

1 CAPTAIN NGUYEN:

2 Yes.

3 EXAMINATION BY MR. WHEATLEY:

4 Q. Would you please state and spell
5 your name.

6 A. Curt Robert Kuchta, K-U-C-H-T-A.

7 Q. Do you currently have counsel,
8 Captain?

9 A. I do.

10 Q. And is it Mr. Kohnke?

11 A. Yes.

12 Q. Do you hold any Coast Guard
13 licenses or credentials?

14 A. Master 100 tonnage, USCG.

15 Q. When did you first obtain that
16 certification?

17 A. I want to say -- on the license
18 right now, I'm not sure of the exact date.

19 Well, the new one was issued
20 May 4. I have been in that position for
21 about two years on the HORIZON.

22 Q. And would you please outline your
23 background for us.

24 A. I graduated from Massachusetts
25 Maritime Academy in 1998. Went to work as a

1 third mate for Reading & Bates on board the
2 PATHFINDER. Stayed on board as third mate
3 until I went to another ship in 2008. I
4 went to help build two new projects, and
5 then came back to be master in 2008 on the
6 DEEPWATER HORIZON.

7 Q. Thank you. Could you outline your
8 education, please.

9 A. Massachusetts Maritime Academy,
10 bachelor of science in marine
11 transportation.

12 Q. What is your current title?

13 A. Master.

14 Q. When did you first assume that
15 role?

16 A. June of 2008.

17 Q. As the master of the DEEPWATER
18 HORIZON, could you outline for us the scope
19 of your duties and responsibilities?

20 A. Sure. Safety of the vessel,
21 navigation of the vessel while under way and
22 station-keeping. I supervise the
23 station-keeping as well as all the
24 regulatory on the vessel side of it. Class,
25 safety, that type of thing.

1 Q. Would it be fair to say you are
2 responsible for supervision of required
3 inspections and certifications and things
4 related to that for the DEEPWATER HORIZON?

5 A. Correct.

6 Q. Could you basically kind of
7 outline for us what we have seen in the
8 organizational chart related to the
9 DEEPWATER HORIZON, your relationship with
10 the OIM?

11 A. In reference to?

12 Q. How do you interact with him, what
13 types of communications do you have, how
14 often do you discuss issues of concern?

15 A. Whenever one arises. We have
16 extremely open communications. Any time any
17 type of question arises, whether on the
18 drilling side or marine side, whatever side,
19 we have very, very good, open
20 communications. We have worked together
21 quite a while.

22 Q. Do you have regular safety
23 meetings as such?

24 A. Yes, we have numerous meetings.

25 Q. Have you ever seen this chart

1 before?

2 A. Yes.

3 Q. Are you familiar with it?

4 A. Yes.

5 Q. Is it fair to say this is the
6 organizational chart for the DEEPWATER
7 HORIZON?

8 A. Yes.

9 Q. It was basically effective on the
10 date of the incident which we are
11 discussing, April 20?

12 A. Yes.

13 Q. You can see here it identifies the
14 OIM as the person in charge, and it places
15 you in the top line on the left. We have
16 had a number of questions, if you will,
17 about who is in charge and at what point and
18 when that role changes, how do you know?

19 Basically, when the vessel is
20 under way, making way, you as the master
21 would be in charge of the vessel. Is that
22 true?

23 A. Correct.

24 Q. At what point, based upon your
25 understanding of this organizational chart,

1 does the OIM assume the role of being in
2 charge of the entire rig?

3 A. When we latch up.

4 Q. That's your understanding of the
5 distinction between the two positions?

6 A. Yes, sir.

7 Q. In times of emergency, we heard
8 testimony of the OIM, basically the master
9 assumes the role of being in charge,
10 correct?

11 A. Correct.

12 Q. How do you know when that transfer
13 of role takes place?

14 A. There is always extremely good
15 communication, so it has never been an
16 issue. I mean, there has never been an
17 issue where it has come up.

18 Q. On the 20th of April, when the
19 incident occurred, did you have a formal
20 handoff of responsibility between yourself
21 and the OIM?

22 A. In that short time frame, no.
23 However, we were both on the bridge
24 communicating about what was happening.

25 Q. Now, being a mariner, obviously

1 you are familiar with the term "underway,
2 not making way"?

3 A. Yes, sir.

4 Q. When the vessel is latched up to
5 the BOP, is the vessel under way, not making
6 way?

7 A. That would go back to the
8 corporation.

9 Q. Based on your understanding of the
10 COLREGS, when you are under way, is the OIM
11 or you in charge?

12 A. I go back to -- once you are on
13 location, latched up, the dynamic
14 positioning system has it under control.

15 Q. When you are latched up, you are
16 still under way?

17 A. I would say that.

18 Q. So would it be your opinion that
19 COLREGS no long apply at that point?

20 A. No, they still apply. But that is
21 for actual definition. Like I said, it has
22 never been a problem being latched up
23 conducting drilling operations.

24 Q. Could you basically outline for us
25 the scope of the SMS plan on board the

1 DEEPWATER HORIZON?

2 A. That is a very broad question. In
3 reference to what aspect of it?

4 Q. If you will, kind of the
5 10,000-foot view level. How about what the
6 SMS is and how it applies to the DEEPWATER
7 HORIZON.

8 A. I'm sorry. It is such a broad
9 question.

10 Q. On board the DEEPWATER HORIZON,
11 did you have an SMS?

12 A. Yes.

13 Q. Do you know who approved that
14 plan?

15 A. Yes.

16 Q. Who was that?

17 A. DNV.

18 Q. Do you know if it complied with
19 IMO standards?

20 A. Yes.

21 Q. Who on the rig is designated as
22 the safety management officer, or the safety
23 officer?

24 A. It has been a long five weeks. At
25 this point in time, I don't recall. Those

1 types of questions, a few weeks ago would
2 have been no problem. But as you can
3 imagine, it has been a rather difficult few
4 weeks.

5 Q. I understand, sir.

6 Could you tell us how your company
7 documented their compliance with the Safety
8 Management System?

9 A. I'm sorry, I don't understand.

10 Q. Well, there are certain
11 requirements --

12 A. We go through the inspection every
13 two and a half years as required.

14 Q. Do you have annual inspections?

15 A. Yes, through ABS, class.

16 Q. Is that part of your safety
17 requirements as well?

18 A. Yes.

19 Q. Do you know where those are
20 documented on the DEEPWATER HORIZON, the
21 fact they have been completed?

22 A. They are in a binder in my office,
23 every signed copy.

24 Q. Do you know if you have ternal
25 audits to ensure your compliance --

1 A. They are from Transocean. I don't
2 recall the names.

3 Q. Does Transocean provide any
4 training to supervisors on the rig regarding
5 compliance with SMS procedures?

6 A. We do receive training from the
7 officers. It is on board.

8 Q. Who carries it out?

9 A. It is a PowerPoint presentation
10 that comes from the office.

11 Q. With what frequency is that
12 conducted?

13 A. We just did it, so --

14 Q. Annual, semiannual?

15 A. Honestly, I just don't recall.

16 Q. When deficiencies are found
17 related to the SMS, do they come talk to
18 you?

19 A. Yes.

20 Q. Can you give me an example?

21 A. It had to do with obtaining our
22 MARPOL 6 compliance about changing the
23 injectors.

24 Q. What was the problem?

25 A. We had the wrong injectors to be

1 in compliance, so we had the manufacturer
2 send us the correct ones and we installed
3 them.

4 Q. Back in August of 2008, were you
5 aboard the DEEPWATER HORIZON?

6 A. I don't have my schedule. I don't
7 remember.

8 Q. Do you remember an incident where
9 there was a total blackout, loss of
10 electrical power?

11 A. Yes.

12 Q. Do you recall the particulars of
13 that incident?

14 A. No, not particularly. We stayed
15 latched up, the crew responded properly and
16 maintained our position.

17 Q. Was that reported to the DNV?

18 A. Yes.

19 Q. As well as the flag state?

20 A. Yes.

21 Q. A situation developed --

22 A. I was not aboard. I wasn't
23 assigned to the vessel.

24 Q. Thank you. Under your Safety
25 Management System, if a safety violation is

1 noted by an employee on the rig, what is the
2 mechanism for them reporting it?

3 A. They would take it to their
4 supervisor.

5 Q. And then what happens?

6 A. We would discuss the severity of
7 it and go from there.

8 Q. If you are unable to resolve it at
9 the supervisory level, what happens?

10 A. Continue taking it up the
11 supervisory chain to the safety board.

12 Q. Do you know what level of safety
13 violation would need to arise before it got
14 to the company's safety board level?

15 A. I don't recall.

16 Q. I want to ask you about
17 firefighting and lifesaving training.
18 During your time on the DEEPWATER HORIZON,
19 do you recall conducting those drills?

20 A. Yes.

21 Q. When was that?

22 A. Usually Sunday mornings.

23 Q. Same time every Sunday?

24 A. Yes.

25 Q. Did you ever vary the times of

1 those drills and conduct them, for example,
2 at nighttime or in bad weather?

3 A. No.

4 Q. Do you believe it is necessary to
5 conduct those drills at random times to
6 ensure the safety preparedness of your crew?

7 A. I don't agree with conducting
8 them, as you say, in harsh weather or
9 unannounced because then it just adds one
10 more level of risk for the crew.

11 Q. Would you agree that when
12 responding to an emergency, the best
13 practice is to practice under the
14 circumstances you are likely to encounter?

15 A. I believe the crew can train
16 better in a controlled environment. It is
17 easier for them to receive the training and
18 familiarity with the vessel.

19 Q. Did your vessel conduct abandon
20 ship drills?

21 A. Yes.

22 Q. How often?

23 A. Every Sunday.

24 Q. Did those drills include training
25 on releasing the lifeboats, boarding the

1 lifeboats?

2 A. Yes. We would not board the
3 entire crew, obviously, due to an inherent
4 risk of, as you know, all of the issues we
5 have had worldwide with lifeboats over the
6 past few years.

7 Q. During the course of your drills
8 with lifeboats, did you ever require a
9 lifeboat to be loaded to its capacity?

10 A. No.

11 Q. Did you ever require a lifeboat to
12 be loaded and launched?

13 A. They are tested to 110 percent,
14 and the releasing gears are inspected
15 annually by a third-party company. So I
16 don't see requiring the crew to do that at
17 undue risk. Look at it inversely. Say you
18 had 73 people in the boat and a cable parts.
19 You have a problem.

20 Q. Certainly, but isn't it the
21 purpose of the drill actually loading the
22 vessel --

23 A. But the purpose of the drill is
24 not to put the crew at risk.

25 Q. Isn't that a balance?

1 A. Well, they receive the training on
2 what to do, and we actually lower the
3 lifeboat to show them how every Sunday.

4 Q. But nobody is in it?

5 A. No. But we do launch the
6 lifeboats as required. The lifeboats are
7 not as versatile, and you need extremely
8 calm weather to launch the lifeboat
9 correctly because you don't have a ship's
10 hull to turn to -- and it is not worth
11 putting the lives of the crew at risk.

12 Q. Did you ever conduct a drill where
13 your crew was required to load the lifeboat
14 and launch it in the required three minutes?

15 A. I don't recall.

16 Q. Let's talk about fire drills.
17 What is your responsibility as the master
18 during a fire?

19 A. Manage the scene.

20 Q. Do you receive any formalized
21 firefighting training for combating fires on
22 board vessels?

23 A. Yes.

24 Q. Can you outline that for us?

25 A. It was advanced firefighting

1 through an accredited Veritas school.

2 Q. When a situation occurs such as
3 did on the DEEPWATER HORIZON on April 20, at
4 what point did you draw the line and say
5 firefighting was no longer an option and
6 abandoning the ship was required?

7 A. When we blacked out and had no
8 fire pumps..

9 Q. In your planning exercises, do you
10 have a contingency plan for dealing with
11 loss of power, when you can no longer man
12 the fire pumps? What takes over with
13 respect to fighting the fire?

14 A. We have a backup generator which
15 also would not fire.

16 Q. I would like to ask you a couple
17 of personal questions. I don't like to do
18 it, but it is part of looking at human
19 factors during an investigation.

20 How much sleep did you have during
21 the 72 hours immediately preceding the
22 accident?

23 A. I arrived on that vessel that
24 afternoon.

25 Q. Did you consider yourself

1 well-rested when you arrived on the vessel?

2 A. I don't really recall.

3 Q. How long had you been traveling to
4 get to the HORIZON on the 20th? When did
5 you leave home?

6 A. Monday afternoon.

7 Q. Where is home?

8 A. Baltimore.

9 Q. So how long did it take you to get
10 from Baltimore to the DEEPWATER HORIZON?

11 A. Three hours. Well, to get to New
12 Orleans? I got to New Orleans, went to bed,
13 got up at 7 a.m. to be at the crew change
14 location.

15 Q. Do you have any type of medical
16 condition that requires you to take
17 prescription medication?

18 A. No.

19 Actually, I'm sorry. I do take
20 medicine for my knees. I had a knee
21 operation.

22 Q. Captain, was it your opinion that
23 the crew members on board the DEEPWATER
24 HORIZON were provided with all of the
25 necessary personal protective gear they

1 needed such as hard hats, steel-toed boots,
2 et cetera?

3 A. Yes.

4 Q. On the 20th, when you arrived on
5 board the DEEPWATER HORIZON, there were a
6 number of folks from the corporate office,
7 both Transocean's as well as BP's. Were you
8 aware they were going to be present when you
9 arrived?

10 A. When I did land on board, my
11 relief told me they were coming.

12 Q. What was the explanation given to
13 you about their purpose?

14 A. Just to come out and see the
15 vessel.

16 Q. Is that a fairly routine practice?

17 A. Yes.

18 Q. What role do you play when you
19 have offshore visitors coming to the
20 platform?

21 A. Usually, we greet them at the
22 helicopter waiting room, transit room.
23 Those coming on board will be oriented, and
24 usually we go for a tour.

25 Q. Did that occur on this occasion?

1 A. Yes.

2 Q. Where did you tour?

3 A. The entire vessel.

4 Q. Did you accompany them the entire
5 time?

6 A. Yes.

7 Q. Among those individuals on board
8 the vessel, did you feel any kind of
9 pressure concerning the job at hand,
10 including the drilling project?

11 A. None whatsoever.

12 Q. Any discussions about being behind
13 schedule or anything of the like?

14 A. No.

15 Q. During the course of your tour of
16 the vessel and various meetings, were you
17 aware of any disagreements between
18 Transocean personnel and BP representatives?

19 A. I was not.

20 Q. Okay, Captain. At this point, I
21 would like to take you back to,
22 unfortunately, the April 20 incident.

23 Take a deep breath here.

24 Could you kind of outline for us,
25 immediately preceding the incident, what you

1 were doing and where you were?

2 A. Immediately preceding, I was on
3 the bridge with the gentlemen who flew out.
4 We gave them a tour of the bridge. They
5 were driving on the simulator.

6 Q. What does that entail?

7 A. We have a simulator of the vessel,
8 a joy stick. We use that for training new
9 people as well as running scenarios for bad
10 weather or upcoming scenarios that we may
11 have to undertake to see how the vessel will
12 handle it.

13 Q. You mentioned the joy stick was on
14 the bridge of the vessel?

15 A. Yes.

16 Q. Did that cause you any unnecessary
17 distractions?

18 A. No. My crew uses it and it gets
19 used quite frequently for training people
20 and running scenarios.

21 Q. So it would be standard practice
22 to run the simulator while under way and
23 conducting operations?

24 A. Yes.

25 Q. Let's go back to starting about

1 9:30. Could you walk us through the events
2 as they unfolded to the best of your
3 recollection?

4 A. Somewhere around there, we left
5 the conference room after the meeting, went
6 to the bridge, conducted the tour,
7 simulation. That is when things started
8 going bad.

9 Q. When did you first realize that
10 something was going on?

11 A. I saw mud over the side in the
12 water.

13 Q. Could you tell where it was coming
14 from?

15 A. Not at that time, because I was
16 looking out of the port side window. Then I
17 went across to the starboard side and I saw
18 fluid coming out from the diverter.

19 Q. You could see mud coming out of
20 both sides?

21 A. Well, it was probably -- I don't
22 really know how it was getting to the port
23 side, but it was definitely coming out of
24 the diverter.

25 Q. Does the bridge have a closed TV

1 monitoring system?

2 A. Yes.

3 Q. Can you see the rig?

4 A. Certain parts. We only have a
5 handful of monitors, so you pick a place.
6 We usually monitor the rig floor.

7 Q. That night, were you monitoring
8 the rig floor?

9 A. I don't recall. That is purely
10 the watch stander's role in what cameras he
11 wants to monitor.

12 Q. After you saw the mud coming from
13 the diverter on the port side, what happened
14 next?

15 A. That is when we started getting --
16 it all happened so quickly.

17 Q. Take your time. Details are
18 really important --

19 A. I'm aware.

20 Q. -- so to the extent you can
21 remember.

22 A. Gas alarms, a flash of some sort,
23 or an explosion. Fire.

24 Q. Do you recall which gas alarms
25 went off?

1 A. No. They are all tied into the
2 vessel management system, and the alarms
3 were just going crazy.

4 Q. Do you recall seeing the EDS
5 display panel on the bridge?

6 A. I don't recall.

7 Q. You don't recall seeing that
8 before you left the ship?

9 A. I thought you were still before we
10 got to that point. I'm sorry.

11 Q. I will take you back then.
12 Continue from where we stopped.

13 A. Okay. Then obviously fire,
14 blackout, personnel coming to the bridge.
15 And then somewhere in there -- I'm trying to
16 remember the scenario.

17 Jimmy, the OIM, was on the bridge
18 as well as the subsea engineer. I conferred
19 with Jim and told Chris to activate the EDS.
20 I think it was at 2156.

21 Q. What happened when you told him to
22 execute the EDS? What happened?

23 A. He activated the panel.

24 Q. Was it actually activated?

25 A. I thought it was until I looked

1 outside and saw the fuel to the fire wasn't
2 slowing down.

3 Q. What did that signify to you?

4 A. That something had gone wrong.

5 Q. After you realized that the EDS
6 had not functioned the first time, were
7 other attempts made to --

8 A. I don't recall.

9 Q. Do you recall any discussions
10 between the subsea engineer and yourself
11 concerning that maneuver or evolution?

12 A. No.

13 Q. After you gave the direction to go
14 ahead and exercise the EDS, what happened
15 after that?

16 A. It was pretty straightforward.
17 Fuel to the fire wasn't shut off. We had no
18 fire pumps, and there was nothing else left
19 to do but leave the vessel.

20 Q. Did the emergency lighting system
21 come on?

22 A. I don't recall. But you have to
23 remember, the emergency lighting is not all
24 of the lighting on the vessel. So I don't
25 remember what percentage of the lights were

1 on, or looking for an insignia on a light
2 that said "Emergency Light."

3 Q. When you made the decision to go
4 ahead and abandon ship, did you give an
5 order, make communications with any other
6 vessels? Issue distress calls?

7 A. Yes.

8 Q. Which ones? Which actions did you
9 take?

10 A. Did I personally take or did the
11 crew take?

12 Q. Actions you either took or
13 directed the crew to take.

14 A. The crew was making mayday calls,
15 activating the GPS button, speaking to the
16 bank. Again, what they were exactly doing,
17 they had their roles and I was taking care
18 of my items and they were doing what they
19 were supposed to be doing.

20 Q. Do you recall them having a
21 conversation with the bank?

22 A. I don't recall.

23 Q. What route did you take to get to
24 the lifeboat section?

25 A. Down the starboard side of the

1 bridge and down to the lifeboat station.

2 Q. And when you got to the lifeboat
3 station, describe for us the situation you
4 encountered.

5 A. The lifeboats were gone. We
6 inflated a life raft. There were about
7 eight personnel on the deck, one on a
8 stretcher. A few people got into the life
9 raft and it started going down. There were
10 two or three people still on deck --

11 Instead of bringing it back up to
12 put another canister on the hook, I decided
13 to jump.

14 Q. And how far above the water were
15 you when you jumped?

16 A. Approximately 75 feet.

17 Q. And you had your personal
18 flotation device on?

19 A. Yes. Once in the water, those of
20 us who were in the water as well as the
21 people in the raft -- obviously, the life
22 raft had no propulsion, so we started
23 swimming the raft away until the rescue
24 boat, or the DAMON BANKSTON, came to us and
25 started taking us in.

1 Q. Once you got hooked up with the
2 life raft, were there any problems getting
3 away from the rig?

4 A. There was a painter attached. So
5 I swam from the rescue raft, got a knife
6 from one of the crewmen and swam back and
7 cut the raft free.

8 Q. Did you encounter any further
9 problems at that point?

10 A. No.

11 Q. Do you know if there was actually
12 a knife on board the raft as part of the
13 safety gear?

14 A. Yes.

15 Q. Was there --

16 A. You have to remember, there was a
17 Stokes stretcher on there, it was dark,
18 smoky, and instead of trying to find a knife
19 this big (indicating) in the life raft, it
20 was easier -- I didn't even think to do
21 that. Due to the circumstances of the fire
22 around you, it was just easier to go to the
23 boat, get a knife, come back and cut us
24 free.

25 MR. WHEATLEY:

1 Thank you, I have no further
2 questions.

3 EXAMINATION BY MR. MATHEWS:

4 Q. You took a boat out to the
5 DEEPWATER HORIZON?

6 A. No, PHI helicopter.

7 Q. Where did you take that helicopter
8 from?

9 A. Houma.

10 Q. Do you know what type of
11 helicopter came with the VIPs?

12 A. No.

13 Q. Do you know if there is a record?

14 A. I am sure that PHI has a record of
15 the flights.

16 Q. Every person who comes on board
17 the DEEPWATER HORIZON is logged in
18 somewhere?

19 A. Yes.

20 Q. You said it was a fairly routine
21 practice to have these safety meetings with
22 BP and Transocean VIPs.

23 A. A meeting with them when they come
24 aboard, a supervisory meeting.

25 Q. Is it fair to say it's normally

1 the vice president of BP's drilling and
2 completion and drilling representatives of
3 BP, or is it normally safety personnel or --

4 A. Both.

5 Q. If they came to the vessel over
6 the last three or four months, I would be
7 able to identify who came to the vessel and
8 when, looking at the logs of the DEEPWATER
9 HORIZON?

10 A. Yes.

11 Q. Can you please explain a little
12 bit about the BP simulation that was going
13 on? I know you said it was a routine
14 practice with the people you oversee. From
15 what I read in the written testimony, it was
16 actually the vice president of drilling and
17 completions up there. What were they doing?

18 A. Basically playing video games.

19 Q. Does that in any way impact the
20 reliability of the safety systems on board?

21 A. No. It's a totally separate
22 system. That is why we have it, for
23 training new people.

24 Q. Captain Wheatley asked you how you
25 started your day. You said you were in a

1 meeting in the conference room. Who were
2 you meeting with?

3 A. That was in the evening. It was
4 with the gentlemen who flew out in the
5 helicopter as well as the supervisors on the
6 vessel.

7 Q. Can you give me a brief synopsis
8 of what you discussed?

9 A. Goals in the coming year, safety
10 record. We had an extremely good safety
11 performance record. One of their goals was
12 to come out and get lessons learned to share
13 with the fleet.

14 Q. And that was done by the drilling
15 and completions manager for BP?

16 A. I'm not sure.

17 Q. Was there any discussion of safety
18 systems on the vessel?

19 A. I don't recall.

20 Q. Are you aware of any lost time
21 incident that occurred in 2008 on the
22 DEEPWATER HORIZON?

23 A. I don't recall.

24 Q. In respect to the Transocean HSE
25 manual, what are your roles and

1 responsibilities on the vessel in respect to
2 the emergency disconnect system?

3 A. I assist in making the judgments
4 as necessary. I -- I --

5 Q. Let me back up a minute.

6 What is a red alert and what is a
7 yellow alert?

8 A. It is a certain amount of distance
9 from the wellhead which you can get out to
10 before you have to unlatch.

11 Q. What do you do in a red alert?

12 A. Unlatch.

13 Q. Do you have any specific role in
14 that red alert?

15 A. I'm sorry?

16 Q. I'm looking at the policy right
17 here, and the only people with
18 responsibilities are the driller, the subsea
19 engineer and the assistant driller in this
20 policy I am looking at.

21 In a red alert situation, in an
22 emergency disconnect situation, if you don't
23 have the assistant driller or the driller,
24 who possibly have some issues with the
25 explosion, who then is in charge of making

1 the determination --

2 A. You mean who actually functions in
3 the --

4 Q. Yes.

5 A. The subsea.

6 Q. Who gives the orders, you or the
7 OIM?

8 MR. KOHNKE:

9 Are you asking about this incident
10 or generally?

11 MR. MATHEWS:

12 Yes, generally.

13 Well, specifically --

14 THE WITNESS:

15 I'm sorry.

16 EXAMINATION BY MR. MATHEWS:

17 Q. Generally. I'm asking who gives
18 the order and then specifically what
19 happened in this incident. Because I have
20 two people saying that they gave the order
21 to the subsea engineer.

22 A. We were on the bridge, from my
23 best recollection, and I asked Jim, "Can we
24 shear?" And he said yes.

25 Q. I was just trying to get

1 clarification because I didn't know if the
2 UM made the recommendation to activate the
3 EDS before the OIM came up to the bridge.

4 Were you aware of any problems
5 with the MACANDO well prior to the incident?

6 MR. KOHNKE:

7 You mean downhole problems?

8 THE WITNESS:

9 That is not my area.

10 EXAMINATION BY MR. MATHEWS:

11 Q. I'm sorry. I was wondering if you
12 participated in operational meetings. Were
13 you aware that the rig was behind schedule
14 on that well?

15 A. Again, I had been gone for three
16 weeks.

17 Q. Were you aware that the rig was
18 behind schedule for 45 days, which is
19 greater than three weeks?

20 A. I really don't recall.

21 Q. Were you aware of -- in these
22 meetings you attended, are you aware of any
23 discussions about changes to plans and
24 procedures regarding the well?

25 A. I don't recall.

1 MR. MATHEWS:

2 That is all I have.

3 EXAMINATION BY MR. MCCARROLL:

4 Q. Did you meet with the ABS when
5 they came on board?

6 A. Yes.

7 Q. In 2005, ABS stopped inspecting
8 the drilling package. Do you know why?

9 A. I was not master at the time.

10 Q. Have you met with ABS since you
11 have been master?

12 A. Yes.

13 Q. Have you talked to them about any
14 of their inspections?

15 A. Yes.

16 Q. Did any of the ABS guys indicate
17 they test the safety devices for overspeed
18 on the engines?

19 A. I don't recall.

20 Q. Would you think those types of
21 devices would be checked on annual
22 inspections?

23 A. Yes.

24 Q. Do you know that the annual
25 inspection is a sampling type of inspection,

1 and they do not inspect 100 percent of the
2 safety devices?

3 A. Correct.

4 Q. So it's only the special
5 inspection which is done every five years --

6 A. Yes.

7 Q. -- that they do a complete
8 inspection, 100 percent; is that correct?

9 A. I don't recall.

10 MR. MCCARROLL:

11 Thank you.

12 EXAMINATION BY LT. BUTTS:

13 Q. Earlier, there was a discussion
14 concerning a blackout notice being made to
15 the flag state. Did you personally make
16 that?

17 A. Yes.

18 Q. And who to?

19 A. Marshall Islands. I forget who.

20 Q. Good enough. Were you told that
21 the American Bureau of Shipping was
22 notified?

23 A. I don't recall.

24 Q. Good enough.

25 Drills. When the rig conducted

1 drills on Sundays, is anyone on board the
2 rig excused from the drills?

3 A. Depending on the operation, maybe
4 a handful of people.

5 Q. And typically, who would those
6 people be?

7 A. It depends.

8 Q. If there was a driller on tour,
9 and there was a drill at 10:00, would he
10 come off and participate in the
11 familiarization with lifeboats and muster
12 and things of that nature?

13 A. No.

14 Q. The third-party hands that come on
15 board, whether it be Halliburton or the
16 caterer, do you know if they have a maritime
17 background?

18 A. Sometimes they do. Some of the
19 catering personnel come from cruise ships.

20 Q. So some do?

21 A. Yes.

22 Q. Is your rotation 21 and 21?

23 A. Yes.

24 Q. What is the process by which you
25 hand off to your counterpart?

1 A. There are three different ways.
2 We phone each other before we arrive, have
3 an hour or hour-long conversation, whatever
4 is required, just to see what you are
5 walking into.

6 Q. Does that telephone call happen
7 the morning you are getting ready to fly out
8 of Houma?

9 A. Yes. Or, I'm sorry, usually that
10 afternoon. The afternoon before. And then,
11 we usually do extensive written handover
12 notes, and there is an extensive
13 face-to-face on the bridge for the crew
14 change.

15 Q. I think you said you got on in the
16 afternoon. Company folks were coming out to
17 visit. Did you have advance notice of that?

18 A. Always. That is one thing we
19 always did. Because the last thing you want
20 to do is be blindsided by something you
21 should have been notified about.

22 Q. I'm with you.

23 The simulator. Do you know when
24 that was actually installed on the vessel?

25 A. (Inaudible.)

1 Q. What is the purpose of that
2 simulator?

3 A. It is basically, to put it
4 bluntly, it is a video game with the vessel
5 dimensions -- it is basically a video game
6 of the BP system. We use it for upcoming
7 weather, if we have fronts coming through,
8 different station-keeping scenarios, we run
9 those on the simulator to see what will
10 actually happen.

11 Q. So it is for you and the crew to
12 experience different situations in?

13 A. Exactly. Since the crew is
14 obviously latched up quite often, it is good
15 training for the crew.

16 Q. Does the Coast Guard give any
17 credit for time operating the simulator for
18 licensing and credentialing later on?

19 A. I don't know.

20 Q. I know when y'all decided to run
21 for the boats and the rafts it was chaotic,
22 people were dazed and confused.

23 Now, you said you went to the
24 boats and they were gone?

25 A. Right.

1 Q. Tell me about the ordeal with the
2 life rafts. It is not our hope that you
3 would have to jump from a 75-foot height --

4 A. I don't want to do it again
5 either.

6 Q. We want lifesaving appliances in
7 place so you can safely embark, launch and
8 then hopefully be recovered.

9 A. The raft with the personnel and
10 the Stokes litter was starting to go down.

11 Q. Do you mean the brake was not
12 holding the raft?

13 A. Well, the weather -- for some
14 reason, it started to go down. Obviously, I
15 didn't have time to figure out why. But
16 yes, it started to go down.

17 Q. And to the best of your memory,
18 how many people were in there, do you
19 recall?

20 A. I don't recall.

21 Q. Was it at capacity?

22 A. No. Maybe five or six personnel,
23 plus the Stokes litter with an injured
24 person on it.

25 Q. And you were still on deck and

1 watching that?

2 A. Yes.

3 Q. What happened then?

4 A. As the raft was going down, we
5 knew that, or at least I knew -- I didn't
6 want to wait around to hand crank it back
7 up, attach another raft, swing it across and
8 repeat the same scenario.

9 Q. In practice, how long does that
10 usually take?

11 A. (Witness shakes head negatively.)

12 Q. You don't know? Okay.

13 Now, maritime people like us, on
14 our ships we have a pocket knife, some type
15 of knife on our ship -- (inaudible) not
16 endorsing a sponsor, but why didn't you have
17 a knife?

18 A. Knife-free policy on board the
19 vessel.

20 LT. BUTTS:

21 Thank you.

22 EXAMINATION BY CAPTAIN NGUYEN:

23 Q. You said when Captain Wheatley
24 asked you about the handoff between the OIM
25 and the master, is there any written

1 guidance on how that is to take place?

2 A. I don't recall.

3 Q. How does that get communicated to
4 the crew? If it is clear between you and
5 the OIM, how is it clear to the crew that a
6 transition has taken place? That the
7 transfer of authority had been completed?

8 A. I would be speculating how they
9 know.

10 Q. So there is no --

11 A. You mean, do we make an
12 announcement over the PA? I don't
13 understand what you are saying.

14 Q. I'm asking you, you have a mixed
15 crew of Transocean, BP, Halliburton and all
16 these people. How do you know who is in
17 charge at any time on the vessel? Do you
18 have a written policy you give to people
19 when they first come on board?

20 A. It is pretty well understood
21 amongst the crew who is in charge.

22 Q. How do they know that?

23 A. I don't know. But everyone knows.

24 Q. Now, you said, as the master of
25 the vessel, you have knowledge of the

1 International Safety Management Code,
2 correct?

3 A. Yes.

4 Q. And when the auditor comes on
5 board the vessel, you work closely with that
6 individual, do you not?

7 A. Yes.

8 Q. Your SMS, are these documents
9 available on board the vessel?

10 A. Yes.

11 Q. Are they in binders?

12 A. I don't recall.

13 Q. How do people get access to your
14 Safety Management System documents? For
15 example, if you have got an equipment
16 failure, does it give you a procedure on how
17 to get it tracked down?

18 A. Yes.

19 Q. Where are those procedures located
20 on the vessel?

21 A. I don't recall.

22 Q. So you don't remember whether
23 there was a paper copy, computer --

24 A. Most of those small details, I'm
25 sorry, I just don't recall.

1 Q. Now, you said there is a
2 PowerPoint presentation on the Safety
3 Management System.

4 A. Yes.

5 Q. What is in this PowerPoint
6 presentation?

7 A. I'm sorry, I don't recall the
8 details.

9 Q. Everybody on board a vessel needs
10 to know how safety is managed on the vessel,
11 correct?

12 A. Yes.

13 Q. Would the information on the
14 Safety Management System be in this
15 PowerPoint presentation?

16 A. Honestly, I don't recall what
17 exact details were in there.

18 Q. With reference to the question
19 about the blackout in 2008, you say you made
20 the report to the flag state?

21 A. Yes, as well as the Coast Guard.

22 Q. Was there any follow-up action
23 from the Coast Guard or flag state or flag
24 society that you remember?

25 A. I don't recall.

1 Q. You think that a two-minute
2 blackout on board the HORIZON, you think
3 that is a minor casualty? Significant?
4 Major?

5 A. I would say it was pretty
6 significant, but we stayed hooked up to the
7 rig and in position. I mean, it was
8 serious, but no harm came to the operation.

9 Q. Would you say it was a nonevent?

10 A. I wouldn't say it was a nonevent.
11 I don't really know what levels
12 you are speaking of.

13 Q. So if it is a serious casualty, as
14 you say, what did you and your crew and
15 Transocean do about that casualty to ensure
16 it doesn't happen again?

17 MR. KOHNKE:

18 You mean, beyond fixing the
19 mechanical issue?

20 EXAMINATION BY CAPTAIN NGUYEN:

21 Q. Yes. Looking at the maintenance
22 system, checking to see if it is missing
23 something. If you have a safety system
24 aboard with a procedure to check beyond just
25 the --

1 A. Yes, there was a plan and we have
2 procedures about checking things. What the
3 exact details are, I don't know.

4 Q. When you have a blackout, it is a
5 concern to you. Two minutes, right?

6 A. I don't know how long it lasted.

7 Q. But it was a period of time,
8 right?

9 A. Yes.

10 Q. Do you remember if the emergency
11 power came on?

12 A. It did.

13 Q. If it did, why did you have two
14 minutes blackout?

15 A. I don't recall that it was two
16 minutes, but generators bring the power back
17 on fairly quickly. Are you talking about --
18 and what the time sequence was, I'm not
19 sure.

20 Q. With regard to this visit from
21 senior management with Transocean and BP to
22 the DEEPWATER HORIZON, now, had you met
23 Mr. Winslow and Mr. O'Brien before?

24 A. I had met Mr. Winslow, I don't
25 recall Mr. O'Brien.

1 Q. Did you meet Mr. Winslow on board
2 the HORIZON before?

3 A. Don and I have worked together for
4 years.

5 Q. But on the HORIZON?

6 A. He had been out there.

7 Q. Who was the one using the
8 simulator?

9 A. I think it was the two gentlemen
10 from BP. But what time frame, how long they
11 were on there, when they were on there, I
12 don't recall.

13 Q. But you were with them the entire
14 tour, so was it the two gentlemen from BP
15 working the simulator?

16 A. Yes. I think so. We were all
17 around the bridge. Who had their hands on
18 the joy stick, I don't recall.

19 Q. So when there is a visit from
20 senior management, does it -- how long in
21 advance is it scheduled so the ship's
22 operation is not disrupted? How long in
23 advance usually?

24 A. It all depends.

25 Q. Is that communicated to you or the

1 OIM?

2 A. Usually to the OIM and then he
3 will tell us.

4 Q. So it always goes to the OIM first
5 and then he will tell you?

6 A. Usually.

7 Q. After you got rescued, arrived on
8 the DAMON BANKSTON, as far as the
9 firefighting effort, what was your
10 involvement in that?

11 A. The only thing I recall is leaving
12 the water and going directly to the bridge
13 of the DAMON BANKSTON where I stayed until
14 we got to Fourchon and coordinated with our
15 crew boats, seeing who had firefighting
16 capacity, stuff like that.

17 But details, I obviously don't
18 recall. We had just gotten out of the
19 water.

20 Q. Yes, sir. So you didn't ask other
21 vessels to put firefighting --

22 A. I don't recall.

23 Q. I understand, sir.

24 CAPTAIN NGUYEN:

25 Flag state, any questions?

1 MR. LINSIN:

2 No questions.

3 CAPTAIN NGUYEN:

4 Transocean, any questions?

5 COUNSEL REPRESENTING TRANSOCEAN:

6 No, thank you.

7 CAPTAIN NGUYEN:

8 Anadarko?

9 COUNSEL REPRESENTING ANADARKO:

10 No questions.

11 CAPTAIN NGUYEN:

12 MOEX? Douglas Brown?

13 (No response.)

14 CAPTAIN NGUYEN:

15 BP?

16 EXAMINATION BY MR. GODFREY:

17 Q. Good afternoon. I am Rick
18 Godfrey.

19 Using your Coast Guard statement
20 in front of you --

21 A. That is not my Coast Guard
22 statement.

23 Q. Do you have your Coast Guard
24 statement then?

25 A. Not in front of me.

1 MR. GODFREY:

2 John, could you give him his Coast
3 Guard statement, please?

4 EXAMINATION BY MR. GODFREY:

5 Q. While my younger colleague is
6 bringing it up, do you recall writing out
7 your Coast Guard statement?

8 A. Partially. I remembered the
9 scenario, obviously, of what we had just
10 gone through. But yes.

11 Q. Would you find your Coast Guard
12 statement in the book that has been put
13 before you, sir?

14 A. Where --

15 Q. It's under your name.

16 MR. KOHNKE:

17 Which tab?

18 MR. GODFREY:

19 There is an index, it is under his
20 name.

21 MR. KOHNKE:

22 Tab 9.

23 MR. GODFREY:

24 Yes. Under his name.

25 MR. KOHNKE:

1 In Tab 9.

2 EXAMINATION BY MR. GODFREY:

3 Q. Is that your statement?

4 A. Yes, sir.

5 Q. Is that your signature on the
6 second page?

7 A. Yes.

8 Q. Is that true and accurate, as far
9 as you know?

10 A. I think what I put down at the
11 bottom, "These are the details to the best
12 of my recollection. The event is still
13 blurry and I may have missed details."

14 Q. That's fine. Prior to 2130, the
15 evening of April 20, were you aware if
16 machine tests had been conducted?

17 A. I don't recall.

18 Q. Do you know what machine tests
19 are?

20 A. Yes.

21 Q. Do you know who conducted the
22 machine tests?

23 A. I assume one of the drilling
24 gentlemen, but the actual person, I'm not
25 sure.

1 Q. As far as you are personally
2 aware, prior to 2130 the evening of
3 April 20, 2010, was everything proceeding
4 normally and safely related to drilling on
5 the DEEPWATER HORIZON?

6 A. As far as from the mariner's side
7 of it, I think it was.

8 Q. According to your statement at
9 approximately 2130, high gas alarms went
10 off?

11 A. Again, as we were speaking, as I
12 was writing this, the times are probably
13 off. The last thing I was looking at was my
14 watch when all of this was going on.

15 Q. Do you recall high gas alarms
16 going off, sir?

17 A. Yes.

18 Q. Did you write that it was
19 approximately 2130?

20 A. Yes.

21 Q. Do you recall whether a pump or
22 pumps stopped around that time?

23 A. I don't recall.

24 Q. Did you ever call the DAMON
25 BANKSTON around that time to inform the

1 DAMON BANKSTON that the DEEPWATER HORIZON
2 had a well control situation and to move
3 away?

4 A. No.

5 Q. Did you hear their engine rev up
6 at any time?

7 A. We were at completely different
8 ends of the vessel.

9 Q. Were you on the bridge around
10 2130?

11 A. Yes.

12 Q. Did you hear a voice over the
13 radio talking to the DAMON BANKSTON around
14 that time?

15 A. I don't recall.

16 Q. Do you know what the DAMON
17 BANKSTON had been doing standing by the
18 vessel that day?

19 A. They were doing -- we were giving
20 mud back to them, discharging mud.

21 Q. When you were on the bridge, was
22 the internal camera system working?

23 A. I don't recall.

24 Q. At any time that evening, did you
25 see any pictures of the rig floor?

1 A. That is not something I do when I
2 walk up to the bridge.

3 Q. According to your statement, you
4 saw or heard the gas alarms being activated.
5 Do I understand you saw mud coming out of
6 the diverter?

7 A. Yes, sir.

8 Q. Which side?

9 A. Starboard side.

10 Q. Did you see mud on the rig floor
11 or on the rig anywhere?

12 A. Again, the window I was looking
13 through, I just saw the diverter, I couldn't
14 see anywhere aft of that.

15 Q. After you saw the mud being
16 diverted, how long, to the best of your
17 knowledge, how long until the explosion?

18 A. Minutes.

19 Q. Five minutes? Ten minutes?

20 A. Again, the last thing I wanted to
21 do was look at my watch and see the time
22 frames.

23 Q. No reason to apologize. We just
24 need your best recollection. Minutes may
25 matter here in determining what the sequence

1 of events were.

2 Now, was the subsea engineer on
3 the bridge with you at this time?

4 A. No.

5 Q. Did the subsea engineer come to
6 the bridge after that time?

7 A. Yes.

8 Q. Was he on the bridge after the
9 first explosion or --

10 A. (Witness shakes head negatively.)

11 Q. Can't recall?

12 A. No.

13 Q. Do you recall who the subsea
14 engineer was?

15 A. Yes.

16 Q. Who was it?

17 A. Chris Pleasant.

18 Q. Now, after the initial explosion,
19 did you instruct someone to activate the
20 EDS?

21 A. After conferring with the OIM,
22 yes, I did.

23 Q. Who?

24 A. Chris Pleasant.

25 Q. Did you need to confer with the

1 OIM before you gave the order?

2 A. We always had good communication
3 and he was right there on the bridge, why
4 not use his expertise.

5 Q. Actually, he was in the shower and
6 came up to the bridge. Do you recall when
7 he came to the bridge?

8 A. Before we made the decision to
9 activate the EDS.

10 Q. Were you waiting on the OIM to
11 confer with before making that decision?

12 A. No, but that is where he goes
13 during an emergency, the bridge.

14 Q. Do you recall approximately what
15 time the EDS was activated?

16 A. Approximately 2156, as in my
17 statement.

18 Q. Did you look at the panels at the
19 time the EDS was activated?

20 A. I did not.

21 Q. Did you look at the BOP valve?

22 A. I don't recall.

23 Q. Was the instrumentation on the
24 bridge acting normally or abnormally at that
25 time, as far as you can recall?

1 A. I don't recall.

2 Q. "That time" being approximately
3 2154 or 2156?

4 A. Again, I just -- I just don't
5 recall.

6 Q. How long after 2156 was it that
7 you made your way down to the area of the
8 rig from which you jumped into the sea?

9 A. I do not recall.

10 Q. Was there any kind of confirmatory
11 signal on the bridge that indicated the EDS
12 was successful?

13 A. Not that I recall.

14 Q. Is there a signal you receive that
15 indicates that the buttons you pushed --

16 A. That would be a question for the
17 subsea engineer.

18 Q. You are not involved in that?

19 A. No.

20 Q. Are you trained to activate the
21 EDS yourself?

22 A. No.

23 Q. Is that the OIM?

24 A. Yes.

25 Q. And the subsea engineer?

1 A. Yes.

2 Q. Do you know if they are trained in
3 that?

4 A. I don't recall.

5 Q. Do you know whether all the
6 buttons necessary were pushed?

7 A. I don't know.

8 Q. After you were rescued from the
9 sea, did you have any conversations with the
10 crew --

11 A. I'm sorry?

12 Q. I wasn't finished.

13 After you were rescued from the
14 sea on the DAMON BANKSTON, did you have any
15 conversations with the crew about what
16 happened during the explosion?

17 A. There were BP personnel,
18 Transocean personnel on the bridge of the
19 DAMON BANKSTON, but what we talked about, I
20 don't recall.

21 Q. And since that time, I take it you
22 have had no conversations with people from
23 the crew of the DEEPWATER HORIZON indicating
24 what they thought took place?

25 A. Again, I'm sure we have spoken,

1 but I don't recall.

2 Q. One final question. Was the
3 DEEPWATER HORIZON under a daily rate
4 contract or a yearly contract with BP at the
5 time of the incident?

6 A. I don't recall.

7 MR. GODFREY:

8 Thank you. I have no further
9 questions.

10 MR. GORDON:

11 Captain, would it be okay if I
12 asked questions too?

13 EXAMINATION BY MR. GORDON:

14 Q. I want to talk to you about
15 COLREGS. Are you familiar with them?

16 A. Obviously, a week ago, I was much
17 more familiar with them, but yes.

18 Q. The DEEPWATER HORIZON, was she a
19 vessel?

20 A. Yes.

21 Q. Were you the master of that
22 vessel?

23 A. Yes.

24 Q. Was she operating in U.S. waters?

25 A. International waters.

1 Q. Was she subject to the IMO regs?

2 A. Yes.

3 Q. Was Rule 3 of the IMO regs
4 applicable to your vessel, sir?

5 A. In what section of the IMO regs?

6 Q. Rule 3. What is highlighted with
7 an asterisk.

8 A. The word "under way."

9 Q. Okay. So it defines under way,
10 correct?

11 A. Correct.

12 Q. Could you please read that into
13 the record?

14 A. "The word 'under way' means that a
15 vessel is not at anchor or made fast to
16 shore or ground."

17 Q. Okay. Just prior to the
18 explosion, was the DEEPWATER HORIZON fixed
19 to the ground or anchored?

20 MR. KOHNKE:

21 When you say "fixed," do you mean
22 made fast to the ground?

23 MR. GORDON:

24 Yes.

25 THE WITNESS:

1 We did have a riser and BOP down.

2 EXAMINATION BY MR. GORDON:

3 Q. Do you consider that, sir, to be
4 anchored to the ground?

5 You are the captain of the vessel,
6 sir?

7 MR. KOHNKE:

8 Here is the problem. Mr. Gordon,
9 this witness has raised his right hand and
10 taken an oath and been told that a false
11 statement is punishable by both jail and a
12 fine.

13 You are asking him now to
14 interpret something. There is no black or
15 white, there is no absolute here. I am
16 very, very reluctant to allow him to
17 interpret something in an argument with
18 counsel. So proceed very carefully, please.

19 EXAMINATION BY MR. GORDON:

20 Q. Have you had a chance to read it,
21 sir?

22 A. If I am going to be asked about
23 it, I would like to keep it in front of me.

24 Q. I would like to introduce this as
25 an exhibit.

1 I only have the one -- do you have
2 a copy of this?

3 CAPTAIN NGUYEN:

4 You brought the document.

5 Can I ask you the relevance of
6 your questioning before you introduce
7 something in the record?

8 MR. GORDON:

9 I have here Marine Notice 7-038-2,
10 the Marshall Islands document, which is --
11 this DEEPWATER HORIZON was flagged to the
12 Marshall Islands. In it, under the "Minimum
13 Safe Manning," it has something called "On
14 location."

15 The COLREGS do not have that
16 definition, so I would like to ask the
17 captain if he considered his vessel
18 unoperating (sic) when they had the BOP
19 down. Operating under the Schedule A of
20 2.2.5, or if he considered himself subject
21 to the COLREGS.

22 The reason, if you are on location
23 in the Marshall Islands, you don't need a
24 master, you just need an OIM. So I am
25 trying to figure out under what rules they

1 were operating.

2 MR. KOHNKE:

3 If that's the purpose of where we
4 are going, I have to object. I don't know
5 the relevance of that. Whether we need a
6 master or not, we had a master. The rules
7 speak for themselves and at some future
8 time, if Mr. Gordon wants to argue we had
9 too many people on board, he can make that
10 argument, but it is not relevant to what we
11 are doing.

12 If he wants to talk about the
13 division of authority, I submit to the board
14 that is relevant. Other than that, I think
15 it is irrelevant.

16 CAPTAIN NGUYEN:

17 I think it is appropriate to
18 address this through the flag state, what do
19 they say, if the vessel is subject to their
20 rules there.

21 MR. GORDON:

22 Mr. Flag State, are you familiar
23 with this document?

24 MR. LINSIN:

25 Could I request, if counsel has a

1 question he wants to pose to the flag state
2 regarding interpretations of its regs and
3 how they interplay with international
4 conventions, I request that he make that
5 request in writing and we will respond in
6 writing.

7 CAPTAIN NGUYEN:

8 That is fine. I understand that.
9 I just wondered if you wanted to accommodate
10 him. That is all. But I agree with your
11 position.

12 MR. LINSIN:

13 Thank you. I think we are happy
14 to address the point, but quite honestly, at
15 this juncture, counsel has passed papers
16 across the room and I am not sure what point
17 he is getting at. I prefer it be in writing
18 and we will respond accordingly.

19 CAPTAIN NGUYEN:

20 If you want their position, I
21 think you need to request that from the flag
22 state.

23 MR. GORDON:

24 If necessary, can we re-call the
25 captain?

1 CAPTAIN NGUYEN:

2 Yes. Any of the witnesses can be
3 re-called.

4 MR. GORDON:

5 Thank you.

6 CAPTAIN NGUYEN:

7 Cameron?

8 COUNSEL REPRESENTING CAMERON:

9 No questions.

10 CAPTAIN NGUYEN:

11 Halliburton?

12 MR. GODWIN:

13 No questions.

14 (All counsel asked, all responded
15 no questions.)

16 EXAMINATION BY LT. BUTTS:

17 Q. When you are on a location,
18 Captain, and hooked up, are you required to
19 display all-around lights at night on the
20 rig?

21 A. Yes, we do show structure lights.

22 Q. Are those part of the COLREGS or
23 are those specific to Outer Continental
24 Shelf regs?

25 A. I don't recall.

1 Q. While the rig is on location,
2 though, latched in, is the rig displaying
3 navigational lights in accordance with the
4 COLREGS?

5 A. Yes, we did show lights.

6 But I don't recall.

7 LT. BUTTS:

8 Thank you.

9 CAPTAIN NGUYEN:

10 Thank you for your testimony. Any
11 questions or any information you believe has
12 relevance to the purpose of this
13 investigation?

14 THE WITNESS:

15 I would like to thank the crew of
16 the DAMON BANKSTON, I would like to thank
17 the Coast Guard for the assistance,
18 especially the helicopters, as well as the
19 crew of the vessel for responding properly.
20 We got off 115 people.

21 CAPTAIN NGUYEN:

22 Yes, sir. Thank you very much.
23 If we have additional questions for you,
24 will you make yourself available in the
25 future?

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THE WITNESS:

Yes, sir.

CAPTAIN NGUYEN:

Thank you, you are dismissed. We
are adjourned for the morning, please come
back at 1:30.

(Recess for lunch.)

REPORTER'S CERTIFICATE

I, Cathy Renee' Powell, Certified Court Reporter, do hereby certify that the foregoing proceedings were reported by me in shorthand and transcribed under my personal direction and supervision, and is a true and correct transcript, to the best of my ability and understanding;

That I am not of counsel, not related to counsel or parties hereto, and not in any way interested in the outcome of this matter.

CATHY RENEE' POWELL, CCR