

Deposition Testimony of:

William Haynie

Date: June 27, 2011

Created by:



www.indatacorp.com

Page 6:07 to 6:09

00006:07 WILLIAM HAYNIE,
08 having been first duly sworn,
09 Was examined and testified as follows:

Page 6:12 to 7:01

00006:12 Q. Good morning, Mr. Haynie. We
13 just met. My name is John deGravelles. I am
14 here for the Plaintiff Steering Committee.
15 Can you tell us your full name and your home
16 address?
17 A. William Melvin Haynie, [REDACTED]
18 [REDACTED]
19 Q. All right. And who do you work
20 for, Mr. Haynie?
21 A. American Bureau of Shipping.
22 Q. How long have you worked for
23 them?
24 A. Sixteen years.
25 Q. And what is your job title?
00007:01 A. Principal surveyor.

Page 7:12 to 8:23

00007:12 Q. All right. And can you tell me
13 the differences between those various job
14 titles?
15 A. Sure. Surveyor is exactly as it
16 sounds. We resurvey the ships and all. We
17 work under the senior surveyors, which,
18 senior surveyor gains the title senior by
19 years experience with ABS, has more
20 experience than the surveyors. The time that
21 it takes to become a senior surveyor depends
22 upon the person's knowledge and advancement,
23 how fast he can advance and learn.
24 The senior surveyor -- as
25 senior, we oversee the younger surveyors,
00008:01 promote them in their surveys, help them and
02 guide them along.
03 Lead surveyor is where we
04 actually do some mentoring and go with the
05 surveyors on some jobs and report upon their
06 surveys. It's like a tracking how well
07 they're doing.
08 Principal surveyor is -- you're
09 in charge of -- in this case, I'm in charge
10 of the Houma area and down to Bayou; whereas,
11 there's another principal in Morgan City. I
12 take care of the Houma area, and I oversee
13 about 12 to 13 surveyors, all their job
14 duties and training and -- it's a working --

15 it's working title. I also do surveys
16 myself.
17 Q. All right. As a principal
18 surveyor, you continue to do surveys?
19 A. Yes, sir.
20 Q. In addition to those other
21 mentoring and administrative duties; is that
22 correct?
23 A. Yes, sir.

Page 9:15 to 9:23

00009:15 Q. And did you mention Houma in
16 those?
17 A. Houma is a -- we all work out of
18 the Morgan City office. Houma is like a --
19 it's -- I work for the Morgan City office.
20 It's like we split -- it's some surveyors in
21 Morgan City, and there are surveyors in
22 Houma, and I'm in charge of the Houma area
23 down to Bayou, Port Fourchon and all.

Page 13:02 to 14:15

00013:02 Q. With respect to your education,
03 can you give me some background in terms of
04 your formal education?
05 A. Yes, sir. I graduated from
06 North Emland High School in 1970 in
07 Hughesville, Virginia. After that, I went to
08 a school in Nashville, Tennessee. It was
09 called Nashville Auto Diesel College. And
10 what it was, it was diesel and auto
11 mechanics. That was about a year-long
12 course.
13 I finished that, and I worked --
14 I become a Detroit EMD mechanic for years.
15 And then around 1979, I become a -- I went
16 and got my chief engineer's license, and I
17 sailed on -- started with fishing vessels,
18 and then -- from '79 through '81.
19 '82, I went to work for a
20 company called Gulf Fleet Marine. I was
21 chief engineer of offshore supply vessels,
22 and then moved on to anchor-handling vessels,
23 moving the rigs, chief engineer there. I did
24 that until January, 1988.
25 I was brought shoreside, and I
00014:01 was drydock superintendent for Zapata Gulf
02 Marine. Zapata Gulf Marine had bought Gulf
03 Fleet Marine in '85. And I did drydocking
04 jobs on OSVs, tugs, any of the boats that
05 Zapata had all over the U.S., from '88 to
06 '92.

07 Then Tidewater Marine bought
08 Zapata Gulf, and I was transferred to the
09 Tidewater division in Morgan City. And that
10 was as port captain marine superintendent,
11 they called it. I did that until '92.
12 Around '95, I was promoted to
13 assistant operations manager. And in
14 June '96, I left Tidewater and come to work
15 for ABS.

Page 18:16 to 20:11

00018:16 Q. All right. And then with
17 respect to -- you mentioned training as it
18 regards MODUs. What -- can you tell me --
19 summarize your training as it pertains to
20 being a surveyor on a MODU?
21 A. When I first joined ABS, I went
22 with a senior surveyor. We first did small
23 jackups, some semis. And they take you
24 through the process. It's U.S. flag, a
25 foreign flag, and the MODU code statutory
00019:01 surveys and all, which is more detail than
02 the U.S. flag. You do those with a senior
03 surveyor, another fellow surveyor that's
04 trained in the process, until they feel that
05 you know what you're doing, and then they
06 sign you off in the task as part of ABS
07 training.
08 Q. All right. And I take it that
09 your employment folder at ABS would show all
10 of these things that you've done?
11 A. Yes, sir.
12 Q. You mentioned U.S. flag and
13 foreign flag and a difference between the two
14 in terms of surveying. Did I understand that
15 correctly?
16 A. Yes, sir.
17 Q. What is the difference?
18 A. If it's U.S. flag, Coast Guard
19 takes care of all the lifesaving appliances.
20 The lifeboats. All we issue on those vessels
21 is a load line and a class certificate,
22 unless it falls into the U.S. flag ACP
23 notation, all the compliance where Coast Guard
24 lets us do all the safety surveys on their
25 behalf. But most all of them we do, the
00020:01 American flag, is, we issue a load line in a
02 class, no SOLAS or MODU certificates or IOPP
03 for pollution or anything. Coast Guard
04 issues those.
05 Foreign flag, on the other hand,
06 we work on the behalf of the flag
07 administration, and we issue the statutory
08 certificates on their behalf: the MODU code

09 certificate, the Marpol Annex I, Marpol Annex
10 VI, Marpol Annex IV. We issue on behalf of
11 the administration.

Page 21:08 to 22:21

00021:08 Q. And what is an attendance sheet?

09 A. That's my -- a survey when I
10 attended. We had our survey summary that
11 tells why we went to the rig, what surveys
12 are due, and it also shows what surveys we
13 did while we were there. And associated with
14 each survey is check sheets that shows a
15 summary of items that we looked at when we
16 were there. Or I looked at when I was there.

17 Q. All right. And so just as to
18 kind of get a sense -- a detailed sense of
19 the things that you looked at, the attendance
20 sheet would have a survey summary on it which
21 would show not only the date that you went,
22 but a summary of what you did?

23 A. Yes, sir, it would be two
24 summaries. It will be one for class surveys,
25 and then there will be one for statutory

00022:01 surveys. We refer to it as a AB Sum A and a
02 AB Sum B.

03 Q. Okay. A is class and B is
04 statutory?

05 A. Yes, sir.

06 Q. And those are different?

07 A. Yes, sir.

08 Q. And do you do -- when you do a
09 survey that is a class survey, do you also do
10 a statutory at the same time, or do you do
11 those separately?

12 A. You could -- on MODUs, you have
13 a tendency to do them all at the same time,
14 because it's -- the transportation is an
15 issue, so you're there, so you try to do them
16 all at one time. Ships, on the other hand,
17 are going in and out of port, so you can
18 start a piece of a survey and then continue
19 it at the next port. But MODUs foremost, we
20 try to do all the surveys at one time, while
21 we're there.

Page 29:09 to 30:11

00029:09 Q. And if I'm understanding what
10 you're saying when you say "credited," your
11 report is credited, it is officially blessed?

12 A. Yes. If everything is
13 satisfactory, yes.

14 Q. And then it becomes a part of

15 the official file at that point?
16 A. Becomes part of the record, yes,
17 sir.
18 Q. And once it is officially
19 blessed and credited and becomes a part of
20 the official file, then do I understand your
21 testimony to be at that point, you throw away
22 your -- whatever field notes, checklist,
23 etcetera, that you keep?
24 A. I -- yes, sir. I have no
25 longer -- it might stay on my desk for two or
00030:01 three months until I see it, and I get rid of
02 it. I have no use for it.
03 Q. And in connection with your work
04 on the Deepwater Horizon, did you look in
05 your personal files to determine whether or
06 not you kept any checklist with respect to
07 any of your surveys or work aboard the
08 Deepwater Horizon?
09 A. I did.
10 Q. And what did you find?
11 A. I found nothing.

Page 34:13 to 35:13

00034:13 Q. All right. In terms of your
14 looking at the -- and I understand you didn't
15 spend a great deal of time with the ModuSpec
16 and the BP audits. But in terms of what you
17 did look at, what is your understanding as to
18 the difference, if any, between those audits
19 and the kind of audits that you and ABS
20 performed?
21 A. ModuSpec is a third-party
22 vendor, not a classified -- not a class
23 society, classification agency, or a
24 recognized organization. It's like an
25 independent third-party judgment, come to the
00035:01 rig and see what you see. Not recognized by
02 anybody.
03 Q. All right. And I think
04 "recognized organization" is a technical
05 term, is it not?
06 A. Yes. Or classification or RO.
07 Q. And what does that mean?
08 A. Recognized organization, it's
09 just another way of referring to a class
10 society, such as Lloyd's, DNV, Germister
11 Lloyd. Twelve major class societies, one of
12 which ABS is a member of. And we're often
13 referred to as ROs.

Page 39:06 to 40:03

00039:06 Q. And I'm going to go into what
07 you do in a survey -- typical survey and
08 these surveys. I'm going to go into some
09 detail with you. But right now what I'd like
10 to sort of get is a broad overview of the ABS
11 involvement with the Deepwater Horizon from
12 the time that it first sailed in '01, I
13 believe, until the time that it sank in 2010.
14 Can you -- can you characterize
15 what ABS's involvement with the Deepwater
16 Horizon was between those two points in time?
17 A. Yes. The Deepwater Horizon was
18 built to ABS class, according to our rules
19 and standards, in Korea, I believe. I first
20 attended Deepwater Horizon, I believe it was
21 in the early part of 2003 to do annuals. And
22 she's been in the Gulf of Mexico since
23 probably the year before, since 2002. I
24 guess she sailed straight to the Gulf to work
25 for BP, and we've attended -- Morgan City
00040:01 port -- maybe New Orleans a couple of times,
02 but mostly Morgan City port has attended the
03 rig up until 2010.

Page 40:19 to 42:01

00040:19 Q. All right. And so if I
20 understood your earlier testimony, basically
21 from the time that the Deepwater Horizon
22 arrived in the Gulf of Mexico until the time
23 that it sank, ABS would have been doing
24 surveying work for the Deepwater Horizon?
25 A. Yes, sir.
00041:01 Q. And what kind of surveying work
02 would it have done?
03 A. We do our annual surveys every
04 year up through the fourth annual survey. At
05 the fifth -- let me back up. At the --
06 around the third -- at two and a half years,
07 three years, she's due for a drydock survey,
08 or UWILD, we do an underwater inspection in
09 lieu of drydock. We look at the underwater
10 section of the vessel.
11 And we continue with our annual
12 surveys up until the fifth year. In the
13 fifth year, the Special Survey No. 1 comes
14 due. Special survey is a little more
15 comprehensive. Tank inspections, more
16 detailed. We look at more.
17 And also, at the same time, a
18 underwater survey is carried out again to
19 look at all the underwater portions of the
20 hull, connections, thrusters, sea chest at
21 the five years. And then the cycle starts
22 all over again with Annual Survey 1 again, up

23 until the special survey at ten years, and we
24 do the ten-year special again, with the
25 drydock in the middle again at the
00042:01 two-and-a-half, three-year point.

Page 44:10 to 44:24

00044:10 Q. All right. And so knowing what
11 we know about the special survey which was
12 done at the end of 2005 or beginning of 2006,
13 do I take it that would have been -- during
14 its roughly ten-year life, there would have
15 been one special survey performed?
16 A. It could have been two. Should
17 have been one at the end of 2000 -- well, I
18 would have to look at the survey status to be
19 sure.
20 Q. Yeah, you said at the end of
21 2010. And, of course, it didn't make it to
22 the end of 2010.
23 A. So she was probably in the
24 window for the special.

Page 49:08 to 50:24

00049:08 Q. All right. And let me just make
09 sure I understand, because you're the
10 surveyor and I'm just a lawyer. I understood
11 that the annuals include class, statutory,
12 and crane. Correct?
13 A. Yes.
14 Q. And what I'm trying to
15 understand now is whether the special surveys
16 include all three or less than all three of
17 those.
18 A. The -- we'll also do an annual
19 survey in conjunction with the special
20 survey. You'll do all the special survey --
21 you have a list of items you have to look at
22 for a special survey. You know, tanks,
23 structure. Like I said, it's more detailed
24 examination. But you still have to carry out
25 your annual survey. Everything that's on
00050:01 your annual checklist you did in years 1
02 through 4, you're also crediting those items
03 for your special survey.
04 Q. All right. And then with
05 respect to the UWILD and drydock surveys,
06 does that include class, statutory, and
07 crane?
08 A. The UWILD would be mainly just
09 class surveys.
10 Q. Now, did you understand that ABS
11 acted as the RO for review and survey of

12 technical issues, such as engineering or
13 design, on the Deepwater Horizon?
14 A. Yes, sir.
15 Q. Did ABS also deal with the
16 safety management systems to determine
17 whether or not it was in compliance with the
18 ISM code?
19 A. DNV carried out the ISM surveys.
20 Q. All right. And so there was
21 sort of a division of labor between ABS and
22 DNV; is that true?
23 A. Yes, sir. Transocean chose to
24 use DNV as their ISM auditing team.

Page 51:08 to 52:05

00051:08 Q. With respect to your own
09 personal involvement, you said you looked at
10 your own -- and I forgot the phrase you used,
11 but you looked at your own documents that you
12 generated with respect to the Deepwater
13 Horizon. Can you tell me the dates -- and if
14 not the specific dates, as close as you can
15 get -- that you actually performed surveying
16 services on the Deepwater Horizon?
17 A. Well, I'd have to look to
18 give -- I'd have to look at the check sheets
19 to give you accurate dates. I know I was on
20 there in the early part -- well, I know I was
21 on there in 2003 for annuals. And then I
22 went back in 2005, and I believe that was
23 February/March, for annuals and a flag
24 change.
25 Q. Any others that you can recall
00052:01 that you actually were -- did the surveying
02 work directly as opposed to just being
03 somebody's principal or supervising surveyor?
04 A. I went out in 2009 to do a UWILD
05 or drydock extension survey.

Page 62:21 to 63:03

00062:21 Q. You mentioned that there was a
22 flag change in 2005.
23 A. Correct.
24 Q. And what was the flag previous
25 to the change?
00063:01 A. Panama.
02 Q. And then after the change?
03 A. Marshall Islands.

Page 63:10 to 63:15

00063:10 Q. Did that change from Panama to
11 the Republic of the Marshall Islands signal
12 any kind of change in what you and ABS was
13 doing with respect to the various surveys
14 that you've previously described?
15 A. No, sir.

Page 73:10 to 73:18

00073:10 (EXHIBIT NO. 3076 WAS MARKED FOR THE RECORD.)
11 BY MR. DEGRAVELLES:
12 Q. Does this reflect an ABS
13 inspection completed on or about December 17,
14 2009?
15 A. Yes.
16 Q. And the inspector was Amaury
17 Maza?
18 A. Yeah. Amaury Maza.

Page 74:11 to 75:10

00074:11 Q. All right. What kind of --
12 would this be?
13 A. This is a rig inspection for the
14 Marshall Islands carried out by an ABS
15 surveyor.
16 Q. All right. And just to back up
17 a minute, you mentioned, of course, those
18 three types: annual, special, and
19 UWILD/drydock. Are those classification
20 surveys?
21 A. They're class, yes.
22 Q. All right. And this one is
23 different. It's carried out for another
24 purpose?
25 A. Yes.
00075:01 Q. And what is that purpose?
02 A. We were requested by Marshall
03 Islands to carry out this inspection on their
04 behalf.
05 Q. All right. And what is -- what
06 is the purpose that it is carried out for?
07 A. It's certain information that
08 they want for their records to update their
09 records that is not contained in our files or
10 check sheets.

Page 75:15 to 76:01

00075:15 Q. All right. And is the kind of
16 inspection that we see reflected in
17 Exhibit 3076, is it different in some way
18 than either the annual, the special, or the

19 UWILD/drydock surveys that you mentioned
 20 earlier?
 21 A. It contains just a quick list of
 22 our survey due dates, inspection we carried
 23 out, manuals, publications. As you can see,
 24 it's crew accommodations, gives a visual look
 25 on that. Drill. Just a general overview of
 00076:01 the rig.

Page 77:03 to 77:12

00077:03 Q. And how -- in what ways would it
 04 be less extensive than an annual survey?
 05 A. Our annual class survey consists
 06 of all the machinery. So you can imagine
 07 looking at all the machinery and all is quite
 08 involved, takes some time. And the
 09 lifesaving gear, looking at that. Like I
 10 say, some portions of that is in this, also,
 11 but it's nowhere near as comprehensive as the
 12 MODU code annual.

Page 79:13 to 79:24

00079:13 Q. All right. And then under 10
 14 under section Additional Comments and General
 15 Remarks on Overall Condition of unit.
 16 Include condition of engine room
 17 spaces/bilges and disposal of oil waste. I'm
 18 going to quote Mr. Maza's comments. "Overall
 19 condition of unit found clean and acceptable.
 20 Engine room bilges found acceptable.
 21 Thruster Room 3 and 4 bilges found with oil.
 22 Both crane engine spaces found with oil and
 23 unacceptable. Two OWS in operation." Did I
 24 read that correctly?

Page 80:03 to 80:05

00080:03 Q. All right. Now, first of all,
 04 what is OWS?
 05 A. Oily water separator.

Page 81:19 to 82:04

00081:19 Q. If you would go back to page
 20 148, RMI 148. And do you see in the section
 21 in the center under Date of Inspection, 17
 22 December, '09?
 23 A. Yes.
 24 Q. Do you see in the second line,
 25 it says, "No deficiencies were noted during
 00082:01 the inspection"? Do you see that?

02 A. Yes, sir.
03 Q. Well, in fact, there was a
04 deficiency noted, was there not?

Page 82:07 to 82:08

00082:07 THE WITNESS: It was a condition noted,
08 not a deficiency.

Page 83:01 to 83:06

00083:01 previous exhibit? Let me ask you -- the
02 question I'm asking you is, do we know from
03 the previous exhibit that there was an ABS
04 inspector on the Deepwater Horizon on
05 December the 17th of 2009?
06 A. Yes.

Page 89:15 to 90:09

00089:15 Q. If you would turn to page 250 in
16 Tab 22. And, again, we're talking about the
17 survey manager's status generated after it
18 sank. At the very top, it's got, "Status:
19 In operation, active, class suspended." Did
20 I read that correctly?
21 A. Yes.
22 Q. What does that mean?
23 A. Means the files are still
24 active, she's still in the system, but the
25 class was suspended.
00090:01 Q. And that's the phrase that I'm
02 trying to focus on. What does "class
03 suspended" mean?
04 A. That means that the vessel is no
05 longer -- her class certificate is invalid.
06 Q. All right. So as best you can
07 tell looking at this exhibit, as of
08 April 20th of 2010, the class certification
09 would have been invalid; is that true?

Page 90:12 to 90:13

00090:12 THE WITNESS: As of the date of this,
13 Saturday, May 1st, it is in suspension.

Page 90:15 to 90:18

00090:15 Q. All right. And to answer the
16 question specific: At least as of May 1st,
17 2010, the class certification would have been
18 invalid, correct?

Page 90:20 to 90:20

00090:20 THE WITNESS: Yes.

Page 92:03 to 93:23

00092:03 Q. All right. And tell me what the
04 UWILD would have consisted of.

05 A. Divers would do an underwater
06 exam of the pontoons, thrusters, and sea
07 chest, the whole underwater body of the rig.
08 The pontoons, the column, tie-ins to the
09 pontoons, done other stuff testing to that.
10 Underwater gauges, they were called out, they
11 wasn't done internally, as well as some
12 internal exams of some tanks.

13 Q. And the internal exams of the
14 tank, what tanks are we talking about?

15 A. The ballast tanks internal to
16 the pontoons and columns.

17 Q. All right. Would that be done
18 by diver, or would that be done going down --
19 explain to me what would happen on an
20 internal exam of the tanks.

21 A. The tank would be opened up and
22 gas freed, make sure we had good oxygen, and
23 the surveyor would do the internal exam
24 himself.

25 Q. All right. That would -- the
00093:01 internal exam, are the tanks we're talking
02 about tanks which are below water level?

03 A. Yes.

04 Q. Which you access them from the
05 rig itself as opposed to going through a
06 diver?

07 A. From the pontoon.

08 Q. Okay. But all of these items
09 that you mentioned: pontoon, thruster,
10 column, tie-ins, underwater gauges, and
11 internal exam of tanks, we're talking about
12 examination of equipment which is below the
13 surface of the water; is that true?

14 A. Yes, sir.

15 Q. And that's what the UWILD would
16 be, correct?

17 A. Yes.

18 Q. Any part of the exam -- or the
19 survey done on September 13, 2009, that dealt
20 with equipment above water?

21 A. The underwater -- the UWILD has
22 strictly to do with underwater exposed
23 surfaces of the hull.

Page 97:24 to 98:17

00097:24 Q. All right. What I'm going to
25 do, Mr. Haynie, is to ask some questions
00098:01 about the ModuSpec audit which was done about
02 ten days before the explosion and sinking of
03 the Deepwater Horizon. And I'm going to ask
04 you if you understand what it means, and more
05 importantly, I'm going to ask you that if
06 you, on one -- a survey you had done, had
07 found such a condition, what -- how you would
08 have noted what you would have done about it.
09 And the first document is the
10 two pages from Exhibit 88, previously
11 introduced, which is MODU-SI 010000087 and
12 88. And I'm looking in the area called
13 Hazardous Area Electrical Equipment. And if
14 you could take just a moment, it's -- read
15 the bottom of page 87 and the top of page 88
16 under this Hazardous Area Electrical
17 Equipment section.

Page 98:25 to 99:17

00098:25 Q. Have you finished your review?
00099:01 A. I have.
02 Q. All right. First of all, do you
03 know what "hazardous area" means in the
04 context of a MODU?
05 A. Yes.
06 Q. What is that?
07 A. You have hazardous areas -- just
08 degree of gas that might be present in areas
09 that maybe have an explosion.
10 Q. All right. And are there
11 certain MMS regulations or requirements with
12 respect to electrical equipment in hazardous
13 areas?
14 A. Yes.
15 Q. Is that something that ABS looks
16 for in their own inspections?
17 A. Yes.

Page 102:08 to 102:11

00102:08 Q. But what is your concern as a
09 surveyor regarding equipment being
10 explosion-proof or not susceptible of
11 allowing gas in to spark?

Page 102:13 to 102:25

00102:13 THE WITNESS: That is still retained to

14 its original construction. That is still --
15 by visual or testing that it still meets the
16 requirement.
17 BY MR. DEGRAVELLES:
18 Q. And the requirement being what?
19 A. That it's suited for the area in
20 which it's located.
21 Q. And is the equipment suited when
22 it is so constructed and so maintained that
23 it does not allow gas into a portion of the
24 machinery or equipment that would allow it to
25 spark and cause an explosion?

Page 103:03 to 103:04

00103:03 THE WITNESS: In hazardous areas 0 and
04 1, yes.

Page 103:12 to 104:10

00103:12 Q. Looking at 3077 are you able --
13 when they mentioned here "hazardous area
14 electrical equipment," can you tell me what
15 area that they're talking about on the MODU
16 Deepwater Horizon?
17 Q. Looks like mostly in the shaker
18 rooms, mud process areas. And they looked in
19 the moon pool area.
20 Q. Does it say "we focused on the
21 shakers, mud processing area, pit room, and
22 drill floor"? Like at line 2 on page 87
23 under Hazardous Area Electrical Equipment.
24 A. Yes.
25 Q. And the shakers, mud processing
00104:01 area, pit room, and drill floor, are those
02 categorized in some way as a hazardous area?
03 A. In some way they are by the
04 hazardous area plan, yes.
05 Q. And what -- how would these be
06 classified, these areas?
07 A. I would have to look at the
08 hazardous area plan to see --
09 Q. All right.
10 A. -- how they're characterized.

Page 105:19 to 106:09

00105:19 Q. Okay. But if you did look at
20 this, it would be able to tell you, looking
21 at the hazardous area drawings, what sort of
22 classification is for shaker, mud processing
23 area, pit room, and drill floor, correct?
24 A. Correct.

25 Q. And what are the various
00106:01 classifications?
02 A. Haz A 0, 1, and 2.
03 Q. And what do those mean?
04 A. 0 being an area where gases are
05 most likely to be present. Area 1, where
06 they could be present. And Area 2, where
07 they're not likely to be present, and if they
08 were present, they would only be present for
09 a short period of time.

Page 139:23 to 140:02

00139:23 Q. I understand. Let me take a
24 different question. On any of the
25 inspections that you did on the Deepwater
00140:01 Horizon, did it involve, in whole or in part,
02 the blowout preventer?

Page 140:04 to 141:19

00140:04 THE WITNESS: Yes.
05 BY MR. DEGRAVELLES:
06 Q. All right. When was the last
07 time that you did an inspection that dealt
08 with the blowout preventer?
09 A. 2005.
10 Q. All right. At that time, what
11 did the inspection consist of?
12 A. It consisted of a survey of the
13 drill floor derrick, derrick inspection of
14 their maintenance of the bolts for the
15 derrick, drill floor equipment, maintenance
16 logs, PM logs of the BOP, choke and kill
17 system. All parts of the drilling system as
18 part of the annual survey.
19 Q. And when you do your part of the
20 annual survey that deals with the blowout
21 preventer, how would you inspect it? Would
22 you ask that it be operated in some manner?
23 Would you look at the paperwork? What would
24 you do, exactly?
25 A. Most the time, we inspect the
00141:01 blowout preventer during an annual survey. I
02 think on these two instances, it's -- it was
03 on the bottom. They were in the drilling
04 mode. So we would look at the subsea
05 engineer's records, last pressure test, last
06 -- when they pulled the pipe up and did the
07 MMS closures. Choke and kill -- hydrostatic
08 test their choke and kill valves and hoses.
09 All their PM systems and maintenance on all
10 of the drilling equipment.
11 Q. All right. You would want to

12 make sure all of that was in order?
13 A. Yes.
14 Q. Now, if you would have inspected
15 it and found, upon inspection, that the last
16 date of certification of the BOP bodies and
17 bonnets was beyond the five-year inspection,
18 overhaul, and recertification requirement,
19 what would you do?

Page 141:22 to 141:24

00141:22 THE WITNESS: I was on for the fourth
23 annual, so we never got to the point of the
24 five-year inspection. It was dropped.

Page 142:01 to 142:06

00142:01 Q. I understand. But I'm asking
02 you if you had been doing an inspection of
03 the BOP and noted that the last date of
04 certification was beyond the five-year
05 inspection, overhaul, and recertification
06 requirement, what would you do?

Page 142:09 to 142:13

00142:09 THE WITNESS: We would have to have a
10 talk with Transocean to see why this
11 happened. We have requirements for special
12 survey, you know, for BOP we have to look at
13 for the five-year inspection.

Page 142:15 to 142:16

00142:15 Q. And when you say you would have
16 a discussion, what would you discuss?

Page 142:18 to 142:23

00142:18 THE WITNESS: We would discuss how
19 this -- it's -- if they went through the
20 special survey -- you're saying after the
21 five-year inspection. The five-year
22 inspection would have included some
23 hydrostatic and operational tests of the BOP.

Page 144:03 to 144:06

00144:03 Q. In order to be in class, you
04 would have to have, within five years, a
05 five-year inspection, overhaul, and
06 recertification, correct?

Page 144:09 to 144:12

00144:09 THE WITNESS: We would have a --
10 surveys had calls out and the CDS guide for a
11 five-year special survey. We would do those
12 surveys.

Page 146:24 to 147:07

00146:24 Q. Okay. Now, I think -- did you
25 say that you were the one that had done the
00147:01 UWILD on September 13, 2009?
02 A. No. No, sir. All I did was the
03 extension for the UWILD.
04 Q. And the extension, did that
05 require you to actually go onto the Deepwater
06 Horizon?
07 A. Yes, sir.

Page 147:24 to 148:14

00147:24 Q. Okay. So if I understand
25 correctly, the way ABS works is, there will
00148:01 be -- when a -- when a -- for instance, a
02 UWILD is done, automatically plugged into the
03 system will be its next due date?
04 A. It automatically updates, yes.
05 Q. And so we know that there was a
06 UWILD done on September 13, 2009, correct?
07 A. Correct.
08 Q. Do you remember how long it was
09 extended?
10 A. Six months, I believe.
11 Q. So working backwards from that,
12 would you have gotten the extension some six
13 months before September the 13th of 2009?
14 A. Yes.

Page 149:12 to 150:08

00149:12 Q. I got you. And so when you go
13 to the rig to see whether you agree or not,
14 what are you looking for?
15 A. I'm looking for the watertight
16 integrity of the hull, the pontoons, sea
17 chest, we do a survey below, underneath the
18 rig, visually, where we can see, see it's
19 in. . .
20 Q. And you want to ensure yourself,
21 I take it, that it's okay to wait another six
22 months to do the full and complete UWILD
23 survey; is that true?

24 A. Correct.
 25 Q. All right. But again, all the
 00150:01 equipment you're looking at is subsea,
 02 correct?
 03 A. We're looking at -- yes, that
 04 the hull is still structurally intact and
 05 good condition, and sea chest valves, walk
 06 through the pontoons, watertight doors below
 07 deck, and basically everything we can look at
 08 during a UWILD without jumping over the side.

Page 154:16 to 155:03

00154:16 Q. Are you familiar with part of
 17 ABS's surveying of the Transocean Deepwater
 18 Horizon having included its maintenance
 19 recordkeeping system?
 20 A. This is in 2005 or so?
 21 Q. At any point to your knowledge.
 22 A. They have their own
 23 recordkeeping system.
 24 Q. I understand that, sir. But my
 25 question is, would ABS's job have included
 00155:01 monitoring or auditing their system to
 02 determine whether or not it's being properly
 03 carried out?

Page 155:06 to 155:10

00155:06 THE WITNESS: I'd have to look at the
 07 survey status on the Deepwater Horizon. But
 08 the preventative maintenance plan is usually
 09 submitted and approved by ABS and verified by
 10 the surveyor at the annuals.

Page 162:24 to 163:07

00162:24 THE WITNESS: Doing our surveys on the
 25 Horizon, we look at their maintenance plan:
 00163:01 what is due, what they've done. We don't
 02 look at the hours. We look at what was done,
 03 how it was done. They print out actual
 04 sheets for us of maintenance carried out on
 05 certain items. This change from impact to
 06 RMS, I know nothing about the hours or -- you
 07 know.

Page 163:21 to 164:04

00163:21 Q. And so to answer my question,
 22 that kind of analysis that I just read to you
 23 about those man-hours is not something that
 24 ABS would typically do?

25 A. No. We see that the maintenance
00164:01 is carried out. We don't look at the hours.
02 Q. All right. And when you say the
03 maintenance is carried out, you're looking
04 backwards at certain records, true?

Page 164:06 to 164:14

00164:06 THE WITNESS: Yes, sir.
07 BY MR. DEGRAVELLES:
08 Q. To see whether or not
09 maintenance was carried out, correct?
10 A. Yes.
11 Q. And on -- let's take an annual
12 survey. One surveyor, how long does it take
13 to complete the survey on the Deepwater
14 Horizon?

Page 164:16 to 165:23

00164:16 THE WITNESS: Which survey?
17 BY MR. DEGRAVELLES:
18 Q. Annual.
19 A. To complete annual?
20 Q. Yes, sir.
21 A. It just depends how much you
22 find. It can range from -- if you find
23 stuff, they correct it while you're there,
24 it's just -- it can just be three days,
25 four days. It just depends on -- it's a lot
00165:01 of -- it depends on the drilling operations,
02 the ability of the crew to go with you and do
03 stuff, you know. So it's a . . .
04 Q. Give me a range, kind of short
05 to long.
06 A. Three to four days.
07 Q. Okay. And during the annual, of
08 course, you would cover equipment as well as
09 things like these maintenance records, true?
10 A. More so for continuous surveys.
11 Q. And in terms of equipment, would
12 you spot check equipment?
13 A. It all depends on what equipment
14 you're talking about. It's a -- and a survey
15 is -- a survey at that time, the place, look
16 at engines, logs, we might do three main
17 engines, look at logs for other three.
18 Depends on drilling operations at the time.
19 We'll run all the pumps. Because if -- you
20 know, there's a continuous survey, too. So
21 you're looking at some more in-depth items,
22 also, while you're doing an annual, if it is
23 on continuous or not, or special periodical.

Page 167:14 to 167:19

00167:14 Q. What about the checking of the
15 alarms, the alarm system, tell me about when
16 you do -- when you do a survey that involves
17 that, what exactly do you do? Do you do a
18 spot check, or do you do -- do you look at
19 all the alarms?

Page 167:21 to 168:08

00167:21 THE WITNESS: On the Deepwater Horizon
22 or any new rig that's self-propelled in BP,
23 you're talking thousands of alarms. So it's
24 not impossible, but you would be there a long
25 time to check every alarm. So what you do,
00168:01 you look back and see when they went through
02 the alarms themselves, and then you spot
03 check the alarms.
04 BY MR. DEGRAVELLES:
05 Q. Are you looking, when you go
06 through and spot check the alarms, to
07 determine whether or not the alarms have been
08 bypassed or inhibited?

Page 168:10 to 168:11

00168:10 THE WITNESS: We would notice that when
11 we're doing our survey, yes.

Page 184:12 to 185:02

00184:12 Q. Okay. I think we established
13 before that you've been -- you visited the
14 Deepwater Horizon on three occasions, to your
15 recollection?
16 A. Yes.
17 Q. And that would be 2003, 2005,
18 and 2009?
19 A. Correct.
20 Q. And you -- in preparation for
21 this deposition, you reviewed some of your
22 reports or checklists from those visits,
23 correct?
24 A. We went over them, yes, ma'am.
25 Q. And you never found any major or
00185:01 serious deficiencies aboard the rig during
02 your visits, correct?

Page 185:04 to 186:06

00185:04 THE WITNESS: If I did, it would have

05 been in my report. And to the best of my
 06 knowledge, from reading my report, I didn't
 07 find any.
 08 BY MS. DEMPSEY:
 09 Q. Did you say you didn't find any?
 10 A. I did not find any major
 11 deficiencies, yes.
 12 Q. You noted that if you had found
 13 a major or serious deficiency, you would have
 14 recorded it in your reports, correct?
 15 A. Yes, ma'am.
 16 Q. So if we look in your reports
 17 and we don't see any notations about serious
 18 or major defects or deficiencies, could we
 19 assume that you didn't find any at the time?
 20 A. Yes, if I had credited the
 21 annual surveys and it's nothing noted, I
 22 didn't find anything.
 23 Q. Based on your visits to the rig,
 24 you never recommended that the rig suspend
 25 operations, correct?
 00186:01 A. Correct.
 02 Q. Okay. And to your knowledge,
 03 none of your colleagues from ABS that
 04 attended the rig ever recommended suspension
 05 of operations, correct?
 06 A. Not that I know of.

Page 187:10 to 188:12

00187:10 Q. But to your knowledge, none of
 11 your colleagues at ABS ever recommended to
 12 Transocean or BP or anyone else that the rig
 13 suspend operations?
 14 A. To the best of my knowledge.
 15 Q. Okay. And you never recommended
 16 that the flag state, whether it be Panama or
 17 the Republic of Marshall Islands, pull the
 18 statutory certificates for the Deepwater
 19 Horizon, correct?
 20 A. I never recommended that.
 21 Q. To your knowledge, no one at ABS
 22 recommended to Panama or the Republic of the
 23 Marshall Islands that the Deepwater Horizon's
 24 statutory certificates were pulled prior to
 25 April 2010, correct?
 00188:01 A. Correct.
 02 Q. You never communicated to anyone
 03 at BP or any BP representative that you did
 04 not believe the rig was capable of safe
 05 operations, correct?
 06 MR. SULLIVAN: Object to the form.
 07 THE WITNESS: No, ma'am. You're
 08 talking about 2003, '05, or '09 attendance?
 09 BY MS. DEMPSEY:

10 Q. That's correct.
11 A. That's correct, I never
12 recommended to any. . .

Page 189:03 to 189:10

00189:03 Q. For the record, this is marked
04 Exhibit 3078. Do you recognize this to be a
05 statutory inspection report and survey report
06 from your February 2003 visit?
07 A. Yes.
08 Q. Is this something you would have
09 populated while you were on the rig?
10 A. Yes, ma'am.

Page 190:04 to 191:08

00190:04 Q. Based on this document,
05 approximately how many days did you attend
06 the Deepwater Horizon in February 2003?
07 A. Three to four days. Depends on
08 when I got off. Could be four days.
09 Q. Do you recall whether you were
10 the only surveyor or whether there was
11 another ABS surveyor with you?
12 A. I was the only one attending.
13 Q. Approximately how many hours a
14 day did you work while on the rig?
15 A. It really varies. They go to
16 work at 6:00 in the morning, and it could be
17 to 8:00, 10:00 at night. So it could range.
18 It could be eight or ten hours or 12,
19 14 hours.
20 Q. Could you flip to the page
21 ending in the Bates range 3340. This is a
22 survey summary report, correct?
23 A. Yes.
24 Q. Okay. And this lists the class
25 surveys that you performed while on the rig?
00191:01 A. Yes, ma'am.
02 Q. And then in the middle of the
03 page, it says, "It is recommended that this
04 vessel be retained as classed with this
05 bureau." Do I take it to understand that you
06 recommended that the Deepwater Horizon be
07 retained as classed with ABS?
08 A. Yes, ma'am.

Page 191:15 to 192:18

00191:15 Q. Do you know if looking at this
16 report, whether you found any serious
17 deficiencies on the Deepwater Horizon in

18 2003?
19 A. No. Because I have -- all my
20 surveys, I have completed, except for the
21 cargo gear and the -- just the cargo gear.
22 All the other ones, though -- all the class
23 surveys were done. So yes, everything was
24 good.
25 Q. Okay. So there were no -- you
00192:01 did not find any serious deficiencies on the
02 Deepwater Horizon in February 2003?
03 A. Correct.
04 Q. In the middle of the page, we
05 see Statutory Surveys. Are those statutory
06 surveys required by the flag state?
07 A. Yes.
08 Q. And Transocean requested that
09 you come onboard and conduct those surveys?
10 A. Yes, ma'am.
11 Q. I would like to ask a few
12 questions about the MODU safety certificate.
13 If you could flip back two pages, it ends in
14 the Bates range 3338. Okay?
15 A. Okay.
16 Q. This is the MODU safety
17 certificate, correct?
18 A. Yes.

Page 193:17 to 195:08

00193:17 Q. So you did, indeed, certify that
18 your survey showed that the structure,
19 equipment, fittings, etcetera, complied with
20 the relevant provisions of the MODU code,
21 right?
22 A. On that date, yes.
23 Q. Okay. And in order to reach
24 that conclusion, what equipment did you
25 survey?
00194:01 A. For the MODU code, it's quite a
02 large check sheet. It's lifeboats,
03 lifesaving equipment, incorporates into the
04 radio surveys, different various systems, gas
05 detection, heat/smoke detection system. It
06 overlaps into some of the class surveys,
07 machinery and stuff, some of the MODU code
08 surveys. Watertight doors. It goes into
09 load line items. Watertight doors and all
10 that. So it kind of overlaps. But it's all
11 the safety surveys, radio surveys, engines,
12 pumps, watertight doors, enclosures.
13 Q. And you mentioned the fire and
14 gas detectors?
15 A. Yes.
16 Q. And everything you surveyed was
17 in satisfactory condition?

18 A. Yes.
 19 Q. And if it wasn't, you would not
 20 have issued this certificate, correct?
 21 A. It all depends on what the item
 22 was. If it was a minor deficiency, you know,
 23 we'd still issue it with an outstanding. A
 24 major deficiency which affected the safety of
 25 the guys onboard, the structure of the unit,
 00195:01 we would have had to get further advice. But
 02 by me signing the certificate, everything was
 03 satisfactory.
 04 Q. Okay. So all the items of
 05 equipment you just mentioned, your survey
 06 showed that they were, in all respects,
 07 satisfactory, correct?
 08 A. Correct.

Page 195:18 to 196:04

00195:18 Q. Okay. And I guess I have a
 19 general question. If an ABS surveyor notes
 20 certain deficiencies, whether minor or major,
 21 in their report, and they make
 22 recommendations to Transocean about
 23 rectification, does ABS have any kind of
 24 follow-up mechanism to ensure that Transocean
 25 does, in fact, rectify the deficiencies?
 00196:01 A. Yes. It would be an outstanding
 02 recommendation or deficiency written against
 03 the unit, and there would be an end date
 04 where it had to be complied with.

Page 196:09 to 198:16

00196:09 Q. Do they do any in-person
 10 follow-up visits between annual surveys to
 11 check on the deficiencies?
 12 A. It's possible that a surveyor
 13 could write it up for 90 days. Instead of
 14 waiting until the next annual, he could write
 15 up it for a shorter period of time.
 16 Q. But if it's written up for a
 17 one-year close-out timeframe, then he would
 18 just check -- he or she would just check
 19 during the next annual survey?
 20 A. Correct.
 21 Q. Okay. If the deficiencies were
 22 fairly minor, would it be the usual case that
 23 ABS wouldn't verify until the next annual
 24 survey?
 25 A. For minor deficiencies, yes.
 00197:01 Q. On the next page, ending in
 02 Bates range 3343, it states at the top Annual
 03 Survey of Certified Drilling System, correct?

04 A. Correct.
 05 Q. And this is your signature at
 06 the bottom?
 07 A. Yes.
 08 Q. Okay. ABS offers classification
 09 of drilling systems. I think we established
 10 that during your first couple of hours.
 11 A. Yes, ma'am.
 12 Q. Okay. And if a drilling system
 13 and drilling equipment meets the ABS
 14 classification standards, then ABS awards a
 15 certification for the drilling system?
 16 A. Right.
 17 Q. It's an optional certification?
 18 A. Yes, ma'am.
 19 Q. Now, what does CDS stand for?
 20 A. Certification of drilling
 21 systems.
 22 Q. And what does the certification
 23 represent?
 24 A. It represents that the drilling
 25 components of the -- components of the
 00198:01 drilling system were reviewed by ABS
 02 technical, to either the ABS standard and/or
 03 to API, and the surveyors attended wherever
 04 there components were manufactured, attended
 05 the plants of fabrication or manufacturing to
 06 see that they were fabricated and built in
 07 accordance with the approved plans.
 08 Q. And then as I understand it,
 09 after the drilling system gets a
 10 certification, there are annual visits to
 11 endorse the certification? Correct?
 12 A. Yes, ma'am.
 13 Q. Okay. Does having a CDS, a
 14 certification of drilling system, show that
 15 the drilling equipment is fit for purpose
 16 according to ABS?

Page 198:18 to 199:18

00198:18 THE WITNESS: When we do our annual
 19 survey of the drilling systems, we see that
 20 it still is in compliance with ABS
 21 regulations, as per our guide.
 22 BY MS. DEMPSEY:
 23 Q. Okay. So if a drilling -- if a
 24 drilling system had the CDS certification,
 25 then it would be proof, let's say, that the
 00199:01 drilling system complied with ABS
 02 requirements?
 03 A. Yes, it had -- if it had a CDS
 04 notation, yes, that would mean that the
 05 equipment did comply with ABS requirements,
 06 yes.

07 Q. And would a certification
08 represent that the owner of the drilling
09 system is properly maintaining the system?
10 A. That would be documented during
11 our annual survey and examination of the
12 equipment or maintenance records.
13 Q. So that's not necessarily tied
14 to the CDS? Or it is?
15 A. Yes.
16 Q. Okay. Do you think that the
17 certification is recognized as a mark of
18 quality?

Page 199:21 to 199:24

00199:21 THE WITNESS: I think that the CDS
22 notation shows that it complies with our
23 requirements that's in place at the time that
24 the unit was built or the system was built.

Page 201:05 to 201:05

00201:05 (EXHIBIT NO. 3079 WAS MARKED FOR THE RECORD.)

Page 201:07 to 201:09

00201:07 Q. Mr. Haynie, could you please
08 describe the surveyor publication, generally,
09 as you understand it?

Page 201:11 to 201:18

00201:11 THE WITNESS: Yes. It's a magazine
12 published quarterly by ABS, distributed to
13 the surveyors and people within ABS, of
14 different goings-on with ABS, what's going on
15 in the world of ABS and all.
16 BY MS. DEMPSEY:
17 Q. Do you read it regularly?
18 A. Yes, I do.

Page 202:04 to 202:21

00202:04 Q. Okay. The title of it is What
05 is CDS and Can it Promote Drilling Rig
06 Safety? Correct?
07 A. Yes.
08 Q. Okay. And if you would jump to
09 the very last two sentences of the
10 publication, it -- or of the article, it
11 says, "For that reason, there can be a very
12 real incentive for a rig owner to voluntarily

13 maintain a CDS," he says. "It is an
 14 effective risk mitigation tool that provides
 15 an additional level of protection for life
 16 and the environment."

17 Would you agree with the author
 18 from ABS that the CDS is an effective risk
 19 mitigation tool that provides an additional
 20 level of protection for life and the
 21 environment?

Page 202:24 to 203:02

00202:24 THE WITNESS: I can't -- no, I don't
 25 know. That's -- I can't say that it is, I
 00203:01 can't say that it isn't, you know. That's
 02 just a statement by. . .

Page 203:17 to 204:17

00203:17 Q. You're trained in certified --
 18 you're trained to conduct surveys to endorse
 19 certified drilling certificates, right?

20 A. Yes.

21 Q. Okay. And what kind of training
 22 do you undergo that gives you the expertise
 23 to carry these out?

24 A. We have training classes in
 25 Houston, as we talked before, for MODUs,
 00204:01 different equipment. We have literature,
 02 books, and we study, and it's actual
 03 experience, shop tests of BOPs and drilling
 04 equipment we go through.

05 Q. Okay. And you understand that
 06 the Deepwater Horizon was issued a certifi-
 07 -- a drilling systems certificate from ABS in
 08 2001, correct?

09 A. Yes, ma'am.

10 Q. And as you said, then that
 11 requires an annual survey to endorse the
 12 certificate?

13 A. Yes, ma'am.

14 Q. And you conducted an annual
 15 survey of the certificated drilling system in
 16 2003 and then again in 2005?

17 A. Yes, ma'am.

Page 205:25 to 206:03

00205:25 Q. I want to talk a little bit
 00206:01 about the scope of the CDS survey in 2003 and
 02 2005. Okay?

03 A. Sure.

Page 207:01 to 207:03

00207:01 Q. Did you -- given that the BOP
02 was subsea, did you conduct a meaningful
03 examination to the extent possible?

Page 207:05 to 207:08

00207:05 THE WITNESS: Our guide allows us to
06 check maintenance records, logs, last
07 function tests, examine all their records
08 onboard and accept that.

Page 207:16 to 208:02

00207:16 Q. Okay. And in 2003, flipping
17 back to Tab 2 for -- oh, I'm sorry, to Tab 1
18 for a moment, the page that ends in Bates
19 range 3343. You were able to conclude that
20 the drilling equipment was fit for purpose in
21 2003?
22 A. Yes, ma'am.
23 Q. Could you please flip to the
24 page ending in Bates range 3346. This is a
25 checklist related to the annual survey for
00208:01 the 1989 MODU code?
02 A. Yes, ma'am.

Page 209:03 to 209:18

00209:03 Q. And correct me if I'm wrong, but
04 I think that "yes" is generally a positive
05 indication that you were satisfied with each
06 of the items? If "yes" gets checked, that
07 indicates you were satisfied with the item?
08 A. Yes, ma'am.
09 Q. And looking through the 125, I
10 believe that none of the items have a "no" in
11 the checkbox. Can you do a quick check and
12 confirm that?
13 A. Sure.
14 Q. Is that correct?
15 A. You are correct.
16 Q. What does that indicate to you,
17 generally, about the state of the Deepwater
18 Horizon in 2003?

Page 209:20 to 209:22

00209:20 THE WITNESS: Shows me that as far as
21 the MODU code certification, everything was
22 found in satisfactory condition.

Page 210:05 to 210:16

00210:05 Q. Okay. And this 3336, that lists
06 rectification of outstanding deficiencies
07 from previous surveys, correct?
08 A. Yes.
09 Q. Okay. So if I understand
10 correctly, you didn't list any new
11 deficiencies here, did you?
12 A. No, I did not. I cleared the
13 deficiencies by New Orleans.
14 Q. Okay. And you didn't add any
15 new ones to the list?
16 A. Not that I see here, no, ma'am.

Page 210:25 to 210:25

00210:25 (EXHIBIT NO. 3080 WAS MARKED FOR THE RECORD.)

Page 211:10 to 212:01

00211:10 Q. Okay. Does this appear to you
11 to be an invoice request form associated with
12 the February 2003 ABS visit to the Deepwater
13 Horizon?
14 A. Yes, ma'am.
15 Q. Okay. At the bottom of the
16 first page, Bates stamp 3268, there's a box
17 that says Services Performed, correct?
18 A. Correct.
19 Q. And at the bottom of that box,
20 the last entry is "Annual Survey Drilling
21 System 2," correct?
22 A. Correct.
23 Q. Does that relate to the
24 certified drilling system aspect of the
25 survey?
00212:01 A. Yes, ma'am.

Page 212:18 to 212:21

00212:18 Q. I see. So the total cost to
19 Transocean for the certificated drilling
20 system survey in 2003 was \$1,188?
21 A. Yes, ma'am.

Page 212:24 to 213:15

00212:24 with the tab, I think you testified earlier
25 this morning that you were aware that
00213:01 Transocean discontinued the drilling systems
02 certificate. Correct?

03 A. Certification, yes.
04 Q. Thank you. The certification of
05 drilling systems?
06 A. Yes.
07 Q. Okay. Do you know what year
08 they discontinued it?
09 A. I was there in, say, 2005, so it
10 would have had to have been later that year
11 or next year.
12 Q. Okay. So is it your
13 understanding that after, let's say 2006 to
14 be safe, ABS no longer certified Transocean's
15 drilling system on the Deepwater Horizon?

Page 213:17 to 213:23

00213:17 THE WITNESS: That is my understanding,
18 yes.
19 BY MS. DEMPSEY:
20 Q. Do you know why Transocean
21 discontinued the certification for drilling
22 systems?
23 A. No, ma'am.

Page 215:06 to 215:23

00215:06 (EXHIBIT NO. 3081 WAS MARKED FOR THE RECORD.)
07 BY MS. DEMPSEY:
08 Q. I think, and please correct me
09 if I'm wrong, that you were on the rig for
10 about 13 days?
11 A. It appears so.
12 Q. Were you accompanied by any
13 other surveyors during your time on the rig?
14 A. No, ma'am. It's just my name on
15 the report.
16 Q. Okay. And, in fact, that's your
17 electronic signature at the bottom of the
18 first page, bearing the Bates stamp ending in
19 3481?
20 A. Yes.
21 Q. Sitting here today, during the
22 March 2005 visit, did you perceive the
23 Deepwater Horizon to be in good condition?

Page 215:25 to 216:15

00215:25 THE WITNESS: By my reports, yes, I
00216:01 credited the surveys, yes, satisfactory
02 condition.
03 BY MS. DEMPSEY:
04 Q. The rig was in satisfactory
05 condition? And, again, you did not recommend

06 that the rig suspend operations, based on
07 your time on the rig?
08 A. Correct, I didn't.
09 Q. And you did not recommend that
10 ABS pull the rig's class certifications?
11 A. No, I did not.
12 Q. And you did not communicate to
13 anyone at BP that the rig was not capable of
14 safe operations?
15 A. I did not.

Page 216:25 to 217:05

00216:25 Q. So you endorsed the certificate
00217:01 of class in April of 2005?
02 A. Yes.
03 Q. Was this part -- was this
04 March 2005 visit part of this special
05 periodical survey -- or periodic survey?

Page 217:07 to 217:10

00217:07 THE WITNESS: Yes, because now she's on
08 continuous surveys. So it was part of the
09 special continuous -- continuous periodical,
10 continuous surveys.

Page 217:17 to 217:23

00217:17 Q. Okay. I'm wondering why, in
18 your March 2003 visit, you were there for
19 about four days, and this time you were there
20 about 13. Was this a broader scope, or why
21 were you on the rig longer?
22 A. This was for a -- also a
23 change-of-flag survey.

Page 221:12 to 221:22

00221:12 Flip to Tab 7. Now, you testified that you
13 visited the Deepwater Horizon in March 2009,
14 correct?
15 A. Yes, ma'am.
16 Q. For an extension **survey** relating
17 to the UWILD?
18 A. Yes.
19 Q. And how many days,
20 approximately, were you on the rig in 2009?
21 A. I believe it was two days. On
22 one day, and off the next.

Page 223:15 to 223:17

00223:15 Was the general purpose of your
16 visit to ensure that the rig was in a state
17 where an extension would be appropriate?

Page 223:19 to 224:01

00223:19 THE WITNESS: It was an overview of the
20 rig to see if everything was still in
21 satisfactory condition for the survey period
22 to the drydock, yes.
23 BY MS. DEMPSEY:
24 Q. And in your view, based on your
25 visit, everything was in satisfactory
00224:01 condition?

Page 224:04 to 224:11

00224:04 Q. From what you looked at?
05 A. From what I looked at,
06 everything was in satisfactory -- yes.
07 Q. Okay. And you concluded that
08 the vessel was fit for service during the
09 extension to September 2009?
10 A. Whenever the UWILD was carried
11 out, yes.

Page 226:19 to 227:11

00226:19 Q. Okay. So is it basically that
20 if anytime you're on the rig and you see a
21 safety management system failure, you have an
22 obligation to report that?
23 A. If it falls in the category of
24 meeting a PR 17, yes.
25 Q. When would a failure fall into
00227:01 the category of meeting a PR 17?
02 A. It could be a breakdown in the
03 system, overdue certificates, it could be
04 something safety related. Something that
05 would affect the safety of the rig or the
06 people onboard.
07 Q. To your recollection, do you
08 ever recall observing possible safety
09 management system failures while on the
10 Deepwater Horizon?
11 A. No, ma'am.

Page 228:10 to 228:15

00228:10 Q. Did you feel you had the
11 authority to suspend operations or stop work
12 if you saw something happening that you felt

13 created an unreasonable risk or hazard for
14 the people on the rig?
15 A. Yes.

Page 228:23 to 229:25

00228:23 Q. But at no time while you were on
24 the rig did you ever feel you needed to
25 exercise that authority, correct?
00229:01 A. Correct.
02 Q. And just to be clear -- I
03 appreciate your patience on this. During
04 your March 2009 visit, you did not recommend
05 that the Republic of the Marshall Islands
06 pull any statutory certificates?
07 A. No, I did not.
08 Q. You did not recommend that ABS
09 pull class certifications?
10 A. I did not.
11 Q. Okay. And you never
12 communicated to BP or any BP representative,
13 whether onshore or on the rig, that the rig
14 was not capable of safe operations, in your
15 opinion?
16 A. I did not communicate that.
17 Q. And, in fact, did you ever
18 communicate that to anyone following your
19 visit?
20 A. No. I credited the surveys,
21 everything was satisfactory, met our
22 requirements.
23 Q. I'm sorry, everything was
24 satisfactory?
25 A. And met ABS requirements.

Page 232:06 to 232:10

00232:06 Q. Okay. Now, to the extent an ABS
07 surveyor finds some type of deficiency during
08 a survey, do they understand that it's up to
09 the rig owner to rectify the deficiencies
10 identified?

Page 232:12 to 232:19

00232:12 THE WITNESS: The rig owner/vessel
13 manager is responsible for keeping the rig in
14 compliance with ABS rules and requirements,
15 yes.
16 BY MS. DEMPSEY:
17 Q. And in the case of the Deepwater
18 Horizon, that would be Transocean?
19 A. Yes.

Page 233:25 to 234:10

00233:25 Q. Certification. And I would
00234:01 assume, because there's a fee associated with
02 it and it's a service offered to clients,
03 that ABS has some reason to believe that it
04 could be valuable to a client, correct?
05 A. Yes. Same as classification,
06 yes.
07 Q. And I'd like your understanding
08 of why the certificate of drilling systems
09 can be a valuable certificate for a rig owner
10 to have.

Page 234:20 to 235:09

00234:20 THE WITNESS: During new construction,
21 all the parts of the drilling system are
22 reviewed by ABS to requirements, so that
23 surveyors around the world go to different
24 parts to see these components being built,
25 which means they're built under ABS -- see
00235:01 that they do meet ABS rules and requirements.
02 That is a -- I'm sure it's
03 helpful to the owner so that everybody over
04 the world ABS does it, and it shows it
05 complies with API standards and ABS.
06 BY MS. DEMPSEY:
07 Q. So it's valuable to know that
08 your drilling equipment complies with API
09 standards?

Page 235:11 to 235:12

00235:11 THE WITNESS: I'll say it's good to
12 know it does comply, yes.

Page 236:09 to 237:16

00236:09 (EXHIBIT NO. 3084 WAS MARKED FOR THE RECORD.)
10 BY MS. DEMPSEY:
11 Q. I'm going to hand you what's
12 been marked Exhibit 3084. This document does
13 not bear a Bates range, but it is publicly
14 available. It reads, ABS Guide for the
15 Certification of Drilling Systems, July 2006,
16 Updated November 2010. See next page."
17 When you conducted annual
18 surveys for the certification of drilling
19 systems, did you use an ABS guide for the
20 certification of drilling systems?
21 A. Yes, ma'am.
22 Q. And from July 2006 to date, is

23 this the manual or guide that you would have
24 used to inform your surveys?
25 A. For surveys we carried out now,
00237:01 this would be the one.
02 Q. Well, this is dated July 2006
03 and copyrighted 2006. So if you were to
04 conduct one of these surveys for the drilling
05 systems from July 2006 onwards, would you
06 have used this guide?
07 A. I would have used the -- are we
08 talking about the Deepwater Horizon?
09 Q. No, not necessarily. Just more
10 generally in your surveying.
11 A. For new certifications that
12 would have taken place after July 2006, we
13 would use this guide. And for existing, we
14 would use, in annual surveys, surveys after
15 construction, we would use that as our items
16 to look at for existing equipment.

Page 238:11 to 239:02

00238:11 Q. Is the -- you just said it's not
12 what you look at for the annual surveys. Is
13 there somewhere else in this guide that would
14 help me understand what you look at during
15 the annual survey for the certification of
16 drilling systems?
17 A. Page 64.
18 Q. Great. So is this basically a
19 checklist, then, of what you would look at
20 during the annual survey?
21 A. Yes, ma'am.
22 Q. So if you had conducted annual
23 surveys relating to the certification of
24 drilling systems on the Deepwater Horizon
25 from July 2006 onward, you would have used
00239:01 this checklist found on page 64 of
02 Exhibit 3084?

Page 239:04 to 239:04

00239:04 THE WITNESS: Yes.

Page 240:08 to 242:03

00240:08 Q. Do you hold any licenses or
09 certifications that either are required for
10 you to conduct your business as a marine
11 surveyor or assist you to conduct your
12 business as a marine surveyor?
13 A. I'm required to hold my chief
14 engineer's license as part of my job --

15 Q. Okay.
 16 A. -- to be an ABS surveyor.
 17 Q. And as part of a chief
 18 engineer's license, that license is up for
 19 renewal or recertification every so many
 20 years?
 21 A. Every five years, yes, sir.
 22 Q. All right. And as part of that
 23 process, you have to go through an evaluation
 24 criteria, I take it, or retesting? Tell us
 25 about that.
 00241:01 A. No, it's no retesting. With the
 02 chief engineer's license, it's just -- I
 03 renew it under a continuity where -- because
 04 I don't sail anymore, so I don't have sea
 05 time. So sea time -- renewal is contingent
 06 upon sea time. The Coast Guard allows you to
 07 renew it under continuity, where they -- I
 08 send it in and put whatever information they
 09 want, and they send me a copy of my license
 10 back valid for another five years, with
 11 conditions that if I do want to use it, I
 12 have to take a physical and take an STC
 13 course.
 14 Q. All right. And that license
 15 could be revoked or not renewed by the Coast
 16 Guard for misbehavior, criminal activity,
 17 improper completion of activities as part of
 18 your job as a marine surveyor, etcetera,
 19 right?
 20 A. Yes, sir.
 21 Q. All right. It's important for
 22 you to conduct yourself as a marine surveyor
 23 with integrity; is that right?
 24 A. That's correct.
 25 Q. All right. And is that the way
 00242:01 you have been operating as a marine surveyor
 02 through the course of your career with ABS?
 03 A. Yes, sir.

Page 242:13 to 243:21

00242:13 How do you describe what you and
 14 ABS do on a day-to-day basis or year-to-year
 15 basis in connection with these surveys that
 16 you've performed on the Horizon?
 17 A. We see that the rules and
 18 standards that was in place when the
 19 Deepwater Horizon was fabricated or built.
 20 We see that those -- that she is kept in
 21 compliance with our rules and requirement and
 22 safety systems throughout the time that she
 23 is classed by ABS, from kill lay or delivery
 24 until whenever. And it's renewable every
 25 five years through a survey that goes a

00243:01 little deeper in the systems that we talked
02 about before, special surveys or continuous
03 hull and machinery.
04 The rules and requirements ABS
05 has developed that she's built to is revised
06 every so often with new requirements coming
07 out, and we see that she stays in compliance
08 with her annual surveys.
09 Q. All right. So basically, every
10 year ABS, as an entity, has to put their
11 stamp of approval, so to speak, aboard the
12 Horizon or upon the Horizon for her to keep
13 performing her function as a drill ship in
14 the Gulf of Mexico -- as a MODU in the Gulf
15 of Mexico; is that a fair statement?
16 A. Yes. To keep all her
17 certificates valid and up-to-date, so yes.
18 Q. All right. Do you -- do you
19 characterize the process by which ABS goes
20 through in order to evaluate the Horizon as a
21 rigorous process?

Page 243:23 to 244:01

00243:23 BY MR. KALLAM:
24 Q. Thorough, rigorous process?
25 A. Yes, it's a -- the annual survey
00244:01 is a --

Page 244:03 to 249:09

00244:03 THE WITNESS: -- pretty thorough
04 survey, yes, sir.
05 BY MR. KALLAM:
06 Q. All right. It takes you, who
07 has, what, 30 years of experience in the
08 industry, over four days in some instances to
09 perform this survey to put that stamp of
10 approval upon the Horizon, correct?
11 A. Yes, sir.
12 Q. And, in fact, if you do not
13 perform that job honestly and with integrity,
14 you could, in fact, lose your license as a
15 chief engineer as authorized by the United
16 States Coast Guard; is that right?
17 A. If something was to happen and
18 the Coast Guard did an investigation, I guess
19 I could, yes.
20 Q. All right. And you have no
21 relationship with the Horizon or with
22 Transocean, for an example, that causes you
23 to perform these surveys or these inspections
24 any differently than you would for other
25 entities around the world; is that correct?

00245:01 A. No. I carry out the surveys
02 whether it's Transocean, whoever, the same.
03 Q. And at no point in time are you
04 aware of any influence that Transocean tried
05 to exert upon you or ABS as an entity to sway
06 the outcome of your surveys or your
07 certifications of the rig; is that right?
08 A. That's correct.
09 Q. All right. Now, you mentioned
10 that you put this stamp of approval upon the
11 Horizon every year to ensure that it's within
12 the ABS rules and regulations; is that right?
13 A. That's correct.
14 Q. Okay. Who are you certifying
15 the rig for? What entities have asked you to
16 certify this rig as being in compliance with
17 the rules and regulations that we're getting
18 ready to talk about?
19 A. First, Transocean has chosen
20 Deepwater Horizon to be their recognized
21 organization, or class society for new
22 construction built and continuous surveys.
23 So we do these surveys on behalf of
24 Transocean. We also do other surveys on
25 behalf of the flag state. In this case, now
00246:01 it's Marshall Islands, to see she stays in
02 compliance.
03 Q. All right. Let's assume
04 hypothetically that the Horizon had been
05 flagged under the laws of the United States.
06 Would the procedures that you went through as
07 a surveying entity be any different as
08 opposed to when it was flagged under Panama
09 or under Republic of Marshall Islands?
10 A. The only thing would change
11 would be the -- if it was U.S. flag. Coast
12 Guard will assume the safety surveys,
13 lifesaving gear, life floats and all on
14 Horizon, unless it was under the ACP program
15 on the compliance, and then we would -- they
16 would do an oversight on us, and we would do
17 the safety surveys.
18 Q. Okay.
19 A. There are some rigs like that.
20 That would be the difference. My scope then,
21 if the Coast Guard was doing the safe
22 surveys, would be strictly safety systems,
23 machinery, hull surveys.
24 Q. Okay. But insofar as the
25 hardware of the rig, would the surveys be the
00247:01 same whether you're performing them for the
02 United States Coast Guard, for example, as
03 opposed to the Marshall Islands or the
04 Republic of Panama?
05 A. If was like an ACP, it would

06 theoretically be the same survey.
07 Q. All right. Now, you mentioned
08 earlier that there are various rules and
09 regulations and standards by which you and
10 your company judge, so to speak, the Horizon;
11 is that right?
12 A. (Nods head affirmatively.)
13 Q. Is that a yes?
14 A. Yes.
15 Q. Can you tell us what those rules
16 and regulations and standards are that you
17 use as a backdrop when you go out and do the
18 inspection or the survey?
19 A. Sure. She was built under ABS
20 MODU rules. So under the MODU rules, we have
21 annual survey requirements, special survey
22 requirements. She was built under the IMO
23 MODU code, so there comes the requirements
24 and surveys that's due under the IMO MODU
25 code. Also some other surveys is the Marpol
00248:01 Annex I for how they take care of the oily
02 waste and build slops. The Marpol Annex VI,
03 which we were working on for air pollution,
04 and Marpol Annex IV, which is sewage, we
05 issue that certificate on behalf of the flag
06 state, and flag state verification affidavit,
07 document, another document for EP systems.
08 So it's various rules and regulations. MODU
09 code, Marpol, class surveys, and statutory
10 that comes into effect.
11 Q. Now, you mentioned the ABS MODU
12 rules, right? Those are promulgated by who?
13 A. That is the ABS requirements.
14 Q. All right. And is that the
15 document which creates the checklist that you
16 then go out and operate by when you conduct
17 these surveys?
18 A. For our annual class surveys,
19 yes.
20 Q. All right. Then you also
21 mentioned the IMO MODU code; is that right?
22 A. Yes.
23 Q. And that's a statutory code?
24 A. Yes, sir.
25 Q. All right. And what surveys are
00249:01 conducted pursuant to that code?
02 A. That is surveys that's -- deals
03 with safety, lifeboats, deals with watertight
04 integrity, some radio surveys. You've got
05 some verbiage in there on cargo gear surveys.
06 A lot of the safety-related surveys on the
07 rig: systems, gas, fire, fire extinguishers,
08 fix fire extinguisher systems. Deals with
09 that.

Page 252:06 to 253:11

00252:06 Q. There are instances where the
07 Coast Guard, though, utilizes ABS's services
08 to inspect the safety systems of U.S. flagged
09 vessels, correct?
10 A. Yes.
11 Q. Okay. So the services that
12 y'all provide in order to determine whether
13 the safety systems of the Horizon comply with
14 law are the same, in essence, of what -- is
15 the same as what the Coast Guard does; is
16 that right?
17 A. We basically look at the same
18 things, yes.
19 Q. All right. And, in fact, like
20 we've said, the Coast Guard actually utilizes
21 y'all's services, contracts with y'all to
22 evaluate the safety systems of some rigs that
23 are flagged under United States; is that
24 right?
25 A. I don't know if I'd use the word
00253:01 "contract." They oversee or look at what
02 we've done, see if it's duplication of
03 efforts.
04 Q. They authorize you-all to
05 evaluate the safety systems of certain U.S.
06 flagged MODUs; is that correct?
07 A. We attend -- like I say, some of
08 our systems overlap. And they do let us,
09 specifically on ACP vessels, to look at a lot
10 of systems doing surveys after construction.
11 Yes.

Page 253:23 to 255:11

00253:23 Q. All right. You do remember,
24 though, as part of that orientation, that you
25 were aware that you had stop-work authority,
00254:01 correct?
02 A. They make that known. Yes.
03 Q. All right. And there was no
04 doubt in your mind, especially as a marine
05 surveyor onboard the Horizon performing an
06 official role, that if you saw a condition
07 that posed a safety hazard such that you felt
08 you needed to stop operations momentarily to
09 have it corrected, you could have certainly
10 done so; is that right?
11 A. Yes, sir.
12 Q. And at no point in time during
13 the -- I count approximately 20 to 21
14 business days -- or working days that you
15 were onboard the rig, aboard the Horizon, you
16 never exercised stop-work authority; is that

17 right?
18 A. I never did.
19 Q. All right. And you never
20 observed a condition as part of all your
21 inspection, of all the various component
22 parts of the rig, that would warrant stopping
23 work due to a safety concern; is that right?
24 A. That is right.
25 Q. Now, we've talked about your
00255:01 surveys at three different points in time.
02 And I'll go over them a little bit in a
03 moment, but I think generally speaking, you
04 testified that they were satisfactory or
05 favorable evaluations. Is that correct?
06 A. Correct.
07 Q. Did you -- after spending those
08 20-plus days aboard the Horizon and
09 performing these surveys, did you form any
10 opinions of the Horizon, specifically insofar
11 as her safety culture was concerned?

Page 255:13 to 256:16

00255:13 THE WITNESS: I did not see anything
14 that would cause me concern.
15 BY MR. KALLAM:
16 Q. All right. And, in fact, you've
17 testified earlier today that as part of the
18 rig maintenance system and the safety
19 management system of the vessel, you never
20 saw any indicators to you that would indicate
21 that either of those systems had failed; is
22 that right?
23 A. That is correct.
24 Q. All right. I want you to turn
25 to Tab 4 in the binder in front of you, which
00256:01 is the ABS survey manager. It's the survey
02 status report for owner, bearing Bates
03 ABS-DWH 001570. I can give you a document
04 number for the record and exhibit number.
05 Just hold on one second so I can make that
06 clear. I believe it's Exhibit 3074.
07 And I think you testified
08 earlier that the purpose of that document is
09 to show the status of the various surveys?
10 Is that right?
11 A. Yes, sir.
12 Q. All right. Can you turn to page
13 20 of 71 of that document. And, again, this
14 version that you're looking at here is dated
15 April 30th of 2010; is that right?
16 A. Yes.

Page 257:07 to 258:07

00257:07 Q. All right. What -- first of
08 all, what is this document telling us insofar
09 as the hazardous zone is concerned?
10 A. This is telling us, for this
11 continuous survey, that the surveyor examined
12 these areas, the drill floor, mud return,
13 tank area, shell shaker area, and found
14 everything satisfactory.
15 Q. All right. Now, this is the
16 zone that was -- that was subject of some
17 questions earlier about the electrical
18 components within the zone?
19 A. Yes.
20 Q. Is that the section that we're
21 here to talk about, on page 20 of 71, where
22 it says Hazardous Zone, and it has all three
23 satisfactory? Is that the electrical
24 components in those areas within the
25 hazardous zone?
00258:01 A. Yes.
02 Q. All right. And what this survey
03 is showing is that as of the time of the
04 April 20, 2010, incident aboard the Horizon,
05 those zones had, in fact, been inspected, and
06 they were found to be in satisfactory
07 condition; is that correct?

Page 258:10 to 258:10

00258:10 THE WITNESS: At that time.

Page 258:12 to 258:18

00258:12 Q. All right. And it also shows
13 that it was next due for an inspection in
14 January or December of 2012; is that right?
15 A. Correct.
16 Q. So the survey, so to speak, or
17 the certification of those areas was
18 up-to-date; is that right?

Page 258:20 to 258:21

00258:20 THE WITNESS: It was credited for
21 special survey, yes.

Page 259:18 to 260:13

00259:18 Q. Now, there were some questions
19 earlier about the surveys of drilling
20 equipment. Do you remember that?
21 A. Yes, sir.

22 Q. All right. And I think you
 23 testified earlier that the purpose of that is
 24 to make an initial determination throughout
 25 the construction process that the drilling
 00260:01 equipment is manufac- -- or actually
 02 installed and manufactured aboard the rig in
 03 accordance with certain standards; is that
 04 right?
 05 A. Correct.
 06 Q. Is that -- did I describe that
 07 correctly?
 08 A. It was good.
 09 Q. Okay. And then there are
 10 certain times after the rig is put into
 11 service that you, as a company, then certify
 12 it; is that right?
 13 A. Annual surveys, yes.

Page 261:14 to 261:22

00261:14 Q. All right. Now, are there
 15 certain countries where that type of
 16 certification is required?
 17 A. I hear there is.
 18 Q. Okay. And you hear what
 19 countries or what general areas of the world
 20 where that type of certification might be
 21 require?
 22 A. North Sea.

Page 262:10 to 263:01

00262:10 (EXHIBIT NO. 3085 WAS MARKED FOR THE RECORD.)
 11 BY MR. KALLAM:
 12 Q. And this appears to be a letter
 13 from Transocean from Mr. John Keeton to
 14 Mr. John Forsyth of ABS; is that right?
 15 A. Correct.
 16 Q. And it's dated April 27th of
 17 2005?
 18 A. Yes, sir.
 19 Q. I would like you to review that
 20 short correspondence and tell us if this
 21 provides you with an understanding as to why
 22 Transocean discontinued the certificate of
 23 drilling systems classification.
 24 A. As it's written here, it's not
 25 required by MMS, so they elected not to
 00263:01 continue the certification.

Page 266:21 to 270:11

00266:21 Q. All right. As I understand it,

22 as part of your survey of the Horizon back in
23 March of 2005, you would have, in fact,
24 surveyed the electrical equipment in the
25 hazardous areas. Is that right?

00267:01 A. That's part of our survey, yes,
02 sir.

03 Q. All right. Now, is there a
04 particular document that guides you in how
05 you go about examining those areas of the
06 rig, that you're aware of?

07 A. For CDS?

08 Q. Yeah. Well, for CDS or
09 otherwise. Just what I'm talking about,
10 electrical equipment in a hazardous area, is
11 there a particular document within ABS within
12 your policies and procedures that govern the
13 survey and your action.

14 A. We have check sheets both for
15 the the MODU code and the class surveys, plus
16 we have the checklist for certification of
17 drilling systems which covers these items in
18 the annual survey list here.

19 Q. All right. Turn to Tab 11 and
20 tell me if this is the document that you're
21 speaking of. It's entitled Electrical
22 Equipment in Hazardous Areas. I believe it's
23 eight pages. We'll go ahead and offer
24 that -- strikes that. Let's see what your
25 answer is first. Do you recognize this

00268:01 document?

02 A. Yes, sir.

03 Q. Okay. What is this document?

04 A. It's -- it just explains the
05 types of electrical equipment in hazardous
06 areas, what you will find. It's under our
07 MODU class surveys. It's -- again, it's in
08 our electronic system online as our PIs,
09 process instructions.

10 MR. KALLAM: All right. We'll go ahead
11 and offer this as Exhibit 3086 in conjunction
12 with Mr. Haynie's testimony.
13 (EXHIBIT NO. 3086 WAS MARKED FOR THE RECORD.)
14 BY MR. KALLAM:

15 Q. Can you turn to -- I believe
16 it's Section 5 on page 7 of 8. It says
17 Documents Required to be Submitted. And I
18 believe it talks about a hazardous area plan,
19 and then a list of the electrical equipment;
20 is that right?

21 A. Yes, sir.

22 Q. And then it talks about
23 certificates of compliance; is that right?

24 A. Yes, sir.

25 Q. Do you remember, when you

00269:01 performed the survey back in March of 2005,

02 whether all three of those components were
03 met, the hazardous area plan, the list of
04 electrical equipment, as well as certificate
05 of compliance?

06 A. The hazardous area plan is
07 onboard the rig, whether it's posted on a
08 bulkhead or in the ops manual. List of
09 electrical equipment is contained in there.
10 Preventative maintenance program, their EMPAC
11 system at the time, it identifies those. And
12 certificates of compliance, what they talk
13 about here is for all the equipment, the
14 (inaudible) --

15 COURT REPORTER: I'm sorry, sir.
16 You're speaking --

17 THE WITNESS: I'm sorry.

18 COURT REPORTER: Lower and lower.
19 Talks about all the equipment. . .

20 THE WITNESS: Yeah, certificates of
21 compliance that's documented here are kept
22 onboard the rig to show that the motors and
23 the shakers and all we talked about earlier,
24 that it shows their certificate for each
25 motor and all that's kept onboard.

00270:01 BY MR. KALLAM:

02 Q. Right. Now, the hazardous area
03 plan, you said was where, now? It was
04 contained within the what?

05 A. It's usually posted on a
06 bulkhead on the vessel, and it also should be
07 in the operations manual.

08 Q. All right. And if it is --
09 let's assume hypothetically that it is just
10 in the operations manual. Does that meet the
11 ABS requirements, in your opinion?

Page 270:13 to 271:04

00270:13 THE WITNESS: It's onboard the rig. I
14 would encourage them to put it in the
15 bulkhead -- on a bulkhead, somewhere where
16 people can look at it. But if it is on the
17 rig, an up-to-date copy -- sometimes new
18 copies are submitted, changes in plans. The
19 copy onboard, if it wasn't posted on a
20 bulkhead, I'll have them make copies and post
21 it.

22 BY MR. KALLAM:

23 Q. All right. In your mind, is
24 that a big deal to require them to simply
25 make a copy and post it on the -- on a

00271:01 bulkhead if, for whatever reason, it fell off
02 or it's not there when you went out there?
03 You just ask them to do it, and they put it
04 up, correct?

Page 271:06 to 271:23

00271:06 THE WITNESS: They would do it while
07 I'm there.
08 BY MR. KALLAM:
09 Q. All right. Now, the list of
10 electrical equipment, I think you indicated
11 it was in the EMPAC system. I think now it's
12 the RMS system. You would ask a particular
13 crew member to locate that listing for you,
14 and then you would review it at that point?
15 A. Yes. It would either be the
16 chief engineer or the subsea engineer.
17 Q. All right. And you confirmed,
18 at least at the time you went onboard in
19 March of 2005, that, in fact, existed,
20 correct?
21 A. Yes, because it's part of your
22 preventative maintenance and special surveyor
23 continuous survey of your drilling systems.

Page 274:13 to 275:22

00274:13 Q. All right. Now, you also
14 mentioned Transocean had a maintenance
15 program in place called condition-based
16 maintenance. Or condition-based monitoring,
17 is, I think, what you also referred to it as.
18 Do you remember that?
19 A. Yes.
20 Q. All right. And you're familiar
21 with that type of maintenance or monitoring
22 system that some contractors use; for
23 example, Transocean?
24 A. Yes, sir.
25 Q. All right. And I think you
00275:01 testified, earlier, right around noon, that
02 that was, in deed, an approved maintenance or
03 monitoring program from the standpoint of
04 ABS?
05 A. It goes to ABS for review and
06 approval to accept it.
07 Q. All right. And how often is
08 that condition-based maintenance or
09 monitoring plan submitted to ABS for
10 approval?
11 A. It's submitted once for
12 approval, then it is -- the results of the
13 condition-based maintenance is presented to
14 the surveyor for his review, and then it goes
15 to ABS for their review.
16 Q. All right. And if at any point
17 in time ABS is not satisfied with either the

18 nature of that program or how it's being
19 implemented, I presume you would -- you would
20 be critical of Transocean and actually write
21 that up in some sort of report. Is that
22 correct?

Page 275:24 to 276:01

00275:24 THE WITNESS: If the condition-based
25 maintenance wasn't carried out as per the ABS
00276:01 approval, yes.

Page 276:03 to 277:11

00276:03 Q. All right. Now, based upon your
04 personal knowledge of what you saw aboard the
05 rig and on those three occasions when you
06 went onboard to perform various surveys, did
07 you always feel that the condition-based
08 maintenance or monitoring program of
09 Transocean was being carried out in a
10 satisfactory manner?

11 A. The preventative maintenance
12 system in place for the engines and equipment
13 was being carried out satisfactory;
14 otherwise, we wouldn't have credited the
15 survey.

16 Q. Satisfactory?

17 A. Satisfactory, yes.

18 Q. Or you would not have what?

19 A. Credited the survey.

20 Q. All right. And "credited the
21 survey" meaning complete the survey in a
22 favorable manner and post it as being
23 completed until the next year's is required?

24 A. It would have had deficiency
25 depending upon the severity posted against
00277:01 it, and maybe a return visit once it was
02 corrected.

03 Q. And as we sit here today, do you
04 remember any deficiencies that you noted in
05 that regard?

06 A. No, sir.

07 Q. Based upon your three trips to
08 the Horizon some 21 days onboard, did you
09 ever observe a deficiency that was
10 attributable to a safety management system
11 failure?

Page 277:13 to 278:12

00277:13 THE WITNESS: Let me think.
14 BY MR. KALLAM:

15 Q. Okay.
 16 A. No, sir.
 17 Q. And I believe you told me just a
 18 little while ago, but on those same three
 19 occasions where you spent in excess of
 20 20 days, you never observed a deficiency that
 21 was due to a failure of the RMS system -- or
 22 the EMPAC system, which was the rig's
 23 maintenance system; is that correct?
 24 A. Correct.
 25 Q. Now, you indicated that it is
 00278:01 ultimately the owner of the rig -- in this
 02 case, Transocean -- that has an obligation to
 03 keep the Horizon in compliance with ABS rules
 04 and regulations; is that correct?
 05 A. It is his duty to do that and to
 06 report to us when it isn't.
 07 Q. All right. At no point in time
 08 did you uncover any deficiency or evidence
 09 that Transocean was not keeping the Horizon
 10 in compliance with ABS rules and regulations;
 11 is that correct?
 12 A. That is correct.

Page 279:13 to 279:16

00279:13 Q. And then the one on the right is
 14 dated April 22nd of 2010, and that's marked
 15 as Exhibit 3087, right?
 16 A. Correct.

Page 279:24 to 280:03

00279:24 Q. Class suspended? All right.
 25 What does the one on the right say that we've
 00280:01 marked as Exhibit 3087 that's dated
 02 April 22nd of 2010?
 03 A. It says classed.

Page 280:09 to 280:11

00280:09 Q. Is it your testimony that on
 10 April 20th of 2010, the Horizon was indeed a
 11 properly classed MODU?

Page 280:24 to 281:03

00280:24 THE WITNESS: She was still in class on
 25 April 22, yes.
 00281:01 BY MR. KALLAM:
 02 Q. All right.
 03 A. Yes.

Page 282:12 to 282:17

00282:12 Q. It's sad that you're still here
13 at 4:00 in the afternoon on Monday. My name
14 is Jerry von Sternberg, and along with Collen
15 Meyers, we're lawyers that represent
16 Halliburton. Do you understand that, sir?
17 A. Yes.

Page 283:16 to 284:06

00283:16 Q. And you don't have a captain's
17 or a master mariner's license; is that
18 correct?
19 A. That is correct.
20 Q. Okay. You've been working as a
21 surveyor since about when?
22 A. 1996.
23 Q. 1996. Throughout your entire
24 career you've been with ABS as a surveyor?
25 A. Yes, sir.
00284:01 Q. You're not an expert in well
02 control; is that correct?
03 A. That is true.
04 Q. You're not an expert in drilling
05 in deep water Gulf of Mexico; is that true?
06 A. That's true.

Page 284:14 to 284:21

00284:14 Q. Okay. Now, you can see how we
15 get confused by that. ESD is an emergency
16 shutdown system; is that right?
17 A. Right.
18 Q. And that's in reference to the
19 machinery on board the vessel, including the
20 main engines; is that true?
21 A. That's true.

Page 285:13 to 286:03

00285:13 Q. So the ESD on this particular
14 vessel, although could be automatically
15 initiated, was not set up that way on this
16 vessel; is that correct?
17 A. It's been some time. But being
18 it's a dynamically-positioned drilling
19 vessel, it's usually not set up where it will
20 shut down any engines because it would result
21 in losing station and the result wouldn't be
22 favorable.
23 Q. So they anticipated, I guess
24 when they designed this beast, that when

25 you're going to have an emergency situation
00286:01 where you might use the ESD, you anticipate
02 the EDS would release the vessel from the
03 stack; is that correct?

Page 286:08 to 286:23

00286:08 THE WITNESS: ESD could have two or the
09 different functions. You know, ESD 1, 2, 3,
10 and each one would shut down various
11 difference systems, so...
12 BY MR. VON STERNBERG:
13 Q. Okay.
14 A. Three being the worst.
15 Q. Right.
16 A. Entirely separate from the EDS.
17 Q. Exactly. So, the way this
18 vessel was designed and the way it was
19 actively situated the last time you were on
20 the vessel at least, one of the drilling
21 operators or members of the crew needed to
22 push a button to cause the ESD system to
23 activate?

Page 286:25 to 286:25

00286:25 THE WITNESS: Yes.

Page 287:02 to 287:09

00287:02 Q. It wasn't automatic; is that
03 correct?
04 A. It was not automatic.
05 Q. So, if an alarm went off where
06 it was apparent that gas was present on the
07 vessel, one of the crew members had to push a
08 button before the ESD would activate to shut
09 down the main engines?

Page 287:11 to 288:21

00287:11 THE WITNESS: That is one way of
12 shutting down the main engines, human
13 intervention, yes.
14 BY MR. VON STERNBERG:
15 Q. Well, is there any way without
16 human intervention, the way the vessel was
17 configured on the date of the casualty, that
18 the engines would have been shut down by an
19 ESD system?
20 A. The self-contained system or the
21 overspeed mechanism in the automation system.
22 Q. It would have overspeed before

23 it did that, though; is that correct?
24 A. Yes.
25 Q. Okay. Now, we talked a little
00288:01 bit about the certification of drilling
02 systems. And I'm kind of being facetious
03 because we've talked a lot about this; is
04 that correct?
05 A. That's correct.
06 Q. All right. And counsel for
07 TransOcean just showed you what is marked as
08 Exhibit 3084, 3084, and he asked you some
09 questions about one section as to what you
10 might view in reference to doing a survey of
11 the drilling systems. Do you recall those
12 questions?
13 A. Yes.
14 Q. Okay. Now, when he was asking
15 you about Exhibit 3084, that's only in
16 reference to a survey of the drilling
17 systems? It's not in reference to a normal
18 annual survey that you perform out there on
19 the vessel; is that correct?
20 A. It's for an annual survey.
21 Q. Only for the drilling systems?

Page 288:23 to 288:23

00288:23 THE WITNESS: For the drilling systems.

Page 288:25 to 289:05

00288:25 Q. Correct. That's my point. It
00289:01 came out in the testimony as if your annual
02 survey would include these drilling systems
03 inspections when in fact the only time you do
04 that is for a certification of a drilling
05 system inspection?

Page 289:08 to 289:22

00289:08 Q. Is that right?
09 A. Whenever we do a class survey,
10 annual machinery hull, the CDS is done along
11 with it.
12 Q. But if they stopped doing the
13 CDS back in 2005 -- didn't you stop doing
14 that?
15 A. That is correct.
16 Q. That's my point.
17 A. After.
18 Q. After 2005 you no longer did
19 everything that we talked about in reference
20 to this Exhibit 3084?

21 A. That document's no longer looked
22 at.

Page 291:10 to 292:21

00291:10 Q. You were on the vessel in 2003
11 to do an annual survey; is that right?
12 A. Correct.
13 Q. In 2005 you did another annual
14 survey, but this was a bigger survey, or was
15 it the same as the 2003 survey?
16 A. The annual survey was the same
17 but incorporated a flag change along with it.
18 Q. Okay. And then in 2009 your
19 sole purpose was to go out there to see
20 whether or not you would recommend to ABS in
21 giving them an extension of their UWILD
22 survey?
23 A. That is correct.
24 Q. You didn't necessarily survey
25 the machinery and equipment on the vessel
00292:01 because the UWILD was going to be underneath
02 the water; is that correct?
03 A. I was strictly out there to do
04 the extension for the UWILD.
05 Q. Now, I don't want to go out on a
06 limb here, but I assume that the three times
07 you're on the vessel you didn't survey any
08 Halliburton equipment that you recall sitting
09 here at this point?
10 A. The cement systems and all for
11 the Halliburton system would have been
12 certified as part of the CDS equipment on the
13 rig.
14 Q. And the last time you would have
15 done that would have been in 2005; is that
16 correct?
17 A. Right.
18 Q. And as of 2005 you didn't see
19 any problems with the Halliburton equipment
20 that was out there on the rig?
21 A. No, sir.

Page 293:02 to 293:10

00293:02 Q. Okay. I'm going to hand you
03 what we've marked as Exhibit 3088, which is
04 Tab No. 12. I'm not going to give you the
05 whole notebook because I'm only going to show
06 you one. But for their purposes it's Tab No.
07 12 on the CD. This is a certificate in the
08 survey manual for Transocean
09 TRN-MDL-01287082, and it looks like it's
10 about a couple hundred pages long.

Page 293:20 to 293:21

00293:20 MR. KALLAM: What's the exhibit number?

21 MR. VON STERNBERG: It's 3088.

Page 293:23 to 294:02

00293:23 Q. You don't need to look through
24 the whole thing. If you will go to page --
25 see if they have page numbers on it -- three
00294:01 of 11. Do you see it?
02 A. Yes.

Page 294:09 to 295:05

00294:09 Q. All right, sir. Does the ABS do
10 survey requirements for Bahamian flag
11 vessels?
12 A. We do inspections for over a
13 hundred countries. I would have to look in
14 our process instruction and see if the
15 Bahamian was one of them.
16 Q. You would assume the Bahamas
17 would be one of the, wouldn't you?
18 A. Yeah.
19 Q. Yeah. You look on page three of
20 11, and I've counted them, you don't have to
21 do it yourself, but you can if you want. It
22 looks like there's about 29 different
23 certificates that the Bahamian flag requires;
24 is that correct?
25 A. That is correct.
00295:01 Q. Okay. And if you flip over to
02 page 10 of 11, it looks like the United
03 States comes in with about 27 certificates;
04 is that right?
05 A. Correct.

Page 295:13 to 295:23

00295:13 Q. And then if you will go back
14 then to page 5 of 11, which is 01287106, it
15 shows the Marshall Islands requires 18
16 certificates. Do you see that?
17 A. Yes, sir.
18 Q. Okay. So, in TransOcean's own
19 manual, they show that Marshall Islands
20 requires significantly less in reference to
21 certificates for a MODU to be operated than
22 other the two states that I mentioned; is
23 that correct?

Page 296:02 to 296:03

00296:02 THE WITNESS: That's what it shows,
03 yes.

Page 297:15 to 298:14

00297:15 Q. Good afternoon. My name is Alex
16 Roberts. I represent Cameron in the MDL.
17 Got just a few questions to follow up on some
18 of what you were asked earlier. And in
19 particular I want to direct your attention to
20 the certification of the drilling systems.
21 And I'm not going to belabor any of the
22 points that have already been addressed, but
23 I want to get into some minor detail about
24 some of what hasn't been addressed.
25 You discussed earlier, I
00298:01 believe, that there is an initial inspection
02 that's done in order to obtain a CDS
03 certification and then annual surveys to
04 continue to -- what was the word? Extend
05 that certification each year; is that right?
06 A. Yes, sir.
07 Q. I want to talk a little bit
08 about what's required in that initial
09 certification. You testified, I believe,
10 that ABS sends surveyors to the manufacturer
11 itself to examine the manufacturing process;
12 is that true?
13 A. Yes, to see they comply with the
14 rules.

Page 298:20 to 300:04

00298:20 Q. Do you know the procedures by
21 which those inspections are done? Are you
22 familiar with them?
23 A. I have read documents.
24 Q. In particular if we look back at
25 Exhibit 3084, which is the July 2006 Guide
00299:01 For Certificate of Drilling Systems, and --
02 do you have a copy in front of you? If you
03 turn to page 59, is this a type of document
04 about which you were talking?
05 A. Yes, a survey attending at the
06 vendor's plant.
07 Q. And so the information and steps
08 listed on 59 through 62 are the steps that
09 ABS would go through in certifying the
10 drilling systems for a deep water drilling
11 rig?
12 A. From surveys at a manufacturing

13 plant to installation onboard, yes.
 14 Q. All right. And do you know what
 15 surveys were conducted in connection with the
 16 initial inspection of the Deepwater Horizon
 17 drilling systems?
 18 A. That was done in Korea. I
 19 wouldn't know what was done.
 20 Q. Do you know whether ABS sent
 21 surveyors to Cameron facilities, for example,
 22 to inspect the manufacturing process of the
 23 blowout preventer and its component parts?
 24 A. That's a requirement.
 25 Q. It would have been done?
 00300:01 A. Yes.
 02 Q. In other words, a CDS wouldn't
 03 have been issued had that not been done?
 04 A. Yes.

Page 300:13 to 302:01

00300:13 Q. One of the other aspects that
 14 you talked about just a moment ago were that
 15 the inspection is done in accordance with the
 16 rules. What rules are you talking about?
 17 A. ABS rules.
 18 Q. Any other rules?
 19 A. I also mentioned API
 20 requirements.
 21 Q. So, the initial inspection is
 22 performed in order to satisfy ABS that the
 23 well control equipment, including the blowout
 24 preventer and its component parts, are being
 25 manufactured in accordance with ABS rules?
 00301:01 A. ABS rules and requirements and
 02 to some other standards.
 03 Q. And I just want to make sure the
 04 record's clear as to what those other
 05 standards are. Are you talking about ABS
 06 rules? Are you talking about API rules?
 07 A. And API.
 08 Q. Anything else?
 09 A. As far as the stack, that's as
 10 far as I know.
 11 Q. Flag state? Does the flag state
 12 impose specific requirements on components of
 13 the BOP?
 14 A. No. This is a class survey, so
 15 it's outside of the flag state.
 16 Q. How about contractual
 17 specifications of the owner of the rig?
 18 A. He would be the one that chose
 19 ABS to do -- to certify this equipment in
 20 accordance with our guide.
 21 Q. So, in this case, RB Falcon,
 22 predecessor to TransOcean, would have

23 indicated to ABS certify that the stack is --
24 meets all of your rules and regs and that
25 would have satisfied TransOcean for RB's
00302:01 contractual requirements?

Page 302:03 to 302:09

00302:03 HE WITNESS: Yeah.
04 BY MR. ROBERTS:
05 Q. And if the surveyor, ABS
06 surveyor noted anything out of compliance
07 with the rules and regs at the time of
08 inspection at the manufacturer's facility,
09 what would have been the result?

Page 302:11 to 303:01

00302:11 THE WITNESS: He would have notified,
12 -- if you're talking about Cameron, Cameron.
13 He would also have gone back to technical
14 staff, something that didn't -- wasn't built
15 in accordance with the approved drawings.
16 BY MR. ROBERTS:
17 Q. And if those issues were not
18 rectified, would the CDS have issued from
19 ABS?
20 A. No.
21 Q. And based on your knowledge that
22 a CDS did issue, can you say today that there
23 was -- that the manufacturer of the well
24 control equipment, in this case Cameron,
25 manufactured that equipment in accordance
00303:01 with ABS rules?

Page 303:03 to 303:12

00303:03 THE WITNESS: I would say the surveyor,
04 the new construction surveyor that oversaw
05 the construction of an installation of this
06 equipment saw that it did meet our
07 requirement and issued a class certificate.
08 BY MR. ROBERTS:
09 Q. And, similarly, each year that
10 y'all went out there and inspected the well
11 control equipment, you were confirming that
12 those rules continued to be complied with?

Page 303:14 to 303:14

00303:14 THE WITNESS: For the annual surveys.

Page 329:01 to 329:05

00329:01 Q. Sure. I want to know if the
02 vessel was in class according all of its
03 surveys as of the time of the explosion on
04 April 20th, 2010?
05 A. Yes, it was.