

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

Date taken: October 5, 2010  
AM Session

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

***\*\*Note\*\****

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USCG/BOEM BOARD OF INVESTIGATION  
 INTO THE MARINE CASUALTY, EXPLOSION, FIRE,  
 POLLUTION AND SINKING  
 OF MOBILE OFFSHORE DRILLING UNIT  
 DEEPWATER HORIZON, WITH LOSS OF LIFE  
 IN THE GULF OF MEXICO, 21-22 APRIL 2010

TUESDAY - OCTOBER 5, 2010  
 AM SESSION

\* \* \* \* \*

The Transcript of the Joint United States Coast Guard/Bureau of Ocean Energy Management Investigation of the above entitled cause before James T. Bradle, a certified court reporter authorized to administer oaths of witnesses pursuant to Section 961.1 of Title 13 of the Louisiana Revised Statute of 1950, as amended, reported at the Holiday Inn, 2261 North Causeway Boulevard, Metairie, Louisiana 70001, on Tuesday, October 5, 2010, beginning at 8:00 a.m.

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1 APPEARANCES:  
 2  
 3 MEMBERS OF THE BOARD:  
 4 CAPTAIN HUNG M. NGUYEN  
 CO-CHAIR UNITED STATES COAST GUARD  
 5  
 6 DAVID DYKES  
 CO-CHAIR MINERALS MANAGEMENT SERVICE  
 7  
 8 HON. JUDGE WAYNE R. ANDERSEN  
 9  
 10 CAPT. MARK R. HIGGINS  
 UNITED STATES COAST GUARD  
 11 JASON MATHEWS  
 MINERALS MANAGEMENT SERVICE  
 12  
 13 JOHN McCARROLL  
 MINERALS MANAGEMENT SERVICE  
 14  
 15 LT. R. ROBERT BUTTS, COURT RECORDER  
 UNITED STATES COAST GUARD  
 16  
 17 REPORTED BY:  
 18 JAMES T. BRADLE  
 CERTIFIED COURT REPORTER  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 2

1 CAPT. NGUYEN:  
 2 Good morning, everyone.  
 3 Court reporter, let's go on the  
 4 record.  
 5 HON. JUDGE ANDERSEN:  
 6 Okay. The first witness today is  
 7 Mr. McKechnie.  
 8 Is that how your name is  
 9 pronounced?  
 10 THE WITNESS:  
 11 Yes.  
 12 HON. JUDGE ANDERSEN:  
 13 I have to advise you that a false  
 14 statement given to an agency of the United  
 15 States is punishable by fine and/or  
 16 imprisonment under 18 USC 1001, and so to  
 17 begin your testimony, I would like to  
 18 administer the oath to you, so if you and I  
 19 can stand up, that would be helpful.  
 20 \* \* \* \* \*  
 21 ROBERT McKECHNIE,  
 22 after having been first duly sworn, did  
 23 testify as follows:  
 24 HON. JUDGE ANDERSEN:  
 25 Thank you very much.

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1 Board members?  
 2 EXAMINATION BY CAPT. NGUYEN:  
 3 Q Good morning, Mr. McKechnie.  
 4 A Good morning.  
 5 Q I'm Captain Hung Nguyen. I will  
 6 lead the Coast Guard questioning this  
 7 morning. Thank you for being here.  
 8 What position do you hold, sir?  
 9 A I'm director of upgrade and repair  
 10 projects within the engineering and  
 11 technical support group in Houston.  
 12 Q How long have you held that  
 13 position?  
 14 A Since the 1st of February of this  
 15 year.  
 16 Q Yes, sir. Did you hold any other  
 17 position with Transocean before this  
 18 position?  
 19 A My history with Transocean, I  
 20 joined one of the predecessor companies in  
 21 February, 1984. I was an electronics  
 22 technician for three and a half years on  
 23 semi-submersible rigs. I left the company  
 24 for about three and a half years, came back  
 25 once again as an electronics technician for  
 Page 5

1 maybe two years in jack-ups.  
 2 Then I was an electrical  
 3 superintendent in the office in Aberdeen.  
 4 I'm trying to think now. Then I was about  
 5 five years as a project manager and 10 years  
 6 as a project director, including my current  
 7 position.  
 8 Q Yes, sir. What is the scope of  
 9 your duties?  
 10 A Typically, we -- I manage the  
 11 group who takes the rigs to shipyards,  
 12 handles the out-of-service periods. We plan  
 13 projects. We prepare work scopes,  
 14 schedules, budgets, risk assessments. We  
 15 prepare shipyard contracts. We put the team  
 16 in place, project team. We execute the  
 17 project, recommission the rig and return it  
 18 to operations.  
 19 Q Yes, sir. I know you have gone  
 20 over some of your current or previous  
 21 positions. Could you briefly outline your  
 22 maritime background?  
 23 A I don't really have a maritime  
 24 background other than what I got from  
 25 working with the company and working on rigs  
 Page 6

1 and working in shipyards. I don't have any  
 2 maritime qualifications.  
 3 Q So you do not hold a Coast Guard  
 4 license --  
 5 A Never.  
 6 Q -- or document? Do you hold any  
 7 professional licenses or certificates?  
 8 A I don't have any licenses. My  
 9 education is a college degree, electrical  
 10 and electronic engineering.  
 11 Q Do you have any crisis management  
 12 training, sir?  
 13 A No.  
 14 Q Even though you haven't had any  
 15 crisis management training, did you have any  
 16 crisis management experience prior to the  
 17 DEEPWATER HORIZON casualty, sir?  
 18 A Only drills, stuff like that. We  
 19 participated in drills maybe five, six years  
 20 ago.  
 21 Q Yes, sir. We initially had  
 22 Mr. Mike Wright, and I understand he was a  
 23 Transocean Commanding Duty Officer at the  
 24 time of the casualty, but I understand that  
 25 you were the one who contacted Mr. Doug  
 Page 7

1 Martin with SMIT Americas?  
 2 A Yes, sir.  
 3 Q What is the organizational  
 4 relationship between you and Mr. Wright's  
 5 position?  
 6 A Mike is in operations. I'm in  
 7 engineering and technical support. I don't  
 8 report to Mike at all.  
 9 Q Yes, sir. Are you aware of any  
 10 activities by Mr. Wright in response to this  
 11 incident?  
 12 A Mike was -- Yes, I was around when  
 13 Mike was at the Command Center.  
 14 Q Yes, sir. What were his  
 15 activities?  
 16 A He was controlling the -- I  
 17 believe he was the lead guy or he was  
 18 managing the crisis at the Command Center.  
 19 Q Mr. Wright declined to appear  
 20 before this Board because he has a personal  
 21 attorney, I believe, and the attorney was  
 22 not available for this week from what I  
 23 understand. The reason may be different or  
 24 he may have another reason. I don't know.  
 25 So some of the questions I'm going  
 Page 8

1 to ask you is because of your involvement in  
 2 the casualty, and if you don't have  
 3 knowledge or involvement in the response,  
 4 you know, you can tell us.  
 5 A I wasn't present in the Incident  
 6 Command Center the whole time, but I was in  
 7 the room, yes.  
 8 Q You weren't there the whole --  
 9 A Not the whole time, no.  
 10 Q But some of the time, sir?  
 11 A Some of the time, yes, sir.  
 12 Q So you were in there some of the  
 13 time. Could you describe the functions and  
 14 capabilities of the Transocean Emergency  
 15 Response Center, sir? What's the function?  
 16 Is it staffed 24/7? Do they have a Duty  
 17 Officer in there? Do they have, you know,  
 18 plans, drawings, computer models available?  
 19 A At the time of the incident?  
 20 Q Yes, sir.  
 21 A Yes, it was manned 24/7, yes.  
 22 Q Can you describe the functions and  
 23 capabilities of the center, sir?  
 24 A I don't know that I'm the right  
 25 person to describe the functions and

Page 9

1 capabilities, but they seemed to be very  
 2 much in control of the situation -- Well, to  
 3 the extent possible, the situation. They  
 4 were performing their duties as I would  
 5 expect them.  
 6 Q Yes, sir. So in terms of -- Can  
 7 you describe how many people are on watch  
 8 and what tools they have available to them  
 9 to respond to an event, sir?  
 10 A There were maybe 20 people in the  
 11 room.  
 12 Q At any time or after the casualty?  
 13 A During the casualty.  
 14 Q Okay. When there is not a  
 15 casualty, how many people man the emergency  
 16 crisis?  
 17 A I don't believe it's manned.  
 18 Q There's none?  
 19 A I don't think so, but I don't  
 20 know.  
 21 Q Yes, sir. Do you know if  
 22 Transocean has its own emergency response  
 23 team with naval architects, a qualified  
 24 first officer and salvage master assigned,  
 25 sir?

Page 10

1 A I know they have emergency  
 2 response teams. I don't believe there will  
 3 be a naval architect as part of our  
 4 emergency response team.  
 5 Q Yes, sir. Are any of your people  
 6 part of the emergency response team, sir?  
 7 A Not that I'm aware of.  
 8 Q Okay. So the 20 people that  
 9 manned the Emergency Command Center, did any  
 10 of those people belong to your group to  
 11 provide technical support?  
 12 A Not initially, but I brought some  
 13 of my own group in.  
 14 Q Yes, sir. And what were they,  
 15 sir?  
 16 A They were just people to relieve  
 17 me, but we -- I brought the operations  
 18 manager from the NAM Division, North America  
 19 Division, the project director from the  
 20 North America Division. We brought in the  
 21 naval architects. I guess that's about it.  
 22 Q Yes, sir. I understand that  
 23 Transocean hired SMIT Americas to provide  
 24 salvage and firefighting support. Is this  
 25 correct, sir?

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1 A Salvage, yes.  
 2 Q Salvage?  
 3 A Yes.  
 4 Q Does salvage include firefighting  
 5 support?  
 6 A Firefighting would have been  
 7 limited to after the well had been brought  
 8 under control, and if there was any residual  
 9 fire, then SMIT would have taken care of  
 10 that fire, yes.  
 11 Q But in terms of firefighting  
 12 support that SMIT would provide is to  
 13 stabilize the vessel for salvage; is that  
 14 correct, sir?  
 15 A They would take whatever steps  
 16 were necessary to stabilize the vessel, but  
 17 they were not there for firefighting.  
 18 Q Yes, sir. So per Mr. Martin's  
 19 testimony yesterday, I understand that SMIT  
 20 requested a HECSALV model of the DEEPWATER  
 21 HORIZON from Transocean; is that your  
 22 understanding, sir?  
 23 A That's correct, yes, sir.  
 24 Q Was that because SMIT was asked to  
 25 conduct a damage stability analysis, sir?

Page 12

1 A No, I don't think they were asked  
 2 to conduct -- They wouldn't have done  
 3 anything like that until the well had been  
 4 brought under control.  
 5 Q I understand, but as part of your  
 6 contracting requirement for SMIT, does that  
 7 also involve damage stability analysis, so  
 8 they can salvage the vessel?  
 9 A It doesn't specifically call it --  
 10 No. We were operating under a Lloyd's Open  
 11 Form.  
 12 Q Right. But in order to salvage  
 13 the vessel, you have to do some kind of  
 14 damage stability analysis, right?  
 15 A Yes. That would have been with  
 16 the assistance of our naval architect.  
 17 Q Yes, sir. With your naval  
 18 architect?  
 19 A Yes.  
 20 Q And SMIT's naval architect?  
 21 A SMIT didn't have a naval architect  
 22 in the section.  
 23 MR. HENNESSY:  
 24 So it's clear --  
 25 HON. JUDGE ANDERSEN:

1 Exhibit TRN-HCEC-00006301 that's in front of  
 2 you, sir.  
 3 MR. HENNESSY:  
 4 6301?  
 5 CAPT. NGUYEN:  
 6 Yes, sir, 6301.  
 7 MR. MATHEWS:  
 8 It wouldn't be in the transparency  
 9 cover that you have there.  
 10 MR. HENNESSY:  
 11 These?  
 12 MR. MATHEWS:  
 13 It wouldn't be in the  
 14 transparency.  
 15 MR. HENNESSY:  
 16 Here it is.  
 17 EXAMINATION BY CAPT. NGUYEN:  
 18 Q Now, on the bottom of the page  
 19 there for damage stability, which service  
 20 provider is listed there, sir?  
 21 A ABS Consulting.  
 22 Q Yes, sir. Was ABS Consulting  
 23 contacted to respond to the casualty?  
 24 A No, not that I'm aware of.  
 25 Q You said not that you're aware of.

1 Counsel, I forgot. Would you  
 2 state your name for the record?  
 3 MR. HENNESSY:  
 4 Yes, Your Honor. My name is Matt  
 5 Hennessy, and just a point of clarification,  
 6 my understanding of the question and answer  
 7 was you were asking whether Mr. McKechnie  
 8 was a naval architect?  
 9 CAPT. NGUYEN:  
 10 No, sir. I was asking whether  
 11 SMIT was contracted to perform a damage  
 12 stability analysis of the DEEPWATER HORIZON  
 13 as part of the salvage.  
 14 THE WITNESS:  
 15 They were not.  
 16 EXAMINATION BY CAPT. NGUYEN:  
 17 Q They were not, sir. Okay. And  
 18 you say the damage stability analysis was  
 19 done by Transocean's own naval architect?  
 20 A It wasn't done.  
 21 Q It wasn't done at all?  
 22 A I mean, how can you when you don't  
 23 know the loading conditions?  
 24 Q Yes, sir. Now, if you refer to --  
 25 If you would you please refer to

1 But you provide technical support, so is it  
 2 your responsibility, you know, for my own  
 3 knowledge here, is it one of your  
 4 responsibilities to -- You contacted SMIT,  
 5 so I'm just assuming you're contacting a  
 6 technical service provider?  
 7 A I personally don't contact SMIT.  
 8 I contact ABS.  
 9 Q You didn't do that?  
 10 A I don't have that responsibility  
 11 either.  
 12 Q Yes, sir. Do you know who in  
 13 Transocean contacted SMIT as per your  
 14 vessel's response plan for the damage  
 15 stability analysis?  
 16 A I don't know who contacted them or  
 17 if they were contacted.  
 18 Q Okay. What is Transocean's  
 19 standard operating procedure when you have a  
 20 casualty like this? Do you contact the  
 21 provider listed in your Vessel Response  
 22 Plan?  
 23 A I personally do not.  
 24 Q You said that you made a call to  
 25 Mr. Doug Martin with SMIT Americas. Did

1 Transocean and SMIT have a prearranged  
 2 contract for salvage support for the  
 3 DEEPWATER HORIZON?  
 4 A No, we did not. I don't think so.  
 5 Not to my knowledge.  
 6 Q Yes, sir. Do you have anybody,  
 7 any service provider contracted for the  
 8 DEEPWATER HORIZON for salvage support  
 9 prearranged?  
 10 A Not to my knowledge, no, sir.  
 11 Q Yes, sir. Now, I understand that  
 12 Transocean hired O'Brien to manage the oil  
 13 spill response; is that correct, sir?  
 14 A I don't know.  
 15 Q Okay. My understanding from  
 16 Mr. Doug Martin yesterday was that, and I  
 17 understand from other documents, is that  
 18 O'Brien was the oil spill response  
 19 organization for the --  
 20 A I had never seen anyone from  
 21 O'Brien or met anyone from O'Brien.  
 22 Q Yes, sir. Now, if you refer to  
 23 Exhibit TRN-HCEC-00006302, who's listed  
 24 there as the OSRO for Transocean for the  
 25 DEEPWATER HORIZON?

Page 17

1 A I'm sorry. Who's listed for --  
 2 Q Yes, sir.  
 3 A Which? I didn't understand the  
 4 question.  
 5 Q Yes, sir. As you see there, it  
 6 says, "This vessel is contracted with the  
 7 below listed OSRO for the following zone."  
 8 Which company is listed there?  
 9 A National Response Corporation.  
 10 Q Yes, sir. And if you go further  
 11 down, the DEEPWATER HORIZON was in the  
 12 Captain of the Port Zone Morgan City. Do  
 13 you see Morgan City listed there for the  
 14 zone?  
 15 A Yes.  
 16 Q So if Transocean used O'Brien  
 17 instead of the NRC, is that a non-compliance  
 18 with the Vessel Response Plan, sir, if  
 19 that's the case?  
 20 A To be clear on this, I have not  
 21 seen the Vessel Response Plan, so I don't  
 22 know if it's a non-compliance.  
 23 Q Yes, sir. You have never seen the  
 24 Vessel Response Plan for the DEEPWATER  
 25 HORIZON?

Page 18

1 A That's correct.  
 2 Q Before or during the response of  
 3 the casualty?  
 4 A That's correct.  
 5 Q Yes, sir. You were in the  
 6 Emergency Command Center. Did you see a  
 7 copy of the Vessel Response Plan in the  
 8 Command Center?  
 9 A No, I did not.  
 10 Q Okay. How about a Shipboard Oil  
 11 Pollution Response Plan, SOPEP?  
 12 A I didn't see it, but I think a  
 13 point of clarification is probably in order.  
 14 We were in a separate room for most of the  
 15 time.  
 16 Q Yes, sir. You know, if you were  
 17 walking around and you see other people was  
 18 planning for the response --  
 19 A Those people had lots of  
 20 documents. They may well have been there  
 21 and I would expect that they were.  
 22 Q Yes, sir. Now, are you aware if  
 23 Transocean is a member of any area  
 24 committee? Do you know what an area  
 25 committee is, sir?

Page 19

1 A An explanation would probably be  
 2 in order.  
 3 Q Yes, sir. An area committee was  
 4 established as a result of the Oil Pollution  
 5 Act of 1990, because of the EXXON VALDEZ  
 6 incident.  
 7 A I don't know that.  
 8 Q You don't know that. Yes, sir.  
 9 The reason I'm asking you a lot of these  
 10 questions, and I understand you might not  
 11 have the knowledge, because Mr. Wright is  
 12 not here.  
 13 A Yeah. You need to be aware I did  
 14 not work in operations.  
 15 Q I understand.  
 16 A I did not work in that area.  
 17 Q You know, you may have some  
 18 information. That's why I'm asking. You  
 19 said that you would participate in some  
 20 drills before, emergency response drills?  
 21 A Yes.  
 22 Q To your knowledge, has Transocean  
 23 ever participated in any contingency  
 24 exercises with the Coast Guard, with a Coast  
 25 Guard unit to practice a collective response

Page 20

1 to an offshore well fire, sir?  
 2 A Not to my knowledge.  
 3 Q So what kind of drill -- Can you  
 4 describe the drills that you have  
 5 participated in?  
 6 A The drills were with one of the  
 7 predecessor companies, and the situation was  
 8 very similar to what I saw on the DEEPWATER  
 9 HORIZON.  
 10 Q Okay. How many drills did you  
 11 participate in and what was the nature of  
 12 those drills, sir?  
 13 A Just emergency response drills,  
 14 the same type of situation, fire on a rig.  
 15 Q A fire on a rig?  
 16 A Yes.  
 17 Q How long ago was that, sir?  
 18 A Five or six years.  
 19 Q Five to six years ago, with  
 20 Transocean?  
 21 A With a predecessor company.  
 22 Q With what, sir?  
 23 A With one of the predecessor  
 24 companies.  
 25 Q Okay. So not since Transocean has  
 Page 21

1 taken over those companies?  
 2 A No, sir.  
 3 Q Yes, sir. Are you familiar with  
 4 the layout and capabilities and operations  
 5 of the DEEPWATER HORIZON, sir?  
 6 A Only since the incident. During  
 7 the incident, we collected the general  
 8 arrangement drawings and tank plans and all  
 9 that kind of stuff for SMIT's use in support  
 10 of their operation.  
 11 Q So you say you collected these  
 12 documents. Are these documents available at  
 13 Transocean's Emergency Response Center, sir,  
 14 readily available?  
 15 A I don't know if they were readily  
 16 available, but we got them from FileNet,  
 17 which is the next best thing. I mean, I  
 18 don't know if the paper copies are right  
 19 there, but we got them on our -- from our  
 20 file system.  
 21 Q So you have never visited the  
 22 DEEPWATER HORIZON?  
 23 A No. My group were planning a  
 24 project for it in 2011.  
 25 Q What project would that have been?  
 Page 22

1 A It was a 10-year special hull  
 2 survey.  
 3 Q Ten years what, sir?  
 4 A A special periodic survey.  
 5 Q Okay. So does it go into a dry  
 6 dock?  
 7 A We hadn't made that decision, but  
 8 most likely it would have been in a  
 9 sheltered location or possibly dockside.  
 10 Q Okay. Was part of the project  
 11 that was planned for the recertification of  
 12 the blowout preventer, sir?  
 13 A I believe the blowout preventer  
 14 overhaul was in that project, yes.  
 15 Q It was in that project?  
 16 A Yes.  
 17 Q So there would be a planning  
 18 document to show that that was in the  
 19 planning?  
 20 A We were in the very early stages  
 21 of planning. I don't know that there was a  
 22 great deal of detail in that document at  
 23 this point in time.  
 24 Q Yes, sir. Now, again, I know  
 25 you're not in the operations side, but let  
 Page 23

1 me refer you to the DEEPWATER HORIZON  
 2 Minimum Safe Manning Certificate,  
 3 Exhibit RMI-000068. Yes, sir. If you look  
 4 at the second table there for the item  
 5 "Offshore Installation Manager," if you go  
 6 across and you see a No. 1, is that No. 1  
 7 under the column "on location," sir?  
 8 A Yes.  
 9 Q Okay. So according to this  
 10 Minimum Safe Manning Certificate, an  
 11 Offshore Installation Manager is not  
 12 required when the vessel is in transit; is  
 13 that correct? I mean, when it's on  
 14 location, that's the only time, as you can  
 15 tell there on that document?  
 16 A That's what the document says,  
 17 yes.  
 18 Q Yes, sir. If you refer to  
 19 Exhibit TRN-HCEC-00006624 -- Do you see  
 20 6624, sir? If you look at 6625, on the next  
 21 page, sir, and it describes two conditions  
 22 up on top, one of which is in transit mode,  
 23 so it's not on station, and you look at the  
 24 notification sequence there in terms of --  
 25 Can you read it in paragraph 3 who has the  
 Page 24

1 primary responsibility for emergency  
 2 notification?  
 3 A From item A, the first party to be  
 4 notified?  
 5 Q No, sir, above that.  
 6 A Above that?  
 7 Q Yes, sir.  
 8 A It says, "Notification sequence  
 9 under these conditions, the primary  
 10 responsibility for emergency notification  
 11 rests with the MODU Offshore Installation  
 12 Manager (OIM). The OIM notification  
 13 priority list will be as follows."  
 14 Q Yes, sir. So according to these  
 15 two documents, if the safe minimum manning  
 16 certificate doesn't require an OIM while the  
 17 vessel is in transit, how can Transocean --  
 18 how can the DEEPWATER HORIZON comply with  
 19 the procedure here, the Transocean procedure  
 20 here?  
 21 A My understanding --  
 22 MR. JOHNSON:  
 23 Your Honor, there's no foundation  
 24 for any of this. The witness has testified  
 25 he's not in operations. Captain Nguyen is

Page 25

1 A The OIM and the master are the  
 2 same person while the rig is in transit.  
 3 That's my understanding.  
 4 Q It's the same person?  
 5 A Yes.  
 6 Q Not two different persons?  
 7 A While in transit.  
 8 Q While in transit. It's one person  
 9 while it's in transit?  
 10 A I believe so. But that's my  
 11 understanding.  
 12 Q Yes, sir. I understand that.  
 13 Okay. Now, Judge Andersen is correct, you  
 14 know, in the sense that you may not have  
 15 knowledge and involvement in some of these  
 16 documents I'm showing you, but a lot of the  
 17 witnesses are not -- you know, either  
 18 declined to appear before this Board or we  
 19 don't have access to every piece of  
 20 information, so that's why I'm asking you,  
 21 because you were part of the Command Center  
 22 at some point in time, some involvement in  
 23 this response, and that's why I'm asking.  
 24 A I will answer the questions to the  
 25 best of my knowledge and ability.

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1 apparently just seeking to ask questions  
 2 about documents the witness knows nothing  
 3 about.  
 4 HON. JUDGE ANDERSEN:  
 5 As the captain said at the  
 6 beginning of your testimony, he realizes,  
 7 the Board realizes that operations isn't  
 8 your area.  
 9 Nevertheless, you spent a lifetime  
 10 working in this area. You don't have to  
 11 guess or speculate. If you know the answer  
 12 to a question, then you can let us know the  
 13 answer, but don't feel that you have to sit  
 14 here under these circumstances and make up  
 15 an answer.  
 16 So I'm going to overrule the  
 17 objection, but with the proviso that the  
 18 witness knows he does not have to guess or  
 19 speculate.  
 20 THE WITNESS:  
 21 My understanding is that the OIM  
 22 and the master are the same person while in  
 23 transit.  
 24 EXAMINATION BY CAPT. NGUYEN:  
 25 Q What's that, sir?

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1 Q Yes, sir, and I appreciate that.  
 2 A It's not my area of  
 3 responsibility.  
 4 Q Yes, sir. Like Judge Andersen  
 5 said, if you know the facts or you have  
 6 knowledge, then you can indicate. You don't  
 7 need to speculate or guess.  
 8 A Okay.  
 9 Q Thank you, sir. Are you familiar  
 10 with Transocean's corporate business unit or  
 11 installation emergency response manuals and  
 12 protocols, sir?  
 13 A Familiar? I know where they are.  
 14 I'm aware of them, yes.  
 15 Q Yes, sir. Do you know if the  
 16 response was being guided by those  
 17 protocols? Did you see people break out the  
 18 manuals and go through and say, "We got a  
 19 well control issue situation here. We got a  
 20 fire and explosion. These are the steps  
 21 that we need to take"? Did you see any of  
 22 that at Transocean's Emergency Response  
 23 Center?  
 24 A Specifically, no, but that's not  
 25 to say it didn't happen.

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1 Q Yes, sir. But for your own group,  
 2 did your group in terms of technical  
 3 support, were there any items --  
 4 A No, we did not use any of these  
 5 manuals.  
 6 Q Yes, sir. So how do you know that  
 7 you have to call SMIT Americas for salvage  
 8 support? Is that part of the protocol?  
 9 A There is no fixed arrangement with  
 10 SMIT. You didn't ask the sequence of  
 11 events, but basically SMIT have a long  
 12 history with Transocean and the predecessor  
 13 companies in salvage, particularly in  
 14 hurricane situations. They have been very,  
 15 very successful, so they're kind of our "go  
 16 to" people in an emergency.  
 17 Q What roles and responsibilities  
 18 would you assign according to your corporate  
 19 emergency response plan, if any?  
 20 A I don't have any.  
 21 Q But you were the one who made the  
 22 call?  
 23 A My boss, the vice president of  
 24 engineering and technical support, called me  
 25 at 3:00 a.m., 3:10 a.m., and we discussed

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1 calling in SMIT.  
 2 Q Okay. So was that the first time  
 3 that you were aware of the incident, at  
 4 3:30, when your boss in engineering called  
 5 you?  
 6 A 3:10.  
 7 Q 3:10. Yes, sir. And who is your  
 8 supervisor, sir, the name, please?  
 9 A His name is Pharr Smith.  
 10 Q Smith. What is his first name,  
 11 sir?  
 12 A Pharr, P-H-A-R-R.  
 13 Q Yes, sir. Thank you. Why, if the  
 14 incident happened around 2200 on April 20th  
 15 and -- Mr. Smith called you at 0310?  
 16 A 3:10, correct.  
 17 Q Do you know why it took five hours  
 18 after the casualty for Transocean to contact  
 19 a salvage service provider?  
 20 A Well, clearly they were in a well  
 21 control situation and at that point salvage  
 22 wasn't top priority. Search and Rescue and  
 23 people were the top priority.  
 24 Q Yes, sir. So is there a  
 25 Transocean procedure where there's a

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1 checklist where it lists, you know, the  
 2 items that actually need to be taken in the  
 3 event of a well control explosion and fire  
 4 on a deepwater rig that you're aware of,  
 5 sir, that this call to SMIT is part of that  
 6 checklist, if you know?  
 7 A The call to SMIT is not part of  
 8 any checklist.  
 9 Q What time did you arrive at the  
 10 Emergency Response Center, sir?  
 11 A I live quite a ways out, in  
 12 Conroe, which is about -- I arrived at about  
 13 10 to 5:00.  
 14 Q 10 to 5:00?  
 15 A Yes, sir.  
 16 Q After you arrived, were you aware  
 17 of who was in charge of the overall  
 18 coordination of the firefighting effort on  
 19 the DEEPWATER HORIZON?  
 20 A Firefighting effort, no.  
 21 Q You have no knowledge of who was  
 22 in charge of the firefighting effort?  
 23 A I don't know that there was a  
 24 firefighting effort.  
 25 Q Okay. Now, was there any contact

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1 between the Emergency Response Center and  
 2 Captain Kuchta, the master of the DEEPWATER  
 3 HORIZON that you're aware of?  
 4 A Not that I'm aware of at the time.  
 5 Q So from the time the casualty  
 6 occurred until the time the vessel sank, you  
 7 have no knowledge whether any communication  
 8 occurred between Captain Kuchta and the  
 9 Emergency Response Center?  
 10 A I'm not aware of it, no.  
 11 Q Yes, sir. Do you know what  
 12 support relating to firefighting did  
 13 Transocean provide to the personnel at the  
 14 scene?  
 15 A We weren't firefighting. We were  
 16 well control. There was cooling water being  
 17 put on the rig. I don't know who was  
 18 controlling those boats.  
 19 Q Do you know who ordered firewater  
 20 put on the rig? Was it --  
 21 A I didn't know at the time. I  
 22 understand now from previous testimony that  
 23 it was Daun, Daun Winslow.  
 24 Q Were you aware if anyone at the  
 25 Emergency Response Center questioned

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1 Mr. Winslow directing the firefighting  
 2 effort out there, whether he was authorized  
 3 or he was qualified to do the job?  
 4 A I'm sorry. Could you repeat that?  
 5 Q Yes, sir. Anyone at the Emergency  
 6 Response Center, when they have knowledge  
 7 that Mr. Winslow was directing the  
 8 firefighting effort out there, did anybody  
 9 question his qualification or his authority  
 10 to do so?  
 11 A I don't think anybody knew that  
 12 Daun was directing cooling water. Once  
 13 again, there was no firefighting effort.  
 14 Q What was the reason for putting  
 15 water on top of the rig?  
 16 A Trying to maintain the structural  
 17 integrity of the vessel, so the well could  
 18 be brought under control.  
 19 Q And that's not part of a  
 20 firefighting effort?  
 21 A It's not -- You're not going to  
 22 put out an oil field well blowout with  
 23 water.  
 24 Q So you are separating between a  
 25 well fire and a vessel fire you're saying?  
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1 A Absolutely.  
 2 Q So the firewater that was put on  
 3 top of the vessel, was that a vessel  
 4 firefighting action or is it a well  
 5 firefighting action?  
 6 A It's cooling water to maintain the  
 7 integrity of the structure.  
 8 Q For what purpose?  
 9 A To keep the vessel afloat as long  
 10 as possible, so to give the subsea engineers  
 11 the best possible chance of bringing the  
 12 well under control.  
 13 Q Can you explain further? I mean,  
 14 you're maintaining the structural integrity  
 15 up here?  
 16 A Yes, and so we could salvage the  
 17 rig.  
 18 Q So you could what?  
 19 A To give us the best chance of  
 20 salvaging the rig ultimately.  
 21 Q To salvage the rig?  
 22 A Yes.  
 23 Q But you were saying the firewater  
 24 was put on the rig to fight the well fire?  
 25 A I didn't say that.  
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1 Q Okay. Please clarify for me what  
 2 was the purpose of the firewater put on top  
 3 of the rig? Was that just to maintain the  
 4 structure?  
 5 A I said it twice already.  
 6 MR. SCHONEKAS:  
 7 Judge, asked and answered. We  
 8 have been over this. We're arguing  
 9 semantics with the witness. The witness has  
 10 testified water was applied to the structure  
 11 to maintain the integrity of the structure.  
 12 MR. JOHNSON:  
 13 He has also testified that he  
 14 wasn't involved in it. We had an expert  
 15 that testified on this subject extensively  
 16 yesterday, and I fail to see the foundation  
 17 with this witness or the purpose of these  
 18 questions.  
 19 HON. JUDGE ANDERSEN:  
 20 Well, you know, the witness has  
 21 indicated he knows he doesn't have to guess.  
 22 He was on the scene and there's some  
 23 redundancy here, but I think the chair just  
 24 wants to clarify that he understands the  
 25 purpose if this witness knows it of putting  
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1 the water on the rig.  
 2 But you have testified to that  
 3 twice in the last five minutes, but if the  
 4 chair wants to go forward and make sure that  
 5 he understands, it would be great.  
 6 THE WITNESS:  
 7 I got plenty of time.  
 8 HON. JUDGE ANDERSEN:  
 9 Okay. So please proceed.  
 10 EXAMINATION BY CAPT. NGUYEN:  
 11 Q You know, it takes me several  
 12 times, because English is my second language  
 13 and I want to make sure that I understand  
 14 correctly.  
 15 A Sorry. I have been to Vietnam a  
 16 lot.  
 17 Q That's all right. So firewater  
 18 was put on the rig to --  
 19 A To cool the structure, yes.  
 20 Q For what purpose? So the vessel  
 21 can be salvaged?  
 22 A Ultimately, so that the well can  
 23 be brought under control and we can salvage  
 24 the rig, yes.  
 25 Q All right. At any time while you  
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1 were at the Command Center, did anyone know  
 2 who has the responsibility for the overall  
 3 coordination of the firefighting efforts out  
 4 at the scene? Was there any discussion?  
 5 MR. SCHONEKAS:  
 6 Objection. It calls for  
 7 speculation, Judge. How is he to know what  
 8 other people were in charge of? I mean,  
 9 he's asking him does he know who was in  
 10 charge?  
 11 HON. JUDGE ANDERSEN:  
 12 Well, he knows if he knows, and  
 13 the Board has not repeatedly asked him  
 14 questions if he says he just doesn't know.  
 15 He has given that answer about seven times,  
 16 which is perfectly understandable, because  
 17 he wasn't in charge and didn't know  
 18 everything, but he was on the scene and he  
 19 might have this information. So now that I  
 20 have talked so long that we forgot the  
 21 question --  
 22 THE WITNESS:  
 23 I think there's two points: One,  
 24 I'm not aware of any firefighting effort.  
 25 I'm aware of an effort to cool the rig. And  
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1 secondly, there didn't seem to be anybody  
 2 that we could identify was controlling the  
 3 activities of those boats.  
 4 EXAMINATION BY CAPT. NGUYEN:  
 5 Q Yes, sir. So you don't know  
 6 whether there is any plan that identified  
 7 any individual or entity to have the overall  
 8 coordination of the response or for the  
 9 overall coordination of firefighting out  
 10 there?  
 11 A At one time we thought that  
 12 responsibility would fall to the Coast  
 13 Guard, to be perfectly frank with you, and  
 14 we tried to contact the Coast Guard. Doug  
 15 Martin tried to contact them through his  
 16 various contacts in the Coast Guard, and we  
 17 were informed that the Coast Guard were not  
 18 controlling firefighting.  
 19 Q Right, but in any of your  
 20 documents -- You said you thought that the  
 21 Coast Guard was responsible for the overall  
 22 coordination? There's no Transocean --  
 23 A It was an assumption, yes. I have  
 24 not seen that in any document.  
 25 Q Yes, sir, I understand you haven't  
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1 seen that, but during that event, when  
 2 people were saying, "Well, we think the  
 3 Coast Guard had the overall responsibility,  
 4 the responsibility for the overall  
 5 coordination," this question here, there's  
 6 no Transocean document to say it was the  
 7 responsibility of Transocean with regard to  
 8 firefighting?  
 9 A I'm not aware of one.  
 10 Q Yes, sir. I appreciate that.  
 11 Were you aware of whether a salvage or  
 12 firefighting plan was created, sir?  
 13 A The salvage plan. Once again,  
 14 SMIT were not engaged for firefighting. We  
 15 developed the outlined salvage plan, which  
 16 we provided the Coast Guard about 8:00 p.m.  
 17 on the 21st.  
 18 Q 8:00 p.m.?  
 19 A It was also provided to BP.  
 20 Q Was that plan approved by the  
 21 Coast Guard, sir?  
 22 A I never saw an approval, and it  
 23 wasn't the final version. It was a draft.  
 24 Q It was a draft?  
 25 A Yes.  
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1 Q Was that draft ever executed, any  
 2 items?  
 3 A No. The rig sank.  
 4 Q Do you know if sufficient  
 5 resources were immediately available to  
 6 Transocean to combat the well fire?  
 7 A I'm sorry. Could you repeat that  
 8 question?  
 9 Q Yes, sir. I would think that -- I  
 10 mean, there's always a possibility for a  
 11 well control event and well fire and other  
 12 types of casualties.  
 13 Are you aware of what Transocean's  
 14 plan was for a fire, whether a vessel fire  
 15 or well fire, involving a deepwater drilling  
 16 rig? Did Transocean have any plan that  
 17 you're aware of?  
 18 A I'm sure it's all contained in  
 19 the -- I haven't seen it, but it will be in  
 20 the Emergency Response Plan.  
 21 Q The what, sir?  
 22 A The vessel Emergency Response Plan  
 23 should cover all of that.  
 24 Q The Vessel Response Plan should  
 25 have it?  
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1 A The Emergency Response Plan, yes.  
 2 We take vessels to shipyards all the time.  
 3 We have Emergency Response Plans, so I'm  
 4 assuming that the operational Emergency  
 5 Response Plan will cover these issues.  
 6 Q Yes, sir. So the Emergency  
 7 Response Plan, as you indicated, for well  
 8 control, do you know whether the master's  
 9 responsibility is identified for a well  
 10 control event?  
 11 A That's not my area of  
 12 responsibility.  
 13 Q Right.  
 14 A And I don't know.  
 15 Q But you say that for casualties,  
 16 the Transocean Emergency Response Plan would  
 17 address different types of casualties; is  
 18 that correct, sir?  
 19 A I make that assumption, yes.  
 20 Q You're not part of the response  
 21 organization?  
 22 A That's correct.  
 23 Q And so when you have an incident  
 24 and the company has to respond to that  
 25 incident, what is your -- You're on the

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1 technical support side to the response?  
 2 A There is no formal -- It's not in  
 3 my job description that I have to support  
 4 such an emergency, no. When you get a call  
 5 at 3:00 a.m., you do what you're asked to  
 6 do.  
 7 Q Yes, sir. So within your group,  
 8 is anybody designated to provide technical  
 9 support to the response organization?  
 10 A I'm not so sure that you would  
 11 need to be designated. When you're in an  
 12 emergency situation, everybody will do  
 13 what's required.  
 14 Q Okay. So we do things on the fly?  
 15 MR. SCHONEKAS:  
 16 Objection. That's argumentative.  
 17 MR. JOHNSON:  
 18 Objection.  
 19 MR. SCHONEKAS:  
 20 It misrepresents the witness'  
 21 testimony. This is not a representative to  
 22 speak to this issue. That's inappropriate.  
 23 HON. JUDGE ANDERSEN:  
 24 But he started to object first.  
 25 Ultimately, the Board can characterize

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1 things, and I think if you could, think of a  
 2 different word than "fly."  
 3 You know, basically what you're  
 4 telling us is based on the contingencies,  
 5 that your leadership decided what to do and  
 6 there was not a specific advanced plan as to  
 7 what to do in this situation?  
 8 MR. JOHNSON:  
 9 Your Honor, he said he's not  
 10 familiar with the plan. He said he was  
 11 called, requested to do something and he did  
 12 it. Just because he's not familiar with the  
 13 specific plan doesn't mean it's not in  
 14 there. We would object again to the  
 15 characterization.  
 16 HON. JUDGE ANDERSEN:  
 17 Even my rephrasing of it, if  
 18 you're not sure, that's fine. What's your  
 19 best understanding?  
 20 THE WITNESS:  
 21 What's my best understanding?  
 22 HON. JUDGE ANDERSEN:  
 23 Right.  
 24 THE WITNESS:  
 25 That technical and engineering

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1 people are identified in the plan. My guess  
 2 would be that there's verbiage in there that  
 3 says the engineering group will be called  
 4 for support, yes. That's a given.  
 5 EXAMINATION BY CAPT. NGUYEN:  
 6 Q My question, you know, and my  
 7 concern is very simple. You know, deepwater  
 8 drilling to me, a casual observer, is high  
 9 risk, a highly complex and highly involved  
 10 operation here, and we have seen with the  
 11 DEEPWATER HORIZON the consequences of it.  
 12 Now, I just want to know, so I'm  
 13 trying to assess -- You know, part of our  
 14 job is not only the causes of the casualty,  
 15 but also, you know, what we can do to  
 16 enhance the safety of deepwater drilling, so  
 17 that's why I'm asking, you know, was your  
 18 company prepared for this. And maybe not  
 19 just your company, maybe the entire  
 20 industry, that this the way it is, you know,  
 21 with the vessel response plan, if there are  
 22 some items in there that are not in there  
 23 that should be in there. That's all I'm  
 24 asking you. And if you have knowledge, you  
 25 know, please let me know, but otherwise,

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1 don't speculate.  
 2 A You would be better addressing  
 3 these questions to somebody who has  
 4 knowledge of the Emergency Response Plan,  
 5 but I would assume that those issues are  
 6 covered.  
 7 Q Yes, sir. Now, while you were at  
 8 the Command Center -- And again, the time  
 9 frame that I'm looking at here is the time  
 10 the casualty occurred until the time that  
 11 the vessel sank.  
 12 Do you know if any portion of the  
 13 main deck was breached?  
 14 A I don't know for sure, no. I  
 15 heard there were several explosions, so I  
 16 would assume that there was damage to  
 17 bulkheads and the main deck.  
 18 Q Do you know if either of the  
 19 pontoons were damaged?  
 20 A No, I don't know.  
 21 Q Do you know if any of the columns  
 22 were damaged?  
 23 A They were obviously subjected to  
 24 intense heat, but I don't know that they  
 25 were damaged.

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1 Q Yes, sir. Do you know if any of  
 2 the water that was provided to the main deck  
 3 entered the hull, the firewater?  
 4 A It seemed probable.  
 5 Q Do you know if the deck drainage  
 6 system on the DEEPWATER HORIZON drains into  
 7 the hull?  
 8 A It does.  
 9 Q "It does." And why would it?  
 10 A The term is "zero discharge."  
 11 They collect all the water from decks and  
 12 job areas, job floor areas to a collection  
 13 tank.  
 14 Q So is that pollution prevention?  
 15 A Yes, sir.  
 16 Q Are you aware if the deck drainage  
 17 system was open during the time of the  
 18 casualty?  
 19 A I'm not aware, but it probably  
 20 was. I don't see why it wouldn't be. The  
 21 risk to me was more of damaged bulkheads and  
 22 stuff and open doors. I think the risk of  
 23 deck flooding was probably more from that  
 24 than the zero discharge system.  
 25 Q Yes, sir. Did the derrick

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1 collapse?  
 2 A Yes.  
 3 Q If so, what direction that you  
 4 remember?  
 5 A Starboard aft. Over the crane,  
 6 starboard side.  
 7 Q Starboard side. Did this have a  
 8 negative effect on stability that you know  
 9 of, sir?  
 10 A I'm sure it did, yes.  
 11 Q Do you know what time the HORIZON  
 12 began to list?  
 13 A Not for certain, but the  
 14 information we were getting was very  
 15 sporadic and we were getting misinformation,  
 16 and to put a time on it, I couldn't do that.  
 17 Q Yes, sir. Do you know whether the  
 18 vessel leveled off after it listed?  
 19 A Leveled off?  
 20 Q Yes, sir.  
 21 A Did it stay at a certain angle, a  
 22 certain list?  
 23 Q List at a certain angle, and then  
 24 it came to an even keel?  
 25 A Oh, no, I didn't see that. No.

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1 Q To your knowledge, did the  
 2 DEEPWATER HORIZON capsize? I know right now  
 3 its laying upside-down.  
 4 A I wasn't there when the rig  
 5 finally sank.  
 6 Q Yes, sir. Now, were you involved  
 7 in the ROV interventions of the BOP stack at  
 8 all?  
 9 A I witnessed some of it on the  
 10 video screen.  
 11 Q Yes, sir. Was there any  
 12 discussion of whether the BOP stack  
 13 intervention, was that a well control  
 14 activity or is it a firefighting activity?  
 15 Was there a discussion during that time?  
 16 A It's absolutely a well control  
 17 activity.  
 18 Q A well control?  
 19 A Yes. I don't see how it could be  
 20 interpreted as anything other than that.  
 21 Q Sir, there's an e-mail there that  
 22 you have in front of you, sir, from Mr. Doug  
 23 Martin, and I don't see your name on it,  
 24 too, but it talks about BP interfering  
 25 getting the ROV in the water and working

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1 through the issues. Were you aware of that,  
 2 sir? Do you know what's that all about?  
 3 A Yes.  
 4 Q Will you describe the critical  
 5 interference and what the issues were?  
 6 A "Interference" isn't my word. BP  
 7 had a concern, and I think it was a valid  
 8 concern, that the heat from the rig and from  
 9 the explosion would endanger the ROV  
 10 intervention vessel.  
 11 Q Now, you say BP was responsible  
 12 for the well control?  
 13 A BP were handling the well control  
 14 activities, yes, mostly.  
 15 Q I understand that there's the  
 16 vessel fire, and then there's a well fire,  
 17 right, or is that one and the same?  
 18 A To me, it was a well fire.  
 19 Q To you, it was a well fire. So  
 20 who's responsible for responding to a well  
 21 fire? Is it BP or is it Transocean?  
 22 A Once again, that's not my area of  
 23 responsibility, but in the BP office, there  
 24 was a lot of Transocean subsea engineers.  
 25 It was a combined effort.

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1 Q Now, are you aware of any bridging  
 2 document between BP and Transocean  
 3 identifying what company's emergency  
 4 response protocol will be used during an  
 5 emergency?  
 6 A I'm not aware of that.  
 7 Q Yes, sir. Now, as I mentioned, in  
 8 enhancing the safety of offshore oil and gas  
 9 exploration and production, do you have any  
 10 recommendation for the Board, sir?  
 11 A No, I do not.  
 12 CAPT. NGUYEN:  
 13 Thank you, Mr. McKechnie. I don't  
 14 have any further questions.  
 15 THE WITNESS:  
 16 Thank you.  
 17 HON. JUDGE ANDERSEN:  
 18 Mr. Mathews?  
 19 EXAMINATION BY MR. MATHEWS:  
 20 Q Good morning, Mr. McKechnie.  
 21 A Good morning.  
 22 Q Just to backtrack a little bit for  
 23 me, I think you said you got a call around  
 24 3:00 from Mr. Smith. Can you tell me how  
 25 you got into the loop of this emergency

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1 response, and once you arrived at Park 10,  
 2 what you were actually doing?  
 3 A Okay.  
 4 Q Thank you.  
 5 A Ten past 3:00 in the morning, I  
 6 got the call from Pharr Smith informing me  
 7 that there had been a -- we had a rig in  
 8 trouble, there had been two explosions, to  
 9 his knowledge, when they were displacing the  
 10 mud from the riser.  
 11 He asked me to start making  
 12 preparations for the potential salvage of  
 13 the rig, and he also asked if I would assume  
 14 the role of the point of contact for  
 15 engineering and technical support should any  
 16 assistance be requested from the emergency  
 17 response team.  
 18 I called Doug Martin immediately.  
 19 I discussed that with Pharr first. I called  
 20 Doug and I told him -- I put him on alert,  
 21 told him not to do anything, just to make  
 22 him aware that we were going to be using  
 23 them at some point.  
 24 When I gathered my thoughts, about  
 25 10 minutes later, I called him back and we

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1 just made the decision to mobilize the  
 2 anchor-handling tugs and all the necessary  
 3 equipment for salvage.  
 4 Doug and I agreed to meet at Park  
 5 10. That was the emergency -- the Incident  
 6 Command Center for Transocean. Doug got  
 7 there before I did. He lives closer than I  
 8 do, about a half an hour closer.  
 9 In the interim, I called the  
 10 division, North America Division Managing  
 11 Director, told him to expect Doug to show up  
 12 before I did, which happened.  
 13 When Doug arrived, they put him in  
 14 a side room off to the side of the Command  
 15 Center, and then Doug started making all his  
 16 telephone calls to all his people and  
 17 mobilizing equipment.  
 18 When I arrived there, it was close  
 19 to 5:00, 5:00 a.m. We were still very  
 20 optimistic of being able to bring the well  
 21 under control. It wasn't clear just how  
 22 badly damaged the rig was. It seemed  
 23 obviously severely damaged.  
 24 We put the Lloyd's Open Form in  
 25 place, the contract for salvage contract,

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1 and we got all the materials. We just  
 2 supported Doug the best we could with  
 3 drawings and, like I said, the general  
 4 arrangements, the tank plans, all that kind  
 5 of stuff. And this part probably isn't too  
 6 well publicized. We started to contact  
 7 shipyards for the salvage of the rig.  
 8 We had a shipyard contingent in  
 9 the office at 8:00 a.m. and we were looking  
 10 at how we could take the rig to a local yard  
 11 in Pascagoula and assess the damage.  
 12 From then on -- Well, before that,  
 13 we called in a naval architect to assess the  
 14 damage. I'm not sure of the timing of that.  
 15 From that point on, I'm pretty  
 16 sure you know the rest of it. We didn't  
 17 have an awful lot to do because the well was  
 18 not under control. You can't salvage a rig  
 19 that's sitting on top of a blowout.  
 20 Q Once the DEEPWATER HORIZON sank,  
 21 did you play any role or capacity within the  
 22 emergency response at any level?  
 23 A No. I finished about lunchtime on  
 24 the 22nd.  
 25 Q And I think in the response, there  
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1 were some questions earlier about the five  
 2 hours it took to get Mr. Smith to contact  
 3 you. You were in no way defined in any plan  
 4 or procedure or identified to be?  
 5 A No.  
 6 Q I want to go back to some stuff.  
 7 Your current position, I think your title  
 8 now is director of upgrade, repairs and  
 9 projects?  
 10 A That's correct.  
 11 Q And I think you had only been  
 12 there since February of 2010; is that  
 13 correct?  
 14 A Yes.  
 15 Q All right. In respect to the  
 16 DEEPWATER HORIZON, I think you said there  
 17 were some discussions going on to have a  
 18 shipyard visit, at some dry dock; is that  
 19 correct, sir?  
 20 A No, we didn't have any plans to  
 21 take it to dry dock. We had plans to take  
 22 the rig out of service.  
 23 Q Out of service. I'm sorry for  
 24 that. Is there anything within Transocean  
 25 that drives it to be taken out of service?  
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1 Condition? Is there a defined time period  
 2 or what have you?  
 3 A There's the class requirements to  
 4 do the periodic survey.  
 5 Q Okay. Is there any requirement to  
 6 do a dry-docking within Transocean?  
 7 A Specifically dry-docking, we can  
 8 do a UWILD, Underwater Inspection in Lieu of  
 9 Drydock.  
 10 Q Is that the same thing, sir, a  
 11 UWILD?  
 12 A It's not the same thing.  
 13 Q If you do a damage analysis  
 14 between the two, is it the same thing?  
 15 A It's not the same thing, no.  
 16 Q Which one is more comprehensive?  
 17 A The dry dock.  
 18 Q Thank you. Earlier I think you  
 19 said you did a drill back, I think, five  
 20 years ago that was very similar to the  
 21 DEEPWATER HORIZON; is that correct, sir?  
 22 A I participated in drills with a  
 23 predecessor company, yes.  
 24 Q Is that Global Santa Fe?  
 25 A Yes.  
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1 Q Okay. When you did those drills,  
 2 what were you following? Were you on an  
 3 Incident Command, Unified Command?  
 4 A Yes.  
 5 Q Okay. Who was actually in charge  
 6 per the Unified Command?  
 7 A In similar situations, it was --  
 8 Actually, one I participated in, I think BP  
 9 may have participated in that, too, and that  
 10 was a very similar situation.  
 11 Q Okay. I have something in front  
 12 of you, and I'm sure you're not familiar  
 13 with this document, because I think you said  
 14 you have never seen the Emergency Response  
 15 Plan; is that correct?  
 16 A That's correct.  
 17 Q All right. There's a document in  
 18 front of you that has a diagram of a Unified  
 19 Command structure, and unfortunately, my  
 20 printer cut off the Bates number on it, but  
 21 it's Section 4 of Volume II of the  
 22 Transocean Vessel Response Plan. It should  
 23 look like this (indicating).  
 24 Do you not have that? Here, you  
 25 can have mine. I'm sorry. I think we used  
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1 it yesterday with another witness.  
 2 Now, in your drill, I think you  
 3 said you went and you followed the Unified  
 4 Command structure. In that drill, was there  
 5 any federal on-site coordinator or state  
 6 level on-site coordinator when you did your  
 7 drill in 2005?  
 8 A Not that I recall.  
 9 Q Okay. For the incident when you  
 10 were in Transocean's office, this is the  
 11 procedure that their on-site personnel  
 12 follow, which is the Unified Command  
 13 structure that was approved by the federal  
 14 agency that reviews those documents.  
 15 Was there any federal on-scene  
 16 coordinator or state on-scene coordinator  
 17 there to assist in making decisions on the  
 18 fly?  
 19 A Not that I'm aware of.  
 20 Q In your capacity within the  
 21 DEEPWATER HORIZON response, were you aware  
 22 of any person who was managing the plan to  
 23 ensure that everything was going in  
 24 accordance with it?  
 25 A I know who the person in charge

1 some Coast Guard people around.  
 2 Q Okay. And what was their  
 3 capacity?  
 4 A I don't know. Observers, I  
 5 believe.  
 6 Q Were they aiding you, specifically  
 7 you in any decision -- I heard you say you  
 8 were trying contact the Coast Guard, yet you  
 9 had the Coast Guard embedded into the  
 10 process?  
 11 A I'm not sure. I think they  
 12 arrived much later.  
 13 Q Okay. When you were there, sir,  
 14 who had the ultimate decision-making? Was  
 15 it BP, Transocean, the Coast Guard, MMS,  
 16 DOE?  
 17 A I don't know.  
 18 Q When the federal employees showed  
 19 up, did they actually follow the procedures  
 20 that Transocean had in place?  
 21 A I didn't see them follow any  
 22 procedures.  
 23 Q In the drill that you did back  
 24 five years ago, do you recall if they had  
 25 any follow-up or briefing where they were

1 was.  
 2 Q And who would that be, sir?  
 3 A That was Mike Wright.  
 4 Q Mike Brown?  
 5 A Mike Wright.  
 6 Q Oh, "Mike Wright." I'm sorry. In  
 7 the one that you did five years ago, and I  
 8 keep going back to this, in the on-site  
 9 portion of the responsibilities of  
 10 individuals on the rig, it covers individual  
 11 incidents, like alarms, man overboard,  
 12 hydrogen sulfide, fire and explosion, well  
 13 control. In that drill, was there anything  
 14 where you had multiple incidents occurring  
 15 all at one time?  
 16 A I'm beginning to wish I had never  
 17 mentioned this. I don't recall.  
 18 Q Okay. Since the conclusion of the  
 19 incident, sir, have you been involved in any  
 20 type of post mortem findings of anything or  
 21 the response?  
 22 A No.  
 23 Q When you were in Park 11, did you  
 24 see any federal employees there?  
 25 A Federal employees? There were

1 required to record what they actually did in  
 2 that drill and their findings?  
 3 A I believe we had follow-ups and  
 4 lessons learned.  
 5 Q Just for my clarification, there  
 6 was no other drill that you participated in  
 7 in the last five years?  
 8 A No.  
 9 Q Okay. And lastly, did Transocean  
 10 have any problems acquiring any assets in  
 11 response to the salvage when you were  
 12 working the phones with your assets?  
 13 Anchor-handling vessels? Did you have any  
 14 problems getting assets available to you?  
 15 A Absolutely not.  
 16 MR. MATHEWS:  
 17 Thank you, sir. I have no further  
 18 questions.  
 19 HON. JUDGE ANDERSEN:  
 20 Any other Board questions?  
 21 MR. DYKES:  
 22 I've got a couple.  
 23 EXAMINATION BY MR. DYKES:  
 24 Q Mr. McKechnie, you testified  
 25 earlier about the deck drain system being a

1 closed system on the DEEPWATER HORIZON. Do  
 2 you know for a fact that it was a closed  
 3 system or whether it was an open discharge?  
 4 A I didn't say it was a closed  
 5 system.  
 6 Q I'm sorry?  
 7 A I just said we had a deck drain  
 8 system where the deck drains were collected  
 9 in a collection tank in the hull.  
 10 Q But is it strictly a zero  
 11 discharge system or is it capable of  
 12 discharging the free water after the oil is  
 13 skimmed off of it?  
 14 A I'm not familiar with the details  
 15 of it.  
 16 MR. DYKES:  
 17 Okay. Thank you.  
 18 EXAMINATION BY CAPT. HIGGINS:  
 19 Q Just one issue, sir. With regard  
 20 to your plan for the out-of-service period,  
 21 was the recertification of the blowout  
 22 preventer part of that out-of-service plan,  
 23 out-of-service period?  
 24 A Yes, overhaul, complete overhaul  
 25 of the BOP was part of the protocol.

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1 A Our naval -- I mean, these things  
 2 take seven to 10 days.  
 3 Q Yes, sir, I understand.  
 4 A We started it, but we didn't hold  
 5 that much.  
 6 Q Good enough. How far into the  
 7 incident did you realize that recovering or  
 8 salvaging the vessel was not possible?  
 9 A I don't think we ever gave up  
 10 hope. It seemed less likely obviously as  
 11 the day went on.  
 12 Q Which day? Into the 21st?  
 13 A The 21st, yes.  
 14 Q So the 21st --  
 15 A Late on the 21st, it seemed highly  
 16 unlikely we would recover it.  
 17 Q Late on the 21st. Okay. Thank  
 18 you.  
 19 Were the salvage assets, the  
 20 anchor-handling vessels, were they on site  
 21 within 12 hours?  
 22 A I think they arrived around  
 23 midnight.  
 24 Q Midnight of the 21st?  
 25 A Yeah.

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1 Q Do you know what the status of the  
 2 BOP was at the time of the incident?  
 3 A I do not.  
 4 Q So you don't know whether it was  
 5 within certification limits or not?  
 6 A I do not.  
 7 CAPT. HIGGINS:  
 8 Thank you.  
 9 EXAMINATION BY LT. BUTTS:  
 10 Q Because you did bring it up, was  
 11 that experience going through the exercise  
 12 helpful in preparing you for the DEEPWATER  
 13 HORIZON response?  
 14 A Yes, very helpful, and I would  
 15 assume that our operations group carry out  
 16 similar drills.  
 17 Q Was the Coast Guard involved in  
 18 that exercise as far as you can remember  
 19 when you were with Global Santa Fe?  
 20 A I don't think so.  
 21 Q Okay. In your testimony, you had  
 22 commented that, I believe -- And I don't  
 23 want to take it out of context -- that  
 24 damage stability was not complete. Was it  
 25 started at all using the HECSALV model?

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1 Q Okay. And I noticed, also, in  
 2 some of the records, the D/B 50 I think was  
 3 contacted?  
 4 A Yes, it was mentioned.  
 5 Q And what is the D/B 50?  
 6 A Now, let me get this right.  
 7 Q Sure.  
 8 A I believe Doug wanted, should we  
 9 ever bring the well under control, we would  
 10 need a way to get the equipment onto the  
 11 main deck.  
 12 Q Do you know what service the  
 13 D/B 50 is?  
 14 A I'm not familiar with the vessel.  
 15 Q Do you know if it's a heavy lift  
 16 barge?  
 17 A Yes.  
 18 Q It is a heavy lift barge?  
 19 A That's my understanding, yes.  
 20 Q And how quickly did you get that  
 21 on contract or did you get it on contract?  
 22 A There was never a need to do that.  
 23 Q Okay. But was there  
 24 communications to the D/B 50, just similar  
 25 to your call, to put them on notice?

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1 A I believe Doug may have put them  
 2 on standby.  
 3 Q Okay.  
 4 A But we didn't enter into a  
 5 contract.  
 6 Q Okay. And then going back a  
 7 little bit more to what I believe is your  
 8 capacity at Transocean, were you familiar  
 9 with the condition of the thrusters, the  
 10 eight thrusters on board the DEEPWATER  
 11 HORIZON?  
 12 A The thrusters were due for  
 13 overhaul on this part of the 2011  
 14 out-of-service period.  
 15 Q Okay. In November of 2011, wasn't  
 16 it?  
 17 A No, no. It was Q1, 2011.  
 18 Q First, quarter one, 2011?  
 19 A Yes.  
 20 Q And what was the status -- Let me  
 21 ask you, do you know if any of the thrusters  
 22 were out of service?  
 23 A No, I don't know.  
 24 Q You don't know if any of the eight  
 25 thrusters were out of service?

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1 A No, I don't.  
 2 Q Okay. Would you have you known --  
 3 Would that have been an upgrade or a repair  
 4 that you would have been involved in?  
 5 A Typically, our technical field  
 6 support handle in-the-field repairs or  
 7 in-service repairs.  
 8 Q So you would consider overhauling  
 9 or replacing a thruster or a motor as an  
 10 in-service field repair?  
 11 A They do that frequently, yes.  
 12 Q Okay. What was planned for the  
 13 thrusters as far as the upgrade?  
 14 A I believe we were probably going  
 15 to exchange them, but I can't be sure.  
 16 Q Okay. Exchange all the thrusters  
 17 out, all eight?  
 18 A All eight, yeah.  
 19 Q And why? Was this just a  
 20 technological advance upgrade?  
 21 A No, no. Just a regular  
 22 maintenance, I understand.  
 23 Q Okay. So it wasn't a software, it  
 24 was actual equipment, the motors, the  
 25 thrusters themselves, the full assemblies?

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1 A I'm not sure of the full extent.  
 2 Q Okay. Was the Marshall Islands  
 3 notified of that or, excuse me, the  
 4 classification society, ABS?  
 5 A At that point we were only in the  
 6 planning stages.  
 7 Q Okay.  
 8 A They would not have been notified.  
 9 I don't know, though.  
 10 Q Okay. Those efforts would  
 11 certainly have to go through plan review,  
 12 though, wouldn't they?  
 13 A When we take a rig to a shipyard  
 14 or out of service and we do this major work,  
 15 it's all under the class regulations, yes.  
 16 Q Okay. What upgrades were done  
 17 during -- I think it was September, 2009, I  
 18 believe there were some upgrades done on the  
 19 drill floor; is that true?  
 20 A I don't know. I wasn't in the  
 21 position at that time.  
 22 Q Okay. So you have no knowledge of  
 23 any upgrades that were done --  
 24 A No.  
 25 Q -- in the driller's shack or drill

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1 floor?  
 2 A No.  
 3 Q Okay. Good enough. Now, having  
 4 come from Global Santa Fe, I think you could  
 5 probably talk about -- And we won't get into  
 6 the maintenance of the rig, but you are  
 7 familiar with the RMS system that was  
 8 brought over from Global Santa Fe?  
 9 A I am.  
 10 Q Were you at any time involved with  
 11 the transition of that RMS system to  
 12 Transocean's rigs?  
 13 A No.  
 14 Q They did not ask you for your  
 15 advice on how to integrate some of the  
 16 equipment that may have been on a Global  
 17 Santa Fe rig and the equipment that  
 18 certainly was not on any of the Transocean  
 19 rigs?  
 20 A I wasn't involved.  
 21 Q Okay. Are you aware of any  
 22 upgrades or repairs, any technical projects  
 23 that were in place for any of the driller's  
 24 chairs, A-chair, B-chair, C-chair?  
 25 A I'm not aware of it. It may be in

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1 the project definition, but I'm not aware of  
 2 it right now.  
 3 Q Okay. Do you know if the A-chair  
 4 was working?  
 5 A I don't know.  
 6 Q Do you know if they were having  
 7 any problems at all?  
 8 A No, I don't know.  
 9 Q Okay. In your punch list, Captain  
 10 Higgins had mentioned the BOP. Were there  
 11 any other items on the punch list for the  
 12 out-of-service period that you know of?  
 13 A Punch list?  
 14 Q A work list.  
 15 A There is a project definition  
 16 sheet, and it's two or three pages, which  
 17 gives a bullet list of everything.  
 18 Q May we get that? We will ask  
 19 Transocean for that?  
 20 A I'm sure.  
 21 Q And when was that out-of-service  
 22 period scheduled for?  
 23 A Q1, 2011.  
 24 LT. BUTTS:  
 25 Okay. So that would have been at  
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1 the same time as probably the others then.  
 2 Okay. Thank you.  
 3 EXAMINATION BY CAPT. NGUYEN:  
 4 Q Mr. McKechnie, I know with two  
 5 witnesses now, Mr. Doug Martin yesterday and  
 6 with you, Mr. Matthew pointed to the  
 7 organizational chart there that you have  
 8 seen.  
 9 Now, I just want to make sure the  
 10 record is straight. For an incident --  
 11 Because the Coast Guard is the federal  
 12 on-scene coordinator for offshore incidents.  
 13 The initial Unified Command is set up at the  
 14 office of the FOSC, and as the incident  
 15 grows, as the organization builds, it may  
 16 move to a different location. For example,  
 17 it was moved to in Houma or in Robert,  
 18 Louisiana, or a different area, Mobile, as  
 19 the incident progressed.  
 20 So that organizational chart does  
 21 not indicate that the federal agencies or  
 22 any other entities would staff up at the  
 23 Transocean Emergency Response Center. Is  
 24 that your understanding, sir?  
 25 A This is the first time I have seen  
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1 the chart, so I don't have an understanding  
 2 of it.  
 3 Q Yes, sir. But I just want to make  
 4 sure that when we have an incident,  
 5 Transocean probably staffs up the incident  
 6 management team, and then BP is probably  
 7 doing the same thing, but everybody should  
 8 be coming to the Coast Guard, because we are  
 9 the federal on-scene coordinator.  
 10 So I just want to make sure that  
 11 is clear, that is not a misunderstanding,  
 12 that the Unified Command is supposed to set  
 13 up at Transocean and all the entities is  
 14 supposed to go to it. So I just want to  
 15 make that clear. I'm not asking you for  
 16 your agreement or anything like that. I  
 17 just want to make sure that that is clear,  
 18 because in a response, we are the federal  
 19 on-scene coordinator in the practice.  
 20 That's all I'm saying.  
 21 Yes, sir?  
 22 MR. SCHONEKAS:  
 23 I thought there was going to be a  
 24 question at the end of that, Captain, and  
 25 this gentleman has no knowledge of the  
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1 responsibilities, so I was anticipating the  
 2 question.  
 3 I sat down. I was wrong.  
 4 CAPT. NGUYEN:  
 5 Yes, sir.  
 6 And that's the typical incident  
 7 command system under the national response  
 8 framework, that's how it is, but in terms of  
 9 initial location for Unified Command, it's  
 10 usually at the federal on-scene  
 11 coordinator's office.  
 12 Thank you, sir.  
 13 HON. JUDGE ANDERSEN:  
 14 Marshall Islands?  
 15 MR. LINSIN:  
 16 No questions. Thank you, Your  
 17 Honor.  
 18 HON. JUDGE ANDERSEN:  
 19 Because the witness is a  
 20 Transocean employee, based on our protocols  
 21 of before, Transocean gets to go first.  
 22 EXAMINATION BY MR. JOHNSON:  
 23 Q Daniel Johnson for Transocean.  
 24 Good morning, Mr. McKechnie.  
 25 A Good morning.  
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1 Q Just to clarify, are you part of  
 2 the formal emergency response team?  
 3 A No.  
 4 Q When you were called at 3:00 in  
 5 the morning, why didn't you say, "Sorry.  
 6 I'm not part of the formal response team.  
 7 I'm going back to bed"?  
 8 A I think I mentioned earlier, in an  
 9 emergency response, we all do what we have  
 10 to do, assist wherever we can.  
 11 Q Did the process of contracting  
 12 with SMIT slow SMIT's involvement in the  
 13 process at all?  
 14 A No. They were really -- They  
 15 responded really well.  
 16 Q Now, I know you weren't in the  
 17 Command Center the whole time, but from what  
 18 you saw, were the people in the Command  
 19 Center working in an organized manner?  
 20 A Absolutely.  
 21 Q Did they appear coordinated?  
 22 A Yes.  
 23 Q And as far as you know, did they  
 24 have documents out that they were trying to  
 25 follow as far as you know?

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1 A There were a lot of documents. I  
 2 didn't look at them.  
 3 MR. JOHNSON:  
 4 That's all the questions I have.  
 5 Thank you.  
 6 HON. JUDGE ANDERSEN:  
 7 BP?  
 8 MR. GODFREY:  
 9 No questions, Your Honor. Thank  
 10 you.  
 11 HON. JUDGE ANDERSEN:  
 12 Thank you.  
 13 Halliburton?  
 14 MR. GODWIN:  
 15 No questions, Your Honor. Thank  
 16 you.  
 17 HON. JUDGE ANDERSEN:  
 18 Cameron?  
 19 COUNSEL REPRESENTING CAMERON:  
 20 No questions.  
 21 HON. JUDGE ANDERSEN:  
 22 Thank you.  
 23 Weatherford?  
 24 COUNSEL REPRESENTING WEATHERFORD:  
 25 No questions, Judge.

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1 HON. JUDGE ANDERSEN:  
 2 M-I SWACO?  
 3 COUNSEL REPRESENTING M-I SWACO:  
 4 No questions.  
 5 HON. JUDGE ANDERSEN:  
 6 Anadarko?  
 7 COUNSEL REPRESENTING ANADARKO:  
 8 No questions.  
 9 HON. JUDGE ANDERSEN:  
 10 MOEX?  
 11 COUNSEL REPRESENTING MOEX:  
 12 No questions.  
 13 HON. JUDGE ANDERSEN:  
 14 Douglas Brown?  
 15 COUNSEL REPRESENTING DOUGLAS BROWN:  
 16 No questions, Judge.  
 17 HON. JUDGE ANDERSEN:  
 18 Dril-Quip?  
 19 COUNSEL REPRESENTING DRIL-QUIP:  
 20 No questions.  
 21 HON. JUDGE ANDERSEN:  
 22 Curt Kuchta?  
 23 MR. SCHONEKAS:  
 24 Very brief, Judge.  
 25 EXAMINATION BY MR. SCHONEKAS:

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1 Q Good morning, Mr. McKechnie. My  
 2 name is Kyle Schonekas. I represent Captain  
 3 Kuchta.  
 4 Sir, Captain Nguyen made a  
 5 statement just a moment ago that the Coast  
 6 Guard was the entity that was at the top of  
 7 that chart. You recall that?  
 8 A Yes.  
 9 Q With respect to their position at  
 10 the top of the chart and supposedly being in  
 11 charge of everything, do you recall their  
 12 presence at the Command Center?  
 13 A The Coast Guard representative, I  
 14 believe there may have been more than one.  
 15 CAPT. NGUYEN:  
 16 Wait, wait, wait, Mr. McKechnie.  
 17 I think that's a misrepresentation there.  
 18 At the top of that chart, Unified Command,  
 19 usually there's a number of entities up  
 20 there. It's not just the Coast Guard at the  
 21 top and the Coast Guard is not responsible  
 22 for everything. So I want to make sure  
 23 that's clear.  
 24 THE WITNESS:  
 25 I'm aware of that.

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1 CAPT. NGUYEN:  
 2 Yes, sir. So I want to make sure  
 3 that you have that clarification.  
 4 MR. SCHONEKAS:  
 5 Thank you, Captain.  
 6 EXAMINATION BY MR. SCHONEKAS:  
 7 Q Sir, with respect to the Coast  
 8 Guard's presence, you recognized them there;  
 9 is that correct?  
 10 A Yes.  
 11 Q All right. At any time -- And how  
 12 long were you there, sir, continuously?  
 13 A In Park 10, I arrived at 5:00 a.m.  
 14 I left at 4:00 a.m. the following morning.  
 15 Q So you were there in excess of  
 16 almost, what, 24 hours continuously?  
 17 A Almost 24 hours, yes.  
 18 Q Didn't sleep. Through the entire  
 19 time. Do you recall any of the gentlemen in  
 20 the blue suits at any time stopping the  
 21 proceeding and saying, "Whoa, boys. You're  
 22 not following the chart"?  
 23 A No. I believe they were  
 24 observing.  
 25 Q And giving direction if need be;

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1 is that correct?  
 2 A I didn't see any direction. They  
 3 may have given direction to others.  
 4 Q Well, let me ask you as a better  
 5 question, did you hear them complain in any  
 6 manner about the way things were being done?  
 7 A No.  
 8 Q Do you recall them at any juncture  
 9 saying, "I want everyone to check with the  
 10 captain before you do anything, sir"?  
 11 A No.  
 12 Q And, sir, you were asked a lot of  
 13 questions about drills and the fact that you  
 14 haven't participated in any drill since '05.  
 15 Do you recall that?  
 16 A Yes.  
 17 Q And the reason you haven't  
 18 participated in any drill since '05 is you  
 19 were not part of that team; is that right?  
 20 A I don't work in operations.  
 21 Q Thank you, sir. Do you recall the  
 22 Coast Guard at any juncture complaining in  
 23 any form or fashion about anything that was  
 24 going on in that Emergency Response Center?  
 25 A No.

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1 MR. SCHONEKAS:  
 2 Thank you, sir. That's all I  
 3 have.  
 4 HON. JUDGE ANDERSEN:  
 5 Thank you.  
 6 Jimmy Harrell?  
 7 MR. FANNING:  
 8 Yes, I have one, Judge.  
 9 EXAMINATION BY MR. FANNING:  
 10 Q Good morning, sir.  
 11 A Good morning.  
 12 Q My name is Pat Fanning. I  
 13 represent Jimmy Harrell.  
 14 Do you know Jimmy?  
 15 A I don't know him personally, no.  
 16 Q Okay. Let me ask you, when you  
 17 guys gathered at that Emergency Response  
 18 Center, instead of assessing the situation  
 19 and acting as everyone in the group deemed  
 20 appropriate, do you think it would have been  
 21 better to take out Emergency Response Plans  
 22 and sit around and read for awhile?  
 23 A From my perspective and what we  
 24 were doing, all it would have done would  
 25 have checked -- a check and balance that we

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1 were in compliance with the plan, but we  
 2 were moving forward with salvage efforts.  
 3 Q Was there some sense of urgency  
 4 because of the situation, of course, with  
 5 the rig on fire and all these things?  
 6 A Yes.  
 7 Q All right. And so what you  
 8 decided to do was use the assets that you  
 9 had in terms of people who had expertise in  
 10 different areas and move forward as you guys  
 11 thought was best to do; is that correct?  
 12 A That's correct.  
 13 Q Okay. And so you didn't stop and  
 14 go look for manuals and plans and things and  
 15 refer to them to tell you how to handle the  
 16 situation, did you?  
 17 A For what we were dealing with, we  
 18 didn't need -- In my opinion, I don't think  
 19 we needed any particular guidance from a  
 20 manual. We called the best people available  
 21 and we give them all the support we could.  
 22 Q So you were dealing with a real  
 23 life situation in the best possible way as  
 24 opposed to what the theoretical situations  
 25 may have been in the manuals; is that

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1 correct?  
 2 A Yes, sir. I'm sure the -- I'm  
 3 absolutely certain our emergency response  
 4 team would be using all the manuals like  
 5 they're supposed to.  
 6 MR. FANNING:  
 7 Okay. Thank you. That's all the  
 8 questions I have.  
 9 HON. JUDGE ANDERSEN:  
 10 Thank you.  
 11 Steve Bertone?  
 12 COUNSEL REPRESENTING MR. BERTONE:  
 13 No questions.  
 14 HON. JUDGE ANDERSEN:  
 15 Mike Williams?  
 16 EXAMINATION BY MR. STERBCOW:  
 17 Q Good morning. Paul Sterbcow  
 18 representing Mike Williams. Just a few  
 19 questions.  
 20 Was Mr. Wright in the Command  
 21 Center the entire time you were there?  
 22 A I never saw him leave it once.  
 23 Q Do you know if there was any  
 24 communication between Mr. Wright directly  
 25 and the DAMON BANKSTON regarding rescue of  
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1 personnel?  
 2 A That was before I got there.  
 3 Q Do you know what the form of  
 4 communication was between the Command Center  
 5 and the vessel itself?  
 6 A The BANKSTON?  
 7 Q Right.  
 8 A I don't know for sure. I wasn't  
 9 party to any -- Maybe I was. It's a bit  
 10 blurry. I'm not sure there was any  
 11 communication with the BANKSTON while I was  
 12 there.  
 13 Q Okay. So you don't have any  
 14 personal knowledge as to whether the Command  
 15 Center was giving the BANKSTON specific  
 16 directives on what to do and when to do it?  
 17 A I'm not aware of any.  
 18 Q Would your job title and  
 19 responsibility give you any role whatsoever  
 20 in planning for rescue from that DEEPWATER  
 21 HORIZON incident?  
 22 A No.  
 23 Q That's not part of your job?  
 24 A No.  
 25 Q So in terms of the availability of  
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1 standby boats, rescue boats, that's not  
 2 something you involve yourself in?  
 3 A No.  
 4 Q Do you know what dry docks would  
 5 have been available or are available for the  
 6 DEEPWATER HORIZON to undergo dry dock work,  
 7 what dry docks are actually physically  
 8 capable of handling a vessel of this size?  
 9 A I think she's about 256 feet wide,  
 10 25,000-ton light ship, so the AmFELS  
 11 floating dry dock will take it.  
 12 Q And where is that located?  
 13 A Brownsville.  
 14 Q Had you gotten so far in your  
 15 planning in terms of Q1, 2011 work that you  
 16 had chosen a location to do that work?  
 17 A We were not necessarily going to  
 18 dry dock. There was no particular -- You  
 19 don't have to go to dry dock.  
 20 Q You don't have to?  
 21 A But we may have gone to dry dock.  
 22 That decision hadn't been taken is my  
 23 understanding.  
 24 Q Had you gone to dry dock, can you  
 25 testify today as to where the vessel would  
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1 have been taken?  
 2 A I'm sorry. Could you repeat the  
 3 question?  
 4 Q Had the decision been made to go  
 5 to dry dock in Q1, 2011, do you know where  
 6 you would have gone?  
 7 A No.  
 8 Q Does the classification society  
 9 require any periodic dry-docking of the  
 10 HORIZON?  
 11 A There is a 10-year special  
 12 periodic survey, but you can do UWILD  
 13 instead of dry-docking.  
 14 Q In lieu of the dry-docking?  
 15 A Yes.  
 16 Q If I understand you correctly, the  
 17 classification society requires it once  
 18 every 10 years, but you could do the UWILD  
 19 in lieu of actually going physically to a  
 20 dry dock?  
 21 A That's correct.  
 22 Q And the classification society  
 23 would be satisfied with that?  
 24 A That's correct.  
 25 MR. STERBCOW:  
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1 All right. I don't have anything  
 2 further. Thank you.  
 3 HON. JUDGE ANDERSEN:  
 4 Thank you.  
 5 Pat O'Bryan?  
 6 COUNSEL REPRESENTING MR. O'BRYAN:  
 7 No questions.  
 8 HON. JUDGE ANDERSEN:  
 9 Robert Kaluza?  
 10 COUNSEL REPRESENTING MR. KALUZA:  
 11 No questions.  
 12 HON. JUDGE ANDERSEN:  
 13 Counsel, are there any questions  
 14 you would like to ask your client?  
 15 MR. HENNESSY:  
 16 No, thank you, Your Honor.  
 17 HON. JUDGE ANDERSEN:  
 18 Are there any follow-up questions  
 19 from the Board?  
 20 CAPT. NGUYEN:  
 21 Yes, I do.  
 22 EXAMINATION BY CAPT. NGUYEN:  
 23 Q You know, I'm particularly  
 24 concerned about the exchange you had with  
 25 Mr. Fanning. I know he's not here.

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1 You know your business and you  
 2 have all these plans. I'm sure you devote  
 3 money and manpower to develop these plans.  
 4 And from that conversation, it's telling me  
 5 that, okay, these plans, they will sit on  
 6 the shelf, and when there's a casualty, we  
 7 put our best minds together and get whatever  
 8 without looking at the plans.  
 9 A I don't think I said that.  
 10 Q Okay. Because one of the things  
 11 I'm looking at --  
 12 MR. JOHNSON:  
 13 I know the witness said it. Just  
 14 for the record, that's a complete  
 15 mischaracterization of what he testified to.  
 16 CAPT. NGUYEN:  
 17 And that's why I'm asking for  
 18 clarification. Thank you, sir.  
 19 EXAMINATION BY CAPT. NGUYEN:  
 20 Q So the two items that I brought up  
 21 to your attention from the Vessel Response  
 22 Plan here, one is saying that the damage  
 23 stability is going to be provided by ABS  
 24 Consulting.  
 25 The other one is also from the

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1 Vessel Response Plan, and they say the OSRO  
 2 would be National Response Corporation.  
 3 So from what I can see is that  
 4 damage stability was going to be done by  
 5 SMIT, and also the OSRO service providers  
 6 was done by O'Brien.  
 7 So it's telling me that these two  
 8 pieces of evidence right here is telling me  
 9 that you got plans, but you're not following  
 10 the plans.  
 11 So, you know, what it's telling  
 12 me -- One of the things that we look at, you  
 13 know, in terms of this investigation is four  
 14 areas: The technical area, regulatory.  
 15 That's why some of the questions we have  
 16 regarding the regulatory oversight, adequacy  
 17 of it and all that. And we look at the  
 18 organizational relationships and  
 19 decision-making. And finally, which I think  
 20 is very important, is the safety culture.  
 21 Okay. When you have plans that  
 22 you develop and they sit on a shelf and not  
 23 being used, it's telling me that something  
 24 is wrong with the safety culture, and that's  
 25 why it concerned me. So tell me I'm wrong.

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1 MR. KOHNKE:  
 2 You're wrong.  
 3 MR. SCHONEKAS:  
 4 I object to that question.  
 5 MR. JOHNSON:  
 6 You're again misstating the  
 7 witness' testimony.  
 8 HON. JUDGE ANDERSEN:  
 9 I will take that --  
 10 MR. JOHNSON:  
 11 Totally broad.  
 12 HON. JUDGE ANDERSEN:  
 13 Well, obviously, you know what?  
 14 Mr. Fanning, there was allusions to your  
 15 question, and the Board is aware that the  
 16 substance of a lawyer's question is not  
 17 actually evidence before a board. What a  
 18 witness says is evidence.  
 19 And obviously, the captain and  
 20 perhaps other Board members are concerned  
 21 with the usefulness of plans that are  
 22 written up before when the time comes to  
 23 enact those plans during an emergency. And  
 24 if you have some reflection or belief as to  
 25 how useful those plans are during the time

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1 an actual emergency occurs, the Board would  
 2 appreciate your insight into that.  
 3 THE WITNESS:  
 4 I believe the emergency response  
 5 team were using the plans that were in  
 6 place. I was not aware of the ABS  
 7 requirement to do damage stability.  
 8 HON. JUDGE ANDERSEN:  
 9 Any other Board questions?  
 10 Captain Higgins?  
 11 EXAMINATION BY CAPT. HIGGINS:  
 12 Q Just very quickly, sir. You  
 13 testified that at the Transocean Command  
 14 Center, there were certain Coast Guard  
 15 people there?  
 16 A Yes.  
 17 Q Were they more or less in a  
 18 liaison capacity?  
 19 A To me, yeah, they looked -- I  
 20 don't know about liaison. They looked like  
 21 they were observing and they must have been  
 22 talking to somebody.  
 23 Q Are you aware if there were other  
 24 Command Centers that were also stood up?  
 25 A I'm sorry?

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1 Q Other Command Centers that were  
 2 stood up to respond to this incident, be  
 3 they Coast Guard Command Centers or BP  
 4 Command Centers?  
 5 A I'm aware of the BP Command  
 6 Center, yes.  
 7 Q So the fact that these Coast Guard  
 8 people that were at the Transocean Command  
 9 Center as observers, there would be a  
 10 separate Coast Guard Command Center that was  
 11 controlling the Coast Guard response?  
 12 A I'm not aware of that.  
 13 Q You're not aware of that. Was  
 14 there a separate BP Command Center that was  
 15 involved in the response?  
 16 A Yes.  
 17 Q Okay. Are you aware that the  
 18 Coast Guard Sector Command Center or the  
 19 District Command Center, it was coordinating  
 20 the Search and Rescue?  
 21 A Yes.  
 22 CAPT. HIGGINS:  
 23 Thank you, sir.  
 24 HON. JUDGE ANDERSEN:  
 25 Any other questions?

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1 Counsel, if we need your witness  
 2 to come back at another time, is that  
 3 possible?  
 4 MR. HENNESSY:  
 5 Yes, sir. I don't see why not.  
 6 HON. JUDGE ANDERSEN:  
 7 Okay. We want to thank you very  
 8 much. Thank you for appearing today.  
 9 THE WITNESS:  
 10 Okay.  
 11 CAPT. NGUYEN:  
 12 Thank you, Mr. McKechnie.  
 13 We will go ahead and take about a  
 14 10-minute break and resume at 0930. Thank  
 15 you very much.  
 16 (Discussion off the record.)  
 17 CAPT. NGUYEN:  
 18 Court reporter, let's go on the  
 19 record.  
 20 Over the course of these hearings,  
 21 you know, we have difficulties at times of  
 22 getting witnesses to appear before us and to  
 23 gather some of the documents that we have  
 24 subpoenaed, and we explore different avenues  
 25 to get them to provide necessary information

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1 that we need.  
 2 Because of the last exchange here  
 3 from the Transocean attorneys with regard to  
 4 whether the right witness or, you know,  
 5 whether it's hearsay or lack of foundation,  
 6 I'm going to address this now.  
 7 As I indicated that, you know, in  
 8 investigating this casualty, there are four  
 9 areas that we look at: The technical  
 10 aspect, whether it's well control, you know,  
 11 the vessel design. We look at oversight in  
 12 terms of capability, capacity, whether the  
 13 government set proper conditions out there  
 14 for people to do things safely. We're  
 15 looking at organizational decision-making,  
 16 and then safety culture.  
 17 And as I indicated, you know, some  
 18 of the things I'm seeing, I have significant  
 19 concern about the safety culture aspect as  
 20 is related to this casualty.  
 21 This is relating to Transocean.  
 22 Over the last couple of months or so, we  
 23 have been requesting witnesses to testify on  
 24 Transocean's compliance with the  
 25 International Safety Management Code and

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1 also producing documents.  
 2 The Board issued a subpoena to  
 3 Transocean on August 4th, and one of the  
 4 items that we asked for was the last ISM  
 5 Code audit reports for the Transocean office  
 6 and all its vessels subject to ISM Code  
 7 operating in the Gulf of Mexico.  
 8 And then on the 18th of August, we  
 9 received a response back from Transocean  
 10 that -- the response was "we object to this  
 11 request as overly broad. We are producing  
 12 the last ISM audit reports for the  
 13 Transocean office," and it was signed by  
 14 Mr. Christopher Groves.  
 15 Since we didn't get the report  
 16 that was indicated in that response on  
 17 September 2nd, we -- I'm sorry. On  
 18 September 2nd, the co-chair, Mr. Dykes,  
 19 issued another subpoena, and in that  
 20 subpoena, we asked for, again, the most  
 21 recent ISM Code company audit report for  
 22 Transocean, most recent ISM Code audit for  
 23 all Transocean vessels operating in the Gulf  
 24 of Mexico within the past 12 months, and we  
 25 received a response back from Transocean on  
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1 September 15th.  
 2 The request was most recent ISM  
 3 Code company audit report for Transocean,  
 4 and the response was "Transocean objects to  
 5 this request, saying it is overly broad and  
 6 unduly burdensome, irrelevant, and not  
 7 reasonably calculated to lead to admissible  
 8 evidence in this proceeding."  
 9 And the other item request was  
 10 most recent ISM Code audit for all  
 11 Transocean vessels operating in the Gulf of  
 12 Mexico within the past 12 months, and again,  
 13 the response was, "Transocean objects to  
 14 this request, saying it's overly broad,  
 15 unduly burdensome, irrelevant and not  
 16 reasonably calculated to lead to admissible  
 17 evidence in this proceeding."  
 18 Now, the reason that we requested  
 19 these documents, as you can see in this one  
 20 exhibit here, again, my discussion with  
 21 Mr. McKechnie about having plans on the  
 22 shelf and not using them, the impression  
 23 that I got, if you look at this document  
 24 here, which we did not receive from  
 25 Transocean, we received from DNV, the  
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1 organization that did the audit, I believe,  
 2 for Transocean, and in the first paragraph,  
 3 it's cited that the Transocean DISCOVERER  
 4 DEEP SEAS was operating with an overdue  
 5 intermediate safety management code  
 6 certificate audit.  
 7 So again, the impression that I  
 8 have is that the company, again safety  
 9 culture here, that they have an overdue  
 10 regulatory certificate and they're still  
 11 operating without it.  
 12 Would you bring up the next  
 13 exhibit, please. And the next exhibit, on  
 14 the left poster board, they have a  
 15 nonconformity severity, and it was relating  
 16 to compliance with mandatory rules and  
 17 regulations and implementation of corrective  
 18 action.  
 19 In the paragraph -- You see in the  
 20 top table there, it talks about that DNV  
 21 discovered eight nonconformities in two  
 22 observations, and what Transocean did was  
 23 provide a corrective action. They proposed  
 24 a corrective action.  
 25 And then DNV come back and found  
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1 that those nonconformities were corrected in  
 2 Transocean's system, but they actually were  
 3 not corrected.  
 4 Then what DNV did was they issued  
 5 a major nonconformity. Then Transocean  
 6 proposed another plan, and then DNV  
 7 downgraded a major nonconformity down to a  
 8 nonconformity.  
 9 So it's telling me that, you know,  
 10 yes, you know, a measure was issued, a  
 11 measure that had to do with a severe hazard  
 12 on board a vessel, and again, it was brought  
 13 to the attention of Transocean and was not  
 14 acted on.  
 15 Not only Transocean, but looking  
 16 at this, the documentation right here, I am  
 17 concerned with DNV's willingness to hold a  
 18 vessel operator to the rule, and it makes me  
 19 wonder whether a classification society  
 20 should be authorized to issue International  
 21 Safety Management Code on behalf of the  
 22 administrations. That's what it's telling  
 23 me up there.  
 24 Now, under the right portion  
 25 there, on the bottom, and it's something  
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1 that we have talked about, is item No. 8,  
 2 and I will read it.  
 3 "As previously observed, the  
 4 statement of the master authority is still  
 5 not clearly and completely stated within the  
 6 company's safety management system.  
 7 Although there are various statements of the  
 8 master's authority, there is no clear and  
 9 absolute indication of the master's  
 10 overriding authority and responsibility.  
 11 The company is requested to address this,"  
 12 and they reference ISM Code 5.2.  
 13 So again, Transocean have the  
 14 knowledge, they were told about it, and it's  
 15 not done. The ISM code was implemented in  
 16 July, 1998, 12 years, and Transocean is a  
 17 major corporation.  
 18 Now, bring up the exhibit, the  
 19 next exhibit, please. This is a QHSE  
 20 executive authority held, the Safety  
 21 Executive Steering Committee Meeting  
 22 minutes, and the date was October 19th,  
 23 2009, and the poster board on the left-hand  
 24 side on the bottom, and it's item 3.B, and  
 25 it's ISM, which is International Safety

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1 Management, and ISPS, which is the  
 2 International Security, Port and Security  
 3 code audits, and in there Mr. J. Hamilton,  
 4 which if I look on the left poster, he is  
 5 the ISM/ISPS manager, and they say that  
 6 "J. Hamilton reported that meeting flag  
 7 state minimum safe manning requirements  
 8 continued to be an issue. Records  
 9 management of required ISM/ISPS documents  
 10 and certificates remain to be a challenge,  
 11 and overall understanding of ISM and ISPS  
 12 requirements is beginning to improve as a  
 13 result of the audit process, but further  
 14 improvement is still needed."  
 15 Now, if you look at the document,  
 16 the poster board on the left, you can see  
 17 the name of Mr. S. Newman. I would assume  
 18 that's the CEO and President of Transocean.  
 19 So the problem with not full  
 20 compliance with the ISM Code is the top  
 21 management of Transocean knew about it, from  
 22 what I see in front of me, and these various  
 23 documents right here that come from DNV, it  
 24 didn't come from Transocean, it came from  
 25 DNV through the flag state.

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1 So, again, not only subpoena, and  
 2 some of the information we have here, these  
 3 things are not hearsay. These are reports  
 4 by third parties here.  
 5 In addition, in terms of  
 6 witnesses, at the last hearing in Houston,  
 7 we requested an ISM manager to testify, and  
 8 it was Mr. Jimmy Moore.  
 9 During the hearings in Houston, in  
 10 the middle of the week, we were notified  
 11 that he was not the right man, it was  
 12 Mr. Canducci is the right man, and then last  
 13 week, on Wednesday, we also got a  
 14 notification that Mr. Canducci just got a  
 15 personal lawyer and that personal lawyer is  
 16 not available until next week.  
 17 So to me, Transocean has not been  
 18 responsive to the requests of this Board,  
 19 this Joint Board, and unless we have other  
 20 information from Transocean, that's the  
 21 information that we're going to have to base  
 22 our conclusion and recommendation on.  
 23 So I would like to provide  
 24 Transocean an opportunity, you know, to  
 25 provide to us by close of business tomorrow

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1 information that shows that, you know,  
 2 Transocean is in compliance with the  
 3 International Safety Management Code.  
 4 Otherwise, this is what we have. Okay?  
 5 I know Mr. Kohnke is going to have  
 6 a comment, but this is what I'm presented  
 7 here that has to deal with do we have the  
 8 right witness, do we have the basis to ask  
 9 the question that we asked, so I just want  
 10 to present what we have here, for the PIIs  
 11 to see what we have, and these documents  
 12 have been provided to you.  
 13 Thank you. Mr. Kohnke?  
 14 MR. KOHNKE:  
 15 Captain, let me respond to --  
 16 HON. JUDGE ANDERSEN:  
 17 You might want to turn your  
 18 microphone on.  
 19 MR. KOHNKE:  
 20 I'm trying to find out how.  
 21 HON. JUDGE ANDERSEN:  
 22 Right on top. That's it. Thanks.  
 23 MR. KOHNKE:  
 24 Captain, there are rules that  
 25 apply to these proceedings, and Transocean

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1 has followed those rules. I understand that  
 2 your background is not in law, but you  
 3 mentioned subpoenas.  
 4 The way this Board operates, it  
 5 has subpoena power and it has issued  
 6 subpoenas, and it is the duty and  
 7 responsibility of attorneys representing  
 8 Parties In Interest, including Transocean,  
 9 to object when a subpoena is overly broad.  
 10 Those objections have been  
 11 properly made and they are contemplated by  
 12 the rules under which we operate.  
 13 The Board then has an option to  
 14 traverse that objection, to essentially  
 15 enforce its subpoena or to issue a new  
 16 subpoena, and what you have described is a  
 17 process in which the Board has not followed  
 18 up in the wake of an objection, a properly  
 19 made objection as to the overly broad  
 20 aspects of the Board's subpoena.  
 21 I can't answer for why the Board  
 22 did not follow up. I know that the Board  
 23 has counsel in the form of Lieutenant  
 24 Commander Bray, and he has been in touch  
 25 with us and presumably other Parties In

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1 Interest, and we are cooperating fully. But  
 2 we make an objection because there is an  
 3 objection, a legal objection to a subpoena,  
 4 and it is then the Board's option to either  
 5 issue a new subpoena or to go to court and  
 6 to try to enforce the original subpoena.  
 7 You have not done that, and I  
 8 can't explain why you haven't done it.  
 9 That's not my responsibility to explain. It  
 10 is our responsibility to object when an  
 11 objection lies, and we have done so.  
 12 Now, with regard to DNV and its  
 13 reports, I will note that the Board has  
 14 presumably served a subpoena on DNV, because  
 15 one of its representatives testified in this  
 16 case early on, and if there was information  
 17 that you wished to develop through DNV, you  
 18 have that option. You have that option to  
 19 come back to us and to subpoena any one of  
 20 our employees.  
 21 I will note for the record that  
 22 although I don't represent the various  
 23 Transocean employees, I'm not aware of a  
 24 single one who has asserted their Fifth  
 25 Amendment privilege against

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1 self-incrimination, and I do believe that  
 2 any and all witnesses who are employed by  
 3 Transocean will testify if they are properly  
 4 asked to do so via subpoena or otherwise  
 5 informally. And most of the witnesses that  
 6 have testified on behalf of Transocean have  
 7 done so voluntarily, without the need for a  
 8 subpoena.  
 9 Now, with respect to Ms. -- I  
 10 think it's Ms. Canducci. I can't answer as  
 11 to why he or she, and I'm not even familiar  
 12 with who the witness is, can't appear, but  
 13 you have said that his or her attorney was  
 14 unavailable.  
 15 That is something beyond  
 16 Transocean's control, but certainly the  
 17 availability of that witness can be  
 18 determined through subpoena. And once  
 19 again, these are the rules under which we  
 20 operate.  
 21 What I do object to is some of the  
 22 conclusions that you have drawn from  
 23 documents that have not been fully vetted  
 24 through testimony, and it is proper for the  
 25 Board to solicit that testimony, and I would

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1 ask that you do so before drawing any  
 2 conclusions.  
 3 You referred to these documents as  
 4 not being hearsay. You're wrong. It is  
 5 hearsay. Under the rules under which we  
 6 operate, those documents are hearsay. They  
 7 are not admissions against interests. They  
 8 don't come in under some exception. There  
 9 is a rule against hearsay, and you're saying  
 10 they're not hearsay. You're wrong. And I  
 11 suspect, with all due respect, Captain  
 12 Nguyen, you have been wrong in other  
 13 regards.  
 14 But with respect to Transocean, I  
 15 want to conclude by simply saying we are  
 16 here cooperating. We have cooperated at  
 17 every level. Lieutenant Commander Bray has  
 18 asked us for documents. We have given him  
 19 documents.  
 20 And when the Board has subpoenaed  
 21 someone, such as the last witness,  
 22 Mr. McKechnie, who is not the proper witness  
 23 to go forward with those questions, all we  
 24 can do is point out to the Board that he is  
 25 not the best witness.

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1 It didn't stop you from asking all  
 2 of the questions you were going to ask  
 3 anyway, and then when there was a  
 4 disconnect, I don't believe it's proper to  
 5 be blaming Transocean, because if you had  
 6 gotten the proper witness, you would have  
 7 had those answers.  
 8 So my point here is that we will  
 9 fully cooperate, we have always fully  
 10 cooperated, and in terms of what you are  
 11 asking for by tomorrow, if it can be  
 12 physically done, it will happen.  
 13 But I ask once again that these  
 14 rules under which we operate be followed,  
 15 and if they are followed, this hearing will  
 16 proceed as it should.  
 17 Thank you, sir.  
 18 HON. JUDGE ANDERSEN:  
 19 Captain?  
 20 CAPT. HIGGINS:  
 21 Sir, I think we probably have a  
 22 fundamental difference with regard to what  
 23 the role of the Parties In Interest in this  
 24 hearing is, in that the Parties In Interest  
 25 are supposed to assist in the fact-finding  
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1 evolution.  
 2 What we have found is that it has  
 3 become somewhat adversarial with regard to  
 4 the availability of witnesses.  
 5 As Captain Nguyen and I spoke the  
 6 other day, we indicated that we have a very  
 7 small window into Transocean and very  
 8 limited information, and what we are  
 9 providing you is the opportunity to see  
 10 things through our small window, that we  
 11 have these documents that indicate to us  
 12 certain factors. We have subpoenaed and  
 13 have sought certain witnesses to explain  
 14 these documents and certain factors, and  
 15 have been thwarted to some extent in a  
 16 number of different ways in getting those  
 17 witnesses, be it Mr. Canducci, be it  
 18 Mr. Wright, and we understand that there are  
 19 a number of reasons that they were unable to  
 20 attend, but there were not witnesses  
 21 available to go through these documents and  
 22 not the other documents that might have  
 23 disclosed or rebutted our view of the  
 24 culture.  
 25 So really I would encourage you to  
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1 look at this as an opportunity for  
 2 Transocean to assist us in disproving what  
 3 we have seen through this small window of  
 4 culture at Transocean.  
 5 MR. FANNING:  
 6 May I say something, Captain?  
 7 First, I would break Captain Nguyen's  
 8 remarks into two categories. The first is  
 9 it seems to me that Captain Nguyen felt an  
 10 obligation, and I certainly respect the  
 11 captain and the Board, to admonish  
 12 Transocean publicly, and he has done so for  
 13 what he believes to be a lack of  
 14 cooperation, which we, of course, would  
 15 disagree entirely.  
 16 But the thing that truly I find to  
 17 be objectionable is when Captain Nguyen  
 18 gives testimony as to these documents and  
 19 what they say and what they mean and give  
 20 import to them, that should come from a  
 21 witness who takes an oath and testifies and  
 22 we have an opportunity to cross-examine.  
 23 And so while I totally respect  
 24 Captain Nguyen's right to come in and say,  
 25 "We don't think we have been getting enough  
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1 cooperation. We want you to do so," I  
 2 really think it's improper to put documents  
 3 on the board and to read excerpts from them  
 4 and to make statements and draw conclusions  
 5 from them without anyone having an  
 6 opportunity to examine a witness.  
 7 Surely someone from the flag  
 8 state, if that's who provided the documents,  
 9 the maritime authorities, whoever it is  
 10 could have come in here. But there's a lot  
 11 of lawyers here who take these documents and  
 12 prepare them and find rebuttal documents and  
 13 go to that lectern and ask questions I think  
 14 that shed light on it.  
 15 We are deprived of that  
 16 opportunity in this instance. So I don't  
 17 think that any weight should be given to the  
 18 remarks with respect to these documents that  
 19 have been presented.  
 20 We have to have them in advance  
 21 and be given an opportunity to respond to  
 22 them, and that doesn't happen when Captain  
 23 Nguyen gives his testimony.  
 24 CAPT. HIGGINS:  
 25 I couldn't agree with you more,  
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1 and we sought to do that, and we sought to  
 2 do that through the designated ISM person at  
 3 Transocean, which was Jimmy Moore, who was  
 4 under subpoena at our hearing in Houston,  
 5 and that's who we wanted to use to admit  
 6 these documents.  
 7 We sought to do that a second  
 8 time, when Transocean identified who that  
 9 witness would be, and that would be a  
 10 Mr. Canducci, who was not here to do that.  
 11 We sought to do that a third time  
 12 through Mr. Wright. And again, each time  
 13 that we have sought to enter these issues  
 14 through a witness, we have been thwarted by  
 15 the activities, largely by Transocean.  
 16 MR. KOHNKE:  
 17 Captain, I am reliably informed  
 18 that Jimmy Moore was at the last hearing in  
 19 Houston and was released by the Board, and I  
 20 believe, if I'm correct, that  
 21 Mr. Canducci -- I'm informed that it is a  
 22 "Mr." -- Mr. Canducci is the correct  
 23 witness.  
 24 So how you can say we are  
 25 thwarting is beyond me. Mr. Canducci has --  
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1 Transocean can only as an employer make  
 2 someone available. If his attorney is  
 3 unavailable and Mr. Canducci and his  
 4 attorney determine between them that it  
 5 wouldn't be appropriate for him to testify  
 6 without his attorney being present, we have  
 7 no control over that. To use the word  
 8 "thwart" is inappropriate. It's not what's  
 9 taking place. Maybe it's appropriate to  
 10 Mr. Canducci's attorney, but not as to  
 11 Transocean.  
 12 But in respects to Jimmy Moore, I  
 13 am informed that Jimmy Moore was at the last  
 14 hearing and the Board released him because  
 15 it did not have time. We ran out of time.  
 16 Now, please, someone tell me that  
 17 that's incorrect.  
 18 CAPT. HIGGINS:  
 19 The reason that Jimmy Moore was  
 20 released at the last hearing was because we  
 21 were informed by Transocean that he was not  
 22 the right witness.  
 23 MR. KOHNKE:  
 24 And Mr. Canducci was the right  
 25 witness; am I correct? That's what you were  
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1 told?  
 2 CAPT. HIGGINS:  
 3 We were told that Mr. Canducci was  
 4 the right witness and we sought to have him  
 5 present to admit these documents.  
 6 Really what I would ask that  
 7 Transocean do is if we are unable to get the  
 8 right person to admit the right documents,  
 9 we request your assistance to achieve that  
 10 goal.  
 11 MR. KOHNKE:  
 12 And, Captain Higgins, I appreciate  
 13 that. I think we are on the same page. And  
 14 we have done that. That's why Mr. Canducci  
 15 is on the witness list for today or was on  
 16 for today. Transocean did everything we  
 17 could to get Mr. Canducci here, but he does  
 18 have his own attorney. Many of the  
 19 witnesses have their own attorneys, whether  
 20 they're employed by Transocean or not.  
 21 And if he made a decision because  
 22 of his attorney's availability, I have no  
 23 control over that. But I believe he is the  
 24 correct witness, we have helped you identify  
 25 him as the correct witness, and we have done  
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1 everything we can and will continue to do  
 2 everything we can.  
 3 I don't know what follow-up the  
 4 Board had with his attorney. I wasn't part  
 5 of that discussion. But I would very much  
 6 like Mr. Canducci to be here on behalf of  
 7 Transocean. They want him here to help  
 8 explain these things.  
 9 So I hope you will withdraw the  
 10 words that you used about Transocean  
 11 thwarting anything. That's simply not  
 12 correct. It's just not accurate.  
 13 MR. HYMEL:  
 14 Captain Higgins, Richard Hymel  
 15 with Transocean. I probably had the most  
 16 conversations with Commander Bray regarding  
 17 this issue.  
 18 I approached Mr. Bray at the last  
 19 hearing and told him that Mr. Canducci was  
 20 the appropriate person for the Gulf of  
 21 Mexico. Mr. Moore was an ISM person. We  
 22 were told at that point that they still  
 23 wanted Mr. Moore. They would get  
 24 Mr. Canducci at the next hearing, but they  
 25 still wanted Mr. Moore.  
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1 We were then told late in the  
 2 afternoon one night that Mr. Moore was  
 3 released because we ran out of time.  
 4 Mr. Canducci's lawyer is Tim  
 5 Johnson, who is facilitating the Board by  
 6 being in Los Angeles right now, so that  
 7 Ms. Fleytas can testify today. So he cannot  
 8 be in two places at one time, and so that's  
 9 the reason he gave the Board for not being  
 10 able to have Mr. Canducci here -- not being  
 11 able to be with Mr. Canducci today.  
 12 So those are the clear facts  
 13 before this Board. Mr. Bray probably knew  
 14 those facts, and we knew them and they were  
 15 expressed last week.  
 16 The witness list in this case did  
 17 not come out until about a week before this  
 18 hearing, 10 days at the most, the Friday  
 19 before, a Friday 10 days or so ago. So then  
 20 at that point we're looking at a witness  
 21 list, and Commander Bray was advised by  
 22 Mr. Johnson last week that he had a conflict  
 23 and that's the issue.  
 24 CAPT. NGUYEN:  
 25 In terms of following what

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1 It is then the Board's option, and  
 2 you need to understand this, it is then the  
 3 Board's option to enforce its own subpoena,  
 4 and there is a vehicle for doing so set  
 5 forth in the rules.  
 6 By making the objection, we don't  
 7 stop the Board. The Board stopped itself,  
 8 and your conclusions to the contrary are in  
 9 error.  
 10 CAPT. NGUYEN:  
 11 I think my statement is that we're  
 12 going to make a conclusion and  
 13 recommendation based on what we have, and  
 14 we're giving you an opportunity to  
 15 supplement the records of what we have so  
 16 far. In terms of did we stop the process?  
 17 No, we have not. We sent you two subpoenas,  
 18 and again, you point out that we have other  
 19 options to pursue, and we will pursue the  
 20 options as we deem necessary, but what I'm  
 21 looking at here is, you know, in terms of  
 22 burdensome again, you know, this is 12  
 23 years. From July, 1998 until now, I think  
 24 that's 12 years, so at most it would be 12  
 25 reports for the Transocean company, and

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1 Mr. Kohnke is saying, we did issue two  
 2 subpoenas for the same thing. Two  
 3 subpoenas. And each time we were told that  
 4 this would be irrelevant, burdensome.  
 5 Now, these reports, if I can count  
 6 them, it's probably about 33 reports, and  
 7 each report is probably about between three  
 8 to five pages, so if they are burdensome,  
 9 that means that something is going on with  
 10 your safety management system. I mean,  
 11 these things you're supposed to track, to  
 12 get audited and audited and audited, and you  
 13 can't just go in and pull them out and make  
 14 copies of 33 of these reports? I just don't  
 15 understand. Or 23 reports.  
 16 MR. KOHNKE:  
 17 Captain, if I were to make an  
 18 engineering statement, it would be all  
 19 wrong, and I would expect you to correct me,  
 20 and I have to correct you.  
 21 The objection that something is  
 22 burdensome is an objection that is lodged  
 23 properly. It doesn't mean anything more  
 24 than it is a burden on Transocean to respond  
 25 to the subpoena.

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1 probably in April, probably 11 vessels that  
 2 were operating in the Gulf of Mexico. We're  
 3 asking for that last report. So, simply, we  
 4 were asking for no more than 23 reports, of  
 5 each report of three to five pages from what  
 6 I can see, but I don't know. If it's more  
 7 than three to five pages, that means there  
 8 are a number of nonconformities or  
 9 observations or whatever it is. Then we  
 10 still have an issue. So that's what I'm  
 11 asking.  
 12 So we believe it's relevant based  
 13 on, for example, the DISCOVERER DEEP SEAS  
 14 and other issues, we believe that it's  
 15 relevant. That's why we're asking for them.  
 16 And we don't believe that it's burdensome to  
 17 produce them. Because we got binders and  
 18 binders of manuals on equipment that was  
 19 produced and, you know, I wouldn't say they  
 20 have great value to us, but it was produced,  
 21 and items that we think -- that someone  
 22 believed that it's relevant to this  
 23 investigation, we're not getting them, and  
 24 that's why we're providing you what we have,  
 25 letting you know what we have, and for you

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1 to supplement the record, and it simply is  
 2 that.  
 3 HON. JUDGE ANDERSEN:  
 4 Let me --  
 5 MR. HYMEL:  
 6 Excuse me, Judge.  
 7 HON. JUDGE ANDERSEN:  
 8 I just have one thought, and  
 9 that's this. The objections that obviously  
 10 I have seen thousands of times are  
 11 relatively easy to handle within an ordinary  
 12 court context, because that triggers a  
 13 hearing before the judge, who discusses it  
 14 with the parties, and then decides what has  
 15 to be produced.  
 16 For the Board to go into court,  
 17 particularly in a hearing which is not  
 18 intended to be adversarial, is kind of an  
 19 adversarial move, and so the Board has  
 20 elected, I think, not to resort to court to  
 21 try to get information.  
 22 And what the captain I think here  
 23 is saying is that it doesn't appear that it  
 24 would be unduly burdensome to get this  
 25 information and it really would assist the

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1 Board in doing it.  
 2 And so if there's a way in the  
 3 immediate future that we can discuss with  
 4 Transocean's attorneys the obtaining of this  
 5 material or find out really why it is too  
 6 burdensome, because it doesn't actually look  
 7 too burdensome, then we can draw conclusions  
 8 based on the full information.  
 9 And the other constraint we have  
 10 that's not normal is that we only have a  
 11 limited time period within to work. The  
 12 original convening order asked that we  
 13 report by January 16th, and we hope that  
 14 we're not going to have more than, say, one  
 15 more week of hearings before the Board makes  
 16 its recommendations to the various  
 17 departments.  
 18 So there isn't time, and I don't  
 19 think it's in anybody's interest for us to  
 20 be running to and from court to work out  
 21 these things.  
 22 So I'm going to assume, as Captain  
 23 Higgins did, that it's a statement that if  
 24 the Board can't get more information to work  
 25 on, the Board will obviously listen to what

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1 people have to say, but may well draw the  
 2 conclusions that the co-chair has drawn  
 3 based on the limited information that he  
 4 has.  
 5 So as we go into other witnesses,  
 6 maybe during the break, at lunchtime, and/or  
 7 at the end of the day, we can figure out the  
 8 best way to get information that Transocean  
 9 has that might assist the Board as well as  
 10 Transocean. If we see conflicts in  
 11 schedules, perhaps we can work those things  
 12 out. So that's what I would invite you to  
 13 do.  
 14 MR. HYMEL:  
 15 Judge, Richard Hymel again with  
 16 Transocean. I got an e-mail from Commander  
 17 Bray last week asking for my availability to  
 18 discuss these objections, as lawyers do in  
 19 normal court proceedings, and I told him  
 20 that I was available all day Sunday and all  
 21 day Monday. I was in the office all day  
 22 Sunday working, and we never got a call.  
 23 He said he would send me an  
 24 e-mail. We would set that up. That  
 25 conversation never took place. And we had

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1 communications throughout the week about  
 2 different issues, and that issue never came  
 3 up.  
 4 So we have made ourselves  
 5 available and we will make ourselves  
 6 available to discuss this issue. We made  
 7 the objections and we're going to stand by  
 8 them or we will work through them with you  
 9 as well.  
 10 To discuss another issue which you  
 11 brought up, the hearings, we were told that  
 12 this set of hearings was for the parties to  
 13 present cases and present positions that  
 14 they wanted to present.  
 15 When the witness list came out, we  
 16 looked at the witness list and I asked  
 17 Commander Bray via e-mail whether these were  
 18 all witnesses chosen by the PIIs or  
 19 witnesses chosen by the Board, and he told  
 20 me it was a mixture.  
 21 So once again, the parties, the  
 22 PIIs have not had a full week of hearings to  
 23 present the witnesses they want to present  
 24 and present the positions they want to  
 25 present and to address issues like Captain

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1 Nguyen has brought up.  
 2 We requested over 30 witnesses for  
 3 this set of hearings and we got three. So  
 4 we requested the Board to reconsider the  
 5 hearings going forward and give the PIIs a  
 6 full week of hearings to present their cases  
 7 and address things like Captain Nguyen  
 8 brought up today, so that we are not faced  
 9 with, as Mr. Fanning said, someone  
 10 presenting evidence that the Board picks up  
 11 and the media picks up that's not truly  
 12 evidence, and that can then be out there and  
 13 un rebutted.  
 14 HON. JUDGE ANDERSEN:  
 15 Okay. Well, with the permission  
 16 of both the chairs, I would be pleased to  
 17 work with Commander Bray and Captain  
 18 Higgins, who is really an expert on maritime  
 19 proceedings, which this is in part, to see  
 20 if we can facilitate this, as well as  
 21 Ms. Murphy, who's the attorney at BOEM.  
 22 And I have been working on Sundays  
 23 on it, too, and I have been copied on lots  
 24 of their e-mails. So thank you very much  
 25 for your cooperation, and on a

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1 forward-looking basis, if I can help with  
 2 some of this stuff and add my time to the  
 3 efforts that the staff attorneys and the  
 4 other Board members have been putting in, I  
 5 would be happy to do that. So thanks for  
 6 that encouragement.  
 7 CAPT. NGUYEN:  
 8 We will go ahead and move on and  
 9 call our next witness, please.  
 10 HON. JUDGE ANDERSEN:  
 11 Thank you for coming back. I  
 12 should have done it before the first witness  
 13 as part of the witness' testimony.  
 14 Counsel, would you state your name  
 15 for the record?  
 16 MR. HENNESSY:  
 17 My name is Matt Hennessy, Your  
 18 Honor.  
 19 HON. JUDGE ANDERSEN:  
 20 And you represent Mr. Keplinger?  
 21 MR. HENNESSY:  
 22 Yes.  
 23 HON. JUDGE ANDERSEN:  
 24 Did I pronounce the name  
 25 correctly?

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1 THE WITNESS:  
 2 Close enough.  
 3 HON. JUDGE ANDERSEN:  
 4 How would you like it pronounced?  
 5 THE WITNESS:  
 6 It's "Keplinger."  
 7 HON. JUDGE ANDERSEN:  
 8 "Keplinger." Okay.  
 9 \* \* \* \*  
 10 YANCY KEPLINGER,  
 11 after having been first duly sworn, did  
 12 testify as follows:  
 13 HON. JUDGE ANDERSEN:  
 14 Thank you very much for appearing  
 15 today.  
 16 The Board questions.  
 17 EXAMINATION BY CAPT. HIGGINS:  
 18 Q Good morning, Mr. Keplinger.  
 19 Thank you for being here today.  
 20 By whom are you currently  
 21 employed?  
 22 A Transocean.  
 23 Q Could you briefly outline your  
 24 maritime employment background?  
 25 A I started out as an ordinary

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1 seaman, worked my way up to an AB, lead AB  
 2 on the ENTERPRISE, went to the HORIZON as a  
 3 boatswain. Then from boatswain, I went to a  
 4 DP trainee. And from DP trainee, I went  
 5 straight to senior DPO.  
 6 Q Are you presently assigned to a  
 7 rig?  
 8 A No.  
 9 Q While assigned to the DEEPWATER  
 10 HORIZON, what position did you hold?  
 11 A I was senior DPO.  
 12 Q And how long did you hold that  
 13 position?  
 14 A A little over four years.  
 15 Q Could you describe the scope of  
 16 your duties as a senior dynamic positioning  
 17 officer on board the DEEPWATER HORIZON?  
 18 A It was my job and responsibility  
 19 to monitor and alter the DP system as I seen  
 20 fit in order for safety of the vessel and  
 21 the crew on board and to maintain position.  
 22 Q Did you receive training to be a  
 23 DPO and where did you receive that training?  
 24 A I received training at Kongsberg  
 25 Simrad in Houston, Texas.

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1 Q And how long were you working as a  
2 DPO?  
3 A As a senior DPO?  
4 Q As a DPO.  
5 A I skipped DPO altogether. I was  
6 DP trainee, then straight to senior.  
7 Q And how long were you in that  
8 position, sir?  
9 A As a trainee, it was about a  
10 couple of years.  
11 Q Did you receive emergency response  
12 training?  
13 A As far as --  
14 Q As a dynamic positioning officer,  
15 did you receive emergency response training  
16 on how to deal with certain casualties?  
17 A Yes. I haven't gone to MEM, if  
18 that's what you're referring to.  
19 Q Could you explain what MEM is,  
20 please?  
21 A It's the emergency management  
22 course.  
23 Q Okay. Did you receive any well  
24 control training?  
25 A No. That was not in my scope of

1 training.  
2 Q Did you know how to activate the  
3 Emergency Disconnect System on board the  
4 DEEPWATER HORIZON?  
5 A No, sir, that was not in my -- I  
6 was not under the authority to operate that  
7 system.  
8 Q So you weren't authorized to  
9 execute an EDS; is that correct?  
10 A Right.  
11 Q Do you hold any professional  
12 licenses or certificates?  
13 A I hold an AB unlimited, Marshall  
14 Islands and Panamanian. I hold a barge  
15 supervisor's license, which is also  
16 Panamanian, Marshall Islands, Coast Guard.  
17 I hold a ballast control operator license,  
18 which is also Coast Guard, Panamanian and  
19 Marshall Islands, as well as STCW 95.  
20 Q And when did you arrive on  
21 DEEPWATER HORIZON before the 20th of April?  
22 A That Friday. A few days before.  
23 Q So you were out a few days before  
24 the incident?  
25 A Yes.

1 Q And how long total did you serve  
2 on board DEEPWATER HORIZON?  
3 A About seven years.  
4 Q Aboard the DEEPWATER HORIZON, is  
5 the bridge and the central control room, are  
6 those the same space?  
7 A It's the same thing.  
8 Q If you would, please step up, if  
9 you could, just step up to the central  
10 control room and show the Board where your  
11 duty station was and briefly describe the  
12 outline of the bridge. Please pick up the  
13 microphone, sir. It's right there in front  
14 of the court reporter.  
15 A Okay. Here (indicating), in the  
16 center here (indicating) is your DP  
17 controllers. You have a DP 1, 2 and 3.  
18 Also, an SVC controller. And here  
19 (indicating) is your APOS, electric acoustic  
20 positioner.  
21 You want to know where I was at  
22 the time of the incident?  
23 Q Where would the DPO and the senior  
24 DPO, where would their normal duty stations  
25 be?

1 A Normal duty station here at the  
2 center console (indicating) monitoring the  
3 DP system and the SVC.  
4 Q And on the evening of the 20th,  
5 where were you stationed?  
6 A The evening of the 20th, again, at  
7 the time of the incident or --  
8 Q Immediately preceding the  
9 incident.  
10 A Immediately preceding the  
11 incident? I was over here (indicating) by  
12 the simulator.  
13 Q So the simulator -- Operating with  
14 the simulator would take you away from your  
15 normal duty station?  
16 A No.  
17 Q Okay. My understanding --  
18 A We have to have two DPOs on tour  
19 at all times. We run a schedule of an hour  
20 on the desk, an hour off the desk. Andrea  
21 was at the desk at the time of the incident,  
22 while I was with the VIPs at the simulator.  
23 So the desk was not unmanned at the time.  
24 Q Okay. So you were with the VIPs  
25 at the simulator at the time and Andrea was

1 the one who was actually fulfilling the DPO  
 2 duties at the desk station; is that correct?  
 3 A Correct.  
 4 Q Now, the normal bridge watch when  
 5 you're on station, how many people is that?  
 6 A Normal bridge watch, a minimum of  
 7 two personnel on tour in the bridge at all  
 8 times.  
 9 Q So that would be the senior DPO  
 10 and the DPO?  
 11 A And the DPO.  
 12 Q Is there a mate or a mariner  
 13 assigned or does the DPO also fulfill that  
 14 function?  
 15 A The chief mate, which his desk is  
 16 over here in this corner, he is stationed up  
 17 there. He is authorized to stay there in  
 18 case one of us needs to go out on deck or go  
 19 somewhere else.  
 20 Q So is the mate on watch as well at  
 21 all times?  
 22 A Yes, he is.  
 23 Q So essentially, for calling it a  
 24 bridge watch, you have three people on  
 25 watch, a mate and two DPOs; is that correct?  
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1 regard to the operations of the bridge?  
 2 A It's the senior DPO's job.  
 3 Q So notwithstanding the fact that  
 4 she was the licensed mariner, you were the  
 5 one that was in charge; is that correct,  
 6 sir?  
 7 A Correct.  
 8 Q Could you explain to us what  
 9 information is displayed on the DPO's desk  
 10 and what types of things you would be  
 11 monitoring?  
 12 A Well, this would be STP OS1, which  
 13 is here (indicating), which we have main  
 14 control propulsion, have control of the rig.  
 15 Two and three have various different windows  
 16 we have open. These systems are  
 17 Windows-based. So STP OS1, we have  
 18 constantly maintaining, monitoring rig  
 19 position, their excursions. Also, GPS and  
 20 HDR.  
 21 The other two have various -- also  
 22 have various things and monitor generators,  
 23 thrusters, power consumed versus power  
 24 available and riser limits, the blue and  
 25 yellow limits.  
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1 A Yes. The chief mate works days,  
 2 6:00 to 6:00. So from 1800 until 0600 in  
 3 the morning is just two people, two  
 4 personnel up there.  
 5 Q I'm sorry if I'm having trouble  
 6 understanding. So from 6:00 to 6:00, you  
 7 have three people, with the chief mate on,  
 8 but from 6:00 p.m. to 6:00 a.m., there are  
 9 only the two DPOs; is that correct?  
 10 A Yes.  
 11 Q And is one of those DPOs a mate as  
 12 well or are they only DPOs?  
 13 A No, most of them hold a mate  
 14 license.  
 15 Q Okay. And when you were there  
 16 with Ms. Fleytas, who was serving as the  
 17 mate?  
 18 A She was.  
 19 Q So my understanding is you were  
 20 the senior DPO, but she was functioning as  
 21 the licensed mariner; is that correct?  
 22 A Correct.  
 23 Q And could you describe your  
 24 relationship as a senior DPO with the DPO?  
 25 Were you in charge or was she in charge with  
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1 Q Yes, sir. Could you distinguish  
 2 between the systems that you monitor and the  
 3 systems that you control from that station?  
 4 Do you actually control the movement of the  
 5 vessel in all of these systems or do you  
 6 just monitor what they're doing?  
 7 A No, the STP OS1 is the one that  
 8 has propulsion, which we can do everything  
 9 from that computer. Our system is the DP --  
 10 We're a Class 3 STP 32 system, which even  
 11 though this system has control here, if  
 12 something happens to that one, we can take  
 13 control at a different one and maintain  
 14 position, and so forth and so on between  
 15 these three. So STP OS1 always has control  
 16 of the rig to where we can do pending  
 17 changes, position moves, whatever we need to  
 18 do.  
 19 Q What alarm systems did you monitor  
 20 as the DPO?  
 21 A You have to -- Which alarm?  
 22 Because we monitor all kind of alarms.  
 23 Q Could you identify what alarm  
 24 systems you would have been monitoring in  
 25 terms of fire and stability and the well?  
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1 A No.  
 2 Q Do you have any responsibility for  
 3 the well or are you purely on the navigation  
 4 side?  
 5 A We're purely on the marine side.  
 6 Q Okay.  
 7 A Whatever happens up on the drill  
 8 floor, what's going on up there, that's --  
 9 We work with the drill floor, but we don't  
 10 work for the drill floor. We're strictly on  
 11 the marine side, navigations.  
 12 Q So were you monitoring gas alarm  
 13 systems, flammable gas alarm systems?  
 14 A The fire systems? The fire and  
 15 gas system can be monitored from here for  
 16 the SVC at center console. It can be  
 17 monitored from this SSS, which is the Simrad  
 18 Safety System, and it can also be monitored  
 19 from these two SVCs. So you have four SVCs  
 20 that can monitor all different sorts of  
 21 things, and one of them was the fire and gas  
 22 system. That was up.  
 23 Q So based on your description of  
 24 where you were and where Ms. Fleytas was,  
 25 she would have been the one that was

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1 monitoring those systems at the time of the  
 2 event, because you were with the simulator  
 3 and the VIPs; is that correct?  
 4 A Yes. If she would have received  
 5 an alarm or anything like that, then she  
 6 would have notified me.  
 7 Q Now, are those alarms both visual  
 8 and audible?  
 9 A Yes, they are.  
 10 Q Do you know if any of those alarms  
 11 were inhibited?  
 12 A It depends on what you're saying  
 13 alarm. You're talking about the individual  
 14 detectors or are you talking about a general  
 15 alarm itself?  
 16 Q If you could explain to me, if any  
 17 of the alarm systems, detectors or what  
 18 level of inhibited alarms there were on the  
 19 bridge that evening, if any.  
 20 A As far as fire and gas, there's  
 21 only two that I recall that were inhibited  
 22 that were in the staterooms.  
 23 Q Can you explain why those alarms  
 24 were inhibited and what impact that might  
 25 have had, if any?

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1 A That impact wouldn't have anything  
 2 to do with the situation that we had that  
 3 night. Those sensors were inhibited,  
 4 because one of them was in a fault status,  
 5 and the other one is -- Each individual  
 6 stateroom has their own fire and gas -- I  
 7 mean, their own smoke detector.  
 8 When somebody takes a very hot  
 9 shower with their bathroom door open, it  
 10 will set that detector off. So that one  
 11 individual room actually caused a fault  
 12 because of the condensation that built up on  
 13 the inside of the detector.  
 14 Q Do you know if there were any  
 15 alarms that were inhibited that would have  
 16 been in machinery spaces or other spaces  
 17 that would have an ignition source?  
 18 A No, I don't recall.  
 19 Q You don't recall any of those  
 20 alarms being inhibited?  
 21 A I don't remember if there was any  
 22 or not.  
 23 Q Is there a record anywhere of what  
 24 alarms were inhibited at the time?  
 25 A Well, it's at the bottom of the

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1 ocean right now, but, yes, we did keep a  
 2 record.  
 3 Q And what would that record have  
 4 been?  
 5 A That record would have been the  
 6 outstanding detectors that were needed for  
 7 the ETs/electricians to actually fix or  
 8 replace, depending on what kind of status it  
 9 was in.  
 10 Q So is that some type of vessel  
 11 data recorder? Is that automatically  
 12 recorded or are those manual logs?  
 13 A It was a manual log and it was  
 14 also logged in the RMS system that created a  
 15 work order for that specific detector for  
 16 ETs/electricians to go fix.  
 17 Q Thank you, sir. You may return to  
 18 your seat.  
 19 Sir, do you know if there were any  
 20 automatic features built into the system to  
 21 shut down machinery in a space if these  
 22 alarms were activated?  
 23 A We did have an ESD, which is an  
 24 emergency shut-down.  
 25 Q Could you briefly describe how

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1 that would function if there was detected  
 2 flammable gases or if there was needed to be  
 3 a manual response by the DPO?  
 4 A A confirmed fire, it would have  
 5 detected it and then shut that space down,  
 6 and it could have been done manually.  
 7 Q How about confirmed flammable  
 8 gases?  
 9 A I don't remember if it had  
 10 anything to do with flammable gas.  
 11 Q If two fire and gas zones adjacent  
 12 to each other indicated flammable gases, do  
 13 you know if that would shut down the  
 14 machinery in those zones?  
 15 A I don't remember. I'm not going  
 16 to say "yes," I'm not going to say "no." I  
 17 don't remember right offhand.  
 18 Q Okay. You don't remember with  
 19 regard to that specific incident or you  
 20 don't remember how the systems were set up?  
 21 A I don't remember to that question  
 22 about the ESD system itself.  
 23 Q Okay. So it's a system question,  
 24 not an incident question, correct?  
 25 A Right.

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1 Q Okay. Do you know if the fire and  
 2 gas alarms were inhibited, do you know if  
 3 that would restrict the ability for the  
 4 automatic shut-downs?  
 5 A No.  
 6 Q You spoke briefly about the voyage  
 7 data recorder. Do you know if that had a  
 8 float-free capability or it would still be  
 9 on the bottom?  
 10 A I think it was supposed to be  
 11 float-free, but I'm not sure.  
 12 Q Let me change the direction of  
 13 questions just for a few minutes and look at  
 14 the emergency procedures and preparations.  
 15 What were your duties in accordance with the  
 16 DEEPWATER HORIZON station bill?  
 17 A I was to assist as directed by the  
 18 captain.  
 19 Q And how often were emergency  
 20 training drills performed?  
 21 A Every Sunday.  
 22 Q Were they only performed on  
 23 Sundays at a particular time?  
 24 A Most of the time it was  
 25 10:30 every Sunday, unless we have an annual

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1 Coast Guard, then the Coast Guard will  
 2 actually perform an emergency situation.  
 3 Q Do you know why they were done on  
 4 Sunday at 10:30?  
 5 A No, not really.  
 6 Q Do you know if it was so that it  
 7 wouldn't impact on other drilling or other  
 8 operations going on board?  
 9 A It's possible.  
 10 Q What types of emergency drills  
 11 would you do?  
 12 A That depends. According to the  
 13 station bill, the senior DPO on tour will  
 14 remain at the bridge and monitor the DP  
 15 system and assist as directed. The senior  
 16 DPO off tour is usually in charge of  
 17 lifeboat No. 2 and will be out there at the  
 18 lifeboat deck, the muster station helping  
 19 the AD with musters, and also any new  
 20 personnel will be brought into the lifeboat,  
 21 shown around, questions and answers, and  
 22 also perform training lectures during the  
 23 drills.  
 24 Q Other than the timing of the  
 25 drills, were the drills performed

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1 differently when they're a class society or  
 2 the Coast Guard on board than normal drills?  
 3 A Normal everyday drill. These  
 4 drills were performed as if the Coast Guard  
 5 was on board or actually they're performed  
 6 as an emergency situation.  
 7 Q Have you been on the bridge when  
 8 they have done a fire and abandon ship  
 9 drill?  
 10 A Sure. Yes.  
 11 Q And what -- If you would, tell us  
 12 what takes place on the bridge during a fire  
 13 and abandon ship drill and who's in charge.  
 14 A During the fire and abandon drill,  
 15 the captain is in charge. The DPO has a  
 16 checklist that they have to go through, and  
 17 also write down times and what classifier,  
 18 where the fire is at, where fire team No. 1  
 19 is at, where fire team No. 2 is at. They're  
 20 in constant contact with the chief mate.  
 21 The chief mate is in charge at the scene.  
 22 The DPO relates information back to the  
 23 captain.  
 24 As the senior DPO, I monitor the  
 25 fire and gas and -- Not fire and gas.

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1 Monitor the DP systems and make  
 2 announcements as needed.  
 3 Q Who is in charge of the lifeboats?  
 4 A The lifeboats would be the senior  
 5 DPO and the DPO, the off tour.  
 6 Q And who makes the decision with  
 7 regard to deploying the lifeboats?  
 8 A That would be the captain.  
 9 Q Who takes the musters at the  
 10 lifeboats?  
 11 A That would be the assistant  
 12 drillers.  
 13 Q Are you aware of a policy on the  
 14 DEEPWATER HORIZON not to interfere with the  
 15 drilling operations when the blowout  
 16 preventer and the lower marine riser package  
 17 tests are being conducted, so that you  
 18 wouldn't do drills at those times?  
 19 A Not that I know of.  
 20 Q Per DEEPWATER HORIZON's written  
 21 emergency policy and procedure, which bridge  
 22 crewmembers had the authority to activate  
 23 the Emergency Disconnect System?  
 24 A We didn't have the authority to do  
 25 the EDS, emergency disconnect. That was  
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1 subsea.  
 2 Q Yes, sir, I understand that you  
 3 did not. Are you familiar with who did have  
 4 that authority?  
 5 A That's subsea.  
 6 Q And who would be the person that  
 7 would execute that EDS?  
 8 A Subsea. Subsea would execute it,  
 9 but the decision would be made by the  
 10 captain or OIM in order to go ahead and  
 11 actually hit the button.  
 12 Q Do you know if anyone other than  
 13 the captain and the OIM had the authority to  
 14 order the execution of the EDS?  
 15 A If they were not present, then the  
 16 next person in line, that would be the  
 17 senior toolpusher.  
 18 Q So the DPOs would not have that  
 19 authority; is that correct?  
 20 A Correct.  
 21 Q And you indicated that the watch  
 22 on the bridge from 6:00 p.m. to 6:00 a.m.  
 23 would normally only be the two DPOs; is that  
 24 correct?  
 25 A The senior DPO and a DPO.  
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1 Q So there would be no one on the  
 2 bridge that would have had the authority to  
 3 execute an emergency disconnect if there was  
 4 a normal watch and not someone else coming  
 5 to the bridge; is that correct?  
 6 A Correct.  
 7 Q Per the DEEPWATER HORIZON's  
 8 written emergency policy and procedure,  
 9 which crewmember had the responsibility for  
 10 coordinating the firefighting activities?  
 11 A The chief mate is on-scene  
 12 commander, to which he will decide.  
 13 Q So the chief mate is the on-scene  
 14 commander, and who is overall in charge of  
 15 directing the response?  
 16 A The captain.  
 17 Q Per DEEPWATER HORIZON's emergency  
 18 policy and procedure, which crewmember had  
 19 authority to launch a lifeboat or raft  
 20 during an evacuation?  
 21 A Anybody.  
 22 Q Anyone could do that?  
 23 A Anyone.  
 24 Q So --  
 25 A Upon given the go-ahead to do it,  
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1 yes.  
 2 Q Okay. You testified before, and  
 3 I'm not trying to confuse you, that the  
 4 captain would be responsible for making the  
 5 decision to launch the lifeboats.  
 6 My question is, did other  
 7 individuals also have the authority to  
 8 launch and deploy boats and rafts?  
 9 A Yeah. Like I said, the captain,  
 10 it was the captain's decision, and anyone  
 11 can do it. Lifeboat training and --  
 12 Lifeboat launching and life raft launching  
 13 training were conducted at these drills in  
 14 case your DPO or senior DPO is not there,  
 15 which they would be in charge at the  
 16 lifeboats. So if they're not there, then  
 17 the ADs would be next in line. But if  
 18 they're not there, then somebody else can go  
 19 ahead and launch those boats or life rafts.  
 20 Q Yes, sir. What I'm trying to get  
 21 to is who had the authority to make the  
 22 decision to launch a lifeboat at a  
 23 particular time? Was it only the captain or  
 24 was it delegated to someone else?  
 25 A It's the captain's decision  
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1 whether we're going to launch those  
 2 lifeboats or life rafts.  
 3 Q Per DEEPWATER HORIZON's written  
 4 emergency policies and procedures, which  
 5 lifeboat was designated as the rescue  
 6 lifeboat, or was one?  
 7 A Lifeboat No. 2 was designated fast  
 8 rescue boat.  
 9 Q And what was the responsibility of  
 10 the fast rescue boat with regard to Search  
 11 and Rescue?  
 12 A Say that again.  
 13 Q What was the responsibility, the  
 14 Search and Rescue responsibility of that  
 15 lifeboat in the event of an evacuation?  
 16 A To retrieve any personnel from the  
 17 water if possible.  
 18 Q So lifeboat two as the rescue  
 19 boat, after it was deployed, my  
 20 understanding is that that would be the boat  
 21 that would be responsible for picking up  
 22 anyone that was in the water?  
 23 A Yes. That boat would have the  
 24 medic on board.  
 25 Q Did the master of the DEEPWATER  
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1 HORIZON have any night orders or special  
 2 instructions that he kept?  
 3 A Sometimes he did, sometimes he  
 4 didn't.  
 5 Q Could you describe what would be  
 6 contained, the types of things that would be  
 7 in those night orders?  
 8 A Basically if you got any doubt,  
 9 call him, no matter what time it was, notify  
 10 him on important things, you know,  
 11 operations that are going on at hand,  
 12 whether he wants to be up for it or not.  
 13 Basically, stuff like that. It  
 14 wasn't strict, you need to do this or you  
 15 need to do that. Just more of information  
 16 purposes.  
 17 Q With regard to the date of the  
 18 incident, were there any special  
 19 instructions from the captain in the night  
 20 orders book?  
 21 A No, because he was up.  
 22 Q I want to look briefly at the  
 23 conditions immediately prior to the  
 24 incident. To the best of your knowledge,  
 25 were any alarms inhibited, and if so, which  
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1 ones?  
 2 A No alarms were inhibited.  
 3 Q Do you know how often the EDS  
 4 system was tested?  
 5 A No, I can't remember.  
 6 Q Did you ever participate in tests  
 7 of the EDS or was that someone else's  
 8 responsibility?  
 9 A That was somebody else's  
 10 responsibility.  
 11 Q Do you recall what generators were  
 12 on line prior to the incident?  
 13 A I think there was three -- No. 3  
 14 and No. 6.  
 15 Q Do you recall what generators were  
 16 in standby at that time?  
 17 A You're talking about standby order  
 18 or are you talking about if any were off  
 19 line, getting worked on?  
 20 Q Were other generators available?  
 21 A You had actually four other  
 22 generators available.  
 23 Q So, to your knowledge, none were  
 24 off line for maintenance?  
 25 A Not that I can remember.  
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1 Q On the night of the incident, to  
 2 the best of your knowledge, were all systems  
 3 working in 100 percent order or were any  
 4 systems logged out?  
 5 A What type of systems are you  
 6 referring to? Because there's --  
 7 Q Generators or any major mechanical  
 8 systems out, thrusters or things that would  
 9 impact the operation of the vessel?  
 10 A I don't think so.  
 11 Q Would you please describe what  
 12 happened from the time you came on watch  
 13 until the time that you arrived on board the  
 14 DAMON BANKSTON on 20 April. Give the Board  
 15 an overview of what you were doing and where  
 16 you were.  
 17 A Okay. I usually get up at 10:30.  
 18 Pre-tour is at 11:00. I show up on the  
 19 bridge at a quarter to 12:00, which I work  
 20 from noon to midnight. I do handovers with  
 21 the other senior DPO before he knocks off.  
 22 A system check, six-hour system check is  
 23 performed.  
 24 Then after that, I just -- you  
 25 know, it's just a regular day. Sometime  
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1 during that day, the chief mate performed a  
 2 cement job. We got -- The captain gave us  
 3 word that the VIPs were coming on board.  
 4 There were four of them, two Transocean, two  
 5 BP, and that they will be coming up the  
 6 bridge sometime that evening for a Q and A  
 7 and simulations on the simulator.  
 8 They showed up about somewhere  
 9 between 9:00, 9:30, which then we performed  
 10 questions and answers, showed them around  
 11 the bridge, showed them the equipment, how  
 12 it works and everything else.  
 13 Mr. Winslow asked me to take one  
 14 of them to the simulator, which I had the  
 15 simulator set up for them already, and start  
 16 joystick practice. We did that for about a  
 17 half an hour. Then they reset the system  
 18 for the other BP VIP and let him do joystick  
 19 practice, also.  
 20 It was about that time when he was  
 21 finishing up is where the captain asked what  
 22 that noise was. It was then there that I  
 23 actually heard it.  
 24 When I turned around, I noticed  
 25 camera No. 6, which is the starboard forward  
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1 camera. It's facing toward the starboard  
 2 crane. I seen -- or you can hear it and you  
 3 can see it in the camera that there was a  
 4 lot of mud just coming out with -- it was  
 5 just a great force. It was just spraying  
 6 out. I couldn't tell what line it was  
 7 coming out of. There are two lines there.  
 8 When I noticed that, I ran back to  
 9 the stability computer. Right above the  
 10 stability computer is the controls for the  
 11 CCTV, so I took those and I punched the  
 12 numbers in and maneuvered the camera and  
 13 zoomed in.  
 14 While I was doing that, Andrea  
 15 received a call from the drill floor, saying  
 16 that we're in a well control situation. By  
 17 the time I finished -- I was focusing in on  
 18 the line -- I heard and felt the first  
 19 explosion, which I did see the flames on the  
 20 camera. I couldn't tell where it was coming  
 21 from.  
 22 We started receiving gas alarms on  
 23 the fire and gas system, so I immediately  
 24 jumped on the two that was there right next  
 25 to me, started pulling up the fire and gas.  
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1 I noticed on the shakers, in the  
 2 shale shakers, there was a lot of gas in  
 3 there. The detector was going off, so I  
 4 picked up the phone, called the shale  
 5 shakers, because I didn't know if anybody  
 6 was in there or not. I wanted to get that  
 7 person or persons out of there.  
 8 I didn't get any response. I hung  
 9 up the phone. And while I was making my way  
 10 around to where Andrea was at the center  
 11 console, the first major explosion, which  
 12 was the second explosion, which blacked out  
 13 the rig. Somebody came in through the  
 14 starboard door and said there were three or  
 15 four people in the water. I immediately got  
 16 on the radio and called the BANKSTON, asked  
 17 him if he can launch -- Excuse me.  
 18 HON. JUDGE ANDERSEN:  
 19 Take your time.  
 20 THE WITNESS:  
 21 See if he can launch his fast  
 22 rescue boat and retrieve those personnel out  
 23 of the water.  
 24 And then from then, it was just  
 25 chaos. Andrea was at GMDSS sending out  
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1 distress signals. I was monitoring, trying  
 2 to monitor the DP system, but I received a  
 3 position drop-out, but was able to look at  
 4 the trends on the pitch and roll and on your  
 5 draft, which was pretty good, so we wasn't  
 6 listing to any which way.  
 7 I ran -- At some point, I made an  
 8 announcement to the rig for everybody, that  
 9 this was not a drill, to muster at your  
 10 emergency stations. I don't know if it was  
 11 me or Andrea that hit the general alarm, but  
 12 the general alarm did go off.  
 13 I did see the chief mate hit the  
 14 manual call by the starboard button before  
 15 he exited, which would also set off the  
 16 general alarm. I was back and forth on the  
 17 forward radio making mayday calls myself,  
 18 answering vessels that would call back.  
 19 One vessel -- I can't remember the  
 20 name of it, but they were kind enough to  
 21 relay my information to the Coast Guard in  
 22 Mobile.  
 23 At some point in time Steve  
 24 Bertone and a couple other electricians came  
 25 in, asked the captain if they wanted to  
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1 start the standby generator. He said "yes."  
 2 So them three went out.  
 3 They came back in. They couldn't  
 4 start it. Chris Pleasant came back in,  
 5 asked the captain if he wanted him to hit  
 6 the EDS button. About after the third time  
 7 he was asked, he said "yes." Chris  
 8 Pleasant, which is a subsea engineer, he was  
 9 the one who actually hit the EDS button.  
 10 I seen the panel, but I don't  
 11 remember seeing any lights or anything on  
 12 the panel, so I don't know if the panel was  
 13 live or dead.  
 14 The captain made a decision to  
 15 abandon. They left. It was just me and  
 16 Andrea up there at the time. I was making  
 17 the final abandon call on the radio. She  
 18 grabbed two life jackets. She threw me one.  
 19 We put our life jackets on, went down to the  
 20 forward lifeboat deck.  
 21 On the way down, I already seen  
 22 that the lifeboats were gone already. The  
 23 captain and a few other guys were getting  
 24 the life raft davit ready while the chief  
 25 mate was getting the life raft ready.

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1 I helped -- I jumped in and helped  
 2 the chief mate with the life raft. We got  
 3 it up, we got it hooked up, swung out,  
 4 popped open. And while they were doing  
 5 that, I was getting a second life raft ready  
 6 in case we needed it. Personnel got in.  
 7 Wyman was in the stretcher. We slid him in,  
 8 also.  
 9 Some people were there. They  
 10 left. I don't know where they went. But  
 11 they did have quite a few people who did get  
 12 in the life raft.  
 13 Before I went down, it was just me  
 14 and the captain that was left up there. One  
 15 guy asked -- Or one guy told the captain,  
 16 "Let's go. You all get in." He told the  
 17 person not to worry about him and the life  
 18 raft went down.  
 19 So I was kind of disgusted. I  
 20 wanted to get in the life raft. I had no  
 21 choice but to jump.  
 22 If we can, that would be good.  
 23 MR. HENNESSY:  
 24 Can we have five minutes?  
 25 CAPT. NGUYEN:

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1 Sure. Why don't we take -- How  
 2 much do you need, five or 10 minutes?  
 3 THE WITNESS:  
 4 Five minutes.  
 5 CAPT. NGUYEN:  
 6 Why don't we take a five-minute  
 7 break and resume at 11:00. Thank you.  
 8 (Discussion off the record.)  
 9 CAPT. NGUYEN:  
 10 Captain, please proceed.  
 11 EXAMINATION BY CAPT. HIGGINS:  
 12 Q Thank you, sir. We really do  
 13 appreciate how difficult this is.  
 14 I believe you left off with  
 15 telling us that you had jumped, and if you  
 16 could just conclude from when you jumped  
 17 from the rig until when you were aboard the  
 18 DAMON BANKSTON.  
 19 A Okay. After the life raft went  
 20 down, like I said, it was just me and the  
 21 captain that was left up there. I was kind  
 22 of disgusted, because we had enough time to  
 23 get on that life raft.  
 24 I asked him what about -- you  
 25 know, "what about us," and he said, "I don't

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1 know about you, but I'm going to jump." So  
 2 he actually jumped first. I waited for a  
 3 minute, because when I looked over, the life  
 4 raft was basically right underneath me, so I  
 5 waited for a minute until it could actually  
 6 move out of the way, and I jumped.  
 7 When I resurfaced, the life raft  
 8 was like 10 or 15 feet away from me, so I  
 9 swam to the life raft, and then I seen the  
 10 captain and a few other guys that were on  
 11 the outside of the life raft.  
 12 We began swimming the life raft  
 13 away, because we felt like we was going  
 14 underneath the rig. We did see the fast  
 15 rescue boat when I looked behind me. They  
 16 were picking up three personnel that were  
 17 actually swimming in the water. We were  
 18 yelling at them to come hook onto the life  
 19 raft.  
 20 When they came -- After he  
 21 finished picking up those three out of the  
 22 water, he came over and tied off to the life  
 23 raft. The personnel that was on the  
 24 outside, actually we stayed on and hung on.  
 25 The safety pendant was still

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1 attached to the rig, so when the fast rescue  
 2 boat actually pulled, I seen the rope come  
 3 out of the water, actually tightening up.  
 4 We yelled at the coxswain to stop driving,  
 5 to put it in forward.  
 6 Lucky he had a knife in his  
 7 pocket. The knife was passed hand over hand  
 8 until it got to Randy Ezell, which he was in  
 9 the life raft. He's the one who cut the  
 10 safety pendant.  
 11 Then we got -- Then the fast  
 12 rescue boat pulled us to the BANKSTON, where  
 13 on the starboard -- on the starboard side of  
 14 the BANKSTON, they already had the two  
 15 lifeboats there. They were tying it off.  
 16 The BANKSTON crew was throwing down Jacob's  
 17 ladders to the lifeboats to where people  
 18 inside can get up on deck.  
 19 After the fast rescue boat was  
 20 tied off, we were actually in between the  
 21 two lifeboats. A couple people got in the  
 22 fast rescue boat, which I was one of them  
 23 who got in, and the people were making their  
 24 way up from the lifeboats.  
 25 They dropped another Jacob's

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1 ladder down for the fast rescue boat, and  
 2 the people that was in there started getting  
 3 out.  
 4 So what I did, I held onto the  
 5 fast rescue boat, at the console, and held  
 6 onto the back of the lifeboat, undid the  
 7 wires that were on the stern of the  
 8 lifeboat, and while I was holding that, I  
 9 told people to jump -- well, not jump, but  
 10 go from there, come in the fast rescue boat  
 11 and go up the other ladder, so that way  
 12 people -- you could get people out of there  
 13 as fast as we could.  
 14 After all that was done, I finally  
 15 got on there, finally got on the deck of the  
 16 BANKSTON. I seen Carl, the radio operator.  
 17 He was taking muster.  
 18 So I stayed with him, and I asked  
 19 him how many people -- I asked Carl how many  
 20 people we were missing. At first he said it  
 21 was 15. We did another muster. We got  
 22 everybody together and we did another  
 23 muster, and come to find out, it was 11 that  
 24 were missing.  
 25 They did have a fishing boat that

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1 was around, plus the other boats, I mean,  
 2 other workboats. I don't know where they  
 3 came from. They came out of the woodwork.  
 4 They were there in no time.  
 5 They already had boats that were  
 6 putting water on the rig, boundary cooling.  
 7 I went to see how many people -- I knew  
 8 there were a couple of people on stretchers,  
 9 Wyman being one of them, but I didn't know  
 10 who the others were.  
 11 So there was one designated spot  
 12 in the BANKSTON on the inside where the  
 13 severely wounded were being tended to. The  
 14 other walking wounded, they stayed on the  
 15 main deck, kind of close.  
 16 The Coast Guard helicopters were  
 17 flying around. The first rescue swimmer  
 18 came down. He was shown to where the  
 19 severely wounded was. I was running back  
 20 and forth from that place up to the bridge,  
 21 letting them know what's going on at the  
 22 bottom, asking the captain of the BANKSTON  
 23 what kind of pain medication he had.  
 24 The three severely wounded needed  
 25 something. They were in bad pain. Troy

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1 Hadaway, he's a safety guy, but he's also a  
 2 certified medic, and he was also certified  
 3 to administer medication. I was talking to  
 4 him. I told him it was better for him to go  
 5 up there, because I couldn't remember all  
 6 the names of those, you know, medical terms.  
 7 By the time I got down on the main  
 8 deck, Daun Winslow found me, asked me if  
 9 there was any coordination with the Coast  
 10 Guard about getting the wounded off. I told  
 11 him there was none yet. So he asked me that  
 12 we needed to get something, some kind of  
 13 plan going.  
 14 After the first three helicopters  
 15 left and we was like with the wounded,  
 16 everything just kind of like fell in place.  
 17 Me, Eric and Allen were on the stern while  
 18 the Coast Guard helicopters would come in  
 19 with the rescue swimmer that was back there  
 20 plus we were helping people actually get  
 21 into the baskets, telling them how to get in  
 22 the basket, what to do, and, you know, being  
 23 hoisted, being hoisted up. It was like a  
 24 line.  
 25 The motor wash, it was so bad that

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1 you had to stand behind a tote tank, so you  
 2 don't actually get pushed back, because  
 3 there was mud on deck and it was slick.  
 4 That's why we had three of us helping the  
 5 persons into the basket, one on each side  
 6 and one from the back would help them to get  
 7 to the basket.  
 8 We got everybody off, all the  
 9 seriously wounded and the walking wounded,  
 10 we got all those off, and finally able to,  
 11 you know, start calming down. I waited -- I  
 12 knew the BANKSTON was on-scene command until  
 13 the Coast Guard cutter showed up.  
 14 Q Was Captain Kuchta on board the  
 15 BANKSTON with you?  
 16 A He was. He spent most of the time  
 17 up on the bridge of the BANKSTON.  
 18 Q Do you know who was directing the  
 19 efforts of the BANKSTON? Was it  
 20 Mr. Winslow, the captain, or the captain of  
 21 the BANKSTON?  
 22 A I'm not sure, because I was only  
 23 in there briefly and I wasn't trying to get  
 24 into there. I was just up there telling the  
 25 captain, "Look, this person left, this

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1 person left," giving him information.  
 2 Q Thank you very much for relaying  
 3 that about what happened. I am going to go  
 4 back now and look at a few specific points.  
 5 Again, I realize what a difficult thing it  
 6 is to relive that experience and we all  
 7 appreciate your testimony.  
 8 Going back to when you saw the mud  
 9 spraying from the starboard side of the main  
 10 deck, where were you at that point?  
 11 A I was at the simulator.  
 12 Q Okay. How long had you been at  
 13 the simulator?  
 14 A For about 45 minutes to an hour.  
 15 Q And was that because you were  
 16 dealing with the VIPs?  
 17 A Yes, I was with them while they  
 18 were doing joystick practice.  
 19 Q So the presence of the VIPs on the  
 20 bridge had taken you away from the bridge  
 21 watch duties for 45 minutes to an hour; is  
 22 that correct?  
 23 A No. I was still being informed by  
 24 the DPO, which she was at the desk at the  
 25 time monitoring the systems.

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1 Q So the presence of the VIPs was  
 2 not a distraction to you?  
 3 A No, because if something would  
 4 have -- if alarms would go off at the desk,  
 5 I would still be notified. I was still  
 6 being notified by Andrea of what the alarms  
 7 were.  
 8 Q Any of the VIPs, were they  
 9 involved in the decision process with regard  
 10 to responding to the emergencies?  
 11 A That I don't know.  
 12 Q Do you know if Mr. Winslow was  
 13 involved in discussions with the captain or  
 14 the OIM with regard to the decisions?  
 15 A I did see Winslow talking to the  
 16 captain, but in reference to what, I don't  
 17 know. I was busy doing what I had to do.  
 18 Q Do you know if the discussions  
 19 with Mr. Winslow or any of the other VIPs  
 20 impeded the response?  
 21 A I couldn't say. I don't know.  
 22 Q Before the incident occurred and  
 23 the first alarms went off, who was in charge  
 24 of the operation of the DEEPWATER HORIZON?  
 25 A The OIM.

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1 Q And that would be Mr. Harrell; is  
 2 that correct?  
 3 A Mr. Jimmy Harrell.  
 4 Q Okay. At some time did  
 5 responsibility for the operation and the  
 6 person in charge on the DEEPWATER HORIZON,  
 7 did that shift from Mr. Harrell to someone  
 8 else?  
 9 A It went from -- Yeah, the well  
 10 control got out of hand, so it switched over  
 11 to the captain.  
 12 Q So at some point control of the  
 13 operation and the emergency response  
 14 transferred from Mr. Harrell to the captain;  
 15 is that correct?  
 16 A Yes.  
 17 Q And at what point would that have  
 18 been?  
 19 A The first explosion.  
 20 Q Was that transfer of authority  
 21 logged or communicated to the crew in any  
 22 way?  
 23 A No. It's understood.  
 24 Q How is the crew to understand who  
 25 the person in charge is at a given point?

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1 A The crew understood that in a  
 2 emergency situation, the captain is in  
 3 control.  
 4 Q So at what point did the authority  
 5 and responsibility for the DEEPWATER HORIZON  
 6 transfer from Mr. Harrell to Captain Kuchta?  
 7 MR. HYMEL:  
 8 Objection. Asked and answered.  
 9 MR. SCHONEKAS:  
 10 He just said after the explosion.  
 11 MR. HYMEL:  
 12 He said after the first explosion.  
 13 THE WITNESS:  
 14 The first explosion.  
 15 EXAMINATION BY CAPT. HIGGINS:  
 16 Q Was there any announcement of that  
 17 transfer of authority?  
 18 A No.  
 19 Q Was there any recording of that  
 20 transfer of authority?  
 21 A I did see the captain and Jimmy  
 22 talking. What they were saying, I don't  
 23 have a clue. They were probably discussing  
 24 options. If it was recorded, there is a VDR  
 25 that is on the bridge. So if any handovers  
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1 would have been done of authority, it would  
 2 have been on that VDR.  
 3 Q Do you know if there was a  
 4 discussion between the captain and  
 5 Mr. Harrell with regard to the decision to  
 6 EDS?  
 7 A I don't know if Jimmy was up there  
 8 when the decision was made.  
 9 Q So the explosion happened. You  
 10 don't know if Mr. Harrell was on the bridge  
 11 or when he came to the bridge?  
 12 A Jimmy just got out of the shower.  
 13 Actually, Jimmy was in the shower for the  
 14 first explosion. He was in his stateroom.  
 15 Q So he wasn't on the bridge at that  
 16 time?  
 17 A No.  
 18 Q Was there any discussion with  
 19 anyone before the decision to execute the  
 20 EDS was taken?  
 21 A No. All I know is I heard Chris  
 22 Pleasant ask the captain if he --  
 23 Q Did the captain discuss or ask  
 24 permission from anyone else to make that  
 25 decision?  
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1 A No. Emergency situations would be  
 2 his authority to give to the other person  
 3 the go-ahead -- to give him the go-ahead to  
 4 hit the button.  
 5 Q And had he been on the bridge the  
 6 entire time with the VIPs there?  
 7 A Yes, he was.  
 8 Q Do you recall the order of the  
 9 alarms on the bridge when the incident  
 10 occurred, what alarms sounded and in what  
 11 order?  
 12 A We received the alarms from the  
 13 fire and gas after the first explosion.  
 14 Your fire and gas system, you get two  
 15 distinct sounds and a visual, the visual  
 16 being a message, a written message that  
 17 comes up, a message that shows up on the  
 18 SVC. The SVC receives an alarm and a  
 19 message. The ESD panel also goes into an  
 20 alarm, which these two alarms make two  
 21 distinct sounds. So if you hear both of  
 22 those going off at the same time, you know  
 23 something is up with the fire and gas  
 24 system.  
 25 Q Did you silence or acknowledge any  
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1 of the alarms or did Andrea?  
 2 A Yes, we did, because they were  
 3 going off like crazy, so we were trying to  
 4 find where these alarms were actually coming  
 5 from.  
 6 Q So the alarms went off and you  
 7 silenced them to try and respond to what the  
 8 casualties were; is that the way that  
 9 worked?  
 10 A Yeah. But every time you silence  
 11 those -- At that point in time, it did no  
 12 use to silence an alarm, because there were  
 13 some alarms that were just one on top of  
 14 each other. It was just going crazy.  
 15 Q Did the main engines go off line  
 16 before or after the gas alarms in the engine  
 17 room; do you know?  
 18 A The gas alarms went off before  
 19 that generator exploded.  
 20 Q Did the thrusters ramp up at all?  
 21 Did you hear that?  
 22 A I didn't hear anything from the  
 23 thrusters.  
 24 Q Did anyone tell you after the  
 25 first explosion that the situation was under  
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1 control?  
 2 A Yeah, I did hear someone say that.  
 3 That was probably said to calm people down.  
 4 Q Do you recall who said that?  
 5 A The captain.  
 6 Q And what was your response to  
 7 that, or if you had any?  
 8 A I really didn't pay too much  
 9 attention. I was busy doing what I had to  
 10 do, you know, acting on instinct and  
 11 training for my job.  
 12 Q Do you know if there was an effort  
 13 to fight the fire in the derrick?  
 14 A There was the chief mate and one  
 15 other person did actually suit up, but after  
 16 a blackout, what are you going to fight it  
 17 with? You don't have any fire pumps.  
 18 Q Were there deluge systems in the  
 19 derrick or other spaces?  
 20 A There were deluge systems around  
 21 the rig in certain areas. I don't know if  
 22 one was on the drill floor or not, but I do  
 23 know there was one in the shaker room and  
 24 one around the helifuel tanks.  
 25 Q Who was in charge of coordinating  
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1 the firefighting efforts from the bridge?  
 2 A That would be the captain.  
 3 Q Can you describe what he was doing  
 4 with regard to the firefighting efforts at  
 5 that time?  
 6 A Like I said earlier, I was not  
 7 paying attention to what he was saying or  
 8 doing. I just caught a little glimpse here  
 9 or there of what I already stated. You  
 10 know, like I said, I was busy doing what I  
 11 had to do.  
 12 Q Do you know if he provided any  
 13 direction to the DAMON BANKSTON with regard  
 14 to the firefighting efforts?  
 15 A That I don't know. As far as I  
 16 know, I was the only one that talked to the  
 17 DAMON BANKSTON from the rig.  
 18 Q Were there announcements -- You  
 19 said that you had seen people jumping from  
 20 the rig and people in the water. Were there  
 21 any man overboard announcements made?  
 22 A No, I didn't see anybody jump  
 23 over. Somebody came in and informed us that  
 24 there were three or four people that were in  
 25 the water.  
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1 Q Were "man overboard" or "people in  
 2 the water" announcements made to inform  
 3 people on the rig or the vessel?  
 4 A Announcements on the rig? No. I  
 5 was the one who called the BANKSTON to  
 6 assist. He would be able to get there a lot  
 7 faster than we would have. Then you would  
 8 have took one lifeboat out of commission.  
 9 Q My understanding was that the  
 10 captain was the one that instructed Chris  
 11 Pleasant to execute the EDS; is that right?  
 12 A Yes.  
 13 Q And did he consult with anyone  
 14 before he made that decision?  
 15 A Not that I know of.  
 16 Q Who issued the order to abandon  
 17 the rig?  
 18 A He did. The captain did.  
 19 Q Do you know if he had discussed  
 20 that decision with anyone before issuing  
 21 that order?  
 22 A No.  
 23 Q Do you know why you and the  
 24 captain were unable to enter one of the life  
 25 rafts?  
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1 A I couldn't tell you. That was his  
 2 decision, who told the guy in the life raft  
 3 to go down and not to worry about him, but I  
 4 don't think he seen me standing behind him  
 5 until I actually said something to him.  
 6 Q Other than jumping from the rig at  
 7 that point, were there any other  
 8 alternatives to evacuate the rig?  
 9 A Yeah. I mean, if I wanted to sit  
 10 there and crank up the life raft davit,  
 11 crank the hook back up and hook up another  
 12 one. In a situation like this, you never  
 13 know how much time you got, so I did, you  
 14 know, the best thing I thought.  
 15 Q I'm certainly not criticizing your  
 16 decision to jump. I'm just looking at  
 17 alternative evacuation methods. Were there  
 18 ladders that would go down to the water's  
 19 edge?  
 20 A There was a ladder that was right  
 21 there, but those ladders were severely  
 22 damaged due to running from hurricanes, that  
 23 you would have to jump from them anyway.  
 24 Q So my understanding from what you  
 25 said is there were ladders designed, but the  
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1 ladders had suffered damage, so they were  
 2 not functional; is that correct?  
 3 A Those ladders were designed -- I  
 4 don't know if they were designed for an  
 5 emergency escape route, but I know they were  
 6 used during the shipyard for people to get  
 7 up to the rig. I don't know if they were  
 8 emergency use.  
 9 Q Do you know if the ladders could  
 10 have been used to go from the deck to the  
 11 water?  
 12 A They could have, but like I stated  
 13 earlier, the bottom 15, 20 feet was so  
 14 severely damaged from waves that you still  
 15 would have had to jump.  
 16 Q I realize Mr. Winslow was here and  
 17 you weren't able to hear his testimony, but  
 18 he indicated that he had directed that the  
 19 lifeboat that he was in, that he directed  
 20 that that boat be launched. Do you know  
 21 anything about that?  
 22 A No.  
 23 Q Do you know if the captain  
 24 directed that the boats be launched or if  
 25 someone else did?

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1 A Not that I know of.  
 2 Q Do you know -- You said that  
 3 lifeboat No. 2 was the rescue boat; is that  
 4 correct?  
 5 A It was the designated fast rescue  
 6 boat for man overboard.  
 7 Q Do you know if that's the lifeboat  
 8 that Mr. Winslow was in?  
 9 A I don't know which one he was in.  
 10 Q Do you know if any of the  
 11 lifeboats acted as a rescue boat after it  
 12 had been launched?  
 13 A I don't think so. Like I said,  
 14 when I finally made it to the BANKSTON, the  
 15 two lifeboats were there tied up alongside.  
 16 Q So as far as you know, that the  
 17 lifeboats went from the rig to the DAMON  
 18 BANKSTON and didn't operate as rescue boats;  
 19 is that correct?  
 20 A I assume so. I mean, I can't tell  
 21 you for sure whether they did or not.  
 22 Because what they did in the lifeboats, I  
 23 can't tell you. I can only tell you what,  
 24 you know -- When I got to the lifeboat deck,  
 25 the lifeboats were not there. So what they

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1 did from the time they launched to get to  
 2 the BANKSTON, I don't know.  
 3 Q When you saw people in the water,  
 4 did you direct any recovery efforts of those  
 5 other than communicating with the BANKSTON?  
 6 A No, because when I was on the horn  
 7 with the BANKSTON, I had already seen his  
 8 personnel. I could see them through the  
 9 window, preparing to launch the fast rescue  
 10 boat.  
 11 Q You don't know if there were any  
 12 people in the water when the lifeboats were  
 13 launched, do you?  
 14 A I don't know.  
 15 Q Based upon your experience that  
 16 day, do you have any recommendations that  
 17 you would like to share with the the Board  
 18 concerning the manning, the mode of manning,  
 19 firefighting ability, abandon ship, Search  
 20 and Rescue, or other events, other ways to  
 21 prevent such a recurrence?  
 22 A No, not anything I can think of.  
 23 Q Do you believe that your emergency  
 24 training and drills conducted aboard the rig  
 25 prepared you to abandon the rig?

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1 A Yes.  
 2 CAPT. HIGGINS:  
 3 Thank you for your time. I have  
 4 no further questions. I'm sure that other  
 5 Board members do.  
 6 THE WITNESS:  
 7 Okay. Thanks.  
 8 EXAMINATION BY CAPT. NGUYEN:  
 9 Q I and Co-Captain Higgins  
 10 appreciate your testimony this morning.  
 11 Just a couple of questions for you.  
 12 Where do you find the  
 13 responsibility for you as a DPO spelled out  
 14 in the event of a well control? Where do  
 15 you find that?  
 16 A That would be in the emergency --  
 17 Q Emergency Response Plan?  
 18 A Yes, Emergency Response Plan.  
 19 Q Is that the same place you would  
 20 find for an explosion and fire?  
 21 A Yes.  
 22 Q Okay. And do you have specific  
 23 responsibility as a DPO for those two  
 24 events, well control and explosion and fire?  
 25 A Yes. Well control, we assist as

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1 directed and we have heightened awareness.  
 2 Abandon, fire and all that, the station bill  
 3 says we assist as directed.  
 4 Q Yes, sir. Do you know if in the  
 5 Emergency Response Plan for a well control  
 6 event, whether the responsibility for the  
 7 master is clearly spelled out in there, sir?  
 8 A I don't know.  
 9 Q Okay. Well, how about for an  
 10 explosion and fire?  
 11 A He would be in charge.  
 12 Q Right. So you would think that  
 13 his responsibility for responding to an  
 14 explosion and fire would be identified in  
 15 the Emergency Response Plan?  
 16 A I'm not for sure if it's stated in  
 17 there or not, in the manual itself.  
 18 Q Yes, sir. So how do people know  
 19 whether, you know, for an explosion and  
 20 fire -- So for an explosion and fire, you  
 21 say that the captain took over command after  
 22 the first explosion, correct?  
 23 A Right.  
 24 Q And everybody would have  
 25 understood. So that would be something that

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1 would be in the Emergency Response Plan is  
 2 for an explosion, that the master would  
 3 assume control from the OIM, would be  
 4 spelled out in that Emergency Response Plan?  
 5 A I have seen it in some manuals,  
 6 but I can't remember if it's in the  
 7 emergency manual or if it was in another  
 8 manual. But I do know and it is understood  
 9 that the captain would be in charge in a  
 10 situation like this.  
 11 Q Yes, sir. Based on my review --  
 12 A But --  
 13 Q Go ahead.  
 14 A No, go ahead.  
 15 Q Based on my review of the  
 16 Emergency Response Plan, the master's  
 17 responsibility was not clearly identified  
 18 for well control, and it was identified for  
 19 the explosion and fire. And I'm not asking  
 20 you to testify if my statement is true or  
 21 not, but that's what I have seen in the  
 22 document that was provided to the Board.  
 23 Does it make sense, you know, if  
 24 you're going to have a transition there,  
 25 that the master's responsibility is not

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1 identified in the Emergency Response Plan  
 2 for well control? Does that make sense?  
 3 MR. HYMEL:  
 4 Let me object to that question.  
 5 He instructed the witness to not assume his  
 6 statement is true based on his review of the  
 7 plan, but then he asked the witness to  
 8 answer a question based on whether or not  
 9 his statement is true. It's unfair to the  
 10 witness.  
 11 EXAMINATION BY CAPT. NGUYEN:  
 12 Q I'm asking you for your opinion.  
 13 You don't have to speculate or guess. I'm  
 14 asking you for your opinion. Since you live  
 15 and work on board a vessel, does it make  
 16 sense for somebody that's going to take  
 17 command during this situation here and who  
 18 is properly identified in this situation,  
 19 that may lead to that situation over here?  
 20 MR. SCHONEKAS:  
 21 I'm sorry. I don't understand the  
 22 question.  
 23 MR. HYMEL:  
 24 I was going to reurge my objection  
 25 on the grounds that I didn't understand that

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1 question.  
 2 EXAMINATION BY CAPT. NGUYEN:  
 3 Q Mr. Keplinger, did you understand  
 4 my question? Does it make sense that the  
 5 master's responsibility is clearly  
 6 identified for an explosion and fire, but  
 7 not in well control? Does that make sense  
 8 if one may lead to the other, as in this  
 9 case?  
 10 MR. HYMEL:  
 11 The same objection, Judge, on the  
 12 ground he's asking the witness to assume  
 13 that his interpretation of the manual is  
 14 correct, and that's just improper.  
 15 This witness is a fact witness.  
 16 He's not an expert. He shouldn't be asked  
 17 hypothetical questions. He can be asked  
 18 what, where, when, how, what did you see,  
 19 what did you do.  
 20 HON. JUDGE ANDERSEN:  
 21 Well, he does that -- he got to  
 22 his position having a tremendous amount of  
 23 experience, and he had a chance to apply  
 24 what transpired that day, his experience to  
 25 what transpired that day, and I think the

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1 captain is wondering whether or not in your  
 2 professional judgment -- But you don't have  
 3 to have an opinion. You know, you don't  
 4 have to sit here and make it up.  
 5 In your professional judgment,  
 6 would it have been helpful for the Emergency  
 7 Response Plan to explicitly state the  
 8 additional condition upon which there's a  
 9 transfer of authority?  
 10 MR. KOHNKE:  
 11 But, Judge, he has already said  
 12 that he had no confusion.  
 13 HON. JUDGE ANDERSEN:  
 14 Then perhaps his answer is "no."  
 15 We understand that. So obviously, it  
 16 perhaps is of marginal value, but the  
 17 Board's recommendations may anticipate other  
 18 situations.  
 19 MR. HYMEL:  
 20 But, Judge, the problem we have  
 21 here is --  
 22 HON. JUDGE ANDERSEN:  
 23 Okay. I'm going to overrule the  
 24 objection.  
 25 If you don't have an opinion,

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1 that's fine. If you do have an opinion,  
 2 that's fine.  
 3 So let's see what he has to say,  
 4 and then we can move on from there.  
 5 THE WITNESS:  
 6 No, I don't have an opinion. In  
 7 my 13 years with Transocean, it has always  
 8 been like that. The OIM is in charge of  
 9 some certain things and the captain is in  
 10 charge of certain other things. So I don't  
 11 have an opinion of what you're asking.  
 12 EXAMINATION BY CAPT. NGUYEN:  
 13 Q Yes, sir. And maybe that's the  
 14 explanation why, from what I saw in the  
 15 documents provided to the Board, that the  
 16 master's responsibility -- there's no  
 17 master's responsibility -- the  
 18 responsibility for the master is identified  
 19 in the well control situation, so that's  
 20 what I assumed.  
 21 A Right, because the well control  
 22 situation is actually dealing with the  
 23 drilling side, not the marine side.  
 24 Q Right.  
 25 A Now, if that situation turned into

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1 an emergency, then it would have swapped  
 2 over to the captain.  
 3 Q Yes, sir. And that's what we try  
 4 to evaluate here, you know, the dual command  
 5 structure and the single command structure  
 6 on some vessels, you know.  
 7 A Right.  
 8 Q Whether any changes need to be  
 9 made or not in terms of requirements. For a  
 10 U.S. vessel, it's the master with OIM  
 11 endorsement, as you know, and then  
 12 foreign-flagged, it's not the same for all  
 13 of them. So that's the reason why I'm  
 14 asking that question, based on what I have  
 15 read in the Transocean Emergency Response  
 16 Plan.  
 17 Now, you make a statement that  
 18 someone told you that "I don't care about  
 19 you. I'm going to jump." Did you make that  
 20 statement in your testimony, sir?  
 21 A No, no. When we got the people on  
 22 the life raft, one person popped his head  
 23 out, I can't remember who it was, and he  
 24 looked at the captain, and I was standing  
 25 right behind the captain, he said, "Okay."

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1 You all get in." Well, the captain told  
 2 that person not to worry about him, "You all  
 3 need to go."  
 4 HON. JUDGE ANDERSEN:  
 5 They didn't have to worry about  
 6 the captain?  
 7 THE WITNESS:  
 8 Not to worry about him. Yeah, not  
 9 to worry about him. But I don't think he  
 10 seen that I was behind him.  
 11 EXAMINATION BY CAPT. NGUYEN:  
 12 Q Okay. Maybe I wasn't paying  
 13 attention, but my understanding was that  
 14 when the life raft was deployed and you  
 15 asked the captain, "Hey, why did we deploy  
 16 the life raft," and he looked at you, and he  
 17 said, "I don't care about you. I'm going to  
 18 jump," that's what --  
 19 A Oh, no, no, no.  
 20 MR. SCHONEKAS:  
 21 Objection.  
 22 CAPT. NGUYEN:  
 23 I understand. I'm asking the  
 24 witness to clarify for me. That's what I'm  
 25 saying.

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1 EXAMINATION BY CAPT. NGUYEN:  
 2 Q So please clarify for me.  
 3 A No, no. Okay. After it went  
 4 down, I asked him, I said, "What about us?"  
 5 Q Right.  
 6 A He said -- Well, he told me that  
 7 he was -- Well, how did I say that? He  
 8 wasn't saying --  
 9 CAPT. NGUYEN:  
 10 Can you read back the testimony or  
 11 is that going to be a problem?  
 12 THE COURT REPORTER:  
 13 It will take some time to find it.  
 14 MR. SCHONEKAS:  
 15 This has been asked and answered,  
 16 Judge, several times. We have been through  
 17 this.  
 18 CAPT. NGUYEN:  
 19 Mr. Mathews, you wrote it down?  
 20 MR. MATHEWS:  
 21 Yes, I wrote it down. He said, "I  
 22 don't know about you, but I'm going to  
 23 jump."  
 24 THE WITNESS:  
 25 Basically, yes.

1 MR. SCHONEKAS:  
 2 Not "I don't care about you."  
 3 CAPT. NGUYEN:  
 4 Okay. I understand. I appreciate  
 5 the clarification.  
 6 EXAMINATION BY CAPT. NGUYEN:  
 7 Q So since the statement "I don't  
 8 know about you, but I'm going to jump," is  
 9 that what you expect of someone who is  
 10 responsible for the vessel safety, including  
 11 its crew? Would you expect that kind of  
 12 statement out of such a person that had that  
 13 responsibility?  
 14 A No, I would have expected more  
 15 from, you know, a person of that caliber,  
 16 his position.  
 17 Q Did that statement surprise you?  
 18 A Yeah, it did.  
 19 CAPT. NGUYEN:  
 20 Thank you, sir.  
 21 HON. JUDGE ANDERSEN:  
 22 Mr. Mathews?  
 23 EXAMINATION BY MR. MATHEWS:  
 24 Q I have a few follow-up questions,  
 25 and excuse me for my ignorance, but I didn't

1 know what the acronyms SVC and SSS stood  
 2 for. Can you help me out with those,  
 3 please?  
 4 A "SVC" is Simrad Vessel Control and  
 5 your "SSS" is Simrad Safety System.  
 6 Q Thank you. Now, earlier in your  
 7 testimony, I think you had testified that  
 8 within your normal operations you did, I  
 9 think you called it a six-hour system check?  
 10 A Yes, it's a six-hour DP check.  
 11 Q Okay. And what does that consist  
 12 of?  
 13 A It consists of checking various  
 14 operations on your DP system as well as  
 15 looking at certain things on the SVC.  
 16 Q Okay. And in the SVC check, did  
 17 you have any -- And I know we talked about  
 18 inhibited alarms multiple times, but what I  
 19 want to talk about is the inhibiting of the  
 20 general alarm, not the alarms themselves,  
 21 but the actual sounding of the general  
 22 alarm.  
 23 In that six-hour check, was the  
 24 general alarm inhibited from going off if  
 25 they had multiple alarms, high gas,

1 combustible gas alarms going off?  
 2 A The general alarm was not  
 3 inhibited. The general alarm was in manual  
 4 mode.  
 5 Q And what does manual mode mean?  
 6 A Manual mode is where a person has  
 7 to sound that alarm, has to sound the  
 8 general alarm instead of being sounded  
 9 automatic.  
 10 Q And that manual is controlled only  
 11 from the bridge or is it controlled from  
 12 multiple points on the rig?  
 13 A Basically, it's part of the fire  
 14 and gas system, so it would be on the  
 15 bridge, but it can be transferred to the  
 16 ECR.  
 17 Q Okay. And some of your testimony,  
 18 and please correct me if I'm wrong, I think  
 19 Captain Higgins had asked you a question and  
 20 I think you confirmed that the gas detection  
 21 went off before the explosion?  
 22 A The gas detection went off after  
 23 the first explosion.  
 24 Q After the first explosion. And  
 25 prior to that, you had no indication that

1 any of your combustible gas detection had  
 2 been going off, right?  
 3 A Right.  
 4 Q Okay. I think you had also  
 5 indicated that when you got the alarm, you  
 6 called the shaker room?  
 7 A Yes, the shale shakers.  
 8 Q And did you indicate, try to  
 9 attempt to call any other locations on the  
 10 rig?  
 11 A No. We already got a call from  
 12 the drill floor saying that you're in well  
 13 control situation.  
 14 Q Was it possible to call the engine  
 15 control room from where you were?  
 16 A It was possible, but I didn't have  
 17 time in order to get there. I made one  
 18 phone call to the shale shakers and that was  
 19 it. Other things were expiring that I had  
 20 to attend to.  
 21 Q I'm not trying to question your  
 22 activities. I'm just trying to get an  
 23 understanding of what's going on in the  
 24 bridge at that time.  
 25 With the multiple alarms going off  
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1 in the drill floor and the shaker house, the  
 2 main deck and so on, did anyone try to  
 3 inform you to call the engine control room  
 4 to possibly shut down the engines with the  
 5 emergency shut-down system?  
 6 A No. Everything was happening so  
 7 fast, I don't think they would have had  
 8 time.  
 9 Q Do you know Mr. Mike Williams,  
 10 sir?  
 11 A Yes.  
 12 Q And what position -- Does he  
 13 report to you?  
 14 A No, he doesn't report to me.  
 15 Q At any time did Mr. Williams ever  
 16 discuss his concerns with you about  
 17 inhibited alarms on board the DEEPWATER  
 18 HORIZON?  
 19 A Not that I can recall.  
 20 Q Did anybody on the DEEPWATER  
 21 HORIZON discuss any concerns about inhibited  
 22 alarms?  
 23 A No, because these alarms were not  
 24 inhibited. You keep saying alarms. Are you  
 25 talking about detectors?  
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1 Q I'm sorry. I'm talking about --  
 2 A You're talking about the general  
 3 alarm?  
 4 Q I'm talking general alarms, sound  
 5 alarms being inhibited to a manual state,  
 6 not automatic.  
 7 A No, no.  
 8 MR. MATHEWS:  
 9 I have no further questions. I  
 10 thank you.  
 11 HON. JUDGE ANDERSEN:  
 12 Any other Board questions?  
 13 MR. McCARROLL:  
 14 Yes, I have a couple.  
 15 EXAMINATION BY MR. McCARROLL:  
 16 Q Thank you for your testimony. I  
 17 appreciate you being here today.  
 18 I just wanted to clear up one  
 19 item. The BANKSTON was on the starboard  
 20 side or the port side?  
 21 A The BANKSTON was on the port side.  
 22 Q And the BANKSTON was doing what?  
 23 A The BANKSTON had the mud hose  
 24 down. They were sitting there on standby  
 25 until the derrickman wanted to resume  
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1 transferring or backloading mud to the  
 2 BANKSTON.  
 3 Q So the BANKSTON had came in. Do  
 4 you know about what time the BANKSTON came  
 5 in to start off-loading mud?  
 6 A I don't remember.  
 7 Q Was the BANKSTON on location when  
 8 you started your duties?  
 9 A Yes.  
 10 Q Okay. And at that time, were they  
 11 taking mud?  
 12 A No.  
 13 Q Are you normally aware of when the  
 14 BANKSTON arrives and if they're taking mud  
 15 or not?  
 16 A Yes, because they have to talk to  
 17 me first.  
 18 Q Okay. Could you just walk me  
 19 through your communication with the  
 20 BANKSTON, you know, as far as the taking of  
 21 the mud during that day?  
 22 A While taking the mud, we just  
 23 assist in communications between the  
 24 derrickman and the BANKSTON. The derrickman  
 25 is the one who's actually in charge of  
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1 off-loading or backloading mud.  
 2 Basically, when a boat comes on  
 3 location, we're the first ones who talk to  
 4 him. He gives us an ETA, what time he's  
 5 going to arrive.  
 6 When he gets right outside the  
 7 500-meter zone, he lets us know when he  
 8 arrives at that point and upon completion of  
 9 their 500-meter checklist.  
 10 And after they do that, if we have  
 11 any instructions for them, what side we're  
 12 going to get them on or what the operations  
 13 are going to be, we will let them know. But  
 14 other than that, if there's nothing going  
 15 on, we just have them on standby.  
 16 Q Do you know about what time you  
 17 started taking mud that day? Was it around  
 18 1:00 or 2:00?  
 19 A I don't remember exactly what time  
 20 it was. I do remember we did start  
 21 backloading mud, but at some point they did  
 22 stop.  
 23 At the time of the incident, there  
 24 was no transfer of any liquid to the  
 25 BANKSTON.

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1 Q But they were still hooked up?  
 2 A But the hose was still hooked up.  
 3 MR. McCARROLL:  
 4 Okay. Thank you.  
 5 HON. JUDGE ANDERSEN:  
 6 Any other Board questions?  
 7 EXAMINATION BY CAPT. HIGGINS:  
 8 Q Just one quick question. You  
 9 provided a statement to the Coast Guard.  
 10 Are you familiar with that?  
 11 A Yes.  
 12 Q In your statement, the question as  
 13 to "who is the person in charge of the  
 14 vessel," do you recall who you said?  
 15 A I'm sure it was the captain.  
 16 Q I believe you have your statement  
 17 in front of you. Do you see that it says in  
 18 response to that, you wrote "Jimmy Harrell"?  
 19 Would you explain why you're now saying the  
 20 captain and on your statement you said Jimmy  
 21 Harrell?  
 22 MR. HENNESSY:  
 23 Can you point to a line?  
 24 THE WITNESS:  
 25 Can you tell me exactly where it's

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1 at? The left side or right side?  
 2 MR. MATHEWS:  
 3 In the information in the top  
 4 right.  
 5 EXAMINATION BY CAPT. HIGGINS:  
 6 Q It's about 10 lines down, right  
 7 after "vessel name," it says "person in  
 8 charge of the vessel," and it says "Jimmy  
 9 Harrell."  
 10 A Oh, I forgot to put the captain in  
 11 there. But, actually, it would be both,  
 12 depending on -- At the time of the incident,  
 13 the captain was in charge.  
 14 Q Okay. So your statement reflects  
 15 "Jimmy Harrell," but there was a shared  
 16 responsibility; is that the way that would  
 17 work?  
 18 A It depends on what operation was  
 19 going on at the time.  
 20 CAPT. HIGGINS:  
 21 Thank you, sir.  
 22 HON. JUDGE ANDERSEN:  
 23 Any other Board questions?  
 24 EXAMINATION BY LT. BUTTS:  
 25 Q Thanks for your patience. I

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1 greatly appreciate it. Just a couple.  
 2 You had mentioned about your DPO  
 3 training specifically, and you mentioned  
 4 that you went to Kongsberg for that  
 5 training?  
 6 A Yes, Kongsberg Simrad.  
 7 Q Now, what do they provide? Do  
 8 they provide training that's specific to  
 9 their equipment or dynamic positioning  
 10 officer training?  
 11 A It's not officer training. It's  
 12 actually dynamic position training. The  
 13 first one you have to go through is a basic  
 14 course, which lasts a week.  
 15 At the end of that course, you get  
 16 a little booklet that you have to bring back  
 17 to the rig with you and go do your training,  
 18 on-the-job training with your senior, the  
 19 senior DPO.  
 20 Q Okay.  
 21 A After six months of that and  
 22 logged on your book, the captain's  
 23 signature, end of the hitch and all that,  
 24 you go back to Kongsberg and you do an  
 25 advanced DP training, which that is mostly

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1 simulation, you know, how to control certain  
 2 situations doing simulations.  
 3 Again, with that little bitty  
 4 book, six months after that, after, you  
 5 know, the captain's approval and all this,  
 6 that book is sent to England, to the  
 7 Nautical Institute.  
 8 They take that book, investigate,  
 9 you know, your background and everything.  
 10 They award you a DP certificate.  
 11 Once you receive that certificate  
 12 from the Nautical Institute, then you are a  
 13 certified DPO.  
 14 Q Okay. And in that training, did  
 15 they have scenarios for emergency situations  
 16 as far as, you know, if the engines were  
 17 ramping up, the main diesel engines, how to  
 18 react to that, how to counterreact?  
 19 A Yes, we did that, and there are  
 20 other courses that I took. I did the SDP  
 21 drilling simulation course. You had -- What  
 22 did they call that? DP Lessons Learned  
 23 Part 1, DP Lessons Learned Part 2, which  
 24 dealt with switchboards and generators.  
 25 Q Okay. All right. Thank you. The  
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1 voyage data recorder, do you know what  
 2 systems actually fed into the voyage data  
 3 recorder?  
 4 A As far as I know, it was an  
 5 independent system, which we had four  
 6 microphones in the ceiling on the bridge  
 7 itself.  
 8 Q So it was the audio of the bridge.  
 9 Do you know if the fire and gas detection  
 10 system alarms went in there?  
 11 A No, I don't think so.  
 12 Q Any of the operation of the main  
 13 diesel engines?  
 14 A No. It's just a digital voice  
 15 recorder.  
 16 Q Okay. No engine inputs as far as  
 17 how the main diesel engines were operating,  
 18 when they would have come on line and gone  
 19 off line?  
 20 A No.  
 21 Q Okay. Thank you. Drills. You  
 22 said you were on board the DEEPWATER HORIZON  
 23 for seven years, 13 with Transocean. At any  
 24 time during your experience offshore, did  
 25 you ever practice launching those  
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1 davit-launched life rafts?  
 2 A Yes. It is a Coast Guard  
 3 requirement that the -- Well, a Coast Guard  
 4 requirement for lifeboats every three  
 5 months.  
 6 Q Okay. And that's the boats?  
 7 A That's for the boats. For life  
 8 raft davits, we had a list that we went by.  
 9 Each week was a different lecture, and one  
 10 of those lectures was proper procedures for  
 11 launching a life raft using the life raft  
 12 davit.  
 13 We didn't launch them enough to  
 14 where they will go under the rig, but  
 15 sometimes we went as far as hooking them up,  
 16 and we didn't want to swing them over just  
 17 in case somebody would, you know, pop the  
 18 rope, and then we're out of a life raft.  
 19 Q I completely understand. I do  
 20 recognize there is a training, there is some  
 21 provided. I know there's instructions that  
 22 are posted next to the davit-launch life  
 23 rafts.  
 24 A Yes, there are.  
 25 Q And the point that I'm hoping to  
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1 get out of you is while on board, those  
 2 davit-launch life rafts are never actually  
 3 activated?  
 4 A They are functioned.  
 5 Q But lowered and actually gotten  
 6 into?  
 7 A They are functioned weekly, but as  
 8 far as -- No.  
 9 Q Okay. During your weekly drills  
 10 on Sunday at 10:30, does everyone have full  
 11 participation into the evacuation of the  
 12 rig, including the crew that is on tour and  
 13 on the drill floor?  
 14 A Yes. There are some circumstances  
 15 to where some people are excused from the  
 16 drill, depending on the drilling operation,  
 17 what's going on at that time.  
 18 Q So depending upon operations,  
 19 drilling operations, that would dictate if  
 20 the driller, the assistant driller, the  
 21 roustabouts would be excused from the weekly  
 22 drill?  
 23 A Well, I wouldn't say as far as  
 24 them, but, you know, some of the third  
 25 party, where they have to continue  
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1 monitoring their system.  
 2 Q I understand.  
 3 A But most of the -- 95 percent of  
 4 the time the drill floor is doing their  
 5 muster and doing their emergency  
 6 preparations up there.  
 7 Q Okay. And I looked through the  
 8 training and drills, and I did see well  
 9 control was practiced or exercised often.  
 10 Did that include --  
 11 A That was drill floor.  
 12 Q Just the drill floor specifically.  
 13 Can you explain?  
 14 A Well, most of the drill crew.  
 15 Q Okay. Now, between that exercise  
 16 and that drill and abandon unit, was the  
 17 period in between there ever practiced? For  
 18 example, "the well control situation has got  
 19 out of hand. Okay. Now, let's practice the  
 20 changeover in the command. Now let's go  
 21 ahead and evacuate the rig"? Were those two  
 22 drills ever put together at any time?  
 23 A Not that I'm aware of.  
 24 Q Okay. The No. 21 camera, its  
 25 specific position, was that on the drill  
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1 floor itself?  
 2 A Camera 21 is starboard forward.  
 3 It's on top of the starboard forward  
 4 elevator shaft.  
 5 Q Okay. Could you see the guys  
 6 doing something on there?  
 7 A Not to the drill floor, no.  
 8 Q Okay. What about the No. 6? You  
 9 said you put in the No. 6. That was the  
 10 one --  
 11 A That's the monitor No. 6. That's  
 12 our monitor that we have. That's actually  
 13 up right above the forward console, the STC  
 14 console.  
 15 Q Okay. I think that was the one  
 16 you had mentioned where you were trying to  
 17 get a vantage point of where the mud was  
 18 coming from; is that true?  
 19 A Yes. After the captain said  
 20 something, I turned around, I noticed  
 21 monitor No. 6, which camera 21 was on.  
 22 Q I got you.  
 23 A See, you can mix and match. You  
 24 can go from -- change this monitor to camera  
 25 20 or this monitor to camera three, 21 or  
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1 whatever.  
 2 Q Okay. Could you see the origin of  
 3 the mud, where was it coming from, what  
 4 pipe?  
 5 A I couldn't tell which pipe it was.  
 6 Q On the station bill -- And I  
 7 apologize. I didn't make you a copy. I  
 8 didn't know we were going to talk about  
 9 it -- No. 2 lifeboat, you had commented  
 10 about it. This is the DEEPWATER HORIZON  
 11 station bill, lifeboat No. 2. In command is  
 12 the chief mate; is that true?  
 13 A On the --  
 14 Q Lifeboat.  
 15 A The man overboard?  
 16 Q No, sir. These are just the  
 17 assignments for the abandon unit stations.  
 18 I can show it to you if it will help.  
 19 A No.  
 20 Q Okay. And I certainly don't mean  
 21 to put you on the spot. I'm sorry.  
 22 A Say the question again.  
 23 Q Sure. For the abandon unit, so  
 24 abandoning the MODU, and we're specifically  
 25 talking about lifeboats No. 1 and No. 2, I  
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1 think it would certainly benefit us a lot if  
 2 we could kind of understand who was in  
 3 charge of the lifeboats.  
 4 And it says, "Lifeboat No. 2, in  
 5 command, chief mate; second in command,  
 6 senior DPO, off," and then it also indicates  
 7 the coxswain. And then the boatswain is  
 8 third in charge, and then the assistant  
 9 driller.  
 10 Through your testimony, I  
 11 understand the assistant driller is the one  
 12 that's taking the muster; is that true?  
 13 A Right.  
 14 Q Okay. Now, the senior DPO that is  
 15 off, not on hitch, not on watch, it says  
 16 that they are second in charge of the boat?  
 17 A Yes. The senior DPO and the DPO  
 18 are actually the coxswains of the lifeboats.  
 19 Q Okay. And then it says in command  
 20 of lifeboat No. 2 is the chief mate?  
 21 A Yeah, but normally the senior DPO  
 22 takes control.  
 23 Q No, I completely understand, that  
 24 the senior DPO and the coxswain is the one  
 25 that is maneuvering the vessel.  
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1 Now, on lifeboat No. 1, it says  
 2 the person in command of lifeboat No. 1 is  
 3 the master. It also indicates second in  
 4 charge is the DPO off hitch, chief mechanic,  
 5 second or third in charge, and then, of  
 6 course, an assistant driller that I suppose  
 7 would take muster?  
 8 A Right. Yes, that's if they're at  
 9 the lifeboats themselves.  
 10 Q I understand. Okay. So if you  
 11 were off hitch, not on watch, you would  
 12 actually be in command of lifeboat No. 2?  
 13 A Yeah.  
 14 Q Have you ever been in command of  
 15 lifeboat No. 2, a coxswain?  
 16 A In an emergency situation, no, but  
 17 we do --  
 18 Q Practice?  
 19 A Yeah.  
 20 Q When you do practice exercises on  
 21 the Sundays, do you actually load up the  
 22 entire boats with everyone on board, all 73  
 23 people?  
 24 A Sometimes we do, sometimes we  
 25 don't. It's up to the discretion of the

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1 captain.  
 2 Q I understand. Do you know what  
 3 the purpose of the DAMON BANKSTON was, the  
 4 purpose, the reason why the BANKSTON was  
 5 even out there?  
 6 A We were at the end of the well and  
 7 getting towards the end of the well and we  
 8 needed to backload the mud.  
 9 Q Were you also backloading  
 10 equipment off of the DEEPWATER HORIZON for  
 11 stability purposes?  
 12 A They were, you know, backloading  
 13 or off-loading from the BANKSTON. If it was  
 14 strictly for that stability purposes, I  
 15 don't know, because I'm the one who usually  
 16 does the nightly stability, because on my  
 17 watch, you know, noon to midnight, I would  
 18 be the one who does the nightly stability.  
 19 Q Okay. And through your  
 20 calculations, have you needed to backload  
 21 weight off of the DEEPWATER HORIZON onto one  
 22 of the workboats?  
 23 A Yeah.  
 24 Q Okay. Thanks. And you mentioned  
 25 when you did get on the BANKSTON, there were

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1 tanks on board the DAMON BANKSTON on the  
 2 back deck?  
 3 A On the stern.  
 4 Q Okay. And you had sought out  
 5 medical supplies, but there wasn't any?  
 6 A No. What I did, Troy Hadaway  
 7 asked me to run up to the bridge and ask the  
 8 BANKSTON captain what kind of pain  
 9 medication that he had, that they had on  
 10 board.  
 11 Q Okay. All right. Two final  
 12 questions then, and I thank you.  
 13 When the rig went blacked out, did  
 14 the UPS come on and give you any type of  
 15 power whatsoever?  
 16 A The UPSs -- The UPSs did work, so  
 17 the DP systems and some of the SVC.  
 18 Q Okay. So the Simrad system itself  
 19 was powered up?  
 20 A Yeah.  
 21 Q Okay.  
 22 A Some of it, until one of them went  
 23 black, blacked out.  
 24 Q Okay. And finally, the main  
 25 diesel engines and the thrusters, in your

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1 nightly bridge log, do you know if the No. 2  
 2 generator and I think it was the No. 2  
 3 thruster, were they tagged out, meaning they  
 4 were not functional whatsoever?  
 5 A I think No. 2 thruster was.  
 6 Q Okay.  
 7 A But as far as I know, I think we  
 8 had all the other generators available,  
 9 unless they were doing some kind of PMS on  
 10 No. 2. I don't remember.  
 11 LT. BUTTS:  
 12 Okay. Thank you. I just wanted  
 13 to clarify. Thank you for your patience. I  
 14 appreciate it.  
 15 EXAMINATION BY CAPT. NGUYEN:  
 16 Q Captain, just a couple follow-up  
 17 questions.  
 18 For the abandon ship drills that  
 19 you participated in, was there a time when  
 20 the maximum number of people, capacity, the  
 21 maximum capacity, 73 personnel, I believe,  
 22 was there any time 73 persons were loaded  
 23 into a lifeboat?  
 24 A We did a couple of times, but that  
 25 73 personnel was not -- We did not exceed

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1 the 73 personnel.  
 2 Q I understand that. I just want to  
 3 know whether you're just lowering 45, 30, or  
 4 you tried to load 73?  
 5 A It depends on the POB we had at  
 6 the time, so, I mean, I can't give you a  
 7 number of how many people we load up, if the  
 8 captain decides to load up. I mean, I don't  
 9 know how many people.  
 10 Q But it's not a standard procedure  
 11 where the maximum capacity was loaded into  
 12 one lifeboat to see whether it would fit or  
 13 not? That's not one of the criterion for  
 14 the drill?  
 15 A No.  
 16 Q Now, when you're on watch as the  
 17 senior DPO, who do you work for when the rig  
 18 is on station, when you're on watch?  
 19 A When I'm on watch, actually -- Me  
 20 being the senior, I have full control of the  
 21 bridge, unless the captain actually takes  
 22 command. So I'm actually under -- I work  
 23 under the chief mate and the captain.  
 24 Q Okay. So the chief mate and  
 25 captain. So when the vessel is underway,

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1 moving from one location to the next one and  
 2 you're on the bridge, on watch, what's your  
 3 chain of command, still the chief mate and  
 4 the master?  
 5 A Yeah.  
 6 Q Okay. When the VIPs were on the  
 7 bridge during the night of April 20th, the  
 8 captain was on the bridge for that time?  
 9 A Yes.  
 10 Q How about the chief mate?  
 11 A The chief mate was in and out.  
 12 Q Okay. And I understand from your  
 13 testimony that Mr. Winslow asked you to show  
 14 the VIP the simulator; is that right?  
 15 A Yes.  
 16 Q Do you know whether Mr. Winslow  
 17 cleared it with the captain?  
 18 A Yeah. Actually, the captain is  
 19 the one who called me on the phone, and he's  
 20 the one that said Mr. Winslow wants to  
 21 get -- Actually, basically, he told me to  
 22 get the simulator ready, to get it set up  
 23 for the BP guys.  
 24 Q I actually want to make sure  
 25 whether or not Mr. Winslow was the one who

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1 asked you or was it the captain?  
 2 A The captain is the actual one who  
 3 called me.  
 4 Q And he ordered you to do it?  
 5 A Yeah.  
 6 CAPT. NGUYEN:  
 7 Thank you, sir.  
 8 EXAMINATION BY CAPT. HIGGINS:  
 9 Q One last question. When a vessel  
 10 motors on station, do you consider it to be  
 11 a vessel underway?  
 12 A I know we have some controversy  
 13 about that, as to whether -- between, you  
 14 know, the Coast Guard, as to whether the  
 15 vessel would be underway or not, even though  
 16 you're lashed up.  
 17 As far as I know, even though  
 18 we're lashed up, we are a self-propelled  
 19 vessel, no anchors, so from what I was told,  
 20 yes, we would be considered underway.  
 21 Q So you would consider a vessel on  
 22 station dynamically positioned to be a  
 23 vessel underway?  
 24 A From what I was told, yes.  
 25 CAPT. HIGGINS:

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1 Thank you.  
 2 HON. JUDGE ANDERSEN:  
 3 Any other Board questions?  
 4 EXAMINATION BY MR. DYKES:  
 5 Q Mr. Keplinger, I want to back up  
 6 to the night of the incident when you were  
 7 on the bridge at the simulator. You stated  
 8 earlier that you heard a noise, and then you  
 9 looked out the starboard side. Do you  
 10 remember that?  
 11 A Yes. The captain actually heard  
 12 it first, and then I heard it.  
 13 Q What did you hear?  
 14 A It was a high-pitched, a  
 15 high-pitched hissing sound. It was like a  
 16 high pressure.  
 17 Q Okay. And then you looked out the  
 18 starboard -- or you looked at the camera?  
 19 A I seen it out of the corner of my  
 20 eye on monitor No. 6, which would be camera  
 21 21.  
 22 Q Okay. And what exactly did you  
 23 see?  
 24 A I seen mud just spraying out one  
 25 of the starboard lines.

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1 Q And spraying outboard side of the  
 2 rig? You mentioned there are two lines in  
 3 that area, but you couldn't tell --  
 4 A Yeah. They both face out.  
 5 Q Okay. Are those the diverter  
 6 lines? What exactly are those two lines?  
 7 A One is a diverter line and I don't  
 8 know what the other one is.  
 9 Q And then one last question.  
 10 Ballpark figure, the time between the first  
 11 explosion and the second explosion?  
 12 Minutes? Seconds?  
 13 A Seconds. Everything happened one  
 14 after the other. I mean, just like "bam,  
 15 bam, bam." Everything was going -- It was  
 16 happening so fast, I couldn't give you, you  
 17 know --  
 18 Q Okay. That's what I was looking  
 19 for.  
 20 A Yeah, I can't give you a time.  
 21 Q It didn't happen over the course  
 22 of five or 10 minutes? It happened fairly  
 23 quickly?  
 24 A Yes.  
 25 MR. DYKES:

1 working on the rig for several periods of  
 2 time on this well; is that correct?  
 3 A Yes.  
 4 Q Can you tell us in those prior  
 5 hitches on this well, had you experienced  
 6 frequent gas alarms?  
 7 A There were a few times that we did  
 8 gather -- have gas in the shale shakers.  
 9 Q And what is the protocol for  
 10 responding to a gas alarm? Who is supposed  
 11 to do what when a gas alarm is activated?  
 12 A Well, when we receive a gas alarm  
 13 in the shakers, the toolpusher is the one  
 14 who calls the drill floor first to let them  
 15 know, but I call them second, because I  
 16 want -- I call the shaker house first, and  
 17 they normally, you know, are pretty good  
 18 about answering the phone, and I would tell  
 19 them, you know, "Get out. We got gas," you  
 20 know, "dog the door down." Then I would  
 21 call the drill floor, letting them know,  
 22 say, "Hey, I got your guy out of there."  
 23 Q Is this procedure written down  
 24 somewhere, what you're supposed to do when  
 25 an alarm goes off, or is this just your

1 Okay. Thank you. I have no other  
 2 questions.  
 3 HON. JUDGE ANDERSEN:  
 4 Any other Board questions?  
 5 Republic of the Marshall Islands?  
 6 MR. LINSIN:  
 7 Thank you, Your Honor.  
 8 EXAMINATION BY MR. LINSIN:  
 9 Q Good afternoon, Mr. Keplinger. My  
 10 name is Greg Linsin. I represent the  
 11 Republic of the Marshall Islands, the flag  
 12 state for the DEEPWATER HORIZON.  
 13 You testified, if I heard you  
 14 correctly, that you had arrived on this  
 15 hitch the Friday preceding the casualty.  
 16 That would be the 16th; is that correct?  
 17 A Yes. Because on Fridays, we swap  
 18 out.  
 19 Q And how long had it been before  
 20 you had been on board the vessel? How long  
 21 had you been off the vessel before you came  
 22 back on on the 16th?  
 23 A Three weeks. We work three weeks  
 24 on, three weeks off.  
 25 Q All right. And so you had been

1 practice that you have developed over time?  
 2 A I don't remember if it's written  
 3 down or not.  
 4 Q Okay. But is it the bridge that  
 5 exercises control over the personnel when a  
 6 gas alarm goes off or is it the drill floor?  
 7 A I would say it would be us on the  
 8 bridge, because we would have the first  
 9 indications of anything that's going wrong,  
 10 of any detectors that are going off.  
 11 Q Am I correct that when a gas alarm  
 12 is activated, there are three locations on  
 13 the rig that receive the alarm: The bridge,  
 14 the engine control room and the drill shack;  
 15 is that correct?  
 16 A Whether the drill shack receives  
 17 that, I don't know. I haven't been up there  
 18 when anything is going off.  
 19 Q All right.  
 20 A But I do know the alarms go off on  
 21 the bridge and some of them go off in the  
 22 ECR.  
 23 Q All right. And is it one single  
 24 light that is activated or are there  
 25 different lights to indicate different

1 alarms?  
 2 A Okay. The lights you're referring  
 3 to, you're talking about on the ESD panel?  
 4 Q Yes.  
 5 A Each light is determined for a  
 6 certain thing. Red is fire. Blue is -- I  
 7 can't remember if blue is toxic or  
 8 combustible. Amber -- I think blue is gas  
 9 and toxic is combustible -- I mean, amber.  
 10 There's three different color lights.  
 11 Q All right. And so there is a  
 12 light that goes on, and then there is an  
 13 audible component to it?  
 14 A There are two audibles,  
 15 individual, meaning a new message, and, yes,  
 16 a light flashing on the ESD.  
 17 Q Let me ask you this question.  
 18 Given the experience you had on this well  
 19 and the frequency of alarms, gas alarms that  
 20 you would encounter, do you believe or did  
 21 you perceive at all that people on the rig  
 22 had become complacent about these gas  
 23 alarms?  
 24 A No. If you get someone firing  
 25 gas, it's not to be taken lightly, so

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1 complacency would not be a factor.  
 2 Q You did not notice over your prior  
 3 time on this well that there had been any  
 4 change in the protocol or practice or any  
 5 tendency for people to disregard these  
 6 alarms; is that correct?  
 7 A No, no alarms would be disregarded  
 8 unless we make an announcement from the  
 9 bridge to disregard these alarms.  
 10 Q All right. Okay. Now, you  
 11 testified, if I recall, that the first  
 12 explosion on the night of April 20th, on the  
 13 DEEPWATER HORIZON, the first explosion  
 14 occurred before you recall seeing or hearing  
 15 any gas alarms; is that your best  
 16 recollection, sir?  
 17 A Yes.  
 18 Q And from your vantage point on the  
 19 bridge, were you able to determine where  
 20 that first explosion had come from?  
 21 A No. No, I don't know exactly  
 22 where it came from.  
 23 Q But it was much -- It was not as  
 24 loud as the next explosion you heard; is  
 25 that correct?

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1 A Right. Yeah. We still heard it  
 2 and felt it. Your bridge stands out from  
 3 the rig, so it has a springboard effect, so  
 4 you basically feel a lot of stuff.  
 5 Q And in short order, you began  
 6 hearing a series of alarms after this first  
 7 explosion, and you and Andrea Fleytas and  
 8 the other personnel went through the routine  
 9 that you just described, you communicated by  
 10 phone with the drill floor; is that correct?  
 11 A No. While I was adjusting the  
 12 camera, Andrea received a call from the  
 13 drill floor, saying "well control  
 14 situation."  
 15 I had just finished fooling with  
 16 the camera, adjusting and focusing in, is  
 17 when the first explosion is. As soon as the  
 18 first explosion comes, the alarms started  
 19 going off. The captain and all four VIPs  
 20 were up there already, so the captain was up  
 21 there on the bridge at that time.  
 22 Q So Ms. Fleytas had received this  
 23 call from the drill floor before the first  
 24 explosion; is that correct?  
 25 A Right. Right before it.

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1 Q And did anyone give any direction  
 2 in response to that alert from the drill  
 3 floor that there was a well control  
 4 situation?  
 5 A After she got off the phone, she  
 6 looked at me and yelled, "We're in a well  
 7 control situation," which the captain was  
 8 standing right by the stanchion post, which  
 9 is where the PIGA is.  
 10 Actually, I heard it and the  
 11 captain should have heard it, also, but  
 12 there was no time to do anything, because  
 13 the first explosion was right after.  
 14 Q The first explosion occurred very  
 15 shortly after that?  
 16 A Right.  
 17 Q You testified that, again, within  
 18 a very short period of time, there was this  
 19 second explosion after a number of alarms  
 20 went off, and I believe I heard you say,  
 21 sir, that the gas alarms went off just  
 22 before the generator exploded. Is that what  
 23 you had testified?  
 24 A Yeah, before the second explosion.  
 25 Q All right. My question is, what

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1 led you to believe that that second  
 2 explosion was the generator exploding?  
 3 A Because the rig blacked out.  
 4 Q Were there any other factors,  
 5 location, visual indication or anything else  
 6 that led you to believe that it was the  
 7 generator that had exploded?  
 8 A No. Normally if something is  
 9 wrong with the generator, high speed, low  
 10 speed, we get a blackout, it would be  
 11 something to do with a generator.  
 12 Q Okay.  
 13 A Because they're the ones who are  
 14 providing the power for the rig.  
 15 Q Sure. But a substantial explosion  
 16 could cause secondary damage to a generator;  
 17 is that also a fair understanding?  
 18 A I'm not sure what you mean.  
 19 Q Well -- And, therefore, causes a  
 20 blackout immediately?  
 21 A Yes.  
 22 Q All right. The general alarm was  
 23 sounded where in this sequence of events?  
 24 A Right after I made the emergency  
 25 announcement, which would have been right  
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1 after the -- right after the blackout.  
 2 Q And after the second explosion?  
 3 A Which is the second explosion.  
 4 Q And the general alarm you  
 5 testified was in manual mode, and is that  
 6 standard as best you understand it?  
 7 A That's standard practice.  
 8 Q And am I correct that that is a  
 9 mode designed to permit some human judgment  
 10 to make a determination as to whether or not  
 11 a general alarm should be sounded as opposed  
 12 to having it on some automated system?  
 13 A Correct.  
 14 MR. LINSIN:  
 15 All right. No further questions.  
 16 Thank you.  
 17 HON. JUDGE ANDERSEN:  
 18 Thank you very much.  
 19 Transocean?  
 20 MR. HYMEL:  
 21 Thank you, Judge. We have no  
 22 questions at this time. We would like to  
 23 reserve our right to address any questions  
 24 or any issues brought up by any of the  
 25 Parties In Interest.  
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1 HON. JUDGE ANDERSEN:  
 2 Okay.  
 3 BP?  
 4 MR. GODFREY:  
 5 No questions, Your Honor. Thank  
 6 you very much.  
 7 HON. JUDGE ANDERSEN:  
 8 Thank you.  
 9 Halliburton?  
 10 MR. GODWIN:  
 11 No questions, Your Honor. Thank  
 12 you, sir.  
 13 HON. JUDGE ANDERSEN:  
 14 Cameron?  
 15 COUNSEL REPRESENTING CAMERON:  
 16 No questions.  
 17 HON. JUDGE ANDERSEN:  
 18 Weatherford?  
 19 COUNSEL REPRESENTING WEATHERFORD:  
 20 No questions, Judge.  
 21 HON. JUDGE ANDERSEN:  
 22 M-I SWACO?  
 23 COUNSEL REPRESENTING M-I SWACO:  
 24 No questions.  
 25 HON. JUDGE ANDERSEN:  
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1 MOEX?  
 2 MS. KUCHLER:  
 3 Yes.  
 4 HON. JUDGE ANDERSEN:  
 5 I went out of order and you popped  
 6 up.  
 7 MS. KUCHLER:  
 8 That's okay. I was listening.  
 9 HON. JUDGE ANDERSEN:  
 10 It was a test, but you passed.  
 11 MS. KUCHLER:  
 12 I passed. Thank you.  
 13 EXAMINATION BY MS. KUCHLER:  
 14 Q Good afternoon. My name is Deb  
 15 Kuchler. I represent Anadarko and MOEX.  
 16 And, first, I would like to thank  
 17 you for your efforts to respond to that  
 18 situation on behalf of the crew and the rig  
 19 itself.  
 20 A Thanks.  
 21 Q I really just have some follow-up  
 22 factual questions for those of us who are  
 23 not as well briefed in marine issues as you  
 24 are, so be patient with me, please.  
 25 A Okay.  
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1 Q You said that one of the licenses  
 2 that you hold is an STCW 95. What does that  
 3 mean?  
 4 A Basically, it's part of your Coast  
 5 Guard license. STCW 95, what's on there, I  
 6 was approved for navigation and GMDSS.  
 7 Q So what do the letters themselves  
 8 mean?  
 9 A Standard training -- I can't  
 10 remember all of it.  
 11 Q Okay.  
 12 A I can't remember.  
 13 Q No problem. I would like to  
 14 follow up a little bit on Lieutenant Butts's  
 15 questions, because you were asked about your  
 16 licenses, but I don't think you were fully  
 17 asked about your certifications, and  
 18 Lieutenant Butts went through some of that  
 19 with you.  
 20 I just want to make sure that  
 21 we're clear on what your personal training  
 22 and experience is. I had done a little  
 23 research on what a dynamic positioning  
 24 operator does before this, and you ran  
 25 through the requirements of those, but I

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1 wasn't clear on whether you personally had  
 2 undertaken each of those things.  
 3 So if you bear with me for a  
 4 minute, do I understand that you did take a  
 5 dynamic positioning induction course, and  
 6 that would have been the one-week course at  
 7 Kongsberg?  
 8 A Yes, that would be your basic DP,  
 9 which would be the first one.  
 10 Q And you passed that course?  
 11 A Yes.  
 12 Q Okay. And then another  
 13 requirement to get certified is that there  
 14 is some period of time where you have to  
 15 have a sea-going experience where you're  
 16 allowed to become familiar with the job  
 17 functions of a DP, and I understand that a  
 18 minimum of 30 days is required; is that  
 19 right?  
 20 A Yes, that little book I was  
 21 talking about, everything would be  
 22 documented in that book.  
 23 Q Okay. And did you personally have  
 24 that minimum of 30 days?  
 25 A Yes, ma'am.

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1 Q Okay. And how long was your  
 2 period of sea-going familiarization with the  
 3 DP process?  
 4 A It's actually still ongoing. You  
 5 learn new things every day.  
 6 Q Did your time as a DP trainee  
 7 count towards that requirement?  
 8 A Yes. Basically, your DPO trainee  
 9 is your introductory course, introductory  
 10 position to becoming a DPO and senior DPO.  
 11 Q And then the third requirement, as  
 12 I understand it, and you addressed this  
 13 briefly earlier, is a DP advanced course.  
 14 Did you personally take that course, and if  
 15 so, when and where and what was the result?  
 16 A Yes, ma'am. All the courses that  
 17 I mentioned earlier I have personally taken.  
 18 Q Okay.  
 19 A I can't give you any dates on when  
 20 they were done.  
 21 Q Approximate time frame, about how  
 22 long ago this occurred?  
 23 A The last one I attended was the DP  
 24 Lessons Learned Power Simulator, which would  
 25 be the most recent for this year.

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1 Q So it sounds like you have had  
 2 ongoing training throughout your time  
 3 working in dynamic positioning?  
 4 A Yes, ma'am. I was also, on my  
 5 time off, I was also taking Coast Guard  
 6 approved classes in order to sit down and  
 7 take a test to actually get my third mate  
 8 license.  
 9 Q And you said that there was also a  
 10 requirement for a statement of suitability  
 11 by the captain of a dynamic positioning  
 12 ship?  
 13 A Right.  
 14 Q Which captain gave you that  
 15 statement of suitability?  
 16 A That would be either captain that  
 17 was on at the time.  
 18 Q Was that the DEEPWATER HORIZON  
 19 captain?  
 20 A Yes. All my DPO training was on  
 21 board the DEEPWATER HORIZON.  
 22 Q And do I have the time frame  
 23 correct that you were -- How long were you  
 24 on the DEEPWATER HORIZON altogether?  
 25 A About seven years.

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1 Q Okay. And then you did take the  
 2 DP training and certification through the  
 3 Nautical Institute?  
 4 A Yes.  
 5 Q Was a test required at the end of  
 6 that whole process in order to get the DP  
 7 certificate?  
 8 A Well, you see, your basic and DP,  
 9 that's from Kongsberg. You don't  
 10 necessarily have to take it from Kongsberg,  
 11 because there's different types of DP  
 12 systems.  
 13 Once you have completed your basic  
 14 and advance course and your book is  
 15 completed with OJT, the captain's signatures  
 16 and all that, that book is mailed off to  
 17 London, to Nautical Institute, where they  
 18 will take that book, review it, do what they  
 19 have to do before an actual DP certificate  
 20 is issued.  
 21 Q When was your DP certificate  
 22 issued?  
 23 A My DP certificate was issued about  
 24 five years ago.  
 25 Q Are you a member of the

1 International Dynamic Positioning Operators  
 2 Association?  
 3 A I don't follow it on the Internet.  
 4 Q Do you have any other  
 5 certifications besides DP and in addition to  
 6 or besides the licenses you already told us?  
 7 A No. Basically, you know, your  
 8 training, your training courses you have to  
 9 go through for basic, advanced firefighting  
 10 and all of that stuff. Basically, that's  
 11 courses leading up to get your license.  
 12 Q You mentioned briefly on-the-job  
 13 training a minute ago. Aren't there some  
 14 job tasks that a DPO performs that are very  
 15 infrequent, such that on-the-job training  
 16 would be difficult to achieve?  
 17 A Yes, some things are. Sometimes  
 18 you're lucky to be on a rig at the time, but  
 19 if you're off tour, you know, you just ask  
 20 somebody, say, "Wake me up when you all do  
 21 this."  
 22 You know, especially when you get  
 23 on a new well and you start doing your field  
 24 trials with the DP system, you know, that's  
 25 basically a lot of where your training comes

1 from.  
 2 Q Did Transocean provide you  
 3 training by way of simulations or drills for  
 4 those kinds of tasks that would come up  
 5 infrequently that might be hard to get  
 6 on-the-job training for?  
 7 A Some, yes. A lot, no, that you  
 8 would have to be there on-the-job training.  
 9 Q Can you give us some examples of  
 10 what are some of the tasks that you would  
 11 have had simulations and drills for that  
 12 were infrequent and some that you wouldn't.  
 13 A Basically, like field trials has a  
 14 lot to do with movement of the rig, to where  
 15 you're making 180-degree heading changes,  
 16 both axes, you know, port, starboard,  
 17 actually moving the rig around on joystick,  
 18 you're actually on joystick controlling the  
 19 rig.  
 20 Stuff like that can be done on a  
 21 simulator, which we have, but it would be a  
 22 lot better if the person was there actually  
 23 doing it, so you can actually feel how the  
 24 rig handles. Because you have to anticipate  
 25 every move, especially when you're in manual

1 mode.  
 2 Q That kind of thing doesn't happen  
 3 often, because these rigs don't move around  
 4 a lot, right?  
 5 A I think we moved around a lot more  
 6 than other rigs, going from here to there,  
 7 so a lot of joystick practice does come in  
 8 during rig moves.  
 9 Q I have a question for you that  
 10 maybe I'm just not knowledgeable enough to  
 11 know if this is self-evident, but you said  
 12 that there were two DPOs on tour at all  
 13 times and that you took one hour on the desk  
 14 and one hour off.  
 15 Right before the incident, during  
 16 your one hour off, you were working with the  
 17 VIPs at the simulator?  
 18 A Right.  
 19 Q But had they not been there, what  
 20 do you usually do on your one hour off?  
 21 What's the purpose of trading back and forth  
 22 every hour?  
 23 A Well, you see, you work 12 hours a  
 24 day, so instead of sitting at the desk for  
 25 12 hours a day, you know, it kind of gets

1 tiring, so to break up the monotony of the  
 2 situation, you do one hour on the desk and  
 3 one hour off.  
 4 The person who's on the desk, all  
 5 they have to concentrate on is that DP  
 6 system, monitoring the DP system and, you  
 7 know, talking to the boats on the radio if  
 8 they're there.  
 9 Now, the person who is not on the  
 10 desk, well, they're free-floating around, so  
 11 they're talking to vessel traffic, they're  
 12 monitoring the radars, they're monitoring  
 13 SVC systems. Sometimes we have to send out,  
 14 answer e-mails, do reports and, you know,  
 15 things likes that.  
 16 So the person that's off the desk  
 17 pretty much free-flows around and does what  
 18 needs to be done while the other person is  
 19 focusing on one job, which was that DP  
 20 system.  
 21 Q So is it your understanding that  
 22 the purpose of that set-up is to make sure  
 23 that the one who's monitoring the desk is  
 24 able to stay alert --  
 25 A Right.

1 Q -- by not being there for too  
 2 long?  
 3 A Yeah.  
 4 Q And you're still working when  
 5 you're doing the one hour off? You're just  
 6 not manning the desk?  
 7 A Right.  
 8 Q Okay. Now, when you first saw the  
 9 mud on camera No. 6 spraying out and you  
 10 were at the simulator, no alarm sounded at  
 11 all during that incident?  
 12 A No, that was actually monitor  
 13 No. 6, because that was camera 21.  
 14 Q Okay. I'm sorry. But no alarm  
 15 sounded when the mud sprayed out?  
 16 A No, I didn't get any alarms until  
 17 after, immediately after the first  
 18 explosion.  
 19 Q Is that the kind of situation with  
 20 the mud spraying up that you would have  
 21 expected an alarm to sound?  
 22 A Yes, because you didn't know where  
 23 it was coming -- Well, I didn't know where  
 24 it was coming from and I didn't know -- The  
 25 only thing that maybe could come up from the

1 hole is either gas or oil.  
 2 Q So what would you have expected to  
 3 happen when the mud sprayed up if you had  
 4 expected an alarm?  
 5 A At that time, I mean, you  
 6 couldn't -- You just have to act. I mean,  
 7 you can't expect anything. Everything is  
 8 unexpected, but --  
 9 Q Did it indicate a problem to you  
 10 in any way that no alarm sounded when you  
 11 saw the mud spray up?  
 12 A Well, I figured no alarm sounded  
 13 because the mud was coming up. There's no  
 14 gas. The gas is pushing the mud up, so you  
 15 got all that mud coming up first before the  
 16 gas. Then something triggered the first  
 17 explosion, and then the gas came.  
 18 Q Got you. And at that point, then  
 19 the fire and gas alarm did sound?  
 20 A Yes.  
 21 Q Okay. And then you said Andrea  
 22 got a call from the drill floor that was by  
 23 phone?  
 24 A Right.  
 25 Q Is that a land line, like a

1 hard-wired phone, a cell phone, satellite  
 2 phone?  
 3 A Rig phone.  
 4 Q And is that based on wires?  
 5 A Yes.  
 6 Q What would happen in an emergency  
 7 situation if the phone lines went out? Was  
 8 there another means of communication?  
 9 A Yes, there's two other. There  
 10 were actually three other means. You have  
 11 your VHF radios, you have a call-back  
 12 system, and you also have sound-powered  
 13 phones.  
 14 Q Now, you said that, moving on to  
 15 the first explosion, when the gas alarms  
 16 went off, that there were two distinct  
 17 sounds. Can you describe those sounds for  
 18 us and what was the difference between one  
 19 and the other?  
 20 A Two distinct -- For the fire and  
 21 gas system?  
 22 Q Right.  
 23 A Okay. Once you receive an alarm,  
 24 an alarm from the fire and gas, well, the  
 25 SVC gets an alarm and a message and your ESD

1 panel at the same time also gets an alarm,  
 2 and the light flashes red, blue or amber,  
 3 whichever one it is.  
 4 Q Right.  
 5 A Now, the sound from the SVC and  
 6 the ESD panel are two different sounds, so  
 7 that's when you know. When you hear those  
 8 two sounds at one time, then you know -- You  
 9 can be in the front looking at the radar,  
 10 and if you hear those sounds, you know  
 11 something is fire and gas, and you go  
 12 immediately to the fire and gas page and  
 13 pull up whatever.  
 14 Q So there are some situations where  
 15 only one would sound, others where the other  
 16 one would sound, and in this situation, they  
 17 both sounded, which told you you had  
 18 potentially two or more major problems going  
 19 on?  
 20 A Yeah. You see, your SVC has  
 21 alarms for other things, too. The SVC is  
 22 not just for the fire and gas system. You  
 23 have other systems that are connected to  
 24 your SVC. Fire and gas just happens to be  
 25 one of them that's connected to the SVC.

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1 So you still have your generators,  
 2 you have thrusters, you have potable water,  
 3 drill water, you have bulk, all different  
 4 other things associated with the SVC. So if  
 5 you get an alarm on the SVC and you only  
 6 hear that SVC alarm, well, you know, you're  
 7 going to have -- it's either a sensor or  
 8 somebody left a door open too long or  
 9 something like that.  
 10 So when both of them sound off,  
 11 the ESD panel and the SVC, you know exactly  
 12 you have something, a situation with your  
 13 fire and gas.  
 14 Q Okay. You told us earlier that  
 15 those alarms are located in the bridge and  
 16 the engine room; is that right?  
 17 A Yes, I do remember now. The drill  
 18 floor did have an ESD panel on the drill  
 19 floor. There was three ESD panels: Bridge,  
 20 ECR and the drill floor.  
 21 Now, the drill floor, they won't  
 22 get an actual audible alarm. All they would  
 23 see is a light flashing on the ESD panel.  
 24 Q Okay. And who would be manning  
 25 that alarm system on the drill floor; do you

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1 know what position?  
 2 A Actually, nobody monitors that  
 3 from the drill floor. That's the bridge who  
 4 monitors the system, and we have control of  
 5 that system.  
 6 Q Where is it located on the drill  
 7 floor?  
 8 A Inside the driller's shack.  
 9 Q So if someone happened to be in  
 10 the driller's shack when it went off, that  
 11 person could see that the alarm was  
 12 sounding, but if no one were in there, the  
 13 bridge would still be getting notification  
 14 of it?  
 15 A Yes, we would get the alarms. The  
 16 drill floor wouldn't. They would just get a  
 17 light.  
 18 Q What about the engine room, do  
 19 they get a light and an audible alarm?  
 20 A On the ESD panel, they would  
 21 definitely get a light on the ESD panel. I  
 22 don't recall if they would actually get an  
 23 alarm from the ESD panel or not.  
 24 Q Okay. And does anybody, to your  
 25 knowledge, man that alarm system area in the

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1 engine room?  
 2 A Well, no. Again, we have control  
 3 of it, so it's for us.  
 4 Q Okay. So let's say the alarms go  
 5 off, you're on the bridge, you see the  
 6 lights, you hear the audible sounds. How  
 7 does the rest of the rig know that there are  
 8 alarms sounding?  
 9 A That's for us. That's why we have  
 10 the general alarm in the manual mode, to  
 11 give some kind of human judgment as to  
 12 whether this is an actual emergency or if  
 13 this is a false alarm, and if it's an actual  
 14 emergency, then we immediately take action.  
 15 Q So it's up to the folks on the  
 16 bridge to alert the rest of the rig crew --  
 17 A Right.  
 18 Q -- what, if anything, they should  
 19 do in response to an alarm?  
 20 A Right.  
 21 Q You said that Andrea was sending  
 22 out distress signals and you were receiving  
 23 position drop-out when you tried to monitor  
 24 the DP system. Can you explain to me what  
 25 that means, "position drop-out"?

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1 A A position drop-out is when your  
 2 reference systems are no longer available.  
 3 We had two GPSs, two DGPSs, and APOS, which  
 4 is your acoustic positioning.  
 5 I received the -- Three of the  
 6 antennas were on the crown, so when they had  
 7 the fire in the derrick, you know, I  
 8 couldn't receive any GPS signals, so that's  
 9 what causes your position drop-out.  
 10 Q So what would be your response to  
 11 that? Is there anything you can do when  
 12 that situation happens?  
 13 A Not really. You could try  
 14 switching over to another -- I can't  
 15 remember if the port or starboard HPR was  
 16 on. HPR is your hydroacoustic positioning,  
 17 which deals with your APOS, it deals with  
 18 transponders that are on the sea floor,  
 19 which we had five out in a 360-degree array,  
 20 150 meters from the wellhead.  
 21 You could try to switch from one  
 22 pole to the other pole to see if that will  
 23 work, but as far as the GPSs, the GPSs were  
 24 gone. There was nothing you could do about  
 25 that.

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1 Q And you said the general alarm did  
 2 go off?  
 3 A Yes.  
 4 Q How would the crew see or hear the  
 5 general alarm? What would happen that they  
 6 would know the general alarm was being  
 7 sounded?  
 8 A There are speakers, through the  
 9 loudspeaker system, through the PIGA.  
 10 Q And you personally heard it?  
 11 A Yes.  
 12 Q Who were the two electricians that  
 13 you said went with Steve Bertone to try to  
 14 start the standby generator?  
 15 A I think one was Mike Williams and  
 16 I can't remember who the other one was.  
 17 Q And they weren't able to start it;  
 18 is that your understanding?  
 19 A Right, they weren't able to --  
 20 Well, they came back and said, told the  
 21 captain that they were unable to start it.  
 22 Q Okay. Now, I know I'm going to  
 23 take some ribbing from Mr. Fanning for a  
 24 couple of weeks over this next question.  
 25 You said there was a video on the

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1 bridge that would have captured the transfer  
 2 of authority from the OIM to the captain?  
 3 A Not a video.  
 4 Q I thought that's what you said.  
 5 A No, it's a video -- It's a digital  
 6 voice recorder. It's called a DVR.  
 7 Q Okay. Here's the question Pat is  
 8 going to make fun of me for. Where is that  
 9 digital recording now? And I know you're  
 10 probably going to say "it's at the bottom of  
 11 the Gulf," right?  
 12 A (Nods head affirmatively).  
 13 Q Okay. Was there anything on the  
 14 rig similar to a plane's black box that  
 15 would record key data like that that could  
 16 be protected and retrieved after a major  
 17 incident?  
 18 A That would be your black box.  
 19 Q So if it is retrieved, would you  
 20 expect that it is -- Was it in a situation  
 21 like a black box, that would be protected  
 22 from the elements, that it could be  
 23 retrieved?  
 24 A Yes. And it's actually -- It's  
 25 not black. It's an orange canister looking

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1 thing. It sat right above the port forward  
 2 elevator, and I guess it could be retrieved.  
 3 Q Do you know if it has been?  
 4 A I don't have a clue.  
 5 MS. KUCHLER:  
 6 You see, Mr. Fanning, that was not  
 7 a trick question. I just wanted to let you  
 8 know.  
 9 MR. FANNING:  
 10 I will bring that up to you later.  
 11 EXAMINATION BY MS. KUCHLER:  
 12 Q Was there any real-time feed of  
 13 that audio recording that would have been  
 14 captured at the office or someplace else?  
 15 A No.  
 16 Q So the only place we could go to  
 17 get that audio recording would be that  
 18 orange canister?  
 19 A Yes.  
 20 Q Okay. You said you arrived at the  
 21 DEEPWATER HORIZON on Friday, April 16th.  
 22 While you were working over the weekend or  
 23 during your time off, did you hear anything  
 24 about the drilling operations that were  
 25 ongoing over the weekend?

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1 A When I got there, the person I  
 2 replaced, we do handover notes, so what  
 3 happened in his three weeks, he would, you  
 4 know, type it up and hand it to me, and I  
 5 would do the same before I leave. So  
 6 everybody does handovers, you know, the DPO  
 7 and senior DPO, so he would tell me what had  
 8 been going on within those three weeks.  
 9 When I got there, they were pretty  
 10 much close to finishing up, finishing up the  
 11 well.  
 12 Q Did you hear anything about the  
 13 way the cement job went or the negative test  
 14 that was performed or how it was  
 15 interpreted, any of those kinds of details?  
 16 A No. The only thing I can relate  
 17 to that is the chief mate assists with  
 18 cement.  
 19 Q Who was the chief mate?  
 20 A The chief mate, Dave Young.  
 21 Q Did he tell you anything about the  
 22 way the job went?  
 23 A No. He doesn't actually perform  
 24 the job. He just transfers cement from one  
 25 tank to the Halliburton hopper. Halliburton

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1 is the one who takes it from the hopper and  
 2 mixes it and sends it downhole. He's just  
 3 filling up their hopper, so they can mix the  
 4 cement to their specifications.  
 5 Q So over that weekend, from when  
 6 you got there on Friday until the incident  
 7 occurred, you hadn't heard about any  
 8 problems or issues going on with the well of  
 9 any kind?  
 10 A Not that I remember, no.  
 11 Q Okay. And what is a CGD? Is that  
 12 a combustible gas detection alarm?  
 13 A Yes.  
 14 Q Is that the same as the fire and  
 15 gas system?  
 16 A That's one of the detectors. You  
 17 have a certain amount -- You have a  
 18 certain -- You have different kinds of  
 19 detectors that are on board, being whether  
 20 it's an ash, which is your smoke, your CGD,  
 21 which is your combustible gas. Your TGD is  
 22 your toxic gas. Your IRs are your infrareds  
 23 and so forth and so on.  
 24 Q You mentioned in the handwritten  
 25 statement that you wrote for the Coast Guard

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1 that after the explosion, you received a  
 2 bunch of CGD alarms from the drill floor,  
 3 shaker house, and then the main deck. Can  
 4 you tell us more about that?  
 5 A Yes. Those are just places that I  
 6 had noticed that the gas was coming from.  
 7 It could have been more places than that. I  
 8 was just naming a few of examples where they  
 9 were coming from.  
 10 Q So although the alarm sounds and a  
 11 visual report comes to the bridge, there are  
 12 sensors around the rig that pick up this  
 13 information and transmit it?  
 14 A Yes, the detectors do.  
 15 MS. KUCHLER:  
 16 All right. Thank you. Those are  
 17 all my questions.  
 18 THE WITNESS:  
 19 Thanks.  
 20 HON. JUDGE ANDERSEN:  
 21 Thank you. I'm glad that you took  
 22 the position that it's really hard work to  
 23 sit in one place for 12 hours and focus.  
 24 Based on that, maybe the lawyers can all  
 25 raise their rates.

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1 THE WITNESS:  
 2 I don't want to fall asleep  
 3 either.  
 4 HON. JUDGE ANDERSEN:  
 5 Okay. Douglas Brown?  
 6 EXAMINATION BY MR. SEELY:  
 7 Q Good afternoon. Jeff Seely. I  
 8 represent Douglas Brown. How are you?  
 9 A Okay.  
 10 Q Now, from where you ordinarily  
 11 work in there, do you have access to the EDS  
 12 system?  
 13 A The EDS?  
 14 Q Yes.  
 15 A The BOP panel is in the back of  
 16 the bridge.  
 17 Q How far is that from you, where  
 18 you ordinarily work?  
 19 A About 20 feet.  
 20 Q But you weren't provided any  
 21 training about how to EDS?  
 22 A No. Like I say, I'm not  
 23 authorized -- I'm with the marine  
 24 department. I'm not on the drill side.  
 25 Q Did anybody ever tell you about

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1 why you weren't authorized or provided  
 2 training concerning that issue?  
 3 A No.  
 4 Q Now, we heard about the simulator,  
 5 but I want to make sure I'm clear. What is  
 6 the purpose of the simulator?  
 7 A A simulator is a vital piece of  
 8 equipment for our job, which allows us to  
 9 gain more job knowledge to also run the  
 10 simulations of different things. You know,  
 11 for example, we can run two generators on  
 12 line, one with four thrusters, one thruster  
 13 goes out, what do you do, and, you know, so  
 14 forth. It's a training tool and also a  
 15 vital piece of safety equipment for our job,  
 16 to keep the rig, you know, safe.  
 17 Q When you use the words "our jobs"  
 18 in that sentence, whose jobs are you  
 19 referring to?  
 20 A "Our job" meaning people, you  
 21 know, DPOs, people who work on the bridge.  
 22 Q And what was the purpose of having  
 23 the VIPs play with the simulator?  
 24 A That was something -- That was not  
 25 my decision for them to do that. That's  
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1 something that the captain and Winslow  
 2 wanted them to do, I guess to see how the  
 3 vessel would react in a joystick mode and  
 4 while you're in joystick.  
 5 Q Is there anything within the VIPs'  
 6 scope of work that would have necessitated  
 7 them spending time on the simulator?  
 8 A I wouldn't know that.  
 9 Q Do you believe that -- Well, as I  
 10 understand it, you work an hour on, an hour  
 11 off from the desk, right?  
 12 A Yes.  
 13 Q And when you're an hour off, do  
 14 you think that you play an important role up  
 15 there doing work?  
 16 A Yeah, because the hour off, you're  
 17 still monitoring other things.  
 18 Q You're evaluating vessel traffic,  
 19 monitoring radar?  
 20 A Answering phones and on the radio  
 21 and other stuff.  
 22 Q I assume that you have a lot of  
 23 opportunities to send and respond to e-mails  
 24 and so forth?  
 25 A Yes.  
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1 Q And that's something that you do  
 2 when you're not on?  
 3 A Yes, e-mails and reports and stuff  
 4 like that.  
 5 Q And obviously, giving simulator  
 6 lessons to VIPs is not something that's in  
 7 your core scope of work?  
 8 A No.  
 9 Q Would you agree with me that to be  
 10 100 percent focused on what is your scope of  
 11 work, that opportunity to maintain focus is  
 12 diminished when you're having to deal with  
 13 VIPs on a simulator?  
 14 A No, not necessarily. I mean,  
 15 while you're still doing one thing, you can  
 16 still get the information from the person  
 17 who's on the desk.  
 18 Q You can't send and receive  
 19 e-mails?  
 20 A No. Well, no, you can't send and  
 21 receive e-mails. I mean, e-mails can wait.  
 22 Q You can't be face to face with  
 23 radar monitoring?  
 24 A Yeah, you do have a radar that's  
 25 at a DP desk where Andrea will be sitting  
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1 at, plus you do have another radar and an  
 2 Ectus on the forward console.  
 3 Q But in those moments in which  
 4 you're dealing with VIPs on a simulator, am  
 5 I right that for some of your core scope of  
 6 work, that you would be relying on somebody  
 7 like Andrea to inform you about certain  
 8 things, right?  
 9 A Yes.  
 10 Q And she has her own job  
 11 responsibility at the desk in the ordinary  
 12 course of business?  
 13 A Yes.  
 14 Q Now, you have been very helpful,  
 15 and we truly appreciate it, going through  
 16 this timeline of what you observed, and I  
 17 would like to go through some of that and  
 18 make sure that I understand the sequence of  
 19 events. All right? At the time you  
 20 understood there was a well control  
 21 situation, who was up there with you guys?  
 22 A I think I stated earlier that it  
 23 was me, Andrea, the captain, two Transocean  
 24 VIPs and two BP VIPs, and the chief mate was  
 25 in and out.  
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1 Q And thereafter, I understand that  
 2 you had a conversation with the BANKSTON at  
 3 some point in time concerning a situation  
 4 which there was people overboard, correct?  
 5 A Yes.  
 6 Q And at any point in time from the  
 7 time that the well control situation began  
 8 until the time you exited the vessel,  
 9 obviously, did you have any other  
 10 conversations with the BANKSTON?  
 11 A Yes, I did. I was basically the  
 12 only one that communicated with the  
 13 BANKSTON. At some point in time, I did ask  
 14 him to leave the side of the rig, leave port  
 15 side, there was an emergency situation, and  
 16 he responded that he couldn't, because he  
 17 had the hose, but when I looked out the  
 18 window, he was basically moving out anyway.  
 19 Q Do you remember any other  
 20 conversations you had with him?  
 21 A No. Basically, it was just that,  
 22 getting him to get off the side of the rig  
 23 and getting him to retrieve personnel in the  
 24 water, and basically that was about it.  
 25 Q At the time of the incident, would  
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1 you have been considered Andrea's boss?  
 2 A I am Andrea's immediate  
 3 supervisor.  
 4 Q During this time period, this  
 5 crisis time period, what direction did you  
 6 provide her about what she needed to be  
 7 doing?  
 8 A Actually, the captain provided her  
 9 what to do.  
 10 Q What did you recall him telling  
 11 her?  
 12 A I can't say what he had told her,  
 13 because I wasn't in the conversation. I do  
 14 know she was making mayday calls and hitting  
 15 distress buttons on the GMDSS.  
 16 Q Anything other than those issues  
 17 that you observed?  
 18 A I don't know. You would have to  
 19 ask her. I didn't give her anything to do.  
 20 I was basically just doing what I needed to  
 21 do.  
 22 Q As I understand it, someone from  
 23 the drill floor called and Andrea spoke with  
 24 that person; is that right?  
 25 A Yes.  
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1 Q And I should call her by her last  
 2 name. Is that Fleytas? Is that  
 3 Ms. Fleytas?  
 4 A "Fleytas."  
 5 Q "Fleytas." And, sorry, but you  
 6 don't know who the person was from the drill  
 7 floor?  
 8 A I actually asked her, and she said  
 9 it might have been the driller, because you  
 10 do have a caller ID on the rig phones.  
 11 Q Did you ever speak to anybody on  
 12 the drill floor?  
 13 A No.  
 14 Q And as I understand it, you did  
 15 not call to the engine room?  
 16 A No.  
 17 Q And you weren't instructed by  
 18 anybody to call to the engine room?  
 19 A No.  
 20 Q But at some point in time you  
 21 informed the rig through essentially the  
 22 intercom system that this was not a drill;  
 23 is that right?  
 24 A Right.  
 25 Q Did someone tell you to do that?  
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1 A Andrea was instructed by the  
 2 captain to make the emergency announcement.  
 3 She came to me. She said she couldn't do  
 4 it. She looked pretty nervous, so I just --  
 5 I went ahead and did it.  
 6 Q So we're clear, the captain tells  
 7 her to do it, but she didn't feel that she  
 8 was in a position to accomplish what she was  
 9 asked?  
 10 A No, she said she thinks she  
 11 couldn't do it. Because with everything  
 12 going on, you know, she was nervous and  
 13 everything, you know, upset, so she didn't  
 14 think that she can do it, so I did it.  
 15 Q Was there a discussion -- Did you  
 16 overhear at all a discussion prior to the  
 17 time period of Ms. Fleytas coming up to you  
 18 and informing you or requesting of you to  
 19 make this intercom announcement, had the  
 20 issue of making that "this is not a drill"  
 21 announcement been discussed? Put  
 22 differently, was that the first you heard of  
 23 it?  
 24 A Yeah, that's when the captain told  
 25 her to make the announcement.  
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1 Q And did you hit the general alarm  
 2 before or after making that announcement?  
 3 A I don't remember if I hit the  
 4 general alarm or not. Either I did it or  
 5 Andrea did it. I couldn't remember if I did  
 6 or not, but I know I did make an  
 7 announcement. The chief mate did hit the  
 8 manual call on his way out, which would also  
 9 set off the general alarm.  
 10 Q Did someone direct you to hit the  
 11 general alarm?  
 12 A No, it was common practice when  
 13 you make the announcement to hit the alarm,  
 14 because it's on the same panel that you're  
 15 talking on.  
 16 Q You had to do that manually; is  
 17 that right?  
 18 A Yeah. You lift a flap and push a  
 19 button.  
 20 Q Have you worked as a DPO on any  
 21 other vessel?  
 22 A No.  
 23 Q Now, I think you explained before  
 24 that at some point in time someone up there  
 25 indicated that the situation was under

1 control; is that right?  
 2 A Yes, I did hear someone say that.  
 3 Q Do you know -- I would like to  
 4 understand when in the sequence of events  
 5 that discussion took place. Do you know if  
 6 it was -- Let's just take it sequentially.  
 7 Before or after the first explosion?  
 8 A I don't remember when, but I did  
 9 hear somebody say that, and I couldn't tell  
 10 you at what point in time that it was said.  
 11 Q At the time, was mud coming out of  
 12 the derrick?  
 13 A I don't know. I can't tell you --  
 14 I don't remember when it was actually said.  
 15 Q But it was a number of minutes  
 16 after you first understood that there was a  
 17 well control situation?  
 18 A Yeah.  
 19 Q Had alarms gone off before or  
 20 after that or do you recall? Or excuse me.  
 21 Had alarms gone off prior to that, him  
 22 telling you that the situation was under  
 23 control?  
 24 A No, the fire alarms went off  
 25 immediately after the first explosion. When

1 that was said, I don't know. I know it  
 2 was -- It was after the well control was  
 3 mentioned, but I couldn't tell you where in  
 4 the sequence of events, where it was. If it  
 5 was before the first one or after the first  
 6 one, before the second one, after the second  
 7 one, I don't know.  
 8 Q Well, from your point of view, at  
 9 that point in time, in light of the fact  
 10 that you were in a well control situation,  
 11 did you agree that the situation was under  
 12 control?  
 13 A After the second explosion? No.  
 14 Q Am I right that the captain was  
 15 requested on three different occasions, or  
 16 it was after the third request that the  
 17 captain finally agreed to EDS?  
 18 A Yes, but the questions were asked  
 19 a couple of seconds after each other.  
 20 Q By Chris Pleasant?  
 21 A Yes.  
 22 Q So he comes into the room, says,  
 23 "I want to EDS. Give me authority." The  
 24 captain says "no," the captain says "no,"  
 25 and then finally --

1 A No, the captain didn't say  
 2 anything. The captain said -- When Chris  
 3 Pleasant came in, he asked the captain,  
 4 "Should I EDS? Should I EDS? Should I  
 5 EDS?" And on the third one, the captain  
 6 said "yes."  
 7 Q So he was non-responsive for the  
 8 first two?  
 9 A Right. In other words, the  
 10 questions were within seconds of each other.  
 11 Q Did you observe Mr. Pleasant  
 12 attempting to activate the EDS system?  
 13 A I did see him run back to the  
 14 panel.  
 15 Q Did you ever have any discussions  
 16 with him thereafter about whether or not he  
 17 thought the EDS was successful?  
 18 A No, I have not.  
 19 Q And did I hear you correctly that  
 20 you were the last person to leave the  
 21 bridge?  
 22 A Basically, I was the last person  
 23 to leave the bridge, and I believe I was the  
 24 last one off the rig.  
 25 Q So obviously, the captain left

1 before you from the bridge and headed to --  
 2 A The captain left before me and  
 3 Andrea.  
 4 Q Did he give you -- What I'm trying  
 5 to understand is did he give you any  
 6 instruction upon leaving about why you still  
 7 needed to be in there?  
 8 A No. The only thing I heard him  
 9 say was that "we are abandoning. I have  
 10 given the order to abandon," and they're  
 11 gone.  
 12 So my instinct and training is get  
 13 on that radio to channel VHF 16 and give a  
 14 vessel name, block number, position, so  
 15 forth and so on, and letting people know  
 16 that this rig is being abandoned.  
 17 Q So that was the first time that  
 18 you had heard that the captain did order an  
 19 abandon ship?  
 20 A Yes.  
 21 Q And that was moments before he  
 22 left the bridge?  
 23 A That was right before he left the  
 24 bridge.  
 25 Q And thereafter, you stayed there  
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1 for the sole purpose of communicating  
 2 that --  
 3 A Radio communications, letting  
 4 people know.  
 5 Q All right. Now, as I understand  
 6 it, once you get to the BANKSTON, there is  
 7 obviously personnel up at the bridge frankly  
 8 doing things that you probably don't know,  
 9 because you weren't there; is that fair?  
 10 A Yeah. By the time I got on the  
 11 bridge up there on the BANKSTON, basically  
 12 all the VIPs were up there, Transocean and  
 13 BP. What they were doing, what they were  
 14 saying, I don't know. I just went up there  
 15 to relay information to my captain. You  
 16 know, that was my sole purpose up there, and  
 17 then I left out of there.  
 18 Q Who was directing traffic  
 19 downstairs?  
 20 A Basically, you know, me and a few  
 21 other people were, you know, trying to get  
 22 musters done, trying to get the wounded  
 23 people off.  
 24 Troy Hadaway, he was basically in  
 25 charge of the severely wounded. He was  
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1 tending to those guys. You know, some  
 2 people played some role. We did have some  
 3 guys that helped out with carrying the  
 4 stretchers all the way to the stern to get  
 5 it to the Coast Guard helicopters.  
 6 MR. SEELY:  
 7 I appreciate it. Thank you very  
 8 much.  
 9 THE WITNESS:  
 10 Thanks.  
 11 HON. JUDGE ANDERSEN:  
 12 Dril-Quip?  
 13 COUNSEL REPRESENTING DRIL-QUIP:  
 14 No questions.  
 15 HON. JUDGE ANDERSEN:  
 16 Curt Kuchta?  
 17 MR. SCHONEKAS:  
 18 Very few.  
 19 EXAMINATION BY MR. SCHONEKAS:  
 20 Q Good afternoon, Mr. Keplinger.  
 21 How are you?  
 22 A Good.  
 23 Q Sir, as you know, I represent  
 24 Captain Kuchta. I'm going to try to be  
 25 brief, because it's unimaginable there could  
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1 be more questions that haven't been asked,  
 2 but I'm going to attempt to do that.  
 3 HON. JUDGE ANDERSEN:  
 4 Oh, why?  
 5 MR. SCHONEKAS:  
 6 Because I have to, Judge.  
 7 HON. JUDGE ANDERSEN:  
 8 Okay.  
 9 EXAMINATION BY MR. SCHONEKAS:  
 10 Q There were questions asked by  
 11 Mr. Brown's counsel about the VIPs being in  
 12 the bridge. Do you recall that?  
 13 A Yes.  
 14 Q And he asked some questions about  
 15 them using the simulator. Sir, did the  
 16 existence of the VIPs on the bridge in any  
 17 way contribute to the cause of this  
 18 catastrophe?  
 19 A No, sir. You know, I don't care  
 20 who's on the bridge. That is my bridge  
 21 unless I'm relieved by the captain, so  
 22 basically if anything is going on up there,  
 23 I will know about it no matter who's up  
 24 there.  
 25 Q Did them using the simulators in  
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1 any way interfere with you doing your job,  
 2 sir?  
 3 A No, because I was still being  
 4 informed by Andrea of what alarms were going  
 5 off. You know, basically it's your normal  
 6 alarm, somebody leaving a door open too long  
 7 or the door is not closed all the way.  
 8 Q As you sit here today, can you  
 9 describe in any fashion how those people  
 10 being up there in any way interfered with  
 11 the rescue operations?  
 12 A That I don't know. Basically,  
 13 they were in my way, having to go around  
 14 them to do what I had to do.  
 15 Q But you did it, right?  
 16 A But, yeah, I did it.  
 17 Q All right, sir. Now, there were  
 18 questions asked by the panel about the  
 19 question of who was in control, and you said  
 20 that in the event of an emergency, you  
 21 testified that the captain was in charge; is  
 22 that correct?  
 23 A That's correct.  
 24 Q All right. At any time do you  
 25 recall any person expressing any question

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1 about who was in charge once the explosions  
 2 occurred?  
 3 A No, not that I know of.  
 4 Q Everybody knew aboard that rig,  
 5 sir, that the captain was in charge in the  
 6 event of an emergency; is that right?  
 7 A Yes, it's understood.  
 8 Q All right, sir. Now, after the  
 9 two explosions, can you describe the heat  
 10 for the panel in terms of the heat that was  
 11 being generated by this fire?  
 12 A Well, I really didn't feel the  
 13 heat until I left the bridge.  
 14 Q When you went out on the bridge,  
 15 describe for us what it was like. And if  
 16 it's too painful, we don't need to do it,  
 17 sir. I will move on.  
 18 A Move on.  
 19 Q Were you concerned, sir, about  
 20 getting off of that rig alive?  
 21 A When I seen actually firsthand  
 22 what was going on outside, yeah, because  
 23 even while I was in the water, swimming that  
 24 life raft away, you couldn't help but think  
 25 of the rig tilting and falling on you.

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1 Q And, sir, when the captain gave  
 2 the direction to the lifeboat to leave, you  
 3 indicated that you were behind him and you  
 4 believed that he didn't know you were there,  
 5 correct?  
 6 A It's a possibility he could have  
 7 known I was there. He could have known I  
 8 wasn't there. I mean, I don't know. I  
 9 can't see through his eyes.  
 10 Q But you were disgusted because you  
 11 felt like you had to remain behind with him;  
 12 is that right?  
 13 A No, I was disgusted because I  
 14 thought we both had time to get in that life  
 15 raft.  
 16 Q And you felt like you should have  
 17 gotten in the life raft, but the captain  
 18 said, "I'm going to stay behind"?  
 19 A No, the captain didn't say that.  
 20 Q Well, he stayed behind, correct?  
 21 A Well, yeah, I guess that was his  
 22 intentions.  
 23 Q And you were upset because he  
 24 chose -- He said, "I don't know about you,  
 25 but I'm going to jump," correct?

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1 A Yeah, and he jumped. He didn't  
 2 give me time to answer.  
 3 Q And, sir, did you feel as though  
 4 there was enough time to dispatch, as I  
 5 believe that Captain Butts asked you, to  
 6 dispatch a life raft, to hook up one to the  
 7 davit? Did you feel that that was something  
 8 you could do under those circumstances?  
 9 A By myself, I know I can do it, but  
 10 given the time, with the smoke coming up  
 11 from under the deck and the heat getting  
 12 more intense on the back of my neck, I  
 13 didn't want to be there any longer.  
 14 Q So you chose to jump as well; is  
 15 that right?  
 16 A Yes.  
 17 Q All right. Sir, are you aware of  
 18 anyone that was left behind and not rescued?  
 19 A As far as I know, it was not until  
 20 I got to the BANKSTON that I found out that  
 21 11 people did not make it. But nobody that  
 22 was on that lifeboat deck was not left  
 23 behind.  
 24 Q There were some questions asked  
 25 earlier today, sir, about the culture aboard

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1 the DEEPWATER HORIZON, but you were not in  
 2 here. I would like to know, sir, whether or  
 3 not there was a lackadaisical attitude  
 4 towards safety aboard the HORIZON?  
 5 A No, safety was priority No. 1.  
 6 Q Did you ever feel as though, sir,  
 7 that you couldn't stop work or do anything  
 8 to increase the safety aboard the HORIZON?  
 9 A No, we had the obligation to stop  
 10 a job if we see fit, if we deem it's unsafe.  
 11 Q And you lived aboard that rig; did  
 12 you not, sir?  
 13 A Yes, six months out of the year.  
 14 Q Did you know anybody that didn't  
 15 feel as though they couldn't stop anything  
 16 that they believed to be unsafe?  
 17 A Not that I'm aware of.  
 18 Q Now, there were a couple of  
 19 questions asked, again, I believe by  
 20 Mr. Brown's counsel about Andrea being on  
 21 the bridge as well. Do you know whether, in  
 22 fact, she left on a lifeboat or a life raft?  
 23 A She was actually pushed into the  
 24 life raft. A good thing. After being  
 25 pushed, Dave Young caught her life jacket

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1 and she actually grabbed the side of the  
 2 life raft and went down. It was then when  
 3 her, Dave Young and I think -- actually  
 4 jumped out of the life raft and started  
 5 swimming.  
 6 Q Sir, did you feel as though you  
 7 had time to walk around and travel down the  
 8 ladder or the steps that Captain Higgins  
 9 described, and then jump 15 or 16 feet as  
 10 opposed to where you jumped from?  
 11 A Those -- No, I don't think. I  
 12 don't think you would have time. It would  
 13 be a lot faster to jump from where you're  
 14 at.  
 15 Q And you're glad you did, right,  
 16 sir?  
 17 A Yes.  
 18 MR. SCHONEKAS:  
 19 Thank you. That's all I have.  
 20 HON. JUDGE ANDERSEN:  
 21 Thank you. We have a witness,  
 22 remember, in California at 2:00, so that's  
 23 why we're going to plug through here.  
 24 Steve Bertone?  
 25 COUNSEL REPRESENTING MR. BERTONE:

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1 No questions.  
 2 HON. JUDGE ANDERSEN:  
 3 Mike Williams?  
 4 MR. PENTON:  
 5 Yes, Judge.  
 6 EXAMINATION BY MR. PENTON:  
 7 Q Ronnie Penton on behalf of Mike  
 8 Williams.  
 9 Mr. Keplinger, you answered a lot  
 10 of questions, and I'm going to try to not  
 11 plow that ground again, but there are some  
 12 things that I need to understand, and the  
 13 first thing that I need to understand may be  
 14 simpler than the actual event, and that is  
 15 how the general alarm is designed to work  
 16 based upon your experience with it and how  
 17 it interfaces with the ESD system. Okay?  
 18 A Uh-huh (affirmative response).  
 19 Q Is that okay, Mr. Keplinger?  
 20 A Yeah. Great.  
 21 Q All right. You have testified  
 22 that the general alarm system was in manual  
 23 mode; is that correct?  
 24 A That's right.  
 25 Q It is true, is it not, that the

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1 general alarm is designed and is equipped to  
 2 have an automated mode?  
 3 A It can be set on automatic.  
 4 Q Okay. And so the general alarm  
 5 system in automatic, how does it work when  
 6 the fire and gas alarm systems sense one of  
 7 the three hazards --  
 8 MR. SCHONEKAS:  
 9 Judge, I'm -- I'm sorry. Go  
 10 ahead, Ronnie.  
 11 EXAMINATION BY MR. PENTON:  
 12 Q -- combustible gas, toxic gas, and  
 13 the third one is fire?  
 14 MR. SCHONEKAS:  
 15 Judge, I'm going to object, the  
 16 reason being the Coast Guard regulations  
 17 required that the general alarm be operated  
 18 in a manual fashion. We introduced the  
 19 circular before. And for Mr. Penton to go  
 20 into how it can be done in an automated  
 21 fashion I submit to you is irrelevant.  
 22 MR. PENTON:  
 23 This Board is not -- The purpose  
 24 of this Board is not to rule on issues of  
 25 law. These are issues of fact, how this

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1 system works, and we have a right to ask  
 2 those questions.  
 3 HON. JUDGE ANDERSEN:  
 4 Yes, I think he's asking if that's  
 5 how the system worked in that regard. So  
 6 with respect to his question, is that how it  
 7 worked?  
 8 THE WITNESS:  
 9 If the system is set in an  
 10 automatic mode and you do have a confirmed  
 11 fire, this system, the general alarm would  
 12 go off automatically without anybody  
 13 touching it.  
 14 EXAMINATION BY MR. PENTON:  
 15 Q Thank you, sir. Now, I would like  
 16 to talk about the three modes of the fire  
 17 and gas systems and how it interfaces with  
 18 the general alarm.  
 19 You told me about the fire. I  
 20 appreciate that. On the combustible gas,  
 21 which I believe is the -- Is that the blue?  
 22 A I think it's blue or amber. I  
 23 can't remember which one it was.  
 24 Q All right. Blue or amber. If the  
 25 fire/gas system senses combustible gas, then  
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1 from the general alarm system, will there be  
 2 a blue or amber, whichever one it is, light  
 3 come on on stanchions on the rig at various  
 4 places?  
 5 A Yes.  
 6 Q Okay. If the fire and gas system  
 7 senses toxic gas at a certain level, will  
 8 the yellow light on the post come on at  
 9 various places around the rig?  
 10 A Yes.  
 11 Q And the same with the red on the  
 12 fire, correct?  
 13 A Yes.  
 14 Q And the purpose of those lights  
 15 are to warn the crew; is that correct?  
 16 A That's one of the warnings.  
 17 Q All right. And the audible mode  
 18 of the general alarm is to alert the crew on  
 19 board of one of the three impending  
 20 potential hazards, correct?  
 21 A Like I stated earlier, if it was  
 22 set in automatic mode, they would  
 23 automatically go off without personnel help.  
 24 Q Okay. Now, in order for -- And  
 25 we're dealing with a combustible gas mode  
 Page 274

1 here, correct, in this event, and then  
 2 later, I guess, we're dealing with a fire  
 3 situation, correct?  
 4 A Right.  
 5 Q Okay. Now, what happens if enough  
 6 flammable combustible gas is in the rig  
 7 ambient environment and the fire/gas system  
 8 senses that threshold of gas? What actually  
 9 electronically happens?  
 10 A Your ESDs should go off.  
 11 Q All right. And when the ESDs go  
 12 off, they sense which zone --  
 13 A The ESDs are by zone.  
 14 Q Correct. And it may be more than  
 15 one, but even if it's one, the ESDs will at  
 16 that point attempt to protect that hazard  
 17 zone, correct?  
 18 A That hazard zone being that area.  
 19 Q That area, correct? Correct?  
 20 A Right.  
 21 Q And so you're seeking zonal  
 22 isolation of that zone, and the ESD will  
 23 automatically do that, correct?  
 24 A Yes, the ESDs will start shutting  
 25 things down.  
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1 Q Right. Now, if the fire/gas  
 2 systems and general alarm systems were  
 3 properly functioning --  
 4 A They were properly functioning.  
 5 Q Okay. If they were --  
 6 A I mean, no, they worked.  
 7 Q All right.  
 8 A Fire and gas was in proper  
 9 operation. There was nothing that hindered  
 10 that operation whatsoever.  
 11 Q I believe you. This is my  
 12 question. Isn't it true, though, that  
 13 before you can have a combustion event, call  
 14 it an explosion, before you can have a  
 15 combustion event, the fire and gas systems  
 16 should sense that impending hazard?  
 17 A That's why the detectors will go  
 18 off.  
 19 Q And so if I'm listening to your  
 20 testimony -- And I'm not sure I heard it  
 21 right. There were so many questions that  
 22 were asked of you. But did I hear you say  
 23 that you felt that there was a combustion  
 24 event, an explosion before you ever heard a  
 25 gas alarm?  
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1 A Yes. I'm telling you that gas  
 2 detectors did not go off until after the  
 3 first explosion.  
 4 Q So do you have any -- And I  
 5 understand you're a DP professional, you're  
 6 not an engineer, and neither am I, but have  
 7 you ever read in any of the materials in  
 8 your Kongsberg training or anywhere that  
 9 it's possible for the gas alarms not to go  
 10 off and there be an explosion?  
 11 A Why would you have gas detectors  
 12 on board if you don't think they will work?  
 13 Q Well, I agree with you, but let me  
 14 ask you this. Do you think maybe you just  
 15 didn't hear the gas alarms before that  
 16 explosion?  
 17 A No, I'm telling you the gas alarms  
 18 didn't come until after the first explosion.  
 19 There was nothing before the first one.  
 20 Q So based upon your Kongsberg  
 21 training, your Simrad training, is it true  
 22 that the gas alarms were intended to sense  
 23 an alarm at the threshold value where  
 24 combustion may take place?  
 25 A Your gas detectors are there to  
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1 detect gas at certain levels of percent,  
 2 your LEL. Gas is your LEL. Toxic is your  
 3 PPMs, your parts per million.  
 4 So, yeah, your SVC will let you  
 5 know how much percent LEL that single  
 6 detector is detecting. You might have  
 7 multiple detectors that are going off.  
 8 Q Okay. I thank you. Now, what is  
 9 the L -- the "LDL"?  
 10 A "LEL," lower explosive limit.  
 11 Q Okay. What is that limit for  
 12 combustion to take place that those alarms  
 13 are set to?  
 14 A Your low alarm I think is 10, 10,  
 15 15 percent.  
 16 Q Okay. And what is your high  
 17 alarm?  
 18 A Well, anything over that.  
 19 Q Well, can you explain to me, if  
 20 you know, why there was an explosion before  
 21 there was an audible gas alarm of combustion  
 22 on the rig, a combustion environment on the  
 23 rig, if you know?  
 24 A I couldn't tell you that.  
 25 Q Okay. Had you ever heard that,  
 Page 278

1 that that was possible?  
 2 A I can't tell you that either.  
 3 Q Okay. All right. Let's go  
 4 back to -- Let's understand exactly what  
 5 occurs. The gas sensor senses the threshold  
 6 percentage of LEL and it senses -- and it's  
 7 audio, correct? You hear it, correct?  
 8 A Fire and gas, you get two audios  
 9 and one visual.  
 10 Q Okay. And that's on the panel?  
 11 A Well, two visuals.  
 12 Q Two visuals. And that's on the  
 13 panel?  
 14 A No. One is -- You get a visual  
 15 and an audio on the SVC.  
 16 Q Yes.  
 17 A You get a visual and an audio on  
 18 the ESD.  
 19 Q Okay. Now, tell me where on the  
 20 rig all of these cues, audible cues and  
 21 visual cues are being displayed.  
 22 A Well, for your ESD panels, you  
 23 have three panels, so you get one alarm on  
 24 one panel, two visuals on the other two  
 25 panels, meaning one in ECR, one on the drill  
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1 floor and the drill shack.  
 2 Q So who was in the ECR at this  
 3 time?  
 4 A I think Doug Brown and Willie  
 5 Stoner.  
 6 Q And Paul Meinhart?  
 7 A Paul and Brent Mansfield were on  
 8 tour. If they were in there, I don't know.  
 9 But I know those are the ones that were on  
 10 tour.  
 11 Q In any event, we know Doug Brown  
 12 was probably there, correct? He was the  
 13 person in charge of that area?  
 14 A Brent Mansfield was.  
 15 Q Okay. But they would have gotten,  
 16 if they were there, the same cues that you  
 17 got, correct?  
 18 A They would have gotten the same  
 19 things the drill floor did on the ESDs.  
 20 Q So the drill floor got the ESD  
 21 cues, the bridge got it and the ECR got it,  
 22 correct?  
 23 A On the ESD panel.  
 24 Q Okay. Now, once the alarms are  
 25 activated automatically, then how many  
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1 seconds elapse from sensing to activation of  
 2 the automated ESD system?  
 3 A I'm not sure what you're asking.  
 4 Q Okay. A gas alarm goes off right  
 5 now?  
 6 A Yes.  
 7 Q Look at your watch. What do you  
 8 do if you want to stop the automated  
 9 function of the ESD system from occurring?  
 10 A The ESD does not go off unless  
 11 it's a confirmed fire or unless you hit it  
 12 manually.  
 13 Q Okay. Is it your testimony and  
 14 your understanding that the ESD system will  
 15 not go into automatic mode in order to shut  
 16 something down if the --  
 17 A Only if it's confirmed.  
 18 Q Okay. Let me finish. And I do  
 19 appreciate your answers, but confirmed fire  
 20 or confirmed gas levels sufficient for  
 21 combustion?  
 22 A Well, I know it's confirmed fire.  
 23 Whether it's confirmed gas, I don't know.  
 24 Q You don't know that. You were  
 25 not -- Was that the questions that you said  
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1 you don't remember at this time? I lost  
 2 that, too. You said something about the gas  
 3 sensor you didn't remember. Is that what  
 4 you were talking about?  
 5 A No, I wasn't talking about the gas  
 6 sensor. I was talking about the lights,  
 7 between the blue and the amber, which one  
 8 was what.  
 9 Q Okay.  
 10 A That's what I was talking about.  
 11 Q So is it true, though, that the  
 12 combustible gas sensor would necessarily  
 13 have to go off before the fire sensor would  
 14 go off?  
 15 A Well, in this situation, yeah,  
 16 your gas would go off before your fire.  
 17 Q So do you know whether or not, in  
 18 fact, the gas combustible sensor went off in  
 19 this case?  
 20 A Your gas sensors is your gas  
 21 detectors. You all keep calling them  
 22 sensors. They're actually detectors.  
 23 Q Fine.  
 24 A They detect things. Okay?  
 25 Q Okay.  
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1 A I did not get those alarms until  
 2 after the first explosion.  
 3 Q I got you on that.  
 4 A Okay.  
 5 Q But this is --  
 6 A After --  
 7 Q I'm sorry. Go ahead.  
 8 A After that, then we went in the  
 9 system and looked.  
 10 Q Okay.  
 11 A Whether the ESDs went off, I  
 12 couldn't tell you, because I didn't actually  
 13 push the ESDs manually myself.  
 14 Q I understand. But do you know  
 15 whether or not if the gas alarm or the  
 16 detection in the gas system activates and  
 17 goes off and detects combustible gas,  
 18 flammable gas, do you know whether or not  
 19 that will trigger an automatic activation of  
 20 the emergency shut-down system?  
 21 A I don't remember if it will or  
 22 not.  
 23 Q Well, let me ask you this. Isn't  
 24 it logical, just based upon the definition  
 25 of combustion and the definition of actual  
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1 fire, that you want to shut, let's say, the  
 2 ECR, you want to shut the ECR down if  
 3 combustible gas is detected in that zone,  
 4 you want to shut those dampers down, you  
 5 want to shut those fans down and you want to  
 6 starve that space of oxygen in order to kill  
 7 the engines, in order to stop an ignition  
 8 source to the flammable gas?  
 9 MR. HYMEL:  
 10 Judge, let me enter an objection  
 11 here. Once again, this is a fact witness.  
 12 I think it's unfair to a fact witness to ask  
 13 an opinion, because he was sworn to tell the  
 14 truth in this case under penalty of perjury.  
 15 When he's giving an opinion, he's  
 16 not telling the truth or he's not telling  
 17 what's true or not, he's giving an opinion.  
 18 That's not appropriate for a fact witness.  
 19 HON. JUDGE ANDERSEN:  
 20 Okay. Sometimes a person's  
 21 experience would make them knowledgeable.  
 22 The facts as to the sequence, certainly you  
 23 have testified to and other people have, and  
 24 counsel and the Board have those facts, and  
 25 if from that people want to develop opinions  
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1 or we want to call expert opinions, experts  
 2 to testify, we can do that.  
 3 If you believe that your  
 4 experience is so sufficient that you have an  
 5 opinion, then we have invited all witnesses  
 6 to express that to the Board.  
 7 But beyond the facts, you're not  
 8 called upon and required to develop any  
 9 opinions. So if you have an opinion, then  
 10 you can let us know, but if you don't have  
 11 an opinion, because, for example, you might  
 12 not understand other electronic or  
 13 mechanical things involved, then you can  
 14 tell us you don't have an opinion. That  
 15 would not prevent Mr. Williams' counsel from  
 16 making a presentation to the Board or  
 17 somebody else who might have an opinion.  
 18 So if you can answer the question,  
 19 go right ahead, but if you don't have an  
 20 opinion, that would be the truth as well.  
 21 MR. KOHNKE:  
 22 Well, Judge, here's my problem.  
 23 All of us have opinions, and I'm sure this  
 24 witness has opinions as well.  
 25 HON. JUDGE ANDERSEN:

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1 But --  
 2 MR. KOHNKE:  
 3 Let me finish, please.  
 4 HON. JUDGE ANDERSEN:  
 5 Okay.  
 6 MR. KOHNKE:  
 7 But the question is whether that  
 8 opinion is properly supported by a  
 9 foundation to establish a basis to believe  
 10 the opinion.  
 11 Now, we could line up people from  
 12 outside this room. All of them will have  
 13 opinions about any question you ask, but  
 14 there hasn't been a proper foundation to  
 15 establish whether this witness -- whether he  
 16 believes it or not, whether this witness has  
 17 a basis for those opinions. And simply  
 18 putting the foundation back on the witness  
 19 and saying, "Do you think you have a proper  
 20 basis," that's just not enough. I think  
 21 that's why the rules are called into play  
 22 here.  
 23 HON. JUDGE ANDERSEN:  
 24 Okay. Well, you know, that may be  
 25 true. He's a person who's worked with these

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1 alarms for years and years and had  
 2 experience dealing with them, the sequencing  
 3 of them, and what the consequence of their  
 4 alerting is.  
 5 We don't have time for a full  
 6 hearing on all of his qualifications in that  
 7 regard, but it's not as if he's unfamiliar  
 8 at all with these. He's intimately familiar  
 9 with them.  
 10 MR. KOHNKE:  
 11 And I will agree that he is  
 12 intimately familiar with how they are  
 13 monitored and maybe the sequence in which  
 14 they are sounded, but now we're getting into  
 15 areas about how they're engineered, how  
 16 sensors work, and then related to that, how  
 17 another system called an ESD operates, and  
 18 that's beyond a DPO's qualifications.  
 19 HON. JUDGE ANDERSEN:  
 20 And now you hit my four and a half  
 21 minute rule, which is I can't remember the  
 22 question after four and a half minutes of  
 23 argument. So keep in mind your argument  
 24 without my ruling.  
 25 If you want to restate your

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1 question, then I will rule as to whether or  
 2 not the witness can answer. All right. Can  
 3 you remember your question?  
 4 MR. PENTON:  
 5 No, I can't. I obviously can't.  
 6 HON. JUDGE ANDERSEN:  
 7 But, you know, if you would like  
 8 at some point to present to the Board, and  
 9 obviously the Board has similar alarm  
 10 questions, this witness' failure to have  
 11 what we would think of in law as an expert  
 12 opinion on it, it would not prevent the  
 13 Board from addressing those issues.  
 14 MR. PENTON:  
 15 Does the reporter have the  
 16 capability of reading it back, so that if I  
 17 draw another objection, we don't have to do  
 18 this for another five minutes?  
 19 MR. HENNESSY:  
 20 I'm going to complicate things by  
 21 objecting to the form. There were so many  
 22 facts, so many assumptions, I object to the  
 23 form.  
 24 MR. PENTON:  
 25 Okay. I will do it again.

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1 HON. JUDGE ANDERSEN:  
 2 Let him ask his question, and then  
 3 I will either overrule it or allow the  
 4 witness to answer, so we won't have another  
 5 argument.  
 6 What's the question?  
 7 EXAMINATION BY MR. PENTON:  
 8 Q Well, let me ask you first a  
 9 predicate. What is your role,  
 10 Mr. Kleppinger, with respect to the ESD  
 11 system?  
 12 A "Keplinger."  
 13 Q "Keplinger."  
 14 A Yes.  
 15 Q Excuse me.  
 16 A Karl didn't make it, Kleppinger.  
 17 As far as the role of the ESD, it's linked  
 18 to the fire and gas system.  
 19 Q And what is your role with respect  
 20 to the ESD system?  
 21 A During an emergency situation, it  
 22 is the maintenance supervisor who actually  
 23 fools with the ESD panel.  
 24 Q But what is your role in the event  
 25 alarms such as the flammable combustible gas  
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1 alarm goes off in any particular zone, what  
 2 is your role and your job with respect to  
 3 the ESD system and that alarm?  
 4 A If you get an alarm, an ESD does  
 5 go off, does start shutting things down, we  
 6 start investigating. We start making phone  
 7 calls. We call ETs. We call electricians,  
 8 electrical supervisors. We call just about  
 9 everybody, letting them know, "Hey, the ESD  
 10 is shut down. We don't know why." And they  
 11 would go investigate. But if a detector  
 12 does go off, a gas detector, not necessarily  
 13 the ESD will shut down because that detector  
 14 went off.  
 15 Q Okay. But if the alarm goes off,  
 16 what is your job with respect to paying  
 17 attention to that alarm and taking any  
 18 action?  
 19 A The actions I take during an alarm  
 20 that goes off, I find out where it is.  
 21 HON. JUDGE ANDERSEN:  
 22 Asked and answered. You just  
 23 answered that question. Okay. You just  
 24 told us you call around, you talk to the  
 25 electricians.  
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1 THE WITNESS:  
 2 Well, but now he rephrased it to  
 3 without the ESD panel in there.  
 4 MR. HENNESSY:  
 5 That's okay. Just wait for the  
 6 next question.  
 7 THE WITNESS:  
 8 Okay.  
 9 HON. JUDGE ANDERSEN:  
 10 You would do the same thing?  
 11 THE WITNESS:  
 12 No.  
 13 HON. JUDGE ANDERSEN:  
 14 Then you can answer.  
 15 MR. PENTON:  
 16 Do you all need me?  
 17 EXAMINATION BY MR. PENTON:  
 18 Q Go ahead.  
 19 A If a gas detector goes off, we  
 20 find out where it's at. We see if it's  
 21 combustible or toxic. Usually it tells you  
 22 in the message --  
 23 Q All right.  
 24 A -- what detector it is, if it's  
 25 low alarm, if it's high alarm or if it's a  
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1 high high status. We find out where it is.  
 2 If it's just one detector, we will let -- If  
 3 the chief mate is up on the bridge, we will  
 4 let him know. Either he will go down there  
 5 and check it with a detector, a hand-held  
 6 detector, or send somebody else down there.  
 7 If they go down there and detect  
 8 on that hand-held, the space is closed off  
 9 until the gas has dispersed. Phone calls  
 10 are made to appropriate personnel to let  
 11 them know that this place, this spot is off  
 12 limits until deemed safe.  
 13 Q All right. And I think you  
 14 testified you called the shaker house,  
 15 correct?  
 16 A When I seen the alarms on the  
 17 shaker house, yes, I called the shaker  
 18 house.  
 19 Q Right. Did you see alarms in any  
 20 other zone other than the shaker house?  
 21 A There were alarms going off  
 22 everywhere.  
 23 Q So zones on the entire rig were  
 24 showing on your panel as going off, correct?  
 25 A On the SVC, the fire and gas  
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1 system.  
 2 Q Yes. Now, you only called to one  
 3 of those zones, correct?  
 4 A Yes.  
 5 Q You knew there were six, maybe  
 6 more men in the mud room repairing pumps,  
 7 correct?  
 8 A No, I did not.  
 9 Q But you didn't call the mud room?  
 10 A I didn't know anybody was in  
 11 there.  
 12 Q Okay. You didn't call the drill  
 13 shack or the doghouse?  
 14 A The drill shack had called us to  
 15 let us know we're in a well control  
 16 situation.  
 17 Q Okay. You didn't call the ECR?  
 18 A Sir, everything happened so fast,  
 19 the only thing I can do is make that one  
 20 phone call to that shaker room.  
 21 HON. JUDGE ANDERSEN:  
 22 He testified where he made a call,  
 23 so we can assume he didn't call anywhere  
 24 else, so we don't need to run through all  
 25 these places he didn't call.

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1 MR. PENTON:  
 2 Well, Judge, I didn't know all the  
 3 zones. That's the first time I have heard  
 4 the testimony, he said all zones, and that's  
 5 why I asked him about the zones.  
 6 HON. JUDGE ANDERSEN:  
 7 Okay. There was no objection  
 8 there.  
 9 EXAMINATION BY MR. PENTON:  
 10 Q Now, according to your statement  
 11 that you have talked about today, you were  
 12 going back and forth between I think you  
 13 called it the center console; is that  
 14 correct?  
 15 A Center console, the main console.  
 16 Q Yes. You have said in your  
 17 statement you were going back and forth from  
 18 the center console to the SVC?  
 19 A STC console.  
 20 Q STC. And you were silencing the  
 21 alarms, correct?  
 22 A And the SVC, yes, I was going back  
 23 to.  
 24 Q All right. And you were silencing  
 25 the gas alarms, correct?

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1 A Yes.  
 2 Q Now, in order to silence the gas  
 3 alarms, you had to basically engage three  
 4 buttons, correct?  
 5 A Not necessarily.  
 6 Q Okay. You wouldn't hit something  
 7 to, say, silence it?  
 8 A On the SVC panel, there is a  
 9 button that does say "silence."  
 10 Q And then do you have to  
 11 acknowledge it?  
 12 A You don't have to.  
 13 Q Did you?  
 14 A No.  
 15 Q And then you have to reset it?  
 16 A No, nothing was reset. All I did  
 17 was hit the "silence" button to shut the  
 18 alarms off, so we can sit here and think and  
 19 gather what was going on.  
 20 Q Okay. So what the silencer does,  
 21 it just takes the audible off?  
 22 A It just turns the audible off, the  
 23 audible off for that detector. There's all  
 24 different kind of detectors that were going  
 25 off.

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1 Q And so how many were you  
 2 silencing?  
 3 A I don't know. I couldn't tell  
 4 you. I was to the point where I just  
 5 stopped.  
 6 Q How many are there?  
 7 A You have over -- You have hundreds  
 8 of detectors all over the rig.  
 9 Q But in terms of you having to  
 10 manually silence any particular zone or any  
 11 particular detector, how many were you  
 12 actually silencing according to your  
 13 statement?  
 14 A Each detector detects its own  
 15 individual, has its own individual alarm and  
 16 visual, so each individual detector that's  
 17 going off, you might silence one detector,  
 18 but you still have another detector going  
 19 off, so you hit that one, but you still have  
 20 another detector going off, so you silence  
 21 one. You had all different kind of  
 22 detectors going off at one single time,  
 23 so --  
 24 Q Had you ever drilled or been  
 25 trained at that scenario?

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1 A What, as far as, you know, what  
 2 just happened?  
 3 Q Of a contemporaneous, simultaneous  
 4 activation of all of the detection zones on  
 5 that rig?  
 6 A No.  
 7 Q And so you had never read in any  
 8 of your Kongsberg training manuals, you were  
 9 not taught by Kongsberg nor on the job on  
 10 what to do in that scenario?  
 11 A You know, I'm not going to answer  
 12 that, because, you know, I find that --  
 13 Q What's your problem?  
 14 A No, I'm saying I'm not going to  
 15 answer that, because the way you make that  
 16 question out is like you -- is like my  
 17 ability to do my job.  
 18 Q No, sir, I'm asking were you  
 19 trained by someone else?  
 20 A Sir, I don't think anybody was  
 21 trained for the massive detectors that were  
 22 going off that night.  
 23 HON. JUDGE ANDERSEN:  
 24 Okay. And there's an answer to  
 25 that, that there hadn't been specific

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1 proactive training assuming this really  
 2 difficult situation. Correct?  
 3 THE WITNESS:  
 4 Yeah. No.  
 5 HON. JUDGE ANDERSEN:  
 6 Next question.  
 7 EXAMINATION BY MR. PENTON:  
 8 Q Had there been any well control  
 9 training with any lesser detectors going off  
 10 other than all of them?  
 11 MR. SCHONEKAS:  
 12 Judge, I submit we're doing civil  
 13 discovery here for a lawsuit.  
 14 MR. PENTON:  
 15 Well, I don't think so, Judge.  
 16 MR. SCHONEKAS:  
 17 We're belaboring the point.  
 18 HON. JUDGE ANDERSEN:  
 19 He testified as to what he did and  
 20 what his training was, so I'm going to  
 21 sustain that objection, and there's probably  
 22 going to be other forms where the question  
 23 may be asked.  
 24 But going back to, you know, I let  
 25 him express various opinions over lots of

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1 objections, but he has gone through these  
 2 facts now over and over with respect to all  
 3 these alarms, and indeed, things were  
 4 happening so fast that there could even be  
 5 modest inconsistencies in his recollection.  
 6 MR. PENTON:  
 7 Judge, we have been going for two  
 8 and a half hours.  
 9 HON. JUDGE ANDERSEN:  
 10 No, more than that.  
 11 MR. PENTON:  
 12 Well, with this witness, that many  
 13 hours, and every time I get to this podium,  
 14 I agree, I'm tired, too, and everyone else  
 15 is tired, but Mike Williams as a Party In  
 16 Interest has a right to ask these questions.  
 17 HON. JUDGE ANDERSEN:  
 18 Wait. The next witness, who we're  
 19 trying to get in for the same reasons, is  
 20 standing by by phone. We're going to recess  
 21 and come back, and we will put Mr. Williams  
 22 up near the front for the next one, who is  
 23 in the same place at the same time, so that  
 24 it will avoid -- Then perhaps you will get  
 25 to ask some of those questions.

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1 MR. PENTON:  
 2 Judge, I have more alarm  
 3 questions. I mean, I do. And I have a  
 4 right to ask them.  
 5 CAPT. NGUYEN:  
 6 Judge Andersen tried to rule on  
 7 this, but my perspective as far as this  
 8 investigation is concerned, you know, over  
 9 the last, you know, since you have been up  
 10 there, I have not learned anything new  
 11 that's been added to this investigation, so  
 12 I respectfully request for you to move on  
 13 into an area that we have not covered.  
 14 MR. PENTON:  
 15 Well, that's difficult.  
 16 EXAMINATION BY MR. PENTON:  
 17 Q Let me ask you this. Is it your  
 18 understanding that the ESD system, when  
 19 those alarms occur, very simply, is intended  
 20 to -- I will withdraw the question. You  
 21 have answered that question.  
 22 Let me ask you this. When you  
 23 engage the "silence" mode -- there's one  
 24 question on this -- when you engage the  
 25 "silence" mode, you have already told me it

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1 shuts the audio off, correct?  
 2 A Yes, shuts the audio off on that  
 3 computer.  
 4 Q Right. And I think you said if  
 5 there's combustible gas, the alarm will come  
 6 back, though? If there's still combustible  
 7 gas there, the audible part will come back?  
 8 A Yes, if it goes to a higher state.  
 9 Q Okay. Because you have low, low  
 10 low, high, and high high?  
 11 A Right.  
 12 Q Now, when you were experiencing  
 13 all these multiple zones going off, did you  
 14 experience it go to that high high?  
 15 A Sir, I couldn't tell you exactly  
 16 what those detectors said. All I know is it  
 17 had alarms and I noticed some were in that  
 18 shaker house. I called that shaker house.  
 19 I wanted to get that person out of there if  
 20 anybody was in there. I didn't have time to  
 21 do anything else after that.  
 22 Q Okay.  
 23 A So I can't sit here and tell you  
 24 what those messages said, what status they  
 25 were in, because I really don't remember.

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1 Q Thank you, sir. Now, we know that  
 2 you have heard what you described as a first  
 3 explosion before the gas alarm, correct?  
 4 A Right.  
 5 Q Did you recognize a sound that was  
 6 the well blowout as opposed to the first  
 7 explosion, or did you hear such a sound?  
 8 A No, I heard the first explosion  
 9 and the second one was much greater.  
 10 Q Okay.  
 11 A A lot bigger.  
 12 Q And it was after the second  
 13 explosion that you experienced rig blackout?  
 14 MR. HENNESSY:  
 15 Judge, this is repetitive. It  
 16 continues to be repetitive.  
 17 MR. PENTON:  
 18 I haven't asked a single question  
 19 about the EDS system, Judge.  
 20 MR. CLEMENTS:  
 21 We have covered this five times.  
 22 MR. PENTON:  
 23 Well, because you have covered it  
 24 five times in this room, does that mean Mike  
 25 Williams can't ask these questions?

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1 MR. CLEMENTS:  
 2 Not the same ones.  
 3 CAPT. NGUYEN:  
 4 But Mr. Keplinger is not  
 5 responsible for the EDS. He has not been  
 6 trained on it. He has responded, if I  
 7 understand Mr. Keplinger, so let's move on.  
 8 That's not a topic he can comment on.  
 9 Please move on.  
 10 MR. PENTON:  
 11 Okay, Captain.  
 12 All right. Let's talk about --  
 13 Well, let me revisit something.  
 14 Captain, I need you to reconsider  
 15 that last comment. There have been  
 16 questions -- In looking at my notes, there  
 17 have been direct questions of this witness  
 18 about the EDS system and the engagement and  
 19 activation of the EDS system. Why can't we  
 20 ask a very few questions about the EDS  
 21 system?  
 22 HON. JUDGE ANDERSEN:  
 23 The Board has actually studied a  
 24 variety of things, and unless some member of  
 25 the Board believes that this witness'

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1 testimony on that subject beyond what it has  
 2 already heard would help it reach its  
 3 conclusions, then we're just going to have  
 4 to move on.  
 5 MR. PENTON:  
 6 Well, that means that you don't  
 7 know my question.  
 8 HON. JUDGE ANDERSEN:  
 9 Remember, we started this -- The  
 10 statute permits, allows PIIs to participate.  
 11 Even though we began these hearings a couple  
 12 of weeks ago with a time limit that was the  
 13 same for everybody in an effort to give  
 14 everybody a chance, you and others correctly  
 15 argued it was too short to handle all  
 16 situations, and at some point the law of  
 17 diminishing returns sets in.  
 18 If any member of the Board wants  
 19 to hear additional testimony from this  
 20 witness on the operation of the EDS system,  
 21 then as the presiding person as far as  
 22 questions are concerned, I will allow the  
 23 question to be asked.  
 24 MR. PENTON:  
 25 Judge, it's not the operation.

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1 The way those questions arose from the Board  
 2 were in terms of who was in charge, the  
 3 transfer of the "in charge," and that was  
 4 asked by everybody, and that's what I want  
 5 to ask about. He was a material witness.  
 6 He was there.  
 7 HON. JUDGE ANDERSEN:  
 8 Does anyone want to hear any more  
 9 from this witness on this subject? Okay.  
 10 Let's move on. And we will have another DPO  
 11 coming up in the future and maybe witnesses  
 12 will come back, but there isn't one member  
 13 of the Board, that has to prepare the  
 14 recommendations, that believes at this point  
 15 in time that additional testimony from this  
 16 witness on this score is worth listening to  
 17 at this point.  
 18 MR. PENTON:  
 19 Judge, just so that I'm clear,  
 20 Mike Williams is not allowed to ask  
 21 questions on the same topics that the Board  
 22 and other Parties In Interest asked? I just  
 23 want to make sure -- I just want to make  
 24 sure what you're doing.  
 25 HON. JUDGE ANDERSEN:

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1 I'm doing what I do, so later on  
 2 if you want to get a transcript and you can  
 3 argue if it's proper or improper, that's  
 4 fine. So the perfect is the enemy of the  
 5 good. If you want to move to another  
 6 subject area, you can do it.  
 7 MR. PENTON:  
 8 I'm going to do it like this.  
 9 EXAMINATION BY MR. PENTON:  
 10 Q Who was in charge of the rig from  
 11 your position on the bridge when you were  
 12 silencing the multiple alarms you have  
 13 discussed?  
 14 MR. SCHONEKAS:  
 15 Asked and answered.  
 16 MR. CLEMENTS:  
 17 Asked and answered, Your Honor.  
 18 HON. JUDGE ANDERSEN:  
 19 He already testified once they  
 20 were in an emergency mode, the captain was  
 21 in charge. He testified to that six times.  
 22 And you're probably right, from after the  
 23 first two, I probably should have stopped  
 24 anybody else from asking it again.  
 25 But the captain was in charge,

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1 because you were in an emergency mode.  
 2 Okay. The next question. It's  
 3 quicker if we do it that way and time is a  
 4 factor. We have a witness standing by in  
 5 another state and we have to finish.  
 6 MR. PENTON:  
 7 I understand. But this is a  
 8 material witness and I need to know what he  
 9 saw and what he heard.  
 10 HON. JUDGE ANDERSEN:  
 11 He has testified repeatedly as to  
 12 everything he saw and heard during those  
 13 particular events.  
 14 MR. PENTON:  
 15 Okay. Well, I'm going to try  
 16 another question here and you will just have  
 17 to object to it.  
 18 EXAMINATION BY MR. PENTON:  
 19 Q Let me ask you this. Was there  
 20 ever a time that Don Vidrine and Jimmy  
 21 Harrell were on the bridge at the same time?  
 22 A Vidrine, was that the toolpusher?  
 23 MR. FANNING:  
 24 Judge, I object. I don't think he  
 25 knows who Vidrine is.

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1 THE WITNESS:  
 2 I think he's the toolpusher, but  
 3 I'm not sure. Can you clarify if he was the  
 4 toolpusher or not?  
 5 EXAMINATION BY MR. PENTON:  
 6 Q Well, if you don't know Don  
 7 Vidrine, that's okay.  
 8 A Don or John?  
 9 Q Don, I believe it is. Do you not  
 10 know him?  
 11 A I don't remember.  
 12 Q No problem. When Jimmy Harrell --  
 13 Well, you remember Jimmy being on the  
 14 bridge, correct?  
 15 A Yes, after the second explosion,  
 16 he came to the bridge.  
 17 Q But Mr. Harrell, just so that I'm  
 18 clear about the time frame, Mr. Harrell was  
 19 on the bridge on the latter part of this  
 20 whole response; is that pretty accurate?  
 21 A He wasn't up there long.  
 22 Q It was after the second explosion?  
 23 A After the second explosion, which  
 24 blacked out the rig.  
 25 Q All right. Well, you already

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1 testified about the captain was in charge in  
 2 an emergency situation.  
 3 Did you ever physically hear the  
 4 captain confer and ask Jimmy Harrell when he  
 5 was on the bridge after the second explosion  
 6 for permission to activate the EDS?  
 7 MR. FANNING:  
 8 Asked and answered, Judge.  
 9 Repetitious.  
 10 HON. JUDGE ANDERSEN:  
 11 I didn't hear the question. Okay.  
 12 You can answer the question.  
 13 THE WITNESS:  
 14 Jimmy Harrell was not up there. I  
 15 did not see Jimmy up there when Chris  
 16 Pleasant went up and hit the button. But  
 17 any conversation between the captain and the  
 18 OIM was between them. I'm not involved in  
 19 that. So, basically, I didn't actually hear  
 20 any of the conversations between them.  
 21 EXAMINATION BY MR. PENTON:  
 22 Q And really, you have answered the  
 23 question. The captain, when the EDS was  
 24 activated, Mr. Harrell wasn't on the bridge?  
 25 A I don't remember seeing him up

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1 there.  
 2 MR. PENTON:  
 3 Thank you, sir. That's all I  
 4 have.  
 5 HON. JUDGE ANDERSEN:  
 6 Thank you very much.  
 7 Pat O'Bryan?  
 8 Robert Kaluza?  
 9 COUNSEL REPRESENTING MR. KALUZA:  
 10 No questions.  
 11 HON. JUDGE ANDERSEN:  
 12 Any more questions from the Board?  
 13 CAPT. NGUYEN:  
 14 Yes, I do. Go ahead.  
 15 EXAMINATION BY CAPT. HIGGINS:  
 16 Q Just very quickly, my  
 17 understanding is you testified there were  
 18 normally just two people on the bridge on  
 19 watch, is that right, the senior DPO and the  
 20 junior?  
 21 A Minimum manning requirements is  
 22 two DPOs on tour, two certified DPOs.  
 23 Q So was Chris Pleasant anywhere  
 24 near the bridge at this time or where did he  
 25 come from when he came to tell you about the

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1 EDS?  
 2 A Chris Pleasant came through the  
 3 port door after Bertone and two guys came in  
 4 and said they couldn't start the standby  
 5 generators.  
 6 Q So in a normal bridge watch, with  
 7 the two DPOs on watch, there's no one  
 8 authorized to execute an EDS at that point;  
 9 is that correct?  
 10 A No, the subsea office is right  
 11 downstairs from the bridge.  
 12 Q But there's no one on the watch  
 13 that has that authority; is that right?  
 14 A No, not as far as marine -- I  
 15 mean, not as far as bridge personnel.  
 16 Q So if all of the alarms actuated,  
 17 you would have to call the captain or  
 18 someone else with authority before you EDS?  
 19 A I would not have that authority.  
 20 That's up to -- That's their decision. All  
 21 I can do is, if it's an emergency situation,  
 22 all I can do is call them, let them know.  
 23 Q Yes, sir. And you said that a  
 24 dynamically positioned vessel on station was  
 25 underway?

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1 A As far as what I'm told and as far  
 2 as what actually the Coast Guard had  
 3 actually put in the letter. I had the  
 4 letter, but unfortunately, it's in the Gulf  
 5 of Mexico now.  
 6 Q And you were the senior person on  
 7 watch during your watch, correct?  
 8 A Right.  
 9 Q And you're working towards your  
 10 mate's license; is that correct?  
 11 A I was. I had five more classes  
 12 left to go.  
 13 Q But Andrea Fleytas had her mate's?  
 14 A Had her mate's license.  
 15 CAPT. HIGGINS:  
 16 Thank you very much.  
 17 HON. JUDGE ANDERSEN:  
 18 And the Board will be able to ask  
 19 a couple of questions if they would like,  
 20 but as I recall, I promised Transocean at  
 21 the end, if you had any follow-up, you would  
 22 be welcome to do that.  
 23 MR. HYMEL:  
 24 I don't have any right now.  
 25 HON. JUDGE ANDERSEN:

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1 Okay. Fine.  
 2 MR. FANNING:  
 3 You also skipped Jimmy Harrell,  
 4 Judge.  
 5 HON. JUDGE ANDERSEN:  
 6 Did I? Sorry.  
 7 MR. FANNING:  
 8 All my stuff has been covered. I  
 9 don't have anything.  
 10 HON. JUDGE ANDERSEN:  
 11 Okay.  
 12 EXAMINATION BY CAPT. NGUYEN:  
 13 Q Mr. Keplinger, I have a few  
 14 questions for you.  
 15 Do you recall whether everybody,  
 16 all the survivors, did everybody have a life  
 17 jacket on, sir?  
 18 A From what I seen and from what  
 19 I -- I don't think the three persons in the  
 20 water, three or four personnel that were in  
 21 the water, the first ones in the water, I  
 22 don't know if they had life jackets on or  
 23 not, but everybody else did have their PFDs.  
 24 Q The ones that you say was in the  
 25 water, you don't think that they had on a  
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1 life jacket or anything?  
 2 A I don't know. I was told that  
 3 three or four people were in the water  
 4 already. Whether they had life jackets on,  
 5 I was not told that.  
 6 Q Okay. The next question is the  
 7 lock-out/tag-out log. Is that maintained by  
 8 the DPOs up in the bridge?  
 9 A Lock-out/tag-out?  
 10 Q Yes, sir.  
 11 A No. That's not controlled from  
 12 the bridge personnel.  
 13 Q Okay. So if there was an activity  
 14 going on down in the mud pump room in terms  
 15 of working on the pump and the crewmen  
 16 needed to be tagged out, you wouldn't know  
 17 anything about that?  
 18 A Well, Shane did come up there,  
 19 Shane Roshto, but I just talked to him  
 20 briefly. I didn't ask him what job, what  
 21 jobs he was going to do. I didn't know he  
 22 was going to work in the pump room.  
 23 Q There was a question about safety  
 24 culture. Do you understand that there was a  
 25 Lloyd's safety survey done on the HORIZON  
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1 right before the casualty? Do you recall  
 2 that, sir?  
 3 A Say that again.  
 4 Q There was a safety survey done by  
 5 Lloyd's on the HORIZON from what I  
 6 understand?  
 7 A Yes, I know it was done, but I  
 8 couldn't tell you what the outcome was.  
 9 Q Yes, sir. So did you participate  
 10 in that safety survey?  
 11 A I'm not sure I heard that. Say  
 12 that again.  
 13 Q The survey that I'm talking about  
 14 performed by Lloyd's, did you participate in  
 15 that survey?  
 16 A I don't remember if I was there or  
 17 not, because it was awhile before. I can't  
 18 remember if I was -- I couldn't remember if  
 19 I was there or not, and I hadn't seen any  
 20 reports about it.  
 21 Q You haven't seen the reports on  
 22 that, sir?  
 23 A No.  
 24 Q Okay. Now, when the DAMON  
 25 BANKSTON departed the scene, you and Captain  
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1 Kuchta was on the BANKSTON; is that correct,  
 2 sir?  
 3 A When we got word from the Coast  
 4 Guard to leave?  
 5 Q Yes, sir.  
 6 A Yeah, we were on the BANKSTON.  
 7 Q Yes, sir. To your knowledge, was  
 8 Search and Rescue operations still going on?  
 9 A As far as the other vessels out  
 10 there?  
 11 Q Yes, sir. Was there still an  
 12 active search for survivors when the  
 13 BANKSTON left the scene, to your knowledge?  
 14 A Whenever we were on the stern  
 15 getting the people off by helicopter, we did  
 16 see a couple of things out in the water. A  
 17 chopper did investigate with their light,  
 18 but come to find out, it was just a couple  
 19 barrels.  
 20 Before I got on the BANKSTON,  
 21 there was a fishing boat that was out there.  
 22 He asked me if anything needed to be done.  
 23 I asked him to go make a few trips around  
 24 the rig to see if he could find anybody. I  
 25 don't think anybody was found. I think  
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1 everybody made it off that could and  
 2 mustered on the BANKSTON.  
 3 Q So, to your knowledge, the Search  
 4 and Rescue operation, you don't know what  
 5 the status was, but you saw a helicopter  
 6 flying around looking for something?  
 7 A Yeah, we seen the helicopters  
 8 flying around. We had a Coast Guard cutter  
 9 right next to us.  
 10 Q Now, it was said Mr. Winslow  
 11 remained behind on scene. Why didn't  
 12 Captain Kuchta remain behind; do you know,  
 13 sir?  
 14 A I don't have a clue.  
 15 Q Yes, sir. Was it a surprise to  
 16 you that Captain Kuchta departed the scene  
 17 with the BANKSTON?  
 18 MR. SCHONEKAS:  
 19 I'm going to object, Judge. The  
 20 reason being is -- He doesn't know the  
 21 circumstances as to why he left, so how can  
 22 he be surprised or not?  
 23 MR. KOHNKE:  
 24 I can clarify that. Daun Winslow  
 25 stayed behind because of the ROV

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1 intervention.  
 2 CAPT. NGUYEN:  
 3 Yes, I understand.  
 4 MR. KOHNKE:  
 5 That ought to answer that.  
 6 CAPT. NGUYEN:  
 7 Yes, sir. I was trying to make  
 8 the linkage. From what I can see, there was  
 9 still an active Search and Rescue for  
 10 survivors and Captain Kuchta was the master  
 11 for the vessel, and if he departed the  
 12 scene, I just wondered whether that's a  
 13 surprise to you, to your knowledge?  
 14 MR. SCHONEKAS:  
 15 So the question is should he be  
 16 directing the Coast Guard in Search and  
 17 Rescue operations?  
 18 CAPT. NGUYEN:  
 19 No, the question is whether  
 20 Captain Kuchta should stay behind while  
 21 the --  
 22 MR. SCHONEKAS:  
 23 While the Coast Guard is doing  
 24 their search?  
 25 CAPT. NGUYEN:

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1 Yes, while there's a search still  
 2 going on for survivors.  
 3 MR. KOHNKE:  
 4 Well, Captain, hasn't it been  
 5 established the Coast Guard took control  
 6 over Search and Rescue?  
 7 CAPT. NGUYEN:  
 8 I understand that.  
 9 MR. KOHNKE:  
 10 Well, I think you do.  
 11 EXAMINATION BY CAPT. NGUYEN:  
 12 Q I understand that. But in terms  
 13 of the master of the vessel, of the crew  
 14 that he's responsible for still may be, you  
 15 know, in the water, nobody had confirmed the  
 16 status yet, don't you think that if the  
 17 captain didn't stay behind to see what's  
 18 going on, is that a surprise to you?  
 19 MR. HYMEL:  
 20 Judge, let me enter a further  
 21 objection. Captain Kuchta testified. The  
 22 captain could have asked him that question.  
 23 We're now asking questions to other people  
 24 as to what other people should have said or  
 25 thought, and it's just not fair.

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1 MR. SCHONEKAS:  
 2 And it assumes facts not in  
 3 evidence.  
 4 CAPT. NGUYEN:  
 5 Well, Mr. Keplinger is saying that  
 6 he was surprised, you know, at the response  
 7 of the captain right before both of them  
 8 jumped off the rig, and I just wondered what  
 9 kind of reaction he had by learning that the  
 10 captain departed with the vessel while there  
 11 was still an active search for survivors?  
 12 MR. SCHONEKAS:  
 13 The same objection, Judge. What  
 14 does it matter whether he -- This man  
 15 doesn't promote, hire or fire, and it has  
 16 nothing to do with what the captain's  
 17 obligations are once the Coast Guard assumes  
 18 responsibility for this.  
 19 This is nothing more than an  
 20 effort continuously by Captain Nguyen to  
 21 assassinate, character assassinate my  
 22 client, and I object to it and I suggest  
 23 that it shows Captain Nguyen's continued  
 24 bias.  
 25 HON. JUDGE ANDERSEN:

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1 Okay. You made that of the  
 2 record. Do you want to continue to get this  
 3 witness --  
 4 CAPT. NGUYEN:  
 5 I'm just trying to nail down the  
 6 safety culture and the responsibility of the  
 7 master of the vessel.  
 8 MR. SCHONEKAS:  
 9 He has already testified about the  
 10 safety culture. This is nothing more than  
 11 Captain Nguyen's continued effort to try and  
 12 lay some fault at my client's feet, and he  
 13 has been unsuccessful thus far.  
 14 MR. HYMEL:  
 15 Judge, and I'm going to enter an  
 16 objection on behalf of Transocean that this  
 17 question does not have any reflection on a  
 18 safety culture.  
 19 MR. SCHONEKAS:  
 20 I further move that Captain Nguyen  
 21 recuse himself, because he has continued to  
 22 exhibit prejudice and predisposition.  
 23 HON. JUDGE ANDERSEN:  
 24 Okay. One objection per  
 25 objection.

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1 MR. SCHONEKAS:  
 2 No, that's a motion, Judge.  
 3 HON. JUDGE ANDERSEN:  
 4 Okay. Denied.  
 5 MR. SCHONEKAS:  
 6 And I would like the rest of the  
 7 panel to consider it, and I would like to  
 8 brief it, because I think we can document on  
 9 a regular basis --  
 10 HON. JUDGE ANDERSEN:  
 11 First of all, you know, also, what  
 12 we're going to do is -- Keep this in mind.  
 13 This Board is not litigating anybody's  
 14 rights.  
 15 This Board is going to make  
 16 recommendations, which others will use  
 17 perhaps to serve as a basis --  
 18 MR. SCHONEKAS:  
 19 Well --  
 20 HON. JUDGE ANDERSEN:  
 21 Let me finish. Not to litigate  
 22 anybody's rights, but to make  
 23 recommendations as to the future based on  
 24 the best information we have as to what  
 25 happened.

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1 So ultimately, when I'm making  
 2 rulings here, when the Board makes a  
 3 decision, understand that it does not affect  
 4 your client's rights, no liabilities.  
 5 MR. SCHONEKAS:  
 6 Judge, I respectfully disagree.  
 7 The reason being is that this Board makes  
 8 recommendations, and they're supposed to do  
 9 so without any predisposition or prejudice  
 10 against a particular party, and that  
 11 recommendation can or may result in actions  
 12 against my client's license and/or the  
 13 recommendation that criminal actions be  
 14 instituted, and that should be done by  
 15 someone who doesn't have an agenda, and I  
 16 submit to you that Captain Nguyen has made  
 17 that abundantly clear throughout these  
 18 proceedings, particularly beginning with him  
 19 being named a Party In Interest subsequent  
 20 to his testimony, and we have already been  
 21 accumulating many, many examples of Captain  
 22 Nguyen's comments, and I will brief it for  
 23 the panel.  
 24 HON. JUDGE ANDERSEN:  
 25 If you want to submit something in

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1 writing to the panel to consider, that's  
 2 fine.  
 3 MR. SCHONEKAS:  
 4 I will, Judge. Thank you.  
 5 HON. JUDGE ANDERSEN:  
 6 But now we're past my four and a  
 7 half minute rule in terms of me having  
 8 forgotten the question.  
 9 EXAMINATION BY CAPT. NGUYEN:  
 10 Q I'm simply asking you for your  
 11 reaction.  
 12 HON. JUDGE ANDERSEN:  
 13 But to clarify, to what?  
 14 EXAMINATION BY CAPT. NGUYEN:  
 15 Q To the fact that there's still an  
 16 ongoing Search and Rescue for survivors and  
 17 that the captain of the vessel departed the  
 18 scene?  
 19 MR. SCHONEKAS:  
 20 Objection.  
 21 HON. JUDGE ANDERSEN:  
 22 Wait now. I don't understand  
 23 this. Obviously, everybody left the rig  
 24 because of safety reasons. People then went  
 25 to the other -- They were taken to the other

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1 ship. Do you mean --  
 2 EXAMINATION BY CAPT. NGUYEN:  
 3 Q There still was the status of 11  
 4 missing persons, which was undetermined at  
 5 the time, and as the master of the vessel,  
 6 he departed the scene, and I'm just  
 7 wondering what's your reaction in terms of  
 8 being the crewmember on that ship? That's  
 9 what I'm asking you.  
 10 MR. HYMEL:  
 11 Judge, once again, I want to enter  
 12 an objection. This is no different than  
 13 opinion testimony from a fact witness.  
 14 Captain Nguyen is not asking him  
 15 for a fact. He's not asking him what  
 16 happened, when it happened or where it  
 17 happened. He's asking for a reaction, and  
 18 that is inappropriate for a fact witness.  
 19 MR. SCHONEKAS:  
 20 I join in that objection, Your  
 21 Honor.  
 22 HON. JUDGE ANDERSEN:  
 23 You know, maybe we can put it this  
 24 way, so it's not a personal reaction, but  
 25 your understanding of the duties of someone.

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1 Was it your understanding of the  
 2 duties of the captain of the ship to stay on  
 3 the boat to which he was brought when he was  
 4 pulled from the water until the search for  
 5 survivors had been completed?  
 6 MR. SCHONEKAS:  
 7 By the Coast Guard?  
 8 HON. JUDGE ANDERSEN:  
 9 By the Coast Guard.  
 10 MR. HYMEL:  
 11 Judge, let me just ask, can we  
 12 first ask him if he has an understanding?  
 13 HON. JUDGE ANDERSEN:  
 14 Well, if he doesn't, fine. I said  
 15 "is it your understanding."  
 16 Okay. Do you have an opinion as  
 17 to whether or not it's the captain's duty to  
 18 stay in that area until the search for  
 19 survivors is concluded? Does anything in  
 20 your training give you an answer to that?  
 21 THE WITNESS:  
 22 I don't know.  
 23 HON. JUDGE ANDERSEN:  
 24 All right. Thank you.  
 25 CAPT. NGUYEN:

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1 Thank you, Mr. Keplinger.  
 2 HON. JUDGE ANDERSEN:  
 3 Any other questions from anyone?  
 4 What time would you like to resume?  
 5 CAPT. NGUYEN:  
 6 Mr. Keplinger, I thank you for  
 7 your testimony today and it was a difficult  
 8 situation to experience for you and we  
 9 appreciate you being here.  
 10 If we need for you to come back in  
 11 the future if we have additional questions  
 12 for you, will you make yourself available?  
 13 THE WITNESS:  
 14 Yes.  
 15 CAPT. NGUYEN:  
 16 Thank you, sir. You are  
 17 dismissed. We will take a break and resume  
 18 at 1500, 3:00 p.m. Thank you.  
 19 \* \* \* \*  
 20  
 21  
 22  
 23  
 24  
 25

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1  
 2 REPORTER'S CERTIFICATE  
 3  
 4 I, James T. Bradle, Certified Court  
 5 Reporter, do hereby certify that the  
 6 foregoing proceedings were reported by me in  
 7 shorthand and transcribed under my personal  
 8 direction and supervision, and is a true and  
 9 correct transcript, to the best of my  
 10 ability and understanding;  
 11 That I am not of counsel, not related  
 12 to counsel or parties hereto, and not in any  
 13 way interested in the outcome of this  
 14 matter.  
 15  
 16  
 17  
 18  
 19 \_\_\_\_\_  
 20 JAMES T. BRADLE, CCR  
 21  
 22  
 23  
 24  
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