 19 THE WITNESS:
 20 Yes.
 21 CAPT. NGUYEN:
 22 Consulting is one thing, but
 23 directing is another thing, right?
 24 THE WITNESS:
 25 That's correct.

Page 87

1 JUDGE ANDERSON:
 2 Jimmy Harrell?
 3 EXAMINATION BY MR. FANNING:
 4 Q. Good morning, Captain. I am Pat
 5 Fanning and I represent Mr. Jimmy Harrell,
 6 who was the captain on board at the time of
 7 the accident.
 8 Now, you don't know Mr. Jimmy, do
 9 you?
 10 A. No, I don't.
 11 Q. There's probably a lot of Jimmys
 12 in this area too.
 13 I heard you say that the BOEM
 14 approves BP's emergency response plan, and
 15 the Coast Guard approves the vessel
 16 emergency response plan. Do you know the
 17 difference between the two, if there is any?
 18 A. I think there is a difference.
 19 The vessel response plan is for a non-tank
 20 vessel, so it would probably be a less -- I
 21 would say less robust than a normal tank
 22 vessel response plan. And the capacity of
 23 that vessel response plan or the oil on that
 24 vessel is much less than what you would find
 25 in the well for the BP plan.

Page 88

1 Q. And then I think I heard you say
 2 you are not aware of a contingency plan.
 3 Tell me what you mean by that. You were
 4 asked earlier if you were aware of any
 5 contingency plan. Was that a contingency
 6 firefighting plan or some other type of
 7 contingency plan?
 8 A. I am not sure -- I'm not sure
 9 what -- well, are you talking about Coast
 10 Guard contingency plans or --
 11 Q. No. The vessel operator or BP.
 12 A. I think the question was was I
 13 aware of the plans that were in place for
 14 both of those vessels, and I wasn't.
 15 Q. Have you reviewed those plans, the
 16 BP --
 17 A. No.
 18 Q. You have not?
 19 A. No, I have not reviewed either
 20 plan.
 21 Q. So you are certainly not in a
 22 position to state there were any
 23 deficiencies with either BP's or
 24 Transocean's plans.
 25 A. That's correct.

Page 89

1 Q. You don't have any reason to
 2 believe, do you, that something, some
 3 deficiency in the plan, or something that
 4 wasn't carried out that was in the plan
 5 contributed to the loss of this asset, of
 6 this vessel, do you?
 7 A. No.
 8 Q. Can you point to anything that you
 9 could put in any kind of plan that would
 10 have prevented this vessel from being lost?
 11 A. Based on what happened?
 12 Q. Right.
 13 A. No, not that I know of.
 14 Q. So we are speaking here in
 15 hypotheticals, or theoretically, there are
 16 two plans, and we have all these emergency
 17 responses and whoever was in charge of
 18 firefighting, but as a practical matter,
 19 once this explosion occurred and the fire
 20 started and the vessel lost its firefighting
 21 capabilities, it didn't matter what types of
 22 plans there were, did it?
 23 A. Oh, yeah, I would say it does
 24 matter because, I mean, in that plan, there
 25 is going to be some procedural information

Page 90

1 in there to tell people exactly what needs
 2 to happen.
 3 There is also things in those
 4 plans that provide, well, what response
 5 resources that need to be on scene to
 6 respond to the event. So just saying that
 7 the -- you know, just because you have an
 8 incident you don't need to refer to the plan
 9 is probably not a good idea.
 10 Q. No, I'm not saying that you don't
 11 need to refer to the plan. I'm asking you
 12 if you are aware of any needed plan.
 13 I am not saying you don't need a
 14 plan. I'm saying are you aware of anything
 15 that could have been done differently in
 16 this instance to save the asset, to save the
 17 vessel?
 18 A. Not that I am aware of, no.
 19 Q. You said the Coast Guard
 20 established a safety zone around the rig; is
 21 that correct?
 22 A. That's correct.
 23 Q. Which means that the Coast Guard
 24 had the authority to determine who had
 25 access to the site; is that correct?

Page 91

1 A. That's correct.
 2 Q. And that would include
 3 firefighting vessels or firefighting assets;
 4 is that correct?
 5 A. That's correct.
 6 Q. So the Coast Guard had the
 7 supervisory authority to say who got near
 8 the rig with firefighting capabilities and
 9 who was not allowed to go near the rig.
 10 A. We controlled access, that's
 11 correct.
 12 Q. And there was some talk about who
 13 was in charge of evacuation and who was in
 14 charge of firefighting. Are you aware that
 15 anything was done that should have been done
 16 differently in that regard by who took
 17 control of the situation?
 18 A. So you are asking me for my
 19 personal opinion whether if something could
 20 have been done about the fire and something
 21 could have been done about the evacuation?
 22 I think the evacuation went pretty
 23 well because most of the people, with the
 24 exception of 11 souls, made it off. So
 25 based on what that situation was, I don't

Page 92

1 know if there was anything different that
 2 could have been done.
 3 As far as the firefighting effort,
 4 I am not a firefighter, so I couldn't really
 5 tell you.
 6 Q. So you have no criticisms of the
 7 firefighting effort and no criticisms of the
 8 evacuation and the way they were actually
 9 conducted; is that correct?
 10 A. Well, I don't -- personally, I
 11 don't have any criticism, no, because I
 12 wasn't there.
 13 Q. So you don't know anything that
 14 was done wrong by anyone at Transocean in
 15 connection with firefighting or evacuation
 16 of the rig?
 17 A. Well, I can't really tell you if
 18 anything was done wrong or right. I know
 19 that a majority of the people got off the
 20 rig, and they were saved.
 21 Unfortunately, the rig did not
 22 make it. But I don't know if any
 23 firefighting effort would have stopped that
 24 fire that was burning other than it sinking
 25 when it did.

Page 93

1 Q. And you don't know if the
 2 evacuation could have been performed any
 3 better to make any difference in what
 4 happened?
 5 A. No. I haven't read the testimony
 6 of any of the witnesses, so I -- I couldn't
 7 really say.
 8 Q. So I will go back to my question.
 9 Do you have any criticisms to level at
 10 Transocean as to how they evacuated or
 11 conducted the firefighting?
 12 A. No, I don't have any personally.
 13 Q. More particularly, do you have any
 14 criticisms to level against the OIM, my
 15 client, Mr. Jimmy Harrell, in connection
 16 with firefighting, evacuation, or anything
 17 else that happened on the DEEPWATER HORIZON?
 18 A. No.
 19 MR. FANNING:
 20 Thank you. That's all the
 21 questions I have.
 22 JUDGE ANDERSON:
 23 Thank you very much.
 24 Steve Bertone? Pat O'Bryan,
 25 Kaluza?

Page 94

1 Any follow-up questions from the
 2 board?
 3 EXAMINATION BY CAPT. HIGGINS:
 4 Q. Captain, you said that there may
 5 have been Coast Guard officials that said
 6 that they were in charge from day one.
 7 Could you explain that statement a little
 8 more in the context of in charge of what and
 9 how that might have come about?
 10 A. I think -- well, I am referring to
 11 Admiral Landry when she -- when we were at
 12 the Unified Area Command in Robert,
 13 Louisiana. I know on a number of occasions
 14 she said she was -- you know, the Coast
 15 Guard was in charge from day one. I
 16 think -- but I think she was mainly
 17 referring to the -- you know, to the -- the
 18 response to the incident and the pollution
 19 response efforts.
 20 I mean, we were there from day one
 21 evaluating what the oil spill potential was
 22 and responding to the spill. I think that
 23 was probably more what she -- my
 24 recollection of what she was talking about
 25 was the pollution response, not so much

Page 95

1 maybe the firefighting effort, is what I
 2 understood her to be talking about.
 3 Q. Would it be accurate to say the
 4 Coast Guard was responsible from day one
 5 with regard to search and rescue?
 6 A. Yes.
 7 Q. Would it be accurate to say that
 8 the Coast Guard was responsible from day one
 9 with regard to Federal On-Scene Coordinator
 10 responsibilities?
 11 A. That would be correct.
 12 Q. Would it be accurate to say that
 13 the Coast Guard was directly responsible for
 14 directing firefighting efforts at the rig?
 15 A. The Coast Guard could have been,
 16 yes.
 17 Q. But in this case, who was actually
 18 responsible for directing the firefighting
 19 efforts on the rig?
 20 A. The responsible parties.
 21 Q. So the Coast Guard provided
 22 assistance in that and was coordinating
 23 things like safety, vessel access, safety
 24 zones, search and rescue aspects, but was
 25 not directing the firefighting; is that

Page 96

1 accurate?
 2 A. That's correct.
 3 CAPT. HIGGINS:
 4 Thank you, Captain.
 5 JUDGE ANDERSON:
 6 Any other board questions? Shall
 7 we take a recess? Fifteen minutes.
 8 CAPT. NGUYEN:
 9 Captain Hanzalik, thank you for
 10 your testimony today. Will you make
 11 yourself available if we need you to come
 12 back?
 13 THE WITNESS:
 14 Anytime.
 15 CAPT. NGUYEN:
 16 Thank you, sir.
 17 (Recess.)
 18 DOUG MARTIN,
 19 having been first duly sworn as a witness,
 20 was examined and testified as follows:
 21 EXAMINATION BY CAPT. NGUYEN:
 22 Q. Good morning, Mr. Martin. Thank
 23 you for being here.
 24 A. Good morning.
 25 Q. With whom are you currently
 Page 97

1 employed?
 2 A. One more time, please?
 3 Q. With whom are you currently
 4 employed?
 5 A. I'm employed with SMIT Salvage
 6 Americas.
 7 Q. What services does SMIT provide?
 8 A. SMIT is a multidiscipline company.
 9 SMIT Salvage Americas is in the business of
 10 marine salvage, firefighting, and wreck
 11 removal.
 12 Q. How long have you been with SMIT?
 13 A. I started in 1997.
 14 Q. In what position are you serving
 15 currently?
 16 A. I am presently the president and
 17 general manager of SMIT Salvage Americas.
 18 Q. How long have you held that
 19 position?
 20 A. In June of 2008, I was promoted
 21 into that position.
 22 Q. Did you hold any other position
 23 with SMIT before this position?
 24 A. Yes. I was a salvage master, and
 25 I joined them as an assistant salvage master
 Page 98

1 in 1997.
 2 Q. Could you briefly describe your
 3 duties in your current position?
 4 A. I am responsible for the
 5 day-to-day operations -- in fact, all
 6 activities -- for SMIT Salvage Americas.
 7 I also play a role as a senior
 8 salvage master in the company as well with
 9 regards towards mentoring our new salvage
 10 masters and our approach toward major marine
 11 casualties.
 12 Q. As the president and general
 13 manager of SMIT Salvage Americas, is it
 14 unusual for you to -- I understand you were
 15 involved in the DEEPWATER HORIZON response.
 16 Is it unusual for you to have a direct role
 17 in terms of the salvage and firefighting
 18 effort?
 19 A. Not at all. I am very much
 20 involved with day-to-day activities,
 21 especially with regard to major incidents.
 22 Q. Could you briefly outline your
 23 maritime and salvage background?
 24 A. My maritime and salvage
 25 background?
 Page 99

1 Q. Yes, sir.
 2 A. I am a graduate of City Maritime
 3 College. I graduated in 1983 with a degree
 4 in -- a bachelor of engineering degree. I
 5 sailed until I joined SMIT. I presently
 6 hold a Master Unlimited U.S. Coast Guard
 7 license.
 8 And that was -- my sailing
 9 experience was blue water. I sailed
 10 primarily as chief officer during those 14
 11 to 15 years at sea.
 12 And with SMIT, my maritime
 13 experience has been quite extensive at sea
 14 as well. I tried to do a quick estimate of
 15 days, and somewhere in the neighborhood of
 16 1500 days with SMIT -- and that is very
 17 rough -- I was in command of salvage
 18 projects.
 19 Q. Could you name some of the major
 20 salvage projects that you have been involved
 21 in?
 22 A. I have been involved with most of
 23 the big ones that you have probably heard
 24 of. Let's say the DEEPWATER HORIZON most
 25 recently. I was involved with the NEW
 Page 100

1 CARISSA, DANG GU YU, and a number of the
 2 posthurricane semisubmersibles. I got
 3 involved with the MSC NAPOLI in the UK.
 4 Most of the major marine
 5 casualties, in the U.S. particularly, since
 6 '97, I have had some involvement with.
 7 Q. Do you consider the DEEPWATER
 8 HORIZON as your biggest case, most
 9 challenging?
 10 A. It was very short.
 11 Q. Have you or SMIT ever performed or
 12 trained or practiced methods to interface
 13 with a BOP?
 14 A. We are not well-control
 15 specialists.
 16 Q. Do you consider the BOP
 17 intervention, is that a marine firefighting
 18 activity, or is that a well-control
 19 activity?
 20 A. That is a very key position. The
 21 whole process is together. The BOP must be
 22 closed to be able to start the marine
 23 firefighting. That is step one, is that the
 24 BOP has got to be -- it had to be secured in
 25 this particular case, in my opinion.

Page 101

1 Q. So do you rely -- as a salvage
 2 master and in providing firefighting
 3 support, you have to rely on somebody else
 4 for the closing of the BOP, sir?
 5 A. Affirmative, sir.
 6 Q. Who would that be?
 7 A. That could be a host of other
 8 entities, but in this particular case -- it
 9 wasn't us.
 10 Q. Who was it?
 11 A. For closing the BOP?
 12 Q. Yes, sir.
 13 A. As I understood, when we arrived
 14 at Transocean, the way it was described to
 15 me is that Transocean would take the rig and
 16 BP would take the well. That's the way the
 17 division of responsibilities was described
 18 to me.
 19 Q. Yes, sir. But a BOP is the common
 20 link between the two, right?
 21 A. Affirmative.
 22 Q. So how do we know who do you talk
 23 to in terms of the BOP if you want
 24 intervention? Is it Transocean or is it BP?
 25 A. Well, I'm not -- I can -- I'm not

Page 102

1 sure that your question reflects the
 2 situation in this particular case.
 3 In that case, there were two
 4 incident command centers running
 5 simultaneously, and there was an open line
 6 between the two. So there was a lot of
 7 dialogue going on.
 8 As I mentioned, the BOP was not in
 9 line with what we were trying to do other
 10 than to initiate that effort. We were very
 11 much involved with trying to get that
 12 started.
 13 But as far as who was going to do
 14 it or how they were going to do that, that
 15 was not for -- that wasn't within our scope.
 16 Q. Yes, sir. I just want to
 17 understand the relationship, how do you
 18 interface, with -- so you were called by
 19 Transocean, but there was some relationship
 20 between BP and Transocean. So I want to be
 21 clear in my mind what those relationships
 22 were.
 23 Now, I have an e-mail from you to
 24 Mr. Ray Moore. I believe he is with the
 25 company SMIT Houston; is that right?

Page 103

1 A. He is the operations manager.
 2 Q. That's right.
 3 I would like to provide this
 4 document to you. This document, I
 5 understand, has been provided to --
 6 JUDGE ANDERSON:
 7 Counsel, could you state your name
 8 for the record? I forgot to ask you.
 9 MR. SIAHATGAR:
 10 Yes. Bijan Siahatgar. B-I-J-A-N;
 11 last name is S-I-A-H-A-T-G-A-R.
 12 EXAMINATION BY CAPT. NGUYEN:
 13 Q. Yes, sir. Can you read that
 14 e-mail, please.
 15 A. Okay. It's addressed to a few
 16 people: "Gents: Directions from me to
 17 Transocean rep on-site below to Transocean
 18 management. Our team departed and underway
 19 with SEACOR VANGUARD RESOLVE PIONEER en
 20 route. In-come team with vessel MISS
 21 ADDISON via Fourchon to bring them directly
 22 offshore. BP interfering getting the ROV in
 23 the water. Working through the issues."
 24 Q. So the way I understand that
 25 e-mail is that you are interacting with

Page 104

1 Transocean; you are not interacting with BP.
 2 Is that correct? I mean, they give you the
 3 order, and you have conversations with
 4 Transocean but not with BP.
 5 A. That's correct.
 6 Q. And we will use that document in a
 7 little while.
 8 Are you familiar with the Coast
 9 Guard District One Gulf Plan or any area
 10 contingency plans for the Gulf of Mexico?
 11 A. Would you repeat the question?
 12 Q. Are you familiar with area
 13 contingency plans?
 14 A. I am not intimately familiar. I
 15 know they exist. I don't know the content
 16 of the plans in any detail.
 17 Q. Do you know if salvage and marine
 18 firefighting is part of an area contingency
 19 plan?
 20 A. I am not that familiar with the
 21 area contingency plan.
 22 Q. Yes, sir.
 23 Has SMIT ever participated in any
 24 training scenario or exercise with any Coast
 25 Guard unit to practice a collective response

Page 105

1 to an offshore well or rig fire?
 2 A. No.
 3 Q. Any exercise?
 4 A. Yeah. Well, certainly, for tank
 5 vessels and other transport vessels, but not
 6 for a -- not for a MODU.
 7 Q. Yes, sir. So how do you prepare
 8 to deal with a MODU if you never participate
 9 in an exercise that is involving a MODU?
 10 A. The issue with participating in
 11 the exercise is an interesting question, but
 12 I think that the experience is gained from
 13 the salvages that you are on with the MODUs,
 14 and we have quite extensive experience with
 15 various MODUs, and that experience -- I
 16 don't know, of the exercises that have gone
 17 on, where it's reflected.
 18 So the validity of that, I have my
 19 own question. I don't know how much of
 20 those exercises have been undertaken that
 21 would reflect this type of experience.
 22 Q. So in terms of organizational
 23 relationships, you are the salvage hired by
 24 the responsible party, and that's who you
 25 work for and that is the limit of your

Page 106

1 involvement within an area of -- Unified
 2 Area Command. Is that correct? Do you
 3 interface with any other entities within the
 4 Unified Area Command?
 5 A. Normally, we do. Normally, we
 6 will be part of the -- each incident will
 7 have its own incident command structure, and
 8 that incident command structure will change
 9 depending on the incident. So our client
 10 will always be that owner, but sometimes,
 11 they are involved and sometimes, they are
 12 not involved.
 13 So we are very much involved with
 14 the incident command and the whole
 15 structure. So we are not outside of it in
 16 any way, shape, or form. We are
 17 participating with all of the parties.
 18 Q. Did Transocean have a service
 19 contract for firefighting and salvage
 20 support with SMIT prior to the incident?
 21 A. A service contract? No.
 22 Q. You did not have one. So it was a
 23 surprise to you when SMIT received a phone
 24 call from Transocean for salvage support on
 25 that morning?

Page 107

1 A. Yes, but I had -- more the nature
 2 of the incident. We have done work with all
 3 of the offshore industry, and quite notable
 4 work with a high record of success, so when
 5 a major incident occurs, I am not surprised
 6 by that phone call. And to contract and
 7 move forward on an emergency is the business
 8 that we are in.
 9 So there is no delay. There is
 10 no -- I don't believe that there is a
 11 handicap there. We receive those calls.
 12 There's nothing unusual in that.
 13 Q. Yes, sir. It is my understanding
 14 that the vessel is required to identify who
 15 is its salvage entity in the event of
 16 casualty. So you don't know -- have you
 17 seen the vessel response plan for the
 18 DEEPWATER HORIZON, sir?
 19 A. I have not.
 20 Q. So you are not aware of who was
 21 the identified salvor for the DEEPWATER
 22 HORIZON?
 23 A. No.
 24 Q. So it was -- you did not have a
 25 service contract with Transocean. You

Page 108

1 received a call after the incident to show
 2 up for support?
 3 A. That's correct.
 4 However, we also have contracts in
 5 place with Transocean from previous
 6 activities. So it was not the first time
 7 that we had ever met the participants or had
 8 to work with them. So it certainly was a
 9 surprise to have a call about the DEEPWATER
 10 HORIZON on that particular evening, but it
 11 was not unexpected that we would be able to
 12 pick up where we left off with the parties
 13 in that organization. We have done
 14 significant work with them in the past.
 15 Q. Yes, sir. Prior to the casualty,
 16 were you familiar with the layout
 17 capabilities and operation of the DEEPWATER
 18 HORIZON?
 19 A. Prior to the casualty, no.
 20 Q. How do you become familiar with
 21 the layout capabilities and operation of the
 22 DEEPWATER HORIZON?
 23 A. Once we are there, there is an
 24 incident command. We ask for drawings. We
 25 meet with the people that are there who know

Page 109

1 what is going on. We know generically about
 2 the types of vessels.
 3 And most of the time, it falls
 4 back upon the experience of persons that
 5 have been on certain types of rigs, certain
 6 stability issues that you have had in the
 7 past, and things to rely on from a wealth of
 8 experience.
 9 Q. Yes, sir. The incident occurred
 10 at around 2200 on April 20. What time did
 11 you receive a phone call from Transocean?
 12 A. 0320, give or take a few minutes.
 13 Q. So it's about five hours after the
 14 explosion and the fire started before you
 15 received a phone call from Transocean. Is
 16 that correct?
 17 A. That's correct.
 18 Q. So when you say -- so what time
 19 did you arrive at the Transocean command
 20 center? Is that correct, sir? After you
 21 received the phone call?
 22 A. That's correct. The first call
 23 that I received was a heads-up. Basically,
 24 We don't have directions for you. It is not
 25 a -- but about 3:45, more or less, it said,

Page 110

1 Come to Park 10, you know, we have this
 2 incident and to get started. And I was at
 3 Park 10 at 0450.
 4 Q. Who called you, sir?
 5 A. It was Robert McKechnie who called
 6 me.
 7 Q. Do you know what his position is
 8 within Transocean?
 9 A. I'm not sure that I would get his
 10 title directly correct, but, in principle,
 11 he is the director of upgrades and major
 12 projects. I don't know exactly his title.
 13 Q. Have you dealt with him before,
 14 sir? With Mr. McKechnie?
 15 A. I have dealt with the person in
 16 his position before, and I have met
 17 Mr. McKechnie before. To the best of my
 18 recollection, this is the first casualty we
 19 have worked together.
 20 His predecessor, I had worked with
 21 on quite a number of occasions.
 22 Q. But that is the position within
 23 Transocean that you interfaced with?
 24 A. Correct, it is the same person.
 25 And those around him are very -- were

Page 111

1 familiar people as well. But
 2 Mr. McKechnie -- I think this is the first
 3 case that we have worked together since he's
 4 taken that position.
 5 Q. Yes, sir. And you said you
 6 arrived at Transocean command center around
 7 0450, somewhere around --
 8 A. Yeah. 4 or 5000. We were
 9 downstairs and we were trying to get in
 10 through the security guards. I think around
 11 5 o'clock, we were in the incident room, and
 12 by 5:15, we were starting to get up to speed
 13 with what was going on.
 14 Q. So once you arrived at the command
 15 center and once you were in the room you're
 16 talking about, what happened? Did you get a
 17 brief on what was going on? What happened?
 18 How did you start to get the details?
 19 A. Well, at that particular time,
 20 there was -- the situation was not very
 21 clear to anyone, especially not to me, what
 22 was going on. I knew that there were
 23 significant persons on board the rig. There
 24 was a major casualty. We knew there was a
 25 fire. I didn't know at this point that it

Page 112

1 was a well fire. There was very little
 2 information.
 3 When I came into the incident
 4 command room, they were very, very concerned
 5 with search and rescue. My feeling was that
 6 whatever was going on was not going to take
 7 precedence over the active search and
 8 rescue. So we asked for information. They
 9 were working on the search and rescue in the
 10 incident command room, and we set up in a
 11 room right next door. So we were not in
 12 there with the people who were working the
 13 incident at the time.
 14 Q. So you had a separate room. At
 15 what point had you -- in order for you to
 16 respond, you need to have drawings and
 17 information regarding the vessel's status.
 18 At what point -- did you ask for the
 19 information, or did Transocean provide you
 20 with the information? What information was
 21 provided to you?
 22 A. In the incident command room,
 23 there were a number of drawings posted on
 24 the bulkheads. There was a whiteboard that
 25 was full of information. So there was a lot

Page 113

1 of things that you could pick up just
 2 immediately walking through, and I spent
 3 sometime familiarizing myself with the
 4 material that was found and made sort of
 5 jointly available.
 6 When we went to the other room, we
 7 asked for materials. When we were called
 8 and requested to respond there, it wasn't
 9 clear to anyone what the situation was or
 10 where we were going. The main focus was
 11 what to do with the rig next. It wasn't to
 12 go and deal with the rig at that exact
 13 moment. The concern was the rig drifting
 14 off and being in the oilfield where she can
 15 cause damage to other structures.
 16 So the first request was to
 17 arrange to be able to control the rig. It
 18 wasn't -- the discussion was never about
 19 firefighting.
 20 And with all due respect, I don't
 21 believe the issue of this rig is a
 22 firefighting issue. It really was much more
 23 a well control and to be in position to deal
 24 with the rig. So the term of a firefighting
 25 response, I have my reservations that that

Page 114

1 is appropriate.
 2 Q. But firefighting is part of your
 3 support to Transocean. Correct, sir?
 4 A. In this particular case, they did
 5 not call us initially to go and respond to a
 6 fire. They asked us to go and take care of
 7 the rig and help to save the rig, not to go
 8 there because the rig was on fire.
 9 The rig, as I understand it -- and
 10 it is best to ask those who called, but our
 11 discussion was to deal with the rig at the
 12 next step. We -- within hours of being
 13 there, we were talking about the shipyard,
 14 where we were going to take the rig, getting
 15 her up to draft, how we were going to tow
 16 her, specific items towards the next step.
 17 We didn't know the extent of the
 18 fire/well blowout at that time. Once we
 19 became aware of it, it was very clear
 20 that -- it was even clearer that the well
 21 had to be dealt with before anything else
 22 could be done.
 23 Q. Now, part of your salvage activity
 24 is to stabilize the vessel, correct, sir?
 25 And stabilizing the vessel, whether you, you

Page 115

1 know, ballast the vessel or...
 2 Is firefighting considered an
 3 action to stabilize the vessel?
 4 A. Firefighting to stabilize the
 5 vessel?
 6 Q. Right.
 7 A. I would say --
 8 Q. To minimize structural damage, to
 9 ensure stability of the vessel,
 10 firefighting, would that be considered one
 11 of your actions that you need to consider to
 12 stabilize the vessel?
 13 A. The answer to that is that
 14 everyone that is involved with the response
 15 has got to keep that vessel afloat. That is
 16 the key to success, is to buy the time to
 17 make sure that the well can be closed.
 18 So to answer your question, the
 19 risks to the rig were twofold, and they are
 20 counterintuitive as to how to attack them
 21 because one is direct structural failure due
 22 to heat and the impingement by fire; and
 23 two, the soothing effect that water brings
 24 to that. And so those two have to be
 25 balanced very closely, and it has to be

Page 116

1 balanced by those that are immediately
 2 there.
 3 One of the things that I think
 4 can't be overstated is that, in, let's say,
 5 these "battlefield" moments, the amount of
 6 information that is coming back is sketchy,
 7 as well as the fact that, with search and
 8 rescue going on, you don't know that search
 9 and rescue isn't being -- directing that
 10 effort to try to preserve life possibly on
 11 board.
 12 So all of these things going on
 13 from afar, that's something that's just --
 14 you're reluctant to jump in and start to
 15 adjust when there is life at stake. I think
 16 that should always be the first priority.
 17 When there is over 100 people
 18 involved from the outset and a few hours
 19 later, they are still missing with active
 20 search and rescue going on, there is a
 21 prioritization there that needs to go toward
 22 life, in my opinion.
 23 Q. I totally agree with you.
 24 However, your job is salvage and
 25 firefighting services that you provide to

Page 117

1 Transocean.
 2 Now, if I understand what you are
 3 saying, is that the activities that were
 4 going on would be where to take this vessel,
 5 which shipyard to take this vessel to. I
 6 would think that your first priority from
 7 Transocean would be, you know, to stabilize
 8 the vessel. You know, firefighting would be
 9 part of stabilizing the vessel instead of
 10 worrying about where to take the vessel to.
 11 A. Well, I think that that question
 12 is a little bit out of context, with all due
 13 respect, in that all of these things are
 14 simultaneously being worked.
 15 What ends up happening is that the
 16 reports that were coming back in the very
 17 early stages was that the vessel was
 18 upright, and so whatever was going on with
 19 that, you let that continue because there
 20 wasn't any report of detrimental -- we
 21 didn't know what was going on. Vessels --
 22 we had asked. We said, "What vessels are
 23 there?" They didn't know. There was a lot
 24 of information that was not clear.
 25 But it did appear that the

Page 118

1 situation was not deteriorating in the first
 2 hours, that it was -- so whatever was going
 3 on, better let that continue. As soon as we
 4 heard reports that that was no longer the
 5 case, we inquired about how to proceed.
 6 I have lost track of your
 7 question, so I'm going to stop.
 8 Q. Now, by the time you got to the
 9 Transocean incident command center, it was
 10 seven hours after the explosion and fire
 11 started. Were you aware if any firefighting
 12 efforts had started?
 13 I know the information was
 14 sketchy.
 15 A. Yes, I understand the question.
 16 What I saw, because I -- I did see
 17 one picture, and this was around 6 o'clock
 18 in the morning, is I had asked -- when we
 19 first got there, what I had asked for were
 20 "Do you have updates of this situation from
 21 the time of the incident? Do you have
 22 photos?" The answer was no.
 23 I asked too, within the incident
 24 command structure, please get information
 25 hourly back to us and let's post it on the

Page 119

1 walls, because this was very important to
 2 see what's happened. So this was one of the
 3 -- and as soon as we got in.
 4 What ended up being the case was
 5 that there was not a contact point where we
 6 could go to. Transocean was saying the
 7 Coast Guard was in charge. And out there,
 8 from my experience, the Coast Guard will
 9 take a lead role when search and rescue is
 10 ongoing. So as far as firefighting, my
 11 experience is that is usually not the case.
 12 In the beginning, you don't know
 13 exactly. So in this particular incident, we
 14 were looking to get that information. We
 15 wanted to certainly stabilize it.
 16 As soon as there was some
 17 discussion that perhaps there was an issue
 18 regarding the stability of the vessel, we
 19 then made a recommendation to be careful of
 20 downflooding, and that was roughly at
 21 8 o'clock in the morning.
 22 From 6 o'clock to 8 o'clock, there
 23 were a lot of logistics that were just going
 24 on. We had boats on the way. We had people
 25 coming. We had people moving. We had a

Page 120

1 backup team underway. We had equipment
 2 loadout from Houston. So all between 6 and
 3 8, there were many, many steps that had gone
 4 on.
 5 As we started getting feedback
 6 from the field, someone came and said the
 7 vessel was reported as listing. So then we
 8 tried to reach out to the Coast Guard. And
 9 I made personally two calls because no one
 10 could give us a contact point, and I talked
 11 to Commander Elliott from Galveston, just
 12 because he is in our local area and I know
 13 him, and he recommended that I call to
 14 Captain Stanton.
 15 I called to Captain Stanton, and
 16 that is where I was no longer able to reach
 17 anybody to make the next link.
 18 Transocean then said, okay. We
 19 will continue to reach out to the Coast
 20 Guard to see who is directing and what boats
 21 are out there.
 22 At that point, to my
 23 recollection -- and this may not be exactly
 24 correct, but this is the way I think it
 25 happened -- I believe someone then said, "We
 Page 121

1 have a guy out there, Daun Winslow."
 2 At which point we said, "Okay.
 3 Where is he?" I believe at the time we
 4 thought he was on the MAX CHOUDEST. It was
 5 one of the boats.
 6 And on the board there, we had the
 7 telephone numbers of the different boats, so
 8 we started to call the boats directly. The
 9 phones were busy. The lines were completely
 10 full. So we never got through.
 11 Finally, we said okay -- more
 12 reports came in. And there were many
 13 activities going on to respond.
 14 Finally, we said, okay, let's send
 15 an e-mail to the MAX CHOUDEST, and it didn't
 16 go through for a long time. So the
 17 e-mail -- there is an e-mail around as well
 18 that McKechnie sent and my recommendations
 19 about downflooding. And that was around
 20 1 o'clock in the afternoon that that got
 21 there.
 22 Then Daun Winslow called back to
 23 Bob McKechnie within a short period after
 24 the e-mail was sent, and that's when we had
 25 a chance to discuss it, and it was clear
 Page 122

1 that that was a concern.
 2 Q. So you are saying that around
 3 8 o'clock on the 21st -- so when did you
 4 become aware -- can you describe what
 5 downflooding is, you know, what it is and
 6 what you are concerned about?
 7 A. Yes. Downflooding is when water
 8 is applied to a vessel and it ends up inside
 9 the hull rather than running off of the
 10 vessel. So it can create issues with list,
 11 trim, stability, structure. And that would
 12 be the downside.
 13 Q. Yes, sir. If you put water on the
 14 column to cool the column so that, let's
 15 say, for example, an ROV can get access to
 16 it, that would not cause downflooding. It
 17 would have to be water that comes on top of
 18 the rig that is maybe going down to the
 19 compartment, going down inside the vessel.
 20 Correct?
 21 A. Yes. But also, just because water
 22 goes on top of the vessel does not
 23 necessarily mean that it is causing
 24 downflooding either.
 25 Q. Now, by 0800 on the 21st of April,
 Page 123

1 you were aware of water being put onto the
 2 burning rig. Is that correct, sir?
 3 A. I suspected that was going on. I
 4 didn't have firm confirmation that that was
 5 happening.
 6 Q. So at what point did you
 7 communicate your concern about downflooding
 8 to Transocean?
 9 A. At 8 o'clock. As soon as we
 10 realized that that was an issue, we
 11 discussed it.
 12 And we weren't alone. There were
 13 a number of us in that incident command
 14 center, which included naval architects from
 15 Transocean. A host of people working on a
 16 team, as you would expect to occur.
 17 Q. So Transocean had naval architects
 18 employed?
 19 A. Affirmative.
 20 Q. Now, are these -- have you worked
 21 with these naval architects before?
 22 A. Some of them, yes.
 23 Q. Are these design naval architects
 24 or are these naval architects that have
 25 experience with salvage operations?
 Page 124

1 A. I don't know the answer to that
 2 question, but what I will say is, from our
 3 team, our naval architects were, in fact,
 4 was coming in directly behind.
 5 So that issue with regards to that
 6 is -- as far as I'm -- in my opinion, they
 7 were an appropriate and complete first
 8 response to be able to start to lay the
 9 groundwork. We asked them to start to build
 10 some models. We asked them to analyze what
 11 was going on as far as drafts and things
 12 like that.
 13 The end of the story: I don't
 14 know what their experience is regarding
 15 salvage.
 16 Q. You were talking about narrowing
 17 down foundation in terms of the model. Does
 18 that mean that Transocean did not have a
 19 model for the DEEPWATER HORIZON available
 20 before the incident, sir?
 21 A. I don't know that that is true.
 22 They did not have a HECSALV model,
 23 which is the model that we requested. So
 24 Transocean, being a reasonably robust
 25 organization, were able to start that on the

Page 125

1 sideline. So they had started to develop
 2 the HECSALV model at our request.
 3 Q. Can you explain what a HECSALV
 4 model means?
 5 A. I can. My apologies for the
 6 acronym. It is a --
 7 Q. I know what it means, but I just
 8 want to make sure that we are clear for the
 9 record.
 10 A. It's a Herbert Engineering
 11 Corporation Damage Stability software
 12 essentially that was developed for the U.S.
 13 Navy and is now commercially available.
 14 Q. So SMIT only works with HECSALV
 15 models, sir?
 16 A. Negative. We work with all of the
 17 major models, including GHS. Many models.
 18 Q. So why did you specifically ask
 19 for a HECSALV model from Transocean? Did
 20 they not have another one available?
 21 A. They had -- the short answer is
 22 I'm not sure.
 23 I do know that they had a model
 24 for the way that they used the rig in
 25 day-to-day activities. They had offered it

Page 126

1 to us, and at that particular moment, that
 2 one -- I don't know what it was, to tell you
 3 the truth. I wasn't familiar with it, and
 4 it wasn't one that we were able to rapidly
 5 bring in.
 6 Q. So whatever model they -- what
 7 about their naval architects? Couldn't they
 8 use that model and conduct some kind of
 9 stability --
 10 A. I am just going to step out on
 11 a -- I'm going to mention something that I
 12 think is probably not what everyone wants to
 13 hear. Garbage in, garbage out. You have no
 14 idea what's on that rig at that point to do
 15 a model. And that is my comment on that, is
 16 that nobody can do that analysis.
 17 Q. I understand that. But the
 18 general ship hull model, that is what we are
 19 talking about here. We are not talking
 20 about the loaded condition or the damaged
 21 condition on board the vessel at that time.
 22 We are talking about just a general ship
 23 model, electronic model, that can be
 24 utilized, not using any stability analysis
 25 software to evaluate the condition.

Page 127

1 Was there an electronic model of
 2 the MODU that was available for analysis?
 3 A. I believe so, but I'm not positive
 4 about that. I'm sure that they did have
 5 electronic models of the rig.
 6 Q. Did they offer that model to you?
 7 Did Transocean say, "This is what we have,"
 8 and did they offer that to you?
 9 A. Yes, they did.
 10 Q. And you looked at it and you said
 11 it's not -- "We cannot use it"? Or what did
 12 you tell them?
 13 A. That software wasn't something
 14 that we could work with.
 15 Quite frankly, before we could get
 16 information that we could have plugged into
 17 there, the model would be built as long as
 18 the people that were building the model were
 19 not being distracted from the work that was
 20 going on.
 21 So if we had information to plug
 22 in, Transocean could certainly have added
 23 information in and helped to develop
 24 information from their damage and stability
 25 software.

Page 128

1 But I don't want to talk about
 2 what they have because I am not that
 3 familiar with it. I know that they had
 4 some. I know it was one that I wasn't
 5 familiar with, so I don't recall what the
 6 name of it is. I'm sure that someone else
 7 could fill in the details of that for you.
 8 Q. I understand, sir. And that's the
 9 point I'm trying to nail down here. We have
 10 got a crisis situation. Transocean
 11 contacted you five hours after the event
 12 happened, and there is not a model in place
 13 for you to use. So they had to build
 14 something for you to use.
 15 So I am looking at -- you know,
 16 we're in an emergency situation here. We
 17 need to stabilize the vessel so that we --
 18 you know, whether they want to save it to
 19 control the well or for whatever reason, we
 20 did not have these things in place before
 21 the casualty.
 22 MR. SCHONEKAS:
 23 I'm going to object. That is not
 24 the witness' testimony. He said that there
 25 was a model that was available.

Page 129

1 CAPT. NGUYEN:
 2 I understand, but SMIT did not
 3 have awareness of that model. That's what
 4 he is saying.
 5 MR. SCHONEKAS:
 6 Well, that is inaccurate as well,
 7 Captain.
 8 EXAMINATION BY CAPT. NGUYEN:
 9 Q. Mr. Martin, correct my
 10 understanding, please.
 11 A. Please ask the question again.
 12 Q. The question is: Transocean had
 13 some model they used for stability analysis.
 14 SMIT has tools that can go in and
 15 evaluate, use the model to run the analysis.
 16 That was not worked out beforehand. Is that
 17 correct? Before the incident?
 18 A. Before the incident, no, we did
 19 not have that prearranged.
 20 Q. Yes, sir. That is my -- but you
 21 worked with -- you say you worked with
 22 Transocean before. Was this the same
 23 situation in the previous incident: That
 24 they provided something for you that you
 25 could not use, and so they had to generate

Page 130

1 something you can use? Is that the case?
 2 A. I don't think that accurately
 3 reflects the situation at all.
 4 Q. But for this incident, they had
 5 something you could not use, so they had to
 6 generate something that you could use?
 7 A. Again, I think we're off base from
 8 my perception it. If you ask me a question,
 9 I will gladly answer it, but please be
 10 clear.
 11 Q. You asked for a HECSALV model.
 12 A. Yes.
 13 Q. They didn't have it.
 14 A. That's correct.
 15 Q. How come they didn't know that
 16 you -- if they called you, they would be
 17 required to have a HECSALV model? How come
 18 they didn't know that, to have it in advance
 19 for you?
 20 MR. SCHONEKAS:
 21 Objection. That calls for
 22 speculation.
 23 JUDGE ANDERSON:
 24 Okay. I just want to remind --
 25 you know, one of the missions of the board

Page 131

1 is to look forward, and it could be that we
 2 are going to recommend that, for example,
 3 that these models be made available as a
 4 standard matter. Now, maybe there's good
 5 reasons they are not.
 6 But this witness is dealing with
 7 all kinds of vessels in crisis situations,
 8 so the captain and the chair is wondering
 9 whether or not it is worthwhile, when you
 10 are dealing with a company that you
 11 regularly service, to have models that you
 12 can use when you're called in an emergency.
 13 THE WITNESS:
 14 I think that is a different
 15 question than what's come up. In my
 16 opinion, as to setting up models ahead of
 17 time, it is excellent to have models in
 18 place. But there are many, many models that
 19 we can work from, and so that is one of the
 20 things that salvage companies bring to bear.
 21 In the early hours, at 3 o'clock
 22 in the morning -- for instance, a shipyard
 23 builder's model, something as simple as
 24 that, if the ship was built out of software,
 25 we could probably import that and

Page 132

1 immediately put that into HECSALV. But to
 2 get to those people, where the yard is,
 3 sometimes in the morning, at 3 o'clock in
 4 the morning or 5 o'clock in the morning, it
 5 may not be possible. So to be able to get
 6 that and perhaps get it more rapidly, there
 7 may be validity to that, but the questions
 8 you are asking me, I don't have any answers
 9 other than that. There is something that
 10 could possibly be done towards expediting
 11 that.
 12 At the same time, there was
 13 nothing that we would have done with that
 14 model at the time. There was nothing that
 15 could have been done. So there was no
 16 change in actions.
 17 EXAMINATION BY CAPT. NGUYEN:
 18 Q. I understand.
 19 Now, you said information. They
 20 didn't have a ready model for you to use.
 21 You said the information from the scene
 22 coming in was sketchy. Is that correct,
 23 sir?
 24 A. Yes. We had very little
 25 information from the scene.

Page 133

1 Q. So what time did you get the
 2 HECSALV model from Transocean?
 3 A. We never got to the point where we
 4 were in a position to use a HECSALV model.
 5 Our naval architects got files from them,
 6 but I don't know when that was. That was
 7 between our naval architects and theirs.
 8 I'm not sure.
 9 Q. But you don't whether or not at
 10 some point they had a model sitting there
 11 waiting for loaded condition and damaged
 12 condition from the scene commander so they
 13 could run the model? You don't know whether
 14 that model was completed before the vessel
 15 sank?
 16 A. I don't know.
 17 Q. Now, when you arrived on scene, in
 18 terms of the loaded condition of the vessel,
 19 did you have any information on that? The
 20 draft and loaded condition of the vessel,
 21 did you have any of that information
 22 available to you when you came on scene?
 23 A. I had some basic information when
 24 we arrived as to the draft of the vessel
 25 when we got there. Just the draft.

Page 134

1 Q. What other information did you
 2 receive, on-scene information, that was
 3 available at the incident command center
 4 that you could use to plug into the model?
 5 What information was available to you?
 6 A. There was draft. I think that --
 7 Q. How old was it?
 8 A. I don't know.
 9 MR. SCHONEKAS:
 10 I don't think he completed his
 11 response, Captain.
 12 EXAMINATION BY CAPT. NGUYEN:
 13 Q. How old was that data?
 14 A. I don't know.
 15 What I -- what was told to us was
 16 the normal condition that the rig would be
 17 in at that operational period in their
 18 cycle. So I don't think that it was
 19 100 percent last updates, but we knew that
 20 they would have, you know, a certain
 21 percentage of fuel on board. They would
 22 keep a certain draft. And these were the
 23 tanks that normally ballasts would be in.
 24 That is what we were given when we got
 25 there. It was a general overview of how it

Page 135

1 would normally be.
 2 I don't know that the exact
 3 situation from the people that were in
 4 boats, in lifeboats and the rest, that that
 5 got back to the command center. I'm not
 6 sure.
 7 Q. Was there a daily report that was
 8 sent from the ship to shore that say these
 9 are our loaded conditions, drafts, for that
 10 day?
 11 A. I don't know. I don't get
 12 Transocean's daily reports.
 13 Q. No, but was such a report provided
 14 to you? I mean, you are saying these are
 15 the general conditions expected at this
 16 particular cycle.
 17 A. I didn't get that, no.
 18 Q. So, besides the draft, what did
 19 you get from Transocean?
 20 A. Really, normal drilling draft and
 21 typical diesel oil on board. General
 22 ballast configuration as far as what was
 23 going on at that time. This was all given
 24 verbally, I believe.
 25 Q. Verbally?

Page 136

1 A. Yes.
 2 In the incident command center was
 3 one of the persons that were off rotation
 4 from the DEEPWATER HORIZON. So they were
 5 talking about what would be the normal
 6 situation when the incident occurred, most
 7 likely. So that was -- so that was the
 8 information I had at that time.
 9 Q. Do you remember who this person
 10 was?
 11 A. I don't. I haven't seen him
 12 before or after. He was one of the
 13 officers, and he was off rotation.
 14 Q. When you say off rotation, based
 15 on his knowledge of the vessel in terms of
 16 the cycle it was in?
 17 A. Yes.
 18 Q. But he doesn't know for sure?
 19 A. I would say that that's -- to the
 20 best of my knowledge, it was not definitive
 21 information.
 22 Q. So it's no -- "not definitive"
 23 meaning no value?
 24 A. No, not -- that's not it at all.
 25 I believe that there was good value. For
 Page 137

1 the broad strokes that we were working in at
 2 the time, it seemed to be what we needed.
 3 Q. So that information, what do you
 4 do with that information?
 5 A. That information just goes --
 6 there is nothing specific to do with it
 7 other than to use it for -- to compare
 8 observations. That is the main thing you
 9 can do at that particular time. Later on,
 10 you can use that to further develop the
 11 situation, but at that particular time, it
 12 was used for visual references to the rig.
 13 Q. What information was coming from
 14 the scene to the command center that related
 15 to what you were doing?
 16 A. Very little and erratic
 17 information. We didn't have any clear lines
 18 of communication until, oh, say, the 21st or
 19 the 22nd, midnight time frame, when the
 20 SEACOR VANGUARD arrived on-site. Then,
 21 every hour we had very accurate information.
 22 But up until that point, it was --
 23 we didn't -- it was very erratic and
 24 inconsistent information that we received up
 25 until that time.
 Page 138

1 Q. But accurate information, was that
 2 with regard to the draft?
 3 A. Just the condition. When I say
 4 "accurate," we got regular updates, which
 5 appeared to be consistent with the report.
 6 Before, we would get one person calling, or
 7 it would be big changes between the reports
 8 we would get from different sources. This
 9 was consistent.
 10 Q. So by the time that information
 11 arrived at the command center -- I believe
 12 you say at midnight on the 21st or the
 13 22nd -- now, what did you do with that
 14 information, that information that you
 15 received from people out at the scene?
 16 A. Well, what we looked for was we
 17 looked to see what was going on, but what it
 18 does is it only confirmed the necessity to
 19 close the well is what it was telling us.
 20 We were looking to see if it was a
 21 deteriorating steady state or if, for some
 22 reason, it would be improving. But that
 23 would be unlikely. But, certainly, we were
 24 looking to see that it was as close to a
 25 steady state as possible and, if necessary,
 Page 139

1 to make some adjustments in what you could
 2 control, which was very limited at that
 3 time.
 4 Q. When were you aware of the
 5 firefighting effort out on the scene from
 6 the vessel in the vicinity of the DEEPWATER
 7 HORIZON? When were you aware of the
 8 activities?
 9 A. From the beginning, we knew that
 10 there was activity going on, but I don't
 11 believe that we really knew exactly what
 12 activity was going on until around midnight.
 13 We knew that there was activity going on.
 14 We offered direction. But in detail, it was
 15 sketchy.
 16 Q. So around 8 o'clock on the 21st of
 17 April, you communicated your concern of
 18 downflooding to Transocean without a lot of
 19 information. But it was one of those things
 20 that, if you put water on top of a vessel,
 21 as an expert in that area, you would say,
 22 hey, this is something you should be
 23 concerned about with downflooding.
 24 A. I would clarify that. I don't
 25 want to agree to that as it was said.
 Page 140

1 Although, I don't disagree completely.
 2 In this particular case, you had
 3 so much fire and heat that the necessity to
 4 cool was significant.
 5 We, at that time, got one of the
 6 first reports of list. And it was some
 7 erroneous misinformation, as it must have
 8 been, because it was -- I forget what it
 9 was, but it was somebody's very exaggerated
 10 number, and it didn't make any sense
 11 compared to what was going on.
 12 But then after we -- we tried to
 13 get some further detail, it appeared the
 14 vessel was taking on list at this point. So
 15 with that bit of information, we advised
 16 them about the risk of downflooding.
 17 Q. So you couldn't tell whether the
 18 listing was caused by damage below or water
 19 coming from the cup, can you, at that point?
 20 A. Perhaps I can go to some of my
 21 previous experiences with these, which is
 22 what you really need to rely on when you go
 23 into a situation like this.
 24 We were the contractors for
 25 THUNDER HORSE and for THUNDER HORSE, we had

Page 141

1 a situation with a rig that looked similar,
 2 excluding the fire, but I don't believe that
 3 the fire is an issue other than the damage
 4 it is doing. But the losing of the rig,
 5 they looked similar at this point.
 6 THUNDER HORSE never experienced
 7 any catastrophic event or water external
 8 from downflooding. There was no
 9 downflooding involved from an external
 10 source. That's one.
 11 So now when you put in explosions
 12 in the rig, which were heard throughout the
 13 whole period, and the situation with the
 14 opportunities for downflooding -- not
 15 downflooding, but rather migration of
 16 ballast, progressive flooding from damages,
 17 all of the things that are possible, those
 18 are concerns of mine. There is no way to
 19 say it, but I think that that is a very,
 20 very high risk for starting this evolution.
 21 And the other one which I think is
 22 even as significant is our experience on the
 23 DEVELOPMENT DRILLER I. In that particular
 24 case, we had a situation where debris from
 25 the rig had fallen and pierced the lower

Page 142

1 pontoon. And due to that single piercing,
 2 there was a progressive flooding situation,
 3 where that one also looked a lot like
 4 THUNDER HORSE and also looked a lot like the
 5 DEEPWATER HORIZON. Both of those were
 6 successfully intervened by -- we were there.
 7 That was our contracts -- by our teams.
 8 And THUNDER HORSE, I wasn't on
 9 site firsthand; DD1, I was. So we -- so my
 10 feeling is that, quite frankly, external
 11 sources are a far more likely source. But
 12 that is my opinion.
 13 Q. Now, Transocean didn't have a
 14 model for you to use immediately when you
 15 got there. Did they provide you with any
 16 detailed drawings of the DEEPWATER HORIZON
 17 for you to model the vessel yourself?
 18 MR. SCHONEKAS:
 19 I object to the phrasing of the
 20 question. It misstates the witness'
 21 testimony.
 22 JUDGE ANDERSON:
 23 The question is: Did they give
 24 you any drawings that assisted you?
 25 THE WITNESS:

Page 143

1 Excuse me?
 2 JUDGE ANDERSON:
 3 Did they give you blueprints or
 4 drawings when you arrived to assist you in
 5 doing your job?
 6 THE WITNESS:
 7 Affirmative.
 8 EXAMINATION BY CAPT. NGUYEN:
 9 Q. Did they give you the right
 10 drawings for you to build your own HECSALV
 11 model, the necessary drawings to build your
 12 own HECSALV model?
 13 A. We were given what we requested,
 14 and -- the short answer is I am not
 15 100 percent sure, but they were building
 16 that initial model. So we hadn't asked for
 17 all of the drawings to duplicate that
 18 effort. So the drawings that we asked for,
 19 we received.
 20 Q. So all of the drawings that you
 21 needed for your salvage operation, you
 22 received?
 23 A. Well, these are sequential steps.
 24 What we needed in the initial stages was
 25 general arrangement, basic information. And

Page 144

1 that is what we did receive and that's what
 2 we asked for at this particular part of the
 3 operation.
 4 Q. I understand you asked for certain
 5 things, certain information at certain
 6 stages. Did you receive the information in
 7 a timely manner and the exact information
 8 that you asked for?
 9 A. All of that was reasonable. I
 10 don't remember having a delay for drawings.
 11 In gross terms, I don't have a
 12 recollection of that being an incident.
 13 Whether they came at the exact time or the
 14 exact information, I just don't recall.
 15 Q. Did you receive a copy of the
 16 vessel response plan from Transocean for
 17 DEEPWATER HORIZON?
 18 A. I did not.
 19 Q. Do you usually get that
 20 information in previous responses?
 21 A. I have never gotten a vessel
 22 response plan on any response that we have
 23 gone to, and that vessel response plan is
 24 not detailed information. It's normally
 25 contact information, who to call. So we're
 Page 145

1 already beyond the information that I have
 2 seen in vessel response plans by the time we
 3 get there.
 4 So my experience is that you get
 5 much more detailed information, that you
 6 have already passed that stage by the time
 7 we show up. That is my experience with
 8 that.
 9 Q. Yes, sir. I believe you have a
 10 copy of your salvage plan. Is that right?
 11 Can you describe that document you have in
 12 front of you, sir?
 13 That's the entire document?
 14 A. It appears to be.
 15 JUDGE ANDERSON:
 16 Maybe we could state the title of
 17 that document for the record.
 18 THE WITNESS:
 19 The document is entitled
 20 "Preliminary Salvage Plan, DEEPWATER
 21 HORIZON, Mississippi Canyon Block 252."
 22 EXAMINATION BY CAPT. NGUYEN:
 23 Q. And the date on that, sir?
 24 A. 21st of April, 2010.
 25 Q. Can you describe the content of
 Page 146

1 that document?
 2 A. Yes. It basically starts off with
 3 a very brief narrative and a preamble, which
 4 states very clearly that this is a plan that
 5 is under development and that it's in a very
 6 dynamic situation. And "This is an
 7 introductory guidance document only." That
 8 is the very first bold statement.
 9 It then goes on to briefly
 10 describe the parameters of the DEEPWATER
 11 HORIZON itself, the physical rig. It does
 12 talk about the present situation that she is
 13 involved in.
 14 It talks about that SMIT is
 15 contracted to salvage the rig. And
 16 basically, it comes down to saying that the
 17 first step is to close the -- to secure the
 18 well, that the primary goal is to control
 19 the gas release from the well by closing the
 20 blowout and utilizing ROVs.
 21 That's really what it says. It's
 22 close the well, and then the next part of
 23 the document to follow.
 24 Q. Did you update this document, or
 25 was this the only salvage plan that was
 Page 147

1 provided by SMIT regarding the DEEPWATER
 2 HORIZON?
 3 A. This was all that was provided.
 4 Q. This document here, did you submit
 5 this document to anybody?
 6 A. To the Coast Guard.
 7 Q. To the Coast Guard?
 8 A. Yes. I think if you look -- it
 9 was given to the Coast Guard, to Transocean
 10 and the Coast Guard.
 11 This was a request from the Coast
 12 Guard. My comment was that we are not up to
 13 having a plan other than we are going to
 14 take the rig to this location. We are going
 15 to come on board with so many people, and
 16 all the rest, which is what it says. But
 17 the first step is to close the well. So the
 18 plan for closing the well was outside of our
 19 scope, which was only to help facilitate, to
 20 make sure that it went on as expeditiously
 21 as possible.
 22 Q. What do you mean by "securing the
 23 well"?
 24 A. It means stop the source of fuel
 25 that was feeding the fire.
 Page 148

1 Q. And the only way of stopping the
 2 source of the fuel to the fire is the
 3 firefighting activity?
 4 A. I believe that that part of it is
 5 necessary to get after it. I am not
 6 comfortable with the play on words, quite
 7 frankly.
 8 I don't know -- it needs to be the
 9 well is closed. At that point, our position
 10 is that we can then pull the rig further.
 11 We could then go on, extinguish further
 12 fires that would likely be on the rig. We
 13 can dewater the rig. We can make it safe,
 14 and then we could bring her up to a draft
 15 where she can then be repaired in the yard.
 16 But all of those things can only occur once
 17 the well is closed.
 18 Q. The reason I keep going over and
 19 over this thing about the intervention on
 20 the BOP is that a well-control activity or a
 21 firefighting activity, is that the e-mail
 22 you sent, that you have in front of you,
 23 sir, it talks about BP -- now, can you read
 24 that e-mail again, please.
 25 A. Certainly.

Page 149

1 "Directions from me to Transocean
 2 rep on-site through Transocean Management.
 3 Our team departed and underway with SEACOR
 4 VANGUARD. RESOLVE PIONEER en route.
 5 In-come team with vessel MISS ADDISON
 6 standing by Fourchon to bring them directly
 7 offshore. BP interfering in getting the ROV
 8 in the water. Working through the issues."
 9 Q. What issues are we talking about?
 10 A. Okay. That I can address.
 11 What had occurred -- and this is
 12 approximately at 1300, 1330 on the 21st --
 13 we were discussing many logistical items
 14 about the rig from the ICS.
 15 We heard the discussion between BP
 16 and Transocean regarding the ROV launching.
 17 It was a surprise to me at that time that
 18 the ROV wasn't approved to be launched, and
 19 it was evidently, from my understanding,
 20 that BP was working on procedures to offer
 21 on how to close the BOP.
 22 Furthermore, there was a
 23 discussion, which I was more comfortable
 24 with in my own area of expertise, which was
 25 with regard to the survivability of the ROV

Page 150

1 boat, to be able to launch the ROV due to
 2 the heat of the fire.
 3 So that meant that one of the
 4 concerns -- there was two things going on:
 5 One were the procedures for the BOP, which I
 6 am not familiar with. You know, I couldn't
 7 comment on that. But the second was the
 8 ability to launch the ROV because of the
 9 safety of the boat, in which case I did have
 10 an opinion and I did speak to Transocean.
 11 What I had said is that we can
 12 protect that boat with other firefighting
 13 assets. We needed to get the ROV in the
 14 water and we needed to get it in quickly and
 15 start the process. And that was what I was
 16 referring to.
 17 Q. My understanding is that
 18 Transocean was -- from Mr. Daun Winslow's
 19 testimony, he was directing the ROV activity
 20 out at the scene. Is that your
 21 understanding, sir?
 22 A. Yes. I believe it was Daun
 23 Winslow.
 24 Q. Okay.
 25 A. He had some other persons with

Page 151

1 him, but he was certainly the contact
 2 person. And during the evening, there were
 3 Oceaneering people that were flown out, and
 4 there were other activities.
 5 The way it was always presented to
 6 me at Transocean when we arrived there was
 7 "BP is handling the well and we are handling
 8 the rig."
 9 So I can't comment on what other
 10 information Daun Winslow may or may not have
 11 been getting, but certainly, we were in
 12 contact with him.
 13 Q. What was Daun Winslow doing with
 14 ROV and -- so it is to shut off the fuel to
 15 the fire. Is that right?
 16 A. That was the objective.
 17 Q. So it was a firefighting effort?
 18 A. I miss the point on that. We
 19 needed to close the well.
 20 Q. And that is what I am trying to
 21 get clear here. You know, was there a
 22 bridging document -- and you may not be able
 23 to answer it. You know, BP and Transocean
 24 may come in and say whether there is a
 25 bridging document that says, in the event of

Page 152

1 this happens, you know, who has the lead on
 2 the intervention on the blowout preventer.
 3 I haven't seen that yet.
 4 Mr. Daun Winslow was directing the
 5 firefighting effort out there. Do you know
 6 whether Mr. Daun Winslow relieved the master
 7 of the vessel of the responsibility for
 8 firefighting out there?
 9 A. I have no knowledge about any of
 10 those items that you just referred to.
 11 Q. Did you have any conversation or
 12 any of your people from SMIT have any
 13 conversation with Captain Kuchta?
 14 A. No, we did not.
 15 Q. The only ones you had discussion
 16 with was Mr. McKechnie and Mr. Daun Winslow;
 17 is that correct, sir?
 18 A. Yes. And my discussions with
 19 Mr. Winslow were always with Mr. McKechnie
 20 or the Transocean team.
 21 Q. In your previous experience as a
 22 salvor, do you interact with the vessel
 23 master? Because, presumably, the vessel
 24 master knows the configuration of his
 25 vessel. He knows the status of his vessel.
 Page 153

1 Do you have any interaction with a vessel
 2 master in your previous experience?
 3 A. Yes. Very common. That is very
 4 common, very common, to deal with the vessel
 5 master.
 6 Q. Why was that not the case with the
 7 DEEPWATER HORIZON? You say you had no
 8 interaction with Captain Kuchta.
 9 A. I don't -- at that time, I didn't
 10 know if he was one of the ones missing even.
 11 I had no knowledge about that.
 12 Q. You didn't ask where the vessel
 13 master was? Because in previous cases, it
 14 was common for you to deal with the vessel
 15 master.
 16 A. I did not ask.
 17 Q. So the plan you have there has no
 18 firefighting component in it; is that
 19 correct?
 20 A. That's correct. We were there to
 21 save the rig in its entirety, whatever.
 22 Q. Were any of these items in the
 23 preliminary salvage plan executed?
 24 A. No. Item one was to close the
 25 BOP, so that answer is no. But we mobilized
 Page 154

1 significant resources. We had people
 2 on-site. We had backup teams in.
 3 So there were a lot of activities
 4 that went on, but as far as what the plan
 5 was, step one was never executed.
 6 Q. Did the Coast Guard approve this
 7 document?
 8 A. It went to them at 2000 in the
 9 evening. At about 2130, I left for a few
 10 hours. I came back at 0400 and I don't
 11 know -- this was a preliminary plan. We
 12 were going to build up more of the plan the
 13 next morning, and that's when everything had
 14 deteriorated.
 15 So I don't know if it was approved
 16 or not. I couldn't even comment on that.
 17 Q. And was it your understanding you
 18 could not proceed without a Coast
 19 Guard-approved plan?
 20 A. I wouldn't agree to that. I don't
 21 know what --
 22 Q. You can mobilize resources, but in
 23 terms of action, don't you have to get your
 24 salvage plan approved by the Coast Guard?
 25 A. Coast Guard were at Transocean
 Page 155

1 with us. We were not in a position to
 2 implement anything until the well was
 3 closed. So once the well was closed, then
 4 we could go further. So we were in those
 5 early stages. So the short answer is we
 6 weren't that far along yet.
 7 Q. But you were not taking any other
 8 action until the well is secured. Was that
 9 the -- with the approval -- that particular
 10 step, that first step, was that ever
 11 approved by the Coast Guard?
 12 A. I mentioned before I don't know if
 13 it was approved or not.
 14 Q. So do you know who was responsible
 15 for the overall coordination of firefighting
 16 efforts out at the scene?
 17 MR. SIAHATGAR:
 18 At what time?
 19 THE WITNESS:
 20 Can you repeat the question?
 21 EXAMINATION BY CAPT. NGUYEN:
 22 Q. In your previous experience, who
 23 was in charge of the overall coordination of
 24 the firefighting effort?
 25 A. Previous experience, meaning not
 Page 156

1 the DEEPWATER HORIZON?
 2 Q. Yes, sir.
 3 But you have a vessel on fire.
 4 Who has the overall coordination of the
 5 firefighting effort?
 6 A. That would be the salvage master
 7 on-site.
 8 Q. The salvage master on-site?
 9 A. That's the way that you
 10 normally -- yes.
 11 Q. Not the vessel master? For the
 12 overall coordination.
 13 A. It depends very clearly on the
 14 situation. You know, we will go to vessels
 15 that have been abandoned, for instance. In
 16 that case, there may not be a master there.
 17 Other times, we will show up to a vessel
 18 that's alongside the pier. So there are
 19 very, very different types of situations.
 20 Typically, the salvage master is
 21 in charge of the operation. However, if the
 22 captain is there and he maintains command of
 23 his vessel, which will be contractually
 24 determined, then it could be the captain.
 25 Q. So did SMIT ever assume the

Page 157

1 overall coordination of the firefighting
 2 effort from the master of the vessel?
 3 A. For the DEEPWATER HORIZON?
 4 Q. Yes, sir.
 5 A. No.
 6 Q. Did you know if Mr. Winslow
 7 assumed the overall coordination of the
 8 firefighting effort from Captain Kuchta?
 9 A. I don't know the answer to your
 10 question.
 11 Q. But you were aware that
 12 Mr. Winslow was directing firefighting
 13 activities at the scene?
 14 A. Yes. I didn't know that the
 15 captain was out there.
 16 Can you repeat the question that
 17 you asked me prior to Mr. Winslow relieving
 18 from the captain? You had asked something
 19 about --
 20 Q. Yes, sir. In previous
 21 experiences, did you ever deal with a
 22 burning vessel?
 23 A. Certainly.
 24 Q. You have.
 25 Who initially has the overall

Page 158

1 coordination for the firefighting effort?
 2 A. I was referring to the question --
 3 there was a question in between those two.
 4 I think you had one question in the middle
 5 there which I answered quickly and I wanted
 6 to --
 7 (Previous testimony was read back.)
 8 EXAMINATION BY CAPT. NGUYEN:
 9 Q. Did you have a qualified fire
 10 officer on your team, sir? Your team
 11 responding to the DEEPWATER HORIZON, do you
 12 have a qualified fire officer?
 13 A. I don't know what a qualified fire
 14 officer would be. Yeah, I don't believe
 15 there is a definition for that.
 16 Q. Okay.
 17 A. That I know of anyway.
 18 Q. If it is in port, you have a fire
 19 marshal. Is there somebody on your team
 20 with the same qualifications as the fire
 21 marshal in port?
 22 A. This opens up a very long
 23 discussion on this point, and the answer is
 24 we do have professional firefighters on our
 25 team. In this particular case, we did have

Page 159

1 one on-site with us, yes.
 2 Q. What was his qualification?
 3 A. He is an instructor at Falck
 4 Alford, which is an oil well firefighting
 5 training facility.
 6 Q. Does he have any marine
 7 firefighting experience?
 8 A. We bring marine firefighting
 9 experience to the table. These things are
 10 conglomerate efforts that you need to --
 11 that's why I preambled it by saying this is
 12 a complicated area that we are getting into
 13 here.
 14 My own view is that the task of
 15 capturing what you are trying to capture is
 16 very, very difficult. The salvage master
 17 will go with a host of experiences,
 18 including salvage, firefighting, stability
 19 issues. All of these things that he needs
 20 in his team, people advising him about the
 21 details of the fire, and that person has to
 22 be an advisor. And so that is the way that
 23 I think an effective firefighting response
 24 is brought to bear.
 25 Q. You say yourself that you are not

Page 160

1 a marine firefighter. Is that correct, sir?
 2 Are you a firefighter?
 3 A. Can you define "marine
 4 firefighter"? I mean, in my experience --
 5 Q. Are you qualified to lead a marine
 6 firefighting effort?
 7 A. I think I am, yes. At the same
 8 time, I say that with the support of a
 9 proper team, and that this is key to what
 10 needs to be addressed. I certainly have
 11 been involved in command of numerous
 12 firefighting exercises with a professional
 13 team under my command.
 14 Q. Okay.
 15 A. So there's a lot to the question.
 16 So without getting into it, I'll leave it at
 17 that.
 18 Q. Well, we have a very catastrophic
 19 casualty here, and we try to, you know, not
 20 only determine the cost, but try to, you
 21 know, obtain information that prevents
 22 something like this from happening in the
 23 future.
 24 You know, your answer is a very
 25 complicated situation. Some of the

Page 161

1 testimony that we have received from you so
 2 far paint a picture of things are not
 3 what -- the average person like me would
 4 expect that it's a very complex operation.
 5 We have plans in place.
 6 We have -- things are clearly
 7 defined in terms of relationship, in terms
 8 of how we are going to execute, what we are
 9 going to have when something happens. And I
 10 am seeing these gaps, and that is what I am
 11 asking about. As fire officer, if it is not
 12 clearly defined, what that qualification is.
 13 Your opinion is that it is a team
 14 thing, and if the plans say a qualified
 15 firefighting officer, that's two totally
 16 different understandings.
 17 We don't want to come to -- you
 18 know, just like the ROV intervention on the
 19 BOP, that we have a discussion whether it is
 20 a firefighting activity or is it a
 21 well-control activity. We want to make sure
 22 that everything is clearly identified and
 23 laid out before something like this happen.
 24 So these are the areas that we try
 25 to go into, and a complicated issue. It

Page 162

1 doesn't make me feel very comfortable that
 2 we are ready for the next one. That's what
 3 I'm saying.
 4 MR. KOHNKE:
 5 Captain, I object.
 6 CAPT. NGUYEN:
 7 I know. It is editorial. I
 8 understand.
 9 MR. KOHNKE:
 10 Well, with principle, you left out
 11 the Coast Guard's role. You were out there
 12 monitoring and assisting, and that is where
 13 the filling in should have been. So you
 14 haven't given the witness that bit of
 15 information.
 16 JUDGE ANDERSON:
 17 Can we continue with the
 18 questions? And we did just have a Coast
 19 Guard witness testify as to what they were
 20 doing and not doing.
 21 EXAMINATION BY CAPT. NGUYEN:
 22 Q. Are you aware of any hull or
 23 structural failures during the casualty?
 24 A. Can you repeat the question,
 25 please?

Page 163

1 Q. Yes, sir. Are you aware of any
 2 hull or structural failures as a result of
 3 the fire or explosion? Was there any report
 4 of a structural failure on the DEEPWATER
 5 HORIZON?
 6 A. Yes, there was.
 7 Q. What were they?
 8 A. Well, from the pictures and the
 9 descriptions in the deck box around the
 10 stern, I believe if you look at the exhaust
 11 manifolds, you can see that they are no
 12 longer aligned. So it appeared that there
 13 was a significant deterioration and failure
 14 at that point.
 15 They also had a number of fires in
 16 the water coming out from the stern. Where
 17 that may have been generated from off of the
 18 stern of the vessel may have been through
 19 structural failures as well. That is
 20 speculative, but there are indicators there
 21 that there is something wrong. And the
 22 visual is the rig was no longer straight.
 23 This was one of the issues which I
 24 believe was the case when you would try to
 25 check visual references against the drafts.

Page 164

1 They were all not correct.
 2 This is one of the reasons why I
 3 talked about inconsistent information.
 4 Someone would say we could see a bumper or
 5 something here, and you would try to find
 6 out, and they would say they were looking at
 7 a list of -- it just didn't match. So I
 8 believe that there was deformation at the
 9 rig.
 10 Q. Do you know if either of the
 11 pontoons were damaged?
 12 A. I don't know.
 13 Q. Do you know if any of the columns
 14 were damaged?
 15 A. I don't know.
 16 Q. Do you know if water provided to
 17 the main deck entered the hull?
 18 A. I don't know.
 19 Q. Do you know if the deck drainage
 20 system drains into the hull?
 21 A. I was told that that was the case.
 22 I don't know that definitively.
 23 Q. If so, why would it? Why would
 24 the drainage system drain into the hull?
 25 A. I understood it was a

Page 165

1 zero-discharge pollution measure so that
 2 rainwater wouldn't go over the side. But
 3 again, that is what I was told.
 4 Q. Do you know -- were you told
 5 whether the deck drainage system was open?
 6 A. No, I wasn't told.
 7 Q. Did the derrick collapse?
 8 A. We were told that it had collapsed
 9 and laid over to the starboard side, which
 10 adds to the concern about the starboard list
 11 and potential for items to go through the
 12 pontoon on the starboard side and the whole
 13 sequence of events. The derrick is one
 14 indicator, and it was reported to be laying
 15 over on the starboard side.
 16 Q. Do you know exactly what time the
 17 DEEPWATER HORIZON began to list?
 18 A. I don't know.
 19 Q. Do you know whether it ever
 20 leveled off at the water surface?
 21 A. I don't know that.
 22 Q. If it did level off at the water
 23 surface, what would cause the leveling off?
 24 Can you --
 25 A. I have answers for you, but please

Page 166

1 tell me where you think that this may have
 2 occurred and I can --
 3 Q. No, this is just general
 4 information here, background based on your
 5 experience. The vessel was -- that the MODU
 6 was listing over. If it was to come back up
 7 and level off, what would cause that to
 8 happen?
 9 A. All I can speak to is general
 10 information because I can't comment about
 11 the DEEPWATER HORIZON.
 12 Q. Sure.
 13 A. This is one of the reasons why I
 14 personally don't believe that downflooding
 15 was the contributing factor.
 16 If you look at all of the things
 17 that we have all looked at, come 9 o'clock
 18 when that rig was sitting in this position
 19 for a long time and she started to go, we
 20 heard the large explosions, and then by
 21 10:20, she was gone, if it was a matter of
 22 continual downflooding, you will find that
 23 you will have a large reaction early because
 24 you're in the water plane for the columns.
 25 In fact, if the deck box is going

Page 167

1 in, you may start to find that you're
 2 leveling out because you're increasing your
 3 water plane.
 4 But none of those things ever
 5 occurred, based on my knowledge, based on
 6 what I've seen. So it's -- you know, we're
 7 in a situation where I am uncomfortable to
 8 speculate. But at the same time, outside
 9 the details of what went on in a situation
 10 like that, if you submerge a hull, that's
 11 what you expect.
 12 Q. Do you know that the DEEPWATER
 13 HORIZON capsized?
 14 A. I don't know. I mean --
 15 Q. It listed, and then it's --
 16 A. Oh, I understand the question. I
 17 understand subsequently that it's on the
 18 bottom, upside down, but I don't know that
 19 through anything during the period of
 20 this -- that we're talking about now.
 21 Q. Yes, sir.
 22 A. Or subsequently -- and I don't
 23 know that 100 percent either, but that's
 24 what I believe to be the case.
 25 Q. After the sinking of the hull, did

Page 168

1 SMIT stay on location?
 2 A. We left fairly quickly. We felt
 3 that our part was finished.
 4 And we were then asked to remain
 5 on-site for a little bit longer and we did.
 6 But, quite frankly, as salvors, our role had
 7 ended, and we were all disappointed.
 8 We were asked to stay. And many
 9 of us, looking back, forgot that there was
 10 about a 24-hour period when there was no oil
 11 spill associated with the sinking. So we
 12 had stayed there for a little while, and
 13 everything was -- appeared okay, and then we
 14 left. It wasn't -- at that one-day gap in
 15 between. It was -- we forget that now.
 16 Q. As part of your contract, were you
 17 required to submit, I guess, an action
 18 report to Transocean?
 19 A. An action report? We supplied
 20 daily reports --
 21 Q. Yes, sir.
 22 A. -- which is, at that point,
 23 referred to as an action report.
 24 Q. But at the end of your
 25 involvement, were you required to document

Page 169

1 everything that you were involved in and any
 2 lesson learned that you --
 3 A. We were not.
 4 Q. How about the internal SMIT
 5 process? Do you review a particular
 6 operation to see if any lessons learned for
 7 the future --
 8 A. We had a roundtable discussion
 9 about that.
 10 Q. But it is not a practice to
 11 document for future reference or anything?
 12 A. I think -- we did not in this case
 13 have a document for lessons learned. We did
 14 have a discussion about it, and amongst
 15 quite a number of us.
 16 Q. How do you decide whether or not
 17 to document a response in terms of lessons
 18 learned? Do you just --
 19 A. Is that --
 20 Q. After your informal discussion, is
 21 it your practice to decide if it needs to be
 22 documented and you document it; if you
 23 didn't, then you don't? How does that work?
 24 A. We typically will do a critique,
 25 but they don't necessarily occur immediately

Page 170

1 thereafter. As the process is still going
 2 on, our critique will be finished in due
 3 course. At the moment, it has only been a
 4 discussion.
 5 It was a very short period of time
 6 that this was involved with, and as we had
 7 mentioned, it was really, the well had to be
 8 secured. So from our perspective, we had
 9 not to make -- from our perspective, we had
 10 an excellent response, and we were very
 11 happy with the way we responded to the
 12 incident.
 13 We couldn't control the well, and
 14 that was unfortunate. But our view of it is
 15 that we took very, very positive steps.
 16 Q. Yes, sir.
 17 In enhancing the safety of
 18 offshore gas and oil exploration and
 19 production, do you have any recommendations
 20 for the board? I know we asked -- I asked a
 21 lot of questions about preparedness in terms
 22 of ready availability of plans and models
 23 and, you know, contracts in place so that we
 24 can execute, you know, clear -- you know, a
 25 bridging document between the lease

Page 171

1 operators and the vessel operator and how,
 2 you know, to deal with the ROV intervention
 3 on the BOP, whether it is a -- you know,
 4 these type of questions that I have been
 5 asking you. What I am trying to get to is
 6 the preparedness, you know, for response.
 7 Do you have any recommendations in
 8 that regard, sir?
 9 A. Probably nothing that fits within
 10 a reasonable time frame with a short,
 11 concise answer. So I think that my comment
 12 would just be that I am not a proponent of a
 13 lot of regulations. I like clear, direct,
 14 concise regulations. That's my comment.
 15 CAPT. NGUYEN:
 16 Thank you, Mr. Martin. I don't
 17 have any further questions at this time.
 18 THE WITNESS:
 19 Thank you, Captain Nguyen.
 20 JUDGE ANDERSON:
 21 Mr. Mathews.
 22 MR. MATHEWS:
 23 I have a few questions.
 24 EXAMINATION BY MR. MATHEWS:
 25 Q. Earlier you mentioned salvage of

Page 172

1 the DD1. Do you recall that?
 2 A. Yes.
 3 Q. When and where was that?
 4 A. It was one of the posthurricane --
 5 I think it was Hurricane Rita.
 6 Q. I want to move on now to when you
 7 arrived at Transocean's office in Houston.
 8 I believe you said you tried to contact
 9 Commander Elliott at 8 o'clock and then a
 10 Commander Stanton a little thereafter. I
 11 think you said you were not able to make the
 12 next link.
 13 Were you able to make any contact
 14 with Commander Stanton?
 15 A. No. I spoke with Commander
 16 Elliott, and I think it was about 9 o'clock
 17 actually that I spoke with -- and it was
 18 8 o'clock that we were dealing with the
 19 downflooding.
 20 But I did not reach Commander
 21 Stanton. I spoke to a secretary or a
 22 woman -- I did speak to a live body who said
 23 that he was out of the office.
 24 Q. Did anyone, after that message you
 25 left with the secretary, from the United

Page 173

1 States Coast Guard contact you or SMIT?
 2 A. No. But we were in direct contact
 3 with the Coast Guard representatives that
 4 were at Transocean. So Coast Guard had sent
 5 a staff person to Transocean. So there was
 6 a direct communication with the Coast Guard.
 7 Q. When did they arrive?
 8 A. I don't recall. It was in the
 9 morning of the 21st.
 10 Q. Do you know if they had an actual
 11 incident command structure in place at
 12 Transocean?
 13 A. I am not sure --
 14 Q. Just to make the question clear, I
 15 would like to give you this document here.
 16 A. That would be helpful.
 17 Q. I will give you the Bates number,
 18 for those in the audience. It's Bates
 19 BP-HZN-MBI 00001364. This is pulled from
 20 the vessel response plan, and it is pretty
 21 much a section that goes over the
 22 shore-based response activities in regards
 23 to any type of incident.
 24 There are two volumes in
 25 Transocean's emergency response. Volume 1

Page 174

1 is solely responsible for those that are on
 2 the rig, and Volume 2 is for those onshore.
 3 This is a unified command structure that was
 4 approved in their plan.
 5 I believe earlier in some
 6 questioning you were asked about who was
 7 enrolled in the responsibility for
 8 coordinating -- and I know you don't like
 9 the word "firefighting," but firefighting
 10 and/or well-control scenario, and you said
 11 that the salvage master on-site would
 12 then -- would have coordinated that event.
 13 Is that correct, sir?
 14 A. Not exactly. The question was, on
 15 a fire existing on the DEEPWATER HORIZON,
 16 who would be in charge, and that answer was
 17 the salvage master.
 18 With regard to your question,
 19 which is, I think, now a few questions,
 20 first I would like to comment about this
 21 organogram. I would say, without being
 22 involved with all of the aspects, there was
 23 a incident command structure in place at the
 24 Park 10 office where I was. Is it this
 25 exact structure? That I couldn't comment

Page 175

1 on, but they were working together in an
 2 incident command style.
 3 Q. Who did SMIT report to in your
 4 structure that you participated in?
 5 A. We were talking directly to Bob
 6 McKechnie, and which would be -- I assume
 7 that would be operations and some planning.
 8 Q. My question is, you said the Coast
 9 Guard was at Park 10; is that correct?
 10 A. There was a Coast Guard officer at
 11 Park 10.
 12 Q. At the very top of that chart is a
 13 specific title called "IC, Federal OSC,
 14 State OSC."
 15 To your recollection, was there
 16 any person in charge at the federal or state
 17 level in the unified command structure at
 18 Transocean's office?
 19 A. What I -- no. I think that I --
 20 to answer your question, I don't know.
 21 There was a complicated incident
 22 command structure in place because BP was
 23 running with a command structure parallel,
 24 and they were linked by an open phone line
 25 between the two. So I don't know that -- I

Page 176

1 don't know how the two -- I don't know.
 2 Q. That's my follow-up question. We
 3 know that there was an incident command at
 4 BP. Were you involved at any time with the
 5 merger of the incident command between
 6 Transocean and BP?
 7 A. I was aware of it. I certainly
 8 overheard discussions between the two. The
 9 room was open and I was there. But I don't
 10 know that -- that is my answer. It did
 11 exist.
 12 Q. And once they did merge, who then
 13 was either the state or the federal OSC?
 14 A. I don't know.
 15 Q. Do you know who the operations
 16 section person would have been identified as
 17 either between BP or Transocean that you
 18 directly reported to once they merged?
 19 A. There was a guy in the incident
 20 command center -- I don't remember his
 21 name -- who sat there and who ran the
 22 open-line communications back and forth.
 23 I am not familiar enough with this
 24 structure as the people are to comment in
 25 detail about it. There was a flow of

Page 177

1 information that ran through there.
 2 The other thing that I have
 3 usually seen -- and this may or may not be
 4 the case with this one. Normally, there is
 5 a preamble that says, "This is
 6 representative of how a response will go,"
 7 and these organograms are most effective by
 8 being adjusted to the case.
 9 So I am very, very reluctant to
 10 take the one-page-at-a-time case and even
 11 make an opinion of it because that's not
 12 normally the way they work from my
 13 experience.
 14 Q. And you are absolutely correct. I
 15 mean, they are broken down by section
 16 further on, and they go into much more
 17 detail. That was just a general snapshot of
 18 the actual plan that was approved and in
 19 place at Transocean.
 20 A. My comment would be that I saw an
 21 incident command structure in place, but I
 22 don't know how it had been adjusted to adapt
 23 to that situation because I didn't know what
 24 the original was and the rest, but they were
 25 operating under a modified -- and maybe even

Page 178

1 exactly this. I don't know the answer.
 2 Q. Just to get my understanding of
 3 how SMIT operates within that command center
 4 structure, I believe earlier you testified
 5 to the fact that you said, when there was a
 6 discussion going on about hot-stabbing with
 7 the ROV and the limits that the possible OSV
 8 would have with the heat, I think you said
 9 that we can protect it with other boats.
 10 Whose other boats were you going to be
 11 using? Were you using SMIT assets? Were
 12 you using SMIT personnel on scene?
 13 A. We were only making
 14 recommendations. We didn't have any boats.
 15 I didn't even know what boats were out
 16 there.
 17 At this point, I knew that there
 18 was boats they were putting excess -- they
 19 were putting water and not excess. It was
 20 just water that was being dumped, but there
 21 was excess water capacity out there, and
 22 that excess water capacity could have been
 23 redirected. I didn't know the details of
 24 where that went.
 25 MR. MATHEWS:

Page 179

1 Thank you. I have no further
 2 questions.
 3 EXAMINATION BY MR. McCARROLL:
 4 Q. I have one question. You said
 5 that BP was interfering. Could you define
 6 "interfering"? Were they actually telling
 7 you to stop or threatening you? I mean, can
 8 you just clarify the word? It seems like
 9 it's pretty vague.
 10 A. Yes, certainly. I mean, the
 11 message was an internal to -- amongst our
 12 own, which is just, you know, obviously
 13 here, and I don't have any problem
 14 describing it. But what I was referring to
 15 was that they -- what I had heard was a
 16 discussion regarding calculations for the
 17 heat onto the boat that was to launch the
 18 ROV and whether or not it would be safe to
 19 launch the ROV due to the sustainable heat
 20 load that would be on the boat during this
 21 period.
 22 This was one of the issues that
 23 appeared to me that was delaying or slowing
 24 down the process. There was procedures that
 25 were in place, and I felt that the ROV

Page 180

1 needed to get in the water as quickly as
 2 possible.
 3 The reason that I say -- the
 4 reason that I have an opinion about that is
 5 because, as I commented earlier about the
 6 feeling of the HECSALV or some of the
 7 models, which I am a strong supporter of
 8 engineering along these lines. Not to go
 9 off track of events, but you have to have
 10 real data to base engineering on. That's
 11 why, in lack of that, it's important to have
 12 experience until you can start to bring the
 13 two together as they come.
 14 So, in this instance, when they
 15 wanted to calculate the heat load on the
 16 boat, I asked, "How do you know how hot the
 17 fire is?" I have a hard time imagining data
 18 to be available at that moment in time to do
 19 that calculation. This is why I suggested
 20 let's just keep the boat cool and using
 21 commonsense tools, get the ROV into the
 22 water.
 23 Q. So they were asking you to come up
 24 with some analytical tool or something to
 25 calculate that or what?

Page 181

1 A. No. It wasn't us they were
 2 asking. This was going on. It was apparent
 3 that BP was doing those calculations in the
 4 incident command center that we weren't at.
 5 And when -- and it was delaying --
 6 delayed. It was part of the process to get
 7 an approval. I felt at that time that that
 8 step of the process could be expedited,
 9 because this was a matter of urgency to get
 10 the ROV in the water, by not going down that
 11 road of calculating that. To me it didn't
 12 make sense. And that was the interference
 13 that I was referring to.
 14 Q. What kind of approval were you
 15 looking for? Approval from BP to launch the
 16 ROV or approval from the Coast Guard or
 17 what?
 18 A. From my understanding -- and this
 19 was -- again, I was on the periphery on
 20 this. This wasn't why I was there.
 21 And at that point, the way it was
 22 described was it was BP was not permitting
 23 the launch of the ROV at that time. They
 24 were still waiting for the process for
 25 approval.

Page 182

1 Q. I think I have asked you this
 2 once, but I'll just repeat it. They were
 3 waiting for approval from whom, BP?
 4 A. No. BP weren't going to issue the
 5 approval.
 6 Q. Oh, they weren't going to give you
 7 the approval and they weren't going to
 8 give --
 9 A. It wasn't to us, it was to the ROV
 10 boat.
 11 Q. Okay.
 12 A. It was open line. I was --
 13 Q. So BP weren't going to give
 14 approval to the ROV boat to launch because
 15 they hadn't made these calculations yet?
 16 A. Not that they weren't going to,
 17 they hadn't yet done it. And so why haven't
 18 we gotten the approval to launch the boat?
 19 There were calculations going on
 20 for heat load. There were procedures that
 21 were being developed and being reviewed and
 22 going through committee and being looked at,
 23 and then to go out to the boat.
 24 So I am a practical person. When
 25 we spoke to the men on the ROV boat, we

Page 183

1 said, "Do you know what to do?" and they
 2 said, "We know exactly what to do," I felt
 3 that we need to streamline this process.
 4 And that was all I was saying, is
 5 that streamlining, I wasn't given direction
 6 how. I only said that we're working through
 7 the issues to try to get the ROV in the
 8 water because that was the only key to --
 9 that was the only key to success from my
 10 viewpoint.
 11 Q. And the ROV boat was working for
 12 you or --
 13 A. Negative. It was -- it was not
 14 working for us. This is why I was only, at
 15 that point, giving my opinion to the people
 16 that we --
 17 Q. So the ROV boat was probably
 18 working for BP?
 19 A. I would -- I believe that that is
 20 probably why they had the ability to tell
 21 the boat to launch or not. That would be an
 22 assumption.
 23 EXAMINATION BY CAPT. HIGGINS:
 24 Q. Sir, my understanding from your
 25 testimony is that the first step to

Page 184

1 firefighting was to secure the fuel source.
 2 Is that correct?
 3 A. That's correct, yes.
 4 Q. Who was responsible for securing
 5 the fuel source, in your understanding?
 6 A. My understanding, as it was
 7 described to me when we arrived, is BP would
 8 take care of the well; Transocean the rig.
 9 And to my understanding, that is a subsea
 10 component.
 11 Q. So the first step in the fire
 12 response process was to secure the well, and
 13 that was the responsibility of BP; is that
 14 correct?
 15 A. I don't know that I am the one to
 16 comment on that. This is what I was told,
 17 which was not -- it was just told to me that
 18 this is the way it was divided: "BP takes
 19 care of the well; we take care of the rig."
 20 I can only interpret it the same as you.
 21 Q. And as your response in the
 22 salvage, though, the first step was to
 23 secure the fuel source?
 24 A. This is why I was so adamant to be
 25 involved with getting the ROV boat -- to

Page 185

1 launch the ROV. Because when that couldn't
 2 happen, we couldn't -- it couldn't ever be
 3 successful until, at least, the ROV got in
 4 the water.
 5 Q. So once we have secured the fuel
 6 flow, the next is then we won't need to
 7 direct the firefighting efforts on the rig
 8 itself; is that right?
 9 A. At that point, the fire is going
 10 to be virtually -- is, you know,
 11 disappearing by itself. The fuel source
 12 will be done. You can -- you actually have
 13 time on your side. You now needed to regain
 14 buoyancy is what you needed to do. So you
 15 just need to get on board and begin to gain
 16 freeboard.
 17 There was nothing left on the rig
 18 to burn after you saw that immense fire.
 19 After you shut the fuel off, there was going
 20 to be maybe some cooling. Probably you
 21 needed protective equipment because there
 22 would be low-oxygen areas. There would be
 23 heat, so it needed to be made palatable to
 24 be able to go into the spots. But the
 25 firefighting aspect of this was really a

Page 186

1 minor component of something that looks
 2 huge. I know that's a -- anyway.
 3 Q. From your perspective, when you
 4 arrived at the incident command post, who
 5 was directing the firefighting effort on
 6 scene? Do you know who was directing the
 7 firefighting?
 8 A. My feeling -- I don't know.
 9 Q. Who did Mr. McKechnie communicate
 10 with that was directing the firefighting
 11 efforts on the scene?
 12 A. This was hours after we arrived.
 13 The first question was when we arrived.
 14 Later we -- Daun Winslow was identified as
 15 being a guy that could be reached out to.
 16 So as a person in a great spot or an
 17 unfortunate spot, depending on how you
 18 looked at it, he was the guy who could be
 19 reached out to and contacted. So that's why
 20 he was. It was a matter of what link you
 21 could make, and he was available.
 22 Q. So was it your perspective that he
 23 was the one directing on scene?
 24 A. We asked Daun Winslow to put the
 25 word out to the boats there. So at that

Page 187

1 point, we certainly were hoping that he
 2 would.
 3 Q. SMIT was not responsible for the
 4 firefighting effort or the well closure
 5 effort, correct?
 6 A. We would have been responsible for
 7 all of the activities once the well was
 8 closed.
 9 Q. So because we never got the well
 10 to that stage before the vessel sank, SMIT's
 11 responsibility really didn't come into play
 12 in the salvage; is that correct?
 13 A. We certainly were -- I mean, when
 14 you have an incident like that, you are
 15 there and you are a large participant in it,
 16 but we did not have control of the first
 17 step, which was to close the BOP or secure
 18 the well.
 19 Q. And you also said you didn't --
 20 you weren't the ones directing the
 21 firefighting effort either, correct?
 22 A. There's only one response in my
 23 opinion, and so the one response is to the
 24 deal. So we were advising to avoid
 25 downflooding. When our boat was there and

Page 188

1 we had people on-site, we also made sure
 2 that they minimized the risk of
 3 downflooding, cooling this as much as
 4 possible, and that was the role that we
 5 played at that time.
 6 CAPT. HIGGINS:
 7 Thank you, sir.
 8 THE WITNESS:
 9 Thank you.
 10 EXAMINATION BY MR. DYKES:
 11 Q. Mr. Martin, I want to go back to
 12 your e-mail with respect to the ROV in the
 13 water. Was this the first attempt to get an
 14 ROV in the water for the well-control
 15 intervention?
 16 A. It was.
 17 Q. It was?
 18 You are not aware of any other ROV
 19 activity prior to this one that occurred
 20 sometime after 3:01 p.m. on the 21st?
 21 A. No, that is correct. To the best
 22 of my knowledge, the ROV launched around
 23 1600, where it could have been as late as
 24 1800. At 1800, from my recollection, the
 25 ROV was at the BOP stack.

Page 189

1 And I think that there are plenty
 2 of logs around that could give the times,
 3 but that's approximately the time frame. It
 4 certainly wasn't 8 o'clock in the morning or
 5 noon.
 6 Q. And you felt that one way you
 7 could mitigate the issue with the radiant
 8 heat calculations was just to go ahead and
 9 put a monitor on that vessel to cool that
 10 vessel?
 11 A. I think it had to be monitored as
 12 that was occurring. For instance, you know,
 13 we --
 14 Q. I am talking about the ROV vessel.
 15 A. I understand.
 16 What we often do when you are
 17 working with unknowns is you work slowly.
 18 So you ask the captain, "Bring your boat in
 19 slowly towards the" -- and we are cooling
 20 it. Look at your paint. Look at your
 21 steaming. Look at -- you can touch the
 22 side.
 23 Then, all of a sudden, we are at
 24 the location of the well, and we can launch,
 25 or we are at a position where the ROV is

Page 190

1 close enough to go. So, yes, I think the
 2 idea was to start cautiously, not to say you
 3 can be on that spot, but to be on the path.
 4 MR. DYKES:
 5 Thank you.
 6 EXAMINATION BY CAPT. NGUYEN:
 7 Q. I just have one follow-up
 8 question.
 9 Now, waiting for the well to be
 10 secure, was there any other action that you
 11 were contemplating in terms of getting the
 12 rig away from the fuel source? For example,
 13 I understand you had a couple of
 14 anchor-handling boats out there. Could you
 15 have put a -- connected two links of chain
 16 together and grabbed around the rig above
 17 the pontoon and yanked the rig away from the
 18 fuel source? Was there any action
 19 contemplated in saving the vessel?
 20 A. Not the action you described. But
 21 the opportunity to save the vessel would
 22 have required taking it off by some manner,
 23 whether it be cut the riser, whether it's
 24 pulling it off. There is some mechanism to
 25 do that.

Page 191

1 Quite frankly, if you have a well
 2 blowing like that, and you know the BOP is
 3 not closed, do you make that recommendation
 4 knowing what the environmental impact would
 5 be? I am not a shy guy, but I don't think I
 6 could have made that recommendation.
 7 Q. I understand, but that was
 8 something that was offered to me, you know,
 9 during the course of this investigation. I
 10 just wondered, were there other actions that
 11 you were contemplating to get the vessel
 12 away from the fuel source besides securing
 13 it down there?
 14 A. We certainly would have taken the
 15 rig off by any means possible if the well
 16 was closed. Also as a possibility, which
 17 may have not been -- you don't know
 18 "what-if." That's a dangerous scenario.
 19 But when we went out there, you have to be
 20 prepared for as many eventualities as
 21 possible. We were concerned, if the weather
 22 were not as nice as it was, it's very
 23 unlikely that that riser that was acting as
 24 an anchor would have continued to be able to
 25 do that. So we would have had an

Page 192

1 involuntary release.
 2 Now, what the outcome of that,
 3 nobody knows, but for sure, you want to
 4 control the rig. That is why we came out
 5 with that SEACOR VANGUARD outfitted with
 6 extensive chains, ad hoc rigging
 7 arrangements, and things so that we could
 8 potentially lasso a column, for instance.
 9 JUDGE ANDERSEN:
 10 Should we take a recess before the
 11 flag state questions?
 12 CAPT. NGUYEN:
 13 Yes, sir. Why don't we take a
 14 10-minute break and convene at 11:45.
 15 (Recess.)
 16 JUDGE ANDERSEN:
 17 Marshall Islands?
 18 EXAMINATION BY MR. LINSIN:
 19 Q. My name is Greg Linsin, and I
 20 represent the Marshall Islands, the flag
 21 state for the DEEPWATER HORIZON. The board
 22 received testimony from Daun Winslow, and he
 23 testified the company had a contract with a
 24 company named O'Brien's for salvage and
 25 firefighting. Do you recognize that company
 Page 193

1 name?
 2 A. I do.
 3 Q. He also testified that it was his
 4 understanding, actually, that it was
 5 O'Brien's that had engaged SMIT to become
 6 involved in this incident. Was that the
 7 contractual relationship as best you
 8 understand it?
 9 A. I can offer some guidance to the
 10 relationship between O'Brien and SMIT, not
 11 only just in this case, but in general.
 12 O'Brien is a spill response contractor and
 13 they are not salvors and do not engage
 14 salvors. So that is not accurate.
 15 So we will work often at the same
 16 location, even within the same command
 17 center, but we are two separate entities at
 18 the time of a casualty.
 19 Q. Were there representatives from
 20 O'Brien's at the incident command center as
 21 well?
 22 A. I didn't see any O'Brien's people
 23 where I was, which was at Park 10.
 24 Q. You testified, as I understood it,
 25 that at about 8 o'clock in the morning on
 Page 194

1 April 21st was the first time you had become
 2 concerned about the potential risks from
 3 downflooding. Is that correct?
 4 A. I would say that is correct.
 5 Q. And that you had recommended that
 6 the people on the scene be careful to avoid
 7 downflooding. Do you recollect that?
 8 A. I did recommend that.
 9 Q. What was that advice translated to
 10 for the people at the scene to avoid that
 11 risk?
 12 A. The description that went during
 13 discussions was to apply water to the
 14 columns, to the underside, but not across
 15 and directly onto the deck with heavy flows.
 16 One thing that is important is that salvage
 17 is not to be directed from behind a desk or
 18 from a document. You have to smell it, feel
 19 it, and be there.
 20 Daun Winslow was the man on-site.
 21 So it is a guidance to direct the water to
 22 the deck box and the under columns.
 23 Q. And the water sprayed on this rig,
 24 was it firefighting, or was it to cool the
 25 rig and prevent damage secondary to a fire?
 Page 195

1 A. Structural cooling. You could not
 2 attack that fire with the intention to
 3 extinguish it once you realized that it was
 4 flowing from the well. So that was
 5 structural cooling.
 6 Q. And you would not fight a
 7 petroleum fire with water like that,
 8 correct?
 9 A. Say that again.
 10 Q. Another reason you would not
 11 consider this a firefighting effort is
 12 because you would want to use material other
 13 than water to put out a petroleum fire?
 14 A. I disagree. There is much more
 15 entailed with that. You don't have large
 16 volumes of oil contained as you would in a
 17 tanker where you would have to have other
 18 means of fighting it. In this particular
 19 case, had the well been closed, the residual
 20 fires and stuff would have been handled
 21 reasonably with water and maybe some other
 22 agent for residual oils, but water was the
 23 best medium.
 24 Q. In any event, your advice to the
 25 people on the scene was to try to avoid the
 Page 196

1 deck of the rig and to direct their spray to
 2 the underside and the columns for cooling
 3 purposes; is that correct?
 4 A. As best as possible.
 5 Q. You also testified that you had
 6 received some information about draft
 7 readings or what the typical draft readings
 8 for the rig at this phase of the operations
 9 would have been. Correct?
 10 A. Yes, I did say that.
 11 Q. And you said you were given this
 12 information orally. Did you write it down?
 13 A. It was in the command center.
 14 Q. Do you have that information
 15 available?
 16 A. Twenty-three meters was the
 17 drilling depth. If you look on the drawing,
 18 it was around 20. But it was 23 meters and
 19 roughly 2,000 tons of displacement was some
 20 key parameters that -- that is my
 21 recollection.
 22 Q. And do you remember anything
 23 regarding the information you received about
 24 the ballast configuration of the rig at that
 25 point?

Page 197

1 A. I don't have any specific
 2 recollection about anything unique about it.
 3 I didn't see anything that -- no.
 4 Q. I believe you testified that you
 5 did have with you at the command center on
 6 your team a professional firefighter.
 7 Correct?
 8 A. No. The professional firefighter
 9 was on the SEACOR VANGUARD going to the
 10 site.
 11 Q. Was he a SMIT employee?
 12 A. No.
 13 Q. And who was that professional
 14 firefighter?
 15 A. He was from a company by the name
 16 of Falck Alford.
 17 Q. Falck Alford? And do you know to
 18 whom that person was giving advice regarding
 19 the firefighting effort?
 20 A. He was with our salvage master
 21 on-site and was an advisor to him.
 22 Q. Who was your salvage master
 23 on-site?
 24 A. His name is Jim Waite.
 25 Q. Wade?

Page 198

1 A. Waite.
 2 Q. When did they get on scene?
 3 A. Approximately midnight on the 21st
 4 and the 22nd.
 5 Q. And do you know what advice the
 6 firefighter was giving to your on-scene
 7 salvage master regarding the firefighting
 8 effort?
 9 A. They were giving me advice, and I
 10 would send it forward, and there were green
 11 cards all the way. So everyone was in
 12 agreement. He was not directing. He was
 13 there to advise when we asked him, and we
 14 always would -- we would make sure we were
 15 all seeing the same thing.
 16 So, in gross terms, I would bounce
 17 back what they said and forward it, and so
 18 we could make sure that we were making
 19 decisions as a team.
 20 Q. To whom were those decisions
 21 forwarded?
 22 A. To the salvage master on-site.
 23 Q. And what advice was being given
 24 regarding firefighting operations?
 25 A. Same thing as in the morning.

Page 199

1 Avoid water on the deck. Cool the structure
 2 as best as possible.
 3 Q. I believe I also heard you testify
 4 that based on everything you saw during the
 5 day and a half you were involved in this
 6 incident, that it was your judgment that
 7 downflooding was not a contributing factor,
 8 and I presume from the context of your
 9 response you meant was not a contributing
 10 factor to the loss of this vessel. Is that
 11 your --
 12 A. No, that was not my statement.
 13 What I said was that was not the cause. A
 14 contributory -- all of these things. It was
 15 a blend of circumstances. So if water is
 16 going inside, you are not improving the
 17 situation. Well, maybe you are. It's
 18 evaporating and cooling, but to say that it
 19 wasn't contributory, I couldn't say that it
 20 was or it wasn't. That was not the cause of
 21 the loss of the rig.
 22 Q. It implies to me that there is
 23 something else you do believe was the cause
 24 for the loss of the rig. Can you share that
 25 with us?

Page 200

1 A. What I believe occurred was an
 2 internal shift of weights plus, potentially,
 3 damage from the explosions. The continuous
 4 explosions, which were very large, were
 5 something to be concerned about. I don't
 6 believe the reason for the list and the
 7 sinking was solely because of water that was
 8 being applied.

9 Q. When you say or reference the
 10 continuing explosions, are you talking about
 11 explosions occurring on the 21st and on the
 12 22nd?

13 A. From the time when our guys were
 14 there, they had them through the night, with
 15 a major one at 9 o'clock in the morning and
 16 another one thereafter, with debris flying,
 17 and there were reports coming in from the
 18 field about subsequent explosions, period.
 19 So to ignore that as being something that
 20 could easily be a source of water ingress
 21 and transfer of internal weights and fluids,
 22 seems like that is a pretty high probability
 23 of an area to look at.

24 Q. So those events suggest a more
 25 likely cause than water that may have gotten

Page 201

1 on the deck, correct?

2 A. I am not speculating beyond --
 3 this is what I observed, and my opinion
 4 about the internal explosions, internal
 5 transfer from valves failing, bulkheads
 6 failing. MCTs, we have seen in the past,
 7 fail on semisubmersibles when they start to
 8 have a pressure on them for watertight
 9 compartments. Plus, we know the pipe rack
 10 went over the starboard side around
 11 9 o'clock as well.

12 Q. 9 o'clock --

13 A. -- in the morning on the 22nd. So
 14 we believe that that occurred.

15 Q. So it's the same direction as the
 16 derrick?

17 A. Correct.

18 So all of those things caused
 19 concern as regards structural damage of what
 20 could have been another source of ingress.

21 Q. Were there SMIT personnel taking
 22 photographs on the scene?

23 A. We did.

24 Q. Have you made all of those
 25 photographs available to the board?

Page 202

1 A. I believe we have, yes.

2 Q. I would like to request, please,
 3 Captain, at a convenient time, if we could
 4 obtain a copy of the CD containing those
 5 photographs, it would be very helpful to our
 6 investigation as well.

7 Do you know, sir, whether or not
 8 any video footage was taken on the scene by
 9 your personnel?

10 A. It was.

11 Q. And it has been turned over?

12 A. Yes.

13 MR. LINSIN:
 14 Likewise, we would request a copy
 15 of that.

16 CAPT. NGUYEN:
 17 Let me hand these to the witness
 18 and ask if these are the only ones
 19 available?

20 THE WITNESS:
 21 No. We sent over -- there is a
 22 big electronic file that was sent with a lot
 23 of photographs and video. So there is much
 24 more than this.

25 EXAMINATION BY MR. LINSIN:

Page 203

1 Q. My understanding is there is at
 2 least one CD containing photographs and
 3 possibly more, correct?

4 A. Correct. It is a significant
 5 amount of electronic photographs and video.

6 MR. LINSIN:
 7 I have nothing further. Thank you
 8 very much.

9 JUDGE ANDERSEN:
 10 BP?

11 MR. GODFREY:
 12 Yes, thank you.

13 EXAMINATION BY MR. GODFREY:
 14 Q. At any time, did you ask to see
 15 the firefighting plan for the DEEPWATER
 16 HORIZON?

17 A. No.

18 Q. Did you ever ask for it?

19 A. Never had that discussion.

20 Q. Had you ever seen a firefighting
 21 plan for an MODU before?

22 A. I have not been involved with
 23 firefighting plans for MODUs. When I say
 24 that, I have been involved with the SOLAS
 25 plans and the fire-control plans. As far as

Page 204

1 documents, which is what I am assuming that
 2 you mean, I have not seen a prepared
 3 document which outlines more than, say, a
 4 SOLAS fire-control plan.
 5 Q. Do you know how many boats or
 6 other vessels were surrounding the DEEPWATER
 7 HORIZON pouring saltwater in an effort to
 8 cool the structure and fight the fire on the
 9 20th, 21st, and 22nd?
 10 A. I don't know the exact number.
 11 Q. Do you know the number or the
 12 amount of gallons per hour of saltwater that
 13 was being poured on the DEEPWATER HORIZON
 14 starting on the 21st through the next day
 15 and a half?
 16 A. I do not.
 17 Q. Do you know what the total tonnage
 18 of the DEEPWATER HORIZON was?
 19 A. Which tonnage are we referring to?
 20 Q. Have you heard that over 6,000
 21 tons of seawater were being poured per hour
 22 on the DEEPWATER HORIZON by the fire boats
 23 surrounding it on the 21st?
 24 A. No, I haven't heard that.
 25 Q. Now, one concern in firefighting,

Page 205

1 you said, was getting control of a well,
 2 correct?
 3 A. Yes.
 4 Q. And another thing is not to make
 5 matters worse, right?
 6 A. This is what we have said all
 7 along. I don't think that is anything
 8 inconsistent to what we have been talking
 9 about this morning.
 10 Q. When you're pouring saltwater over
 11 the deck of a vessel, you are having a
 12 number of rather untoward effects in
 13 fighting an oil pollution fire, correct? Or
 14 well fire.
 15 A. I think it is quite clear that the
 16 objective and the direction was not to be
 17 doing that. So during the periods that we
 18 are aware of, that was minimized. So I'm
 19 not sure which period that you are speaking
 20 of.
 21 Q. Prior to the time that you gave
 22 your advice, early in the morning, around
 23 8 o'clock in the morning or so on the 21st,
 24 to reduce the flow of seawater on board the
 25 deck of the DEEPWATER HORIZON, you are aware

Page 206

1 that the fire boats, or the boats with
 2 firefighting equipment, were pouring water
 3 directly onto the deck of the DEEPWATER
 4 HORIZON, right?
 5 A. The situation was not clear as to
 6 what was going on at that point. What we
 7 did know was there was a search and rescue
 8 operation ongoing, and that is what we -- we
 9 were not looking to interfere with any
 10 lifesaving operations that were going on.
 11 It became clearer as the morning
 12 went on as to what the situation was, and we
 13 responded to that.
 14 Q. When did you become aware that
 15 water was being poured by a number of
 16 vessels onto the deck of the DEEPWATER
 17 HORIZON?
 18 A. I'm not sure.
 19 Q. Sometime on the morning of the
 20 21st?
 21 A. I don't know when what boats -- it
 22 was on the morning of the 21st. And even
 23 then, we don't know what boats when, just
 24 that it was occurring.
 25 Q. And one of the effects of pouring

Page 207

1 saltwater onto a rig on which oil is burning
 2 is to spread the oil around and cause more
 3 fires, right?
 4 A. I wouldn't agree with that
 5 statement.
 6 Q. You haven't read that anywhere,
 7 that when you spread water around in an oil
 8 fire, you are spreading the fire around?
 9 A. I fail to see the significance of
 10 what that question brings because at the end
 11 of the story, you don't have a contained
 12 amount of oil that is burning. In my
 13 opinion, you have this misting that is going
 14 on, and this gassing that's burning off. To
 15 imply that there is a free-flowing oil
 16 situation spreading fire, I wouldn't agree
 17 with that. I just don't know what that
 18 situation was, but I think that's
 19 farfetched.
 20 Q. Downflooding changes the weight
 21 distribution of the vessel?
 22 A. Yes, it does.
 23 Q. Reduces the buoyancy of the
 24 vessel?
 25 A. Yes, it does.

Page 208

1 Q. Causes a list to the vessel?
 2 A. It could.
 3 Q. Damages the structural supports
 4 because of the unbalanced weight condition?
 5 A. It can.
 6 Q. It can internally shift where the
 7 ballast is, right?
 8 A. It should not.
 9 Q. Does it change the center of
 10 gravity?
 11 A. It does.
 12 Q. How much downflooding would change
 13 the center of gravity or cause a list? Do
 14 you know of any calculations?
 15 A. As soon as you add weight to it,
 16 it changes the center of gravity. To what
 17 extent, I don't know offhand what that
 18 number would be.
 19 Q. Is it customary to fight a fire
 20 with seawater or chemical retardants?
 21 A. Repeat that question, please.
 22 Q. Sure. Is it customary to fight an
 23 oil-rig fire with seawater or, instead, with
 24 chemical retardants?
 25 A. In this particular case, there was

Page 209

1 not an attempt to fight that fire. This was
 2 structural cooling which could be done with
 3 seawater.
 4 Q. But setting aside this particular
 5 case and what happened here, is it customary
 6 when firefighting efforts are engaged to put
 7 out a fire on an oil rig to use seawater
 8 sprayed from five different directions or to
 9 use chemical fire retardants?
 10 A. Actually, what you do is you
 11 secure the source of the fuel.
 12 Q. Well, if you sank the vessel
 13 before you secured the source of the fuel,
 14 it becomes somewhat irrelevant, right? If
 15 the process of fighting the fire sank the
 16 vessel before you could secure the source of
 17 the fuel, it becomes somewhat irrelevant,
 18 right?
 19 A. It needs to be secured one way or
 20 the other. I mean, there is -- if you are
 21 not going to secure -- you are not going to
 22 deal with a fire with that source of fuel
 23 continually coming under pressure
 24 regardless. So that is what you have to do.
 25 Q. Are you familiar with the use of

Page 210

1 chemical retardants to suffocate a fire on
 2 board a rig?
 3 A. On board a rig or a live fire or
 4 in an engine room -- I am familiar with the
 5 use of chemicals --
 6 Q. But they were not used here,
 7 right?
 8 A. There were no chemicals used.
 9 Q. Do you have the e-mail which you
 10 wrote about the BP interference in terms of
 11 getting the ROV in the water?
 12 A. Yes.
 13 Q. As I understand your testimony,
 14 the interference was that BP was engaged in
 15 performing calculations to determine how
 16 close the ROV vessel with its personnel, its
 17 human personnel on board could get to the
 18 rig to launch the ROV, right?
 19 A. That is correct. And I didn't
 20 have any criticism over the attempt to
 21 safely conduct that operation. As I said
 22 earlier, the concern is what input do you
 23 have to make that calculation, and that is
 24 where my concern was. It was an advisory
 25 role, and I don't -- anyway.

Page 211

1 Q. Let's make sure we have the facts
 2 straight. You are not criticizing BP for
 3 taking the time to do calculations so that
 4 it didn't send the men into a burning
 5 inferno, were you? Criticizing BP for doing
 6 those calculations.
 7 A. No. What my criticism was --
 8 JUDGE ANDERSEN:
 9 You need to answer his question.
 10 EXAMINATION BY MR. GODFREY:
 11 Q. You are not criticizing BP for
 12 doing safety calculations so that it wasn't
 13 sending men into harm's way, are you?
 14 A. I am not criticizing BP for the
 15 way you described in the question.
 16 My concern was that the
 17 information that was being used in the
 18 calculations was unobtainable. So that it
 19 was not feasible to do those calculations
 20 and expect an accurate result.
 21 Q. And the total length of time
 22 between when you expressed your concern and
 23 the time the ROV was launched was about an
 24 hour, roughly?
 25 A. Probably a few hours, but I think

Page 212

1 that is a good thing. I am not -- I am not
 2 being critical of anyone. This was an
 3 internal memo that came out, and this is
 4 what the point was. So please -- I'm happy
 5 to answer any questions. Please continue.
 6 Q. In your experience, you have read
 7 about or seen where people didn't take the
 8 time to do those safety calculations, and
 9 the people sent in to do the rescue
 10 operation were sent into harm's way. You
 11 are aware of prior situations like that,
 12 right, sir?
 13 A. I have never been involved in that
 14 situation.
 15 Q. You never read about PIPER ALPHA,
 16 and the rescue vessels of PIPER ALPHA?
 17 A. I am not saying that it hasn't
 18 happened. I said I was not involved in
 19 PIPER ALPHA.
 20 Q. And you know that at the end of
 21 the day, the ROV effort was not successful,
 22 right? The ROV effort to activate the BOP
 23 was not successful at the end of the day.
 24 You are aware of that, right?
 25 A. It did not secure the source.

Page 213

1 Q. Do you know whose BOP that was, by
 2 the way?
 3 A. I'm not 100 percent sure. I have
 4 only read in the news and heard speculation,
 5 so the answer is no.
 6 Q. No one told you it was
 7 Transocean's?
 8 A. That the --
 9 Q. -- BOP was Transocean's?
 10 A. Typically, I understand the BOPs
 11 are normally rig equipment. So that would
 12 be -- that is what I would have assumed.
 13 MR. GODFREY:
 14 No further questions. Thank you
 15 very much.
 16 JUDGE ANDERSEN:
 17 Transocean.
 18 EXAMINATION BY MR. JOHNSON:
 19 Q. Daniel Johnson for Transocean.
 20 Just to be clear, you were on-site
 21 providing assistance to Transocean
 22 approximately seven hours after the incident
 23 occurred. Do I have the time frame
 24 approximately right?
 25 A. Personally, when you say

Page 214

1 "on-site," I was at Park 10. I wasn't at
 2 the casualty site.
 3 Q. Fair enough.
 4 In their emergency response
 5 center, Transocean's emergency response
 6 center at Park 10.
 7 A. That's correct. I was there at 5
 8 o'clock in the morning. So whatever that
 9 comes out to.
 10 Q. In terms of formal processes or
 11 procedures, was Transocean flexible so that
 12 SMIT could get started in its advising as
 13 quickly as possible?
 14 A. I would say yes.
 15 Q. Did the process of contracting
 16 slow SMIT's response in any way?
 17 A. No, not at all.
 18 Q. You typically do get calls after
 19 the incident, right? You don't get salvage
 20 calls before an explosion; is that right?
 21 A. No, that's correct. In fact, in
 22 the United States, it acts uniquely with
 23 some of the preplanning. So we are very
 24 familiar with responding elsewhere, just as
 25 we did here. It is a normal salvage

Page 215

1 response.
 2 Q. You mentioned some calls that you
 3 made, I believe, to the Coast Guard.
 4 A. Um-hum.
 5 Q. Were those calls made in an effort
 6 to clarify the Coast Guard's role?
 7 A. I was trying to find out a number
 8 of items. One was the clarification of a
 9 command at that time and the concern of
 10 search and rescue, but we were trying to
 11 find out what boats were out there. And
 12 also to get some contact point because at
 13 that point, we still did not have connection
 14 with Daun Winslow. So we had zero direct
 15 link to the field at that point, so that was
 16 our -- our first try was through the Coast
 17 Guard.
 18 Q. Mr. Martin, how many companies in
 19 the world have the resources and expertise
 20 to respond to an event like this as SMIT
 21 did?
 22 A. It would be a limited number to be
 23 able to bring the expertise necessary for
 24 all of the steps. Just a handful.
 25 Q. Four or five? Would that be

Page 216

1 accurate in your experience?
 2 A. It would be maybe less.
 3 Q. Being one of the few companies and
 4 individuals that have experience dealing
 5 with situations like this and the background
 6 being involved in situations like this, do
 7 you have any criticisms of Transocean's
 8 response to this incident?
 9 A. I don't have any criticisms, no.
 10 Q. Now I think you mentioned this.
 11 Dealing with the rig, most of the well was
 12 controlled. That didn't stop you from
 13 providing some expertise to assist in the
 14 well-control process, though; is that right?
 15 A. That's correct. We were
 16 contacted, and it was -- I would love to
 17 just say 100 percent that it was clear that
 18 once the well -- but the thrust was always
 19 to save that rig. That is what we were
 20 there for. And if it would have meant all
 21 of the things necessary, we just needed to
 22 save the rig, which, at that point, was
 23 close the BOP.
 24 So we did have all of the
 25 follow-up immediately behind to go in there

Page 217

1 once that was done.
 2 Q. Let me ask you. I think you
 3 talked about the balance between overusing
 4 water and underusing water for cooling and
 5 also balancing that with the risk of
 6 downflooding. If this well wasn't
 7 controlled, would the vessel ultimately --
 8 was it going to be lost either way?
 9 A. Repeat that.
 10 Q. Absent control of the well, would
 11 the vessel have been lost either because of
 12 integrity problems or because of
 13 downflooding trying to cool the structure?
 14 A. Considering the amount of time
 15 that we know that that well remained open
 16 for, I personally do not believe there was
 17 any way you could have sustained it. You
 18 would have had to come off of the source to
 19 have any chance.
 20 Q. If you came off of the BOP in a
 21 way that was not mechanically planned, would
 22 you risk damage to the BOP?
 23 A. Certainly. You would be into
 24 uncharted territory. You wouldn't know what
 25 to expect.

Page 218

1 Q. Now, there were Coast Guard
 2 representatives at Transocean, Coast Guard
 3 representatives at BP, Coast Guard
 4 representatives on-site. Did the Coast
 5 Guard offer any assistance or take any role
 6 in trying to provide you information that
 7 would assist you in your advising the
 8 firefighting efforts?
 9 A. We were not involved with the
 10 firefighting exercise to start with. But
 11 that aside, the Coast Guard were helpful as
 12 best they could be as far as the information
 13 they had. As this was escalating, their
 14 particular role was -- my understanding was
 15 that the information stream that was going
 16 further and further up the chain of command,
 17 they needed assistance.
 18 I believe Admiral Landry was
 19 starting to come on line at this time, as
 20 this was a significant event. So they
 21 wanted to be sure there were no delays in
 22 getting information. So they were liaisons
 23 as far as I was aware, but there wasn't a
 24 lot of information coming in from them, but
 25 they certainly were assisting in every way

Page 219

1 that they could.
 2 Q. Do you have any criticisms of Daun
 3 Winslow's actions, as far as you are aware
 4 of those actions, after the incident?
 5 A. No. In my opinion, he was one of
 6 the heroes in this case to step forward
 7 and -- no, I have no criticism of Daun
 8 Winslow.
 9 Q. The word "directing" has been used
 10 a lot. You know that Daun Winslow was one
 11 of the Transocean representatives on the
 12 phone talking to the emergency response
 13 team. Correct?
 14 A. Yes.
 15 Q. Just because he was on the phone
 16 and relaying advice or instructions, does
 17 that necessarily mean that he was directing
 18 the entire event?
 19 A. No, I would say that does not mean
 20 that he was. He was certainly the point of
 21 contact, and we were grateful to get the
 22 information that we had. I mentioned that
 23 we had sketchy information, but it was a lot
 24 better than no information that we had
 25 before we found Daun Winslow out there.

Page 220

1 Q. You said you started to get some
 2 pretty clear information from some of the
 3 SMIT representatives out there.
 4 Specifically, the time period of the 22nd
 5 between early morning and midnight and let's
 6 say to 9 a.m., were you getting what you
 7 felt like were accurate readings in terms of
 8 listing and draft from the SMIT
 9 representatives?
 10 A. Yes. I felt that they were
 11 representative of the situation.
 12 Q. During that eight- or nine-hour
 13 period, was the vessel steady during that
 14 period?
 15 A. Yes, it was.
 16 Q. What happened -- I know you
 17 testified to this earlier, but I want to put
 18 it into context. What happened after that
 19 nine or ten hours of steady stability?
 20 A. They degenerated rapidly to the
 21 loss of the rig after the series of
 22 explosions.
 23 Q. After that nine or ten hours of
 24 stability, your understanding is that there
 25 was some significant explosions that

Page 221

1 occurred thereafter, right?
 2 A. Yes.
 3 Q. And the vessel sunk roughly an
 4 hour and 20 minutes after that. Is that
 5 your understanding?
 6 A. That is my understanding.
 7 Q. You were asked questions about the
 8 HECSALV model. If you had had that model
 9 from the time you walked in Transocean's
 10 door at Park 10, would that have changed the
 11 result of this incident?
 12 A. There was nothing that we could
 13 have done with that model at this point.
 14 That would have been a subsequent step. It
 15 would have been very, very helpful, but
 16 later. We never got to the point that we --
 17 there wasn't anything different that we
 18 could have done.
 19 Q. Do these models, do they take into
 20 consideration ongoing explosions on board a
 21 vessel?
 22 A. No. That is not modeled as far as
 23 I know.
 24 Q. In its regulatory capacity in
 25 improving vessel response plans, has the

Page 222

1 Coast Guard ever come to you or SMIT and
 2 asked for its recommendations as to what
 3 types of things should be in vessel response
 4 plans? For example, what types of models
 5 ought to be present?
 6 A. I personally am not involved with
 7 that aspect, but we do get involved with it
 8 and we have a joint venture company, which
 9 is intimately involved with the vessel
 10 response plan and the regulatory process.
 11 My experience is very limited with that
 12 aspect.
 13 Q. I think you testified that your
 14 experience with vessel response plans is
 15 that they are not that detailed. Is that
 16 correct?
 17 A. My experience with vessel response
 18 plans is that they don't address salvage
 19 primarily. What they do is, at best, they
 20 identify a salvage contractor. The new
 21 regulations will have greater information
 22 with a salvage annex.
 23 But till now, there is no salvage
 24 annex even in the regulations. They have
 25 essentially a phone number for who to call.

Page 223

1 In my opinion, that is actually a very, very
 2 good thing. As we get farther down the
 3 road, we have to be very careful.
 4 Q. Based on your experience, was
 5 Transocean prepared and ready within a
 6 reasonable amount of time to engage in the
 7 ROV intervention efforts?
 8 A. Yes, I believe they were.
 9 Q. You mentioned that whenever you
 10 first started getting some reports, that is
 11 when you learned of the vessel listing. Is
 12 that right?
 13 A. Repeat the question.
 14 Q. Whenever you started first getting
 15 reports about the condition of the vessel,
 16 you found out that it was listing. Is that
 17 correct?
 18 A. It's not exactly correct. We had
 19 very, very different reports, from no list
 20 to significant list, to many, many -- as a
 21 metaphor, "Where there is smoke, there is
 22 fire," so when we heard there was
 23 discrepancies in the reports, we didn't
 24 think anything was just fine.
 25 Q. If there was any initial listing

Page 224

1 prior to the direction to redirect the water
 2 more for cooling the columns, you don't know
 3 whether or not that listing was caused by
 4 downflooding or whether it was caused by any
 5 number of other conditions, for example, the
 6 derrick falling, materials shifting on the
 7 rig, or any condition after the initial
 8 explosions. Would that be accurate?
 9 A. That's correct. There would be no
 10 way to know.
 11 MR. JOHNSON:
 12 No further questions.
 13 JUDGE ANDERSEN:
 14 Curt Kuchta?
 15 MR. SCHONEKAS:
 16 Couple of questions, Judge.
 17 EXAMINATION BY MR. SCHONEKAS:
 18 Q. Good afternoon. My name is Kyle
 19 Schonekas.
 20 You said you arrived at Transocean
 21 headquarters roughly at 5 o'clock in the
 22 morning?
 23 A. Yes.
 24 Q. You said there was a lot of
 25 activity at the time.

Page 225

1 A. There was.
 2 Q. And the principal preoccupation at
 3 that time was with search and rescue, you
 4 said. Right?
 5 A. Absolutely.
 6 Q. That was to save people's lives?
 7 A. Correct.
 8 Q. And then we'll worry about the rig
 9 or the assets once we have resolved that we
 10 have saved everybody that we can. Correct?
 11 A. And I would say even one step
 12 further was let's start on parallel paths,
 13 but not to interfere with search and rescue.
 14 So everything was moving forward, but there
 15 was no --
 16 Q. No compromise in the effort to
 17 save lives?
 18 A. Absolutely.
 19 Q. You said, at some point in time,
 20 you noticed that there was a Coast Guard
 21 representative at the headquarters, right?
 22 A. Yes.
 23 Q. Do you recall the gentleman's
 24 name?
 25 A. There was more than one that was

Page 226

1 there. I want to say Durec was one of the
 2 individuals.
 3 Q. But there was more than one?
 4 A. Yes.
 5 Q. And they had blue uniforms on.
 6 A. Yes.
 7 Q. So you knew who they were; is that
 8 right, sir?
 9 A. I did know them as Coast Guard.
 10 Q. With respect to the firefighting
 11 activities that were generally going on, the
 12 cooling, all of these things that were being
 13 described, do you recall at any time these
 14 gentlemen in the blue uniforms saying, "Stop
 15 guys. Nobody can do anything until we check
 16 with the captain"? Do you recall them
 17 saying anything to that effect?
 18 A. There was nothing like that, no.
 19 Q. In fact, it was a collaborative
 20 effort among everyone, was it not, sir, at
 21 the Transocean's headquarters to try and do
 22 whatever we can to save the rig?
 23 A. I would say that that
 24 characterizes what was going on.
 25 Q. I believe you even said, at one

Page 227

1 junction, it got on the Admiral's radar. Is
 2 that right?
 3 A. I believe it did. To my
 4 understanding, it went relatively quickly up
 5 to Admiral Landry.
 6 Q. With respect -- and it's Admiral
 7 Landry, I believe you said?
 8 A. That's what I was told, at least.
 9 She was the -- I think she was the
 10 responsible admiral for the section.
 11 Q. Do you recall at any juncture
 12 anyone saying, "Admiral Landry says that you
 13 can't do anything unless and until you check
 14 with the captain of the DEEPWATER HORIZON
 15 about what you are going to do to save this
 16 rig"?
 17 A. No.
 18 Q. In fact, sir, you would view that
 19 as unnecessary, would you not?
 20 A. It didn't occur, and that would --
 21 I don't expect something like that.
 22 Q. Particularly not with a calamity
 23 of this size and magnitude, right?
 24 A. I would agree with that, yes.
 25 Q. You said you had a gentleman

Page 228

1 working for you-all as well who was a
 2 specialist in fire control; is that correct?
 3 A. Yes.
 4 Q. Tell me his name again.
 5 A. His name was Stennet, but he
 6 worked with Falck Alford.
 7 Q. Sir, until my involvement in this
 8 case, I never realized there were people
 9 like you that did this kind of work. Did
 10 you consider yourself to have generally more
 11 knowledge in terms of fire control and
 12 salvaging vessels than the average captain?
 13 A. Certainly.
 14 Q. In fact, it is a very specialized
 15 area of work; is that right, sir?
 16 A. It is a very specialized area of
 17 work.
 18 Q. And you would consider yourself to
 19 have far greater knowledge than the average
 20 captain of any MODU, would you not, sir,
 21 insofar as the salvaging of vessels and the
 22 prevention of further calamity, correct?
 23 A. Regardless whether it is a MODU or
 24 a ship in distress, this is what
 25 professional salvors do, and they have to

Page 229

1 bring that to the table. Yes, I do have
 2 that experience.
 3 Q. You were shown a diagram, sir. I
 4 don't recall by whom. But, essentially, it
 5 is identified as BP-HZN-MBI 00001364, and it
 6 is entitled "Diagram of the Unified Command
 7 Structure."
 8 A. I assume it's --
 9 Q. That's correct. The same one I'm
 10 looking at.
 11 With regard to this diagram, sir,
 12 and this command structure that is specified
 13 there, do you have any opinions as to
 14 whether or not this rig sank or that there
 15 was any additional damage occasioned as a
 16 result of somebody not strictly adhering to
 17 this diagram?
 18 A. I would say this probably would
 19 not have had any effect on what occurred.
 20 Q. Is it fair to say, sir, that
 21 everyone there at the command center was
 22 working in a cooperative manner toward one
 23 goal, and that was to try and stop this?
 24 A. That is a fair statement.
 25 Q. There weren't any turf battles

Page 230

1 over who gets to do what?
 2 A. Not at all, and not between any of
 3 the parties that I witnessed.
 4 MR. SCHONEKAS:
 5 Thank you, sir. That's all I
 6 have.
 7 JUDGE ANDERSEN:
 8 Jimmy Harrell? Steve Bertone?
 9 Mike Williams? Pat O'Bryan? Robert Kaluza?
 10 Counsel, is there anything you
 11 would like to ask your client?
 12 MR. SIAHATGAR:
 13 No, sir.
 14 JUDGE ANDERSEN:
 15 Anymore questions from the board?
 16 CAPT. NGUYEN:
 17 Just one more.
 18 EXAMINATION BY CAPT. NGUYEN:
 19 Q. You have a Coast Guard license,
 20 correct?
 21 A. Yes.
 22 Q. Unlimited master?
 23 A. Yes.
 24 Q. When is it, your understanding,
 25 that the master no longer have the overall

Page 231

1 responsibility and authority for his vessel?
 2 When would that be?
 3 A. When the master no longer has
 4 responsibility for his vessel?
 5 Q. When Captain Kuchta steps off of
 6 the burning bridge, is that the end of his
 7 responsibility and authority for a vessel?
 8 MR. SCHONEKAS:
 9 I have to object. I think this is
 10 beyond the witness' expertise.
 11 JUDGE ANDERSEN:
 12 If he doesn't know, that is fine,
 13 but he has testified that the salvage master
 14 at some point, in his opinion, is in charge.
 15 If he can shed some light on when the
 16 transition occurs, it might be helpful.
 17 EXAMINATION BY CAPT. NGUYEN:
 18 Q. But you are also a Coast Guard
 19 licensed master with an unlimited license?
 20 A. I don't know that I know the
 21 answer. There are a number of factors that
 22 go into that. So, certainly, when a vessel
 23 is beyond self-help and professional salvage
 24 assistance is required, you start to get
 25 into an area where they have to work very

Page 232

1 closely together, and there are some
 2 instances where it has to change. But I
 3 don't know the answer to that question.
 4 Q. But to your knowledge, you don't
 5 know whether or not or when Captain Kuchta
 6 gave up his responsibility and authority for
 7 the DEEPWATER HORIZON?
 8 MR. SCHONEKAS:
 9 Object to the form of the
 10 question.
 11 JUDGE ANDERSEN:
 12 Overruled. If you know, you can
 13 answer it.
 14 THE WITNESS:
 15 I have no idea.
 16 CAPT. NGUYEN:
 17 That's all.
 18 JUDGE ANDERSEN:
 19 Is there anything else you would
 20 like to add to your testimony?
 21 THE WITNESS:
 22 No. Just to thank the panel for
 23 the opportunity to come and talk about
 24 something that is significant. I hope at
 25 the end something fruitful comes from your
 Page 233

1 investigation.
 2 JUDGE ANDERSEN:
 3 I want to remind everyone that the
 4 panel will meet at 7:30 in the conference
 5 room.
 6 CAPT. NGUYEN:
 7 We will adjourn for the day and
 8 reconvene at 8 o'clock tomorrow morning.
 9 (Which recessed the proceedings.)
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 Page 234

1 REPORTER'S CERTIFICATE
 2
 3 I, CATHY RENEE' POWELL, Certified
 4 Court Reporter, do hereby certify that the
 5 foregoing testimony/transcript was reported
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 7 personal direction and supervision, and is a
 8 true and correct transcript, to the best of
 9 my ability and understanding;
 10 That I am not of counsel, not related
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 Certified Court Reporter
 Page 235

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A				
abandon 50:1	191:10,18,20	addressed	afford 9:6	127:24 128:2
abandoned	actions 116:11	104:15 161:10	afloat 116:15	130:13,15
157:15	133:16 192:10	adds 166:10	aftermath 65:18	analytical
abdicate 79:19	220:3,4	adequate 58:2	afternoon	181:24
81:19	activate 213:22	adhering 230:16	122:20 225:18	analyze 125:10
abdicated 82:10	activated 65:18	adjacent 9:15	after-action	anchor 192:24
ability 151:8	66:6	adjourn 234:7	64:19	anchor-handli...
184:20 235:9	active 14:4 29:24	adjust 117:15	agencies 6:4	191:14
able 32:10 45:18	113:7 117:19	adjusted 178:8	70:1	ANDERSEN 2:8
101:22 109:11	activities 24:22	178:22	agency 55:14	193:9,16 204:9
114:17 121:16	26:14 30:18	adjustments	agent 196:22	212:8 214:16
125:8,25 127:4	35:12 38:19	140:1	agents 8:9	225:13 231:7
133:5 151:1	56:13 61:1,18	administer 1:17	ago 56:1	231:14 232:11
152:22 173:11	62:18 74:3,4,7	administrative	agree 41:20	233:11,18
173:13 186:24	99:6,20 109:6	10:19,20	117:23 140:25	234:2
192:24 216:23	118:3 122:13	admiral 27:11	155:20 208:4	Anderson 7:2
aboard 67:13	126:25 140:8	28:5 31:17	208:16 228:24	10:4 11:11
85:16	152:4 155:3	32:22 80:17	agreed 9:16	64:8 68:15
Absent 218:10	158:13 174:22	95:11 219:18	agreement 49:14	77:23 78:2,6
absolutely	188:7 227:11	228:5,6,10,12	199:12	78:10,14,18,22
178:14 226:5	activity 56:16,17	Admiral's 228:1	ahead 80:24	79:1,5 88:1
226:18	57:8 69:21	admissible 10:18	132:16 190:8	94:22 97:5
access 17:20	101:18,19	admitted 15:24	air 62:24	104:6 131:23
52:24 91:25	115:23 140:10	advance 131:18	aircraft 30:14	143:22 144:2
92:10 96:23	140:12,13	advice 72:10,16	47:11	146:15 163:16
123:15	149:3,20,21	72:19 84:22	airspace 70:20	172:20
accident 88:7	151:19 162:20	195:9 196:24	Alabama 13:13	and/or 9:19
accurate 40:5,24	162:21 189:19	198:18 199:5,9	Alford 160:4	11:11 175:10
52:22 96:3,7	225:25	199:23 206:22	198:16,17	annex 22:14
96:12 97:1	acts 215:22	220:16	229:6	223:22,24
138:21 139:1,4	actual 23:6	advisable 84:7	aligned 164:12	announce 71:4
194:14 212:20	74:22 174:10	advise 199:13	allocated 42:13	answer 72:25
217:1 221:7	178:18	advised 141:15	allowed 92:9	81:9 82:24
225:8	ad 193:6	advising 67:12	alongside 157:18	83:14 116:13
accurately 131:2	adamant 185:24	160:20 188:24	ALPHA 213:15	116:18 119:22
acronym 126:6	adapt 178:22	215:12 219:7	213:16,19	125:1 126:21
act 8:17 15:24	add 209:15	advisor 67:19	amended 1:19	131:9 144:14
16:2 73:24	233:20	160:22 198:21	Americas 3:7	152:23 154:25
acting 14:11,14	added 11:8	advisory 20:24	98:6,9,17 99:6	156:5 158:9
14:21 24:24	128:22	46:9 68:3	99:13	159:23 161:24
37:1,19,21,23	ADDISON	211:24	amount 117:5	172:11 175:16
37:24 38:6	104:21 150:5	advocate 2:10	204:5 205:12	176:20 177:10
192:23	addition 14:18	7:4	208:12 218:14	179:1 212:9
action 116:3	additional	afar 117:13	224:6	213:5 214:5
155:23 156:8	230:15	Affirmative	Amtrak 13:12	232:21 233:3
169:17,19,23	address 11:12	102:5,21	Anadarko 78:11	233:13
	150:10 223:18	124:19 144:7	analysis 127:16	answered 39:8

159:5 answers 133:8 166:25 anybody 81:7 121:17 148:5 Any more 231:15 anytime 38:5 97:14 anyway 159:17 187:2 211:25 apologies 126:5 apparent 182:2 apparently 71:25 appear 118:25 appearance 11:16 appearances 2:1 10:24 appeared 139:5 141:13 164:12 169:13 180:23 appears 146:14 applied 123:8 201:8 apply 59:6 195:13 approach 99:10 appropriate 8:21 54:19 115:1 125:7 approval 7:23 53:24 156:9 182:7,14,15,16 182:25 183:3,5 183:7,14,18 approve 155:6 approved 76:21 76:25 150:18 155:15,24 156:11,13 175:4 178:18 approves 19:15 19:16,17 88:14 88:15 approximately 150:12 190:3	199:3 214:22 214:24 April 1:6 5:13 38:9 110:10 123:25 140:17 146:24 195:1 architects 66:13 124:14,17,21 124:23,24 125:3 127:7 134:5,7 area 2:11 7:5 9:15 11:22,23 13:18 16:22 17:15,17 18:2 18:4,9,25 19:3 20:23 23:2,10 23:23,23 28:14 29:2,5,10 30:4 30:5 39:3 42:9 42:20 44:14 46:20 47:12 61:19,22 62:5 70:14,20 73:21 73:22 74:19 75:25 76:20 81:1 85:1 88:12 95:12 105:9,12,18,21 107:1,2,4 121:12 140:21 150:24 160:12 201:23 229:15 229:16 232:25 areas 11:4 16:25 29:7 71:5,6,11 71:11,20,24 162:24 186:22 argument 62:4 arrange 114:17 arrangement 144:25 arrangements 193:7 arrive 71:4 110:19 174:7 arrived 47:2	70:8 71:9,21 83:11 102:13 112:6,14 134:17,24 138:20 139:11 144:4 152:6 173:7 185:7 187:4,12,13 225:20 aside 210:4 219:11 asked 79:12 81:4 82:18 83:9 89:4 113:8 114:7 115:6 118:22 119:18 119:19,23 125:9,10 131:11 144:16 144:18 145:2,4 145:8 158:17 158:18 169:4,8 171:20,20 175:6 181:16 183:1 187:24 199:13 222:7 223:2 asking 63:9 67:23 91:11 92:18 133:8 162:11 172:5 181:23 182:2 aspect 23:1 69:1 73:20 186:25 223:7,12 aspects 25:17 63:13 96:24 175:22 assessment 48:16 55:16 64:20 asset 90:5 91:16 assets 42:12 44:16,17 45:8 46:17 47:21 48:13,22,24 49:6 62:24	63:1 75:17 84:10 92:3 151:13 179:11 226:9 assigned 7:8 42:16 43:5 assist 23:20,25 32:25 73:2,4,5 74:10,15,16,17 144:4 217:13 219:7 assistance 31:6 74:11 75:12 82:21 96:22 214:21 219:5 219:17 232:24 assistant 98:25 assisted 143:24 assisting 74:6 163:12 219:25 associated 169:11 assume 27:2,6 27:14,15 32:1 33:8 34:2 36:2 49:13 65:21 69:16 157:25 176:6 230:8 assumed 27:16 34:6 86:12,25 158:7 214:12 assuming 205:1 assumption 65:12 184:22 Atlantic 2:11 7:5 attack 116:20 196:2 attempt 82:4 189:13 210:1 211:20 attempts 12:7 32:14 attended 39:5 attention 12:15 audience 174:18 authorities 20:20 21:11	authority 5:25 20:18 61:5 70:3,6,7 74:10 75:3 91:24 92:7 232:1,7 233:6 authorized 1:16 auxiliary 82:4 availability 9:13 171:22 available 12:8 47:9 48:24 81:8 97:11 114:5 125:19 126:13,20 128:2 129:25 132:3 134:22 135:3,5 181:18 187:21 197:15 202:25 203:19 average 162:3 229:12,19 avoid 188:24 195:6,10 196:25 200:1 aware 11:25 22:20 30:7 32:5 33:15,20 33:23 34:12,18 35:21 41:8 44:8,10,22 47:20 50:13,22 65:16,20,22 69:3 71:8 72:15,17 76:10 77:3 89:2,4,13 91:12,14,18 92:14 108:20 115:19 119:11 123:4 124:1 140:4,7 158:11 163:22 164:1 177:7 189:18 206:18,25 207:14 213:11 213:24 219:23 220:3
---	--	--	--	---

awareness 130:3	23:21 66:23	Bertone's 81:22	202:25 206:24	167:25 195:22
a.m 1:7,23 221:6	110:23 147:2	best 111:17	211:2,3,17	BP 28:16 31:21
	147:16	115:10 137:20	222:20 231:15	32:22 33:5,12
B	basing 60:8,8	189:21 194:7	boat 151:1,9,12	43:15 53:1,7
bachelor 100:4	basis 47:10	196:23 197:4	180:17,20	53:21 68:16
back 25:5 41:19	Bates 174:17,18	200:2 219:12	181:16,20	88:25 89:11,16
55:16 65:11	battlefield 117:5	223:19 235:8	183:10,14,18	102:16,24
75:3 94:8	battles 230:25	better 61:2,17	183:23,25	103:20 104:22
97:12 110:4	bear 77:4 132:20	63:3 94:3	184:11,17,21	105:1,4 149:23
117:6 118:16	160:24	119:3 220:24	185:25 188:25	150:7,15,20
119:25 122:22	bearing 12:9	beyond 146:1	190:18	152:7,23
136:5 155:10	beefed 16:7	202:2 232:10	boats 42:16,23	176:22 177:4,6
159:7 167:6	began 166:17	232:23	44:20 75:21	177:17 180:5
169:9 177:22	beginning 1:22	big 100:23 139:7	120:24 121:20	182:3,15,22
189:11 199:17	32:18 120:12	203:22	122:5,7,8	183:3,4,13
background	140:9	bigger 16:5	136:4 179:9,10	184:18 185:7
13:1 99:23,25	behalf 68:19	biggest 101:8	179:14,15,18	185:13,18
167:4 217:5	believe 12:11	Bijan 3:8 104:10	187:25 191:14	204:10 211:10
backup 121:1	28:17,18,23	bit 14:15 16:15	205:5,22 207:1	211:14 212:2,5
155:2	35:25 36:8,11	24:15 25:5	207:1,21,23	212:11,14
balance 218:3	39:8 46:12	36:9 56:19	216:11	219:3
balanced 116:25	51:8 58:3,12	118:12 141:15	Bob 122:23	BP's 19:15 88:14
117:1	58:13 59:9,12	163:14 169:5	176:5	89:23
balancing 218:5	72:3 73:15	blend 200:15	body 173:22	BP-HZN-MBI
ballast 116:1	77:21 79:17,21	Block 146:21	BOEM 19:16	174:19 230:5
136:22 142:16	83:25 90:2	blowing 192:2	41:14 42:2	break 193:14
197:24 209:7	103:24 108:10	blowout 32:7,15	88:13	bridge 83:16
ballasts 135:23	114:21 121:25	54:13 115:18	bold 147:8	232:6
BANKSTON	122:3 128:3	147:20 153:2	BOP 101:13,16	bridging 152:22
34:11 46:15	136:24 137:25	blue 100:9 227:5	101:21,24	152:25 171:25
80:22 83:11,16	139:11 140:11	227:14	102:4,11,19,23	brief 112:17
83:23	142:2 146:9	blueprints 144:3	103:8 149:20	147:3
barges 16:10	149:4 151:22	board 1:1 2:2	150:21 151:5	briefing 25:3
base 131:7	159:14 164:10	7:12 8:20 9:24	154:25 162:19	briefly 12:25
181:10	164:24 165:8	10:10 12:1,10	172:3 188:17	13:25 26:3
based 21:18	167:14 168:24	12:15 21:10,20	189:25 192:2	99:2,22 147:9
29:18,22 45:15	173:8 175:5	22:6 33:24	213:22 214:1,9	bring 12:14
55:6,9 56:17	179:4 184:19	36:7 44:25	217:23 218:20	104:21 127:5
58:1 59:3,16	198:4 200:3,23	53:18 56:3	218:22	132:20 149:14
81:21 90:11	201:1,6 202:14	64:9 70:16	BOPs 36:10	150:6 160:8
92:25 137:14	203:1 216:3	75:8 88:6 95:2	214:10	181:12 190:18
167:4 168:5,5	218:16 219:18	97:6 112:23	boss 37:22 38:5	216:23 230:1
200:4 224:4	224:8 227:25	117:11 122:6	38:11	bringing 25:22
basic 134:23	228:3,7	127:21 131:25	bottom 168:18	74:17
144:25	believes 53:12	135:21 136:21	Boulevard 1:21	brings 116:23
basically 17:19	Bertone 81:25	148:15 171:20	bounce 199:16	208:10
17:19 19:12	94:24 231:8	186:15 193:21	box 164:9	broad 138:1

Broadcast 31:5	182:11	Capt 3:5,11,15	154:8 157:22	101:5
broken 178:15	calculation	3:20,21,24 4:1	157:24 158:8	casualty 1:2 7:15
broker 29:11	181:19 211:23	4:6 5:2 12:16	158:15,18	7:20 8:16
brought 12:12	calculations	12:19,20 17:22	163:5 172:19	10:14 12:9
77:4 160:24	180:16 182:3	17:24 36:15	190:18 203:3	56:3 58:9
Brown 78:19	183:15,19	55:22 64:6	227:16 228:14	59:17 60:2
build 125:9	190:8 209:14	67:6 80:20	229:12,20	65:19 108:16
129:13 144:10	211:15 212:3,6	86:2,8,20 87:4	232:5 233:5	109:15,19
144:11 155:12	212:12,18,19	87:14,21 95:3	Captains 16:19	111:18 112:24
builder's 132:23	213:8	97:3,8,15,21	16:24 17:2,4	129:21 161:19
building 128:18	call 10:24 24:9	104:12 130:1,8	59:21 60:16	163:23 194:18
144:15	24:15 26:23	133:17 135:12	62:7	215:2
built 128:17	27:5,17,19,24	144:8 146:22	captain's 83:5	catastrophic
132:24	47:7 107:24	156:21 159:8	capture 9:20	142:7 161:18
bulkheads	108:6 109:1,9	163:6,21	160:15	Cathy 1:15 3:3
113:24 202:5	110:11,15,21	172:15 184:23	capturing	235:3,16
bumper 165:4	110:22 115:5	189:6 191:6	160:15	cause 1:15 7:20
buoyancy	121:13 122:8	193:12 203:16	cards 27:20	8:16 114:15
186:14 208:23	145:25 223:25	231:16,18	199:11	123:16 166:23
Bureau 5:5,19	called 10:2 17:10	232:17 233:16	care 115:6 185:8	167:7 200:13
6:13,18,23	68:6 77:11	234:6	185:19,19	200:20,23
7:16,24 8:12	103:18 111:4,5	captain 2:4,10	careful 120:19	201:25 208:2
12:5	114:7 115:10	5:8 7:3,6 11:11	195:6 224:3	209:13
bureaucracy	121:15 122:22	16:21 17:12,16	CARISSA 101:1	caused 8:15
60:20	131:16 132:12	20:17 21:2,11	Carolina 41:19	141:18 202:18
burn 45:18,24	176:13	21:19 26:10,19	carried 90:4	225:3,4
186:18	calling 139:6	26:20 27:11	case 21:6 24:2	Causes 209:1
burning 74:21	calls 108:11	29:9 31:14	27:3,7 29:8	Causeway 1:21
93:24 124:2	121:9 131:21	34:5 36:16,19	59:12 70:17	causing 123:23
158:22 208:1	215:18,20	39:16 51:1	96:17 101:8,25	cautiously 191:2
208:12,14	216:2,5	55:23 57:10	102:8 103:2,3	CCR 3:3
212:4 232:6	calmed 56:18	59:19 60:4,23	112:3 115:4	CD 17:19 203:4
business 98:9	cameras 9:19	61:4,5,22 64:2	119:5 120:4,11	204:2
108:7	Canyon 146:21	64:14 65:17	131:1 141:2	cell 9:20
busy 122:9	capabilities 16:9	66:18 67:10,13	142:24 151:9	center 7:8 27:24
Butts 2:20 7:7	22:17 45:16	68:20 79:6,10	154:6 157:16	33:6 34:12
buy 116:16	75:19 90:21	79:11,12,19,24	159:25 164:24	67:9 110:20
B-I-J-A-N	92:8 109:17,21	80:14,15,16,17	165:21 168:24	112:6,15 119:9
104:10	capability 43:8	80:21 81:11	170:12 178:4,8	124:14 135:3
B-0 47:7	43:11 75:21	82:3,17,18	178:10 194:11	136:5 137:2
	capacity 14:17	83:2,21 84:1	196:19 209:25	138:14 139:11
	18:11 20:24	85:21 86:16	210:5 220:6	177:20 179:3
C	38:10 41:3	87:1 88:4,6	229:8	182:4 194:17
calamity 228:22	68:3,3 83:19	95:4 97:4,9	cases 154:13	194:20 197:13
229:22	88:22 179:21	121:14,15	casualties 8:3	198:5 209:9,13
calculate 181:15	179:22 222:24	130:7 132:8	57:15,25 58:6	209:16 215:5,6
181:25	capsized 168:13	135:11 153:13	58:8 99:11	230:21
calculating				

centers 103:4	74:12 90:17	214:20 217:17	55:14 56:5	165:13 167:24
certain 19:3	92:13,14 95:6	221:2	64:20,22 66:1	195:14,22
20:21 21:4	95:8,15 120:7	clearer 115:20	66:5 67:25	197:2 225:2
32:17 47:19	156:23 157:21	207:11	68:24,25 69:3	come 27:6 28:16
59:2 110:5,5	175:16 176:16	clearly 147:4	69:5,12,16	49:11 58:6
135:20,22	232:14	157:13 162:6	70:8,18,24	67:16 95:9
145:4,5,5	chart 41:15	162:12,22	71:5,6,9,20,25	97:11 111:1
certainly 89:21	176:12	client 94:15	72:4,13 73:2,5	131:15,17
106:4 109:8	check 164:25	107:9 231:11	73:16 74:5,9	132:15 148:15
120:15 128:22	227:15 228:13	close 139:19,24	74:24 75:4,11	152:24 162:17
139:23 149:25	checklist 27:21	147:17,22	75:17 76:2,21	167:6,17
152:1,11	27:21	148:17 150:21	76:25 85:6	181:13,23
158:23 161:10	chemical 209:20	152:19 154:24	88:15 89:9	188:11 218:18
177:7 180:10	209:24 210:9	188:17 191:1	91:19,23 92:6	219:19 223:1
188:1,13 190:4	211:1	211:16 217:23	95:5,14 96:4,8	233:23
192:14 218:23	chemicals 211:5	closed 101:22	96:13,15,21	comes 42:6
219:25 220:20	211:8	116:17 149:9	100:6 105:8,24	123:17 147:16
229:13 232:22	chief 6:12 13:23	149:17 156:3,3	120:7,8 121:8	215:9 233:25
CERTIFICATE	14:11,14,21	188:8 192:3,16	121:19 148:6,7	comfortable
235:1	24:8 35:15,16	196:19	148:9,10,11	149:6 150:23
certified 1:16	37:2,10,15,19	closely 116:25	155:6,18,24,25	163:1
235:3,16	37:24 81:25	233:1	156:11 163:11	coming 58:18
certify 235:4	84:2 100:10	close-by 23:4	163:18 174:1,3	117:6 118:16
CFR 52:4 54:3	CHOUEST	closing 102:4,11	174:4,6 176:8	120:25 125:4
chain 29:13	122:4,15	147:19 148:18	176:10 182:16	133:22 138:13
191:15 219:16	circumstances	closure 188:4	216:3,6,16	141:19 164:16
chains 193:6	55:1 200:15	Coast 1:13 2:4	219:1,2,3,4,11	201:17 210:23
chair 132:8	City 15:3 24:4	2:11,18,21 5:4	223:1 226:20	219:24
challenges 44:11	26:1,4,7,19	5:8,17,18 6:7,9	227:9 231:19	command 15:6
challenging	27:4 30:7	7:5,8,16,23	232:18	27:2,23 28:14
101:9	34:25 54:1	8:11 12:5	cochair 6:15	29:2,5,11,13
chance 122:25	61:8 66:8	13:24 14:23	14:7	30:4,5 33:6
218:19	68:12 100:2	15:2,11 16:8	Code 5:25 6:1,8	34:12 38:25
change 107:8	civil 10:19	19:19,22 20:13	8:18	39:3 70:10
133:16 209:9	clarification	22:23 23:11,15	codes 9:1	71:10,21 95:12
209:12 233:2	216:8	26:12,15,17	collaborative	100:17 103:4
changed 222:10	clarify 67:10	28:17 29:19,23	227:19	107:2,4,7,8,14
changes 139:7	70:2 140:24	30:8,14 31:4	collapse 166:7	109:24 110:19
208:20 209:16	180:8 216:6	31:10,12 32:13	collapsed 166:8	112:6,14 113:4
characterizes	clear 103:21	33:8 34:17	collect 30:25	113:10,22
227:24	112:21 114:9	39:11 40:11	collective 105:25	119:9,24
charge 48:22	115:19 118:24	41:23 42:12	collectively	124:13 135:3
53:5,8,13 54:4	122:25 126:8	43:14 44:1,4	50:20 70:1	136:5 137:2
54:21,25 55:6	131:10 138:17	45:1,25 47:2,6	College 100:3	138:14 139:11
55:8,18 61:23	152:21 171:24	47:18 48:14	column 123:14	157:22 161:11
68:24,25 69:6	172:13 174:14	49:24 50:11	123:14 193:8	161:13 174:11
70:24 71:2,5	206:15 207:5	51:16 53:11,22	columns 35:6	175:3,23 176:2

176:17,22,23 177:3,5,20 178:21 179:3 182:4 187:4 194:16,20 197:13 216:9 219:16 230:6 230:12,21 Commandant 5:17 7:15,23 commander 13:8,17,18,20 28:12 37:12 121:11 134:12 173:9,10,14,15 173:20 commend 198:5 comment 127:15 148:12 151:7 152:9 155:16 167:10 172:11 172:14 175:20 175:25 177:24 178:20 185:16 commented 181:5 commercial 73:12 commercially 126:13 commission 65:3 commissions 65:14 committed 8:20 committee 18:5 18:9 46:9 183:22 committees 18:2 common 9:15 102:19 154:3,4 154:4,14 commonsense 181:21 communicate 45:13 124:7 187:9 communicated	140:17 communicating 48:23 communication 23:18 45:12 46:1 66:8 68:7 138:18 174:6 communicatio... 60:25 177:22 companies 18:1 18:4 33:17 132:20 216:18 217:3 company 32:24 54:16 55:5,11 77:10 98:8 99:8 103:25 132:10 193:23 193:24,25 198:15 223:8 compare 66:23 138:7 compared 141:11 compartment 123:19 compartments 202:9 competent 35:24 compiled 17:9 complete 69:16 69:19 125:7 completed 134:14 135:10 completely 122:9 141:1 complex 162:4 complicated 160:12 161:25 162:25 176:21 component 154:18 185:10 187:1 compromise 226:16 concentrate 29:16	concentrating 25:9 concern 22:23 22:24 114:13 123:1 124:7 140:17 166:10 202:19 205:25 211:22,24 212:16,22 216:9 concerned 23:5 113:4 123:6 140:23 192:21 195:2 201:5 concerning 58:11 79:13 concerns 34:19 142:18 151:4 concise 172:11 172:14 conclusions 7:13 10:17 condition 57:15 127:20,21,25 134:11,12,18 134:20 135:16 139:3 209:4 224:15 225:7 conditions 136:9 136:15 225:5 conduct 11:5 127:8 211:21 conducted 9:14 10:15 63:6 93:9 94:11 conducting 81:7 confer 85:2 conference 63:20 234:4 configuration 136:22 153:24 197:24 confined 44:14 confirmation 124:4 confirmed 139:18	conglomerate 160:10 conjunction 70:19 connected 191:15 connection 72:11 84:3 93:15 94:15 216:13 consequences 57:4 consider 75:22 76:2,11 101:7 101:16 116:11 196:11 229:10 229:18 consideration 222:20 considered 116:2,10 Considering 218:14 consistent 61:25 139:5,9 consult 84:1,8 Consulting 87:22 contact 46:4 70:19 120:5 121:10 145:25 152:1,12 173:8 173:13 174:1,2 216:12 220:21 contacted 129:11 187:19 217:16 contained 6:8 196:16 208:11 containing 203:4 204:2 contemplated 191:19 contemplating 191:11 192:11 content 105:15 146:25	context 95:8 118:12 200:8 221:18 Continental 19:25 33:18 contingency 16:22 17:15,17 18:25 19:2,3,5 19:6 22:5 33:13 89:2,5,5 89:7,10 105:10 105:13,18,21 continual 167:22 continually 210:23 continue 9:6 118:19 119:3 121:19 163:17 213:5 continued 83:2 83:21 192:24 continuing 201:10 continuous 201:3 contract 107:19 107:21 108:6 108:25 169:16 193:23 contracted 32:24 147:15 contracting 215:15 contractor 33:2 33:17 77:8 194:12 223:20 contractors 18:1 18:6 45:4 49:9 141:24 contracts 109:4 143:7 171:23 contractual 194:7 contractually 157:23 contradictory 42:3
---	--	---	--	--

contrary 53:11 69:11 82:13	cooperation 9:3	89:25 91:21,22	court 1:16 2:20	210:5
contributed 8:15 90:5	cooperative 230:22	91:25 92:1,4,5	10:10 235:4,16	cut 191:23
contributing 167:15 200:7,9	coordinate 45:19 62:18 74:2	92:11 93:9	coverage 9:7 41:7	cutoff 32:15
contributory 200:14,19	coordinated 26:14 34:16 61:1 83:18 175:12	105:2,5 107:2	covering 60:5	cutters 30:14
control 15:6,24 18:8 34:6 47:21 61:16 62:25 69:16,19 70:10,20 71:10 71:22 72:8 74:13 76:8,17 85:3 87:17 92:17 114:17 114:23 129:19 140:2 147:18 171:13 188:16 193:4 206:1 218:10 229:2 229:11	coordinating 49:8 64:21 70:13 82:22 96:22 175:8	109:3 110:16 110:17,20,22 111:10,24 115:3,24 121:24 123:20 124:2 130:9,17 131:14 133:22 153:17 154:19 154:20 161:1 165:1 175:13 176:9 178:14 185:2,3,14 188:5,12,21 189:21 195:3,4 196:8 197:3,9 198:7 202:1,17 204:3,4 206:2 206:13 211:19 215:7,21 217:15 220:13 223:16 224:17 224:18 225:9 226:7,10 229:2 229:22 230:9 231:20 235:8	covers 41:18 48:1	cycle 135:18 136:16 137:16
controlled 92:10 217:12 218:7	coordinator 15:16 16:17 21:2 26:18,24 47:25 60:13 67:12 70:5,13 96:9	206:13 211:19	CO-CHAIR 2:4 2:6	D
control-of-well 76:13	coordinators 61:23	215:7,21	co-chairs 5:23	daily 136:7,12 169:20
convene 193:14	copy 11:8 145:15	217:15 220:13	create 123:10	damage 23:9 114:15 116:8 126:11 128:24 141:18 142:3 195:25 201:3 202:19 218:22 230:15
convened 5:24	COs 63:20	223:16 224:17	created 16:5	damaged 127:20 134:11 165:11 165:14
convenient 203:3	cost 161:20	224:18 225:9	creation 16:14	damages 142:16 209:3
conversation 59:19 153:11 153:13	counsel 10:25 78:8 104:7 231:10 235:10 235:11	226:7,10 229:2 229:22 230:9 231:20 235:8	crew 22:2 53:18 73:8,8	DAMON 34:11 46:15 80:22 83:11,16,23
conversations 105:3	Corporation 126:11	229:22 230:9	crewboats 83:18	DANG 101:1
cool 123:14 141:4 181:20 190:9 195:24 200:1 205:8 218:13	correct 21:14 36:22,23 50:1 50:2 52:12 56:8,9,14 58:20,21 59:25 60:1 67:21 68:11 70:22 71:22,23 72:9 79:20 80:3,11 82:23 85:9,12 85:13,23 87:25	231:20 235:8	crews 47:8	danger 54:17 dangerous 192:18
cooling 186:20 189:3 190:19 196:1,5 197:2 200:18 210:2 218:4 225:2 227:12	COs 63:20	correction 21:9	crisis 129:10 132:7	Daniel 68:19 214:19
	COs 63:20	COs 63:20	criteria 40:20,21	data 40:5,24 135:13 181:10 181:17
	COs 63:20	COs 63:20	critical 29:11 57:21 84:4,16 84:21 213:2	date 14:10,22 146:23
	COs 63:20	COs 63:20	criticism 85:20 93:11 211:20 212:7 220:7	Daun 34:9 84:2 86:5,9 122:1 122:22 151:18 151:22 152:10 152:13 153:4,6 153:16 187:14 187:24 193:22 195:20 216:14 220:2,7,10,25
	COs 63:20	COs 63:20	criticisms 93:6,7 94:9,14 217:7 217:9 220:2	Dave 28:17
	COs 63:20	COs 63:20	criticizing 212:2 212:5,11,14	David 2:6 5:23
	COs 63:20	COs 63:20	critique 170:24 171:2	
	COs 63:20	COs 63:20	cross-commun... 48:18	
	COs 63:20	COs 63:20	cued 27:18	
	COs 63:20	COs 63:20	cup 141:19	
	COs 63:20	COs 63:20	current 18:11 38:7,24 58:7 61:3 99:3	
	COs 63:20	COs 63:20	currently 7:7 13:23 97:25 98:3,15	
	COs 63:20	COs 63:20	Curt 81:11 225:14	
	COs 63:20	COs 63:20	customary 209:19,22	

6:12	19:10,18 20:9	delayed 182:6	11:22 53:4,8	69:22,25 76:18
day 28:10 69:6	21:7 22:6,10	delaying 180:23	54:5,7,9	93:1 122:7
95:6,15,20	24:6 27:9 28:7	182:5	desk 195:17	132:14 139:8
96:4,8 136:10	30:9 33:14	delays 219:21	detail 105:16	157:19 162:16
200:5 205:14	39:24 42:21,24	deliberations	140:14 141:13	210:8 222:17
213:21,23	44:11,19 45:11	10:17	177:25 178:17	224:19
234:7	48:21 53:1,21	deliver 71:13	detailed 143:16	differently 91:15
days 11:4,14	64:17 75:24	deliverable	145:24 146:5	92:16
38:9 69:14	94:17 99:15	63:25	223:15	difficult 160:16
100:15,16	100:24 101:7	departed 104:18	details 112:18	dignity 9:10
day-to-day 99:5	108:18,21	150:3	129:7 160:21	direct 12:13 21:4
99:20 126:25	109:9,17,22	department 5:10	168:9 179:23	25:7 35:11,19
DD1 143:9 173:1	125:19 137:4	5:11 23:19	deteriorated	45:25 70:6
deal 106:8	140:6 143:5,16	35:16,17 40:1	155:14	75:4,8,9 99:16
114:12,23	145:17 146:20	depend 42:7	deteriorating	116:21 172:13
115:11 154:4	147:10 148:1	dependent 48:11	119:1 139:21	174:2,6 186:7
154:14 158:21	154:7 157:1	48:11,12	deterioration	195:21 197:1
172:2 188:24	158:3 159:11	depending 107:9	164:13	216:14
210:22	164:4 166:17	187:17	determine 7:20	directed 34:10
dealing 132:6,10	167:11 168:12	depends 69:18	8:5 67:24 80:6	35:6 86:10,23
173:18 217:4	175:15 193:21	157:13	91:24 161:20	87:6,9 195:17
217:11	204:15 205:6	depth 197:17	211:15	directing 16:17
dealt 111:13,15	205:13,18,22	deputy 13:8,16	determined 5:12	21:5 29:20
115:21	206:25 207:3	13:17,20 37:12	157:24	30:1 33:9 36:3
debatable 76:14	207:16 228:14	derailment	detrimental	69:20 87:12,23
debris 142:24	233:7	13:12	118:20	96:14,18,25
201:16	deficiencies	derrick 166:7,13	develop 16:22	117:9 121:20
decide 170:16,21	89:23	202:16 225:6	126:1 128:23	151:19 153:4
decision 9:1	deficiency 90:3	describe 12:25	138:10	158:12 187:5,6
27:12 28:5	define 42:9	13:25 14:12	developed 9:23	187:10,23
decisions 35:10	161:3 180:5	99:2 123:4	9:24 17:11	188:20 199:12
57:22 199:19	defined 162:7,12	146:11,25	45:13 126:12	220:9,17
199:20	definitely 57:9	147:10	183:21	direction 69:22
deck 35:6 164:9	57:20	described 25:23	development	70:3 140:14
165:17,19	definition	26:1 27:4	14:3 15:21	184:5 202:15
166:5 167:25	159:15	102:14,17	142:23 147:5	206:16 225:1
195:15,22	definitive 137:20	182:22 185:7	dewater 149:13	235:7
197:1 200:1	137:22	191:20 212:15	diagram 230:3,6	directions
202:1 206:11	definitively	227:13	230:11,17	104:16 110:24
206:25 207:3	165:22	describing	dialogue 103:7	150:1 210:8
207:16	deformation	180:14	diesel 136:21	directive 69:23
decorum 9:10	165:8	description	difference 62:15	directly 26:9
decrease 56:16	degenerated	195:12	88:17,18 94:3	32:22 83:15
57:8,9	221:20	descriptions	different 21:12	96:13 104:21
deep 62:21	degree 100:3,4	164:9	53:14 57:11	111:10 122:8
deepwater 1:5	delay 108:9	design 124:23	60:10 61:8	125:4 150:6
5:15 13:19	145:10	designated 5:22	62:11,12 63:12	176:5 177:18

195:15 207:3	6:22,23 13:24	Douglas 78:19	drills 43:24 44:7	efficiency 11:2
director 5:19	14:5,24 26:12	downflooding	45:8 50:1	efficient 60:17
7:24 68:3	26:17,25 27:2	120:20 122:19	64:22	efficiently 63:14
111:11	27:6,13,14	123:5,7,16,24	Dril-Quip 78:23	effort 31:22 32:3
disagree 141:1	28:2,12,17	124:7 140:18	due 114:20	32:8,9,12 34:7
196:14	30:17 31:11,12	140:23 141:16	116:21 118:12	34:11 72:8
disappearing	34:12,25 38:1	142:8,9,14,15	143:1 151:1	75:8 76:3,9,12
186:11	39:22 40:2	167:14,22	171:2 180:19	76:13 83:12
disappointed	41:2,2 43:6,18	173:19 188:25	duly 12:17 97:19	85:3 86:11,14
169:7	48:1 59:23,24	189:3 195:3,7	dumped 179:20	86:24 87:7,10
discovery 10:19	60:18 61:21	200:7 208:20	duplicate 144:17	87:13,18 93:3
discrepancies	62:23 63:6,15	209:12 218:6	Durec 227:1	93:7,23 96:1
224:23	63:16 105:9	218:13 225:4	duties 13:25	99:18 103:10
discuss 26:3	district's 15:8,11	downside 123:12	14:13,20 33:24	117:10 140:5
47:19 122:25	26:3	downstairs	35:19 99:3	144:18 152:17
discussed 11:7	divided 185:18	112:9	duty 14:4	153:5 156:24
124:11	division 40:1	dozen 30:12	Dykes 2:6 3:14	157:5 158:2,8
discussing	102:17	draft 115:15	3:25 5:23 6:12	159:1 161:6
150:13	document 40:23	134:20,24,25	6:17 50:25	187:5 188:4,5
discussion 63:17	53:5 54:12	135:6,22	55:20 189:10	188:21 196:11
63:22 114:18	104:4,4 105:6	136:18,20	191:4	198:19 199:8
115:11 120:17	146:11,13,17	139:2 149:14	dynamic 147:6	205:7 213:21
150:15,23	146:19 147:1,7	197:6,7 221:8	D.C 67:9	213:22 216:5
153:15 159:23	147:23,24	drafts 125:11		226:16 227:20
162:19 170:8	148:4,5 152:22	136:9 164:25	E	efforts 23:17
170:14,20	152:25 155:7	drain 165:24	earlier 11:7	31:7 34:16
171:4 179:6	169:25 170:11	drainage 165:19	24:15 36:19	36:3 72:5,11
180:16 204:19	170:13,17,22	165:24 166:5	39:8 51:1 72:4	73:3 82:22
discussions 68:1	171:25 174:15	drains 165:20	73:1 89:4	83:3,22 84:4
153:18 177:8	195:18 205:3	drawing 197:17	172:25 175:5	95:19 96:14,19
195:13	documented	drawings 109:24	179:4 181:5	119:12 156:16
dispatched	170:22	113:16,23	211:22 221:17	160:10 186:7
30:13 82:3	documents 51:4	143:16,24	early 32:20 39:6	187:11 210:6
displacement	205:1	144:4,10,11,17	118:17 132:21	219:8 224:7
197:19	doing 25:3,18,21	144:18,20	156:5 167:23	eight 17:4 61:14
disruptive 9:4	62:8 72:22	145:10	206:22 221:5	221:12
distinctly 21:12	138:15 142:4	drifting 114:13	easily 201:20	Eighth 13:24
distinguished	144:5 152:13	drill 43:15	editorial 163:7	14:4,23 15:8
76:8	163:20,20	DRILLER	effect 23:22	15:11 26:11,17
distract 9:9	182:3 206:17	142:23	25:11 31:17	27:13,14 28:12
distracted	212:5,12	drilling 1:4 5:14	58:19 70:15	28:16 31:10,12
128:19	door 113:11	18:1,6 33:16	116:23 227:17	34:12 37:25
distress 74:21	222:10	38:16 45:4	230:19	39:21 40:2
229:24	double-hull	49:9 53:9,17	effective 160:23	41:2 43:6,18
distribution	16:10,11	54:9 55:9	178:7	48:1 59:23
208:21	doubt 62:13	56:10 136:20	effects 8:3	61:21 63:6
district 2:8 5:9	DOUG 3:7 97:18	197:17	206:12 207:25	either 43:15

44:24 53:13 61:12 85:20 89:19,23 123:24 165:10 168:23 177:13 177:17 188:21 218:8,11 electronic 127:23 128:1,5 203:22 204:5 Eleven 43:5 Elliott 121:11 173:9,16 emergencies 18:16 emergency 8:24 13:1 16:4 18:19 39:10,23 41:7,23 42:7 42:10,14 43:20 44:6,11 46:1 51:6,12,22 52:3,25 68:22 88:14,16 90:16 108:7 129:16 132:12 174:25 215:4,5 220:12 employed 98:1,4 98:5 124:18 employee 8:9,14 198:11 employees 48:25 empowered 8:20 en 104:19 150:4 encompasses 14:5 encourage 85:2 ended 28:24 120:4 169:7 ends 118:15 123:8 Energy 1:13 5:5 5:19 6:14,19 6:24 7:17,25 8:12 12:6 enforcement 5:6 5:20 6:15,20	6:25 7:18 8:1 8:13 12:6 14:16 75:7 enforcing 62:9 engage 35:3 194:13 224:6 engaged 194:5 210:6 211:14 engine 211:4 engineer 6:18 66:22 67:7 82:1 engineering 65:17 100:4 126:10 181:8 181:10 enhancing 36:5 171:17 enrolled 175:7 ensure 40:4 48:18 49:11 116:9 ensuring 51:18 entailed 196:15 entails 40:8 entered 165:17 entire 60:6 61:19 146:13 220:18 entirety 154:21 entities 102:8 107:3 194:17 entitled 1:15 43:22 146:19 230:6 entity 108:15 environment 35:15 76:5 environmental 192:4 equipment 84:10 121:1 186:21 207:2 214:11 erratic 138:16 138:23 erroneous 141:7 escalating	219:13 especially 75:23 99:21 112:21 Esq 3:8 essentially 126:12 223:25 230:4 establish 28:13 29:5 established 29:3 30:3 91:20 estimate 41:14 100:14 evacuate 49:17 evacuated 94:10 evacuation 39:23 46:14 51:6,12,22 52:3 53:1 54:18,23 55:2 64:23 92:13,21 92:22 93:8,15 94:2,16 evacuations 47:17 evaluate 54:16 55:1 127:25 130:15 evaluating 64:21 95:21 evaluation 36:10 66:14 evaporating 200:18 evening 109:10 152:2 155:9 event 28:11 32:4 76:19 91:6 108:15 129:11 142:7 152:25 175:12 196:24 216:20 219:20 220:18 events 166:13 181:9 201:24 eventualities 192:20	everybody 17:20 50:21 226:10 evidence 8:5,17 10:18 12:8,10 87:16 evidently 150:19 evolution 142:20 exact 114:12 136:2 145:7,13 145:14 175:25 205:10 exactly 28:9,19 40:19 42:1 68:6 72:21 91:1 111:12 120:13 121:23 140:11 166:16 175:14 179:1 184:2 224:18 exaggerated 141:9 EXAMINATI... 3:10,11,12,13 3:14,15,16,17 3:18,19,20,21 3:22,23,24,25 4:1,2,3,4,5,6 12:19 17:24 36:18 49:23 50:25 55:22 64:13 67:22 68:18 79:9 81:2 88:3 95:3 97:21 104:12 130:8 133:17 135:12 144:8 146:22 156:21 159:8 163:21 172:24 180:3 184:23 189:10 191:6 193:18 203:25 204:13 212:10 214:18 225:17 231:18 232:17 examine 11:4 examined 12:18	97:20 example 123:15 132:2 191:12 223:4 225:5 excellent 132:17 171:10 exception 11:20 92:24 excess 179:18,19 179:21,22 exchange 56:1 excluding 142:2 Excuse 144:1 excused 11:21 execute 32:15 162:8 171:24 executed 154:23 155:5 executing 22:3 exercise 105:24 106:3,9,11 219:10 exercised 70:18 71:10 72:7 exercises 43:23 43:24 50:14,17 50:19 106:16 106:20 161:12 exhaust 164:10 exhibit 17:23 exist 105:15 177:11 existing 175:15 exists 54:15 expanded 14:15 expect 11:5 84:13 124:16 162:4 168:11 212:20 218:25 228:21 expected 136:15 expecting 11:15 expedited 182:8 expediting 133:10 expeditiously 148:20
--	---	---	---	---

experience 13:5 18:3 36:25 38:18 84:18 100:9,13 106:12,14,15 106:21 110:4,8 120:8,11 124:25 125:14 142:22 146:4,7 153:21 154:2 156:22,25 160:7,9 161:4 167:5 178:13 181:12 213:6 217:1,4 223:11 223:14,17 224:4 230:2	extends 20:18 extensive 100:13 106:14 193:6 extent 7:21 32:18 115:17 209:17 external 142:7,9 143:10 extinguish 149:11 196:3 EXXON 16:1 e-mail 103:23 104:14,25 122:15,17,17 122:24 149:21 149:24 189:12 211:9	facts 212:1 fail 202:7 208:9 failing 202:5,6 failure 116:21 164:4,13 failures 163:23 164:2,19 fair 9:9 48:16 55:15 81:3 215:3 230:20 230:24 fairly 44:14 77:18,18 169:2 Falck 160:3 198:16,17 229:6 fallen 142:25 falling 225:6 falls 110:3 false 10:6 familiar 46:6,8 77:10,13 105:8 105:12,14,20 109:16,20 112:1 127:3 129:3,5 151:6 177:23 210:25 211:4 215:24 familiarizing 114:3 Fanning 3:19 88:3,5 94:19 far 11:23 16:13 25:18 28:1 40:22 45:1 47:6 48:4 74:22 83:11 93:3 103:13 120:10 125:6 125:11 136:22 143:11 155:4 156:6 162:2 204:25 219:12 219:23 220:3 222:22 229:19 farfetched 208:19	farther 224:2 feasible 212:19 February 58:19 federal 6:8 10:5 15:23 16:16 21:1 60:12 70:5 96:9 176:13,16 177:13 feedback 121:5 feeding 148:25 feel 42:19 163:1 195:18 feeling 36:14 113:5 143:10 181:6 187:8 felt 25:14 28:3 29:8,10 169:2 180:25 182:7 184:2 190:6 221:7,10 field 29:17 44:25 47:22 48:22 49:7 121:6 201:18 216:15 Fifteen 97:7 fight 22:1 33:24 75:25 196:6 205:8 209:19 209:22 210:1 fighting 21:16 21:20,23 22:5 22:12 33:13 34:3 196:18 206:13 210:15 file 203:22 files 134:5 fill 129:7 filling 163:13 final 7:22 70:3,7 Finally 122:11 122:14 find 88:24 165:5 167:22 168:1 216:7,11 findings 7:13 10:16	fine 10:8 224:24 232:12 finished 169:3 171:2 fire 1:2 20:15 21:16,20,23 22:1,5,6 23:12 23:19 25:11 33:4,14,24 34:2,3 35:15 35:16,17 45:8 52:7 73:6 74:23 75:25 76:5 82:3 85:3 85:8,15 90:19 92:20 93:24 106:1 110:14 112:25 113:1 115:6,8 116:22 119:10 141:3 142:2,3 148:25 149:2 151:2 152:15 157:3 159:9,12,13,18 159:20 160:21 162:11 164:3 175:15 181:17 185:11 186:9 186:18 195:25 196:2,7,13 205:8,22 206:13,14 207:1 208:8,8 208:16 209:19 209:23 210:1,7 210:9,15,22 211:1,3 224:22 229:2,11 firefighter 35:14 93:4 161:1,2,4 198:6,8,14 199:6 firefighters 23:16 72:24 159:24 firefighting 20:3 22:16,19 25:17
experienced 142:6 experiences 141:21 158:21 160:17 expert 84:25 140:21 expertise 23:24 66:11 74:18 77:5 150:24 216:19,23 217:13 232:10 experts 74:17 76:10 explain 95:7 126:3 exploration 36:6 171:18 explosion 1:2 5:13 90:19 110:14 119:10 164:3 215:20 explosions 82:2 142:11 167:20 201:3,4,10,11 201:18 202:4 221:22,25 222:20 225:8 expressed 212:22	<hr/> F <hr/> FAA 70:19 face 28:21 44:11 facilitate 23:18 148:19 facilitating 74:16 facilitation 23:21 facilities 41:25 42:4 45:5 62:6 70:16 74:1 facility 16:12 18:18 31:18,20 39:14,17,18 40:21 74:4,11 160:5 fact 10:16 79:24 79:25 80:6 81:18 82:13 83:21 84:7,25 85:5,17 99:5 117:7 125:3 167:25 179:5 215:21 227:19 228:18 229:14 factor 167:15 200:7,10 factors 232:21			

26:13 29:20,24	188:4,21	flow 32:11 54:14	FOSC 26:20	225:12 226:12
30:1,2 31:6,22	193:25 195:24	54:15 65:11,14	27:12,15 28:1	229:22
32:3,8,9,12,24	196:11 198:19	177:25 186:6	28:2,6,13	Furthermore
33:10,19 34:7	199:7,24	206:24	67:18,19 68:9	150:22
34:10,16 35:5	204:15,20,23	flowing 196:4	69:19	future 8:3 64:3
35:7,12,20,24	205:25 207:2	flown 152:3	found 114:4	161:23 170:7
39:10 47:17	210:6 219:8,10	flows 195:15	220:25 224:16	170:11
58:18 59:1	227:10	fluids 201:21	foundation	
67:17 72:5,8	fires 22:12	flying 201:16	125:17	G
72:11 73:3,13	149:12 164:15	FMSC 60:11	four 37:9 216:25	gain 36:24
74:3,6,13,18	196:20 208:3	focus 8:24 62:25	Fourchon 83:17	186:15
74:23 75:18,21	fire-control	114:10	104:21 150:6	gained 106:12
75:22 76:3,6	204:25 205:4	focused 25:3	frame 28:9 59:2	gallons 205:12
76:11,12,16,19	fire/well 115:18	folks 18:9 29:15	138:19 172:10	Galveston
79:14 81:12,19	firm 124:4	53:25	190:3 214:23	121:11
82:9,11,22	first 12:17 47:2	follow 6:6	frankly 128:15	gap 57:14 58:12
83:3,12,19,22	61:4 68:23	147:23	143:10 149:7	58:13 169:14
84:3,18,23	97:19 109:6	following 15:10	169:6 192:1	gaps 162:10
85:8 86:11,14	110:22 111:18	50:7	freeboard	garbage 127:13
86:23 87:7,9	112:2 114:16	follows 97:20	186:16	127:13
87:13,18 89:6	117:16 118:6	follow-up 95:1	free-flowing	gas 36:5 147:19
90:18,20 92:3	119:1,19 125:7	177:2 191:7	208:15	171:18
92:3,8,14 93:3	141:6 147:8,17	217:25	front 45:22	gassing 208:14
93:7,15,23	148:17 156:10	follow-ups 64:18	146:12 149:22	gather 24:13
94:11,16 96:1	175:20 184:25	footage 203:8	fruitful 233:25	gathering 14:17
96:14,18,25	185:11,22	Force 13:6,9	fuel 135:21	general 9:5 23:2
98:10 99:17	187:13 188:16	37:11,13	148:24 149:2	23:11 81:10
101:17,23	189:13 195:1	foregoing 235:5	152:14 185:1,5	98:17 99:12
102:2 105:18	216:16 224:10	foreign 19:24	185:23 186:5	127:18,22
107:19 114:19	224:14	57:25	186:11,19	135:25 136:15
114:22,24	firsthand 143:9	forget 141:8	191:12,18	136:21 144:25
115:2 116:2,4	fits 172:9	169:15	192:12 210:11	167:3,9 178:17
116:10 117:25	five 10:9 11:3,14	forgot 104:8	210:13,17,22	194:11
118:8 119:11	37:5 110:13	169:9	full 9:6 30:17	generally 227:11
120:10 140:5	129:11 210:8	form 107:16	113:25 122:10	229:10
149:3,21	216:25	233:9	function 65:23	generate 130:25
151:12 152:17	five-day 8:23	formal 64:1	67:8,13	131:6
153:5,8 154:18	fixed 45:10	215:10	functions 29:1	generated
156:15,24	53:19 70:16	formerly 5:21	Fund 16:15	164:17
157:5 158:1,8	flag 19:24 64:16	forms 69:23	further 36:17	generator 82:4
158:12 159:1	193:11,20	forth 177:22	49:21 68:14	generically
160:4,7,8,18	flexible 215:11	forward 12:12	138:10 141:13	110:1
160:23 161:6	floating 44:17	108:7 132:1	149:10,11	gentleman 6:11
161:12 162:15	45:7 58:9,15	199:10,17	156:4 172:17	6:21 7:1,6
162:20 175:9,9	flooding 142:16	220:6 226:14	178:16 180:1	228:25
185:1 186:7,25	143:2	forwarded	204:7 214:14	gentleman's
187:5,7,10	Florida 41:20	199:21	219:16,16	226:23

<p>gentlemen 227:14 Gents 104:16 geographic 29:7 getting 32:21 57:20 74:20 104:22 115:14 121:5 150:7 152:11 160:12 161:16 185:25 191:11 206:1 211:11 219:22 221:6 224:10 224:14 GHS 126:17 give 86:12,24 105:2 110:12 121:10 143:23 144:3,9 174:15 174:17 183:6,8 183:13 190:2 given 135:24 136:23 144:13 148:9 163:14 184:5 197:11 199:23 gives 16:15 giving 184:15 198:18 199:6,9 gladly 131:9 go 18:11 27:20 40:23 41:4 44:15 52:8 55:16 60:25 61:11 80:24 86:3 92:9 94:8 114:12 115:5,6 115:7 117:21 120:6 122:16 130:14 141:20 141:22 149:11 156:4 157:14 160:17 162:25 166:2,11 167:19 178:6 178:16 181:8 183:23 186:24</p>	<p>189:11 190:8 191:1 217:25 232:22 goal 147:18 230:23 GODFREY 4:3 204:11,13 212:10 214:13 GODWIN 77:25 goes 25:12 47:7 54:20 123:22 138:5 147:9 174:21 going 22:24 24:22 25:2,11 28:3 29:6,14 29:25 30:22 31:3 49:11 56:13 59:5 61:14 63:17,21 64:3 65:6,8 66:19 73:7 75:3 83:15 86:16 90:25 103:7,13,14 110:1 112:13 112:17,22 113:6,6 114:10 115:14,15 117:8,12,20 118:4,18,21 119:2,7 120:23 122:13 123:18 123:19 124:3 125:11 127:10 127:11 128:20 129:23 132:2 136:23 139:17 140:10,12,13 141:11 148:13 148:14 149:18 151:4 155:12 162:8,9 167:25 171:1 179:6,10 182:2,10 183:4 183:6,7,13,16 183:19,22</p>	<p>186:9,19 198:9 200:16 207:6 207:10 208:13 210:21,21 218:8 219:15 227:11,24 228:15 good 5:3 12:20 12:21 31:2 62:1 64:4,14 77:18 79:10 88:4 91:9 97:22,24 132:4 137:25 213:1 224:2 225:18 GORDON 78:20 gotten 24:15 48:8 145:21 183:18 201:25 government-i... 43:22 44:6 grabbed 191:16 graduate 100:2 graduated 100:3 grateful 220:21 gravity 209:10 209:13,16 great 187:16 greater 223:21 229:19 green 199:10 Greg 64:15 193:19 gross 145:11 199:16 groundwork 125:9 group 30:3,6 40:18 63:5 65:4 GU 101:1 Guard 2:4,11,18 2:21 5:5,8,17 5:18 6:7,9 7:5 7:8,16,24 8:11 12:5 13:24 14:23 15:2,11</p>	<p>16:8 19:19,22 22:23 23:12,15 26:12,15,17 28:17 29:23 30:8,14 31:4 31:10,12 32:13 33:8 34:17 39:11 40:11 41:23 42:13 43:14 44:2,4 45:1,25 47:2,6 47:18 48:14 49:25 50:11 51:17 53:12,22 55:14 56:5 64:20 66:1,6 67:25 68:24,25 69:3,5,16 70:8 70:18,24 71:5 71:6,9,21,25 72:4,13 73:2,5 74:5,9,24 75:4 75:11,17 76:2 76:21,25 85:6 88:15 89:10 91:19,23 92:6 95:5,15 96:4,8 96:13,15,21 100:6 105:9,25 120:7,8 121:8 121:20 148:6,7 148:9,10,12 155:6,24,25 156:11 163:19 174:1,3,4,6 176:9,10 182:16 216:3 216:17 219:1,2 219:3,5,11 223:1 226:20 227:9 231:19 232:18 guards 112:10 Guard's 20:13 29:19 64:23 69:12 73:17 163:11 216:6</p>	<p>Guard-approv... 155:19 Guard/Bureau 1:13 guess 56:6 61:10 65:15 169:17 guidance 147:7 194:9 195:21 guidelines 9:16 20:14 Gulf 1:6 13:7 17:1,3,10,18 20:15 21:17 22:7 37:6 41:13 42:13,18 43:3 46:13 48:2 59:21,23 60:6 61:19 62:20 105:9,10 Gustav 13:14 58:15 guy 122:1 177:19 187:15 187:18 192:5 guys 201:13 227:15</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 30:12 200:5 205:15 hall 52:17 Halliburton 77:24 hand 25:16 203:17 handful 216:24 handicap 108:11 handle 31:2 61:10 72:13 handled 34:24 63:4 196:20 handling 152:7,7 Hanzalik 3:5 12:16,20 36:16 36:19 55:23 64:14 67:11 97:9</p>
--	--	--	---	---

happen 23:7 91:2 162:23 167:8 186:2	183:20 186:23 190:8 heavy 195:15 HECSALV 125:22 126:2,3 126:14,19 131:11,17 133:1 134:2,4 144:10,12 181:6 222:8	hoping 188:1 HORIZON 1:5 5:15 13:19 19:10,18 20:9 21:7 22:6,10 24:6 27:9 28:7 30:9 33:14 39:24 42:21,25 44:19 45:12 48:21 53:2,21 64:17 75:24 80:1 81:12 85:16 94:17 99:15 100:24 101:8 108:18 108:22 109:10 109:18,22 125:19 137:4 140:7 143:5,16 145:17 146:21 147:11 148:2 154:7 157:1 158:3 159:11 164:5 166:17 167:11 168:13 175:15 193:21 204:16 205:7 205:13,18,22 206:25 207:4 207:17 228:14 233:7	68:23 110:13 115:12 117:18 119:2,10 129:11 132:21 155:10 187:12 212:25 214:22 221:19,23 Houston 32:19 103:25 121:2 173:7 huge 27:10 28:4 31:1 58:24 187:2 hull 123:9 127:18 163:22 164:2 165:17 165:20,24 168:10,25 human 211:17 HUNG 2:4 hurricane 52:2 58:15 173:5 hurricanes 13:13,14 hurt 74:20 hypotheticals 90:15	181:17 immediate 42:20 74:19 immediately 30:13 31:8 47:9 82:1 114:2 117:1 133:1 143:14 170:25 217:25 immense 186:18 impact 35:8 57:5 58:22,25 73:7 192:4 impingement 116:22 implement 156:2 implemented 44:4 73:24 implies 200:22 imply 208:15 import 132:25 important 52:20 120:1 181:11 195:16 impression 86:12,24 imprisonment 10:9 improving 139:22 200:16 222:25 inaccurate 130:6 inappropriate 79:18 inches 41:17 incident 13:2,16 13:19,20,23 14:10,25 15:4 15:10,12,19 24:5,9,11 27:25 28:4 29:23 30:10,15 37:15,18 38:3 38:8,14,25 46:21 58:14 60:21 65:7
happened 24:11 43:19 90:11 94:4,17 112:16 112:17 120:2 121:25 129:12 210:5 213:18 221:16,18	held 98:18 helicopters 43:4 43:5 helos 46:13 47:9 help 67:4 115:7 148:19 helped 128:23 helpful 174:16 203:5 219:11 222:15 232:16 helping 46:24 Herbert 126:10 hereto 235:11 heroes 220:6 hey 87:11 140:22 Higgins 2:10 3:11,20,24 7:4 7:6 11:11 12:19 17:22,24 36:15 57:11 59:20 79:12,24 95:3 97:3 184:23 189:6	horse 141:25 141:25 142:6 143:4,8 hospitals 45:14 45:15,16,20 host 102:7 124:15 160:17 hot 63:7 181:16 hot-stabbing 179:6 Houma 13:21 hour 138:21 205:12,21 212:24 222:4 hourly 119:25 hours 44:20	IC 176:13 ICP 13:20 ICS 150:14 idea 62:2 91:9 127:14 191:2 233:15 identified 20:6,6 22:15 55:4 108:21 162:22 177:16 187:14 230:5 identify 108:14 223:20 ignore 201:19 Ike 13:15 58:15 imagine 51:14 51:16 64:2 imagining	
happens 153:1 162:9 happy 171:11 213:4 hard 181:17 harm's 212:13 213:10 Harrell 86:3 88:2,5 94:15 231:8 hazardous 57:15 heading 24:17 headquarters 39:16 40:19 65:11,15 66:25 225:21 226:21 227:21 heads-up 110:23 hear 11:25 12:10 127:13 heard 88:13 89:1 100:23 119:4 142:12 150:15 167:20 180:15 200:3 205:20 205:24 214:4 224:22 hearing 6:5 9:9 9:14 11:24 73:16 heat 116:22 141:3 151:2 179:8 180:17 180:19 181:15	hold 35:22 98:22 100:6 Holiday 1:20 Homeland 5:10 honor 11:3 hope 233:24 Hopefully 35:13 62:9	IC 176:13 ICP 13:20 ICS 150:14 idea 62:2 91:9 127:14 191:2 233:15 identified 20:6,6 22:15 55:4 108:21 162:22 177:16 187:14 230:5 identify 108:14 223:20 ignore 201:19 Ike 13:15 58:15 imagine 51:14 51:16 64:2 imagining	imprisonment 10:9 improving 139:22 200:16 222:25 inaccurate 130:6 inappropriate 79:18 inches 41:17 incident 13:2,16 13:19,20,23 14:10,25 15:4 15:10,12,19 24:5,9,11 27:25 28:4 29:23 30:10,15 37:15,18 38:3 38:8,14,25 46:21 58:14 60:21 65:7	

69:7 73:18 75:13 77:5 91:8 95:18 103:4 107:6,7 107:8,9,14,20 108:2,5 109:1 109:24 110:9 111:2 112:11 113:3,10,13,22 119:9,21,23 120:13 124:13 125:20 130:17 130:18,23 131:4 135:3 137:2,6 145:12 171:12 174:11 174:23 175:23 176:2,21 177:3 177:5,19 178:21 182:4 187:4 188:14 194:6,20 200:6 214:22 215:19 217:8 220:4 222:11 incidents 13:11 38:22 73:11 99:21 include 10:8 17:3 92:2 included 20:10 124:14 includes 20:2 22:14 including 10:15 13:12,14 42:4 126:17 160:18 incompetence 8:6 inconsistent 138:24 165:3 206:8 increased 22:20 56:17 increasing 168:2 independent 17:6,8	INDEX 3:10 indicated 34:10 36:20 86:10,22 87:6 indicator 166:14 indicators 164:20 individual 17:14 18:21 52:16 54:5 71:4 80:25 individually 17:11 individuals 24:3 28:15 45:14 46:2 48:9,19 49:3 53:14 70:15 217:4 227:2 industry 18:13 36:12 46:17 55:7,8 77:14 77:19 108:3 inferno 212:5 influence 9:4 informal 170:20 information 8:1 12:2,12,14 14:18 24:14,16 29:12 30:24,25 31:5 52:15,18 52:21,22 57:21 66:21 71:14 90:25 113:2,8 113:17,19,20 113:20,25 117:6 118:24 119:13,24 120:14 128:16 128:21,23,24 133:19,21,25 134:19,21,23 135:1,2,5 137:8,21 138:3 138:4,5,13,17 138:21,24 139:1,10,14,14	140:19 141:15 144:25 145:5,6 145:7,14,20,24 145:25 146:1,5 152:10 161:21 163:15 165:3 167:4,10 178:1 197:6,12,14,23 212:17 219:6 219:12,15,22 219:24 220:22 220:23,24 221:2 223:21 informational 9:25 ingress 201:20 202:20 initial 26:2 27:4 53:16 144:16 144:24 224:25 225:7 initially 26:23 26:23 115:5 158:25 initiate 103:10 initiated 10:21 64:22 initiating 54:22 injured 27:18 Inn 1:20 input 211:22 inquire 12:3 inquired 119:5 inside 9:14 21:12 57:12 62:4 123:8,19 200:16 insofar 229:21 inspection 61:24 inspections 51:19 inspector 8:11 51:16,17 instance 18:17 46:20 74:22 91:16 132:22 157:15 181:14	190:12 193:8 instances 233:2 instructions 220:16 instructor 7:10 160:3 instructors 52:8 integrity 218:12 intelligence 14:18 intended 7:19 8:5 intention 196:2 interact 153:22 interacting 104:25 105:1 interaction 38:22 57:10 154:1,8 interest 10:25 11:1,3,5,7,13 11:20 67:23 68:4 interested 235:12 interesting 106:11 interface 101:12 103:18 107:3 interfaced 111:23 interfere 9:8 207:9 226:13 interference 182:12 211:10 211:14 interfering 104:22 150:7 180:5,6 Interior 5:11 internal 170:4 180:11 201:2 201:21 202:4,4 213:3 internally 209:6 international 75:9	interpret 185:20 intervened 143:6 intervention 101:17 102:24 149:19 153:2 162:18 172:2 189:15 224:7 interviews 9:13 intimately 105:14 223:9 introductory 147:7 investigation 1:1 1:14 5:6,12,24 6:3,6,7,16 7:10 7:19 8:4 10:14 12:3 192:9 203:6 234:1 investigations 25:25 investigative 12:4 involuntary 193:1 involved 8:10 24:7 30:15 32:14,17 68:1 99:15,20 100:20,22,25 101:3 103:11 107:11,12,13 116:14 117:18 142:9 147:13 161:11 170:1 171:6 175:22 177:4 185:25 194:6 200:5 204:22,24 213:13,18 217:6 219:9 223:6,7,9 involvement 64:23 83:13 101:6 107:1 169:25 229:7 involving 106:9
--	---	---	---	--

<p>In-come 104:20 150:5 irrelevant 210:14,17 Islands 64:10,16 193:17,20 issue 11:12 31:4 31:11,13 61:16 62:10 106:10 114:21,22 120:17 124:10 125:5 142:3 162:25 183:4 190:7 issued 8:19 issues 47:20 57:20 60:13 63:24 104:23 110:6 123:10 150:8,9 160:19 164:23 180:22 184:7 Item 154:24 items 64:24 115:16 150:13 153:10 154:22 166:11 216:8</p> <hr/> <p style="text-align: center;">J</p> <p>Jackson 6:23 JAMES 3:5 12:16 Jason 2:12 6:17 Jason's 50:7 Jim 198:24 Jimmy 86:3 88:2 88:5,8 94:15 231:8 Jimmys 88:11 job 38:24 55:9 117:24 144:5 John 2:15 6:22 Johnson 3:17 4:4 68:18,19 77:20 214:18 214:19 225:11 joined 98:25</p>	<p>100:5 joint 1:12 5:4,12 5:23 6:3,5 223:8 jointly 114:5 judge 2:8,8,10 7:2,4 10:3 11:11 64:8,12 68:15 77:23 78:2,5,6,10,14 78:18,22 79:1 79:5,8 88:1 94:22 97:5 104:6 131:23 143:22 144:2 146:15 163:16 172:20 193:9 193:16 204:9 212:8 214:16 225:13,16 231:7,14 232:11 233:11 233:18 234:2 judgment 200:6 July 38:7 jump 117:14 junction 228:1 juncture 228:11 June 98:20</p> <hr/> <p style="text-align: center;">K</p> <p>Kaluza 94:25 231:9 KAPLAN 78:24 keep 23:23 59:1 74:18 116:15 135:22 149:18 181:20 keeping 60:17 kept 60:15 key 101:20 116:16 161:9 184:8,9 197:20 kind 17:13 24:25 25:6 46:21,24 51:15 62:25 73:12 90:9</p>	<p>127:8 182:14 229:9 kinds 132:7 KIRBY 78:16 Kirk 34:5 knew 112:22,24 135:19 140:9 140:11,13 179:17 227:7 know 16:1 17:25 20:8,12,17 22:4,10,13 23:8 24:2,13 25:18,20 27:15 30:2,8,12,13 30:23 31:21,23 32:2,6,13,18 32:23 33:1,4,7 33:12,16,25 34:5,8,15,20 34:22 35:3,18 38:5 39:21 40:6,7,11,12 40:20,22 41:11 41:12,12 42:20 44:1,18 45:17 47:13 48:17 49:1 52:21 53:4,19 55:12 56:15,15,17,21 56:24 57:5 59:4,10 60:20 60:20 63:8,21 63:23 64:19,20 65:1,1,13 71:3 72:14,21 79:21 80:2,16,18 81:6 85:18,19 86:4 88:8,16 90:13 91:7 93:1,13,18,22 94:1 95:13,14 95:17 102:22 105:15,15,17 106:16,19 108:16 109:25 110:1 111:1,7</p>	<p>111:12 112:25 115:17 116:1 117:8 118:7,8 118:21,23 119:13 120:12 121:12 123:5 125:1,14,21 126:7,23 127:2 129:3,4,15,18 131:15,18,25 134:6,13,16 135:8,14,20 136:2,11 137:18 149:8 151:6 152:21 152:23 153:1,5 154:10 155:11 155:15,21 156:12,14 157:14 158:6,9 158:14 159:13 159:17 161:19 161:21,24 162:18 163:7 165:10,12,13 165:15,16,18 165:19,22 166:4,16,18,19 166:21 168:6 168:12,14,18 168:23 171:20 171:23,24,24 172:2,3,6 174:10 175:8 176:20,25 177:1,1,3,10 177:14,15 178:22,23 179:1,15,23 180:12 181:16 184:1,2 185:15 186:10 187:2,6 187:8 190:12 192:2,8,17 198:17 199:5 202:9 203:7 205:5,10,11,17</p>	<p>207:7,21,23 208:17 209:14 209:17 213:20 214:1 218:15 218:24 220:10 221:16 222:23 225:2,10 227:9 232:12,20,20 233:3,5,12 knowing 192:4 knowledge 43:13 48:17 75:14,16 77:2 80:9 85:14 137:15,20 153:9 154:11 168:5 189:22 229:11,19 233:4 knowledgeable 84:9 known 5:21 19:17 knows 67:5 153:24,25 193:3 KOHNKE 163:4 163:9 KUCHLER 78:12 Kuchta 34:5 79:6,11 85:21 153:13 154:8 158:8 225:14 232:5 233:5 Kyle 79:11 225:18</p> <hr/> <p style="text-align: center;">L</p> <p>lack 181:11 laid 162:23 166:9 Lake 6:23 Landry 27:11 28:5 31:17 32:22 80:15,17 80:17,19,21</p>
--	--	---	--	--

95:11 219:18 228:5,7,12 Landrys 80:25 Landry's 80:14 82:17 language 79:22 laptops 9:19 large 28:4 41:8 167:20,23 188:15 196:15 201:4 lasso 193:8 late 189:23 launch 151:1,8 180:17,19 182:15,23 183:14,18 184:21 186:1 190:24 211:18 launched 150:18 189:22 212:23 launching 150:16 law 8:7 14:16 16:23 31:16 75:7 lay 125:8 layer 29:15 layers 60:19 61:3 laying 166:14 layout 109:16,21 lead 7:9 120:9 153:1 161:5 leading 71:18 learned 63:10 170:2,6,13,18 224:11 lease 171:25 leave 161:16 leaving 5:15 83:15 left 6:11,17,21 38:12 83:22 109:12 155:9 163:10 169:2 169:14 173:25	186:17 legislation 15:20 LEMOINE 78:4 length 212:21 lesson 170:2 lessons 63:9 170:6,13,17 let's 56:25 100:24 117:4 119:25 122:14 123:14 181:20 212:1 221:5 226:12 level 37:3 39:17 43:19 62:23 94:9,14 166:22 167:7 176:17 leveled 85:20 166:20 leveling 166:23 168:2 levels 36:24 Liability 16:14 liaisons 219:22 license 100:7 231:19 232:19 licensed 8:8 232:19 Lieutenant 7:7 life 1:5 117:10 117:15,22 lifeboats 50:4,6 136:4 lifesaving 207:10 light 46:22 232:15 Likewise 203:14 limit 47:3 106:25 limited 20:20 21:5 23:24 38:18 56:5 75:21 140:2 216:22 223:11 limits 179:7 line 46:1 103:5,9	176:24 183:12 219:19 lines 83:9 86:18 122:9 138:17 181:8 link 102:20 121:17 173:12 187:20 216:15 linked 176:24 links 191:15 Linsin 3:16 4:2 64:11,13,15 67:22 68:13 193:18,19 203:13,25 204:6 list 11:17 45:15 123:10 141:6 141:14 165:7 166:10,17 201:6 209:1,13 224:19,20 listed 11:16 168:15 listing 121:7 141:18 167:6 221:8 224:11 224:16,25 225:3 little 14:15 16:15 24:15 25:5 36:9 46:21 95:7 105:7 113:1 118:12 133:24 138:16 169:5,12 173:10 live 173:22 211:3 lives 226:6,17 load 180:20 181:15 183:20 loaded 127:20 134:11,18,20 136:9 loadout 121:2 local 18:24 23:18 31:14 35:16	62:17 74:2 121:12 locals 18:21 locate 12:7 located 66:25 67:8,9 location 11:24 70:25 148:14 169:1 190:24 194:16 logistical 150:13 logistics 120:23 logs 190:2 long 9:7 37:14 38:2 49:2 98:12,18 122:16 128:17 159:22 167:19 longer 119:4 121:16 164:12 164:22 169:5 231:25 232:3 look 61:7 63:14 64:4 66:14 132:1 148:8 164:10 167:16 190:20,20,21 197:17 201:23 looked 52:25 59:16 64:24 128:10 139:16 139:17 142:1,5 143:3,4 167:17 183:22 187:18 looking 44:19 63:12 65:5,9 120:14 129:15 139:20,24 165:6 169:9 182:15 207:9 230:10 looks 187:1 losing 142:4 loss 1:5 90:5 200:10,21,24 221:21 lost 90:10,20	119:6 218:8,11 lot 18:12 25:1 46:19,22 62:24 71:18 80:25 88:11 103:6 113:25 118:23 120:23 140:18 143:3,4 155:3 161:15 171:21 172:13 203:22 219:24 220:10 220:23 225:24 Louisiana 1:18 1:21 28:25 95:13 love 217:16 lower 142:25 low-oxygen 186:22 LTR 2:20
<hr/> M <hr/>				
M 2:4 51:7,13 MACONDO 70:9,25 magnitude 60:3 60:21 228:23 main 63:22 114:10 138:8 165:17 maintains 157:22 major 13:11 22:6 33:13 99:10,21 100:19 101:4 108:5 111:11 112:24 126:17 201:15 majority 93:19 making 9:1 10:6 35:9 48:24 57:5,22 179:13 199:18 man 54:16 55:5 55:11 195:20 management				

1:14 2:6,13,15 5:5,20,21 6:13 6:14,19,24 7:17,25 8:12 12:6 13:2 19:17 24:9 63:1 104:18 150:2 manager 6:22 98:17 99:13 104:1 mandate 50:11 manifolds 164:11 manner 145:7 191:22 230:22 Manual 6:10 marine 1:2 6:10 7:10 10:14 20:3 26:8 31:5 35:14 37:4,8 39:19 51:15,17 57:15 61:24 67:8 76:3,5,6 76:11,12,18 98:10 99:10 101:4,17,22 105:17 160:6,8 161:1,3,5 maritime 60:12 99:23,24 100:2 100:12 Mark 2:10 7:3 marshal 159:19 159:21 Marshall 64:10 64:16 193:17 193:20 Martin 3:7 97:18,22 130:9 172:16 189:11 216:18 mass 15:13 26:16 27:1 master 33:25 35:18 36:2 53:13 54:5,17	55:5,10 79:23 80:21 82:20 86:13 87:11,12 87:16 98:24,25 99:8 100:6 102:2 153:6,23 153:24 154:2,5 154:13,15 157:6,8,11,16 157:20 158:2 160:16 175:11 175:17 198:20 198:22 199:7 199:22 231:22 231:25 232:3 232:13,19 masters 99:10 master's 21:22 33:23 match 165:7 material 114:4 196:12 materials 114:7 225:6 Mathews 2:12 3:12,22 6:18 6:21 36:18 49:20 56:2 172:21,22,24 179:25 matter 11:12 43:16 90:18,21 90:24 132:4 167:21 182:9 187:20 235:13 matters 206:5 MAX 122:4,15 McCARROLL 2:15 3:13,23 6:22 49:23 50:23 180:3 McKechnie 111:5,14,17 112:2 122:18 122:23 153:16 153:19 176:6 187:9	MCTs 202:6 mean 38:20 42:25 43:18 44:13 50:20 60:9 62:15,22 69:18,19 70:3 71:17 76:15 87:10,17 89:3 90:24 95:20 105:2 123:23 125:18 136:14 148:22 161:4 168:14 178:15 180:7,10 188:13 205:2 210:20 220:17 220:19 meaning 137:23 156:25 means 91:23 126:4,7 148:24 192:15 196:18 meant 151:3 200:9 217:20 measure 166:1 mechanically 218:21 mechanism 191:24 media 9:7,13,17 medical 43:10 43:11 45:6 medium 13:11 196:23 medivacs 43:12 meet 47:19 109:25 234:4 meetings 18:5,10 18:12,14 48:2 48:4 members 2:2 10:10 49:18 memo 213:3 men 183:25 212:4,13 mention 127:11 mentioned 51:1	103:8 156:12 171:7 172:25 216:2 217:10 220:22 224:9 mentoring 99:9 merge 177:12 merged 177:18 merger 177:5 message 173:24 180:11 met 109:7 111:16 Metairie 1:21 metaphor 224:21 meters 31:19 197:16,18 methods 101:12 Mexico 1:6 17:1 17:3 20:16 21:17 22:8 41:13 42:13,18 46:13 59:22,23 60:6 61:19 62:20 105:10 mid 39:6 middle 159:4 midnight 138:19 139:12 140:12 199:3 221:5 migration 142:15 Mike 79:2 231:9 mile 42:7 miles 14:6 41:10 41:15 48:10,10 mind 34:22 103:21 mine 142:18 Minerals 2:6,13 2:15 5:21 minimize 9:4 116:8 minimized 189:2 206:18 minor 13:11 187:1	minutes 97:7 110:12 222:4 misconduct 8:6 misinformation 141:7 missing 5:16 117:19 154:10 Mission 15:16 26:18,24 70:12 missions 131:25 Mississippi 13:15 146:21 misstates 143:20 mistaken 38:13 misting 208:13 mitigate 190:7 mobile 1:4 5:14 13:13 37:5 38:21 39:20 mobilize 155:22 mobilized 154:25 model 125:17,19 125:22,23 126:2,4,19,23 127:6,8,15,18 127:23,23 128:1,6,17,18 129:12,25 130:3,13,15 131:11,17 132:23 133:14 133:20 134:2,4 134:10,13,14 135:4 143:14 143:17 144:11 144:12,16 222:8,8,13 modeled 222:22 models 125:10 126:15,17,17 128:5 132:3,11 132:16,17,18 171:22 181:7 222:19 223:4 modified 178:25 MODU 19:18
--	---	---	--	--

<p>128:2 167:5 204:21 229:20 229:23 MODUs 19:24 106:13,15 204:23 MOEX 78:15 moment 114:13 127:1 171:3 181:18 moments 117:5 Monday 1:7,22 monitor 190:9 monitored 29:25 190:11 monitoring 32:14,20 163:12 Moore 103:24 moratorium 56:10 57:3 Morgan 15:3 24:3 26:1,4,7 26:19 27:4 30:7 34:25 54:1 61:8 66:8 68:12 morning 5:3 11:8 12:20,21 12:23 64:14 68:20,21 79:10 88:4 97:22,24 107:25 119:18 120:21 132:22 133:3,4,4 155:13 174:9 190:4 194:25 199:25 201:15 202:13 206:9 206:22,23 207:11,19,22 215:8 221:5 225:22 234:8 move 41:16 45:17,19,23 108:7 173:6 moved 11:21</p>	<p>37:5 movement 75:2 75:4 moving 28:24 120:25 226:14 MSC 101:3 MSU 26:4 27:4 30:7 68:12 multidiscipline 98:8 multiple 27:10 27:18 29:6,7 59:20 62:5,6,7 municipal 35:17 municipalities 74:2 mutual 49:14 M-I 78:7,8</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 1:20 nail 129:9 name 28:21 64:15 79:10 81:11 100:19 104:7,11 129:6 177:21 193:19 194:1 198:15 198:24 225:18 226:24 229:4,5 named 193:24 NAPOLI 101:3 narrative 147:3 narrowing 125:16 national 13:6,9 15:21 19:5 37:11,12 46:8 nature 73:17 108:1 naval 66:12 124:14,17,21 124:23,24 125:3 127:7 134:5,7 navigable 20:18 20:22 21:13</p>	<p>57:13 59:8,11 59:14 60:5 61:20 62:16 75:5 Navy 126:13 near 92:7,9 nearby 82:21 necessarily 123:23 170:25 220:17 necessary 139:25 144:11 149:5 216:23 217:21 necessity 139:18 141:3 need 47:16 48:21 49:12 52:17 63:10 85:19 91:5,8,11,13 97:11 113:16 116:11 129:17 141:22 160:10 184:3 186:6,15 212:9 needed 15:7 29:12,14 91:12 138:2 144:21 144:24 151:13 151:14 152:19 181:1 186:13 186:14,21,23 217:21 219:17 needs 36:8 59:16 91:1 117:21 149:8 160:19 161:10 170:21 210:19 Negative 126:16 184:13 neighborhood 49:11 50:21 100:15 neighbors 48:12 49:6 50:7 56:7 56:7 never 72:7 106:8</p>	<p>114:18 122:10 134:3 142:6 145:21 155:5 188:9 204:19 213:13,15 222:16 229:8 new 6:13 15:4 26:8,10,11,22 27:5 31:9 58:17 99:9 100:25 223:20 news 214:4 Nguyen 2:4 3:15 3:21 4:1,6 5:2 5:8 55:22 64:2 64:6 67:6 80:20 82:18 86:2,8,20 87:4 87:14,21 97:8 97:15,21 104:12 130:1,8 133:17 135:12 144:8 146:22 156:21 159:8 163:6,21 172:15,19 191:6 193:12 203:16 231:16 231:18 232:17 233:16 234:6 nice 192:22 night 201:14 night-flight 43:7 nine 61:14 221:19,23 nine-hour 221:12 non-personnel 54:18 non-tank 88:19 noon 190:5 normal 76:19 88:21 135:16 136:20 137:5 215:25 normally 35:9 35:22 107:5,5</p>	<p>135:23 136:1 145:24 157:10 178:4,12 214:11 NOSAC 46:6 notable 108:3 notes 66:23 noticed 226:20 nuances 31:16 number 16:13 30:11,14 39:4 39:13 42:1,15 42:16,19 44:13 56:12 60:10 65:2 69:22,24 95:13 101:1 111:21 113:23 124:13 141:10 164:15 170:15 174:17 205:10 205:11 206:12 207:15 209:18 216:7,22 223:25 225:5 232:21 numbers 122:7 numerous 13:10 161:11</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 10:3,4,12 oaths 1:17 object 86:16 129:23 143:19 163:5 232:9 233:9 Objection 131:21 objective 152:16 206:16 observations 138:8 observed 202:3 obtain 8:1 161:21 203:4 obviously 180:12</p>
---	---	---	---	---

occasioned 230:15	officer 6:12 8:8 8:11,13 13:8	okay 12:24 29:4 37:4 50:24	OPA 15:24 16:3	181:4 184:15
occasions 95:13 111:21	33:5 61:23 84:2 100:10	52:20 55:23 58:4 66:3 81:6	open 103:5 166:5 176:24	188:23 202:3 208:13 220:5
occur 124:16 149:16 170:25 228:20	159:10,12,14 162:11,15 176:10	104:15 121:18 122:2,11,14 131:24 150:10	177:9 183:12 218:15	224:1 232:14
occurred 79:25 80:7 90:19 110:9 137:6 150:11 167:2 168:5 189:19 201:1 202:14 214:23 222:1 230:19	officers 137:13 offices 39:13 office's 51:3 official 9:22 officials 95:5 offshore 1:4 5:14 17:25 18:4 23:12 36:6 38:20 41:22 43:24 46:9 48:2,25 49:3 58:16 63:4 73:21,25 74:10 104:22 106:1 108:3 150:7 171:18	151:24 159:16 161:14 169:13 183:11 Oklahoma 41:19 old 135:7,13 once 90:19 109:23 112:14 112:15 115:18 149:16 156:3 177:12,18 183:2 186:5 188:7 196:3 217:18 218:1 226:9	opens 159:22 open-line 177:22 operate 85:11 operates 179:3 operating 19:25 33:17 56:22 57:1 58:23 59:7,14 84:2 178:25 operation 15:14 19:12 26:17 27:1 35:2 38:17 52:11 60:17 63:7 70:11 74:13 109:17,21 144:21 145:3 157:21 162:4 170:6 207:8 211:21 213:10 operational 9:1 135:17 operations 13:7 22:22 29:6,16 37:10 68:23 99:5 104:1 124:25 176:7 177:15 197:8 199:24 207:10 operator 21:19 43:16 49:16 53:17 54:6,8 55:16 89:11 172:1 operators 45:2,3 47:19 48:3 49:8 172:1 opinion 92:19 101:25 117:22 125:6 132:16 143:12 151:10 162:13 178:11	opinions 10:16 230:13 opportunities 142:14 opportunity 191:21 233:23 opposed 76:12 86:18 orally 197:12 order 54:21 55:1 105:3 113:15 organization 109:13 125:25 organizational 61:11 106:22 organogram 175:21 organograms 178:7 original 178:24 Orleans 6:13 15:4 26:8,10 26:11,22 27:5 31:9 OSC 176:13,14 177:13 OSV 179:7 ought 223:5 outcome 193:2 235:12 Outer 19:25 33:18 outfitted 193:5 outline 99:22 outlined 54:3 outlines 205:3 outset 117:18 outside 20:23 21:12 38:14 57:13 59:7,11 59:14 60:5 61:20 75:5 107:15 148:18
occurring 190:12 201:11 207:24	48:2,25 49:3 58:16 63:4 73:21,25 74:10 104:22 106:1 108:3 150:7 171:18	188:7 196:3 217:18 218:1 226:9	60:17 63:7 70:11 74:13 109:17,21 144:21 145:3 157:21 162:4 170:6 207:8 211:21 213:10	
occurs 108:5 232:16	oh 38:4 43:2 44:13 61:15 65:25 66:3 90:23 138:18 168:16 183:6	ones 100:23 153:15 154:10 188:20 203:18	operational 9:1 135:17 operations 13:7 22:22 29:6,16 37:10 68:23 99:5 104:1 124:25 176:7 177:15 197:8 199:24 207:10 operator 21:19 43:16 49:16 53:17 54:6,8 55:16 89:11 172:1 operators 45:2,3 47:19 48:3 49:8 172:1 opinion 92:19 101:25 117:22 125:6 132:16 143:12 151:10 162:13 178:11	
Ocean 1:13 5:5 5:19 6:14,19 6:24 7:17,25 8:12 12:6	oil 13:15 16:2,14 18:1,4,22 19:8 19:10 20:25 27:10 32:11 38:14,25 65:2 88:23 95:21 136:21 160:4 169:10 171:18 196:16 206:13 208:1,2,7,12 208:15 210:7	one's 74:19 one-day 169:14 one-page-at-a-... 178:10 ongoing 63:17 65:2 120:10 207:8 222:20 onshore 175:2 on-scene 16:16 21:2 61:22 70:5 96:9 135:2 199:6 on-site 44:23 67:12 70:24 71:15,21 104:17 138:20 150:2 155:2 157:7,8 160:1 169:5 175:11 189:1 195:20 198:21,23 199:22 214:20 215:1 219:4	operational 9:1 135:17 operations 13:7 22:22 29:6,16 37:10 68:23 99:5 104:1 124:25 176:7 177:15 197:8 199:24 207:10 operator 21:19 43:16 49:16 53:17 54:6,8 55:16 89:11 172:1 operators 45:2,3 47:19 48:3 49:8 172:1 opinion 92:19 101:25 117:22 125:6 132:16 143:12 151:10 162:13 178:11	
Oceanering 152:3	oilfield 13:5 36:21 51:2 114:14 oils 196:22 oil-rig 209:23 OIM 53:14 54:16 55:5,11 94:14	ones 100:23 153:15 154:10 188:20 203:18	operational 9:1 135:17 operations 13:7 22:22 29:6,16 37:10 68:23 99:5 104:1 124:25 176:7 177:15 197:8 199:24 207:10 operator 21:19 43:16 49:16 53:17 54:6,8 55:16 89:11 172:1 operators 45:2,3 47:19 48:3 49:8 172:1 opinion 92:19 101:25 117:22 125:6 132:16 143:12 151:10 162:13 178:11	
OCS 38:16,19 39:5 41:8 42:8 45:3 47:19 48:9,19 53:25 56:22 57:1,24 58:23 59:7,15	offer 25:7 75:15 128:6,8 150:20 194:9 219:5 offered 126:25 140:14 192:8 offhand 28:22 209:17 office 24:17 37:5 37:8 39:11,19 39:22 40:12 51:5,11,21,22 52:10,14,14 62:17 173:7,23 175:24 176:18	one's 74:19 one-day 169:14 one-page-at-a-... 178:10 ongoing 63:17 65:2 120:10 207:8 222:20 onshore 175:2 on-scene 16:16 21:2 61:22 70:5 96:9 135:2 199:6 on-site 44:23 67:12 70:24 71:15,21 104:17 138:20 150:2 155:2 157:7,8 160:1 169:5 175:11 189:1 195:20 198:21,23 199:22 214:20 215:1 219:4	operational 9:1 135:17 operations 13:7 22:22 29:6,16 37:10 68:23 99:5 104:1 124:25 176:7 177:15 197:8 199:24 207:10 operator 21:19 43:16 49:16 53:17 54:6,8 55:16 89:11 172:1 operators 45:2,3 47:19 48:3 49:8 172:1 opinion 92:19 101:25 117:22 125:6 132:16 143:12 151:10 162:13 178:11	

168:8	pages 82:25	86:18 101:25	136:3 139:15	187:16 198:18
overall 34:6	86:18	102:8 103:2	148:15 152:3	personal 11:15
156:15,23	paint 162:2	109:10 112:19	153:12 155:1	18:3 36:14
157:4,12 158:1	190:20	115:4 120:13	160:20 177:24	92:19 235:7
158:7,25	palatable 186:23	127:1 136:16	184:15 189:1	personally 65:22
231:25	panel 233:22	138:9,11 141:2	194:22 195:6	72:12 93:10
overarching	234:4	142:23 145:2	195:10 196:25	94:12 121:9
17:14	paragraph	156:9 159:25	213:7,9 229:8	167:14 214:25
overheard 177:8	54:24	170:5 196:18	people's 226:6	218:16 223:6
overriding 17:5	parallel 176:23	209:25 210:4	percent 30:21	personnel 41:22
Overruled	226:12	219:14	135:19 144:15	44:24 45:5
233:12	parameters	particularly	168:23 214:3	46:12 54:17,19
overseeing 24:21	147:10 197:20	81:4 94:13	217:17	54:23 60:9
oversight 14:3	paraphrasing	101:5 228:22	percentage	67:25 179:12
25:7 36:9	86:19	parties 9:8 10:25	135:21	202:21 203:9
overstated 117:4	Park 111:1,3	11:2,5,7,13	perception	211:16,17
overusing 218:3	175:24 176:9	16:7 49:15	131:8	persons 5:15 9:3
overview 135:25	176:11 194:23	96:20 107:17	performed	110:4 112:23
owner 8:9,10	215:1,6 222:10	109:12 231:3	43:14 94:2	137:3 151:25
21:19 49:16	part 6:9 8:8	235:11	101:11	perspective 63:2
54:6 107:10	10:13 32:7,9	partners 46:18	performing	171:8,9 187:3
owners 74:4,12	32:12 47:4	party 9:25 11:20	211:15	187:22
owner/operator	60:11 105:18	23:19 69:21	period 122:23	petroleum 6:18
21:15	107:6 115:2,23	106:24	135:17 142:13	33:17 196:7,13
O'Brien 194:10	118:9 145:2	passed 146:6	168:19 169:10	phase 197:8
194:12	147:22 149:4	Pat 88:4 94:24	171:5 180:21	phone 107:23
O'Brien's	169:3,16 182:6	231:9	201:18 206:19	108:6 110:11
193:24 194:5	participant	path 191:3	221:4,13,14	110:15,21
194:20,22	188:15	paths 226:12	periodic 51:19	176:24 220:12
O'Bryan 94:24	participants	patients 45:17	periods 206:17	220:15 223:25
231:9	71:15 109:7	45:20	periphery	phones 9:20
o'clock 24:11	participate 18:2	patrol 42:16,23	182:19	122:9
112:11 119:17	106:8	44:20 75:20	perjury 10:6	photographs
120:21,22,22	participated	PDA 9:19	permanent 12:9	202:22,25
122:20 123:3	44:5 105:23	penalties 10:6,7	permitting	203:5,23 204:2
124:9 132:21	176:4	people 23:3,23	182:22	204:5
133:3,4 140:16	participating	24:1 27:18	person 8:15	photography
167:17 173:9	106:10 107:17	30:23 42:1,5,6	11:16 12:11,13	9:21
173:16,18	participation	45:1,23 46:5	35:24 53:5,8	photos 119:22
190:4 194:25	18:13	50:3 74:18,20	53:12 54:4,8	phrasing 143:19
201:15 202:11	particular 9:6	84:9 91:1	54:21,25 55:6	physical 147:11
202:12 206:23	14:25 15:12,18	92:23 93:19	55:8,18 111:15	physically 66:25
215:8 225:21	27:25 29:22	104:16 109:25	111:24 137:9	pick 109:12
234:8	33:1 36:11	112:1 113:12	139:6 152:2	114:1
	45:24 46:21	117:17 120:24	160:21 162:3	picture 119:17
	47:12 48:4	120:25 124:15	174:5 176:16	162:2
	65:7 66:16,20	128:18 133:2	177:16 183:24	pictures 164:8
<hr/>				
P				
<hr/>				
page 83:8				

<p>piece 12:8 pier 157:18 pierced 142:25 piercing 143:1 pilot 8:8 PIONEER 104:19 150:4 pipe 202:9 pipelines 23:9 PIPER 213:15 213:16,19 Pittsburgh 65:4 place 16:9 18:15 56:11 59:10 61:1 89:13 109:5 129:12 129:20 132:18 162:5 171:23 174:11 175:23 176:22 178:19 178:21 180:25 placed 10:3 16:19 35:11 plan 16:20,22 17:5,9,10,14 17:15,17,18 18:20,22,24,24 18:25 19:5,6,8 19:9,11,11,13 19:15,18,21,23 20:2,9,11 22:5 22:11,14,19 33:13,19,21 38:15 39:10,11 39:12 43:21 44:3 45:12 46:11 47:5 49:17 51:2,3,6 51:13,23,23 52:3 53:1,23 55:15 59:10 63:23 67:14,17 67:18 76:22 77:1 88:14,16 88:19,22,23,25 89:2,5,6,7,20 90:3,4,9,24</p>	<p>91:8,11,12,14 105:9,19,21 108:17 145:16 145:22,23 146:10,20 147:4,25 148:13,18 154:17,23 155:4,11,12,19 155:24 174:20 175:4 178:18 204:15,21 205:4 223:10 plane 167:24 168:3 planned 218:21 planning 15:21 16:6 23:17 176:7 plans 16:12 17:7 17:8,11,18,21 18:15,17 19:2 19:4 20:7 39:15,18,19,23 40:3,10,15,18 40:21 89:10,13 89:15,24 90:16 90:22 91:4 105:10,13,16 146:2 162:5,14 171:22 204:23 204:25,25 222:25 223:4 223:14,18 platform 53:19 platforms 45:10 play 51:5,11 99:7 149:6 188:11 played 189:5 please 12:25 37:2 51:10 98:2 104:14 119:24 130:10 130:11 131:9 149:24 163:25 166:25 203:2</p>	<p>209:21 213:4,5 plenty 190:1 plug 128:21 135:4 plugged 128:16 plus 201:2 202:9 point 24:17 25:10,15 27:23 27:23 65:8 69:14 70:23 71:3 90:8 112:25 113:15 113:18 120:5 121:10,22 122:2 124:6 127:14 129:9 134:3,10 138:22 141:14 141:19 142:5 149:9 152:18 159:23 164:14 169:22 179:17 182:21 184:15 186:9 188:1 197:25 207:6 213:4 216:12 216:13,15 217:22 220:20 222:13,16 226:19 232:14 policies 6:6 policy 14:2 23:25 61:25 pollution 1:3 13:18 14:3,19 15:23 16:2 21:1 22:25 25:11 26:14 28:8 95:18,25 166:1 206:13 pontoon 143:1 166:12 191:17 pontoons 165:11 port 15:3 16:19 16:21,24 17:3 17:4,12,16 20:18 21:3,11</p>	<p>26:10,19,21 27:11 29:9 31:15 35:14 39:16 58:7 59:21 60:4,16 60:24 61:4,6 61:22 62:7 66:18 73:21 76:20 159:18 159:21 portion 6:5 82:17 ports 73:23,25 position 37:15 38:3,4,6 89:22 98:14,19,21,22 98:23 99:3 101:20 111:7 111:16,22 112:4 114:23 134:4 149:9 156:1 167:18 190:25 positive 128:3 171:15 possibility 39:25 50:10 192:16 possible 7:21 22:1 24:14 62:14 133:5 139:25 142:17 148:21 179:7 181:2 189:4 192:15,21 197:4 200:2 215:13 possibly 117:10 133:10 204:3 post 119:25 187:4 posted 11:17 113:23 posthurricane 101:2 173:4 potential 27:10 28:4 54:15 95:21 166:11</p>	<p>195:2 potentially 193:8 201:2 poured 205:13 205:21 207:15 pouring 205:7 206:10 207:2 207:25 Powell 1:15 3:3 235:3,16 power 16:16 powers 6:4 practical 90:18 183:24 practice 49:25 50:5 105:25 170:10,21 practiced 101:12 preamble 147:3 178:5 preambled 160:11 preapproved 9:12 prearranged 130:19 precedence 113:7 predecessor 111:20 prefer 86:17 preliminary 146:20 154:23 155:11 preoccupation 226:2 prepare 106:7 prepared 192:20 205:2 224:5 preparedness 8:24 16:4 171:21 172:6 preplanning 73:20 215:23 present 9:3 147:12 223:5 presented 12:1</p>
--	--	---	---	--

<p>152:5 presently 98:16 100:5 preserve 117:10 president 98:16 99:12 press 29:13 pressure 202:8 210:23 presumably 153:23 presume 56:12 200:8 pretty 25:15 27:21 29:23 31:2 41:18 58:1 61:9 62:17 92:22 174:20 180:9 201:22 221:2 prevent 7:14 195:25 prevented 90:10 prevenir 32:7 32:16 153:2 preventing 8:2 prevention 40:1 51:9,21 52:14 61:18 229:22 prevents 161:21 previous 109:5 130:23 141:21 145:20 153:21 154:2,13 156:22,25 158:20 159:7 previously 9:16 primarily 100:10 223:19 primary 11:24 15:5 22:23,24 26:2 85:15 147:18 principal 226:2 principle 111:10 163:10 prior 10:22</p>	<p>11:18 38:3 107:20 109:15 109:19 158:17 189:19 206:21 213:11 225:1 priorities 23:12 prioritization 117:21 priority 117:16 118:6 probability 201:22 probably 48:15 53:25 58:24 59:5 60:7 61:9 63:2 65:14 72:24 76:17 88:11,20 91:9 95:23 100:23 127:12 132:25 172:9 184:17 184:20 186:20 212:25 230:18 problem 58:16 180:13 problems 218:12 procedural 11:10 90:25 procedures 6:7 150:20 151:5 180:24 183:20 215:11 proceed 54:18 119:5 155:18 proceeding 9:21 10:21,23 proceedings 5:1 9:5,11,23 10:20 234:9 process 101:21 151:15 170:5 171:1 180:24 182:6,8,24 184:3 185:12 210:15 215:15 217:14 223:10 processes 215:10</p>	<p>product 63:25 production 36:6 38:17 171:19 professional 159:24 161:12 198:6,8,13 229:25 232:23 program 7:11 progressive 142:16 143:2 prohibited 9:22 projects 100:18 100:20 111:12 promoted 98:20 prompted 16:2 promulgated 85:6 proper 161:9 proponent 172:12 prosecute 23:13 protect 151:12 179:9 protection 23:1 protective 186:21 provide 15:6 49:18 66:11,12 66:13 72:10 74:11 75:11 91:4 98:7 104:3 113:19 117:25 143:15 219:6 provided 72:16 72:18 96:21 104:5 113:21 130:24 136:13 148:1,3 165:16 providing 74:17 102:2 214:21 217:13 provisions 8:18 20:2,10 public 6:5 69:4 pull 149:10 pulled 174:19</p>	<p>pulling 191:24 purpose 8:2 purposes 10:1 82:9 197:3 pursuant 1:17 put 16:9 17:19 23:22 41:15 75:24 90:9 123:13 124:1 133:1 140:20 142:11 187:24 190:9 191:15 196:13 210:6 221:17 putting 73:6 74:23 179:18 179:19 p.m 189:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualification 160:2 162:12 qualifications 159:20 qualified 33:4 159:9,12,13 161:5 162:14 question 39:9 49:2,24 51:9 51:10 53:16 67:24 71:17,19 81:6 82:19 83:10 89:12 94:8 103:1 105:11 106:11 106:19 116:18 118:11 119:7 119:15 125:2 130:11,12 131:8 132:15 143:20,23 156:20 158:10 158:16 159:2,3 159:4 161:15 163:24 168:16 174:14 175:14 175:18 176:8</p>	<p>176:20 177:2 180:4 187:13 191:8 208:10 209:21 212:9 212:15 224:13 233:3,10 questioning 175:6 questions 11:10 36:17 49:22 55:24 63:8 64:9 68:16 77:22 78:1,5,9 78:13,17,21,25 79:4,8,13 94:21 95:1 97:6 133:7 163:18 171:21 172:4,17,23 175:19 180:2 193:11 213:5 214:14 222:7 225:12,16 231:15 quick 27:19,20 100:14 quicker 62:24 quickly 26:25 62:17 151:14 159:5 169:2 181:1 215:13 228:4 quite 44:17 56:19 100:13 106:14 108:3 111:21 128:15 143:10 149:6 169:6 170:15 192:1 206:15</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:8,10 rack 202:9 radar 228:1 radiant 190:7 Rainey 28:18 rainwater 166:2</p>
--	--	---	---	---

raised 34:20,21 34:21	77:8 79:14 80:14 81:10,14	record 11:9 104:8 108:4	regardless 210:24 229:23	remain 169:4
ran 177:21 178:1	83:14 129:5	126:9 146:17	regards 26:4	remained 218:15
rapidly 127:4	145:14 173:1	RECORDER	99:9 125:5	remember 28:10
133:6 221:20	174:8 226:23	2:20	174:22 202:19	28:20,21 47:1
Ray 103:24	227:13,16	recorders 9:19	regional 14:8	73:23 137:9
reach 121:8,16	228:11 230:4	recreational	18:12 19:2,4	145:10 177:20
121:19 173:20	receive 10:24	73:11	Regions 14:8	197:22
reached 187:15	108:11 110:11	recurrence 7:14	regular 139:4	remind 131:24
187:19	135:2 145:1,6	red 41:15	regularly 132:11	234:3
reaction 167:23	145:15	redirect 225:1	regulate 36:11	reminded 10:11
read 54:21 55:8	received 26:23	redirected	47:16	reminder 10:13
94:5 104:13	27:17 107:23	179:23	regulation 5:6	11:18
149:23 159:7	109:1 110:15	reduce 206:24	5:20 6:14,19	remote 42:9
208:6 213:6,15	110:21,23	Reduces 208:23	6:24 7:17,25	62:21
214:4	138:24 139:15	reducing 8:2	8:13 12:7	removal 9:17
reading 81:14	144:19,22	refer 80:13 83:8	57:23 58:18	98:11
readings 197:7,7	162:1 193:22	86:17 91:8,11	59:6,16	removed 11:24
221:7	197:6,23	reference 54:13	regulations 6:2,9	Renee 1:15 3:3
ready 47:11	receiving 10:22	170:11 201:9	8:19 54:2 62:8	235:3,16
133:20 163:2	11:18	references	62:9 85:6	rep 28:23 104:17
171:22 224:5	recess 97:7,17	138:12 164:25	172:13,14	150:2
real 181:10	193:10,15	referred 153:10	223:21,24	repaired 149:15
realized 124:10	recessed 234:9	169:23	regulatory	repeat 49:1
196:3 229:8	recognize 8:21	referring 95:10	222:24 223:10	51:10 71:16
really 23:25 25:9	193:25	95:17 151:16	related 16:3	76:24 105:11
63:14 64:4	recollect 195:7	159:2 180:14	138:14 235:10	156:20 158:16
73:11 93:4,17	recollection	182:13 205:19	relationship	163:24 183:2
94:7 114:22	95:24 111:18	reflect 106:21	19:7 26:4 51:5	209:21 218:9
136:20 140:11	121:23 145:12	reflected 106:17	103:17,19	224:13
141:22 147:21	176:15 189:24	reflects 103:1	162:7 194:7,10	report 7:12
171:7 186:25	197:21 198:2	131:3	relationships	10:14 26:9
188:11	recommend	refreshed 39:3	103:21 106:23	29:12 30:25
realm 50:9	132:2 195:8	regain 186:13	relatively 228:4	57:19 58:5
reason 31:13	recommendati...	regard 8:22 15:9	relaying 220:16	118:20 136:7
76:7 90:1	47:15 120:19	35:10 75:23	release 147:19	136:13 139:5
129:19 139:22	192:3,6	92:16 96:5,9	193:1	164:3 169:18
149:18 181:3,4	recommendati...	99:21 139:2	relieved 35:19	169:19,23
196:10 201:6	7:14 8:22	150:25 172:8	35:23 36:1	176:3
reasonable 73:7	10:16 36:7	175:18 230:11	153:6	reported 1:20
145:9 172:10	65:10 66:17	regarding 51:2	relieving 158:17	3:2 20:15
224:6	122:18 171:19	56:2 68:1,22	reluctant 117:14	121:7 166:14
reasonably	172:7 179:14	113:17 120:18	178:9	177:18 235:5
125:24 196:21	223:2	125:14 148:1	rely 41:22 46:17	reporter 1:16
reasons 132:5	recommended	150:16 180:16	56:7 102:1,3	10:11 235:4,16
165:2 167:13	121:13 195:5	197:23 198:18	110:7 141:22	REPORTER'S
recall 18:5 47:1	reconvene 234:8	199:7,24	relying 49:5	235:1

reporting 30:24 57:14,25	47:8 58:10,25 59:4 74:1	62:17 63:14 91:6 113:16	108:17 114:25 116:14 125:8	96:13,18,20 99:4 106:24
reports 26:11 32:21 118:16	requirements 16:18 22:18	114:8 115:5 122:13 216:20	135:11 145:16 145:22,22,23	156:14 175:1 185:4 188:3,6
119:4 122:12 136:12 139:7	44:22 57:12,14	responded 13:10 30:9 171:11	146:2 160:23 170:17 171:10	228:10
141:6 169:20 201:17 224:10	requires 15:20 22:15 49:25	207:13	172:6 174:20 174:22,25	rest 136:4 148:16 178:24
224:15,19,23	rescue 14:19 15:9,13,18	responder 26:2 27:5	178:6 185:12 185:21 188:22	result 9:17 164:2 212:20 222:11
represent 64:15 79:11 88:5	25:15 26:16 27:1 42:14,17	responding 30:24 36:13	200:9 215:4,5 215:16 216:1	230:16
193:20	46:12 48:5 50:5,19 69:1	59:2 95:22 159:11 215:24	217:8 220:12 222:25 223:3	resulting 57:3 results 59:17
representative 28:18 178:6	70:10 74:20 96:5,24 113:5	response 8:25 13:1,5,18,23	223:10,14,17	RET 2:8
221:11 226:21	113:8,9 117:8 117:9,20 120:9	14:4,8,12,14 14:19,21 15:22	responses 48:7 90:17 145:20	retained 26:19 85:1
representatives 9:18 69:5	207:7 213:9,16 216:10 226:3	16:4,6,8,12,12 16:17 18:12,20	responsibilities 14:23 20:14	retardants 209:20,24
174:3 194:19 219:2,3,4	226:13	18:22 19:8,9 19:11,15,21	21:16,23 26:20 26:21 27:7	210:9 211:1
220:11 221:3,9	rescued 83:10	20:2,9,14 22:11,14,25	35:23 38:16 79:19 81:20	retired 7:2 review 7:22
Represented 3:8	reservations 114:25	23:14 24:7,20 24:25 26:5	82:11 96:10 102:17	19:22 39:14,17 39:18 40:3,7,9
Republic 64:10 64:16	residual 196:19 196:22	27:20 35:20 36:21 37:2,15	102:17	40:10,13 67:14 80:5 81:15,22
reputation 77:14 77:16,18	resolve 11:12 104:19 150:4	37:25 38:15,19 39:1,10,15,18	responsibility 7:21 21:24	82:5 83:5 170:5
request 9:2 11:2 31:6 54:17	resolved 226:9	39:19 40:15,21 41:3,23 42:7	22:3 27:3 32:2 33:9 40:4	reviewed 20:11 39:9,12 47:15
81:11 114:16 126:2 148:11	resource 21:4 22:16 63:1	42:10 43:21 44:6,12,23	67:16 71:7,12 72:1,5 79:13	86:4 89:15,19 183:21
203:2,14	resources 12:5 20:6 23:1	45:23 47:3,4 48:20 51:2,3	86:13,25 153:7 175:7 185:13	reviewing 39:23 55:14
requested 81:12 82:21 114:8	25:22 29:11 30:1,12 46:23	51:23 52:11 56:3 61:18	188:11 232:1,4 232:7 233:6	reviews 40:18 Revised 1:19
125:23 144:13	56:6 59:1 60:14 91:5	62:1 63:7 65:5 65:18 67:7	responsible 14:2 14:16 15:17	87:4 89:15,19 183:21
require 19:2	155:1,22 216:19	68:22 69:2,20 70:4,6,15	16:7,25 19:20 21:20 23:19	reviewing 39:23 55:14
required 16:3,11 16:22 17:17	respect 38:16,25 45:11 51:12	71:11,12 76:22 77:1 81:8,10	25:21 31:22,25 34:1,3 36:13	reviews 40:18 Revised 1:19
18:19,23 19:12 20:1 22:11,13	85:7 114:20 118:13 189:12	88:14,16,19,22 88:23 91:4	39:22 48:23 49:7,10,16	87:4 89:15,19 183:21
45:8 49:19 51:6,13 52:4	227:10 228:6	95:18,19,25 99:15 105:25	51:17 52:11 53:17 69:20,21	87:4 89:15,19 183:21
57:18 58:5 59:9,11,13	respectfully 11:2		79:23 96:4,8	87:4 89:15,19 183:21
108:14 131:17 169:17,25	respects 23:20			87:4 89:15,19 183:21
191:22 232:24	respond 47:12 47:17 61:4			87:4 89:15,19 183:21
requirement 16:10 20:5				87:4 89:15,19 183:21

126:24 127:14	215:20 217:14	roughly 14:5	36:5 37:4,8	salvor 67:15
128:5 135:16	222:1 224:12	24:10 31:19	39:19 46:9	108:21 153:22
138:12 142:1,4	226:4,21 227:8	37:17 41:25	49:6,18 53:18	salvors 169:6
142:12,25	228:2,23	42:21,23 44:18	57:5 67:9 73:8	194:13,14
147:11,15	229:15	120:20 197:19	73:24 91:20	229:25
148:14 149:10	rights 9:8	212:24 222:3	96:23,23 151:9	sank 23:8 27:9
149:12,13	rigs 23:4 110:5	225:21	171:17 212:12	28:7 134:15
150:14 152:8	riser 191:23	roundtable	213:8	188:10 210:12
154:21 164:22	192:23	170:8	sailed 100:5,9	210:15 230:14
165:9 167:18	risk 57:9 141:16	route 104:20	sailing 100:8	SAR 15:16 26:13
175:2 185:8,19	142:20 189:2	150:4	saltwater 205:7	26:18,24 70:12
186:7,17	195:11 218:5	routinely 46:4	205:12 206:10	sat 177:21
191:12,16,17	218:22	ROV 104:22	208:1	Saturday 28:25
192:15 193:4	risks 116:19	123:15 150:7	salvage 3:7 20:3	38:12
195:23,25	195:2	150:16,18,25	20:6 22:12,16	Savannah 37:9
197:1,8,24	Rita 173:5	151:1,8,13,19	22:19 32:23	save 49:12 91:16
200:21,24	River 13:16	152:14 162:18	58:17 59:1	91:16 115:7
208:1 210:7	road 182:11	172:2 179:7	65:17 66:22	129:18 154:21
211:2,3,18	224:3	180:18,19,25	67:7,17 77:4,8	191:21 217:19
214:11 217:11	Robert 2:20 7:7	181:21 182:10	98:5,9,10,17	217:22 226:6
217:19,22	28:24 95:12	182:16,23	98:24,25 99:6	226:17 227:22
221:21 225:7	111:5 231:9	183:9,14,25	99:8,9,13,17	228:15
226:8 227:22	robust 88:21	184:7,11,17	99:23,24	saved 93:20
228:16 230:14	125:24	185:25 186:1,3	100:17,20	226:10
rigging 193:6	role 13:25 15:5,9	189:12,14,18	102:1 105:17	saving 191:19
right 7:1,3,7	15:12 24:19	189:22,25	106:23 107:19	saw 27:9 119:16
28:21,22 41:5	27:15 29:19,24	190:14,25	107:24 108:15	178:20 186:18
51:20 56:11,22	51:3,4,11	211:11,16,18	115:23 117:24	200:4
57:2,25 60:22	69:12 73:14,17	212:23 213:21	124:25 125:15	saying 50:8
61:15,16 63:9	74:5,24 76:1	213:22 224:7	132:20 144:21	53:16 67:11
64:1 65:16	99:7,16 120:9	ROVs 147:20	146:10,20	91:6,10,13,14
68:8 70:11	163:11 169:6	RP 67:15	147:15,25	118:3 120:6
72:1 80:10,12	189:4 211:25	rules 10:5 11:6	154:23 155:24	123:2 130:4
81:20 82:7,16	216:6 219:5,14	run 24:25 25:6	157:6,8,20	136:14 147:16
85:25 87:18,23	rolled 18:24	130:15 134:13	160:16,18	160:11 163:3
90:12 93:18	room 9:14 11:21	running 35:2	172:25 175:11	184:4 213:17
102:20 103:25	112:11,15	103:4 123:9	175:17 185:22	227:14,17
104:2 113:11	113:4,10,11,14	176:23	188:12 193:24	228:12
116:6 144:9	113:22 114:6		195:16 198:20	says 54:4,7,20,25
146:10 152:15	177:9 211:4	S	198:22 199:7	147:21 148:16
186:8 206:5	234:5	safe 22:3 23:4	199:22 215:19	152:25 178:5
207:4 208:3	rooms 46:2	149:13 180:18	215:25 223:18	228:12
209:7 210:14	ROSS 2:17	safely 211:21	223:20,22,23	scattered 42:18
210:18 211:7	rotation 137:3	safety 6:10,12	232:13,23	scenario 56:6
211:18 213:12	137:13,14	7:13 8:25 22:2	salvages 106:13	105:24 175:10
213:22,24	rotational 47:10	23:22 26:9	salvaging 66:20	192:18
214:24 215:19	rough 100:17	31:11,13,18	229:12,21	scene 25:22

29:21 33:5	209:23 210:3,7	204:20 205:2	shed 232:15	155:1 164:13
44:21 47:3	second 42:22	213:7	sheds 46:21	204:4 219:20
70:9 71:2,4,10	151:7	self-help 232:23	Shelf 19:25	221:25 224:20
75:18 81:7	secondary	semisubmersi...	33:18	233:24
87:7,10 91:5	195:25	101:2 202:7	shift 201:2 209:6	similar 8:3
133:21,25	secretary 173:21	send 45:14	shifted 32:3	20:10 46:14
134:12,17,22	173:25	122:14 199:10	shifting 225:6	48:20 142:1,5
138:14 139:15	section 1:18	212:4	shifts 61:5	simple 132:23
140:5 151:20	43:21 174:21	sending 32:19	ship 23:12 50:1	simply 81:8
156:16 158:13	177:16 178:15	212:13	127:18,22	simultaneously
179:12 187:6	228:10	senior 99:7	132:24 136:8	103:5 118:14
187:11,23	sector 15:4 26:8	sense 60:3	229:24	single 143:1
195:6,10	26:10,11,22	141:10 182:12	ships 16:11	sinking 1:3 5:14
196:25 199:2	27:5 31:9	sent 122:18,24	shipyard 115:13	25:12 93:24
202:22 203:8	43:19 61:9,13	136:8 149:22	118:5 132:22	168:25 169:11
scheme 16:5	secure 147:17	174:4 203:21	shore 62:16	201:7
58:2	185:1,12,23	203:22 213:9	136:8	sir 15:1,15 36:22
Schonekas 3:18	188:17 191:10	213:10	shoreline 14:6	50:10 56:8,14
4:5 79:7,9,11	210:11,16,21	separate 11:22	shore-based	56:23 58:2
81:2 86:15	213:25	113:14 194:17	174:22	64:18,25 66:2
129:22 130:5	secured 101:24	sequence 166:13	short 101:10	77:6,22 79:15
131:20 135:9	156:8 171:8	sequential	122:23 126:21	80:4,10,12
143:18 225:15	186:5 210:13	144:23	144:14 156:5	81:3,14,18,23
225:17,19	210:19	series 221:21	171:5 172:10	82:5,7,10,14
231:4 232:8	securing 54:22	SERT 65:6,23	shorthand 235:6	82:16,24 83:1
233:8	148:22 185:4	66:1,6,9,10,24	show 87:16	83:6,20,25
scope 8:23 11:3	192:12	67:11,16,18	109:1 146:7	84:8,19 85:5
20:20 103:15	security 5:11	serve 61:21	157:17	85:22 86:21
148:19	47:24,24 60:12	service 2:6,13,15	shown 230:3	97:16 100:1
sea 100:11,13	112:10	5:22 19:17	shut 32:10	102:4,5,12,19
SEACOR	see 28:20 47:4	107:18,21	152:14 186:19	103:16 104:13
104:19 138:20	62:10 63:8,13	108:25 132:11	shy 192:5	105:22 106:7
150:3 193:5	66:15 82:16	services 98:7	Siahatgar 3:8	108:13,18
198:9	119:16 120:2	117:25	104:9,10	109:15 110:9
seaman 8:9	121:20 139:17	servicing 38:9	156:17 231:12	110:20 111:4
search 14:19	139:20,24	98:14	side 43:24 47:24	111:14 112:5
15:9,18 25:14	164:11 165:4	session 5:7 8:23	55:2 166:2,9	115:3,24
42:14,17 48:5	170:6 194:22	10:23	166:12,15	123:13 124:2
50:18 69:1	198:3 204:14	set 30:6 64:5	186:13 190:22	125:20 126:15
70:10 96:5,24	208:9	113:10	202:10	129:8 130:20
113:5,7,9	seeing 83:18	setting 132:16	sideline 126:1	133:23 146:9
117:7,8,20	162:10 199:15	210:4	sighted 28:8	146:12,23
120:9 207:7	seen 18:4,9	seven 17:2 59:22	significance	149:23 151:21
216:10 226:3	60:11 108:17	59:24 119:10	12:13 208:9	153:17 157:2
226:13	137:11 146:2	214:22	significant	158:4,20
seawater 205:21	153:3 168:6	shape 107:16	109:14 112:23	159:10 161:1
206:24 209:20	178:3 202:6	share 200:24	141:4 142:22	164:1 168:21

169:21 171:16	SMIT 3:7 77:11	80:18	164:20	standard 132:4
172:8 175:13	84:22 85:1	sort 50:5 114:4	speed 112:12	standing 150:6
184:24 189:7	98:5,7,8,9,12	souls 92:24	spent 114:2	standpoint
193:13 203:7	98:17,23 99:6	source 85:8,15	spill 13:15 16:2	61:11
213:12 227:8	99:13 100:5,12	142:10 143:11	16:14 18:22	Stanton 121:14
227:20 228:18	100:16 101:11	148:24 149:2	19:8,11 38:15	121:15 173:10
229:7,15,20	103:25 105:23	185:1,5,23	38:25 56:18	173:14,21
230:3,11,20	107:20,23	186:11 191:12	65:3 95:21,22	starboard 166:9
231:5,13	126:14 130:2	191:18 192:12	169:11 194:12	166:10,12,15
sit 40:8	130:14 147:14	201:20 202:20	spills 38:20	202:10
site 11:18 91:25	148:1 153:12	210:11,13,16	spoke 173:15,17	start 82:4 101:22
143:9 198:10	157:25 169:1	210:22 213:25	173:21 183:25	112:18 117:14
215:2	170:4 174:1	218:18	spot 187:16,17	125:8,9,25
sitting 134:10	176:3 179:3,11	sources 12:2	191:3	151:15 168:1
167:18	179:12 188:3	139:8 143:11	spots 186:24	181:12 191:2
situation 32:21	194:5,10	South 41:19	spray 197:1	202:7 219:10
34:13 69:17	198:11 202:21	Span 61:15	sprayed 195:23	226:12 232:24
74:7 92:17,25	215:12 216:20	speak 151:10	210:8	started 24:16
103:2 112:20	221:3,8 223:1	167:9 173:22	spread 208:2,7	90:20 98:13
114:9 119:1,20	SMIT's 188:10	speaking 90:14	spreading 208:8	103:12 110:14
129:10,16	215:16	206:19	208:16	111:2 119:11
130:23 131:3	smoke 224:21	special 38:23	square 41:10,15	119:12 121:5
136:3 137:6	snapshot 178:17	specialist 229:2	42:6	122:8 126:1
138:11 141:23	software 126:11	specialists	stability 25:19	167:19 215:12
142:1,13,24	127:25 128:13	101:15	34:20 35:8	221:1 224:10
143:2 147:6,12	128:25 132:24	specialized	66:16 68:2	224:14
157:14 161:25	SOLAS 204:24	229:14,16	110:6 116:9	starting 112:12
168:7,9 178:23	205:4	specific 24:5	120:18 123:11	142:20 205:14
200:17 207:5	solely 42:24	45:3,6,14	126:11 127:9	219:19
207:12 208:16	48:10 175:1	53:20 66:18	127:24 128:24	starts 147:2
208:18 213:14	201:7	79:22 115:16	130:13 160:18	state 18:21,24
221:11	solemnity 9:10	138:6 176:13	221:19,24	64:17 89:22
situations 132:7	soliciting 84:17	198:1	stabilize 115:24	104:7 139:21
157:19 213:11	84:22	specifically 20:4	116:3,4,12	139:25 146:16
217:5,6	somebody 65:8	39:12 44:24	118:7 120:15	176:14,16
size 228:23	66:4 102:3	46:11 64:25	129:17	177:13 193:11
sketchy 117:6	159:19 230:16	65:1 69:9	stabilizing	193:21
119:14 133:22	somebody's	126:18 221:4	115:25 118:9	statement 95:7
140:15 220:23	141:9	specified 230:12	stack 189:25	147:8 200:12
slice 60:9	somewhat	specify 55:18	staff 2:10 7:4	208:5 230:24
slow 215:16	210:14,17	speculate 55:17	174:5	statements 10:7
slowing 180:23	soon 119:3 120:3	55:17 168:8	stage 146:6	69:4,10
slowly 190:17,19	120:16 124:9	speculating	188:10	states 1:13 2:4,8
SMC 15:13,15	209:15	202:2	stages 118:17	2:18,21 5:4
24:24,24 26:18	soothing 116:23	speculation	144:24 145:6	7:16 8:14,18
27:14,16,22,25	SOP 46:25	131:22 214:4	156:5	10:21 14:6
smell 195:18	sorry 53:9 66:3	speculative	stake 117:15	20:1,19 21:1

48:13 54:14	61:25 62:13	subunit 26:7	116:17 126:8	45:21 63:14
75:6 147:4	streamlining	subunits 30:19	126:22 128:4	66:21 72:4
174:1 215:22	184:5	success 108:4	129:6 134:8	87:12 97:7
station 22:7	strictly 230:16	116:16 184:9	136:6 137:18	102:15,16
status 113:17	strike 13:6,7,9	successful 186:3	144:15 148:20	110:12 113:6
153:25	37:6,11,12	213:21,23	162:21 167:12	115:6,14 118:4
Statutes 1:19	strokes 138:1	successfully	174:13 189:1	118:5,10 120:9
stay 25:5 169:1,8	strong 181:7	143:6	193:3 199:14	148:14 178:10
stayed 83:17	structural 116:8	sudden 190:23	199:18 206:19	185:8,19
169:12	116:21 163:23	suffocate 211:1	207:18 209:22	193:10,13
steady 139:21,25	164:2,4,19	suggest 81:17	212:1 214:3	213:7 219:5
221:13,19	196:1,5 202:19	82:8,10 83:1	219:21	222:19
steaming 190:21	209:3 210:2	83:20 201:24	surface 166:20	taken 27:24
Stennet 229:5	structure 107:7	suggested 79:24	166:23	112:4 192:14
step 63:15,16	107:8,15	181:19	surprise 53:7	203:8
101:23 115:12	119:24 123:11	Sunday 38:12	107:23 109:9	takes 44:17 74:5
115:16 127:10	174:11 175:3	sunk 222:3	150:17	185:18
147:17 148:17	175:23,25	supervision	surprised 108:5	talk 92:12
155:5 156:10	176:4,17,22,23	235:7	surrounding	102:22 129:1
156:10 182:8	177:24 178:21	supervisor 53:9	205:6,23	147:12 233:23
184:25 185:11	179:4 200:1	54:10,11 55:10	survivability	talked 121:10
185:22 188:17	205:8 218:13	supervisory 92:7	150:25	165:3 218:3
220:6 222:14	230:7,12	supplied 169:19	suspected 124:3	talking 40:14
226:11	structures	support 15:3,5	sustainable	52:1 57:11
steps 121:3	114:15	18:8 42:4	180:19	65:25 66:4,5
144:23 171:15	study 63:24 65:6	102:3 107:20	sustained 218:17	73:20 75:20
216:24 232:5	stuff 83:19	107:24 109:2	SWACO 78:7,8	89:9 95:24
STERBCOW	196:20	115:3 161:8	sworn 12:17	96:2 112:16
79:3	style 176:2	supporter 181:7	97:19	115:13 125:16
stern 164:10,16	subchapter 51:7	supporting 74:6	system 15:22	127:19,19,22
164:18	51:13 54:3	supportive	61:3 165:20,24	137:5 150:9
Steve 94:24	subject 7:22	73:17,19	166:5	168:20 176:5
231:8	10:5,18 47:14	supports 209:3	systematic 63:24	190:14 201:10
stop 81:19 119:7	submerge	sure 13:3 14:1	systems 21:25	206:8 220:12
148:24 180:7	168:10	22:2 23:3 25:2	S-I-A-H-A-T...	talks 147:14
217:12 227:14	submit 7:12	26:6 28:10,19	104:11	149:23
230:23	148:4 169:17	34:23 37:20		Tampa 17:4
stopped 93:23	submitted 40:5	40:19 41:25	T	59:24
stopping 149:1	53:21,23 67:14	45:9 48:24	table 160:9	tank 16:11 88:21
story 125:13	subsea 185:9	50:9,13 51:24	230:1	106:4
208:11	subsequent	52:15,24 53:15	tabletop 43:15	tanker 196:17
straight 164:22	22:22 201:18	55:25 56:18	tactical 29:16	tanks 85:11,16
212:2	222:14	57:7 64:25	34:24 35:2	135:23
stream 219:15	subsequently	65:7 68:6 69:8	60:14	task 31:1 160:14
streamline 60:24	168:17,22	71:1 76:14,15	take 27:22 28:2	team 13:7 14:8
184:3	substandard	80:3 89:8,8	28:5 29:24	18:12 37:6
streamlined	84:1	103:1 111:9	38:4 40:23	65:18,24 66:1

66:6,9,10,24 67:7,11,18 104:18,20 121:1 124:16 125:3 150:3,5 153:20 159:10 159:10,19,25 160:20 161:9 161:13 162:13 198:6 199:19 220:13 teams 143:7 155:2 team's 67:16 technical 8:25 66:13 telephone 122:7 tell 24:12 30:11 37:2 69:9 89:3 91:1 93:5,17 127:2 128:12 141:17 167:1 184:20 229:4 telling 139:19 180:6 tells 27:22 ten 221:19,23 term 37:19,20 114:24 terms 23:13 29:20 57:4,24 60:19 61:17 63:11 84:10,18 84:22 99:17 102:23 106:22 125:17 134:18 137:15 145:11 155:23 162:7,7 170:17 171:21 191:11 199:16 211:10 215:10 221:7 229:11 territory 218:24 testified 12:18 72:3 73:1 82:1 97:20 179:4 193:23 194:3	194:24 197:5 198:4 221:17 223:13 232:13 testify 163:19 200:3 testifying 10:4 testimony 10:22 11:15,19 12:1 34:9 35:4 36:20 48:6 73:16 79:17 80:5,14 81:16 81:23 82:17,20 83:6 86:5,9,19 86:22 94:5 97:10 129:24 143:21 151:19 159:7 162:1 184:25 193:22 211:13 233:20 testimony/tra... 235:5 testing 36:10 Texas 41:18 thank 12:22 36:16 49:21 50:24 55:21 64:7,12 68:14 77:22 94:20,23 97:4,9,16,22 172:16,19 180:1 189:7,9 191:5 204:7,12 214:14 231:5 233:22 theirs 134:7 theoretically 90:15 thereof 7:22 thereunder 6:2 8:19 thing 83:14 84:8 87:22,23 138:8 149:19 162:14 178:2 195:16 199:15,25 206:4 213:1	224:2 things 16:13 19:3 20:21 21:4 23:4,8,10 25:1,4,6,7 35:1 45:9,21 52:2 61:10 62:24 66:15,19 69:25 70:14 91:3 96:23 110:7 114:1 117:3,12 118:13 125:11 129:20 132:20 140:19 142:17 145:5 149:16 151:4 160:9,19 162:2,6 167:16 168:4 193:7 200:14 202:18 217:21 223:3 227:12 think 22:18 24:10,14 31:2 32:11 33:22 35:1 36:12,20 37:1 39:16 41:2 42:8,22 47:14,15 49:15 50:4 55:15,19 57:13,17,18 59:15,22 60:7 60:15,16 61:2 62:1,3 64:3 71:16 73:1 79:23 81:9 88:18 89:1,12 92:22 95:10,16 95:16,22 106:12 112:2 112:10 117:3 117:15 118:6 118:11 121:24 127:12 131:2,7 132:14 135:6 135:10,18 142:19,21 148:8 159:4	160:23 161:7 167:1 170:12 172:11 173:5 173:11,16 175:19 176:19 179:8 183:1 190:1,11 191:1 192:5 206:7,15 208:18 212:25 217:10 218:2 223:13 224:24 228:9 232:9 thought 66:3 122:4 threat 20:25 threatening 180:7 three 37:7,13 thrust 217:18 THUNDER 141:25,25 142:6 143:4,8 till 223:23 time 11:1,9 24:4 24:18,24 25:10 25:15 28:6,9,9 36:17 37:17 38:8 43:13 47:2,4,18 51:10 59:2 65:8 88:6 98:2 109:6 110:3,10 110:18 112:19 113:13 115:18 116:16 119:8 119:21 122:3 122:16 127:21 132:17 133:12 133:14 134:1 136:23 137:8 138:2,9,11,19 138:25 139:10 140:3 141:5 145:13 146:2,6 150:17 154:9 156:18 161:8 166:16 167:19	168:8 171:5 172:10,17 177:4 181:17 181:18 182:7 182:23 186:13 189:5 190:3 194:18 195:1 201:13 203:3 204:14 206:21 212:3,21,23 213:8 214:23 216:9 218:14 219:19 221:4 222:9 224:6 225:25 226:3 226:19 227:13 timely 145:7 times 157:17 190:2 title 1:18 5:25 6:8 38:7 55:9 80:19 111:10 111:12 146:16 176:13 today 97:10 told 82:8 135:15 165:21 166:3,4 166:6,8 185:16 185:17 214:6 228:8 tomorrow 234:8 tonnage 205:17 205:19 tons 197:19 205:21 tool 181:24 tools 130:14 181:21 top 18:20 19:4 29:15 123:17 123:22 140:20 176:12 topics 63:22 total 30:11 205:17 212:21 totally 48:11 117:23 162:15
--	--	---	---	---

<p>231:22 232:19 unnecessary 228:19 unobtainable 212:18 unskillfulness 8:7 untoward 206:12 unusual 99:14 99:16 108:12 update 147:24 updates 119:20 135:19 139:4 upgrades 111:11 upright 118:18 upside 168:18 urged 12:14 urgency 182:9 Urgent 31:5 USC 10:7,15 USCG 3:6 USCG/BOEM 1:1 use 9:18 21:24 32:6 73:8 105:6 127:8 128:11 129:13 129:14 130:15 130:25 131:1,5 131:6 132:12 133:20 134:4 135:4 138:7,10 143:14 196:12 210:7,9,25 211:5 usually 120:11 145:19 178:3 utilized 127:24 utilizing 147:20 U.S 5:25 6:1 7:5 19:24 57:18 100:6 101:5 126:12</p> <hr/> <p style="text-align: center;">V</p> <p>vague 180:9</p>	<p>VALDEZ 16:1 validity 106:18 133:7 value 137:23,25 valves 202:5 VANGUARD 104:19 138:20 150:4 193:5 198:9 varied 12:4 various 106:15 venture 223:8 verbal 69:24 verbally 136:24 136:25 verification 8:25 verify 40:24 vessel 8:10 16:12 18:18 19:8,13 19:21 20:1,9 20:15 21:6,10 21:15,19,21,25 22:11,14 23:6 23:7 25:13,19 33:24 34:1,2,4 39:14,15 40:14 47:11 51:3 53:18 57:16,18 58:1,16,22 59:7 66:20 73:9 74:3,11 74:25 75:1 76:19,22 77:1 79:14 81:10 82:20 85:7,9 85:12 87:17 88:15,19,20,22 88:23,24 89:11 90:6,10,20 91:17 96:23 104:20 108:14 108:17 115:24 115:25 116:1,3 116:5,9,12,15 118:4,5,8,9,10 118:17 120:18 121:7 123:8,10</p>	<p>123:19,22 127:21 129:17 134:14,18,20 134:24 137:15 140:6,20 141:14 143:17 145:16,21,23 146:2 150:5 153:7,22,23,25 153:25 154:1,4 154:12,14 157:3,11,17,23 158:2,22 164:18 167:5 172:1 174:20 188:10 190:9 190:10,14 191:19,21 192:11 200:10 206:11 208:21 208:24 209:1 210:12,16 211:16 218:7 218:11 221:13 222:3,21,25 223:3,9,14,17 224:11,15 232:1,4,7,22 vessels 42:4,15 46:19 47:9 56:4,22,25 57:6 59:14 62:6 66:15,17 70:14,16 71:14 75:2,5,8,9,12 75:25 81:8 82:21 89:14 92:3 106:5,5 110:2 118:21 118:22 132:7 157:14 205:6 207:16 213:16 229:12,21 vessel's 34:19 113:17 vicinity 140:6 video 9:18,20</p>	<p>203:8,23 204:5 view 160:14 171:14 228:18 viewpoint 184:10 violation 8:7,17 9:15 Virginia 7:9 virtually 186:10 visibility 30:18 30:21 visual 41:5 138:12 164:22 164:25 Visually 41:16 Vol 6:10 Volume 174:25 175:2 volumes 174:24 196:16</p> <hr/> <p style="text-align: center;">W</p> <p>Wade 198:25 Waite 198:24 199:1 waiting 11:22,23 134:11 182:24 183:3 191:9 walk 52:18 walked 222:9 walking 114:2 walls 120:1 want 23:2 25:2 28:6 38:11 41:4 83:8 86:4 102:23 103:16 103:20 126:8 129:1,18 131:24 140:25 162:17,21 173:6 189:11 193:3 196:12 221:17 227:1 234:3 wanted 120:15 159:5 181:15 219:21</p>	<p>wants 127:12 warranted 5:16 Washington 67:9 wasn't 22:21 30:7 65:21,22 73:7 89:14 90:4 93:12 102:9 103:15 114:8,11,18 118:20 127:3,4 128:13 129:4 143:8 150:18 166:6 169:14 182:1,20 183:9 184:5 190:4 200:19,20 212:12 215:1 218:6 219:23 222:17 watch 63:7 watch-standers 24:13,23 water 15:23 20:22 35:5,7 35:11 41:13 44:15 59:8,12 59:14 60:5 61:20 62:16,21 83:15 100:9 104:23 116:23 123:7,13,17,21 124:1 140:20 141:18 142:7 150:8 151:14 164:16 165:16 166:20,22 167:24 168:3 179:19,20,21 179:22 181:1 181:22 182:10 184:8 186:4 189:13,14 195:13,21,23 196:7,13,21,22 200:1,15 201:7 201:20,25</p>
--	--	---	--	---

207:2,15 208:7 211:11 218:4,4 225:1 waters 21:13 57:13 75:5,10 watertight 202:8 waterways 20:19 73:24,25 way 25:4 41:18 61:8,12 63:3 63:24 73:3 93:8 102:14,16 104:24 107:16 120:24 121:24 126:24 142:18 149:1 152:5 157:9 160:22 171:11 178:12 182:21 185:18 190:6 199:11 210:19 212:13 212:15 213:10 214:2 215:16 218:8,17,21 219:25 225:10 235:12 Wayne 2:8 7:2 10:3 ways 60:10 74:15 wealth 110:7 weather 192:21 Weatherford 78:3 Web 11:17 week 38:13 weeks 63:18,19 weight 208:20 209:4,15 weights 66:15 201:2,21 wellhead 85:17 well-control 101:14,18 149:20 162:21 175:10 189:14 217:14	went 69:15 92:22 114:6 148:20 155:4,8 168:9 179:24 192:19 195:12 202:10 207:12 228:4 weren't 124:12 156:6 182:4 183:4,6,7,13 183:16 188:20 230:25 we'll 17:23 63:17 226:8 we're 73:20 129:16 131:7 145:25 168:6 168:20 184:6 what-if 192:18 Wheatley 2:17 81:5 whistleblower 58:2 whiteboard 113:24 Wild 18:8 76:16 willful 8:7 Williams 76:16 79:2 231:9 windward 55:2 Winslow 34:9 35:5 84:3 86:5 86:10 122:1,22 151:23 152:10 152:13 153:4,6 153:16,19 158:6,12,17 187:14,24 193:22 195:20 216:14 220:8 220:10,25 Winslow's 84:17 151:18 220:3 wiring 66:19 witness 10:2,5 11:17,19 12:17 67:3,20 80:23	86:6 87:2,8,19 87:24 97:13,19 129:24 132:6 132:13 143:20 143:25 144:6 146:18 156:19 163:14,19 172:18 189:8 203:17,20 232:10 233:14 233:21 witnessed 231:3 witnesses 1:17 3:4 9:5 11:1,19 11:25 94:6 woman 173:22 wondered 192:10 wondering 132:8 word 175:9 180:8 187:25 220:9 words 149:6 work 48:9 49:9 49:10 66:21 106:25 108:2,4 109:8,14 126:16 128:14 128:19 132:19 170:23 178:12 190:17 194:15 229:9,15,17 232:25 worked 111:19 111:20 112:3 118:14 124:20 130:16,21,21 229:6 working 48:19 67:15 104:23 113:9,12 124:15 138:1 150:8,20 176:1 184:6,11,14,18 190:17 229:1 230:22	works 52:17 126:14 world 216:19 worry 226:8 worrying 118:10 worse 206:5 worthwhile 132:9 wouldn't 35:3,7 75:22 84:16 155:20 166:2 208:4,16 218:24 wreck 98:10 write 197:12 wrong 72:6 93:14,18 164:21 wrote 211:10 <hr/> Y <hr/> yanked 191:17 yard 133:2 149:15 yards 31:19 yeah 52:24 61:15 61:16 67:21 76:17 79:22 90:23 106:4 112:8 159:14 year 37:11 58:19 years 10:9 13:4 36:21,25 37:3 37:5,7,9,13,16 39:1,2 44:2 55:6,7 84:17 100:11 Yorktown 7:9 you-all 52:15 229:1 YU 101:1 <hr/> Z <hr/> zero 216:14 zero-discharge 166:1 zone 17:14,16	23:22 31:11,13 31:18 59:25 60:4,24 61:20 61:24 63:4 91:20 zones 27:11 29:9 59:21 96:24 <hr/> \$ <hr/> \$250,000 10:8 <hr/> 0 <hr/> 00001364 174:19 230:5 0320 110:12 0400 155:10 0450 111:3 112:7 0800 123:25 <hr/> 1 <hr/> 1 122:20 174:25 10 24:11 42:23 111:1,3 175:24 176:9,11 194:23 215:1,6 222:10 10,000 14:6 10-minute 193:14 10:20 167:21 100 117:17 135:19 144:15 168:23 214:3 217:17 1001 10:7 11 5:15 46:13 92:24 11:30 24:10,16 11:45 193:14 118 82:25 119 82:25 12 3:5,11 42:23 44:20 12-hour 59:4 12-mile 20:22 62:5 126 46:12
--	--	---	--	---

<p>13 1:18 1300 150:12 1330 150:12 1348 6:1 14 5:9 100:10 146 54:3 146.140 52:4 15 100:11 1500 100:16 160,000 41:15 1600 189:23 172 3:22 18 10:7 180 3:23 1800 189:24,24 184 3:24 189 3:25 191 4:1 193 4:2 1950 1:19 197 83:8 1983 100:3 1990 15:25 16:3 1997 98:13 99:1</p> <hr/> <p style="text-align: center;">2</p> <p>2 42:6 175:2 2,000 197:19 20 5:13 13:4 36:21,25 38:9 55:6 110:10 197:18 222:4 20th 205:9 200 48:10 2000 155:8 2000s 39:6 2008 98:20 2010 1:6,7,22 5:13 146:24 204 4:3 21st 123:3,25 138:18 139:12 140:16 146:24 150:12 174:9 189:20 195:1 199:3 201:11 205:9,14,23</p>	<p>206:23 207:20 207:22 21-22 1:6 2130 155:9 214 4:4 22 5:13 22nd 138:19 139:13 199:4 201:12 202:13 205:9 221:4 2200 110:10 225 4:5 2261 1:20 23 83:9 197:18 231 4:6 24-hour 169:10 25 48:10 252 146:21 26 14:5 55:7</p> <hr/> <p style="text-align: center;">3</p> <p>3 132:21 133:3 3,000 41:25 3:01 189:20 3:45 110:25 30-plus 84:17 33 52:4 54:3 35,000 42:5 36 3:12 68:23 3700 42:3</p> <hr/> <p style="text-align: center;">4</p> <p>4 1:7,22 6:9 112:8 43 6:1 46 5:25 6:8 10:15 49 3:13</p> <hr/> <p style="text-align: center;">5</p> <p>5 6:10 112:11 133:4 215:7 225:21 5:15 112:12 50 3:14 500 31:19,19 5000 112:8</p>	<p>55 3:15</p> <hr/> <p style="text-align: center;">6</p> <p>6 14:8 119:17 120:22 121:2 6,000 205:20 6301 6:1 10:15 64 3:16 68 3:17</p> <hr/> <p style="text-align: center;">7</p> <p>7 14:8 83:9 7:30 234:4 70001 1:22 79 3:18</p> <hr/> <p style="text-align: center;">8</p> <p>8 14:9 120:21,22 121:3 123:3 124:9 140:16 173:9,18 190:4 194:25 206:23 234:8 8:00 1:7,23 85 30:20 88 3:19</p> <hr/> <p style="text-align: center;">9</p> <p>9 167:17 173:16 201:15 202:11 202:12 221:6 90 16:3 30:21 69:14 95 3:20 961.1 1:18 97 3:7,21 101:6</p>		
---	---	---	--	--