

Deposition Testimony of:

Michael Odom

Date: October 11, 2011

Created by:



www.indatacorp.com

Page 9:10 to 9:12

00009:10 LIEUTENANT COMMANDER MICHAEL ODOM,
11 having been first duly sworn, testified as
12 follows:

Page 10:06 to 15:15

00010:06 Q. Okay, thank you. Would you
07 introduce yourself, please.
08 A. My name is Lieutenant Commander
09 Michael Odom with the U.S. Coast Guard.
10 Q. And what's -- do you have a
11 position with the Coast Guard?
12 A. Currently I serve as the chief
13 of the inspections division at sector
14 Delaware Bay in Philadelphia, Pennsylvania.
15 Q. How long have you held that
16 position?
17 A. I've had that position since
18 July 18th of this year.
19 Q. What position did you hold at
20 the time of this marine casualty that we're
21 here for?
22 A. At the time of the marine
23 casualty, I was the national technical
24 adviser for the Gas Carrier National Center
25 of Expertise.
00011:01 Q. And did you also hold that
02 position in July of 2009 when you conducted
03 the inspection on the Deepwater Horizon?
04 A. I did not.
05 Q. What did you -- what position
06 did you hold at that time?
07 A. I was the chief of prevention at
08 Marine Safety Unit Port Arthur, Texas.
09 Q. And what is the -- what does it
10 mean to have that job?
11 A. Chief of the prevention
12 department meant I was the chief of the
13 department that was responsible for
14 inspections and marine casualty
15 investigations for the captain of the port
16 for the -- for MSU Port Arthur area of
17 responsibility, captain of the port, so...
18 Q. Okay. And as I understand it,
19 you didn't have any role in the investigation
20 of the Deepwater Horizon tragedy, correct?
21 A. I did not.
22 Q. Is it accurate that you were the
23 last Coast Guard officer to inspect the
24 Deepwater Horizon before the casualty?
25 A. Myself, Cal Brown, and Jay
00012:01 Willimon were the last three Coast Guard
02 officers to conduct an exam for compliance on

03 the Deepwater Horizon, that is correct.

04 Q. What was that date of that
05 inspection?

06 A. I don't -- I would have to look
07 at the COC to give you the exact day, but it
08 was July of 2009, if I recall correctly.

09 Q. I'm going to hand you a document
10 that I'm going to mark 5571. Does that
11 document reflect the date of the inspection?

12 A. It does reflect the date of the
13 inspection, with the exception of it's dated
14 2010. I think we were actually on board in
15 2009. 27 July 2009. It reflect that the
16 inspection was conducted on 27 July 2010,
17 which is not correct.

18 Q. On the front, right next to your
19 signature, it says issue date, July 27, 2009;
20 is that --

21 A. Right. That's the date that I
22 signed for the inspection to be done as the
23 chief of prevention. On the back where you
24 see the signature of Cal Brown is the date
25 that the -- we were on board doing the exam,
00013:01 which is dated 27 July 2010, and that's an
02 administrative error.

03 Q. That's on Page 2?

04 A. Page 2.

05 Q. So that's not accurate?

06 A. So this signature is the date
07 and the signature of the officer that was on
08 board with me that we completed the exam.
09 You see it's dated 27 July 2010. It should
10 have been 2009. That is an administrative
11 error.

12 Q. Okay. Do you remember
13 conducting this inspection?

14 A. I do remember it.

15 Q. And do you remember the scope of
16 what you did as opposed to what Mr. Brown did
17 or Mr. Willimon did?

18 A. Somewhat.

19 Q. Okay. Would you tell us, to
20 whatever extent you remember, how the
21 responsibility was divided for the
22 inspection?

23 A. If I recall correctly,
24 Mr. Willimon was on board with us as a
25 trainee. It was him and Mr. Brown did a lot
00014:01 of the documentation and -- and paperwork
02 associated with the exam. I recall doing the
03 deck walk, checking fire stations, fire
04 hoses, walking around the deck, looking for
05 intrinsically safe lighting, ventilation,
06 ventilation shutdowns, accommodation spaces,
07 going over the helo deck, looking at the

08 structural integrity of the vessel,
 09 watertight integrity, walked below decks,
 10 looking at ladders, load line type stuff,
 11 did -- and also did crew drills, abandon ship
 12 drills, fire drills, walked through the
 13 galley area, looked at the firefighting
 14 systems in the galley; and to the best of my
 15 recollection, that's what we did. Looked at
 16 the life boats, ran the life boats, started
 17 them, looked inside them.

18 Q. When you did the -- the
 19 drills -- did you actually conduct drills?

20 A. Yes, sir.

21 Q. You conducted them yourself?

22 A. The team, all three of us
 23 conducted them.

24 Q. Okay.

25 A. Always when we do drills, it's
 00015:01 something that everybody participates in, not
 02 just one person. The whole team did.

03 Q. So the -- the inspection that
 04 you did of the vessel is somewhat limited
 05 inspection; is that fair?

06 A. Well, it's an exam. It's not
 07 really an inspection. We call it an exam.
 08 There is a difference between an inspection
 09 and an exam, and we call foreign-flagged
 10 vessels an exam. So the exam that we did was
 11 limited in its scope, yes, because it's a
 12 foreign-flagged vessel.

13 Q. Okay. And if it's -- do you
 14 know what -- what flag the Horizon flew?

15 A. It was Marshall Islands.

Page 16:19 to 20:16

00016:19 Q. (BY MR. LEMMON) If it's a
 20 foreign-flagged vessel, what -- what dictates
 21 conducting an exam rather than conducting an
 22 inspection?

23 A. From our Coast Guard marine
 24 inspections point of view, when we conduct
 25 inspections, that's specific to U.S.-flagged
 00017:01 vessels, because we are there in a capacity
 02 of the -- as the administration, and so it's
 03 our job to inspect the vessel for full
 04 compliance with U.S. laws and regulations.

05 Whenever we do a foreign-flagged
 06 vessel we call it an examination, because
 07 we're there to examine the ves- -- examine
 08 the vessel and verify compliance with the
 09 standards that are set forth for foreign
 10 vessels. So we do a inspection to ensure
 11 compliance, and we do an exam to verify
 12 compliance.

13 Q. And did the Deepwater Horizon
14 pass the -- the test that --

15 A. They did. We conducted the exam
16 on the date, and there were no discrepancies
17 found on the exam and there were none cleared
18 for previous exams. So they had no
19 outstanding discrepancies when we boarded the
20 vessel, and they had no discrepancies when we
21 left the vessel that day.

22 Q. What -- what would happen if you
23 found a discrepancy? How would you address
24 that?

25 A. It depends what the discrepancy
00018:01 was and, I mean, there are different levels
02 of -- discrepancies kind of, you know -- and
03 it also depends on what operation they're
04 doing. So as long as we're not going to do
05 anything to compromise the safety of the
06 vessel in any control action that we're
07 taking against them for having a discrepancy,
08 then normally what we do to gain compliance
09 on a foreign-flagged vessel is we write a
10 discrepancy through a Coast Guard 835 form or
11 a Form B. Different inspectors use different
12 forms. But we would have written up the
13 discrepancy and to -- to tell them exactly
14 what our expectations were for whatever the
15 discrepancy was and given them a time period
16 to fix the discrepancy.

17 Normally on foreign-flagged
18 vessels we allow the classification society
19 or a representative from their flag state to
20 review the discrepancy and provide us with
21 documentation that the discrepancy has been
22 corrected. So depending on what it was --
23 and there is also discrepancies that go to
24 the level of non-compliance, where we can
25 cease the vessel from operating, if we
00019:01 consider the discrepancy to be so bad that we
02 need to shut down the operation.

03 Q. Can you give an example of -- of
04 something that would require you to shut down
05 the operation?

06 A. An example would be they had no
07 means to fight a fire on board. So if they
08 had a -- we came on board and all their
09 firefighting equipment was not on board the
10 vessel, as required, we would stop them from
11 operating cause -- we would consider that a
12 major nonconformity.

13 Q. Now, you invite the Marshall
14 Islands to review the discrepancy to make
15 sure that it's resolved?

16 A. We're required to.

17 Q. Does the Marshall Islands

18 reciprocate and invite you to --
19 A. They're required to.
20 Q. So they invite you to review any
21 discrepancy they find in the investigation or
22 inspections that they do?
23 A. Uh-huh, while they're operating
24 in -- under the U.S. jurisdiction. If
25 they're operating in -- in our waters, under
00020:01 our jurisdiction, if they do anything to
02 alter the vessel from its current design or
03 configuration or if they find any major
04 discrepancies or conduct any investigations
05 on board the vessel, they're required to
06 notify the coastal state that they're
07 operating in.
08 Q. Are they likewise required to
09 notify the Coast Guard?
10 A. Right, we are the administration
11 that they're required to notify.
12 Q. Okay.
13 A. Our officers are -- act on
14 behalf of the U.S. Government for control
15 actions and coastal state issues for vessels
16 operating in our waters.

Page 23:09 to 23:11

00023:09 Q. Is the OIM your point of contact
10 when you go onto the vessel?
11 A. Yes, sir.

Page 24:08 to 24:19

00024:08 Q. Do you have the opportunity to
09 talk with other people on board? And I'm
10 really specifically talking about this --
11 this invest- -- this exam on July 27th of
12 2009.
13 A. It's typical, and in this case
14 we did talk to quite a few people on board
15 the -- the vessel.
16 Q. And you had free access -- you
17 had free access to the crew members,
18 whichever ones you wanted to talk to?
19 A. Yes, sir.

Page 25:05 to 25:07

00025:05 Q. Was the OIM the primary point of
06 contact?
07 A. I do recall, I think, he was.

Page 25:15 to 26:24

00025:15 Q. I hand you a document, 5572.
 16 By the way, were you aware that
 17 the Deepwater Horizon was contracted to BP?
 18 A. I can't recall if we knew that
 19 at the time they were drilling or not.
 20 That's usually not information that we ask.
 21 Or, you know, if they offer it, fine, but
 22 it's not something that's -- matters to us
 23 whenever we conduct our exams.
 24 Q. You came to learn that at some
 25 point?
 00026:01 A. At the day that we were doing
 02 this exam, I did not. I don't know who they
 03 were working for when they did the Keathley
 04 Canyon well that we were on when we did our
 05 exam. I learned about it when they had the
 06 accident, that they were contracted to BP,
 07 but during this well that they were drilling
 08 I don't know who they were working for.
 09 Q. Okay. Can you -- you go ahead
 10 and tell us what this document is?
 11 A. This document appears to be a
 12 summary report that was drafted, apparently
 13 after we probably departed the -- obviously,
 14 after we conducted our exam, dated the same
 15 date. It says, visit MMS U.S. Coast Guard.
 16 Looks like a report that might have been sent
 17 in to the company that states what -- is a
 18 brief summary of what we completed while we
 19 were on board the Deepwater Horizon. As far
 20 as who it's for or -- or -- it just looks
 21 like a Transocean document. Some type.
 22 Q. Okay. Did -- have you seen this
 23 document before?
 24 A. I have.

Page 27:20 to 28:24

00027:20 Q. (BY MR. LEMMON) Now, the
 21 document 5571, the original document that I
 22 gave you --
 23 A. Yes, sir.
 24 Q. -- that is a Coast Guard
 25 document, right?
 00028:01 A. This is a Coast Guard
 02 Certificate of Compliance.
 03 Q. And is this something that would
 04 be maintained in the Coast Guard files?
 05 A. It is.
 06 Q. As a part of ordinary course of
 07 business?
 08 A. Yes, sir.
 09 Q. And you signed off on this
 10 document?

11 A. Yes, sir. As the chief of
12 prevention I sign off on all certificates of
13 compliance by direction for the commanding
14 officer of the -- in the OCM line of
15 Port Arthur.
16 Q. Okay. In my lay review of these
17 two documents it looks like the -- the main
18 purpose of your inspection would be safety;
19 is that --
20 A. Uh-huh.
21 Q. Is that a fair assessment?
22 A. That is correct.
23 Q. Okay. Does the vessel owner
24 have responsibility for safety as well?

Page 29:01 to 29:06

00029:01 A. Yes.
02 Q. (BY MR. LEMMON) And would it be
03 fair to say that the vessel owner has -- or
04 vessel operator has primary responsibility
05 for ensuring the safety of the vessel and its
06 personnel?

Page 29:21 to 30:09

00029:21 A. I would say from a Coast Guard
22 marine inspector's point of view that we have
23 generally -- been our general understanding
24 that all parties associated with the vessel,
25 the crew, the operators, the owners, the
00030:01 administration, the class societies all have
02 some responsibility ensuring -- in assuring
03 that safety is maintained on board the
04 vessel.
05 Q. (BY MR. LEMMON) Okay. But
06 would you say that in day-to-day operation
07 that the operator has the primary
08 responsibility for the safety of the vessel
09 and the -- and the crew?

Page 30:13 to 30:14

00030:13 A. I would not say that. I offer
14 no opinion on that.

Page 30:18 to 31:04

00030:18 Q. Okay. Now, if the vessel was
19 contracted to BP, BP would be included in the
20 group of people who you -- who you agreed had
21 responsibility for the safety of the vessel
22 and its crew?

23 A. I would say that from a marine
 24 inspections point of view, as a marine
 25 inspector it's generally been our
 00031:01 understanding that everybody associated with
 02 the vessel has some responsibility in
 03 ensuring that the vessel is safe for the
 04 operation that it's conducting.

Page 34:16 to 35:02

00034:16 The -- the Deepwater Horizon is
 17 required to be ISM certified, right?
 18 A. That is correct.
 19 Q. And as part of the ISM they have
 20 to -- they have to create and implement
 21 safety management systems?
 22 A. Uh-huh, that is correct.
 23 Q. Okay. And would those safety
 24 management systems be one of those
 25 regulations that you were talking about that
 00035:01 would raise concern enough for them to notify
 02 the Coast Guard if there were a violation?

Page 35:06 to 35:23

00035:06 A. No, it would not, not
 07 necessarily. It depends on, once again,
 08 what -- I mean, that's such a broad area that
 09 you're covering.
 10 Q. (BY MR. LEMMON) Right, okay.
 11 A. It's huge. So to say for every
 12 ISM issue that they have on board the
 13 Deepwater Horizon, that they would be
 14 required to notify the -- the Coast Guard
 15 would be a very vague thing to --
 16 Q. Okay.
 17 A. -- for me to say yes or no to.
 18 Because ISM -- the nature of ISM is for them
 19 to -- when they have issues, for them to
 20 correct it through their ISM system and for
 21 us to see that whenever we review the records
 22 on board, but it doesn't mean that we need to
 23 know about it.

Page 36:20 to 37:10

00036:20 Q. Did -- did you look at the BOP
 21 when you were performing this exam?
 22 A. We did not.
 23 Q. Did you inquire about the BOP?
 24 A. We did not.
 25 Q. Was that beyond the scope of the
 00037:01 inspection -- or the exam that was being

02 conducted?
03 A. That is beyond the scope of our
04 exam.
05 Q. And is the BOP under someone
06 else's responsibility?
07 A. Yes.
08 Q. Who would that be?
09 A. At the time it would have been
10 MMS.

Page 38:01 to 39:08

00038:01 Q. And is it up to your discretion
02 as the examining officer to choose what tests
03 to perform during the inspection?
04 A. Yes.
05 Q. How do you make that decision?
06 A. We have a lot of guidance. The
07 840 book is one of those guides that we use.
08 We also have NVICs regulations. In the case
09 of the Marshall Islands, we have -- the scope
10 of the exam is somewhat dictated by MI-293, I
11 believe it is, of the Marshall Islands.
12 And the type of the exam we were
13 doing was a type C, which is 33 CFR
14 143.207(c). So we -- which is indicated here
15 on the certificate of compliance. There is
16 three type of exams that we do on MODUs, and
17 A, B, or C. This was a C exam. And so based
18 on that is kind of how we dictate our scope.
19 In the NVIC it kind of guides you through
20 what to do, as once again guidance of what a
21 examiner should do for a C exam.
22 As explained before, a lot of it
23 is determined by the operation that the
24 vessel conducted, the documentation that they
25 provide us at the beginning of the exam,
00039:01 survey reports, logs, records of training and
02 drills and class surveys, administration
03 surveys kind of dictate the scope of what we
04 do once we get on board the exam -- to do the
05 exam.
06 Q. Do you have to rely on the
07 information that's provided to you by the
08 vessel owner or operator?

Page 39:10 to 39:13

00039:10 A. That is correct.
11 Q. (BY MR. LEMMON) And you also
12 count on that information to be accurate and
13 complete?

Page 39:15 to 40:03

00039:15 A. We do have to put some trust, a
16 lot of trust in the document -- the official
17 documentation that is provided to us from the
18 vessel. There are certain certificates and
19 documents that are provided to us, and
20 through doing our walk-through of the vessel,
21 that is pretty much what's guiding our exam.
22 We're looking to verify that they are in
23 compliance with all of the documents and exam
24 that they have showed us at the beginning of
25 the exam.
00040:01 Q. (BY MS. LEMMON) Now, the
02 regulations that you're enforcing are minimum
03 standards of safety, right?

Page 40:06 to 40:09

00040:06 A. What do you mean by "minimum"?
07 Q. (BY MR. LEMMON) Well, they have
08 to at least meet the standards that you --
09 that are set forth in the regulations?

Page 40:12 to 40:24

00040:12 A. As a foreign-flagged vessel it's
13 not -- we're not there to ensure that they're
14 in full compliance with every single
15 regulation and law. We're there to verify
16 that they are in compliance with the -- that
17 they're in compliance with their certificates
18 and documents and surveys that have been
19 issued. So we're not necessarily there to
20 ensure anything other than compliance.
21 Whether that's perceived as minimum or
22 maximum, I don't think you can distinguish a
23 difference between using that one -- that
24 word minimum.

Page 42:18 to 43:01

00042:18 Q. (BY MR. LEMMON) On the document
19 5572, on the second paragraph, it says, third
20 sentence, "They specifically asked for last
21 PMs on engine shutdowns and fuel for all
22 cutoff valves, but did not test overspeed
23 trips."
24 A. Uh-huh.
25 Q. Do you -- do you know what that
00043:01 means?

Page 43:03 to 43:03

00043:03 A. Do I know what what means?

Page 43:08 to 43:08

00043:08 Q. Can you explain it please?

Page 43:10 to 44:01

00043:10 A. Specifically asked for PMs.
11 Preventative maintenance is what that
12 normally stands for to us. As Coast Guard
13 inspectors, that's what PM means.
14 On engine shut-downs and fuel
15 cutoff valves, but did not test overspeed
16 trips. What means to me as a Coast Guard
17 marine inspector, that means that we asked
18 for the last preventative maintenance
19 schedule where they tested the engine
20 shut-downs and fuel cutoff valves, but we did
21 not physically test the overspeed trips while
22 we were on board the -- the vessel.
23 Q. (BY MR. LEMMON) And that's --
24 A. On the engines.
25 Q. This is an accurate statement of
00044:01 what happened during the inspection?

Page 44:03 to 44:10

00044:03 A. It is accurate to my knowledge,
04 we did not test the overspeed trips while we
05 were there, which would have been normal.
06 Once again, that most likely would have been
07 outside the scope of our exam, depending on
08 what type of engines they had and what type
09 of technical -- technical expertise they had
10 on board the vessel.

Page 47:02 to 47:23

00047:02 A. Once we complete our exam, our
03 exam establishes that the vessel is, in our
04 opinion, in compliance with U.S. laws,
05 regulations, administration laws and
06 regulations and has been surveyed by class.
07 If there are discrepancies with an exam, we
08 follow up on that. But once we depart the
09 vessel and we issue the certificate of
10 compliance, we generally do not do any type
11 of follow-up work to verify they are in
12 compliance other than this is a two-year
13 document and they are required to have us out
14 at some point in the two-year time, three

15 months ahead of or three months behind the
16 annual -- the first year after we issue the
17 document, they're required to have us back
18 out and schedule us to come backed out and
19 verify compliance again.

20 In between that time period,
21 generally if a vessel is in good condition
22 and we don't have any discrepancies with it,
23 we do not do any type of follow-up work.

Page 48:17 to 48:20

00048:17 Q. Okay. Do you know whether or
18 not BP or Transocean reported to the Coast
19 Guard its 2009 audit of the Deepwater
20 Horizon?

Page 48:22 to 48:22

00048:22 A. I do not recall.

Page 50:04 to 50:09

00050:04 Q. (BY MR. POTE) Well, do you
05 have -- that's a good question. Before we go
06 back to the question I just asked you, I'll
07 ask you, do you have any understanding of
08 audits performed by third parties other than
09 Transocean or BP for this particular rig?

Page 50:11 to 52:07

00050:11 A. We take into account a broad
12 range of -- of reports and surveys, but
13 specifically we normally focus on the ABS
14 audits and reports and the administration
15 certificates and reports and part of our exam
16 relies on those reports to verify that the
17 rig is in compliance with all Marshall
18 island's laws and regulations and U.S. laws
19 and regulations through ABS, American Bureau
20 of Shipping, issued surveys, which we
21 consider would put it into the category as
22 what somewhat of a third-party report.

23 Q. (BY MR. POTE) Were you aware of
24 at the time you performed the 2009 inspection
25 any audits having been performed for the
00051:01 Deepwater Horizon previously by a third party
02 known as ModuSpec?

03 A. Do not know of any third-party
04 report from them. I'm not saying it didn't
05 happen, because we also take into account
06 third-party reports for servicing of

07 lifesaving equipment, firefighting equipment.
08 A lot of reports are -- are in -- within the
09 realm of our exam. So it certainly could
10 have been, but I don't recall one
11 specifically from them.

12 Q. Can you tell me just as -- can
13 you do as best a job you can right now of
14 telling the -- telling me the various
15 third-party reports that would have played a
16 role in your inspection results in addition
17 to, I think you stated, the American Bureau
18 of Shipping. What other ones?

19 A. There would have been -- not
20 that I personally looked at, but whenever we
21 do a exam -- and it would have been no
22 different the day we did the exam on the
23 Deepwater Horizon -- there would have been
24 firefighting -- servicing reports of the
25 firefighting equipment that would have been
00052:01 offered to us. Could be any number of
02 third-party reports for packing of lifesaving
03 equipment, like life rafts or provisions on
04 board the live boats.

05 As to who those reports came
06 from, I don't know. I was not personally the
07 guy that looked at the paperwork that day.

Page 55:23 to 56:16

00055:23 Q. How do you -- how can you go
24 about making the request that would prompt
25 them to offer you evidence of prior

00056:01 inspections?

02 A. Well, normally when we get to
03 the point where we're talking -- discussing,
04 for example, firefighting equipment, and they
05 are required to conduct annual servicing on
06 that equipment, we would say, you know, show
07 us where you've completed annual servicing of
08 your firefighting equipment and so they would
09 offer third-party reports to show where a
10 technical representative from a specific
11 company that has specific knowledge in the
12 firefighting equipment that they have on
13 board, generally a representative from the
14 manufacturer and they would show us that
15 person's survey report and then we would take
16 it into account.

Page 60:13 to 61:23

00060:13 Q. What determines what is in the
14 scope of the inspections that you do?

15 A. That's -- what determines what's

16 in the scope of the inspection that we do,
 17 the marine inspector determines the scope of
 18 the exam whenever we're there, but we're
 19 guided by a lot of regulatory guidance that
 20 we -- that we refer to. I mean, it's our
 21 goal and what we're trained to do is to look
 22 about the vessel and ensure that they are --
 23 everything appears to be in compliance. So
 24 we have a lot of reference material that we
 25 use and that we study to understand what
 00061:01 we're looking at and -- and know that they're
 02 in compliance.

03 Q. Okay. Do you know specifically
 04 what materials or sources that the marine
 05 inspector relies on to determine the scope of
 06 the inspection?

07 A. You know, we rely on 33 CFR
 08 subchapter N, 33 CFR subchapter O, 33 CFR --
 09 or part 164 for navigation, marine safety
 10 manual, NVIC 388, VACO 603, in this
 11 particular case Marshall Islands MI-293, I
 12 believe it is, which is the agreement between
 13 the Coast Guard and the United States as to
 14 what the scope of the exam will be. And
 15 46 CFR subpart F, which is engineering. So,
 16 I mean, that's some of the regulatory items
 17 that we use.

18 So we also have memorandums of
 19 understanding and memorandums of agreement
 20 between us and MMS that separates and
 21 prevents the overlap of regulations between
 22 MMS and -- or BOEM and -- and the Coast
 23 Guard.

Page 63:02 to 63:06

00063:02 Q. (BY MR. POTE) Does -- does
 03 MMS -- or, excuse me, the Coast Guard
 04 inspection that you perform -- performed on
 05 the Deepwater Horizon, whenever that was,
 06 does it contain an element--

Page 63:08 to 63:12

00063:08 Q. (BY MR. POTE) -- or would one
 09 of the things you would look at be the
 10 preventative maintenance for electrical
 11 equipment?
 12 A. It would be.

Page 66:07 to 66:13

00066:07 MR. KALLUM: First, I'd like to put on

08 the record that this deposition is being
09 taken as a 30(b)(6) deposition and you've
10 been offered as a representative in the area
11 of pre April 20, 2010 inspections of the
12 Deepwater Horizon and that's the focus of
13 these questions here today. There was a

Page 67:01 to 67:19

00067:01 Q. (BY MR. KALLUM) All right.
02 Commander, I'd like to get a little bit of
03 information about your background, your
04 education and your training if you will.
05 First tell us how far -- can you give me your
06 educational background, please?
07 A. Formal educational background is
08 I have a two-year associate's degree from the
09 University of New York in science.
10 Q. Okay.
11 A. Outside of the Coast Guard,
12 that's my education. I have a lot of
13 education within the Coast Guard training
14 system for marine inspections.
15 Q. All right. You -- I believe you
16 enlisted in the Coast Guard in what year?
17 A. I enlisted, actually, in --
18 through the delayed enlistment program, July
19 of 1983.

Page 68:12 to 79:11

00068:12 Q. Can you tell us how you were
13 trained and qualified to become an inspector
14 for the United States Coast Guard as of July
15 of 2009?
16 A. Up and to the point of July 2009
17 with regards specific to becoming a MODU
18 inspector or just a marine inspector?
19 Q. Well, why don't you tell us,
20 first of all, a marine inspector and then I
21 understand you went on and became a MODU
22 inspector and I'll get into that as a second
23 question.
24 A. Okay. As a marine inspector, I
25 mean, the way we in the Coast Guard see it,
00069:01 our -- our training goes all the way back to
02 when our time at sea as Coast Guard members
03 all the way up until the time that we move
04 into marine inspections. And so early on as
05 an enlisted member I was a machinery
06 technician and I went to a machinery school
07 back in 1985.
08 I went on to become a swimmer in
09 the Coast Guard, an aviation rescue swimmer.

10 I did that. And after I became a swimmer I
11 transitioned into marine inspections in 1999.

12 Q. All right.

13 A. After I made warrant officer.
14 From aviation, when you make warrant officer,
15 you have two choices, you can go into marine
16 inspection or you can go into civil
17 engineering. And I chose marine inspections.

18 And so in '99, June of '99, I
19 believe it was, I went from Air Station
20 New Orleans to Marine Safety Office
21 New Orleans, and that's where I started my
22 official training as a Coast Guard marine
23 inspector.

24 Q. Okay. Can you elaborate for us
25 and tell us what that official training as a
00070:01 marine inspector entailed?

02 A. It -- 90 percent of it is on the
03 job training with other qualified marine
04 inspectors, and it entails what we call a PQS
05 book that you receive for your first marine
06 inspector qual that you're working on. At
07 that particular time it would have been a
08 barge qual, which we -- qualification which
09 we view as the most basic marine inspection
10 qualification.

11 Q. Okay.

12 A. And that PQS is a performance
13 qualification standard that's what that
14 stands for, and it lists of sign-offs that
15 you get from verifying officers, where you go
16 out and you perform certain tasks on the job
17 and once you have a good understanding of
18 that task, a qualified marine inspector will
19 initial the block that said that they are
20 attesting that you have a -- an understanding
21 of that task. And you'll go through a series
22 of these sign-offs.

23 Q. Okay. So for each inspection
24 that you conduct along with individuals,
25 you're basically graded and judged, and your
00071:01 supervising officer has to sign off on it as
02 you having passed it satisfactorily; is that
03 correct?

04 A. Each individual item is signed
05 off by a qualified marine inspector that is
06 qualified in that regimen that you're in.

07 Q. Okay.

08 A. So in this particular case that
09 we're talking about, I would have been
10 looking to other qualified barge marine
11 inspectors.

12 Q. All right.

13 A. It doesn't necessarily have to
14 be your supervising officer. It can be any

15 qualified barge inspector.
16 Q. Anyone who is a qualified --
17 qualified barge marine inspector correct?
18 A. To sign off on those particular
19 items.
20 Q. Then at what point in time did
21 you personally become a qualified marine
22 inspector?
23 A. From the perspective of the
24 Coast Guard when you obtain your first
25 qualification you're considered a marine
00072:01 inspector.
02 Q. Okay.
03 A. And then your ultimate goal is
04 to become a senior marine inspector.
05 Q. Okay.
06 A. And then when you get to that
07 point you have what we call a major qual. A
08 barge qual is kind of a -- not considered a
09 major qual. So you're just a -- a qualified
10 marine inspector specific to doing that
11 particular type of vessel, in this case that
12 we're talking about, a barge.
13 Q. For the -- for the Court's
14 benefit, why don't you tell us from the time
15 you went into marine inspections in June of
16 1999, why don't you bring us through each of
17 those milestones that you discussed and those
18 qualifications and give us an approximate
19 year as to when you qualified at each step to
20 ultimately become a senior marine inspector.
21 A. I don't know if I'm going to
22 recall the exact sequence that I obtained my
23 qualifications or the year that I obtained
24 them. Barge would have been my first
25 qualification and generally that took me, I
00073:01 think, about eight months to get it and that
02 was probably in the year 2000 that I obtained
03 that qualification.
04 Q. Okay.
05 A. Prior to obtaining that
06 qualification, it's an expectation that you
07 will also will go to the basic marine
08 inspector course in Yorktown, Virginia where
09 the Coast Guard has a formal training course
10 that you go to. At that time it was five
11 weeks of training.
12 After that qualification I
13 believe I sought what we call a T boat
14 qualification, which is a small passenger
15 vessel, qualification which includes
16 subchapter -- 46 CFR subchapter T, which is
17 small passenger vessels under a hundred gross
18 tons.
19 Q. Okay.

20 A. And also include K vessels at
21 the time --
22 Q. All right.
23 A. -- which are a little bit larger
24 than the T vessels for the amount of
25 passengers they can carry and the duration of
00074:01 their -- their voyages.
02 So I would have -- I also went
03 to a formal training on T boat plan review
04 and electrical review. That was a week long
05 in Yorktown to obtain that qualification and
06 go -- I went through a different
07 qualification, PQS matrix to get that one.
08 At the same time I was loosely
09 working on my MODU qual. It's normal for you
10 to be working on multiple qualifications at
11 the same time.
12 Q. Okay. During this period of
13 time when you were working towards a MODU
14 qualification, are you actually going on MODU
15 inspections with other teams?
16 A. I am.
17 Q. All right. And do you have to
18 perform so many inspections aboard a MODU
19 before you're ultimately eligible for further
20 testing or certification as a MODU inspector?
21 A. There is no set criteria that
22 says that you will perform X amount of
23 examinations on any particular type of MODU,
24 but there is a expectation that when you get
25 your qualification, that you will provide a
00075:01 log to the board that is qualifying you to
02 show that you have preformed -- how many
03 exams you have performed, so they can take
04 that into consideration on whether or not you
05 will obtain a qualification.
06 Q. All right. Can you tell us in
07 approximately what year did you begin working
08 towards the MODU qualification?
09 A. Approximately about 2000.
10 Q. All right. And can you tell us
11 at that point how that process specifically
12 to become a MODU qualified inspector
13 transpires? What happens? Tell us in
14 detail.
15 A. Very much like I just told you
16 in detail. We go to the basic marine
17 inspections course. We have a MODU PQS that
18 we're going through to get signed off at PQS.
19 It's approximately 200 items that are
20 associated with things like dry-docking a
21 MODU, critical area inspection, electrical
22 inspection, lifesaving inspection of
23 lifesaving equipment. Firefighting
24 inspection of firefighting ins -- gear on

25 board. And most of it is geared towards
00076:01 domestic inspections of U.S.-flagged MODUs.
02 Q. Okay.
03 A. We do also get trained in
04 foreign-flagged MODUs, so whenever we're
05 doing those items, we have to tell how they
06 apply to U.S.-flagged MODUs and how they
07 apply to foreign-flagged MODUs.
08 Q. And that's -- that's gaining a
09 full understanding of how the regulations
10 mesh between the foreign-flagged vessels and
11 U.S.-flagged vessels; is that correct?
12 A. It's gaining an understanding of
13 how we inspect and how we examine.
14 Q. Okay.
15 A. And the difference between the
16 two.
17 Q. All right.
18 A. In addition to that, I also went
19 to two weeks of formal training through a
20 Coast Guard D8 contracted course at the Randy
21 Smith School of Drilling.
22 Q. Okay.
23 A. Where we went two weeks with
24 instructors from that organization, teaching
25 us about drilling operations.
00077:01 Q. All right. And I think that has
02 been referred to as MODU U, informally?
03 A. It has. That's what Coast Guard
04 informally calls it.
05 Q. Okay. And that's all
06 third-party instructors, or some of that is
07 Coast Guard instructors?
08 A. Some of that is Coast Guard
09 instructors.
10 Q. All right. What part of MODU U
11 do the Coast Guard instructors teach and take
12 care of versus third-party inspectors?
13 A. The way I recall it, usually
14 there is a qualified MODU inspector in the
15 course, and usually at the end of the modules
16 they will coach us or teach us, you know, how
17 and what is relevant to how we do our exams
18 and inspections on MODUs. But in my
19 recollection the one that we had with us,
20 which was Jeff Wolfe, he spent the last day
21 of our course, the last afternoon of our
22 course kind of spending the whole day with us
23 in talking about regulatory schemes and how
24 they apply to MODUs in the Gulf of Mexico.
25 Q. And Mr. Wolfe was the U.S. Coast
00078:01 Guard enlisted officer at the time?
02 A. At the time he was an officer in
03 the Coast Guard. He was not enlisted.
04 Q. All right. And he taught the

05 regulatory aspects of MODU inspections?
 06 A. He did.
 07 Q. Now, how many months or years
 08 were you in this formal training or education
 09 process and on the training to become a MODU
 10 qualified inspector?
 11 A. Approximately three and a half
 12 to four years.
 13 Q. All right. And during this
 14 period of time I think you indicated earlier
 15 that you performed approximately 200
 16 sign-offs, which were the performance
 17 qualification sign-offs; is that right?
 18 A. That is correct.
 19 Q. And you could have performed
 20 multiple of those on one particular
 21 inspection; is that right?
 22 A. That is correct.
 23 Q. All right. And can you estimate
 24 for us how many MODU inspections you actually
 25 went on and were a part of before you became
 00079:01 a qualified MODU inspector?
 02 A. That would be -- I mean, that
 03 was a long time ago. So I really can't
 04 estimate exactly. I mean, generally
 05 speaking, we, the board looks for more
 06 variety than they do amount of inspections to
 07 see that you have spent a lot of time in the
 08 field conducting exams on a variety of
 09 different MODU types. I would say just
 10 estimating, probably over 50, somewhere in
 11 that neighborhood.

Page 79:19 to 84:02

00079:19 Q. Is there ultimately a review
 20 period where you have to sit in front of
 21 colleagues and answer questions and sit for a
 22 test of any sort?
 23 A. There is a board.
 24 Q. Okay, the board, that's what I
 25 was referring to.
 00080:01 A. A qualification board, yes.
 02 Q. Okay. Tell us about the
 03 qualification board process and how that
 04 works in conjunction with the training to
 05 become a MODU inspector.
 06 A. The way it works is once you
 07 get -- complete your PQS sign-offs that we
 08 spoke about earlier, once all of that is
 09 complete and you feel like you're ready to
 10 sit in front of a board for your
 11 qualification, you go to your training
 12 officer at your unit, you present them with
 13 your documentation, which would be your PQS,

14 your log of vessels or MODUs that you
15 examined, and that person would sit down with
16 you and kind of informally discuss a lot of
17 the items in the PQS to kind of gauge your
18 level of knowledge and to recommend you for
19 the board. The training officer is in the
20 responsibility to convene the board.
21 Q. Okay.
22 A. And they'll give you a date and
23 time that that board is going to be convened
24 and usually a minimum of three qualified MODU
25 inspectors will sit down at a location,
00081:01 usually a room and a table and your reference
02 material, you'll bring it to the board and
03 you'll present them also with your PQS and
04 your log. They will review it. And you will
05 sit before them and answer questions for any
06 duration of time that the board needs to
07 recommend you for the qualification.
08 Q. All right.
09 A. In my particular case I remember
10 my board was approximately five hours long.
11 Q. All right. So it's a lengthy
12 process?
13 A. It is a lengthy process.
14 Q. And it's one that -- that you
15 would characterize as a rigorous meeting with
16 the board?
17 A. It is.
18 Q. Extensive questions?
19 A. Uh-huh.
20 Q. Is that right?
21 A. Yes, sir.
22 Q. All right.
23 A. Very detailed.
24 Q. And not everyone passes,
25 correct?
00082:01 A. That is correct.
02 Q. All right. And, in fact, you
03 successfully completed that training and were
04 certified by the board; is that right?
05 A. The day of the board I did not
06 complete the board. It's very normal for you
07 to not be able to answer certain questions by
08 the board, and we call those lookups.
09 Q. Right.
10 A. And so whenever I left my board
11 I had approximately, I think about a dozen
12 lookups that I couldn't answer.
13 Q. Okay.
14 A. And so the board expects you to
15 reconvene and answer those questions or --
16 or, at a minimum, meet with each board member
17 or electronically e-mail the items that you
18 couldn't answer, and then the board will then

19 recommend you for qualification. In my case,
 20 I had some lookups that I had to follow up
 21 on.
 22 Q. Okay.
 23 A. And after I completed those
 24 lookups, the board did recommend me for
 25 qualification.
 00083:01 Q. And what year or month was that
 02 when you were ultimately recommended for
 03 qualification as a marine inspector
 04 specializing in MODUs?
 05 A. I don't recall the year that I
 06 obtained my qualification. I believe it was
 07 in 2003 or '4.
 08 Q. All right. Now, from that point
 09 through July of 2009, you were then qualified
 10 by the Coast Guard to perform inspections or
 11 examinations on MODUs?
 12 A. Yes.
 13 Q. All right. And for the record,
 14 that's a mobile offshore drilling unit?
 15 A. That's correct. On behalf of
 16 the captain of Port Arthur, Texas.
 17 Q. Okay.
 18 A. Our qualification is limited to
 19 the area of operation that you're qualified
 20 in.
 21 Q. All right. From, basically,
 22 2003 or '4 time frame, I think is what you
 23 said, up until 2009, what ports were you
 24 working out of?
 25 A. Port Arthur, Texas.
 00084:01 Q. The entire time?
 02 A. The entire time.

Page 84:11 to 85:05

00084:11 Q. All right. Is it -- is it
 12 something that you would perform one of these
 13 a week, one of these a month, or one of these
 14 a year? If you can just give the Judge an
 15 estimate of your past experience of such
 16 inspections and examinations?
 17 A. It would be fair to say that in
 18 the first of years as a qualified MODU
 19 inspector I was probably doing a couple a
 20 month, minimum. And there were certain, and
 21 then -- as I fleet up in my position in
 22 Port Arthur, from being the training officer
 23 to being the branch chief to being the chief
 24 of prevention, my administrative duties
 25 became more focused on training other
 00085:01 inspectors; and so it kind of subsided over
 02 time --
 03 Q. All right.

04 A. -- to probably as little as one
05 a month.

Page 85:12 to 85:24

00085:12 Q. All right. And the reason I
13 asked, I don't know if you recall your
14 testimony at the -- at the Marine Board, but
15 they asked you to estimate the total number
16 of inspections and MODUs that you were on,
17 either as a qualified marine inspector or as
18 in training, and you estimated approximately
19 a hundred.
20 A. Right.
21 Q. Do you stand by that testimony?
22 Does that sound like an accurate
23 approximation of your tasks --
24 A. It's an approximation.

Page 86:15 to 88:21

00086:15 Q. Well, your testimony was --
16 A. Right.
17 Q. -- earlier that as part of your
18 role performing the inspection, you wanted to
19 make sure, and I believe you used the word
20 ensure that the vessel was in compliance with
21 United States laws and regulations. Is
22 that -- did I mishearing you on that?
23 A. No, I don't think you
24 misunderstood me, but understanding that our
25 job is there to verify --
00087:01 Q. Okay.
02 A. -- that they are in compliance
03 through the documentation and the
04 walk-through of the spaces. We're not
05 necessarily there to -- in this case of this
06 vessel, a foreign-flagged vessel, our scope
07 of exam is to get a good understanding and
08 ensure that we feel like the vessel is in
09 compliance with U.S. laws and regulations by
10 use of the certificates and documents that
11 are provided to us.
12 Q. All right. And at any point in
13 time during this inspection process or exam
14 process you feel as though the vessel is not
15 in compliance with these laws, you would note
16 that, correct?
17 A. If we felt like -- we came
18 across a particular item, one particular item
19 that was not in compliance, yes, we would
20 note that.
21 Q. All right. And if the vessel
22 either their -- her paperwork or her

23 condition was in a state where you felt that
 24 the compliance discrepancies or deficiencies
 25 were to the point where it reached a hazard
 00088:01 for the crew or the environment, you would
 02 not issue the certificate of compliance;
 03 would you not?
 04 A. That is correct.
 05 Q. All right. You have the
 06 authority as the marine inspector to not
 07 issue a certificate of compliance if you felt
 08 the rig, in this case the Deepwater Horizon
 09 in July of 2009 posed a hazard to its crew or
 10 the environment; is that correct?
 11 A. That is correct.
 12 Q. Okay. Now, as I understand your
 13 testimony earlier, one of the primary
 14 documents that you as an inspector utilize is
 15 called the NVIC, which is the navigation
 16 vessel inspection circular; is that right?
 17 A. That is correct.
 18 Q. And the one, if I heard you
 19 correctly, was No. 3-88 change 1; is that
 20 correct?
 21 A. That is correct.

Page 89:03 to 89:19

00089:03 Q. All right. I'd like to mark
 04 tab 1 as Exhibit 5573. If you can just put
 05 that sticker on the first page down at the
 06 bottom.
 07 And, sir, I direct your
 08 attention to Section 3, which says, NVIC
 09 30 -- excuse me, NVIC 3-88 provides guidance
 10 and information on the inspection of
 11 foreign-flagged MODUs operating on the U.S.
 12 outer continental shelf. Did I read that
 13 correctly?
 14 A. You did read that correctly.
 15 Q. Is that your understanding of
 16 the purpose of NVIC 3-88?
 17 A. It is my understanding that it
 18 does provide guidance for us to inspect
 19 foreign-flagged MODUs.

Page 90:01 to 91:08

00090:01 Q. Can you read for us the first
 02 sentence of Section 1, dealing with
 03 application, please?
 04 A. The guidelines contained in this
 05 document amplify the regulations contained in
 06 33 CFR parts 140 through 146 subchapter N,
 07 which require each mobile drilling unit,

08 parentheses, MODU, documented under the laws
09 of a foreign nation to obtain a letter of
10 compliance from the U.S. Coast Guard prior to
11 engaging in outer continental shelf,
12 parentheses, OCS, activities.

13 Q. All right. Now, this letter --
14 this letter of compliance that they're
15 speaking of, is that the same thing as the
16 certificate of compliance that was previously
17 marked as Exhibit 5571?

18 A. The letter of compliance is a
19 reference to a document that was issued
20 before the development of the certificate of
21 compliance. It was a letter from the captain
22 of the port, stating that the vessel was in
23 compliance. It -- the certificate of
24 compliance has taken the place of the letter
25 of compliance.

00091:01 Q. All right. And so the -- the
02 spirit of this NVIC is still the same? The
03 LOC that they're referring to in these --
04 this promulgation is, in fact, the
05 certificate of compliance that we talked
06 about earlier? The standards are the same in
07 other words; is that right?

08 A. Yes, sir.

Page 91:16 to 94:13

00091:16 Q. (BY MR. KALLUM) Now, in
17 order -- one of the requirements of the NVIC
18 when you would go on board a vessel such as
19 the Horizon is to examine her paperwork, so
20 to speak, and ensure that all licenses and
21 certifications for the vessel are, in fact,
22 up to date, current, and correct; is that
23 right?

24 A. That is correct.

25 Q. All right. I'd like to turn to
00092:01 your attention -- turn your attention to
02 tab 22, which is a document that's previously
03 been produced by the Marshall Islands and it
04 lists the certificates and expiration dates
05 and I'll represent to you that was for the
06 Horizon that were in effect on April 20th,
07 2010. Do you recognize that listing correct,
08 sir, in general terms?

09 A. In general terms it looks
10 like -- it looks correct to me.

11 Q. Okay. Is this the type of
12 certification that you are looking for when
13 you go out and complete your inspection of a
14 MODU such as the Deepwater Horizon in July of
15 2000 -- excuse me, June of 2009?

16 A. These are some of the items that

17 we would have asked for, yes.
 18 Q. All right. And you would ensure
 19 that all these certificates were up to date
 20 and current; is that correct?
 21 A. That is correct.
 22 Q. Are you also familiar as part of
 23 your training and experience as a marine
 24 inspector as to how each of these
 25 certificates is issued for the Horizon, a
 00093:01 process by which the vessel goes through or
 02 its owner goes through to obtain these
 03 certificates?
 04 A. I am somewhat familiar with it.
 05 Q. Okay. We'll -- we'll get back
 06 to those questions in a moment. I'd ask for
 07 now that you mark that as Exhibit 5574.
 08 I want to turn your attention to
 09 Page 7 of the document that we've marked as
 10 Exhibit 5573.
 11 A. Okay.
 12 Q. And there is -- there is a
 13 heading that says "General Safety
 14 Requirements."
 15 A. Uh-huh.
 16 Q. And it says, "All
 17 foreign-flagged MODUs shall comply with the
 18 following provisions, as applicable," and it
 19 lists a number of topics, starting with A all
 20 the way through J; is that correct?
 21 A. That looks correct to me.
 22 Q. All right. Can you read each of
 23 those general safety areas that are itemized
 24 as mandatory compliance for foreign-flagged
 25 vessels, itemized in Section 7?
 00094:01 A. Section 7, the entire section?
 02 Q. Just the headings.
 03 A. Just the headings. General
 04 safety requirements is item 7. Item A,
 05 workplace safety; item B, dry-dock
 06 examination, slash, special examination in
 07 lieu of dry-docking; item C is cranes; item D
 08 is pressure vessels; item E, lifesaving
 09 appliance; item F, carriage of exposure
 10 suits; item G, fire safety; item H, alarms,
 11 remote controls, and other safety devices;
 12 item I, emergency lighting systems; item J,
 13 helicopter facilities.

Page 94:23 to 97:03

00094:23 Q. (BY MR. KALLUM) Certainly. You
 24 testified earlier that this NVIC 3-88
 25 provides guidance for you as an inspector in
 00095:01 connection with foreign flagged vessels; is
 02 that right?

03 A. That is correct, guidance.
04 Q. All right. Now, this section
05 says, "All foreign flagged MODUs shall comply
06 with the following provisions, as
07 applicable."
08 A. Uh-huh.
09 Q. Is that correct?
10 A. That is correct.
11 Q. All right. Now, as part of your
12 inspection process, either through your
13 inspection or by reviewing documents that you
14 have available to you on the rig, are you
15 looking for compliance in each of these areas
16 that we just talked about?
17 A. We are trying to gain an
18 understanding of compliance of the vessel
19 through these items, mostly through
20 documentation and review of records and...
21 Q. And that's because the governing
22 standards require that the Deepwater Horizon
23 comply with the safety requirements in these
24 areas, as itemized in this NVIC; is that
25 right?
00096:01 A. That is correct.
02 Q. All right. And if the vessel
03 does not comply with the safety requirements
04 in any of these areas or multiple areas, you
05 would either issue a discrepancy or, in fact,
06 not issue a certificate of compliance; is
07 that correct?
08 A. That is a few ways that we could
09 have dealt with --
10 Q. All right.
11 A. -- non-compliance, yes.
12 Q. Okay. Now, you also mentioned
13 CFRs applicable codes of federal regulations
14 that are likewise applicable to MODUs such as
15 the Horizon when you inspected it in July of
16 2009; is that correct?
17 A. That is correct.
18 Q. All right. And that itemization
19 that you gave earlier, such as marine safety
20 manuals, 33 CFR, 46 CFR, the NVIC policy
21 letters, the MI -- I think you said it was
22 MI-23? It was the Marshall Islands --
23 A. 293.
24 Q. 293. All of those regulatory
25 statutes comprise the framework by which you
00097:01 then -- you and your team go and conduct the
02 examination of the rig; is that correct?
03 A. That is correct.

Page 97:22 to 98:17

00097:22 Q. Well, is there a -- is there a

23 process within the Coast Guard whereby your
24 status as a qualified marine inspector, for
25 example, could be revoked or suspended
00098:01 because of some system within your
02 organization or within the Coast Guard where
03 they find that you're not performing these
04 inspections thoroughly or in good faith?
05 A. There is a system that the
06 commanding officer that signs and issues your
07 qualification letter can certainly revoke it
08 or the captain of the port can revoke or
09 suspend your ability to conduct the exams,
10 yes.
11 Q. All right. During the course of
12 your approximately seven years as being
13 qualified as a marine inspector for MODUs,
14 your qualifications have never been revoked,
15 suspended, or questioned in any way; is that
16 correct?
17 A. That is correct.

Page 99:12 to 100:01

00099:12 Q. All right. But you're certainly
13 not, on the other hand or on the contrary,
14 trying to overlook any discrepancies that you
15 see?
16 A. Absolutely not. I mean, when we
17 do our deck walk and our machinery walk and
18 our walk around the vessel to get an overall
19 understanding of the -- the suitability of
20 the vessel, that is what we're looking for.
21 We're trying -- we're trying to confirm what
22 we've seen in the certificates, in the
23 surveys, in the reports that have been
24 provided with us and show that they
25 accurately reflect what is actually happening
00100:01 on the vessel.

Page 100:16 to 102:12

00100:16 Q. All right. And as part of that
17 process, I believe I have read that,
18 generally speaking, these inspections take
19 place within a window of approximately six to
20 eight hours; does that sound accurate?
21 A. That is accurate, based on
22 weather conditions. There is a number of
23 things that can dictate how long we're on
24 board the rig. We do have the option, if we
25 feel the need to, to stay overnight.
00101:01 Q. Right.
02 A. But normally during daylight
03 savings time -- time hours we're a little bit

04 more restrictive. In this case it would not
 05 have been daylight savings time. So we would
 06 have probably been on board about five or six
 07 hours.

08 Q. Okay. I want to clear something
 09 up on the record. It was some -- some
 10 mentioned earlier that there were rig
 11 operations going on in July of 2009 dealing
 12 with completions, I believe you said; is that
 13 right?

14 A. It was my understanding that
 15 they were -- they were drilling while we were
 16 there or in the completion mode, as I recall.

17 Q. All right. If at any point in
 18 time during that inspection in July of 2009
 19 if you felt like you were not provided access
 20 to any part of the rig that you needed or
 21 that you were not provided access to crew
 22 members or were not provided access to
 23 documents, you would have had the right to
 24 either, one, extend the examination or
 25 inspection period, correct? Is that correct?

00102:01 A. Correct.

02 Q. Or you could have rescheduled it
 03 for another date, is that correct, if you
 04 felt like you were constrained by time?

05 A. That is correct.

06 Q. All right. And am I correct in
 07 your inspection on July -- in July of 2009 at
 08 no point did you feel as though that access
 09 to the rig, the crew, or paperwork inhibited
 10 your ability to perform your duties as a
 11 marine inspector; is that correct?

12 A. That is correct.

Page 102:16 to 102:21

00102:16 Q. (BY MR. KALLUM) If you had felt
 17 constrained or as I test- -- questioned you
 18 earlier, you would have, in fact, stopped the
 19 inspection, prolonged it, or come back the
 20 next day or another day; is that right?

21 A. That is correct.

Page 103:06 to 106:25

00103:06 Q. (BY MR. KALLUM) Commander Odom,
 07 can you turn to tab 21 in the binder that I
 08 gave you earlier? It appears to be an
 09 August 9, 2002 letter from the commandant of
 10 the United States Coast Guard office to the
 11 republic of Marshall Islands. Did I
 12 interpret that letter correctly?

13 A. That is correct.

14 Q. All right. And, first of all,
15 have you ever seen this letter before today?

16 A. I have.

17 Q. All right. Can you tell us,
18 first of all, in your own words what this
19 letter -- why it was issued from the Coast
20 Guard to the Marshall Islands, if you know?

21 A. This letter was issued to the
22 Marshall Islands in recognition of their
23 standards for issuing -- issuing a MODU
24 safety code certificate and recognizing that
25 their standards would be recognized by the
00104:01 Coast Guard as being equivalent to
02 international IMO regulations, for SOLAS, and
03 also national United States regulations; and
04 it further elaborates on some other items
05 that will be required for their, Marshall
06 Islands' MODUs to operate in the United
07 States jurisdiction.

08 Q. All right. So in order for this
09 letter to be issued by the Coast Guard,
10 someone within the Coast Guard would compare
11 the Republic of the Marshall Islands MODU
12 standards, compare it against international
13 standards, as well as compare it against U.S.
14 standards; is that right?

15 A. That is correct.

16 Q. Okay. And the U.S. standards
17 that we're talking about would be standards
18 for a MODU that's flagged under the laws of
19 the United States; is that correct?

20 A. That is correct.

21 Q. All right. And so what this
22 letter is certifying on behalf of the Coast
23 Guard is that the standards that the Marshall
24 Islands imposes upon MODUs flagged under
25 their jurisdiction, their regulations are
00105:01 equivalent to or perhaps better, but at least
02 equivalent to those standards that the United
03 States would hold its own flagged vessels to,
04 correct?

05 A. It would -- it would attest to
06 an equivalency of international and national
07 standards, that is what the letter says.

08 Q. All right. Can you read into
09 the record the first couple of sentences of
10 the first paragraph and provide the Court
11 with what the commander of the United States
12 Coast Guard office of compliance is advising
13 the Marshall Islands of in August of 2002?

14 A. The first couple of sentence
15 from the letter state, Dear Mr. Crede:
16 Pursuant to your letter of August 23rd, 2000,
17 my staff has compared the Republic of
18 Marshall Islands Mobile Offshore Drilling

19 Unit Standards, publication MI-293, revised
20 8/00, to the 1979 and 1989 editions of the
21 International Maritime Organization's MODU
22 code. The MI-293 standards were also
23 compared against U.S. requirements for
24 existing MODUs, units constructed before
25 December 31st, 1981. These comparisons were
00106:01 for the purpose of determining whether the
02 Marshall Islands' MODU Standards provide a
03 level of safety that is generally equivalent
04 to the application -- applicable
05 international and U.S. requirements to
06 operate on the U.S. Outer Continental Shelf.
07 Q. All right. And can you tell us
08 what the determination was by the United
09 States Coast Guard as a result of that
10 comparison to determine whether the Marshall
11 Islands standards provided the same level of
12 safety as the applicable U.S. standards?
13 A. It was determined that their
14 standards are of an equivalent stature.
15 Q. All right. We'll go ahead and
16 mark that for the record as Exhibit 5575.
17 Now, we'll get into it in a
18 moment, but as a part of your inspection or
19 exam of the Horizon in July 2009, you would
20 have looked at the paperwork that was
21 generated by the Marshall Islands or those on
22 their behalf who had performed inspections
23 and audits of the Horizon in the past; is
24 that right?
25 A. That is correct.

Page 108:04 to 110:10

00108:04 Q. All right. The first thing,
05 about midlevel down on Bates No. 0037 -- and,
06 for the record, we'll identify all of these
07 documents collectively as 5576. Just put
08 that on the first page, and then we'll...
09 Actually, we'll go through each of them and
10 label them each separately. Let's look at
11 5576 first.
12 Remember I asked you a question
13 early about a letter of compliance versus a
14 certificate of compliance?
15 A. I do.
16 Q. Okay. It looks like down in the
17 third paragraph in the answer section there
18 is an explanation that references the first
19 paragraph that talks about how a letter of
20 compliance has now been changed to a
21 certificate of compliance. These changes
22 were part of a Coast Guard policy
23 announcement released via official message

24 November 20th, 2001. Do you remember that?
 25 A. I'm familiar with it, yes.
 00109:01 Q. Okay. And so, basically, it was
 02 just a -- a name change from letter of
 03 compliance to certificate of compliance; is
 04 that right?
 05 A. That is correct.
 06 Q. All right. And then in the
 07 third paragraph there, I referenced to you
 08 earlier, four lines down, it says, "The
 09 procedures for conducting the annual
 10 reexamination are identical in scope to the
 11 COC examination." You read that?
 12 A. Uh-huh.
 13 Q. Okay. What is that talking
 14 about? What is reexamination versus a COC
 15 examination?
 16 A. The annual reexamination and the
 17 COC-examination what we call a renewal
 18 examination, is the scope of the exam is what
 19 it's saying, it's a two-year document. And
 20 as you can see on there, there is a
 21 requirement during that two-year period for
 22 there to be a reexamination on the annual
 23 date that the document is issued one year
 24 later.
 25 Q. Okay.
 00110:01 A. You have three months on either
 02 side of that date to complete that
 03 reexamination. And it's simply stating that
 04 the -- the scope of that reexamination will
 05 be the same as the examination for which we
 06 issued that document.
 07 Q. So, in other words, just as
 08 thorough as the original examination; is that
 09 right?
 10 A. The scope can be, right.

Page 111:04 to 111:11

00111:04 Q. Okay. Now, the third document
 05 in this series, the question was, "What is
 06 involved in an inspection of a MODU? Do you
 07 visit it? How many inspectors do you bring?
 08 What do you check? What is involved?"
 09 Did I read that question
 10 correctly?
 11 A. You did read that correctly.

Page 111:16 to 112:16

00111:16 Q. (BY MR. KALLUM) And the -- the
 17 first sentence of Section 2 reads, "A foreign
 18 MODU may receive a Certificate of Compliance

19 from the Coast Guard if the foreign flag's
 20 national MODU safety and operating
 21 requirements provide a level of safety
 22 equivalent to U.S. regulations."
 23 Did I read that correctly?
 24 A. You read that correctly.
 25 Q. Now, what we referenced earlier
 00112:01 was the letter from the Coast Guard to the
 02 Marshall Islands certifying that the Marshall
 03 Islands standards were indeed equivalent; is
 04 that right?
 05 A. That is correct.
 06 Q. All right. And so in each of
 07 your or the Coast Guard's annual and renewal
 08 inspections of the Horizon, you were
 09 continuously trying to determine whether the
 10 documentation and the condition of the rig
 11 meets both those foreign standards, as
 12 approved by the Coast Guard, as well as the
 13 U.S. standards, such as in NVIC; is that
 14 right?
 15 A. The applicable U.S. standards,
 16 yes.

Page 112:19 to 113:12

00112:19 Q. And if at any point in time
 20 there is a discrepancy either in the
 21 paperwork or the condition of the rig, you
 22 either note it as a deficiency or a
 23 discrepancy or you don't issue the
 24 certificate of compliance; is that correct?
 25 A. Those are two of the mechanisms
 00113:01 that we can use to -- to deal with that
 02 discrepancy. We do have on occasion
 03 discrepancies that are corrected on the spot
 04 where we do not issue any paperwork, because
 05 they're corrected while we're on board.
 06 Q. And if something like that
 07 happens, that's noted either in the activity
 08 log or on the actual certificate of
 09 compliance itself; is that right?
 10 A. That is correct.
 11 Q. All right. We will mark that
 12 next exhibit as 5577.

Page 113:22 to 118:18

00113:22 Q. Paragraph 1 one, two, three --
 23 third one down, starts with Under our
 24 regulatory inspection schemes... It says,
 25 The U.S. inspects and examines both U.S. and
 00114:01 foreign vessels. While the Coast Guard, as a
 02 U.S. vessels Flag Administration, does spend

03 significantly more time in manhours on the
04 U.S. flag vessels, this does not necessarily
05 equate to a safer unit.
06 Did I read that correctly?
07 A. Yes, you did read it correctly.
08 Q. Is that a fair representation of
09 the position of the Coast Guard insofar as
10 inspections of foreign flag vessels versus
11 U.S. vessels?
12 A. I would say that's fair.
13 Q. All right. Now, in addition to
14 the time that you as a U.S. marine inspector
15 spend on the vessel, there are a number of
16 other inspection entities on behalf of the
17 flag state that are also out on the rig
18 performing inspections; isn't that correct?
19 A. That is correct.
20 Q. You're familiar, are you not,
21 with ABS, for example?
22 A. I am familiar with ABS, yes.
23 Q. You're familiar with DNV, for
24 example?
25 A. I am familiar with DNV.
00115:01 Q. Are you familiar with any other
02 organizations who you know, based on your
03 experience on the Horizon, would have also
04 performed inspections of the rig on behalf of
05 the flag state?
06 A. For the Deepwater Horizon?
07 Q. Correct.
08 A. Off the top of my head, I'm not
09 familiar with any other organizations.
10 Q. All right. And as part of your
11 examination of the records of the Horizon in
12 July of 2009, you would have looked at those
13 inspection reports of DNV and ABS to ensure
14 that they were in compliance with law; is
15 that correct?
16 A. That is part of our exam, to
17 make sure that they're valid --
18 Q. To ensure that they're -- and
19 ensure that the inspections are up to date,
20 correct?
21 A. The surveys yes.
22 Q. If there are reports from DNV or
23 ABS in the collective paperwork that you
24 review that show discrepancies or problems
25 with the rig, you would note that as an
00116:01 outstanding deficiency or discrepancy that
02 needs to be addressed, correct?
03 A. If we're -- if in review of the
04 ABS or DNV surveys, if we saw an outstanding
05 discrepancy --
06 Q. Right.
07 A. -- we would have addressed it

08 with the crew at the time.

09 Q. All right.

10 A. So if there was a discrepancy
11 that was issued at the time of survey and it
12 has since been resolved, we might discuss it
13 and how it has been resolved. That would
14 probably have been as far as we would have
15 gone with it.

16 Q. All right. You testified
17 earlier that when you arrived on the Horizon
18 on July 27, 2009 and as a results of your
19 records inspection -- and think others on the
20 team did that, but as part of your records
21 inspection process, y'all did not see or
22 determine that there were any outstanding
23 deficiencies that had not been corrected; is
24 that -- isn't that so?

25 A. Not that I recall that were
00117:01 discussed. I wasn't there for the entire
02 discussion of those documents, so I don't
03 recall anything being discussed about
04 outstanding discrepancies.

05 Q. All right. And if one of your
06 team members had -- had observed a
07 discrepancy that had not been corrected,
08 isn't that something that would normally be
09 brought to your attention as the lead marine
10 inspector?

11 A. It would have been discussed
12 with the entire team, yes.

13 Q. All right. And as we sit here
14 today, I think you testified earlier that
15 you, in fact, recall this inspection?

16 A. Uh-huh, I do.

17 Q. Is that right? Okay. Do you
18 recall them telling you about any outstanding
19 discrepancy that they saw in the paperwork
20 from either DNV, ABS, or anybody on behalf of
21 the Marshall Islands that had not been
22 corrected?

23 A. I do not recall that they
24 provided any documentation that showed any
25 discrepancies that were outstanding through
00118:01 the Class paperwork.

02 Q. Why don't we mark that page as
03 5578.

04 And then the last page I'll
05 direct your attention to within that set of
06 tabbed documents is Bates 0365. And I want
07 to direct you -- it's a paragraph under
08 foreign MODUs. It says, "From a standards
09 viewpoint"... There is a sentence at the
10 very end. There are two sentences that say,
11 quote, The flag state inspection plus the
12 port state control examination performed by

13 the Coast Guard is equivalent to Coast Guard
14 inspection conducted on U.S. flag MODUs.
15 Therefore, there would be no improvement in
16 safety if these MODUs are compelled to reflag
17 to U.S. flag, close quote.
18 Did I read that correctly?

Page 119:01 to 119:02

00119:01 A. I would -- you read that
02 correctly.

Page 120:15 to 120:22

00120:15 Q. (BY MR. KALLUM) So,
16 Commander Odom, what I'm asking you is to
17 read the two sentences of the paragraph that
18 I've directed you to. What I want to know is
19 as a representative of the United States
20 Coast Guard do you agree with these
21 conclusions that are reached in this document
22 that was produced by the Coast Guard?

Page 121:05 to 121:22

00121:05 A. I think it accurately reflects
06 that there is an equivalent level of safety
07 between port state control examinations and
08 U.S. flag state inspections. I do not agree
09 that the -- the scope of an inspection is the
10 same in its scope as a port state control
11 examination. I think there is a significant
12 difference in the flag state inspection and
13 the port state control examination performed
14 by the Coast Guard.
15 Q. (BY MR. KALLUM) And -- and I
16 think you -- you've made that clear. But I
17 think what this document says is that a flag
18 state inspection, plus the examination that
19 you perform on behalf of the Coast Guard,
20 those two things combined are equivalent to a
21 Coast Guard inspection conducted on a U.S.
22 flag vessel?

Page 121:25 to 122:03

00121:25 Q. (BY MR. KALLUM) And that's what
00122:01 I want to know, whether you agree with that
02 statement or not as a representative of the
03 Coast Guard?

Page 122:05 to 122:05

00122:05 A. I do not.

Page 122:14 to 122:14

00122:14 A. From a -- I can't say whether

Page 122:16 to 123:17

00122:16 not. I would have to say between a port
17 state examination and a flag state
18 inspection, our knowledge of the operation of
19 a U.S. flag rig is much more in depth; and we
20 are there to inspect for full compliance of
21 U.S. laws and regulations. We do not do that
22 in a port state capacity.

23 Q. (BY MR. KALLUM) Okay.

24 A. So therefore it's hard to say
25 that they're connected and provide an
00123:01 equivalent level of safety. I do not agree
02 with that.

03 Q. Okay. Do you have any idea or
04 any information as to who drafted this answer
05 that is shown here -- and I'll ask you to
06 mark it as Exhibit 5579 -- on behalf of the
07 Coast Guard in response to Congressional
08 staff DHS, OMB, and other miscellaneous
09 questions and answered that were posed?

10 A. I do not know who drafted it.

11 Q. All right. Now, let me make
12 sure I understand you -- your answer. Are
13 you simply saying that you do not agree that
14 a flag state inspection is the same as a U.S.
15 Coast Guard exam?

16 A. For port state they are not the
17 same.

Page 124:11 to 126:02

00124:11 Q. No, I'm talking about a foreign
12 flag, for example, a foreign flag inspection.

13 A. Okay.

14 Q. Can you tell the Court what that
15 is?

16 A. That would be a inspection of,
17 for example, the Deepwater Horizon Marshall
18 Islands flag, it would be an inspection from
19 the administration, being the Marshall
20 Islands, a flag state inspection.

21 Q. All right. And that inspection
22 would be performed by entities on behalf of
23 the Marshall Islands; is that correct?

24 A. Could be, if that authority was
25 delegated to that entity.

00125:01 Q. All right. And do you have any
02 information as to how those inspections are
03 conducted on behalf of the flag state, in
04 this case Marshall Islands?
05 A. Generally most of them are
06 performed by flag state inspectors, and,
07 also, some of those inspection authorities
08 are delegated to Class society --
09 Q. All right.
10 A. -- to conduct surveys on behalf
11 of the administration.
12 Q. Have you in your capacity as a
13 U.S. marine inspector have had the
14 opportunity to review the results or reports
15 of those inspections that you just -- just
16 described?
17 A. On many occasions.
18 Q. All right. And have you, in
19 fact, reviewed those that were performed on
20 board the Horizon prior to July 27th of 2009?
21 A. I have not seen the ABS reports
22 or the administration reports prior to the
23 date that you specified.
24 Q. Okay. The first time you would
25 have seen them would have been on that date
00126:01 on board the rig; is that right?
02 A. That is correct.

Page 126:08 to 127:18

00126:08 Q. Okay. So you would have looked
09 at them or your team would have looked at
10 them while on the rig?
11 A. That is correct.
12 Q. Do you have an opinion as to
13 whether the inspections that were performed
14 or the audits that were performed by those
15 entities on behalf of the flag state were
16 thorough?
17 A. An opinion?
18 Q. Yeah.
19 A. I do have an opinion, and I -- I
20 do feel like that ABS, generally speaking,
21 does thorough exams. It's also not knowing
22 who did those exams and how familiar I am
23 with the person that did that survey, it's --
24 it's hard to say. I mean, some of these
25 examiners, we know them and some of them, we
00127:01 don't. So we have different levels of
02 understanding of what they do when they're on
03 board.
04 But generally speaking, if they
05 provide an ABS certificate that has no
06 discrepancies, that is valid, then we accept
07 that for what it is, that they are in full

08 compliance and that the surveys were done to
09 the standards set forth by ABS.

10 Q. All right. And now when you
11 looked at those inspection reports for the
12 Horizon on July 27th of 2009, you did not
13 note in your activity log or on the
14 certificate of compliance or anywhere any
15 problems that you had, any deficiencies
16 concerning the scope and thoroughness of
17 those inspections; is that correct?

18 A. That is correct.

Page 127:20 to 128:18

00127:20 Q. (BY MR. KALLUM) All right.
21 Now, let's take those flag state inspections
22 that we just described and put them in one
23 box here that we call box A.

24 A. Okay.

25 Q. Then we're going to call box B
00128:01 your marine inspection that you've been
02 referring to as an exam, your marine exam
03 that you performed on July 27 of 2009, all
04 right.

05 A. Okay.

06 Q. As I read this document that
07 we've marked as 5570 --

08 A. 9.

09 Q. -- 9, what this document is
10 saying, if you combined the activities that
11 took place in box A, the flag state
12 inspections, combined with the U.S. Coast
13 Guard exam in box B, you combine those boxes
14 together, that is the equivalent to a Coast
15 Guard inspection conducted on a U.S. flag
16 MODU. And I want to ask you whether or not
17 you agree with that statement as I've
18 described it?

Page 128:22 to 129:02

00128:22 A. I would say from the perspective
23 that you have stated it that the flag state
24 inspection, plus the port -- port state
25 control examination performed by the Coast
00129:01 Guard is of an equivalent level to the
02 inspection conducted on U.S. flag MODUs.

Page 129:11 to 129:14

00129:11 Q. Now, the next sentence says,
12 "Therefore, there would be no improvement in
13 safety if these MODUs are compelled to reflag

14 to the U.S. flag."

Page 131:17 to 132:01

00131:17 MR. KALLUM: Just so the record is
18 clear, all I'm asking is, Commander Odom, as
19 the representative dealing with inspections
20 of Deepwater Horizon, whether he as that
21 representative can agree with this statement
22 that there would be no improvement in safety
23 if these MODUs, speaking of foreign flag
24 MODUs such as the Deepwater Horizon, were
25 compelled to be reflagged to the U.S. flag.
00132:01 That's the question.

Page 132:06 to 132:22

00132:06 A. In my personal opinion, there
07 would be no improvement in safety -- I'm
08 reading the question.
09 My personal opinion is that that
10 would be a correct statement.
11 Q. (BY MR. KALLUM) Okay.
12 A. Based on the perspective that
13 you shed on it.
14 Q. Right. Explaining foreign flag
15 inspections --
16 A. Right.
17 Q. -- combined with --
18 A. Port state.
19 Q. -- port state examinations.
20 A. Based on the Coast Guard's
21 review of that port state's -- that flag
22 state's standards.

Page 133:23 to 135:12

00133:23 Q. (BY MR. KALLUM) All right.
24 Let's turn now to what's been previously
25 marked as Exhibit 5571. And I'll give that
00134:01 back to you. That's not in the binder. This
02 certificate of compliance is -- was issued
03 and signed by you on July 27th of 2009,
04 correct?
05 A. It was issued by Cal Brown,
06 July 27th, 1979. I signed it as the chief of
07 prevention by direction.
08 Q. All right. And you can actually
09 sign those in your position, even if you were
10 not on the inspection team; is that right?
11 A. That is correct.
12 Q. But in this instance you were
13 signing in an official capacity, but you were

14 also part of the inspection team; is that
15 right?
16 A. That is correct.
17 Q. Okay. Now, can you tell us in
18 general terms what this certificate of
19 compliance that was signed on July 27th of
20 2009 and valid for two years, so it would
21 have been valid to -- through July of 27 of
22 2011, what that certificate of compliance
23 represents in terms of -- of your Coast Guard
24 expertise?
25 A. It represents that an exam was
00135:01 conducted by qualified Coast Guard marine
02 inspectors on board the platform and that it
03 was verified that they were in substantial
04 compliance with the regulations and
05 international regulations that are required
06 of that vessel.
07 Q. All right. And that is a
08 two-page document; is that correct?
09 A. That is correct. It's actually
10 a three-page document, but the third page is
11 not here, but the third page is just a
12 continuation of the examination record.

Page 136:01 to 137:12

00136:01 Q. Okay. So the third page is not
02 part of the official certificate of
03 compliance?
04 A. It is part of the certificate of
05 compliance, but it's -- it's just an
06 examination record continuation of these
07 blocks at the bottom.
08 Q. I see what you're saying.
09 A. And we normally don't use those
10 blocks, so it's normal for us or the vessel
11 to discard those blocks, because we normally
12 only use the top two.
13 Q. So what we have here marked as
14 Exhibit 20 -- excuse me, 5571 is, indeed, a
15 complete copy of the certificate of
16 compliance?
17 A. It is not. Page 3 is missing.
18 You see Page 2 of 3 -- I understand what
19 you're saying. It is a complete copy of the
20 document. Page 3 is missing.
21 Q. All right.
22 A. Page 1 of 2, Page 2 of 3, and it
23 does accurately reflect the way the
24 certificate was issued.
25 Q. All right. And Page 3 of 3,
00137:01 just for the Judge's benefit, would have
02 examination record at the top, and it would
03 just be a bunch of blanks just like what

04 appears at the bottom of Page 2 and 3 of
05 5571; is that correct?
06 A. That is correct.
07 Q. All right. Now, what I would
08 like to offer as a -- as a separate exhibit
09 is the actual activity summary report, just
10 for the benefit of the record. I'd like to
11 ma that as Exhibit 55 --
12 THE REPORTER: 80.

Page 137:18 to 138:22

00137:18 Q. (BY MR. KALLUM) Now, can you
19 tell us, sir, what is an activity summary
20 report?
21 A. An activity summary report is
22 generated from the Coast Guard database
23 system known as the MISLE, and it is a
24 summary of the results of the activities that
25 took place of the renewal exam for the COC on
00138:01 board the Deepwater Horizon --
02 Q. All right.
03 A. -- on the 27th of July of 2009.
04 Q. Is this information inputted
05 into the system, into the missile system by
06 you or someone else on your inspection team?
07 A. In this particular case it would
08 have been done by somebody else on the
09 inspection team.
10 Q. All right. Did you previously
11 have the opportunity to review it to
12 determine whether it's an accurate
13 representation of the activities that took
14 place as part of the July 27, 2009 inspection
15 or exam of the Horizon?
16 A. I did review it.
17 Q. And do you feel it's accurate?
18 A. I do feel it's accurate.
19 Q. All right. There is a section
20 that says inspection results. Do you see
21 that?
22 A. I do.

Page 140:07 to 140:15

00140:07 Q. Okay. Now, is it fair to say
08 that Mr. Brown and Mr. Willimon focused on
09 the paperwork, the licenses, and the document
10 side of the inspection or the exam; whereas
11 you focused on the actual crew and hardware
12 of the rig, in a general sense?
13 A. It is fair to say that Mr. Brown
14 and Mr. Willimon focused on the
15 documentation.

Page 141:01 to 147:01

00141:01 Q. Okay. Can you tell us from this
02 listing what systems aboard the Horizon do
03 you recall specifically examining, touring,
04 or looking at?

05 A. I examined certain segments of
06 the accommodations spaces. I observed
07 certain areas of communication, construction
08 load lines, deck cargo, electrical, and I did
09 look at some documentation on board,
10 firefighting, certain sections of the
11 firefighting I reviewed, navigation,
12 operations and management, personnel,
13 pollution prevention. I don't recall looking
14 at anything to do with stability other than
15 part of our exam when we walk around the deck
16 we're look at anything that could pose a
17 potential stability issue in part of our deck
18 walk and our walk-through engineering spaces.
19 If we see something that's been added to the
20 rig that might have changed its vertical
21 center of gravity or something like that, we
22 would have noted that.

23 Q. All right.

24 A. And also life savings.

25 Q. And part of that stability
00142:01 walk-through, you did not observe anything
02 that would have, in your view, impacted the
03 stability of the rig?

04 A. No.

05 Q. All right. Now, you said, I
06 believe, that you inspected certain areas of
07 accommodation or certain areas of electrical
08 or certain areas of firefighting. I'm
09 characterizing what you said a moment ago.
10 Is it fair to say, commander, that you would
11 have inspected or reviewed a sufficient
12 quantity of those areas to then render an
13 opinion that the inspection was satisfactory?

14 A. That's fair to say.

15 Q. Okay. I understand that you
16 didn't, for example, review every electrical
17 component, every switch, every indication on
18 the rig that deals with electrical; is that
19 fair?

20 A. That's fair to say. It's kind
21 of a statistical overview.

22 Q. But you --

23 A. You're spot checking.

24 Q. Okay. But you would have looked
25 at a sufficient number of electrical
00143:01 components of the rig to formulate your
02 conclusion as a qualified marine inspector

03 that the electrical aboard the Horizon was
04 satisfactory; is that right?

05 A. We would have formed an opinion
06 that they were in substantial compliance --

07 Q. All right.

08 A. -- with the regulations,
09 electrical systems or whatever system we were
10 looking at.

11 Q. And is that method by which you
12 reached these conclusions based on your
13 inspection the same, for example, for
14 firefighting, navigation, pollution, and life
15 saving?

16 A. That is correct.

17 Q. All right. And does this report
18 reflect that all of those areas received a
19 satisfactory result and that no deficiencies
20 were noted?

21 A. It does reflect that.

22 Q. All right. Now, let's turn to
23 the narrative summary, if you will, on Page 2
24 of that particular exhibit. Can you read
25 into the record what it says under narrative
00144:01 summary, colon, 27 July 2009?

02 A. Attending Inspectors: Mr. Cal
03 Brown, Lieutenant Commander Mike Odom, CWO2
04 Jay Willimon "Used applicable CG-840 books
05 and other unit guidance and checklists as a
06 guide for conducting the inspection.

07 "Attended rig dynamically
08 positioned at Keathley Canyon Block 102 in
09 the Gulf of Mexico to conduct a COC-Renew
10 examination.

11 "Reviewed all applicable
12 licenses, citizenship waivers, documents,
13 manuals, instructions and annual service
14 reports, no discrepancies were noted."

15 Q. All right. Can I stop you at
16 that point? I've previously marked as an
17 exhibit, Exhibit 5574, which was a listing of
18 the, I believe, the certifications or the
19 licenses for the rig and I'll represent to
20 you that were in effect on April 20, 2010.
21 Can you review that listing on that exhibit
22 and tell us whether that is the type of
23 paperwork that you're referring to, among
24 others, in this first section, this first
25 sentence that you just read?

00145:01 A. This is some of the
02 documentation that we would have looked at.

03 Q. All right.

04 A. That would have been summarized
05 in this narrative summary.

06 Q. All right. And part of this
07 documentation that's noted on 5574,

08 Exhibit 5574, would have required an
09 inspection by another entity such as ABS or
10 DNV; is that right?
11 A. It would have required surveys
12 on their behalf, yes, or by Marshall Islands.
13 Q. All right. Let's turn to the
14 next sentence. What does that reflect as
15 part of your narrative summary?
16 A. "Examined all lifesaving gear,"
17 all satisfactory, stating in the narrative
18 "all sat." "Tested fire pumps to include
19 operation of two hoses at widely separated
20 locations, operations satisfactory."
21 Q. Can we stop at that point?
22 Insofar as the fire pumps were concerned and
23 the lifesaving gear, were you able to inspect
24 all of that equipment on board the Horizon,
25 or was that just a selective inspection of
00146:01 certain items?
02 A. It was a selective spot check of
03 certain -- certain items, yes.
04 Q. Okay. As part of that
05 examination of the lifesaving gear, do you
06 actually perform any drills or mock
07 simulations with the crew?
08 A. We do.
09 Q. Okay. Do you recall what drills
10 or mock simulations were performed with the
11 crew on July 27th of 2009?
12 A. I do.
13 Q. Can you tell us what those were?
14 A. We conducted a fire drill. If I
15 recall correctly, it was a drill on deck
16 simulating a crane fire. And we had the
17 crew -- we dis- -- we discussed it with the
18 OIM, the master of the vessel, and -- and --
19 do you want me to go through the entire
20 sequence of what --
21 Q. Well, and that is a -- that is
22 an -- an unannounced drill that you performed
23 on board the rig as part of your exam?
24 A. That is correct. I mean, it's
25 not unannounced as in they don't know that
00147:01 we're going to do a drill while we're there.

Page 147:15 to 150:08

00147:15 Q. Can you read into the record
16 what that says?
17 A. Completed sat fire drill,
18 parentheses, clean scenario, and boat drill.
19 Q. And that's what you just
20 described?
21 A. Yes, sir.
22 Q. All right. And keep going.

23 What's the next sentence say?
24 A. They simulated rupture fire hose
25 during the fire and hit a roustabout during
00148:01 the boat drill to test the crew.
02 Q. All right. Do you recall that
03 taking place aboard the Horizon on July 27th?
04 A. I do. I was the one that
05 initiated that.
06 Q. Can you tell the Court how you
07 went about performing that drill and why?
08 A. Normally whenever we have crews
09 that are forming to a -- a good standard, we
10 try to do something outside the normal
11 routine of what they do on a day-to-day or
12 week-to-week basis of their fire drills. So
13 in reviewing their fire drill records, I
14 never saw anything about missing people at
15 their musters or missing people in -- you
16 know, accounting for missing people or any
17 scenario in their fire drill that would
18 simulate a ruptured fire hose or any type of
19 equipment failure. Everything kind of seemed
20 to be very routine in the way they did their
21 drills. So I was trying to simulate a
22 situation that would have been outside their
23 normal week-to-week fire drill --
24 Q. All right.
25 A. -- by doing those items.
00149:01 Q. And -- and how did the crew of
02 the Deepwater Horizon respond to that, I'll
03 use the word extraordinary, I guess, test
04 that you put them through on July 27th of
05 2009?
06 A. Satisfactorily.
07 Q. All right. Did you see -- did
08 you note any problems at all that would cause
09 you any concern from the standpoint of the
10 competency of the crew to respond to that
11 drill that you put them through on July 27th?
12 A. None.
13 Q. All right. And this -- this
14 incident of hiding roustabout, you're
15 actually taking a crew member and -- and
16 hiding him somewhere, and the crew needs to
17 take a muster and figure out who's missing
18 and then locate that individual?
19 A. That is correct. I sent him to
20 his -- his berthing area, his state room.
21 Q. Okay. And they successfully
22 completed that -- that task; is that right?
23 A. They did, yeah.
24 Q. Now, you mentioned earlier you
25 did this when there is a, quote, good
00150:01 standard, I think is what I just read from
02 your answer.

03 A. Uh-huh.
04 Q. Is it your opinion based upon
05 your review of the Horizon's drill records
06 for fire drills and evacuation drills that
07 there was a good standard being utilized by
08 the crew aboard the Horizon for these drills?

Page 150:10 to 152:02

00150:10 A. Based on the standards that we
11 observed, through their recordkeeping --
12 Q. (BY MR. KALLUM) Right.
13 A. -- and through their performance
14 during the fire drill, it was our judgment
15 that they were performing at a -- at a -- at
16 a -- a good level of -- of drills. They
17 were -- they were expert in their ability to
18 use the equipment and respond to the drill
19 that we initiated.
20 Q. All right. Now, the next
21 section of the narrative summary says,
22 "Toured accommodations to include galley and
23 hospital space, all appeared sanitary, safely
24 habitable, and within occupancy standards."
25 Did I read that correctly?
00151:01 A. You did read that correctly.
02 Q. Okay. So no -- no deficiencies
03 noted in the accommodations section; is that
04 right?
05 A. No.
06 Q. The next line says, "Observed
07 service generators in operation and reviewed
08 records related to PMS and testing of
09 shutdowns and RP relays."
10 Did I read that correctly?
11 A. You read that correctly.
12 Q. What did you mean -- or what
13 did -- what does this report mean when it
14 says y'all observed service generators in
15 operation?
16 A. It means that we walked through
17 the spaces and the generators were running
18 under a load and that we walked around them.
19 Generally, in our inspection we walk around
20 each generator and look for fuel leaks, oil
21 leaks, air intake issues, or anything that
22 would be of concern to us as far as a general
23 housekeeping and --
24 Q. And you did not note anything
25 that would be significant from a safety
00152:01 standpoint; is that correct?
02 A. Did not.

Page 152:08 to 152:20

00152:08 Q. All right. And do you recall
09 noticing where the air intakes were when you
10 examined the Horizon on July 27th of 2009?

11 A. Somewhat.

12 Q. All right. In that observation
13 of the locale of those air intakes, did you
14 in your mind and, in fact, on paper note any
15 discrepancy or deficiency from a safety
16 standpoint of the Horizon's configuration in
17 that area, in your -- in your reports? In
18 this activity summary or on the certificate
19 of compliance?

20 A. We did not.

Page 152:25 to 159:22

00152:25 Q. (BY MR. KALLUM) What is -- you
00153:01 also say you reviewed records related to PMS.
02 What is that?

03 A. Preventative maintenance
04 systems.

05 Q. And did you have -- did you note
06 any deficiencies or issues from a safety
07 standpoint associated with the preventative
08 maintenance system on board the Horizon on
09 July 27th of 2009?

10 A. We did not.

11 Q. You also tested the shutdowns
12 and the RP relays; is that right?

13 A. It's not saying that we tested
14 them. It's saying that we reviewed the
15 records related to PMS and testing of
16 shut-downs and RP relays.

17 Q. All right. Okay.

18 A. That's not saying that we did
19 them. It's saying we reviewed the records.

20 Q. Okay. In reviewing the records
21 of the testing of those shut-downs and RP
22 relays, did you note any deficiencies or
23 issues from a safety standpoint?

24 A. We did not.

25 Q. Now, the RP relay, that's a
00154:01 reverse power relay?

02 A. That is correct.

03 Q. And what is the function of
04 that?

05 A. The function of a reverse power
06 relay is if you have two generators operating
07 in parallel status, both providing an equal
08 load to whatever they're providing power to
09 to the rig in its entirety and either one of
10 the generators' prime movers, the engines
11 that move those generators or -- or if at any
12 point the load on those two generators

13 running in parallel separate by a certain
14 percentage, the reverse power relay will
15 sense the drop-off in load. For example, if
16 you have a clogged fuel filter on one of your
17 prime movers and that engine starts to lose
18 power --
19 Q. Right.
20 A. -- the reverse power relay is
21 designed to sense that that prime mover is
22 shutting down and that there is a split
23 between the loads and automatically drop off
24 the failing load and shift it over to the
25 load of the generator that's still running as
00155:01 designed.
02 Q. All right. And the review of
03 the paperwork that you saw, personally
04 observed, showed that the Transocean crew
05 tested to ensure that these RP relays were
06 working properly; is that right?
07 A. That is correct.
08 Q. All right. Now, the next
09 sentence says started emergency generator and
10 observed satisfactory gauge readings on the
11 panel."
12 Here you actually started the
13 emergency generator, correct?
14 A. That is correct.
15 Q. All right. And you found it to
16 be in satisfactory condition?
17 A. We did.
18 Q. All right. Continued, it says,
19 "Remote ventilation shutdowns were tested
20 without incident."
21 Can you tell the Court what you
22 did when you tested the remote ventilation
23 shutdowns?
24 A. They're required to have a
25 remote shutdown button for shutting down the
00156:01 ventilation to the accommodation spaces,
02 machinery spaces. And so we simply pushed
03 the button to ensure that the ventilation to
04 those areas were, in fact, shut down, the
05 fans.
06 Q. All right. And then it says,
07 "Tested OWS alarm and shut down and bilge
08 alarms, all sat," meaning all satisfactory;
09 is that correct?
10 A. That's correct.
11 Q. Can you tell the court what
12 those alarms are?
13 A. The oily water separator, is
14 what OWS stands for and if the oil content
15 meter that is apart of that system exceeds 15
16 parts per million of oil, it's designed to
17 redirect the flow within the rig to a holding

18 tank or shut down the oily water separator
19 and alarm. An audible alarm is required to
20 go off.

21 And we also tested a bilge alarm
22 to ensure the integrity of the bilge alarm
23 system.

24 Q. All right. Then you went on and
25 you looked at the crane servicing reports
00157:01 were reviewed and the cranes themselves were
02 inspected for damage and compliance with
03 applicable regulations; is that right?

04 A. That is correct, read correctly.

05 Q. And you noted no deficiencies or
06 issues concerning safety in connection with
07 the cranes?

08 A. We did not.

09 Q. All right. Then it says fire
10 and abandon drills were completed
11 satisfactorily. Is that -- are those the
12 drills that we described earlier with the
13 fire hose and the crane and hiding of the
14 roustabout?

15 A. That is correct.

16 Q. All right. Then it says,
17 "Checked fire boundary doors and ensured
18 proper operation."

19 Is that correct?

20 A. That is correct.

21 Q. And then inspected hazardous
22 locations for ventilation and electrical
23 installations. Can you tell the Court what
24 you did there?

25 A. That is a -- one of the things
00158:01 we're required to provide is a hazardous area
02 location plan. We review that plan, and it
03 outlines where the designated hazardous areas
04 are on board the rig.

05 Q. Right.

06 A. Within those areas, as we do our
07 walk-about we look for intrinsically safe
08 electrical fittings, like on the drill floor
09 or driller's console panel. We're just
10 looking to make sure that the lighting is
11 sealed and that any intrinsically safe
12 equipment that is within those hazardous
13 areas is intact and appears to be in good
14 working order.

15 Q. Okay. And, in fact, based on
16 your inspection on July 27th of 2009 you felt
17 that -- or you were of the opinion that they
18 were intact and in good order; is that
19 correct?

20 A. That is correct.

21 Q. All right. Had you observed any
22 deficiencies or issues concerning safety

23 concerning those electrical installation and
 24 hazardous areas, you would have so noted it;
 25 isn't that right?
 00159:01 A. That is correct.
 02 Q. All right. And you were given
 03 paperwork or a layout of the electrical
 04 equipment in certain hazardous areas, you saw
 05 that aboard the rig; did you not?
 06 A. Not of the electrical equipment.
 07 We looked at a diagram that shows where that
 08 equipment would have been required.
 09 Q. I got you.
 10 A. A hazardous area identification
 11 plan.
 12 Q. Okay. Then you went to that
 13 area and looked at the electrical equipment
 14 in that area?
 15 A. That is correct.
 16 Q. And you looked at the markings
 17 on the equipment, correct?
 18 A. That is correct.
 19 Q. Didn't see anything abnormal or
 20 any deficiencies concerning that; is that
 21 right?
 22 A. Did not.

Page 159:25 to 160:04

00159:25 Q. Then it says, your inspection is
 00160:01 complete. No deficiencies clear -- no
 02 deficiencies issued, cleared, or remained
 03 outstanding; is that correct?
 04 A. That is correct.

Page 160:16 to 161:12

00160:16 Q. (BY MR. KALLUM) Commander Odom,
 17 I'd like you to turn to Exhibit 5572, Page 2
 18 of that exhibit, which I think you've looked
 19 at earlier. At the top it says, they
 20 commended -- excuse me, "They commented" --
 21 "commented on the vessel's outstanding safety
 22 culture, performance during drills, and the
 23 condition of the rig. No deficiencies
 24 issued, none are outstanding."
 25 Does that accurately reflect
 00161:01 your team's assessment of the Deepwater
 02 Horizon after the July 27, 2009 inspection
 03 and examination of the rig?
 04 A. I think it's a fair assessment,
 05 yes.
 06 Q. All right. Did you find the
 07 crew of the Horizon competent?
 08 A. We did.

09 Q. Did you find them well trained?
10 A. We did.
11 Q. Did you find them indifferent or
12 callous toward safety?

Page 161:14 to 161:17

00161:14 A. We did not.
15 Q. (BY MR. KALLUM) Did they appear
16 to have a disregard for safety?
17 A. They did not.

Page 161:19 to 161:21

00161:19 Q. (BY MR. KALLUM) Did they appear
20 to have a disregard for the environment?
21 A. They did not.

Page 161:24 to 162:04

00161:24 Q. (BY MR. KALLUM) Based upon the
25 documents that you saw, the performance of
00162:01 the crew that you saw, and, in fact, speaking
02 with the crew members aboard the rig; is that
03 correct?
04 A. That is correct.

Page 162:12 to 163:14

00162:12 Q. (BY MR. KALLUM) I'll rephrase
13 it. As part of your inspection, I think you
14 testified earlier -- or exam, as you call it,
15 I think you testified earlier that you
16 visited with the crew members correct?
17 A. That is correct.
18 Q. You talked to the crew members;
19 is that right?
20 A. We did.
21 Q. And this wasn't just what's for
22 lunch; you questioned them about certain
23 policies and practices aboard the rig; is
24 that right?
25 A. That is correct.
00163:01 Q. All right. Operation of
02 equipment, for example; is that right?
03 A. That is correct.
04 Q. You also examined paperwork; is
05 that right? Or your team examined paperwork?
06 A. The team did.
07 Q. You personally walked the decks
08 and inspected various areas of the rig, as
09 you outlined earlier?
10 A. That is correct.

11 Q. What I want to know is based
12 upon the totality of those events, you
13 concluded that the safety culture on board
14 the Horizon was outstanding; isn't that true?

Page 163:18 to 164:04

00163:18 A. My opinion of the crew of the
19 rig was that they were well trained and they
20 performed their drills to the -- fire and
21 abandon ship drills and their knowledge of
22 the equipment on board was exceptional, yes.
23 Q. (BY MR. KALLUM) All right.
24 A. They were well trained.
25 Q. All right. And when I asked you
00164:01 earlier whether you agreed with the sentence,
02 "They commented on the vessel's outstanding
03 safety culture," I thought you told me you
04 agreed with that statement. Didn't you?

Page 164:06 to 164:06

00164:06 A. I do agree with that statement.

Page 165:15 to 166:25

00165:15 Q. Based upon the information that
16 you have, Commander Michael Odom, you are not
17 aware of any changes in the condition of the
18 Horizon between July 29th -- excuse me, 27th
19 of 2009 up until April 20th of 2010 to
20 contradict the activity report and the
21 certificate of compliance that we just went
22 over; is that right?
23 A. That is correct.
24 Q. Okay. Now, let me turn you to
25 tab 3, and I'm going to go through the
00166:01 history of the Horizon quickly in these last
02 few moments dating back to August 2001 until
03 2008. What I first want you to look at is
04 exhibit 3 -- tab 3, which we'll mark as the
05 next exhibit. Is this a document concerning
06 the August of 2001 inspection of the Horizon?
07 A. It is.
08 Q. Okay. And can you tell us
09 whether any deficiencies were noted as a
10 result of that inspection in August of 2001?
11 A. It looks like from this report
12 that everything was satisfactory.
13 Q. All right. And the conclusion
14 was that the Deepwater Horizon was found fit
15 for route and service; is that right?
16 A. That is correct.

17 Q. Okay. We'll mark that as
18 Exhibit 5581.
19 Commander Odom, let me go back
20 to your July 29 -- excuse me, 27, 2009
21 inspection. It's not noted in the activity
22 summary report, but did you find that the
23 Deepwater Horizon as a result of your work
24 and exam and inspection in July of 2009 was,
25 indeed, fit for route and service?

Page 167:02 to 167:04

00167:02 A. I did.
03 Q. (BY MR. KALLUM) Did you find
04 that she was fit and seaworthy?

Page 167:08 to 167:14

00167:08 A. I did.
09 Q. (BY MR. KALLUM) Okay. And in
10 your training and experience as a marine --
11 excuse me, a marine inspector for the United
12 States Coast Guard, you can identify an
13 unseaworthy vessel; can you not? That's what
14 your training has taught you to do?

Page 167:16 to 167:22

00167:16 A. That's correct.
17 Q. (BY MR. KALLUM) All right. As
18 of July 27, 2009 you did not see any
19 condition associated with the rig, its
20 equipment, or its crew that in your opinion
21 as a marine inspector would deem her
22 unseaworthy; isn't that correct?

Page 167:24 to 170:09

00167:24 A. That is correct.
25 Q. (BY MR. KALLUM) All right.
00168:01 Let's turn to tab 7, which is the August 20,
02 2002 inspection? Do you recognize that
03 document?
04 A. I'm looking at the August 13th,
05 2002?
06 Q. Correct.
07 A. I do recognize it as an activity
08 summary report generated from the Coast Guard
09 records.
10 Q. All right. And we'll mark that
11 Exhibit 5582.
12 A. Uh-huh.
13 Q. It looks like the inspection

14 results concluded one deficiency and no work
15 list items; is that correct?
16 A. That is correct.
17 Q. And the deficiency was related
18 to what, if you can tell?
19 A. The compressed air system, the
20 stored air in the engineering system.
21 Q. Okay. Would that be a minor
22 discrepancy?
23 A. It's in -- it appears to be a
24 discrepancy. Whether or not it's minor or
25 not, it's hard for me to say. It appears to
00169:01 be a safety relieving device for the pressure
02 vessel. There seems to be an inconsistency
03 in what those settings are, and it's asking
04 them to provide safety relieving devices that
05 do not exceed the MAWP, maximum allowable
06 working pressure, of those devices.
07 Q. And that -- it appears that that
08 deficiency was corrected?
09 A. It does appear that it -- it was
10 corrected.
11 Q. All right. And --
12 A. I would have to look beyond
13 these records to see, but, I mean, it would
14 have showed up on other reports, had it not.
15 Q. And Lieutenant Butts appears to
16 be the individual who submitted this activity
17 report? On the last page it says signed,
18 case submitted by; is that right? At the
19 very bottom.
20 A. It does, yes.
21 Q. And the paragraph above that in
22 the narrative summary characterizes the rig
23 as still, in quote, exceptional condition,
24 close quote. Do you read that? Did I read
25 that correctly?
00170:01 A. You did.
02 Q. And then it says, "crew well
03 trained." Did I read that correctly?
04 A. You did.
05 Q. All right. That was
06 consistent -- the crew being well trained,
07 that was consistent with your opinions in
08 July of 2009; is that correct?
09 A. That is correct.

Page 170:14 to 173:07

00170:14 Q. (BY MR. KALLUM) Let's turn to
15 tab 9, which is the 2003 activity summary
16 report. Can you identify that as an annual
17 inspection for the record?
18 A. That is.
19 Q. Okay. Do you agree with me that

20 no deficiencies were found?
21 A. That does appear to be the case.
22 Q. And you agree with me that the
23 MODU was found, quote, fit for route and
24 service, endorsed COC certificate, close
25 quote? Second page.
00171:01 A. That is what it reads.
02 Q. All right. We'll mark that as
03 Exhibit 5583.
04 We'll turn to Exhibit 10.
05 Exhibit 10, which I'd ask you to identify, is
06 the August of 2004 inspection report?
07 A. That is correct.
08 Q. And based upon that inspection,
09 did the inspector conclude that the MODU, the
10 Deepwater Horizon was in, quote, very good
11 condition, close quote?
12 A. That is correct.
13 Q. And no deficiencies were noted,
14 correct?
15 A. That is correct.
16 Q. Okay. We'll mark that as
17 Exhibit 5584.
18 I'd ask you to turn to
19 Exhibit 11, which is the August of 2005
20 activity summary report; is that correct?
21 A. That is correct.
22 Q. Do you agree with me that the
23 conclusion of the inspection team was that
24 the MODU is in, quote, very good condition,
25 close quote? They also noted good crew
00172:01 participation, inspection and complete --
02 inspection complete and issue new COC with
03 new owner information and new flag state.
04 Did I read that correctly?
05 A. You read that correctly.
06 Q. And on the first page it notes
07 that no deficiencies were noted, correct?
08 A. It does note that.
09 Q. Okay. We'll mark that as
10 Exhibit 5585, please.
11 We'll turn to exhibit 12, which
12 is the August of 2006 activity report. Can
13 you identify that for the record, please?
14 A. That is the August 11th, 2006 --
15 Q. Okay.
16 A. -- Coast Guard report.
17 Q. And it shows two deficiencies,
18 does it not, valve position indicators and
19 cover for the eye wash station; is that
20 right?
21 A. That is correct.
22 Q. All right. And those were
23 corrected during the inspection; do you know?
24 A. I do not know if they were

25 corrected during the inspection.
00173:01 Q. Well, it says there were no work
02 list items and no 835s issued; do you see
03 that?
04 A. Right.
05 Q. Does that mean that there were
06 no outstanding items when the team left the
07 rig?

Page 173:09 to 174:09

00173:09 A. That does not mean that.
10 Q. (BY MR. KALLUM) Okay. But in
11 any event, the MODU Deepwater Horizon was
12 found fit for route and service and endorsed
13 the COC, correct?
14 A. That is correct.
15 Q. All right. We'll mark that as
16 Exhibit 5586.
17 The next exhibit is tab 13,
18 which is the August of 2007 inspection
19 report. It's called the activity summary
20 report. Can you identify that for the
21 record?
22 A. That is the Coast Guard activity
23 summary report for August 7th, 2007.
24 Q. All right. We'll mark that as
25 Exhibit 5587. It notes an issue with
00174:01 lifeboat No. 4, requires fall, renewal and
02 testing. It says repair scheduled for later
03 this week. ABS scheduled to attend VSL on
04 13 August 2007; is that right?
05 A. That is correct.
06 Q. Now, this was the first time in
07 six years where any deficiencies were noted
08 as being outstanding; is that right?
09 A. That is correct.

Page 174:16 to 175:12

00174:16 Q. Okay, 5588. I'll show you a
17 document, if you flip to the next tab, it's
18 dated October 4th of 2007, tab 14, which
19 we'll mark as 5588. Is -- will you agree
20 with me, sir, that that's the activity
21 summary indicated that the deficiencies found
22 on the 2007 August inspection were indeed
23 corrected? And it says, clear discrepancy
24 and MISLE, which is the missile system?
25 A. That is correct.
00175:01 Q. All right. And so there had
02 been a closeout, so to speak, of the August
03 2007 deficiencies; is that right?
04 A. That is correct.

05 Q. All right. We'll turn to
06 tab 15, which is the 2008, October 2008
07 annual inspection; is that right?
08 A. That is correct.
09 Q. And would you agree with me that
10 no work list items were issued, no 385
11 deficiencies were issued, and the MODU was
12 found fit for route and service?

Page 175:16 to 176:10

00175:16 A. That is correct.
17 Q. (BY MR. KALLUM) All right.
18 We'll mark that as Exhibit 5589.
19 I'd like you to turn to tab 16,
20 which is the certificate of compliance dated
21 August 7 of 2007. Do you see that?
22 A. I do.
23 Q. And you actually signed that,
24 correct?
25 A. I did.
00176:01 Q. But you did not participate in
02 the inspection, correct?
03 A. I did participate in the
04 inspection for the issuance of this
05 certificate.
06 Q. Would you have been a part of
07 the inspection team who actually went out to
08 the Horizon?
09 A. Not -- not in this particular
10 case, no.

Page 176:14 to 177:14

00176:14 Q. It appears, if you look at the
15 final page of that document, which would be
16 Page 4, there is an October 15, 2008 entry,
17 which would have been the annual inspection,
18 correct?
19 A. That is correct, this is from
20 Morgan City, Louisiana.
21 Q. All right. Can you read into
22 the record what the conclusion was of your
23 inspection team or the Coast Guard's
24 inspection team?
25 A. This is -- this would not have
00177:01 been a Port Arthur inspection team. This is
02 a Morgan City inspection team.
03 Q. I understand.
04 A. And it says, No deficiencies
05 noted. 15 October '08. "Completed COC
06 annual examination this date in Mississippi
07 Canyon MC 948. Overall rig in excellent
08 condition. Good preparation and crew

09 participation for inspection."
10 Q. All right. That was
11 October 15th of 2008, correct?
12 A. That is correct.
13 Q. All right. We'll attach those
14 exhibits as 5590.

Page 177:21 to 178:01

00177:21 Q. (BY MR. KALLUM) Okay. I'd like
22 to show you Exhibit 5576, which is, again, a
23 series of question and answers by the Coast
24 Guard to various governmental agencies,
25 including Congress. Can you read the last
00178:01 two paragraphs into the record, sir?

Page 178:14 to 179:06

00178:14 A. The DEEPWATER HORIZON's initial
15 Coast Guard examination for certification was
16 completed 15 August 2001. Since then, it has
17 undergone a Coast Guard compliance
18 examination annually for a total of nine
19 compliance examinations. During these nine
20 inspections, the Coast Guard issued a total
21 of two deficiencies that required corrective
22 action. These deficiencies were considered
23 minor.
24 During every Coast Guard
25 compliance examination on the DEEPWATER
00179:01 HORIZON, the MODU was found to be in
02 satisfactory operating condition and "fit for
03 its intended service."
04 Q. Do you agree with that
05 statement, sir?
06 A. I do.

Page 180:01 to 180:09

00180:01 Q. There have -- there were a
02 number of questions earlier this morning
03 about the owner and operator of the Deepwater
04 Horizon, and I just want to make sure -- or I
05 want to understand, I want to get your
06 understanding of who the owner and operator
07 of the Deepwater Horizon was in July 2009.
08 A. It's my understanding the owner
09 of the Deepwater Horizon was Transocean.

Page 180:20 to 181:11

00180:20 Q. There were questions asked this
21 morning about the operator of the Deepwater

22 Horizon, and I'm trying to understand whether
23 you were referencing Transocean when you
24 answered questions about the operator of the
25 Deepwater Horizon.
00181:01 A. That is correct.
02 Q. Now, I believe you testified
03 earlier that in July 2009 when you were on
04 board the Deepwater Horizon you did not know
05 that the rig was under contract to BP; is
06 that correct?
07 A. I was not aware of who it was
08 under contract to.
09 Q. And that information was not
10 necessary in order to complete your exam?
11 A. It was not.

Page 182:22 to 183:05

00182:22 Q. Okay. And during the
23 examinations, including the July 2009
24 examination, if your team found discrepancies
25 on the rig, you would notify Transocean
00183:01 personnel about those discrepancies, correct?
02 A. That is correct.
03 Q. And in your mind did the
04 responsibility for addressing those
05 discrepancies lie with Transocean?

Page 183:07 to 183:19

00183:07 A. It did reside with Transocean
08 and the people that we were dealing with, and
09 in some circumstances, if we have
10 discrepancies that are of a particular
11 nature, we might refer to flag or
12 administration to resolve the discrepancies.
13 It's not always a hundred -- in all -- we're
14 always going to be dealing with the operator
15 and the owners, as stated on this document.
16 Q. (BY MS. DEMPSEY) And in this
17 case it was Transocean?
18 A. And in this case it was
19 Transocean.

Page 184:10 to 185:18

00184:10 Q. During a certificate of
11 compliance examination, including the one in
12 July 2009, is part of the exam to verify that
13 the rig has either undergone dry-docking or
14 UWILD?
15 A. It is a part of the review that
16 we do to see that it's within its operating

17 parameters. So if it's due to go into
 18 dry-dock or has been in dry-dock, we
 19 generally review those records. Once again,
 20 we're looking for discrepancies or anything
 21 that was done in dry-dock that might be of
 22 particular interest to us.

23 Q. And if instead of going to
 24 dry-dock, the rig was in UWILD, would that
 25 satisfy your purposes?

00185:01 A. It would.

02 Q. Okay. I think you testified
 03 earlier that the crew was well trained, and
 04 you base this on your 2009 exam?

05 A. That is correct.

06 Q. Well trained as it relates to
 07 which activities?

08 A. Well trained as it relates to
 09 firefighting activities, knowledge of the
 10 life-saving equipment, and general -- well
 11 trained in the general maintenance of -- and
 12 the material condition of the -- the vessel,
 13 as regard -- with regards to marine systems
 14 on board the -- the Deepwater Horizon.

15 Q. So you did not -- you were not
 16 able to conclude or you did not conclude that
 17 the crew was well trained as it related to
 18 well control?

Page 185:20 to 185:25

00185:20 A. That is correct.

21 Q. (BY MS. DEMPSEY) And,
 22 similarly, you did not make any evaluations
 23 about crew comp- -- crew competency or
 24 training as it related to the maintenance of
 25 non-marine systems?

Page 186:02 to 186:06

00186:02 A. That is correct. We -- our
 03 scope of inspection and our area of expertise
 04 is not in the area of well control or
 05 industrial systems with regards to drilling
 06 systems.

Page 186:24 to 189:05

00186:24 Q. Okay. The exam is not intended
 25 to evaluate the rig's compliance with the ISM
 00187:01 code, correct?

02 A. It is -- I mean, we have to
 03 verify compliance with ISM code. That is
 04 part of what we do during the exam.

05 Q. And do you do that by checking
06 the paperwork to make sure the rig has the
07 certifications associated with the ISM code?
08 A. We do that by verifying ISM
09 documentation, yes.
10 Q. Okay. I guess what I'm getting
11 at is you don't do your own independent
12 evaluation to ensure that the rig meets all
13 the requirements of the ISM code other than
14 checking for the documents and certification
15 associated with the code?
16 A. That is correct, we don't
17 conduct an ISM audit or anything outside the
18 scope of doing our deck walk and doing our
19 engineering walk. If we -- if we start to
20 see a lot of deficiencies or things that
21 would indicate there might be a failure of
22 the ISM system on board, then we have the
23 authority to look further into it. But for a
24 port state control exam, we just do it
25 strictly through documentation checks and
00188:01 looking at the material condition of the
02 vessel.
03 Q. During any of the certificate of
04 compliance examinations that the Coast Guard
05 conducted, the Coast Guard never found any
06 deficiencies or discrepancies that introduced
07 an unacceptable risk level to the vessel's
08 operations, correct?
09 A. With regard to what we examined,
10 we did not.
11 Q. Okay. And the U.S. Coast Guard
12 inspectors or representatives never informed
13 BP or BP personnel that the Horizon had
14 deficiencies that rendered it unseaworthy or
15 unfit for operations, correct?
16 A. That is correct.
17 Q. Approximately how long was your
18 team on the Horizon in July 2009?
19 A. A normal exam of this type would
20 have taken in the neighborhood of five to six
21 hours.
22 Q. And do you think that five to
23 six-hour time period was how long you were on
24 the Horizon in July 2009?
25 A. It's probably close.
00189:01 Q. Okay. And I think you indicated
02 that that was a standard time for a
03 certificate of compliance renewal exam?
04 A. For a foreign flag, it is about,
05 our standard time frame.

Page 190:08 to 194:11

00190:08 Q. During that meeting do you

09 recall whether you reviewed portions of the
10 Transocean Deepwater Horizon operations
11 manual?

12 A. I do not. I remember seeing it
13 on the table. I don't remember personally
14 picking it up and reviewing it. Somebody in
15 the team would have reviewed it.

16 Q. Do you know which sections they
17 would have reviewed? And I don't expect you
18 to remember the number, but generally which
19 sections they're reviewing when they look at
20 an operations manual?

21 A. They're looking generally at the
22 stability sections, the construction
23 management portfolio, the layout of the
24 different systems or the -- the rig and just
25 spot checking it and, also, looking to verify
00191:01 that the manual has been approved by the
02 administration or by representatives of the
03 administration.

04 Q. I believe you said that Cal
05 Brown reviewed some of the certifications and
06 the paperwork for the Horizon in July 2009?

07 A. That is correct.

08 Q. Do you know whether he would
09 have checked to see whether the IMO MODU code
10 certificate for the rig was current?

11 A. I would not know if it was him
12 or Jay that looked at it. I think they both
13 would have looked at it. I recall looking at
14 it briefly myself, because it is one of the
15 primary documents that we're concerned with.

16 Q. Why is it a primary document
17 that you're concerned with?

18 A. It is the document that -- that
19 states that they're in compliance. If they
20 have a valid MODU code certificate, we all
21 usually take a look at it to verify that it's
22 in the proper format and, also, valid and
23 that it's what we're looking for to --
24 basically, it's a statement from the
25 administration that says that that MODU is in
00192:01 full compliance with international maritime
02 organizational rules and SOLUS --

03 Q. And does that --

04 A. -- regulations.

05 Q. I'm sorry. Does that provide
06 you an assurance, then, that EBS
07 representatives on behalf of the flag state
08 have been out there the survey the rig and
09 then concluded that it complied with the IMO
10 MODU code?

11 A. It is one of the many mechanisms
12 that we use to verify that.

13 Q. Does the existence of a current

14 IMO MODU code certificate provide assurances
 15 to Coast Guard inspectors that the vessel is
 16 fit for service?

17 A. It is -- it is one of the
 18 documents that we use to gain a comfort that
 19 the level that the vessel is in compliance
 20 with, rules and regulations.

21 Q. Is --

22 A. It's a required document,
 23 basically. They have to have it, or we can't
 24 go forward with our examination.

25 Q. I think you mentioned that there
 00193:01 were other documents and certificates that
 02 you would check, check for to gain a comfort
 03 that the vessel is fit for service. Is the
 04 load line convention certificate one of those
 05 documents?

06 A. It is.

07 Q. Okay. Can you think of any off
 08 the top of your -- any others off the top of
 09 your head?

10 A. Off the top of my head, we would
 11 look at any survey reports from ABS from
 12 their last survey, we would have looked at
 13 the training records. As far as actual
 14 documents, we would have looked at -- I would
 15 have to see the list. That we -- we have.
 16 We always have a list in front of us. So we
 17 would have looked at the COFR, which is a
 18 Certificate of Financial Responsibility for
 19 pollution. IOPP, International Oil Pollution
 20 Prevent certificate, and IAPP, if it was
 21 required at the time, and I think we were
 22 right in that bridging area where sometimes
 23 it was required, sometimes it wasn't. I
 24 can't remember if it was required in this
 25 case. And safety construction certificate,
 00194:01 safety management certificate, document of
 02 compliance.

03 Q. And those are DNV documents,
 04 correct, in the case of the Horizon?

05 A. Safety management and safety
 06 document compliance I think were DNV. I'm
 07 not a hundred percent sure, because I didn't
 08 look at all of the certificates and
 09 documents. I'm just giving you a general
 10 understanding of the documents that would
 11 have been looked at by our team.

Page 194:21 to 195:21

00194:21 Q. During this paperwork review, do
 22 you know if the inspectors in 2009, including
 23 yourself, reviewed the Deepwater Horizon
 24 emergency management procedures manual?

25 A. Emergency management -- they
00195:01 would have, and we would have also reviewed
02 the EEP, the emergency management procedure,
03 that was presented to the Coast Guard for
04 operating in the area that they were
05 operating in. It's an approval that we give
06 them for their emergency management
07 procedures.
08 Q. Do you know if the inspectors in
09 2009 would have reviewed an ISM, slash, ISPS
10 MODU handbook?
11 A. I don't know if they would have
12 reviewed the handbook. They would have
13 reviewed the certificate -- security
14 certificate and the ISPS certificates that
15 were on board the CSR, continuous synopsis
16 record, in those items.
17 Q. All right. I'm handing you
18 what's been marked as Exhibit 5580, which is
19 the activity summary report for the 2009
20 Coast Guard visit, correct?
21 A. Okay.

Page 197:16 to 200:10

00197:16 Q. I believe you testified that you
17 looked at ventilation, correct?
18 A. Yes.
19 Q. And did that include ventilation
20 for the engine rooms?
21 A. It included looking at the
22 ventilation shut-downs, which are required
23 to -- they're required to have a ventilation
24 shutdown button. And as we walk around and
25 look at different sections, we're looking at
00198:01 the -- the ductwork, the intakes, and looking
02 at the serviceability of any closures that
03 are around those to make sure that they are
04 in proper form and they look like they are
05 corrosion free and well maintained. So
06 specific to the engines, I remember when
07 we're in the engine room looking at the
08 ducting, going through the engine room,
09 because we're looking for leaks, signs of
10 leaks or where it's not -- and I recall those
11 sections of it.
12 Q. I believe you testified that you
13 didn't find any discrepancies or deficiencies
14 during your review of the ventilation,
15 correct?
16 A. That is correct.
17 Q. When you say "ventilation
18 shutdown button," do you know if that's the
19 same thing as the -- ESD or the emergency
20 shutdown system?

21 A. It could fall within the
22 definition of the emergency shutdown system,
23 but it depends on how you're using emergency
24 shutdown system. I'm not sure exactly what
25 you're talking about. When it comes to a
00199:01 MODU operation, when you say an emergency
02 shutdown system, specifically what are you
03 talking about? I mean, there is a single
04 button that is required to be able to be
05 pushed that shuts down the ventilation
06 throughout the mobile offshore drilling unit.
07 Q. Okay.
08 A. So I'm not sure how you're using
09 emergency shutdown.
10 Q. Well, we'll you've use your
11 term, the remote ventilation shutdown button;
12 is that right?
13 A. Uh-huh, yes.
14 Q. And I think you testified that
15 you tested that button and that it worked,
16 correct?
17 A. That is correct.
18 Q. Okay. And that would shut down
19 the ventilation remotely to the machinery
20 spaces?
21 A. That is correct. That's the
22 ventilation that feeds the space, not the
23 engines.
24 Q. Okay.
25 A. Not the air intakes for the
00200:01 engines. I want to make sure we understand
02 that correctly. That's the ventilation of
03 the accommodation spaces and the machinery
04 space within the MODU.
05 Q. Are the engines within the
06 machinery spaces?
07 A. They are. But they can have
08 separate intakes that feed the air into the
09 engine for the purposes of internal
10 combustion.

Page 200:22 to 200:24

00200:22 Q. Why -- do you think it's
23 important to be able to remotely shut down
24 the ventilation?

Page 201:01 to 201:09

00201:01 A. It's a requirement for them to
02 have a means to shut down the ventilation.
03 So based on that requirement, it would have
04 been an important function of our exam to see
05 that that system was in place.

06 Q. (BY MS. DEMPSEY) Would you
07 expect that the rig crew would be trained to
08 know when to activate the -- the ventilation
09 shutdown button?

Page 201:11 to 201:14

00201:11 Q. (BY MS. DEMPSEY) In other
12 words, under what circumstances it would be
13 appropriate or necessary to activate the
14 ventilation shutdown button?

Page 201:16 to 202:06

00201:16 A. I would think it would be
17 necessary for the crew to know when to use
18 the button and when not to shut down the
19 ventilation. In our view as marine
20 inspectors, it's an important function of
21 firefighting. So if you have a fire, you
22 need to shut down the ventilation and the
23 oxygen that goes -- or the air that's being
24 fed into those spaces. So, yes, I would
25 think that they would be trained in when to
00202:01 use the button with regards to firefighting.
02 Q. (BY MS. DEMPSEY) All right.
03 And is that in part because when flammable
04 gas enters the machinery spaces where the
05 engines are running, that that could cause an
06 explosion or present an ignition source?

Page 202:09 to 202:20

00202:09 A. That would be important to us
10 because it's feeding a potential fire in that
11 area. So we would want to stop air from
12 flowing into an area that could be burning.
13 Q. (BY MS. DEMPSEY) But if the
14 area wasn't burning yet and there was gas
15 entering in through the ventilation, it would
16 be important to be able to remotely shut
17 down -- to use that remote shutdown button so
18 that gas wouldn't enter into an area where
19 there is running machinery that could serve
20 as an ignition source, correct?

Page 202:23 to 204:24

00202:23 A. It would be important to stop
24 the migration of any air into a machinery
25 space that had a combustible atmosphere, yes.
00203:01 Q. (BY MS. DEMPSEY) I believe you
02 testified earlier about the firefighting

03 drill that was part of the July 2009 exam,
04 correct?
05 A. Correct.
06 Q. Okay. Can you remind me whether
07 there was any other type of drill that you
08 conducted during the July 2009 exam?
09 A. We conducted an -- what's called
10 a abandon ship drill, where the crew is
11 required to muster. We transitioned from a
12 fire drill directly into an abandon ship
13 drill. We basically simulated that the fire
14 is out of control and you need to abandon
15 ship, which requires them to account for all
16 personnel and everybody to show up at their
17 appropriate abandon ship muster areas and
18 prepare the life boats for launching.
19 Q. And those drills, the
20 firefighting drill that went into the abandon
21 ship drill, those were completed
22 satisfactorily?
23 A. That's correct.
24 Q. Did the Coast Guard inspection
25 team review records to confirm that the rig
00204:01 was regularly conducting drills?
02 A. We did.
03 Q. Which type of drills were you
04 looking to -- to confirm that the rig was
05 regularly conducting?
06 A. We were looking to ensure that
07 they were conducting a weekly firefighting
08 drill, which is required.
09 Q. Any other types of drills?
10 A. Abandon ship drills, servicing
11 of the life-saving equipment, which is not
12 really drills, but they have certain things
13 they have to accomplish to the life-saving
14 equipment. So it's usually all in one log
15 that we look at. So we're just kind of
16 looking to see if the -- that they're doing
17 everything as required by the regulations and
18 logging it appropriately.
19 Q. You've heard of the emergency
20 disconnect system, correct?
21 A. I have.
22 Q. Did your team check to see
23 whether EDS drills were taking place on the
24 rig?

Page 205:01 to 205:12

00205:01 A. That is outside our scope of the
02 examination. So we generally don't look for
03 that.
04 Q. (BY MS. DEMPSEY) Okay. So
05 the --

06 A. It's part of the log. We read
07 it, but we don't really -- it's not part of
08 the scope of the exam that we're there to do.
09 Q. Okay. So it's fair to say that
10 you did not reach any conclusions on whether
11 the rig was carrying out EDS drills?
12 A. That's fair.

Page 210:09 to 211:25

00210:09 Q. One of the issues of topic 4
10 from the Notice of Deposition was any audit
11 evaluation of the BOP. Did you ever review
12 the BOP on the Deepwater Horizon?
13 A. I did not.
14 Q. In fact, they were drilling
15 while you were there in July of 2009; is that
16 correct?
17 A. That is correct.
18 Q. So it was splashed?
19 A. That is correct.
20 Q. Okay. Let me show you what I've
21 marked as Deposition Exhibit 5591, and it's
22 the vessel critical profile that your counsel
23 provided to us this morning. Can you
24 describe to the Court what that document is?
25 A. This is a computer-generated
00211:01 document from the Coast Guard MISLE system.
02 There is a button in that system whenever you
03 click on vessel critical profile where it
04 grabs a number of data points within the
05 system and displays them in this format, and
06 you can obviously print it, and it gives you
07 the most current Coast Guard data on the
08 status of certificates and documents, vessel
09 specific, the last known involved parties,
10 and the missile MISLE case history associated
11 with the vessel. So you can go back to
12 different activity numbers, if you need to,
13 do some history research on the vessel and it
14 also logs any open activities from other
15 units, other captain of the port zone that
16 could be on the vessel. So if there is, for
17 example, an open discrepancy that was issued
18 by Morgan City or another captain of the port
19 zone, we would still have knowledge that
20 discrepancy still existed prior to going out.
21 Q. All right, sir. So it's a fair
22 statement to say that anytime the Coast Guard
23 was advised or notified of an incident aboard
24 the Deepwater Horizon, it would have been
25 noted and placed into this document?

Page 212:02 to 213:05

00212:02 A. Depending on the age of the
03 vessel and how many discrep- -- discrepancies
04 there were in the history, it would have been
05 noted on this document.
06 Q. (BY MR. VON STERNBERG) Okay.
07 A. It's limited in its ability to
08 how far back it can go.
09 Q. Okay. It looks like we start in
10 August of 2002, if you look at the second
11 page, Page 2 of 8, it says, "Open Cases" and
12 there is a Case No. 29 August 2002, pollution
13 activity, drilling mud. Is that what it
14 says?
15 A. Uh-huh.
16 Q. I'm not going to read the whole
17 thing to you, but --
18 A. That is what it says.
19 Q. So it looks like the whole
20 history in reference to incidences that were
21 reported to the Coast Guard is actually on
22 this document--
23 A. Uh-huh.
24 Q. Is that fair?
25 A. That's fair. It's fair.
00213:01 Q. Okay. Would the Coast Guard
02 actually have gone out to the Deepwater
03 Horizon each time one of these cases was
04 opened to do an investigation?
05 A. Not necessarily.

Page 215:13 to 215:25

00215:13 Q. Your focus and the focus of the
14 Coast Guard is marine inspection, correct?
15 A. That is correct.
16 Q. Not subsea equipment or drilling
17 equipment or any of the equipment used in the
18 drilling of the well itself, correct?
19 A. That is correct, outside of
20 verifying intrinsically safe electrical
21 fittings in the area of drilling.
22 Q. Okay. But as far as the
23 subsurface equipment, including the BOP, that
24 is beyond the scope of your examination?
25 A. That is correct.

Page 216:17 to 217:01

00216:17 Q. You've mentioned briefly the OIM
18 and the fact that you would meet with the
19 OIM, who is the offshore installation
20 manager, correct?
21 A. That is correct.

22 Q. The offshore installation
23 manager is -- he is the person who would be
24 ultimately in charge of what's going on on
25 that vessel while it is attached to the
00217:01 seafloor with the riser, correct?

Page 217:03 to 217:09

00217:03 A. That is correct.
04 Q. (BY MR. GANUCHEAU) While the
05 vessel is underway, then the captain would be
06 the person that was ultimately in charge?
07 A. The master.
08 Q. The master?
09 A. That is correct.

Page 218:07 to 220:01

00218:07 Q. Could you give us an overall
08 sense of what percentage of the rig's crew
09 you would have communicated with on the
10 Deepwater Horizon on the day of your
11 inspection?
12 A. Overall sense would be less than
13 5 percent of the total crew members.
14 Q. And when you were communicating
15 with these people, what generally were you
16 communicating about?
17 A. Generally, we were communicating
18 about the scope of the exam, what we were
19 going to do. We were communicating with some
20 of them during the fire drill, communicating
21 with some of them during the abandon ship
22 drill, asking the overall crowd that showed
23 up at the muster station to look at each
24 other, make sure everybody's life jackets
25 were properly done and fitted and checking
00219:01 the serviceability of the -- all the life
02 preservers that everybody was wearing, and
03 just communicating about the scope of our
04 exam with a few key people.
05 Q. Did you in those communications
06 make any effort to determine their competency
07 with respect to well control?
08 A. I did not.
09 Q. Do you know whether any of the
10 other inspectors on your team made any effort
11 to determine their competency as to well
12 control?
13 A. We would not have.
14 Q. Why not?
15 A. It's not our area of expertise.
16 We -- we don't know enough about it to really
17 question it. We might ask some vague

18 questions, obviously, when we first get there
19 with regards to what they're doing, the
20 operations they're doing, how critical it is,
21 and any impacts of anything we might do have
22 on that operation. But we're not experts
23 with regards to well control, so we would not
24 ask a lot of questions would -- that would
25 have established any level of competency on
00220:01 our part.

Page 220:11 to 220:13

00220:11 Q. Do you have any opinion about
12 the competency of the Transocean crew with
13 respect to well control activities?

Page 220:15 to 220:20

00220:15 A. I do not.
16 Q. (BY MR. DELEMARRE) Do you have
17 any opinion as to the competency of the
18 Transocean crew with respect to any of the
19 drilling activities that they might be
20 engaged in?

Page 220:22 to 220:22

00220:22 A. I do not.

Page 221:02 to 221:09

00221:02 Q. What percentage of the rig would
03 you say you saw during your walk-through in
04 July 2009?
05 A. I would say approximately 50
06 percent.
07 Q. Would it be fair to characterize
08 the Coast Guard's examination of the -- of
09 the rig as a spot check?

Page 221:11 to 221:13

00221:11 A. I would characterize it as a --
12 an overall view and spot check of marine
13 systems, yes.

Page 222:11 to 222:14

00222:11 Q. Did -- do you have any opinion
12 or do you have any knowledge about the
13 thoroughness of the inspections that are
14 performed by the Marshall Islands inspectors?

Page 222:16 to 223:07

00222:16 A. We have their guidance on what
17 they -- I mean, it's been reviewed by the
18 United States Coast Guard as to the -- what
19 equivalent level of exam that they are doing
20 on the vessels that meet the Commandant's
21 equivalent standard of the CFR. So I have
22 knowledge of the MODU code for the
23 construction and safety for the equipment on
24 board MODUs and we know that that's their
25 guidance and that they are testing that the
00223:01 vessel is in compliance with that MODU code.
02 So as to what specifically
03 they're doing physically and materially on
04 board the vessels, we have assurance through
05 that MODU code certificate that they're in
06 full compliance with the MODU code, that we
07 have knowledge on.

Page 223:20 to 223:24

00223:20 Q. (BY MR. LEMMON) But if a
21 particular inspector didn't follow those
22 particular codes, then maybe it's not as safe
23 as if it were fully inspected by the U.S. Gua
24 -- U.S. Coast Guard, correct?

Page 224:01 to 224:09

00224:01 A. The intent of the code is that
02 they -- and the certificate that they are in
03 full compliance with that code and
04 certificate. So we have to put faith in the
05 fact that their administration through the
06 issuance of that certificate has reviewed at
07 many different levels, not just one
08 inspector's level, that it's in full
09 compliance with the code.

Page 225:24 to 226:04

00225:24 Q. All I'm suggesting is is that if
25 the code was not followed by the particular
00226:01 Marshall Islands inspector, that the
02 inspection wouldn't be as valid as it were
03 done by the United States Coast Guard, whose
04 inspectors you know you can trust?

Page 226:06 to 226:20

00226:06 A. There -- there is always the
07 possibility that any administration's
08 inspectors can miss a particular rule. I
09 mean, we -- not -- no one -- no one inspector
10 or one Coast Guard inspector or Marshall
11 Isle -- Island's inspector knows every single
12 rule and every single law. So there -- there
13 is -- that's why it goes through so many
14 different levels of review from different
15 engineers, the plans and the technical
16 reviews. So, I mean, any administration
17 could miss one little caveat or something.
18 It's a possibility yes.
19 Q. (BY MR. LEMMON) They could miss
20 something big, too, couldn't they?

Page 226:22 to 226:22

00226:22 A. It's a possibility.

Page 227:05 to 227:12

00227:05 Q. (BY MR. LEMMON) Through --
06 irrespective of whether you know them
07 personally, in your inspection of the -- or
08 your examination of the Deepwater Horizon,
09 it's my understanding of your earlier
10 testimony that you did not review the
11 thoroughness of the Marshall Islands
12 inspectors; is that fair?

Page 227:14 to 228:06

00227:14 A. We reviewed the records of ABS,
15 who was acting on behalf of the Marshall
16 Islands to do surveys on board that vessel.
17 Q. (BY MR. LEMMON) Okay. And you
18 did the basic spot check that you just talked
19 about?
20 A. That is correct.
21 Q. And in doing that, you reviewed
22 the paperwork to make sure that they were, at
23 least according to the paperwork, in
24 compliance with the code?
25 A. That is correct. And we also
00228:01 conducted spot checks of the material
02 condition of the vessel to make sure they
03 were in compliance with the code.
04 Q. And you did not make it --
05 render any opinion whether or not they were
06 in actual compliance with the code?

Page 228:08 to 228:24

00228:08 A. We did render an opinion based
09 on our examination that they were in
10 compliance with the code.
11 Q. (BY MR. LEMMON) But you -- you
12 found that they were in compliance with the
13 items that you studied or that you
14 investigated or that you examined, right?
15 A. That is correct.
16 Q. And you didn't examine every
17 item, did you?
18 A. I did not.
19 Q. Okay. You or the other two
20 people who you were on board with, right?
21 A. That is correct. We just spot
22 checked.
23 Q. Okay. Spot check and a
24 paperwork check?

Page 229:01 to 229:03

00229:01 A. That's correct. Certificates
02 and document, surveys of ABS, who were acting
03 agents on behalf of Marshall Islands.

Page 229:07 to 229:09

00229:07 Q. And any opinion you have is
08 based on the extent of the investigation that
09 you performed, right?

Page 229:11 to 230:10

00229:11 A. The examination we performed and
12 also the comp- -- we reviewed the competency
13 of the crew with regards to firefighting and
14 marine systems knowledge.
15 Q. (BY MR. LEMMON) Okay. And so
16 that's 5 -- 5 percent or less of the crew
17 that you interviewed over a six hour
18 period --
19 A. Uh-huh.
20 Q. -- on marine safety and
21 firefighting?
22 A. Right. We observed a larger
23 number of the crew in their performance of
24 their duties, but actually speaking with
25 members of the crew, it was probably less
00230:01 than 5 percent having conversations with the
02 crew.
03 Q. Okay. During that same
04 limita- -- limited -- all the limitations
05 that we mentioned in the last question --
06 A. Right.

07 Q. -- that's where you also came up
08 with the opinion that the people on board the
09 vessel had an outstanding safety culture; is
10 that --

Page 230:12 to 231:10

00230:12 Q. (BY MR. LEMMON) -- is that
13 correct?
14 A. That is correct, through viewing
15 their fire fighting abilities and their
16 ability to respond to the fire drill and
17 their ability to show up at the muster
18 station and their knowledge of the general
19 life-saving equipment, the fact that they all
20 showed up wearing their life-saving equipment
21 and were ready to, in a very organized
22 fashion, board the life boats; and we did
23 question a couple of the crew members on
24 their knowledge of the launching davits or
25 and their ability to start the life boats, a
00231:01 couple of the junior crew members. I would
02 say it was an outstanding safety culture,
03 based on what -- on those items that we
04 checked.
05 Q. Okay. So let me make sure I
06 understand your answer. The reason that you
07 concluded that they had an outstanding safety
08 culture were all the reasons mentioned in
09 your last answer?
10 A. Yes.

Page 231:12 to 231:21

00231:12 Q. (BY MR. LEMMON) That's the full
13 extent of the basis of your opinion of their
14 outstanding safety culture?
15 A. That is correct.
16 Q. Okay. Now, if there were other
17 information out there about training on
18 actually well control or other -- other items
19 that go on on the vessel, you might have a
20 different opinion about their safety culture;
21 is that fair?

Page 231:23 to 232:01

00231:23 Q. (BY MR. LEMMON) You haven't
24 formed an opinion one way or the other at
25 this point?
00232:01 A. I have not.

Page 233:03 to 233:08

00233:03 Q. So even if it says -- if it
04 concludes that the rig was fit for service as
05 of July 27th of 2009, you don't have any
06 opinion as to whether that same opinion would
07 have been rendered on April the 20th of 2010,
08 do you?

Page 233:10 to 233:10

00233:10 A. I do not.

Page 233:21 to 234:07

00233:21 Q. (BY MR. LEMMON) And that's --
22 all of that is based on what you reviewed or
23 saw during the five or six hours that you
24 were on board the Deepwater Horizon and the
25 paperwork that you reviewed?

00234:01 A. That is correct, to include the
02 material information of the vessel as we
03 walked around.

04 Q. Do you know anything about
05 Transocean putting the gas detectors in an
06 inhibited mode that prevented sounding of
07 alarms?

Page 234:09 to 234:09

00234:09 A. I do not.

Page 236:14 to 236:25

00236:14 Q. Okay. That's fair.
15 Exhibit 5573, you went over the cat- --
16 categories, the --

17 A. Uh-huh.

18 Q. -- in item No. 7.

19 A. Uh-huh.

20 Q. And I think counsel specifically
21 called your attention to Paragraph B. Do you
22 remember that testimony?

23 A. Dry-docking examinations,
24 special examinations in lieu of dry-docking,
25 7B.

Page 237:09 to 237:20

00237:09 Q. Did you render an opinion as to
10 whether or not the vessel was in compliance
11 with item B?

12 A. I mean, it's my opinion that it

13 was in compliance with item 7B, because we
14 issued the COC. If they would have been
15 outside their limits of dry-dock, we most
16 likely would not have issued it, unless there
17 was a -- an exemption from the
18 administration --
19 Q. Do you --
20 A. -- or something in that context.

Page 237:24 to 238:20

00237:24 Q. Is there documentation that --
25 that gave you that impression?
00238:01 A. It would have been the MODU
02 safety certificate and the ABS survey reports
03 stating that a special examination in lieu of
04 dry-docking would have been performed within
05 the required time frame.
06 Q. Do you know whether or not that
07 is one of the items that you spot checked,
08 dry-docking?
09 A. Me personally, I did not look at
10 it, but I'm pretty sure that -- I mean, it
11 was something that we would have reviewed to
12 make sure that they were within their time
13 interval for the required dry-docking in our
14 paperwork, and it is something we would have
15 checked through documentation to ensure that
16 it had been done.
17 Q. And if it had not been
18 dry-docked, according to the regulation,
19 would that affect your opinion as to whether
20 or not it was fit for service?

Page 238:23 to 239:08

00238:23 A. It would not have affected my
24 opinion as to whether or not it was fit for
25 service, because it's not uncommon for a
00239:01 vessel because of its operations mode or
02 something to be granted an extension beyond
03 the time frame that's required to get the
04 dry-dock done. So it's -- as long as they
05 had discussed it with their administration
06 and been granted that extension, then that
07 would not have affected our opinion of the
08 vessel.

Page 240:13 to 240:20

00240:13 Q. (BY MR. LEMMON) And is there
14 a -- a device -- was a device that you talked
15 about an automatic shutoff, as part of that

16 ventilation?
17 A. It is.
18 Q. And the way that you determine
19 whether or not you need to use that shutoff
20 is by some sort of an alarm?

Page 240:22 to 241:03

00240:22 A. It is not a determination on
23 when you -- as far as -- I'm not sure I
24 understand what --
25 Q. (BY MR. LEMMON) How would
00241:01 one -- how would one know that there is
02 hazardous gas present so that they would need
03 to turn off that -- or to shut it down?

Page 241:06 to 241:23

00241:06 A. In the terms that -- that we
07 think of is that if there is a fire on board
08 the vessel, you do a complete shutdown of the
09 ventilation. If there is something with the
10 regards, like, maybe a gas detection alarm
11 going off or a fire alarm going off, a heat
12 sensor or smoke detector or something in a
13 certain area, then it would be prudent to do
14 a shutdown of the ventilation of the vessel.
15 Q. (BY MR. LEMMON) Okay. Did --
16 did you check any of the gas detection
17 alarms?
18 A. We did no. That's outside the
19 scope of our examination.
20 Q. So you wouldn't know one way or
21 the other whether the alarms had been
22 overridden?
23 A. I would not.