

1 USCG/MMS MARINE BOARD OF INVESTIGATION
2 INTO THE MARINE CASUALTY, EXPLOSION, FIRE,
3 POLLUTION, AND SINKING
4 OF MOBILE OFFSHORE DRILLING UNIT
5 DEEPWATER HORIZON, WITH LOSS OF LIFE
6 IN THE GULF OF MEXICO 21-22 APRIL 2010
7 Thursday, May 27, 2010

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9 The transcript of The Joint United
10 States Coast Guard Minerals Management Service
11 Investigation of the above-entitled cause,
12 before Dorothy N. Gros, a Certified Court
13 Reporter, authorized to administer oaths of
14 witnesses pursuant to Section 961.1 of Title
15 13 of the Louisiana Revised Statutes of 1950,
16 as amended, reported at the Radisson Hotel,
17 2150 Veterans Memorial Boulevard, Kenner,
18 Louisiana, 70062, on Thursday, May 27, 2010,
19 beginning at 8:00 a.m.



1 Yes, sir.

2 CAPT NGUYEN:

3 Yes, sir. Thank you very much.

4 You are dismissed.

5 We'll take a break until 11

6 o'clock.

7 (Whereupon, a short break was taken off the

8 record.)

9 CAPT NGUYEN:

10 Please be seated. The board will

11 now call on Captain Curt Kuchta with

12 Transocean. Good morning, sir.

13 THE WITNESS:

14 Good morning.

15 CAPT NGUYEN:

16 Would you rise and raise your right

17 hand, please?

18 * * * * *

19 CAPTAIN CURT KUCHTA,

20 after being first duly sworn in the cause,

21 testified as follows:

22 CAPT NGUYEN:

23 Thank you very much. Please be

24 seated.

25 MR. KOHNKE:

1 Captain, can I make one brief
2 statement, please?

3 CAPT NGUYEN:

4 Sure.

5 MR. KOHNKE:

6 Captain Kuchta has a slight stutter
7 and he informs me that he is more
8 nervous today than when he took his --
9 sat for his captain's license. And so
10 he would like the board to understand
11 that he will do his best and
12 periodically he wants me to just remind
13 him to slow down and that might help.
14 So with that understanding, we would
15 ask that we could proceed?

16 CAPT NGUYEN:

17 Yes, sir. I understand. Thank
18 you.

19 EXAMINATION

20 BY MR. WHEATLEY:

21 Q. Good morning, Captain.

22 A. Good morning.

23 Q. Thank you for being here and I'll try
24 to go slow. I have a reputation of talking
25 kind of fast. Could you please state your

1 full name and spell your last name slowly for
2 the recorder?

3 A. No problem. Curt Robert Kuchta, K-U-
4 C-H-T-A.

5 Q. And do you currently have counsel,
6 Captain?

7 A. I do.

8 Q. And is it Mr. Kohnke?

9 A. Yes.

10 Q. Captain, can you tell us, do you hold
11 a Coast Guard Merchant Mariner's license or
12 credentials?

13 A. I do.

14 Q. And could you basically tell us about
15 the scope of that?

16 A. I have a Master's Unlimited Tonnage,
17 United States Coast Guard.

18 Q. And when did you first obtain that,
19 sir?

20 A. I want to say -- the license is right
21 there. I'm not sure of the exact date.

22 LT BUTTS:

23 Do you want me to give you back
24 that copy, sir?

25 THE WITNESS:

1 Yeah. I don't have that license.

2 It hasn't come yet since it was very
3 wet.

4 LT BUTTS:

5 Just hang on to it and you can give
6 it back to me later.

7 THE WITNESS:

8 Okay, thanks. Well, the new one
9 was issued May 4th. I've been in that
10 position for about two years on the
11 HORIZON.

12 BY MR. WHEATLEY:

13 Q. Could you outline for us your maritime
14 background, sir.

15 A. Sure. I graduated from Massachusetts
16 Maritime Academy in 1998. I went to work as a
17 third mate DPO for Reading & Bates on the
18 DEEPWATER PATHFINDER; stayed onboard there as
19 a third mate and second mate until '04 where I
20 went to the DEEPWATER HORIZON as chief mate,
21 until 2008 I went to new build projects and
22 then came back to be master in June of 2008 on
23 the DEEPWATER HORIZON.

24 Q. Could you outline your educational
25 background, too, sir?

1 A. In reference to college or -

2 Q. College.

3 A. Massachusetts Maritime Academy,

4 Bachelor's of Science in Marine

5 Transportation.

6 Q. What company do you currently work
7 for?

8 A. Transocean.

9 Q. What is your current job title, sir,
10 with Transocean?

11 A. Still master.

12 Q. I believe you indicated -- when did
13 you first assume that role?

14 A. June of 2008.

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

18 A. Sure. Safety of the vessel,
19 navigation of the vessel while we're underway
20 and station keeping, supervising station
21 keeping -- supervising station keeping, as
22 well as all the regulatory on the vessel side
23 of it, class, safety, that type of thing.

24 Q. So would it be fair to say you're
25 responsible for supervision of required

1 inspections and certifications and things of
2 that related to the vessel?

3 A. Correct.

4 Q. Could you basically kind of outline
5 for us -- we've seen an organizational chart
6 related to the DEEPWATER HORIZON your
7 relationship with the OIM.

8 A. In reference to?

9 Q. How do you interact with him? What
10 type of communications do you have, how often
11 do you discuss issues of concern?

12 A. Whenever one arises. We have
13 extremely open communications. Anytime any
14 type of question arise, whether on the
15 drilling side, the marine side, whatever side,
16 we have very, very good open communication.
17 We've worked together for quite a while.

18 Q. Do you have daily meetings and such to
19 discuss the issues of concern?

20 A. Yes. We have numerous meetings.

21 Q. And we also looked at, and perhaps we
22 could put up, the organizational chart. I
23 just have a couple of real quick questions
24 here for you, and I think it will help,
25 hopefully. Captain, have you ever seen this

1 chart before?

2 A. Oh, yes.

3 Q. So it's fair to say you're familiar

4 with it?

5 A. Yes.

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

9 A. Yes.

10 Q. And it was basically effective on the
11 date of the incident in which we're
12 discussing, the 20th of April?

13 A. Yes.

14 Q. Now, up here you see that it
15 identifies the OIM essentially as the person
16 in charge and then in places you a little over
17 to the top line on the left. We've had a
18 number of questions about, if you will, who's
19 in charge and at what point and when that role
20 changes, how do you know? Basically, when the
21 vessel is underway, making way, you as the
22 master would be in charge of the vessel.
23 Would that be true?

24 A. Correct.

25 Q. And at what point, based upon your

1 understanding of this organization in the
2 chart, does the OIM essentially assume the
3 role of being, if you will, in charge of the
4 entire rig.

5 A. When we latch up.

6 Q. And is that your understanding of the
7 distinction between the two positions?

8 A. Yes, sir.

9 Q. In times of emergency, we heard the
10 testimony of the OIM, basically the master
11 assumes the role of being in charge; is that
12 correct?

13 A. Correct.

14 Q. Let me ask you this: How do you know
15 when that transfer of control takes place?

16 A. (No response.)

17 Q. Is there a formal handoff like when
18 you relieve a watch?

19 A. Not in the amount of time frames that
20 we have. I mean, there is extremely good --
21 there is always extremely good communications
22 so it's never been an issue. I mean, it's
23 never been an issue where it's come up.

24 Q. On the 20th of April, when the
25 incident occurred, did you have a formal

1 handoff of responsibility between yourself and
2 the OIM?

3 A. In that short time frame, no.

4 However, we were both on the bridge
5 communicating about what was happening. It
6 wasn't an issue.

7 Q. Now, being a mariner, obviously you're
8 familiar with the terms of underway, not
9 making way?

10 A. Yes, sir.

11 Q. When the vessel is latched up to the
12 BOP, is the vessel underway, not making way?

13 A. That would go back to call regs.

14 Q. And based upon your understanding of
15 the call regs, if a vessel is underway, not
16 making way, is the master in charge?

17 A. I go back to are we latched up and
18 conducting drilling operations. I mean, I
19 think that a -- once you're on location,
20 latched up and drilling, the dynamic
21 positioning system has it in control.

22 Q. So would it be fair to say that when
23 you're latched up you're still underway?

24 A. I wouldn't say that.

25 Q. So would it be your opinion that the

1 call regs would no longer apply at that point
2 once you're latched up?

3 A. No. Call regs call regs still
4 apply, but that's just for actual definition.
5 But like I said, it's never been a problem
6 latched up conducting drilling operations.

7 Q. I'd like to ask you some questions
8 about the safety management system onboard the
9 DEEPWATER HORIZON. Are you familiar with
10 that?

11 A. Yes.

12 Q. Could you basically outline for us the
13 scope of the SMS plan onboard the DEEPWATER
14 HORIZON?

15 A. That's a very broad question. In
16 reference to what aspect of it?

17 Q. Could you give, if you will, kind of
18 the 10,000 foot view level, describe what the
19 SMS is and how it applied to you on the
20 DEEPWATER HORIZON.

21 A. You're going to have to -- I'm sorry,
22 you're going to have to -- it's such a broad
23 question.

24 Q. Onboard the DEEPWATER HORIZON did you
25 have an SMS plan?

1 A. Yes.

2 Q. Do you know who approved that plan?

3 A. The NVS.

4 Q. And who was that?

5 A. DNV.

6 Q. Do you know whether or not it complied
7 with IMO standards?

8 A. Yes.

9 Q. Who at your company is designated as
10 -- let me ask you this question: Who on the
11 rig is designated as the safety management
12 officer or the safety officer?

13 A. It's been a long five weeks. I don't

14 -- at this point in time, I don't recall.

15 Those type of questions, a few weeks ago,
16 would have been no problem. But as you can
17 imagine, it's been a rather difficult few
18 weeks.

19 Q. I understand, sir. Could you tell us
20 how your company documented their compliance
21 with the Safety Management System?

22 A. I'm sorry. I don't understand
23 what -

24 Q. Well, there's certain requirements
25 that -

1 A. We'd go through the annual inspection
2 -- we'd go through the inspections every two
3 and a half years as required.

4 Q. Do you have annual inspections?

5 A. Yes, through ABS and class.

6 Q. Is that part of your management
7 system's role -

8 A. Yes.

9 Q. -- requirements?

10 A. Yes.

11 Q. Do you know where those are documented
12 on the DEEPWATER HORIZON? The fact they've
13 been completed, the fact that they were -

14 A. They were in a binder in my office,
15 every signed copy.

16 Q. Do you know who did your internal
17 audits for compliance, or to maintain
18 compliance with your SMS system?

19 A. First off from Transocean, and I don't
20 recall their exact name.

21 Q. Does your company provide, that is
22 Transocean, provide any type of training to
23 supervisors on the rig regarding SMS systems,
24 procedures and compliance?

25 A. We do receive training from the

1 office. Onboard training, it's not off-site,
2 but we do have training onboard.

3 Q. And who is responsible for carrying
4 that out?

5 A. It's a Powerpoint presentation. That
6 came from the office.

7 Q. And what frequency do you conduct that
8 training, sir?

9 A. We just did it, so I don't recall.

10 Q. Annual, semi-annual?

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

12 Q. That's good. Thank you. When
13 deficiencies are found by one of the
14 surveyors, either DNV or, for example, ABS
15 related to the Safety Management System, did
16 they come and discuss those issues with you?

17 A. Yes.

18 Q. Could you give us an example of maybe
19 a recent discrepancy or a non-conformity that
20 they came to talk to you about?

21 A. It had to do with the -- obtaining our
22 MARPOL 6 compliance for the engines about
23 change out injectors.

24 Q. What was the issue, sir?

25 A. They had the wrong type of injectors

1 to meet the new requirements. Had the engine
2 manufacturer send us new injectors, installed
3 them, signed off.

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 really remember.

8 Q. Do you recall an incident in August of
9 2008 when basically the two main engines
10 tripped off the line and the vessel suffered a
11 loss of electrical power, a total blackout?

12 A. Yes.

13 Q. Do you recall anymore details of that
14 particular incident?

15 A. Not particularly because environments
16 were light, luckily, and we stayed latched up.
17 The crew responded properly, got power back
18 on, maintained station keeping.

19 Q. With respect to the SMS system, do you
20 know whether or not that incident was properly
21 reported to the authorities, both ABS and DNV?

22 A. Yes, as well as flag state.

23 Q. Back in May of 2008, a situation
24 developed in one of the forward stabilization
25 columns -

1 A. I was not onboard.

2 Q. You were not onboard?

3 A. No, sir. I wasn't assigned to the
4 vessel.

5 Q. Thank you. Under the Safety
6 Management System if a safety violation is
7 noted by an employee on the rig, what's the
8 mechanism for them reporting it?

9 A. They would take it to their
10 supervisor.

11 Q. And then what happens?

12 A. We would discuss the severity of it
13 and go from there.

14 Q. If you're unable to resolve it at the
15 supervisor level, what happens?

16 A. Continue taking it up the supervisory
17 chain until we have the proper answer and get
18 the problem rectified.

19 Q. Do you know what level a safety
20 violation would need to rise before it got to
21 the corporate safety board level or the
22 company safety board level?

23 A. I don't recall.

24 Q. I want to ask you a little bit about
25 life-saving and firefighting training, if we

1 could. We're going to shift gears here for a
2 minute. During your time on the DEEPWATER
3 HORIZON, do you recall conducting emergency
4 training drills with respect to abandon ship
5 and fire drills?

6 A. Yes.

7 Q. Did you have a standard protocol or a
8 timeframe in which those were done?

9 A. Yes.

10 Q. What was that?

11 A. It was usually Sunday mornings.

12 Q. Same time every Sunday?

13 A. Yes.

14 Q. Did you ever vary those drills and
15 conduct them, for example, during bad weather
16 and night time?

17 A. No.

18 Q. Do you believe it's necessary to
19 conduct those at random periods in order to
20 insure the safety and preparedness of your
21 crew?

22 A. I don't agree, and as you said, in
23 harsh weather or unannounced because then it
24 just puts one more level of risk for the crew.

25 Q. Also, would you agree that, and when

1 could. We're going to shift gears here for a
2 minute. During your time on the DEEPWATER
3 HORIZON, do you recall conducting emergency
4 training drills with respect to abandon ship
5 and fire drills?

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19 conduct those at random periods in order to
20 insure the safety and preparedness of your
21 crew?

22 A. I don't agree, and as you said, in
23 harsh weather or unannounced because then it
24 just puts one more level of risk for the crew.

25 Q. Also, would you agree that, and when

1 responding to an emergency the best practice
2 is if you practice under those circumstances
3 you're more likely to perform --

4 A. I believe that the crew can train
5 better in a controlled environment. It's
6 easier for them to receive the training and
7 familiarization with the equipment and to the
8 vessel in a controlled situation during an
9 announced time.

10 Q. Let's talk about abandon ship drills.
11 Did your vessel conduct abandon ship drills?

12 A. Yes.

13 Q. How often?

14 A. Every Sunday.

15 Q. Every Sunday. Did your abandon ship
16 drills include training on releasing the
17 lifeboats, boarding the lifeboats?

18 A. Yes. We would not board the entire
19 crew obviously due to an inherent risk of, as
20 you know, all of the issues we've had
21 worldwide with lifeboats in the past few years
22 with incidents.

23 Q. During the course of your drills for
24 lifeboats, did you ever require a lifeboat to
25 be loaded to its capacity?

1 A. No.

2 Q. Did you ever require a lifeboat to be
3 loaded and lowered to the water and operated?

4 A. They are tested to 110 percent and the
5 hooks and the releasing gear is inspected
6 annually by a third party company. So I don't
7 see that as being required to putting the crew
8 into undue risks. Look at it inversely. Say
9 you had 73 people in the boat and a cable
10 popped. You have a problem.

11 Q. Certainly if you have a problem, but
12 by on the flip side, sir, isn't the purpose of
13 the drill of actually loading the vessel -

14 A. But I don't think the purpose of the
15 drill is to put the crew at risk.

16 Q. Isn't that a balancing?

17 A. Yes, and when they receive training
18 they tour the lifeboats. We lower lifeboats
19 every Sunday, weather permitting, so the crew
20 can see how they are lowered. They're
21 retrieved and everything's fine.

22 Q. Nobody's in them?

23 A. No, but we do launch the lifeboats, as
24 required. The problem is, is on a semi-
25 submersible you need extremely calm weather to

1 launch a lifeboat because you don't have a
2 ship's hull to turn to make a lead for it to
3 come alongside. So you're trying to hit two
4 swinging pennants with a lifeboat. It's not
5 safe, and it's just not worth putting the crew
6 at risk.

7 Q. Did your crew ever practice or conduct
8 a drill in which they tried to basically, once
9 the crew was mustered at the lifeboat station,
10 load the lifeboat in the required three
11 minutes?

12 A. I don't recall.

13 Q. Let's talk a little bit about fire
14 drills. What is your responsibility as the
15 master during a fire?

16 A. Manage the scenario; manage the scene.

17 Q. Do you receive any formalized
18 firefighting training for combating fires
19 onboard vessels?

20 A. Yes.

21 Q. Could you kind of outline that for us,
22 please, sir?

23 A. It was advanced firefighting through
24 an accredited maritime school.

25 Q. In a situation such as occurred on the

1 DEEPWATER HORIZON on the 20th of April, at
2 what point did you draw the line and say
3 firefighting was no longer an option and
4 abandonment was required?

5 A. When we blacked out and had no power
6 to run the fire pumps.

7 Q. In your planning exercises, do you
8 have a contingency plan for dealing with loss
9 of powers when you can no longer man your fire
10 pumps and then what takes over with respect to
11 fighting the fire?

12 A. Well, if we have a backup generator,
13 which also would not fire.

14 Q. Captain, I'd like to ask you a couple
15 personal questions here, and then I'll try not
16 to do that -- it's part of the investigation
17 here looking at the human factors. During the
18 48 hours leading up to the incident, the two
19 days immediately preceding the 20th, how much
20 sleep did you get?

21 A. I was at home. I arrived on the
22 vessel that afternoon.

23 Q. So when you arrived on the vessel on
24 the afternoon of the 20th, did you consider
25 yourself well rested?

1 A. I don't really recall.

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

5 A. Monday afternoon.

6 Q. Where is home, sir?

7 A. Baltimore.

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

10 A. Three hours -- well, to get to New
11 Orleans. I got in New Orleans, went to bed.
12 Got up at 7 a.m. to meet the crew change bus.

13 Q. Thank you. Captain, do you have any
14 type of medical condition that requires you to
15 take prescription medication?

16 A. No. Well, actually, I'm sorry. I do
17 take medicine for my knees, arthritis in my
18 knees.

19 Q. Thank you. Captain, was it your
20 opinion that the crew members onboard the
21 DEEPWATER HORIZON were provided with all of
22 the necessary personal protective gear they
23 needed, such as gloves, hard hats, safety
24 steel-toed boots, etcetera?

25 A. Yes.

1 Q. On the 20th, when you arrived onboard
2 the DEEPWATER HORIZON, there was a number of
3 folks from the corporate office, both at
4 Transocean, as well as BP. Were you aware
5 they were going to be present when you
6 arrived?

7 A. When I did land onboard, my relief
8 told me they were coming.

9 Q. What was the explanation or direction
10 that was given to you about their visit? What
11 was their purpose?

12 A. Just to come out to see the vessel.

13 Q. Is that a fairly routine practice?

14 A. Yes.

15 Q. And what role do you play when you
16 have offshore visitors coming out to visit the
17 platform?

18 A. Usually we greet them at the
19 helicopter waiting room, transit room, then
20 they will usually go, those who haven't been
21 onboard will be orientated and then they
22 usually go for a tour.

23 Q. And that occurred on this occasion?

24 A. Yes.

25 Q. Where did you tour?

1 A. The entire vessel.

2 Q. And did you accompany them the entire
3 time?

4 A. Yes.

5 Q. And while those individuals onboard
6 the vessel, did you feel any type of pressure
7 concerning the job at hand, completing the
8 drilling project?

9 A. None whatsoever?

10 Q. Any discussions about being behind
11 schedule or anything of the like?

12 A. None.

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

17 A. Was not.

18 Q. Okay, Captain, at this point I'd like
19 to take you back to, unfortunately, the April
20 20th incident. Take a deep breath here, so.
21 Could you kind of outline for us immediately
22 preceding the incident, what were you doing
23 and where were you at?

24 A. Immediately preceding I was on the
25 bridge with the gentlemen who flew out and we

1 gave them a tour of the bridge and they were
2 driving on the simulator.

3 Q. When you say, "driving on the
4 simulator," what's that entail?

5 A. Basically, we have a simulator of the
6 vessel as a joystick and station keeping that
7 we use for training new people, as well as
8 running scenarios for bad weather or upcoming
9 scenarios that we may have to undertake and
10 want to see how the vessel could handle it.

11 Q. Now, you mentioned that the simulators
12 on the bridge or was on the bridge of the
13 HORIZON, is that correct?

14 A. Yes.

15 Q. Does that cause you any concern as a
16 captain as being a possible distraction when
17 you're trying to conduct operations?

18 A. None whatsoever because my crew uses
19 it so there's -

20 Q. I'm sorry. Go ahead.

21 A. It gets used quite frequently for
22 running scenarios, as well as training people.

23 Q. So would it be fair to say that's
24 standard practice running the simulator while
25 you're underway and conducting normal

1 operations?

2 A. Uh-huh (affirmative response.)

3 Q. Let's go back to about -- starting at
4 about 9:30. Could you kind of walk us through
5 the events as they unfolded, to the best of
6 your recollection?

7 A. Somewhere around there we had left the
8 conference room after having a meeting; went
9 to the bridge; conducted the tour; simulation,
10 and that's when things started going bad.

11 Q. When did you first realize that
12 something was going on?

13 A. I saw mud over the -- mud in the
14 water.

15 Q. Could you tell where it was coming
16 from?

17 A. At that point in time, no, because I
18 was only looking out the port side window.

19 Q. So was it coming out -- I'm sorry.

20 A. And then I went across to the
21 starboard side and saw fluid coming out the
22 diverter.

23 Q. So you could see mud coming out of
24 both sides?

25 A. Well, it was probably being blown -- I

1 don't really know how it was getting to the
2 port side, but it was definitely coming
3 through the diverter.

4 Q. And you could see it coming out of the
5 diverter on the starboard side?

6 A. Yes.

7 Q. Now, does the bridge have a closed
8 circuit TV monitoring system?

9 A. Yes.

10 Q. Does that enable you to see the
11 various parts of the rig?

12 A. Certain parts, yes. I mean, we don't
13 -- we only have a handful of monitors, so you
14 pick a camera as you need it. We usually
15 always monitor the rig floor, depending on
16 operations.

17 Q. And on that night, were you monitoring
18 the rig floor?

19 A. I don't recall. That's purely an
20 operator watchstander's role of what cameras
21 he wants to monitor.

22 Q. And after you saw the mud coming out
23 of the diverter and also on the port side,
24 what happened next?

25 A. That's when we started getting -- it

1 all happened so quickly. It started a chain
2 of events of -

3 Q. Take your time. Details are really
4 important so to the extent you can remember.

5 A. Oh, I'm well aware. Gas alarms; a
6 flash of some sort, which obviously set - or
7 an explosion; fire.

8 Q. Do you recall which gas alarms went
9 off?

10 A. No. I mean, they're all into the
11 vessel management system so the alarms were
12 just going -- going crazy.

13 Q. Now, do you recall seeing the EDS
14 display panel on the bridge?

15 A. I don't recall.

16 Q. So you don't recall looking at that
17 prior to leaving the bridge to abandon ship?

18 A. No, no, no. I thought you were still
19 before we got to that point. I'm sorry.

20 Q. Okay. I'll take you back then.
21 Continue from where we stopped.

22 A. And then, obviously, fire, blacked
23 out, personnel coming to the bridge, and then
24 somewhere in there -- I'm trying to remember
25 the scenario. It was Jimmy -- the OIM was on

1 the bridge, as well as the subsea engineer,
2 and I gave him -- I conferred for a moment
3 with Jimmy and told Chris to shear up the
4 EDSs. I think it was at 2156.

5 Q. And at that point when you directed
6 him to basically exercise or execute the EDS,
7 what happened? Do you recall?

8 A. He activated the panel.

9 Q. Was it your impression that the EDS
10 actually activated?

11 A. It was until I looked outside and saw
12 the fuel to the fire wasn't slowing down.

13 Q. And what did that signify to you?

14 A. That something had gone wrong.

15 Q. After you realized that it appeared
16 that the EDS didn't function the first time,
17 were additional attempts made to exercise it
18 or -

19 A. I don't recall.

20 Q. During the course when this was going
21 on, you indicated that the engineer was
22 onboard and that you directed him to do that.
23 Do you recall any discussions between him and
24 yourself concerning that maneuver or that
25 evolution?

1 A. No.

2 Q. After you gave the direction to go
3 ahead and exercise the EDS, what happened
4 after that?

5 A. Well, it was pretty straightforward.
6 No -- the fuel to the fire wasn't -- wasn't
7 shut off. We had -- we were dark. We had no
8 fire pumps. There was nothing left else to do
9 but leave the vessel -- abandon.

10 Q. Now, when you said the vessel was
11 dark, did the emergency lighting systems come
12 on, do you recall?

13 A. I don't recall because you have to
14 remember the emergency lighting is not all the
15 lighting on the vessel. I don't remember
16 looking up and saying what percentage of the
17 lighting was on or if was on, looking for the
18 insignia on the lights to say it's an
19 emergency light.

20 Q. So you just recall darkness and -

21 A. To what volume, to what level of
22 darkness.

23 Q. When you made the decision to go ahead
24 and abandon ship, did you give an order, did
25 you make any communications with any other

1 vessels, issue distress calls?

2 A. Yes.

3 Q. Which one?

4 A. All of those.

5 Q. What actions did you take?

6 A. Did I personally take or did the crew
7 take?

8 Q. Well, actions you either took or
9 directed the crew to take?

10 A. The crew was making -- making Mayday
11 calls, activated the GMDSS distress buttons.
12 They were speaking to the BANKSTON, but again,
13 what they were doing, that's why we have
14 roles. They did as they were supposed to do.
15 What they exactly did -- I was taking care of
16 my items; they were taking care of what they
17 were supposed to do.

18 Q. Do you recall ever having a
19 conversation with the BANKSTON?

20 A. I don't recall.

21 Q. When you left the bridge, what route
22 did you take to get to the lifeboats?

23 A. Down the starboard side of the bridge
24 and down the ladder well to the lifeboat deck.

25 Q. When you got to the lifeboat station,

1 could you describe for us the situation that
2 you found.

3 A. The lifeboats were gone and we
4 inflated a life raft. There were about eight
5 personnel on the deck; one injured in a
6 stretcher; two people -- a few people went in
7 the life raft, put the stretcher in, the life
8 raft started going down. There were a few
9 people on deck, two to three, I don't know the
10 exact number. Instead of bringing it back up,
11 to put another canister on the hook and
12 release it, we decided -- I decided to jump.

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

15 A. Approximately 75 feet.

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

18 A. Yes.

19 Q. Thank you.

20 A. Once in the water, we -- Those who
21 were in the water, as well as some people in
22 the raft, obviously, the life rafts have no
23 propulsion, so we started swimming the raft
24 away until the rescue boat from the DAMON B.
25 BANKSTON came and threw us a line and started

1 towing us back.

2 Q. Now, once the -- I believe it's a fast
3 recovery craft -- is that what that's called
4 -- from the BANKSTON hooked up with a life
5 raft, were there any problems in getting away
6 from the rig.

7 A. There was a painter attached, a line
8 attached. So I swam from the life raft to the
9 fast rescue craft, got a knife from one of the
10 crewmen, swam back and cut the vessel free. I
11 cut the raft free.

12 Q. And did you encounter any further
13 problems at that point?

14 A. No.

15 Q. Do you know if there was actually a
16 knife onboard the life raft as part of their
17 safety gear?

18 A. Yes, there was.

19 Q. And you weren't able to locate that?

20 A. Well, you have to remember, there's a
21 stretcher, there was Stokes litter in there,
22 it's dark, it's smoky. Instead of trying to
23 find a knife, which is probably this big
24 (indicating) in the life raft, it's was easier
25 -- I didn't even think to do that due to the

1 circumstances of the water and everything else
2 on fire around you. It was quicker just to go
3 to the boat, get a knife, swim back and cut us
4 free.

5 MR. WHEATLEY:

6 Thank you, Captain. I have no
7 further preliminary questions.

8 EXAMINATION

9 BY MR. MATHEWS:

10 Q. Captain, just to go back. When you
11 arrived, you took a Transocean helicopter out
12 to the DEEPWATER HORIZON?

13 A. No, it was a PHI helicopter.

14 Q. PHI helicopter, and where did you take
15 that helicopter from?

16 A. Houma.

17 Q. Houma. Do you know what type of
18 helicopter came with the VIPs?

19 A. I wouldn't.

20 Q. Do you know if there is any record
21 of -

22 A. I'm sure PHI has record of the
23 flights, I would assume. I know we had
24 records, but -- log books.

25 Q. Every person that comes onboard the

1 DEEPWATER HORIZON is logged somewhere?

2 A. Yes.

3 Q. You said it was a fairly routine
4 practice to have these safety meetings with BP
5 and Transocean VIPs, you affirmed Captain
6 Wheatley's --

7 A. It wasn't -- well, yes, a meeting with
8 them when they come aboard, a supervisory
9 meeting, yes.

10 Q. Is it fair to say that it's normally
11 the vice-president of drilling and completion
12 and drilling representatives from BP, or is it
13 normally safety personnel?

14 A. Both -- I mean -

15 Q. If they came to the vessel over the
16 last three or four months, I would be able to
17 identify who came to that vessel and when, if
18 I looked at the logs of who arrived at the
19 DEEPWATER HORIZON?

20 A. Yes.

21 Q. Can you please explain a little bit
22 about the DP simulation that was going on? I
23 know you said it was a routine practice with
24 the people that you oversee. From what I read
25 in some of the written testimony, it was

1 actually the vice-president of drilling and
2 completion that was up there?

3 A. Yes.

4 Q. What were they actually doing and
5 seeing?

6 A. They were basically playing a video
7 game.

8 Q. Does that in any way impact the
9 reliability of the safety systems -

10 A. Negative, no - a totally separate
11 system. That's why it's a simulator. That's
12 why we have it for training for new people.

13 Q. Yes, sir. Thank you. You said, when
14 Captain Wheatley had asked you how you started
15 off your day. You said you were in a meeting
16 in the conference room. And who were you
17 meeting with?

18 A. Well, that was in the evening. It was
19 with the gentlemen who flew out on the
20 helicopter, as well as the supervisors on the
21 vessel.

22 Q. Can you give me some brief synopsis of
23 what you all discussed in that meeting?

24 A. 2010 goals. The biggest one was
25 lessons learned on the vessel because we did

1 have a good -- we had an extremely good safety
2 record. We had an extremely good performance
3 record. So one of their points was to come
4 out and get lessons learned to share with the
5 rest of the fleet.

6 Q. And that was done by the drilling and
7 completion manager of BP?

8 A. I'm not sure who it was.

9 Q. Was there any discussion about
10 requiring maintenance for the safety of the
11 vessel or safety systems on the vessel?

12 A. I don't recall.

13 Q. And in that recognition, were you
14 aware of any lost time accidents that occurred
15 in 2008 on the DEEPWATER HORIZON?

16 A. I don't recall.

17 Q. In respect to the Transocean HSE
18 manual, what are your roles and
19 responsibilities on the vessel in respect to
20 the emergency disconnect system?

21 A. I assist the -- make the judgments as
22 required I guess you could say looking at the
23 situation --

24 Q. Let me back up a second. Could you
25 please tell me what a yellow alert and a red

1 alert is?

2 A. Sure. It's certain amounts of
3 distance from the well head in which you can
4 get out to before you have to unlatch.

5 Q. What would you do in a red alert
6 system?

7 A. You unlatch.

8 Q. Do you have any specific roles in that
9 red alert?

10 A. I'm sorry.

11 Q. I'm looking at the policy right here.

12 The only people who have any type of
13 responsibility are the driller, the subsea
14 engineer and the assistant driller.

15 A. Okay.

16 Q. If the -- in a red alert situation, an
17 emergency disconnect, if you don't have the
18 assistant driller or the driller who possibly
19 had some issue with the explosion, who then is
20 in charge or making any decision about the
21 emergency disconnect, or who is the
22 functioning person?

23 A. You mean who actually functions the
24 panel?

25 Q. Yes.

1 A. The subsea engineer.

2 Q. And who actually gives the order to
3 him? Is that you or is that the OIM?

4 MR. KOHNKE:

5 Are you asking about this
6 incident -

7 MR. MATHEWS:

8 Yes, sir.

9 MR. KOHNKE:

10 -- or generally?

11 MR. MATHEWS:

12 Generally -- generally -- well,
13 specifically -

14 THE WITNESS:

15 I'm sorry.

16 MR. MATHEWS:

17 Generally.

18 BY MR. MATHEWS:

19 Q. Who gives the order -- I'm asking who
20 gives the order, and then specifically, what
21 happened in this incident because I have two
22 people saying that they gave the order to the
23 subsea engineer.

24 A. We were on the bridge, from my best
25 recollection, and I asked Jimmy, can we shear

1 somewhere along those EDSs, and he said yes,
2 and -

3 Q. Okay. I was just trying to get some
4 clarification because I didn't know if you had
5 made the recommendation to activate the EDS
6 before the OIM had come to the bridge -

7 A. Oh, no, no, no.

8 Q. Do you ever participate in any type of
9 day-to-day drilling rig operation meetings?

10 A. Yes.

11 Q. Were you aware of any problems with
12 the Macondo well prior to the incident?

13 A. I mean -

14 MR. KOHNKE:

15 By problems, you mean down hole
16 problems?

17 MR. MATHEWS:

18 Yes, sir. I'm sorry.

19 THE WITNESS:

20 I don't really have any -- that's
21 not really my area of expertise.

22 That's actually --

23 BY MR. MATHEWS:

24 Q. I'm sorry. That's why I was trying to
25 get clarification if you participated in those

1 operational meetings.

2 A. Were you aware that the rig was behind
3 schedule on that current well?

4 Q. Again, I had been gone for three
5 weeks.

6 A. Were you aware that the rig was behind
7 schedule for 45 days, which is greater than
8 three weeks?

9 Q. I really don't recall.

10 A. Were you aware of any type of, in
11 meetings that you participated, of any
12 discussion of changes to plans and procedures
13 within a short period of time to drilling the
14 well?

15 Q. I don't recall.

16 MR. MATHEWS:

17 That's all I have, sir. Thank you.

18 EXAMINATION

19 BY MR. McCARROLL:

20 Q. Captain, do you meet with ABS when
21 they come onboard?

22 A. Yes.

23 Q. In about 2005, Transocean stopped
24 having ABS inspect the drilling package. Do
25 you know why?

1 A. I was not master at the time.

2 Q. Have you met with ABS since you've
3 been master?

4 A. Yes.

5 Q. Have you talked to them about any of
6 their inspections?

7 A. In regards to?

8 Q. Like the annual where they test when
9 they come onboard?

10 A. Yes.

11 Q. Did any of the ABS guys indicate they
12 tested the safety devices for overspeed on the
13 engines?

14 A. I don't recall.

15 Q. Would you think that those types of
16 devices would be checked on annual inspection?

17 A. Yes.

18 Q. Do you know that the annual inspection
19 is a sampling-type inspection that they do not
20 inspect 100 percent of the safety devices?

21 A. Correct.

22 Q. So on a special inspection, which is
23 done every five years -

24 A. Yes.

25 Q. -- they do complete 100 percent; is

1 that correct?

2 A. I don't recall.

3 MR. McCARROLL:

4 Thank you.

5 EXAMINATION

6 BY LT BUTTS:

7 Q. Good morning, Captain.

8 A. Good morning.

9 Q. Earlier there was questions about
10 notification of flag state regarding the
11 blackout in 2008. Did you personally make
12 note of -

13 A. Yes.

14 Q. And who to?

15 A. Marshall Islands, I forget.

16 Q. Good enough. And were you told that
17 the American Bureau of Shipping was notified?

18 A. I don't recall.

19 Q. Good enough. Drills -- when you
20 conduct a drill -- when the rig conducts a
21 drill on Sundays is anyone onboard the rig
22 excused from the drill?

23 A. Depending on the operation, maybe a
24 handful of people.

25 Q. And typically, who would those people

1 be?

2 A. It's situational dependent.

3 Q. If there was a driller on tour and
4 there was a drill at 10 o'clock, would he come
5 off and participate in the launching of
6 lifeboats and the familiarization of muster
7 and things of that nature?

8 A. No, he wouldn't, but you need -- no,
9 he wouldn't.

10 Q. The third party hands that come
11 onboard, whether it be Halliburton, I believe
12 the catering service was Art, do you know if
13 they have a maritime background? For
14 example -

15 A. It's situational dependent --
16 sometimes they do. Some of the Art personnel
17 received came from cruise ships. So yes, they
18 do.

19 Q. So some do.

20 A. Yes.

21 Q. Typically, when you come on tour, is
22 your rotation 21 and 21, also?

23 A. Yes.

24 Q. What's the normal change of watch for
25 you and the other captain of the vessel,

1 typically? Can you kind of walk us through
2 that process?

3 A. Sure. Typically, we have a -- well,
4 there's three different ways. We phone each
5 other before we arrive -- have an hour or
6 however long conversation required to just to
7 find out what you're walking into.

8 Q. And that telephone call, does it
9 happen the morning that you're getting ready
10 to fly out of Houma?

11 A. Yes.

12 Q. Thanks.

13 A. Or the -- I'm sorry, usually that
14 afternoon -- the afternoon before. And then
15 we usually do extensive written handover
16 notes. And then there's a face-to-face on the
17 bridge during the -- for the crew change.

18 Q. Did you have the opportunity that, I
19 think you had said you got on in the
20 afternoon --

21 A. Yes.

22 Q. Company folks coming out to visit --
23 did you have ample time to --

24 A. Always.

25 Q. You did have time?

1 A. That's definitely one thing we always
2 do, because the last thing you want to do is
3 be blind sided by something that you should
4 have known about.

5 Q. I'm with you. I'm with you. The
6 simulator – do you know when that was
7 actually installed onboard the vessel? Has it
8 been there for the life or the history –

9 A. Yes, from Korea.

10 Q. What is the purpose of it, the
11 simulator? We're talking about the DP
12 simulator.

13 A. Yes. It's basically – to put it
14 bluntly, it's a video game. It's a video game
15 of – with the vessel's dimensions. It's
16 basically a video game of the DP system. We
17 use it for if we upcoming weather or fronts
18 coming through, heading changes, what have
19 you, different station keeping scenarios on a
20 scenario to see how the vessel will handle it
21 before you actually do it.

22 Q. So it kind of sounds like then it's
23 almost a simulator for you to kind of populate
24 and for the crew then to participate in just
25 different situations?

1 A. You're exactly right. The crew can --
2 since obviously we're latched up quite often,
3 it's good training for the crew.

4 Q. To remain sharp?

5 A. You're exactly right, yes.

6 Q. Does the Coast Guard give, if you
7 know, does the Coast Guard give any credit of
8 time for operating the simulator for licensing
9 and credentialing later on?

10 A. I don't know.

11 Q. Good enough. Now, I know when you all
12 decided to run for the boats and the rafts, it
13 was chaotic. Some people, as explained, were
14 confused and dazed and somewhat. Tell me
15 about the life rafts. You had said, and I'm
16 not putting words in your mouth, you had gone
17 to the boats, 1 and 2, and they were gone.

18 A. Correct.

19 Q. Tell me about that ordeal there with
20 the life rafts. It's not our hope that you
21 would have to jump off of a 75 foot height
22 there. We want --

23 A. I don't want to do it again, either.

24 Q. We want life saving appliances in
25 place so you can safely embark, launch and

1 then hopefully be recovered. I'm not second
2 guessing why you jumped. Why?

3 A. Well, because the raft with the
4 personnel and the Stokes litter was starting
5 to go down.

6 Q. And you mean the brake was not holding
7 the raft as it --

8 A. Whether -- for some reason, it started
9 to go down. I can -- obviously, I didn't have
10 time to figure out why, but yes.

11 Q. I understand.

12 A. It started to go down.

13 Q. And to the best of your memory, how
14 many people were in there? Do you recall?

15 A. I don't recall.

16 Q. Was it at capacity?

17 A. Oh, no.

18 Q. I think 25, isn't it?

19 A. Yes.

20 Q. It was not at capacity?

21 A. No. It may have been five or six,
22 plus the Stokes litter with an injured person
23 on it.

24 Q. Can you just -- as soon as the people
25 get in it, were you still standing on deck and

1 you're watch it?

2 A. Yes.

3 Q. What happened then?

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

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

12 A. I don't --

13 Q. You don't know?

14 A. (Negative response.)

15 Q. Okay. That's fine. So once it's down
16 then you said I'm --

17 A. Right.

18 Q. -- and you jumped. Now, maritime
19 people like we are, when we're on our ships,
20 we have a pocketknife.

21 A. Yes.

22 Q. We have some type of knife on our hip.
23 We've got a Leatherman, we've got a Gerber,
24 not indoors, you know, but why didn't you have
25 a knife?

1 A. Knife-free policy onboard the vessel.

2 LT BUTTS:

3 Thank you.

4 CAPT NGUYEN:

5 Captain, I have a few follow-up
6 questions.

7 EXAMINATION

8 BY CAPT NGUYEN:

9 Q. Now, you say that when Captain
10 Wheatley asked you about a handoff between the
11 OIM and the master --

12 A. Yes.

13 Q. -- and you say, no problem?

14 A. Yes.

15 Q. Is there written guidance on how that
16 takes place?

17 A. I don't recall.

18 Q. Now, how's that get communicated to
19 the crew? If it's clear between you and the
20 OIM, Mr. Harrell, how is it clear to the crew
21 that a transition has taken place, that the
22 transfer of authority has been completed?

23 A. I would be speculating how they know.
24 I'm not really --

25 Q. So there's no -- there's no written --

1 A. Like do we make it over the PA
2 announcement or something like that? I mean,
3 I don't understand what you're saying.

4 Q. I don't know. I'm asking you. I
5 mean, how do the crew, especially you've got a
6 mixed crew here of Transocean of BP,
7 Halliburton and all these people. How do they
8 know who is in charge at any time on the
9 vessel? Do you have a written policy that you
10 give to the people when they first come on the
11 vessel or how is that communicated to the
12 people onboard the vessel?

13 A. It's pretty well understood amongst
14 the crew who's in charge.

15 Q. How do they know that? I mean --

16 A. I don't know. But it's pretty --
17 everyone knows.

18 Q. Yes, sir. Now, as the master of the
19 vessel, you are very -- you have working
20 knowledge of the International Safety
21 Management Code; is that correct?

22 A. Uh-huh (affirmative response).

23 Q. So when they come aboard the vessel,
24 you work pretty closely with that individual?

25 A. Yes.

1 Q. Now, your Safety Management System,
2 are these documents available onboard the
3 vessel?

4 A. Yes.

5 Q. Are they in binders?

6 A. I don't recall.

7 Q. So how do people get access to your --
8 the Safety Management System should document.
9 For example, if you've got equipment failure,
10 it should tell you the procedure on how to get
11 it resolved and all that, right?

12 A. Yes.

13 Q. Where are those procedures located on
14 the vessel?

15 A. I don't recall.

16 Q. So you don't remember whether there
17 was a paper copy, computer?

18 A. Most of those small details, I'm
19 sorry, I just don't --

20 Q. Yes, sir.

21 A. I just don't recall.

22 Q. Now, you said that there's a
23 Powerpoint presentation on the Safety
24 Management System?

25 A. Yes.

1 Q. So what's in this Powerpoint
2 presentation?

3 A. I'm sorry, I don't recall those
4 details.

5 Q. Yes, sir. Now, everybody onboard the
6 vessel needs to know how safety is managed on
7 the vessel; is that correct?

8 A. Yes.

9 Q. Now, would the information on the
10 Safety Management System on how would be in
11 this Powerpoint presentation?

12 A. Honestly, I don't recall what exact
13 details were in there.

14 Q. Yes, sir. With reference to the
15 questions regarding the blackout in August of
16 2008, you say that you made a casualty report
17 to class and flag; is that right?

18 A. Yes, as well as to the Coast Guard.

19 Q. As well as the Coast Guard. So was
20 there any follow-up action from Coast Guard or
21 flag state or Class Society that you remember?

22 A. I don't recall.

23 Q. Do you think that a two-minute
24 blackout onboard the HORIZON, do you think
25 that's a minor casualty, significant, major?

1 A. I'd say it's pretty significant, but
2 we did stay latched up -- no harm to the
3 environment, no harm to equipment.

4 Q. No harm to the environment, no harm to
5 the equipment --

6 A. Because we stayed latched up.

7 Q. So it's serious, but it's non-event?

8 A. I wouldn't say it's a non-event. I
9 don't really know classification -- what
10 levels there are you're speaking of, so I
11 don't know how to --

12 Q. So if it's a serious casualty, as you
13 say, what did you and your crew and Transocean
14 done about the casualty? Do you remember, to
15 insure that it doesn't happen again.

16 MR. KOHNKE:

17 You mean beyond fixing the
18 mechanical issue?

19 CAPT NGUYEN:

20 Yes, sir -- fixing, look at the
21 maintenance system and whether the
22 maintenance system missing something.
23 If you have a Safety Management System
24 onboard you would kind of look beyond
25 what --

1 THE WITNESS:

2 Yes. There was a plan put forth by
3 the maintenance department on governors
4 and what, you know, changing them out
5 and inspections, that type of thing.
6 But what the exact details were, I
7 don't recall.

8 BY CAPT NGUYEN:

9 Q. Now, as master of the vessel, when you
10 have a blackout for two minutes it's a concern
11 to you, right?

12 A. (No response.)

13 Q. You lost power for two minutes, right,
14 it's a concern to you, right?

15 A. I don't remember the exact time -- how
16 long we actually lost power for.

17 Q. But there was a total blackout for a
18 period of time, right?

19 A. Yes.

20 Q. Now, do you remember whether emergency
21 power came on?

22 A. It did.

23 Q. If it did, why would you have a two
24 minutes blackout or whatever the blackout is?
25 Do you remember?

1 A. Well, I don't think it was two minutes
2 we were blacked for. I mean, the generators
3 usually come on line out there. Again, I
4 don't remember the exact timeframe, but
5 generators -- the power management system
6 usually brings the generator on extremely
7 quickly. Now, if you're referring -- it
8 depends on if you're talking about power
9 online or thrusters online and back to
10 maintaining station keeping. There's a big
11 different between that. And what the time --
12 what the sequence or timeframe was between
13 those, I'm not sure.

14 Q. Yes, sir. I understand. Now, with
15 regard to this visit from senior management
16 from BP and Transocean to the HORIZON, now
17 have you met Mr. O'Bryan and Mr. Winslow
18 before?

19 A. I've met Mr. Winslow before. I don't
20 -- I don't recall a Mr. O'Bryan.

21 Q. Did you meet Mr. Winslow onboard the
22 HORIZON before?

23 A. Oh, I've known Don -- Mr. Winslow and
24 I have worked together for years.

25 Q. Right, but on the HORIZON?

1 A. Oh, he had been out there previous.

2 Q. Yes, sir. So who was the one -- who
3 was the one that was using the simulator?

4 A. They -- I think it was the two
5 gentlemen from BP, but what scenarios, what
6 timeframes, how long they were on there, when
7 they were on there, I don't recall.

8 Q. But you were with them the entire
9 tour, so it was the two gentlemen from BP that
10 was working the simulator --

11 A. It may have been, yes.

12 Q. -- at the --

13 A. I don't recall exactly. Again, I
14 don't recall exactly who was -- we were all on
15 the bridge and they were all standing around
16 the simulator, but who had their hands on the
17 joystick, I don't recall.

18 Q. So when there is a visit from senior
19 management does it get scheduled -- how long
20 does it get scheduled -- how long in advance
21 does it gets scheduled to communicate to the
22 ship to make sure it doesn't interrupt the
23 vessel operations? How long in advance
24 usually?

25 A. It all depends.

1 Q. Does that get communicated to you or
2 to the OIM?

3 A. Usually to the OIM and then he'll tell
4 us.

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

7 A. Usually.

8 Q. Now, after you got rescued by the --
9 arrived on the BANKSTON, did you order the
10 firefighting -- did you have any -- as far as
11 the firefighting efforts, what was your
12 involvement in that?

13 A. The only thing I recall is leaving the
14 water, going directly to the bridge of the
15 BANKSTON where I stayed until we got to
16 Fourchon and coordinating with ROV boats,
17 supply boats, to see who had firefighting
18 capacity and stuff like that. But actual
19 details, I don't recall. Obviously, we had
20 just gotten out of the water.

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

23 A. I don't recall.

24 Q. You don't recall. I understand, sir.

25 CAPT NGUYEN:

1 Flag state, do you have any
2 questions?
3 MR. LINSIN:
4 No questions. Thank you, Captain.
5 CAPT NGUYEN:
6 Yes, sir. Transocean, any
7 questions for the witness?
8 COUNSEL REPRESENTING TRANSOCEAN:
9 No questions.
10 CAPT NGUYEN:
11 Yes, sir. Anadarko?
12 COUNSEL REPRESENTING ANADARKO
13 PETROLEUM CORPORATION:
14 No questions.
15 CAPT NGUYEN:
16 Moex?
17 COUNSEL REPRESENTING MOEX USA:
18 (No response.)
19 CAPT NGUYEN:
20 Douglas Brown?
21 MR. GORDON:
22 No questions.
23 CAPT NGUYEN:
24 BP?
25 MR. GODFREY:

1 Thank you, Captain.

2 MR. GODFREY:

3 May I proceed, Captain Nguyen?

4 CAPT NGUYEN:

5 Yes, sir.

6 MR. GODFREY:

7 Thank you.

8 EXAMINATION

9 BY MR. GODFREY:

10 Q. Good afternoon, sir. I'm Rick
11 Godfrey. I'd like to see whether we can,
12 using your Coast Guard statement, which I see
13 is in front of you --

14 A. That's not my Coast Guard statement.

15 Q. Do you have your Coast Guard
16 statement, sir?

17 A. Not in front of me.

18 MR. GODFREY:

19 John, could you give him his Coast
20 Guard statement, please?

21 BY MR. GODFREY:

22 Q. While my younger colleague is bringing
23 it up, do you recall writing out your Coast
24 Guard statement?

25 A. (No response.)

1 Q. Do you recall writing out your Coast
2 Guard statement?

3 A. Partially. I mean, I remember the
4 scenario obviously of what we had just gone
5 through, but yes.

6 Q. Could you find your Coast Guard
7 statement in the book that's been put before
8 you, sir?

9 A. Yes.

10 Q. It's under your name.

11 MR. KOHNKE:

12 Which tab would it be?

13 MR. GODFREY:

14 There's an index in front that's
15 under his name.

16 MR. KOHNKE:

17 It's Tab 9.

18 MR. GODFREY:

19 Yes, but it's under his name. I
20 think we'll move on, Mr. Kohnke.

21 BY MR. GODFREY:

22 Q. Is that your Coast Guard statement,
23 sir?

24 A. To the best of my knowledge, yes.

25 Q. Is that your handwriting?

1 A. Yes.

2 Q. Is that your signature on the second
3 page?

4 A. Yes.

5 Q. Is what you wrote in your Coast Guard
6 statement true, accurate and correct, as far
7 as you know?

8 A. I think what I put down on the bottom
9 are the details to the best of my recognition.
10 The event is still blurry and I may have
11 missed details.

12 Q. That's fine. That's the best we can
13 ask of you. Prior to 2130 on the evening of
14 April the 20th, 2010, were you aware that a
15 sheen test had been conducted?

16 A. I don't recall.

17 Q. Do you know what a sheen test is?

18 A. Yes.

19 Q. Do you know who conducted the sheen
20 test?

21 A. I would assume one of the drilling
22 gentlemen, but who the actual person was doing
23 it, I'm not sure.

24 Q. As far as you're personally aware,
25 prior to 2130 on the evening of April 20,

1 2010, was everything proceeding normally and
2 safely with respect to drilling on the
3 DEEPWATER HORIZON?

4 MR. KOHNKE:

5 If you know about drilling.

6 THE WITNESS:

7 As far as from a mariner's side of
8 it and as far as I knew there was.

9 BY MR. GODFREY:

10 Q. Now, according to your statement, at
11 approximately 2130, high gas alarms went off?

12 A. Again, I don't -- again, as we were
13 speaking when I was writing this, I don't --
14 the times are probably off because the last
15 thing I was looking at was my watch when all
16 of this was going on.

17 Q. Do you recall high gas alarms going
18 off, sir?

19 A. Yes.

20 Q. Did you write that it was
21 approximately 2130?

22 A. Yes.

23 Q. Do you recall whether a pump or pumps
24 stopped around that time?

25 A. I don't recall.

1 Q. Did you ever call the DAMON BANKSTON
2 around that time to inform the DAMON BANKSTON
3 that the DEEPWATER HORIZON had a well control
4 situation and to move away?

5 A. I don't recall.

6 Q. Did you hear the engines rev up at any
7 time?

8 A. Again, we're at completely different
9 ends of the vessel. So no, I don't recall.

10 Q. Do you know whether ESDs were
11 activated around that time?

12 A. I don't recall.

13 Q. Were you on the bridge around 2130?

14 A. Yes.

15 Q. Did you hear someone, a voice over the
16 radio talking to the DAMON BANKSTON around
17 that time?

18 A. I don't recall.

19 Q. Do you know what the DAMON BANKSTON
20 had been doing standing by the vessel that
21 day?

22 A. They were doing a -- we were giving
23 mud back to them -- loading, discharging mud.

24 Q. Now, when you were on the bridge, was
25 the internal camera system working?

1 A. I don't recall.

2 Q. At any time that evening, did you see
3 any camera pictures or shots of the rig floor?

4 A. Again, I don't -- that's not one thing
5 I do when I walk up to the bridge.

6 Q. Now, after, according to your
7 statement, you saw the, or heard the gas
8 alarms being activated. Do I understand this
9 correctly that you looked out and saw mud
10 flowing out of the diverter?

11 A. Yes.

12 Q. Which side?

13 A. I think it was the starboard side.

14 Q. Did you see mud on the rig floor or
15 mud on the rig anywhere?

16 A. Again, the window that I was looking
17 out I just saw the diverter. I couldn't see
18 anywhere after that.

19 Q. All right. After you saw the mud
20 being diverted, about how long, to the best of
21 your recollection, between the visual seeing
22 of the mud being diverted and the sign of the
23 flash and the explosion?

24 A. Minutes.

25 Q. Five minutes, ten minutes?

1 A. I have no idea.

2 Q. Fair enough.

3 A. Again, that was the last thing I
4 wanted to do was to look at my watch and see
5 the timeframes.

6 Q. No reason to apologize. We're just
7 here to get your best recollection because
8 minutes may matter here in terms of
9 determining what the sequence of events were.
10 Now, was the subsea engineer on the bridge
11 with you at that time?

12 A. No.

13 Q. Did the subsea engineer come to the
14 bridge during this time?

15 A. Yes.

16 Q. Is that a "yes"?

17 A. Yes.

18 Q. Did the subsea engineer come to the
19 bridge after the first explosion or was he --

20 A. I don't recall.

21 Q. Can't recall. Do you recall who the
22 subsea engineer was?

23 A. Yes.

24 Q. Who was it?

25 A. Chris Pleasant.

1 Q. Now, after the initial explosion, did
2 you instruct anyone to activate the emergency
3 disconnect?

4 A. Yes.

5 Q. Who did you instruct?

6 A. After conferring with the OIM, Chris
7 Pleasant.

8 Q. Did you need to confer with the OIM
9 before you activated or ordered the activation
10 of the EDS?

11 A. Communication. I mean, we always have
12 good communication. He was right there on the
13 bridge. Why not use his drilling -- his
14 expertise?

15 Q. Well, actually, sir, he was in the
16 shower and he came up to the bridge. When did
17 he arrive on the bridge? Do you recall?

18 A. Before we EDS.

19 Q. Were you waiting for the OIM before
20 you made --

21 A. No.

22 Q. -- the decision to activate the EDS?

23 A. No, but that's where he goes during an
24 emergency is the bridge.

25 Q. Do you recall what time approximately

1 the EDS was activated?

2 A. Approximately 2156, as is in my
3 statement.

4 Q. Okay. Did you look at the panels at
5 the time the EDS was activated?

6 A. I did not.

7 Q. Did you look at the BOP panel?

8 A. I don't recall.

9 Q. Was the instrumentation on the bridge
10 acting normally or abnormally at that time, as
11 far as you can recall?

12 A. Again, I don't know.

13 Q. The time being around 2154 or 2156?

14 A. Right. Again, it was -- I don't
15 recall.

16 Q. Now, approximately how long after 2156
17 was it that you made your way down to the part
18 of the rig from which you jumped into the sea?

19 A. That's a good question. I -- to this
20 day, I wish I knew because I do not recall.

21 Q. Fair enough. That's fine. Was there
22 any type of confirmatory indication on the
23 panel in the bridge that indicated to you that
24 the EDS had been successfully activated?

25 A. Again, I don't -- I don't recall.

1 Q. What's the process, if you activate
2 the EDS, you obviously push a button, right?

3 A. It's a few buttons, obviously, so it's
4 not hit inadvertently.

5 Q. So you push a few buttons and then you
6 receive a signal that the buttons pushed were
7 received by the machinery --

8 A. That would be a question for the
9 subsea engineers.

10 Q. You're not involved in that?

11 A. No.

12 Q. Are you trained to activate the EDS
13 yourself?

14 A. Me personally, no.

15 Q. Subsea engineers trained?

16 A. I would assume. I don't --

17 Q. And OIMs trained?

18 A. I don't know.

19 Q. Do you know whether all the buttons
20 necessary to activate the EDS were pushed?

21 A. I don't recall.

22 Q. After you were rescued from the sea,
23 did you have any conversations with any
24 members of the crew or anyone since?

25 A. I'm sorry.

1 Q. I wasn't finished, but that's okay.

2 After you were rescued from the sea --

3 A. Yes.

4 Q. -- and you were on the DAMON BANKSTON,
5 did you have any conversations with any other
6 members of the crew about what they thought
7 happened which led to the explosion?

8 A. Again, I spent my -- I spent the time
9 after that on the BANKSTON -- on the bridge of
10 the vessel. There were BP personnel,
11 Transocean personnel on the bridge, but what
12 we talked about, I don't recall.

13 Q. And since that time, I take it you've
14 had no conversations with people from the crew
15 of the DEEPWATER HORIZON indicating what they
16 thought took place?

17 A. Again, I don't -- I mean, sure we've
18 spoken, but I don't recall.

19 Q. One final question: Was the DEEPWATER
20 HORIZON under a daily rate contract or a
21 yearly contract with BP at the time of the
22 incident?

23 MR. KOHNKE:

24 If you know.

25 THE WITNESS:

1 I don't really recall.

2 MR. GODFREY:

3 Thank you. I have no further
4 questions.

5 MR. GORDON:

6 Captain, would it be okay if I
7 ask some questions?

8 CAPT NGUYEN:

9 Sure, go ahead.

10 EXAMINATION

11 BY MR. GORDON:

12 Q. Hello, Captain.

13 A. Hello.

14 Q. I want to visit the call regs. Are
15 you familiar with the call regs?

16 A. Five weeks ago I was much more
17 familiar with them. Obviously, situation's
18 passed. I'm not familiar with them much
19 anymore.

20 Q. Is the DEEPWATER HORIZON, before she
21 sank, was she considered a vessel, in your
22 opinion?

23 A. Yes.

24 Q. Were you the captain and master of
25 that vessel?

1 A. Yes.

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

3 A. International waters.

4 Q. Was she subject to the IMO regs?

5 A. Yes.

6 Q. Is Rule 3, in the IMO regs, is that
7 applicable to your vessel, sir?

8 MR. KOHNKE:

9 Do you have Rule 3?

10 MR. GORDON:

11 Yes, I do. In fact, -- I'm

12 sorry --

13 BY MR. GORDON:

14 Q. For the record, I've handed the
15 witness Rule 3 of what section, sir, of the
16 IMO regs?

17 A. I'm sorry.

18 Q. What section are you looking at?

19 A. It's Rule 3.

20 Q. What is highlighted with an asterisk?

21 A. The word "underway."

22 Q. It defines underway, correct?

23 A. Correct.

24 Q. Could you please read that into the
25 record?

1 A. "The word underway means that a vessel
2 is not at anchor or made fast to shore or
3 ground."

4 Q. When just prior to the explosion, was
5 the DEEPWATER HORIZON affixed to the ground or
6 anchored?

7 MR. KOHNKE:

8 When you say "affixed," you mean
9 made fast to the ground?

10 MR. GORDON:

11 Yes.

12 MR. KOHNKE:

13 He's asking you was it made fast to
14 the ground.

15 THE WITNESS:

16 We did have a riser and BOP down.

17 BY MR. GORDON:

18 Q. Do you consider that, sir, that it is
19 anchored to the ground?

20 A. (No response.)

21 Q. You're the captain of the vessel, sir.

22 A. But however, here's the --

23 MR. KOHNKE:

24 Here's the problem. Mr. Gordon,
25 this witness has raised his right hand

1 and taken an oath and has been told
2 that a false statement is punishable by
3 both jail and a fine. You're asking
4 him now to interpret something. There
5 is no black or white. There is no
6 absolute and I'm very, very reluctant
7 to allow him to interpret something in
8 an argument with counsel. So proceed
9 very carefully, please.

10 MR. GORDON:

11 I wish I had two copies. Have you
12 had a chance to read it, sir?

13 THE WITNESS:

14 If I'm going to be asked questions,
15 I'd like to keep it here.

16 MR. GORDON:

17 Does anybody have a copy of this?

18 CAPT NGUYEN:

19 No, you introduced it here.

20 MR. GORDON:

21 Can I mark it? Let me mark it.

22 I'd like to introduce it as Brown 1 --

23 CAPT NGUYEN:

24 Counselor, can I ask you the
25 relevance of your line of questioning

1 before we admit it into the record?

2 MR. GORDON:

3 Absolutely. I have here the form,
4 Marine Notice 7-038-2, which is the
5 Marshall Islands documents, which this
6 flag -- this DEEPWATER HORIZON was
7 flagged to Marshall Islands. And in
8 it, it's under the minimum safe manning
9 has something called On Location and
10 the call regs do not have that
11 definition. So I would like to ask the
12 Captain if he considered his vessel an
13 operating when they had the BOP down,
14 operating under this Schedule A of 2.25
15 -- 2.2.5, or if he considered himself
16 subject to the call regs. And the
17 reason is, is because if you're on
18 location under the Marshall Islands you
19 don't need a master. You need just an
20 OIM. And so I'm trying to figure out
21 under what rules they're operating.
22 That's why.

23 MR. KOHNKE:

24 If that's the purpose of what we're
25 doing and if that's where we're going,

1 then I have to object. I don't know
2 the relevance of that. Whether we need
3 a master or not, we had a master. Now,
4 the rules speak for themselves and if
5 at some future time Mr. Gordon wants to
6 argue that we had too many people
7 onboard, he can make that argument.
8 But it's not relevant to what we're
9 doing. If he wants to talk about the
10 division of authority, that's something
11 I would submit to the board already
12 deemed relevant. And I'm okay with
13 that. But otherwise, I think it's
14 irrelevant.

15 CAPT NGUYEN:

16 I understand. I think it's
17 probably appropriate to address through
18 the flag state, what do they see as the
19 vessel subject to their rules there.
20 You can address the flag state. Ask
21 the question.

22 MR. GORDON:

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

25 MR. LINSIN:

1 Captain, could I request, if
2 counsel has a question he wants to pose
3 to flag state regarding interpretations
4 of which regs and how they interplay
5 with international conventions, I would
6 request that he make that request in
7 writing and we will respond in writing.

8 CAPT NGUYEN:

9 That's fine. I understand that. I
10 just wonder whether you would want to
11 accommodate him. That's all. I agree
12 with your position. I agree with your
13 position. That's fine.

14 MR. LINSIN:

15 We're happy to address the point,
16 but quite honestly, at this juncture,
17 counsel has passed papers across the
18 room. I'm not sure what point he's
19 getting at and I'd prefer it be in
20 writing and we will respond
21 accordingly.

22 CAPT NGUYEN:

23 So that's the position. If you
24 want clarification on what applicable
25 to the HORIZON, I think you can request

1 that from the flag state.

2 MR. GORDON:

3 Excellent. And if necessary, can
4 we recall the Captain.

5 CAPT NGUYEN:

6 Yes. Any witness can be recalled.

7 MR. GORDON:

8 Thank you so much.

9 CAPT NGUYEN:

10 Cameron?

11 COUNSEL REPRESENTING CAMERON, INC.

12 No questions.

13 CAPT NGUYEN:

14 Thank you, sir. Halliburton?

15 COUNSEL REPRESENTING HALLIBURTON:

16 No questions, Captain. M-I SWACO?

17 COUNSEL REPRESENTING MI-I SWACO:

18 No questions.

19 CAPT NGUYEN:

20 Dril-Quip?

21 COUNSEL REPRESENTING DRIL-QUIP:

22 No questions.

23 CAPT NGUYEN:

24 Weatherford?

25 COUNSEL REPRESENTING WEATHERFORD,

1 INC.:

2 No questions.

3 CAPT NGUYEN:

4 Any additional questions from the
5 board members?

6 LT BUTTS:

7 Captain, if you don't mind.

8 EXAMINATION

9 BY LT BUTTS:

10 Q. Captain, when you're on location, and
11 I'm not going to quote the OCS regulations
12 verbatim because I don't know them verbatim
13 anymore. When you're on location and you're
14 hooked up, are you required to display all
15 around white lights on the rig so it can be
16 seen?

17 A. Yes. We do show obstruction lights.

18 Q. So are those part of the call regs or
19 are those specific to the outer continental
20 shelf operations? Do you remember?

21 A. I don't recall.

22 Q. While the rig is on location, though,
23 latched in, is the rig displaying navigational
24 lights in accordance with the call regs?

25 A. We're -- yes, we did show lights. I

1 don't recall.

2 LT BUTTS:

3 Thank you.

4 CAPT NGUYEN:

5 Captain, thank you very much for

6 your testimony. Are there any

7 questions or any information that you

8 believe is relevant to the purpose of

9 this investigation that you want to

10 provide to us at this time?

11 THE WITNESS:

12 No, I would just like to thank the

13 crew of the DAMON BANKSTON. I'd like

14 to thank the Coast Guard for the

15 assets, especially the helicopters.

16 Rescue swimmers were getting the

17 injured off so quickly, as well as the

18 crew of the vessel for responding

19 properly and we got off 115 people.

20 CAPT NGUYEN:

21 Yes, sir. Thank you very much. If

22 we have additional questions for you,

23 would you make yourself available in

24 the future to the board?

25 THE WITNESS:

1 Yes.

2 CAPT NGUYEN:

3 Thank you, sir. You are dismissed.

4 We are adjourned for the morning.

5 Please come back here at 1:30 p.m. for

6 the afternoon hearings.

7 (Whereupon, a lunch break was taken.)

8 CAPT NGUYEN:

9 Please be seated so we can start

10 the hearings. The board will now call

11 on Mr. David Young with Transocean.

12 Mr. Young, please stand up and raise

13 your right hand.

14 * * * * *

15 DAVID YOUNG,

16 after being first duly sworn in the cause,

17 testified as follows:

18 CAPT NGUYEN:

19 Please be seated. Thank you for

20 being here.

21 MR. KOHNKE:

22 Captain, may I make one brief

23 statement for the record?

24 CAPT NGUYEN:

25 Yes, sir.