

Deposition Testimony of:

Steven Sutton

Date: November 9, 2011

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Page 6:10 to 6:12

00006:10 STEVEN SUTTON
11 was called as a witness by the Plaintiffs, and,
12 being first duly sworn, testified as follows:

Page 6:15 to 6:18

00006:15 Q. Good morning. Please state your name for
16 the record.
17 A. Steven Sutton.
18 Q. Mr. Sutton, my name is Frank Petosa.

Page 6:20 to 6:21

00006:20 Morgan & Morgan. We're here today on behalf of
21 the Plaintiffs Steering Committee. We mentioned

Page 9:05 to 9:05

00009:05 Q. Sorry about that. I have a frog in my

Page 9:07 to 10:20

00009:07 Who's your current employer?
08 A. I work for the U.S. Coast Guard.
09 Q. And how long have you worked for the
10 United States Coast Guard?
11 A. In this capacity, as a civilian?
12 Q. As a civilian.
13 A. A little over three years.
14 Q. Okay. And you mentioned as a civilian.
15 What's your current position with the Coast Guard
16 as a civilian?
17 A. I'm Offshore Compliance Specialist.
18 Q. Okay. And what are your duties and
19 responsibilities as an Offshore Compliance
20 Specialist with the United States Coast Guard?
21 A. To support the Field Inspectors and
22 promote consistency among the Units. Provide
23 whatever other support they need, transportation,
24 training, things like that.
25 Q. And what are the typical things you do to
00010:01 provide support to the Inspectors in the field?
02 A. Whenever they have a problem interpreting
03 a Regulation or a Standard, frequently they would
04 call me for an opinion. We render opinions on
05 appeals, when certain decisions are appealed by
06 the industry. I manage the helicopter contract
07 that provides transportation for them to go
08 offshore.
09 Q. Okay. And have you had this position as
10 the Offshore Compliance Specialist for the last

11 three years as a civilian with the Coast Guard?
12 A. Yes.
13 Q. What District?
14 A. Coast Guard 8th District.
15 Q. And what is the 8th District? What does
16 that encompass?
17 A. It accomplish -- encompasses as far as
18 the Outer Continental Shelf goes from
19 approximately Apalachicola, Florida to
20 Brownsville, Texas.

Page 11:09 to 11:21

00011:09 The DEEPWATER HORIZON over the time that
10 you've been the Offshore Compliance Specialist
11 with the Coast Guard in the 8th District --
12 A. (Nodding.)
13 Q. -- during that period of time, has the
14 DEEPWATER HORIZON been a rig within the oversight
15 of your District?
16 A. To the best of my knowledge, it has.
17 Q. Okay. And with respect to that, did you
18 have any involvement at any time with any of the
19 inspections that occurred by the Coast Guard of
20 the DEEPWATER HORIZON, that you're aware of?
21 A. No.

Page 12:11 to 13:08

00012:11 Did you have any involvement in
12 supporting those three individuals when they did
13 the last inspection in July of 2009 of the
14 DEEPWATER HORIZON?
15 A. No.
16 Q. Okay. What was your position with the
17 Coast Guard prior to your current position as a
18 civilian with the Coast Guard?
19 A. I was active duty.
20 Q. Okay. And what was the last position you
21 had as active duty with the Coast Guard? What
22 was your role?
23 A. I was Chief of the Domestic Inspections
24 Division in New Orleans.
25 Q. Okay. And how long did you hold that
00013:01 position?
02 A. Approximately three years.
03 Q. Okay. And what were your duties and
04 responsibilities as Chief of the Domestic
05 Inspection Division of the 8th District?
06 A. To manage approximately 25 personnel in
07 the performance of inspecting all variety of U.S.
08 flagged vessels.

Page 13:16 to 14:24

00013:16 Q. Okay. What was your position prior to
17 that time with the Coast Guard? I know now I'm
18 taking you back, and I apologize for that.
19 A. Yeah. I was Chief of the Foreign Vessel
20 Division.
21 Q. Okay. And how long did you hold --
22 actually, let's take a step back. Chief of the
23 Domestic Inspection Division, is -- what does
24 that mean? Does that mean that -- and please
25 correct me if I'm wrong -- that that Division was
00014:01 in charge of inspecting U.S. flagged vessels?
02 A. Correct.
03 Q. Okay. So during that three years, that
04 Division was not involved in inspecting foreign
05 flagged vessels, correct?
06 A. Offshore, they would have been.
07 Q. Okay. Okay. Let's go through that then,
08 so I understand it.
09 Prior to the -- the position of Chief of
10 the Domestic Inspection Division, what was your
11 position?
12 A. It dealt with foreign vessels, but I
13 believe it was termed -- I think the title for it
14 was Port State Control.
15 Q. Okay. And how long did you hold that
16 position?
17 A. Approximately a year.
18 Q. Okay. And what were your duties and
19 responsibilities there in that role and in that
20 Division as compared to your position as Chief of
21 the Domestic Inspection?
22 A. As Chief of the Port State Control
23 Division, we inspected foreign flagged ships that
24 were calling on the Port of New Orleans --

Page 15:05 to 15:12

00015:05 Q. Okay. And now, the three years you were
06 Chief of the Domestic Inspection Division, did
07 that include inspection of foreign flagged
08 vessels?
09 A. Offshore, yes.
10 Q. And would that include MODUs that were
11 offshore?
12 A. Yes.

Page 19:02 to 20:06

00019:02 Q. Yes. The topic you've been produced for
03 today is "The training, education and instruction
04 of each person involved in the inspection, audit
05 or evaluation of Transocean's Deepwater Horizon

06 rig, including the blowout preventer on the
07 Deepwater Horizon." I told you it was a
08 mouthful.

09 A. (Nodding.)

10 Q. Is that your understanding, sir, as to
11 the 30(b)(6) topic that you've been produced by
12 the United States Coast Guard for today's
13 deposition?

14 A. Yes.

15 Q. Okay. Now, let's go back to the position
16 you held in Morgan City. Exactly what was the
17 position you held for those five years with the
18 Coast Guard?

19 A. A Marine Inspector.

20 Q. Okay. And what -- what were your duties
21 and responsibilities as a Marine Inspector in
22 Morgan City?

23 A. For the first year, it was entry-level
24 training. In the second, third, and fourth years
25 I was -- I worked in the Offshore Division,
00020:01 inspecting mobile offshore drilling units and
02 production facilities.

03 Q. Okay.

04 A. And then the last year I was back
05 inspecting conventional support vessels
06 primarily.

Page 20:21 to 21:23

00020:21 Q. In his deposition, Mr. Odom provided a
22 very detailed explanation as to his training.

23 I really don't want to go back through it
24 all, but since you've been produced on this topic
25 today, the mouthful we've gone through, I'd like
00021:01 you at least to describe for me, if you would,
02 what the training is for a Marine Inspector for
03 the Coast Guard.

04 A. Okay. It is primarily driven by the
05 individual Trainee. There is some formal
06 training, school, resident training provided by
07 the Coast Guard. There is some advanced training
08 opportunities, depending on the types of vessels
09 that a particular unit may be dealing with.

10 But primarily at some point, an
11 entry-level Inspector will attend Marine
12 Inspection School in Yorktown, Virginia, and
13 that's followed up by on-the-job training at the
14 local unit --

15 Q. All right.

16 A. -- where he's assigned.

17 Q. Let's break that down. The Marine
18 Inspection School in Yorktown, Virginia?

19 A. Correct.

20 Q. How long is that?

21 A. Currently, I believe it's three weeks --

22 Q. Okay. And -- and --
23 A. -- for domestic vessels.

Page 22:18 to 23:01

00022:18 Q. Okay. For a Marine Inspector for the
19 Coast Guard to be able to inspect or perform an
20 exam of a foreign flagged vessel, are they
21 required to go through the course work that you
22 just described to be trained to inspect or
23 perform an exam of a foreign flagged vessel?
24 A. I don't know if it's required.
25 Q. Did you go through that training?
00023:01 A. No, I did not.

Page 23:11 to 24:18

00023:11 Q. Were -- were you trained over a full
12 year?
13 A. Yes.
14 Q. Okay. Explain how -- how things occurred
15 over that year, explain your training to us,
16 please.
17 A. I was given the qualification books that
18 has the PQS line item tasks that must be
19 accomplished.
20 Q. All right. And those are for different
21 types of vessels, correct?
22 A. Correct.
23 Q. Okay. And -- and explain how that
24 process works for each vessel. Is there a
25 certain level of proficiency or competency that
00024:01 you must get to, to be able to be -- this may be
02 the wrong word -- certified as an Inspector for
03 the Coast Guard for that given vessel?
04 A. Yes.
05 Q. Is that the right way I described it?
06 A. Yes. Given the vessel type, yes.
07 Q. Okay. I guess my Wheaties worked out
08 okay this morning.
09 So let -- let -- let me understand that,
10 then. Did you go through that process for each
11 vessel over that year?
12 A. For each type of vessel.
13 Q. Okay.
14 A. Not each -- not every type that's
15 available, but for barges and small passenger
16 vessels.
17 Q. How about MODUs?
18 A. That came around year two.

Page 25:17 to 26:04

00025:17 Q. Okay. And once you are allowed to enter
18 into the Marine Inspection Field, whichever way
19 you move into the process, as you just described,
20 are you automatically allowed to start attending
21 inspections of domestic vessels, or exams of
22 foreign flagged vessels, or is there some base
23 training that you have to go through first before
24 you're allowed to attend, with other
25 Representatives, an inspection of a domestic
00026:01 vessel or an exam of a foreign flagged vessel?
02 A. There's no mandatory prerequisites before
03 you begin your on-the-job training, other than
04 perhaps some safety concerns.

Page 26:25 to 29:21

00026:25 Q. Okay. And -- and what training must you
00027:01 go through to become a qualified Marine Inspector
02 with the Coast Guard?
03 A. You have to perform the PQS for that
04 particular vessel type. You have to demonstrate
05 proficiency with each of the items that comprise
06 the PQS. And then you have to sit before an oral
07 examination Board of three qualified Inspectors
08 for that vessel type. And typically, in the
09 course of that process, you would attend the --
10 the inspection school at Yorktown.
11 Q. Okay. And are -- is there a process
12 where when you're going through the oral -- how
13 long does that Board normally take?
14 A. It varies widely, but I would say it
15 averages about two hours.
16 Q. Okay. And are -- is there a process
17 called look -- "look ups" that occurs from the
18 from the Board, where you go through the Board,
19 and although you may be judged to be proficient
20 in certain areas, there may be some followups
21 that -- that the Marine Inspection -- or
22 Inspector candidate has to go through before
23 they're judged to be proficient and certified as
24 a Marine Inspector?
25 A. Yes, it's possible.
00028:01 Q. What's -- what's the process of -- of
02 look ups? And please correct me if I'm saying it
03 wrong.
04 A. I think I know what you're talking about.
05 I think it's if an individual seems that he knows
06 a particular subject, but maybe he's not quite
07 proficient about a certain aspect of it, then the
08 Board may ask him to do some research and get
09 back with them.
10 Q. And explain that process for me. If you
11 go through the two hours and there may be one or
12 two topics or items that the Board wants the
13 candidate to look up, to become more proficient,

14 a candidate does what, has to go and do research
15 on those topics?
16 A. Typically, yes.
17 Q. And then do they have to come back again
18 in front of that same Board and -- and show that
19 they're proficient, or is there -- orally, or is
20 there some written process to go through?
21 A. It's really up to the Board how they want
22 to satisfy themselves that the candidate is
23 qualified.
24 Q. And I probably should ask you to explain
25 this, because if I don't, someone else will:
00029:01 What's the Board, what's it comprised of?
02 A. It's typically comprised of three
03 qualified Inspectors.
04 Q. Okay. And those are Inspectors that have
05 gone through the training you just described,
06 correct?
07 A. Yes, yes.
08 Q. And is there a process, once someone
09 becomes a qualified Marine Inspector, where
10 they're ultimately progressed to become a Senior
11 qualified Marine Inspector?
12 A. Yes.
13 Q. And how long does that take?
14 A. It's largely driven by the individual and
15 the Unit where they're assigned as far as what
16 types of vessels are available to be inspected.
17 But typically, say an average of two to three
18 years.
19 Q. Did you become a Senior Qualified Marine
20 Inspector for the Coast Guard?
21 A. Yes.

Page 32:14 to 32:17

00032:14 Q. Okay. Were you involved in any
15 investigations over that three years involving
16 the DEEPWATER HORIZON that you're aware of?
17 A. No.

Page 35:19 to 37:24

00035:19 Q. Did -- did you -- did you locate any
20 information regarding the training of Lieutenant
21 Commander Michael Odom that you provided to your
22 attorneys?
23 A. Yes.
24 Q. Okay. Did you locate any information
25 regarding the training of Cal Brown that you
00036:01 provided to your attorneys?
02 A. I think so.
03 Q. Okay. And did you locate any information
04 regarding the training of Jay Willimon that you

05 provided to your attorneys?
06 A. I believe so.
07 Q. Okay. Did you have a chance to review
08 that information yourself?
09 A. Yes.
10 Q. Okay. Did -- did the training for each
11 one of those individuals go through the similar
12 process you've described for us today, and -- and
13 understanding that there may have been different
14 Units that each individual ran through -- went
15 through, but for purposes of becoming a Marine
16 Inspector, did each one of these individuals go
17 through a similar process that you described for
18 me?
19 A. Yes.
20 Q. Okay. Meaning that they, at some point,
21 would have gone to the Domestic Inspection school
22 in Yorktown, Virginia, correct?
23 A. Correct.
24 Q. They would have gone through the
25 different PQS for given vessels or MODUs,
00037:01 correct?
02 A. Vessel types, correct.
03 Q. Yes. And they would have, at some point,
04 been judged by their superior or supervising
05 Officer to be proficient on that given vessel in
06 the PQS, correct?
07 A. Correct.
08 Q. And then they would have had to sit
09 before the Board on any of those given vessels to
10 be judged as to whether or not they're proficient
11 or comp -- competent for those vessels, correct?
12 A. Vessel types, yes.
13 Q. And then ultimately, they would have been
14 certified as competent as a Qualified Marine
15 Inspector for the Coast Guard, correct?
16 A. For a particular vessel type, correct.
17 Q. Okay. Were all of the three individuals
18 I mentioned, sir, prior to July of 2009,
19 Lieutenant Commander Michael Odom, Cal Brown, and
20 Jay Willimon, Qualified Marine Inspectors for
21 MODUs?
22 A. I'm not sure if Mr. Willimon was, but
23 Mr. Brown, and Mr. Odom, I believe, were.
24 Q. Okay. Very good, sir.

Page 38:07 to 38:12

00038:07 Now you've been involved as a Coast Guard
08 Inspector inspecting MODUs, correct?
09 A. Correct.
10 Q. Does the Coast Guard routinely inspect
11 the blowout preventers on the MODUs?
12 A. No.

Page 38:22 to 39:05

00038:22 Q. Okay. So even if Coast Guard Inspectors
23 are on the MODU, and the -- the blowout preventer
24 was actually above surface, actually on the
25 vessel, in the process of inspecting a domestic
00039:01 flagged vessel, or doing an exam of a foreign
02 flagged vessel, you would agree that the Coast
03 Guard Inspectors would not inspect that blowout
04 preventer?
05 A. Correct.

Page 40:06 to 40:15

00040:06 I wanted to ask about your educational
07 background. Did you receive a higher educational
08 degree?
09 A. No.
10 Q. You did not. Okay. And did you -- did
11 you enlist in -- in the Coast Guard, I guess,
12 aft -- after coming out of high school? Is that
13 correct?
14 A. High school, and then a couple of years
15 of junior college.

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00040:22 Q. Okay. Are you aware of whether or not
23 in -- in the training that is provided to
24 Mr. Odom and -- and others who inspect deepwater
25 rigs, if they are trained to take into account
00041:01 the results of audits or inspections that are
02 performed by Third Parties? And when -- when I
03 say "Third Parties," what I really mean is any
04 other party other than the United States Coast
05 Guard.
06 A. Yes, they are.
07 Q. Okay. What is the context of or -- or --
08 strike that.
09 Just explain to -- to me, if you could,
10 what -- what training they receive in that
11 regard.
12 A. They review Certificates issued by
13 foreign flag states. They may review
14 Certificates or documentation produced as a
15 result of maintenance performed on equipment.

Page 42:01 to 42:25

00042:01 Q. Okay. And how -- how -- if you can tell
02 me, how do they incorporate the findings of
03 audits and inspections by other Parties into
04 their own inspection results?

05 A. They may document their findings, you
06 know, the -- as a result of reviewing those
07 documents produced by Third Parties. And they
08 may make an entry into a -- a narrative Summary
09 of an inspection. Now, it's largely left to the
10 discretion of the Inspector as to what particular
11 relevance a -- a document might have.

12 Q. Okay. How do -- how -- how are they
13 trained to obtain information from the rig
14 Operator regarding inspections and audits that
15 have been performed by other Parties, do you
16 know?

17 A. If it's something that they're -- that
18 they want to look at and review, they would
19 typically ask for it.

20 Q. Okay. And -- and is that part of their
21 training, are they -- are they told, in the
22 course of their training, how to go about
23 obtaining audits and inspection results from
24 other Parties?

25 A. Yes.

Page 43:05 to 43:17

00043:05 Q. Okay. Well, I guess what I'm getting at
06 is -- is -- are -- is the -- the manner by which
07 rig Inspectors for the Coast Guard obtain results
08 of audits and inspections by Third Parties, is it
09 simply verbal?

10 A. Normally, yes.

11 Q. Okay. Is there any written procedure by
12 which Coast Guard -- Guard Inspectors ensure that
13 they have all of the -- the inspection and audit
14 results from -- from other Parties when they
15 inspect a rig?

16 A. Not -- not a written procedure, that I'm
17 aware of.

Page 44:19 to 44:22

00044:19 QUESTIONS BY MR. O'BRIEN:

20 Q. Good morning, Mr. Sutton, my name is Sean
21 O'Brien, and with me is Dave Dickman, and we
22 represent Transocean.

Page 45:01 to 50:05

00045:01 When an Inspector is aboard, a MODU, a
02 MODU Inspector, and they are reviewing
03 Third-Party Inspections and -- and Audits, they
04 would actually look at the documents, correct, to
05 confirm what was on there?

06 A. Yes.

07 Q. Okay. And in terms of the on-the-job
08 training and the PQS, can you walk me through a
09 little bit the progression from Marine Inspector
10 to Senior Marine Inspector to a major
11 qualification, how that process works?
12 A. It's typically a result of achieving the
13 qualifications, accomplishing the PQS, obtaining
14 the qualification, moving on to the next vessel
15 type, and -- until you get a -- a major
16 qualification designator.
17 Q. And would a -- a MODU qualification,
18 would that be considered a major qualification?
19 A. Not the way the system is currently set
20 up.
21 Q. Would -- a MODU qualification, would
22 there be various vessel qualifications that were
23 required before you could be qualified as a MODU
24 Inspector?
25 A. I don't believe it's mandatory, but it's
00046:01 typical.
02 Q. Okay. If you could please turn to Tab 1
03 in the binder in front of you.
04 MR. O'BRIEN: And we're going to
05 mark this as Exhibit 7621.
06 (Exhibit No. 7621 marked.)
07 Q. (By Mr. O'Brien) If you could place that
08 sticker on the bottom of the pa -- first page
09 there.
10 A. (Complying.)
11 Q. Are you familiar generally with this
12 document? Have you reviewed it prior to today?
13 A. Yes.
14 Q. And can you just briefly tell me
15 essentially what this document is?
16 A. This is the workbook that has the PQS
17 Requirements for achieving a Mobile Offshore
18 Drilling Unit Qualification Inspector.
19 Q. So this runs through all of the tasks
20 that the MODU Inspector would have had to
21 completed in order to become certified as an
22 Inspector?
23 A. Correct.
24 Q. And this is for Callan Brown; is that
25 correct?
00047:01 A. Yes.
02 Q. If you will turn to Tab 2 in your binder.
03 MR. O'BRIEN: We're going to mark
04 this as Exhibit 7622.
05 (Exhibit No. 7622 marked.)
06 Q. (By Mr. O'Brien) If you could place that
07 sticker on the first page on the bottom.
08 A. Okay.
09 Q. And this is a document that says at the
10 top "Certifications Report," correct?
11 A. Correct.

12 Q. Have you seen this document before today?
13 A. Yes.
14 Q. And you're generally familiar with this
15 document?
16 A. Somewhat.
17 Q. Can you just explain to me what this
18 document is?
19 A. I believe this is a document that's
20 produced by a computer database that the Coast
21 Guard has regarding training and qualification
22 for individuals.
23 Q. And on the first page of this document,
24 am I reading correctly that, on the fourth line
25 from the bottom, that Callan Brown was certified
00048:01 as a Mobile Offshore Drilling Unit Inspector on
02 the 12th of October, 2007?
03 A. Yes.
04 Q. If you'll turn -- it's the fifth page of
05 the document. If you look in the bottom
06 right-hand corner, it's the page with the Bates
07 label HCG168-000773. And let me know when you're
08 there.
09 A. I'm there.
10 Q. You've seen this document before today?
11 A. I believe so.
12 Q. And can you briefly explain to me what
13 this document is?
14 A. This is a Certification as a Mobile
15 Offshore Drilling Unit Inspector.
16 Q. And who is this for?
17 A. This is for Mr. Brown.
18 Q. So this certifies that Mr. Brown was a --
19 a Certified MODU Inspector?
20 A. Yes.
21 Q. Okay. If you could turn to Tab 5 in your
22 binder, please.
23 MR. O'BRIEN: And we're going to
24 mark this as Exhibit 7623.
25 (Exhibit No. 7623 marked.)
00049:01 Q. (By Mr. O'Brien) If you could put this
02 sticker on the bottom of the first page, please?
03 A. Okay.
04 Q. Have you ever seen this document before
05 today?
06 A. Yes.
07 Q. And can you briefly explain what this
08 document is?
09 A. It's the Performance Qualification
10 Standard for a Mobile Offshore Drilling Unit
11 Inspector.
12 Q. And do you know which Mobile Offshore
13 Drilling Unit Inspector this was for?
14 A. It has Mr. Willimon's name on the front.
15 Q. Okay. If you'd turn to -- there's no
16 page numbers, so I'm going to read the Bates

17 number, which is HCG168-000842. So the last
 18 three digits are 842. It's towards the back of
 19 the document.
 20 A. I'm there.
 21 Q. Am I correct that under Section E of this
 22 "RECORD OF COMPLETION," that it's -- it shows
 23 that Mr. Willimon's Designation Letter was
 24 submitted for approval in May of 2010?
 25 A. Yes.
 00050:01 Q. Okay. If you could turn to Tab 6,
 02 please.
 03 MR. O'BRIEN: And we're going to
 04 mark this as Exhibit 7624.
 05 (Exhibit No. 7624 marked.)

Page 50:13 to 50:21

00050:13 Q. Have you seen this document before today?
 14 A. Yes.
 15 Q. And are you familiar with this document?
 16 A. Somewhat.
 17 Q. And can you explain to me what this
 18 document is, please?
 19 A. It looks like the Performance
 20 Qualification Standard for a Mobile Offshore
 21 Drilling Unit Inspector.

Page 51:03 to 53:11

00051:03 Q. (By Mr. O'Brien) If you look at the first
 04 page of this exhibit, can you tell me who the
 05 Certification Letter is for?
 06 A. It's for Mr. Odom.
 07 Q. And that's a Certification Letter
 08 designating him as a Mobile Offshore Drilling
 09 Unit Inspector, correct?
 10 A. Yes.
 11 Q. Okay. Now, you already discussed, with
 12 the PSC, the general process of -- of going
 13 through the training and the on -- on-the-job
 14 training and the PQS, the formal training and the
 15 Board Review, correct?
 16 A. Correct.
 17 Q. Would you agree with me that the
 18 Inspectors who are responsible for the issuance
 19 of the DEEPWATER HORIZON Certificate of
 20 Compliance, they were certified to be MODU
 21 Inspectors, correct?
 22 A. On the last examination?
 23 Q. On the examination in July of 2009.
 24 A. I believe at least two of them were. I
 25 wasn't sure about Mr. Willimon.
 00052:01 Q. And would you agree that Callan Brown and
 02 Michael Odom, who evaluated the DEEPWATER HORIZON

03 in July of 2009, were certified to be MODU
 04 Inspectors?
 05 A. Yes.
 06 Q. And they were competent to properly
 07 inspect the DEEPWATER HORIZON, correct?
 08 A. Yes.
 09 Q. As MODU Inspectors, they received
 10 extensive training regarding how to properly
 11 inspect the DEEPWATER HORIZON, correct?
 12 A. Correct.
 13 Q. They were trained to recognize and report
 14 any Regulatory noncompliance, correct?
 15 MS. DELEMARRE: Object to form.
 16 You can answer.
 17 A. Yes.
 18 Q. (By Mr. O'Brien) They were trained to
 19 recognize and report any kind of deficiency or
 20 safety issues, correct?
 21 MS. DELEMARRE: Object to form.
 22 MS. DEMPSEY: Object to form.
 23 MR. PETOSA: Object to form.
 24 A. Yes.
 25 Q. (By Mr. O'Brien) But after the Inspection
 00053:01 of the DEEPWATER HORIZON, they did not report any
 02 issues, correct?
 03 A. I don't recall, but I don't recall any
 04 deficiencies being issued as a result of that
 05 examination.
 06 Q. In fact, based on their training and
 07 their evaluation, they determined that all the
 08 rig's inspecting systems were satisfactory,
 09 correct?
 10 MS. DEMPSEY: Object to form.
 11 A. Yes.

Page 53:22 to 54:06

00053:22 Q. (By Mr. O'Brien) Sure. If Callan Brown
 23 or Michael Odom believed that the DEEPWATER
 24 HORIZON Rig crew or Rig Management had a callous
 25 disregard for safety of the environment, they
 00054:01 would not have issued a Certificate of Compliance
 02 for the DEEPWATER HORIZON, correct?
 03 MS. DEMPSEY: Object to form.
 04 MR. PETOSA: Object to form.
 05 MS. DELEMARRE: Object to form.
 06 A. I don't believe they would have.

Page 54:18 to 55:07

00054:18 Q. (By Mr. O'Brien) Sure. I -- I guess what
 19 I'm getting at is, the MODU Inspectors are
 20 trained that if they see on the rig, or within
 21 the Rig Management structure, that individuals

22 are engaging in actions that are unsafe and --
23 and are showing that they are disregarding
24 General Safety Practices, they wouldn't issue a
25 Certificate of Compliance, correct?
00055:01 MR. PETOSA: Object to form.
02 A. Correct.
03 Q. (By Mr. O'Brien) And the Coast Guard has
04 not identified that any of its Inspectors failed
05 to adhere to their training in inspecting the
06 DEEPWATER HORIZON, correct?
07 A. Not to my knowledge.

Page 56:06 to 60:03

00056:06 Q. Okay. Because the DEEPWATER HORIZON was
07 flagged under the Republic of the Marshall
08 Islands, it was a foreign-flagged vessel. Would
09 you agree?
10 A. Yes.
11 Q. And, therefore, as a foreign-flagged
12 vessel, it undergoes a Coast Guard examination as
13 opposed to a Coast Guard inspection, correct?
14 A. Correct.
15 Q. Whereas a U.S. flagged vessel would
16 undergo a Coast Guard inspection; is that
17 correct?
18 A. Yes.
19 Q. Can you describe to me the difference in
20 scope between a Coast Guard inspection and a
21 Coast Guard examination?
22 A. A Coast Guard inspection is typically
23 more thorough.
24 Q. Can you describe in what ways?
25 A. On a foreign vessel, it's much more of an
00057:01 oversight job, where you look at Certificates
02 that attest to the condition of the vessel,
03 Certificates that attest to the level of
04 qualification of the crew, and then you perform
05 spot checks to verify that there's nothing to
06 indicate that the vessel is not in conformance
07 with the Certificates.
08 Q. Okay. Can you give me some examples of
09 things that the Coast Guard might do during an
10 inspection of a U.S. flagged vessel that it
11 wouldn't do during the examination of a
12 foreign-flagged vessel?
13 A. One example would be a hull examination,
14 where on a U.S. flagged vessel the Coast Guard
15 would typically witness the examination of the
16 interior and the exterior of the hull, and on a
17 foreign-flagged vessel, we would examine
18 Certificates that attest to that condition.
19 Q. Okay. Can you think of any other
20 differences between the inspection and the
21 examination?

22 A. It's fairly comprehensive. On a U.S.
23 flagged vessel, we would do much more hands-on
24 and witnessing, as opposed to a foreign vessel
25 exam.

00058:01 Q. So on a foreign vessel examination,
02 there's less hands-on inspection and review of
03 equipment, for example, than there is on a U.S.
04 flagged inspection?

05 A. Yes.

06 Q. How long, on average, does a -- does a
07 Coast Guard examination of a foreign-flagged
08 vessel take?

09 A. On a Mobile Offshore Drilling Unit?

10 Q. Yes.

11 A. Anywhere from a half a day -- did you say
12 exam?

13 Q. Examination.

14 A. Of a foreign vessel?

15 Q. M-h'm.

16 A. Anywhere from half a day to a full day,
17 two people.

18 Q. Could it -- would four to six hours be an
19 examination time that wouldn't surprise you?

20 A. Yes.

21 Q. Okay. Is the Coast Guard examination of
22 a foreign-flagged MODU intended to be an
23 intrusive inspection of rig equipment?

24 A. I wouldn't say so.

25 Q. Okay. And a Coast Guard examination of a
00059:01 foreign-flagged MODU is not intended to evaluate
02 drill crew competency?

03 A. No.

04 Q. Okay. And a Coast Guard examination of a
05 foreign-flagged MODU is not intended to evaluate
06 the Bridge crew's competency?

07 A. Not in a comprehensive way.

08 Q. Can you explain what you mean?

09 A. Well, when you mentioned the Drilling
10 crew, we don't typically rele -- regulate
11 Drilling Systems.

12 Q. Okay.

13 A. So there would be very little involvement
14 there. But when it comes to navigation safety,
15 we may have some concerns.

16 Q. So if you were to evaluate Bridge crew
17 competency, it would relate to navigation safety?

18 A. And emergency procedures.

19 Q. How -- how do you train your Coast Guard
20 Inspectors to evaluate Bridge crew competency on
21 a foreign-flagged MODU?

22 A. Well, we typically conduct a drill and --
23 ask that a drill be conducted, and we witness.

24 Q. What type of drill?

25 A. The most common one would be a Fire and
00060:01 an Abandon Drill.

02 Q. Fire and Abandon Ship Drill?
03 A. Correct.

Page 61:21 to 62:15

00061:21 Q. (By Ms. Dempsey) I want to jump back just
22 for a moment to Coast Guard examinations of
23 foreign-flagged MODUs. During an examination of
24 foreign-flagged MODUs, does the Coast Guard
25 inspection -- does the Coast Guard Inspector
00062:01 review whether the Master has training on the
02 Emergency Disconnect System?
03 A. Not to my knowledge.
04 Q. During the Coast Guard examination of
05 foreign-flagged vessels, MODUs specifically, does
06 the Inspector -- is the Inspector trained to
07 review whether the Master has training on the
08 Major Emergency Management System?
09 A. I'm not sure I'm familiar with the term.
10 Q. Okay. Is it -- if you're not familiar
11 with the term, do you think it's fair to say that
12 the Coast Guard Inspectors are not trained to
13 determine whether a Master on a foreign-flagged
14 MODU has undergone Major Emergency Management
15 Training?

Page 62:18 to 64:23

00062:18 A. It could be fair to say that.
19 Q. (By Ms. Dempsey) Okay. I've heard
20 reference to something called MODU U. Does that
21 sound familiar?
22 A. Yes.
23 Q. Can you give me a general description of
24 what MODU U is?
25 A. It's a training that's conducted
00063:01 periodically, specifically for personnel intended
02 to be or who currently are MODU Inspectors.
03 Q. Okay. So attendees could include those
04 that are working towards their qualification as a
05 MODU Inspector and those who already have it?
06 A. Correct.
07 Q. Okay. Is it a prerequisite to becoming a
08 MODU Inspector?
09 A. No.
10 Q. Okay. So it's an optional course?
11 A. Yes.
12 Q. Okay. Do you know if Coast Guard
13 Inspectors Odom, Willimon, or Brown attended
14 MODU U before June 2009?
15 A. I believe so.
16 Q. You believe all three attended MODU U?
17 A. Yes.
18 Q. Okay. What are the participants of

19 MODU U supposed to take away from the program?
20 What's -- what's the goal for them, the take
21 away?
22 A. It's to increase their knowledge of the
23 functions that are performed by a Mobile Offshore
24 Drilling Unit.
25 Q. Okay. Is it designed to provide entry
00064:01 level knowledge of drilling?
02 A. Typically, yes --
03 Q. Okay.
04 A. -- as well as Coast Guard Policies
05 regarding the inspection of MODUs.
06 Q. Okay. Is it also intended to provide
07 entry level knowledge of well control?
08 A. Yes, to some degree.
09 Q. Okay. But it's not intended to qualify
10 attendees to engage in drilling, correct?
11 A. Correct.
12 Q. Okay. And it's not intended to qual --
13 to qualify participants to engage in well
14 control?
15 A. Correct.
16 Q. Okay. How -- do you know how many weeks
17 MODU U lasts for?
18 A. The one -- the courses I'm familiar with
19 are typically two to three weeks.
20 Q. Okay. And did that involve a combination
21 of classroom instruction and time spent on a
22 MODU?
23 A. Normally.

Page 66:01 to 67:06

00066:01 Q. Okay. During MODU U, that course work is
02 not intended to make the participants experts in
03 cementing, correct?
04 A. Correct.
05 Q. Okay. Or Drilling and Completions?
06 A. Correct.
07 Q. Okay. Or -- and the course work
08 associated with MODU U is not intended to make
09 the participants experts in evaluating a -- a
10 drill crew's response to a well blowout?
11 A. Correct.
12 Q. Okay. And the MODU U core -- course work
13 is not intended to make participants experts in
14 evaluating the adequacy of the Bridge crew's
15 response to a well blowout, correct?
16 A. Correct.
17 Q. Are there any training programs that the
18 Coast Guard offers that are designed to make
19 attendees experts in cementing?
20 A. No.
21 Q. Are there any courses or training
22 programs offered by the Coast Guard that are

23 intended to make the participants experts in
24 Drilling and Completions?
25 A. No.
00067:01 Q. Is there a -- does the Coast Guard offer
02 any course work or training that is designed to
03 make the participants experts in evaluating the
04 Bridge crew's response to a loss of well control
05 and blowout?
06 A. No.

Page 67:12 to 67:15

00067:12 Q. Okay. Do you know of anyone in the Coast
13 Guard today who has expertise in evaluating the
14 Bridge crew's response to a loss of well control
15 and blowout?

Page 67:17 to 67:17

00067:17 A. No one that I know.

Page 69:03 to 69:08

00069:03 Q. (By Ms. Dempsey) Okay. And do you know
04 what an Emergency Disconnect System is,
05 generally?
06 A. Generally.
07 Q. Okay. And what's your understanding of
08 the Emergency Disconnect System?

Page 69:10 to 69:14

00069:10 A. It is a system that detaches from the
11 Lower Marine Riser Package in the event of an
12 emergency, so that the rig can either move, or
13 safely move, whether it's intentional or not, and
14 safely disconnect from the well.

Page 70:12 to 70:12

00070:12 Q. I'm sorry. It wasn't a very good

Page 70:14 to 70:17

00070:14 Do you train Coast Guard Inspectors to
15 evaluate the safety culture of foreign-flagged
16 MODUs?
17 A. Not specifically, to my knowledge.

Page 71:06 to 71:24

00071:06 A. Well, from an Inspector's perspective,
 07 when they're doing an examination on a foreign
 08 MODU, they're looking at the history of the
 09 vessel, the material condition of the vessel, the
 10 competency of the crew to perform emergency
 11 procedures.

12 Q. Can you tell me all of the ways in which
 13 you train the Inspectors to evaluate the
 14 competency of the crew to perform emergency
 15 procedures?

16 A. As I stated before, it's -- primarily
 17 it's -- you know, it's a response to a vessel
 18 emergency such as a fire, that may result in the
 19 abandonment of the vessel.

20 Q. Do you evaluate whether the Bridge crew
 21 is adequately trained on how to respond to a well
 22 blowout and a loss of well control?

23 A. No.

24 Q. Is it accurate that Inspectors are not --

Page 72:01 to 72:05

00072:01 Is it accurate that Coast Guard
 02 inspections of foreign-flagged MODUs, such as the
 03 DEEPWATER HORIZON, are not primarily designed to
 04 provide an in-depth evaluation of the Rig's
 05 safety culture?

Page 72:08 to 72:13

00072:08 A. I would agree with that.

09 Q. (By Ms. Dempsey) Would you agree that the
 10 Coast Guard examination of foreign-flagged
 11 vessels, such as the DEEPWATER HORIZON, are not
 12 primarily designed to evaluate the adequacy of
 13 the rig owner's shore-based safety culture?

Page 72:15 to 74:13

00072:15 A. I would agree with that.

16 Q. (By Ms. Dempsey) Are Coast Guard
 17 Inspectors, including the Coast Guard Inspectors
 18 that examined the DEEPWATER HORIZON in June 2009,
 19 qualified to perform inspections pursuant to the
 20 International Safety Management Code?

21 MS. DELEMARRE: Object to form.

22 A. Some of them probably are. Are you
 23 referring to the audits of a Safe Management
 24 System?

25 Q. (By Ms. Dempsey) Correct. As I
 00073:01 understand it, under the International Safety
 02 Management Code recognized organizations are
 03 qualified to audit a MODU for compliance with the

04 International Safety Management Code. Does that
 05 sound about right?
 06 A. Yes.
 07 Q. And I'm wondering if any of the Coast
 08 Guard Inspectors are qualified to perform those
 09 ISM audits of MODUs?
 10 A. Some are quite possibly qualified.
 11 Q. Would that be through the Coast Guard
 12 Training Program or outside of the Coast Guard
 13 Training Program?
 14 A. Through the Coast Guard Training.
 15 Q. Do you know if Mr. Odom was qualified to
 16 perform ISM Code inspections?
 17 A. I don't know that.
 18 Q. Do you know if Mr. Willimon was qualified
 19 to perform ISM Code Inspections?
 20 A. No.
 21 Q. Okay. Do you know if Mr. Brown was
 22 qualified to perform ISM Code Inspections?
 23 A. No.
 24 Q. But you would agree that in June 2009,
 25 when they visited the DEEPWATER HORIZON, their
 00074:01 purpose was not to evaluate the Rig's Compliance
 02 with the ISM Code except for reviewing ISM Code
 03 paperwork?
 04 A. Correct.
 05 Q. They were not completing independent
 06 evaluations of the DEEPWATER HORIZON's Compliance
 07 with the ISM Code?
 08 A. Not to my knowledge.
 09 Q. Okay. In any of the Coast Guard Training
 10 Programs or course work, do you know if
 11 participants are trained on how to examine the
 12 BOP control panel purge system?
 13 A. Not that I'm aware of.

Page 74:24 to 74:25

00074:24 MS. DEMPSEY: I'm sorry. This is
 25 previously marked Exhibit 5571.

Page 75:18 to 76:02

00075:18 Q. Okay. And it says: Inten -- "Attending
 19 Inspectors: Mr. Cal Brown, LCDR Mike Odom, CWO2
 20 Jay Willimon."
 21 Did I read that correctly?
 22 A. Yes.
 23 Q. Okay. And then underneath that, it says:
 24 "Used applicable CG-840 books and other unit
 25 guidance and checklists as a guide for conducting
 00076:01 the inspection," correct?
 02 A. Yes.

Page 76:12 to 77:12

00076:12 Q. (By Ms. Dempsey) Oh, I'm sorry. CG-840.
 13 Let me reask that question: Is the
 14 CG-840 book intended to be a general guideline
 15 for the Inspectors, or are they expected to kind
 16 of check the box on each item in the book?
 17 A. It's general guidance.
 18 Q. Okay. So even if you had a copy of
 19 CG-840 [sic], it wouldn't necessarily tell us
 20 everything that the Inspectors did during a
 21 particular MODU visit?
 22 A. Correct.
 23 Q. Okay. And that would be true for the
 24 DEEPWATER HORIZON visit in June 2009?
 25 A. Quite possibly.
 00077:01 Q. Okay. The first full paragraph, could
 02 you read the first sentence, please.
 03 A. Beginning with the word --
 04 Q. "Reviewed."
 05 A. "Reviewed"?
 06 Q. M-h'm.
 07 A. The first sentence?
 08 Q. M-h'm.
 09 A. "Reviewed all applicable licenses,
 10 citizenship waivers, documents, manuals,
 11 instructions and annual service reports, no
 12 discrepancies noted."

Page 77:22 to 78:02

00077:22 Q. (By Ms. Dempsey) Sure. Based on the
 23 entry you just read, could you conclude with
 24 certainty that the Inspectors on the DEEPWATER
 25 HORIZON in June 2009 specifically reviewed the
 00078:01 required written Designation of the Person In
 02 Charge for the DEEPWATER HORIZON?

Page 78:05 to 78:09

00078:05 A. No.
 06 Q. (By Ms. Dempsey) Okay. Based on that
 07 entry, could you conclude with certainty that the
 08 Inspectors reviewed the License -- Licenses and
 09 Certifications of the Master and the OIM onboard?

Page 78:11 to 78:16

00078:11 A. Not with certainty.
 12 Q. (By Ms. Dempsey) Okay. Okay. Thank you.
 13 Short of speaking with Inspectors Brown,
 14 Odom, and Willimon, would there be any way for
 15 you to say with certainty that they did review

16 the Licenses of the Master and OIM onboard?

Page 78:18 to 78:24

00078:18 A. No.
19 Q. (By Ms. Dempsey) Okay. And short of
20 speaking with Inspectors Brown, Odom, and
21 Willimon, would there be any way to say with
22 certainty that they looked at the required
23 Designation for the Person In Charge of the
24 DEEPWATER HORIZON in June 2009?

Page 79:01 to 79:01

00079:01 A. Not with certainty.

Page 79:12 to 80:04

00079:12 Q. (By Ms. Dempsey) Okay. Are you familiar
13 with the concept of a Person In Charge on a MODU?
14 A. Yes.
15 Q. Okay. Can you describe your
16 understanding of what a Person In Charge on a
17 MODU is?
18 A. It should be the Licensed Offshore
19 Installation Manager, and if it's non -- and if
20 it's self-propelled, there's going to be a
21 Master, as well.
22 Q. Okay. Do you train your Inspectors to
23 look for a formal Designation of a Person In
24 Charge on a foreign-flagged MODU?
25 A. I believe we do.
00080:01 Q. Okay. Do you train them to look at the
02 Station Bill to determine who the Person In
03 Charge is on a MODU?
04 A. I believe so.

Page 82:07 to 84:04

00082:07 Q. Okay. An examination that would occur on
08 a foreign-flagged vessel like the DEEPWATER
09 HORIZON would be maritime in nature. Is that a
10 fair statement, as well?
11 A. Yes.
12 Q. I mean, you would go on and you would
13 inspect the -- the navigation issues of the
14 vessel; is that true?
15 A. We inspect more than just the navigation
16 issues.
17 Q. Okay. You'd also inspect or review the
18 qualifications of the crew members that were in
19 charge of navigating the vessel. Is that a fair
20 statement?

21 A. Yes.

22 Q. Okay. What other issues would you
23 inspect or would your Inspectors examine on the
24 vessel when you went out to the DEEPWATER
25 HORIZON?

00083:01 A. Typically we'd look at the electrical
02 installations in hazardous locations, vital
03 marine systems, firefighting, and lifesaving
04 systems, things of that nature.

05 Q. Okay. And just so we exclude for the
06 Court the things that you did not do, you would
07 not go out and inspect drilling systems, for
08 instance; is that correct?

09 A. We inspect industrial equipment in the
10 way of its relationship to other areas that we
11 are concerned with.

12 Q. Okay. But in reference to well control,
13 you would not be out there inspecting whether or
14 not they had the proper installations to provide
15 well control for the -- for the vessel?

16 A. Correct.

17 Q. You would not be inspecting any cementing
18 systems, true?

19 A. True.

20 Q. You would not be evaluating the mud
21 loggers onboard the vessel; is that correct?

22 A. That's correct. The only interface might
23 be in way of how it's -- how it is interfaced
24 with the vessel, electrically, things like that.

25 Q. But in reference to actual drilling
00084:01 systems and well control, your people are not
02 trained to participate in the evaluation of those
03 issues, fair?

04 A. Fair.