

Deposition Testimony of:

Bryan Domangue

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Page 9:09 to 9:11

00009:09 BRYAN DOMANGUE,
10 having been first duly sworn, testified as
11 follows:

Page 9:14 to 9:15

00009:14 Q. Please state your name for the record.
15 A. Bryan Domangue.

Page 11:16 to 13:23

00011:16 Q. What is your current employer?
17 A. Bureau of Ocean Energy Management,
18 Regulation and Enforcement.
19 Q. BOEMRE for short, correct?
20 A. It's Bureau of Ocean Energy Management,
21 Regulation and Enforcement.
22 Q. That's a mouthful, so I'm going to -- for
23 purposes of going forward, I'm going to use the
24 acronym "BOEMRE." Is that okay?
25 A. That's fine.
00012:01 Q. The former MMS, correct?
02 A. Former MMS.
03 Q. And what is your position with BOEMRE?
04 A. Currently, I serve as the district
05 manager for the Houma district.
06 Q. And was that the position that you held
07 back on April 20th of 2010?
08 A. Yes.
09 Q. And you've held that position from that
10 time through the present?
11 A. Yes.
12 Q. When did you become district manager of
13 the Houma district?
14 A. I can't be for sure the exact date. It's
15 been about four years, five years.
16 Q. And what are your duties and
17 responsibilities as district manager of the Houma
18 district?
19 A. Manage the inspection staff and the
20 engineering staff and administration staff as it
21 relates to MMS/BOEMRE functions in my district.
22 Q. And I know today, sir, you've been
23 produced in response to requests by BP as a
24 30(b)(6) designee by the United States Department
25 of Interior and BOEMRE on the topic of
00013:01 participation in the evaluation or analysis of
02 the DEEPWATER HORIZON BOP and the attempts to
03 actuate the DEEPWATER HORIZON BOP on or after
04 April 20th, 2010. Is that your understanding of
05 what your designation is?
06 And I know that may be a little bit of

07 legalese when I say 30(b)(6) and designation, but
08 is that your understanding as to what your role
09 is here today?

10 A. Yes.

11 Q. Okay. Now, I know at the beginning of
12 the deposition we all had the opportunity to be
13 provided with what appears to be a pretty thick
14 packet of documents that was represented to us by
15 your attorneys to be a copy of your handwritten
16 notes. And the first page of it says: DEEPWATER
17 HORIZON MC 252 meetings April 20th, 2010, through
18 August 15th of 2010.

19 Is this packet here, in fact, your notes?

20 A. Yes.

21 Q. Okay. And I'm going to go ahead and mark
22 this exhibit as Exhibit 5326. Do you actually
23 have your original notes with you --

Page 14:01 to 17:09

00014:01 Q. (BY MR. PETOSA) -- in a binder? Okay.

02 So you have it in front of you.

03 MR. PETOSA: So we're going to go
04 ahead and mark as Exhibit 5326 Mr. Domangue's
05 handwritten notes that have been copied and
06 placed in a binder clip from April 20th of 2010
07 through August 15th of 2010.

08 (Exhibit 5326 was marked.)

09 Q. (BY MR. PETOSA) Now, sir, are these
10 notes that you took from the time that the
11 incident unfortunately occurred on April 20th,
12 2010, up through your involvement through, I
13 guess, August 15th of 2010?

14 A. Yes.

15 Q. What was your role once the incident
16 occurred resulting in you taking these notes,
17 sir?

18 A. Initially, I was in Houston at the time
19 of the incident working on another investigation.
20 So I was dispatched to BP when the incident
21 occurred, and first few days nothing more than an
22 observer. Subsequently to that, I returned
23 somewhere in early May as a coordinator -- team
24 coordinator for our response efforts.

25 Q. Okay. And by that, you mean the response
00015:01 efforts on behalf of the federal government with
02 respect to the blowout?

03 A. With respect to -- yes, with respect to
04 MMS's involvement.

05 Q. And I guess that would have involved
06 source control, correct?

07 A. Source control.

08 Q. Okay. Did you have any involvement --
09 and when you say "BP," actually, sir, does that
10 mean you actually went to BP's headquarters in

11 Houston?
12 A. Yes.
13 Q. So you were an observer into their
14 efforts to try to do what at the time, initially?
15 A. All their efforts as far as BOP
16 actuation, cofferdam, rise insertion tool -- tube
17 tool, capping stack, top hats, junk shot, well
18 kill; mostly, all of it.
19 Q. And I noticed in your notes, sir, that
20 you have some documents where you'll note that
21 there is -- for example, I think, on -- turn a
22 couple of pages in, sir. I think there's a note
23 that says: May 4th, 2010, 4:30 executive
24 meeting.
25 When you have that a number of times --
00016:01 and I've only had a chance, unfortunately, to
02 look at the first couple of pages. But when you
03 put down that there's an executive meeting, what
04 does that mean? Who's attending these executive
05 meetings?
06 A. It depended. Most of the time I would
07 note it there. But BP had an executive team that
08 basically talked strategy and talked what the
09 day's plan was. So any number of individuals
10 from BP specifically. It didn't always remain
11 constant.
12 Q. And I note, sir, if we turn in -- and I'm
13 going to say it's about four, five, six -- about
14 seven pages in, sir. Seven pages in on the
15 topside, it looks like it says: May 4th, 2010 --
16 is what I was referencing -- 4:30 p.m. executive
17 meeting. Above that there's a star and it says:
18 Tactics meeting 1.
19 A. May 4th tactics meeting, yes.
20 Q. Looking at these two pages, sir, what is
21 this information you've written down? What does
22 that represent?
23 A. Where would you like to start?
24 Q. At the beginning.
25 A. So a tactics meeting was the regularly
00017:01 scheduled meeting in the IMT, incident management
02 team, that went on daily that BP had as a result
03 of the incident, just to talk about the various
04 methodologies moving forward. It was just as
05 regular -- it was a reoccurring meeting that
06 occurred every day.
07 Q. And this was at BP's headquarters in
08 Houston?
09 A. At BP's, yes.

Page 19:13 to 19:21

00019:13 Q. And are you aware if, in fact, a capping
14 stack was what ultimately was used to contain the
15 blowout?

16 A. A capping stack was used.
17 Q. And would you agree that that was the
18 only thing that ultimately effectively contained
19 the blowout until they finished completing the
20 relief wells?
21 A. Yes.

Page 20:01 to 20:03

00020:01 Q. Would you agree it was at least two
02 months, sometime in later July of 2010?
03 A. Yes.

Page 22:17 to 23:21

00022:17 Sir, I'd like to refer you back to the
18 second page in -- what maybe would be in your
19 binder, the fourth page. 4/21/2010, in parens it
20 says Transocean.
21 A. 4/21? What number?
22 Q. What do these numbers represent, at
23 least -- that -- that's the page. I'm sorry,
24 sir. What does this represent, this page?
25 A. Any information that I found valuable or
00023:01 something that I wanted to recall later regarding
02 my involvement in the incident command center at
03 Transocean.
04 Q. I'd like to take you down, sir, to 14
05 and 15. Could you read both of those for me. It
06 looks like there's references to ROVs.
07 A. No. 14, first ROV attempt failed due to
08 pump problems.
09 No. 15, second ROV attempt in progress.
10 Not working, Mae Chouest.
11 Q. What was that last part?
12 A. Not working, Mae Chouest.
13 Q. Now, sir, did you, I guess, continue to
14 monitor the attempts to actuate the BOP by the
15 ROV?
16 A. Yes.
17 Q. And was it successful or unsuccessful?
18 A. Those two attempts were unsuccessful.
19 Q. And ultimately, through the number of
20 weeks, was the ROV able to successfully activate
21 aspects of the BOP?

Page 23:23 to 24:07

00023:23 A. From my perspective, they were able to
24 manipulate some of the components of the BOP.
25 But successful, I guess as you're terming it,
00024:01 would be --
02 Q. (BY MR. PETOSA) Shutting in the well?

03 A. That did not happen.
04 Q. Now, sir, you -- did you participate at
05 all in the evaluation and analysis of the BOP by
06 DNV?
07 A. No.

Page 24:19 to 25:03

00024:19 Now, sir, with respect to what we've
20 marked as Exhibit 5327, it's the BOEMRE final
21 report regarding the causes of the April 20th,
22 2010, Macondo well blowout. It's dated
23 September 14th of 2011. Have you had an
24 opportunity to review that report?
25 A. No.
00025:01 Q. Did you participate in any aspect of that
02 report?
03 A. Not that I'm aware.

Page 25:08 to 26:14

00025:08 Q. I guess following up on that, sir,
09 explain, if you can, for me your role in the
10 participation -- role or participation in the
11 evaluation or analysis of the DEEPWATER HORIZON
12 BOP.
13 A. My role in Houston at the time that I was
14 associated with the BOP specifically dealt with
15 the two days that I was at Transocean, and I was
16 more of an observer regarding the attempts to
17 actuate the BOP.
18 Q. What days were those?
19 A. That would have been April 21st and
20 April 22nd, and I should say part of the day on
21 April 23rd.
22 Q. And your observations during those days,
23 is that documented in your notes?
24 A. I think you called out the two, number --
25 what was that, No. 14 and No. 15?
00026:01 Q. Yes, under April 21st.
02 A. And I'm not sure -- I'm not sure that
03 anywhere else in there you're going to see ROV
04 attempts.
05 Q. Have you ever had an opportunity, sir, to
06 review the DNV report?
07 A. No.
08 Q. Both the actual report, its appendix and
09 the addendum?
10 A. No.
11 Q. You had no participation in the
12 formulation of that report or feedback with
13 respect to that report, correct?
14 A. No.

Page 26:25 to 27:09

00026:25 that time frame of April 21st through April 23rd,
00027:01 were you at BP's headquarters in Houston or
02 Transocean's, or were they both together?
03 A. On the 21st and 22nd I was at
04 Transocean's headquarters, which is a little
05 further west of BP's Westlake complex.
06 Q. And on the 23rd, a half day at
07 Transocean. And what happened the rest of that
08 day?
09 A. I was transitioning out back home.

Page 27:11 to 28:10

00027:11 And the next time you came back would
12 have been May 4th?
13 A. Best of my knowledge, yes.
14 Q. What did you do between April 23rd and
15 May 4th of 2010?
16 A. Went back to work in the Houma district.
17 Q. Did you have any involvement in the
18 efforts to respond to the blowout during that
19 period of the half day of April 23rd of 2010
20 until you returned to BP's headquarters in
21 Houston on May 4th of 2010?
22 A. Not that I recall.
23 Q. Sir, again, I've indicated that we've
24 attached selected portions of the DNV report
25 previously marked as Exhibit 1164, Tab 20.
00028:01 If I was to ask you, sir, if you agreed
02 with the conclusions set forth by DNV at Page 174
03 through Page 176, I guess, from what you've
04 already indicated to me, sir, you would not
05 really be able to comment on that, correct?
06 And at the bottom, it's 7.3.1. It's
07 listed as the primary cause by DNV: The BSR
08 scale fully closed and sealed due to a portion of
09 drill pipe trapped between the blocks.
10 A. I have no opinion on that.

Page 28:16 to 29:02

00028:16 Q. You at least are aware that there were
17 efforts to use the ROV to actuate the blind shear
18 rams in that window of time you were talking
19 about from April 21st through that half day of
20 April 23rd, correct?
21 A. Specifically, the blind shear rams, I
22 would not recollect which set of rams it was. I
23 would only recall knowing that I was aware that
24 they were trying to function the BOP with a
25 remote operated vehicle, and I really didn't --

00029:01 at that point was not considering which set of
02 rams they -- was their preference.

Page 31:24 to 32:05

00031:24 Q. Do you have any knowledge, sir, about the
25 notation here that on May 3rd of 2010, those
00032:01 involved in actuating or attempting to actuate
02 the BOP by way of the ROV recognized that the hot
03 stab lines that they thought were attached to the
04 middle VBRs were, in fact, still attached to the
05 lower VBR which BP had converted to a test VBR?

Page 32:08 to 32:15

00032:08 Q. (BY MR. PETOSA) It's a long question,
09 but you can go ahead and answer.
10 A. I can only say that I recall there being
11 an issue surrounding their attempts, and that
12 they became aware that maybe there were some
13 plumbing issues. But the significance of that --
14 I didn't place any significance on that
15 whatsoever.

Page 33:23 to 34:16

00033:23 Q. (BY MR. PETOSA) We'll start over. You
24 would agree, sir, that the efforts that were
25 undertaken to actuate the VBR, variable bore
00034:01 rams, in this case what would have been in the
02 middle, that would have been on or around
03 April 21st of 2010, from your observation?
04 A. Again, I would not bear any significance
05 on variable bore ram versus this ram. You were
06 asking about a delay. They were constantly in
07 the water with the ROV making attempts. Could I
08 characterize the plumbing problem as a delay? I
09 could not.
10 Q. With common sense, sir, wouldn't you
11 agree that if they're attempting to hot stab into
12 the BOP to actuate the middle variable bore ram,
13 and yet all they're doing is actuating the test
14 ram because it was never switched, that that
15 would have represented a delay in what they were
16 trying to do?

Page 34:18 to 35:03

00034:18 A. Yeah. I cannot characterize it as you
19 have, as a delay.
20 Q. (BY MR. PETOSA) Why?
21 A. Because at that time they were doing what
22 they could do, based off of what they could see.

23 And if they were able to determine that there was
24 a missed piping, then that was what needed to be
25 done at the time to determine what their best
00035:01 option was to attempt to function the BOP.
02 Q. Should someone have known?
03 A. Probably so. I would agree with that.

Page 37:08 to 37:12

00037:08 Q. You would consider that, in that you
09 would rely upon the operator to comply with the
10 federal regulations specific to BAST as it
11 applies to a subsea BOP, correct, sir?
12 A. Yes.

Page 39:01 to 39:12

00039:01 Q. What's your recollection, sir, of your
02 observations in that period of time, from
03 April 21st through the midday of April 23rd of
04 2010, with respect to the attempts to actuate the
05 DEEPWATER HORIZON BOP?
06 A. My recollections are that I was extremely
07 surprised that they were on site with ROVs as
08 quick as they were. My recollections are that
09 they were attempting to actuate the BOP in a
10 relatively quick time frame. Other than that --
11 I mean, specific to the BOP, that would be my
12 recollection.

Page 55:19 to 55:23

00055:19 Q. Are you aware if, in fact, there was a
20 delay in the attempts of the ROV to actuate the
21 BOP because at the time that the blowout
22 occurred, ROVs were not in the water?
23 A. I am not aware of a delay.

Page 58:06 to 58:08

00058:06 Q. You would agree that redundancy with
07 respect to a BOP is a good thing?
08 A. Like ROV hot stabs, yes.

Page 72:12 to 72:14

00072:12 Q. No, you're not here to testify about
13 submissions made by BP or others to the MMS
14 regarding the blowout preventer?

Page 72:16 to 72:19

00072:16 A. I think I'm here to testify about my
 17 involvement with the BOP stack between April 21st
 18 and April 23rd. I think that's why I was sent
 19 here.

Page 73:13 to 73:25

00073:13 Q. Okay. Could you tell me a little bit
 14 about your education from high school onwards.
 15 A. After high school I attended Nicholls
 16 State University in Thibodeaux, Louisiana,
 17 approximately two years. From there I went to
 18 Louisiana State University until 1987, when I
 19 gained a bachelor of science in petroleum
 20 engineering.
 21 Q. Okay. And do you have any postcollege
 22 education?
 23 A. I have some in business administration.
 24 Q. Okay. From which university?
 25 A. University of Southern Mississippi.

Page 74:13 to 75:09

00074:13 Q. Okay. What year did you join the MMS?
 14 A. 1997, maybe.
 15 Q. Okay. And can you walk me through the
 16 time line generally of your different roles at
 17 the MMS from approximately 1997 to date.
 18 A. In 1997 I worked in the production
 19 measurement and commingling section in Airhan
 20 ALMO [phonetic] building for MMS. I was there
 21 somewhere between four and five years.
 22 From there I transferred to the Houma
 23 district, serving as a field engineer for roughly
 24 a year and a half, two years. From there I
 25 served as the production engineer for maybe, I
 00075:01 want to say, another five years, and then after
 02 that, district manager.
 03 Q. And as a Houma district field engineer,
 04 can you just generally describe your role and
 05 responsibility there.
 06 A. Field engineer would be more of someone
 07 who worked with the senior engineers as well as
 08 spent time with the inspectors offshore. So
 09 really, multifunctional.

Page 75:25 to 76:07

00075:25 Q. Okay. Can you generally describe your
 00076:01 responsibilities as the district manager.
 02 A. Generally, you can look at it as an
 03 administrator for -- well, I have an
 04 administrative staff, I have an engineering staff

05 and an inspections staff. So it's managing those
06 various functions, their day-to-day operations,
07 their day-to-day jobs.

Page 76:11 to 76:18

00076:11 Q. Okay. Have you attended any trainings on
12 well control while at MMS?
13 A. No.
14 Q. What about spill response?
15 A. I think I did attend some type of
16 training at the Ohmsett facility wave pool in
17 Leonardo, New Jersey for its boom and skimmer,
18 but that would be about it.

Page 78:04 to 80:10

00078:04 Q. (BY MS. DEMPSEY) I believe you testified
05 earlier in response to plaintiffs' questions that
06 you were at Transocean's Park Ten facility on
07 April 21st, 22nd and part of April 23rd; is that
08 correct?
09 A. I was at Transocean -- was it Park Ten?
10 Somebody point me in the right direction.
11 Q. Okay. Do you recall who asked you to go
12 to Transocean's -- should we call them the
13 headquarters? Would that be correct? Offices?
14 A. It was a Transocean office where they
15 were responding.
16 Q. Okay. Well, I'd like to talk about how
17 you got involved at that point. Do you remember
18 when you first heard about the incident on the
19 HORIZON?
20 A. The morning of the 21st, we were --
21 myself and two other colleagues were at BP's
22 Westlake 4 facility working on another project
23 when we were informed of the incident.
24 Q. Do you remember who informed you of the
25 incident?
00079:01 A. Someone from BP. You want specific
02 names?
03 Q. No. That's okay.
04 Do you recall who asked you to head over
05 to Transocean's offices?
06 A. I think as a team we decided that
07 operationally, Transocean would be the best
08 location for me.
09 Q. When you say "as a team," what do you
10 mean by a team?
11 A. There was a team of us there at
12 Westlake 4 on another matter, and there were
13 three of us. So we -- based off of the response
14 that was building up, we came up with a strategy
15 of who should go where.

16 Q. Were the three or so members of the team
17 all from MMS?
18 A. Yes.
19 Q. Okay. And did you-all head over to
20 Transocean's offices at that point?
21 A. No.
22 Q. Were you the only one of the team to head
23 over to Transocean's office?
24 A. Yes.
25 Q. Okay. What did you understand your role
00080:01 to be on April 21st?
02 A. An observer.
03 Q. Observer of what?
04 A. Observer of the -- of all the goings-on,
05 I guess you'd say, of all the response efforts.
06 Q. When you say "all the response efforts,"
07 it sounds like there were various response
08 efforts going on at that time on April 21st. Is
09 that your understanding of the response effort on
10 April 21st?

Page 80:12 to 82:08

00080:12 A. There were multiple activities
13 surrounding this incident going on.
14 Q. (BY MS. DEMPSEY) Did you get the
15 impression that there were multiple response
16 efforts going on at BP's offices and Transocean's
17 offices?
18 A. I knew that BP had its effort and I knew
19 that Transocean had its effort. Maybe we're
20 hanging on semantics, but there is a number of
21 issues or number of components to what Transocean
22 was doing. And that's what I'm referring to.
23 They were doing multiple things. I think, you
24 know, a good example would be my notes as to all
25 the things that I was observing.
00081:01 Q. Okay. And along those lines, this is --
02 I'm referencing previously marked Exhibit 5326.
03 This is your notes.
04 A. Okay.
05 Q. And on the -- I believe it's the fifth or
06 sixth page. It's the notes from April 21st.
07 A. Okay.
08 Q. And point No. 1, can you read that.
09 A. So let's make sure we're on the right
10 page. Is it the page -- 4/21/2010, Transocean?
11 It's got a phone number --
12 Q. That's correct.
13 A. Starting with 832 number one, when I got
14 there I met the incident commander, Mike Wright.
15 I wrote down his cell phone number.
16 Q. Was Mike Wright a Transocean employee, to
17 your knowledge?
18 A. To my knowledge, he was a Transocean

19 employee.

20 Q. And did he represent himself to be the
21 incident commander?

22 A. I wrote it down. Do I remember
23 specifically how -- I don't know how much further
24 to answer that. I mean, I wrote it down as him
25 being incident commander.

00082:01 Q. Okay. What was your understanding of
02 what an incident commander was at the time?

03 A. Person in charge.

04 Q. And you understood Mike Wright to be in
05 charge of the source control effort at
06 Transocean, or in charge of what?

07 A. At that time, I believed he was in charge
08 of Transocean's response effort.

Page 82:18 to 82:21

00082:18 Q. Okay. But you are aware that -- or are
19 you aware that BP started planning and drilling a
20 relief well shortly after April 20th?

21 A. Yes.

Page 83:03 to 83:05

00083:03 Q. (BY MS. DEMPSEY) Sure. Following
04 April 20th, would you agree that source control
05 was a multifaceted effort?

Page 83:07 to 83:07

00083:07 A. Yes.

Page 84:03 to 84:08

00084:03 Q. And I'm wondering who was on these teams,
04 just generally. And we can talk about the ROV
05 intervention specifically.
06 To your knowledge, which entities or
07 companies were represented on the team that was
08 working the ROV intervention strategy?

Page 84:11 to 84:18

00084:11 A. At what time frame?

12 Q. (BY MS. DEMPSEY) Let's start with the
13 21st, when you were at Transocean's offices.

14 A. At that time, I believe -- at least my
15 memory tells me that it was Transocean folks as
16 well as -- there were folks offshore on some of
17 the ROV vessels, and I could not tell you which
18 companies they were employed by.

Page 85:10 to 85:13

00085:10 Q. (BY MS. DEMPSEY) Sure. Okay. Is it
11 your understanding that the ROV intervention
12 efforts to actuate the BOP ended on or around
13 May 5th?

Page 85:15 to 85:24

00085:15 A. Datewise, I couldn't pinpoint when it
16 ended. But I know by the time I arrived back in
17 Houston, that the ROV operations were starting to
18 wind down as far as actuation of the BOP was
19 concerned.
20 Q. (BY MS. DEMPSEY) Okay. And during that
21 time from April 21st until efforts to actuate the
22 BOP were winding down, would you agree that BP
23 was devoting significant resources to trying to
24 actuate the BOP with the ROV?

Page 86:01 to 86:03

00086:01 A. I would agree that there was a
02 significant effort going on to try and actuate
03 the BOP.

Page 87:14 to 87:18

00087:14 Would you agree that the team that was
15 working from April 20th through approximately
16 May 5th, when the ROV intervention efforts wound
17 down, were working as quickly and tirelessly as
18 possible to close down the well?

Page 87:20 to 88:10

00087:20 A. I can only characterize from 4/21 until
21 4/23, and I would say they were doing the best
22 that they could. From 4/23 until I returned on
23 May 5th, it would be pure speculation on my part
24 as to what they were doing.

25 Q. (BY MS. DEMPSEY) Okay. Testifying on
00088:01 behalf of the United States government, during
02 the ROV intervention efforts, did BP ever
03 identify expenses or costs as a reason not to
04 pursue an ROV intervention strategy?

05 A. No.

06 Q. Did you ever hear or did the United
07 States government ever hear anyone at BP saying
08 that the ROV intervention efforts or any aspect
09 of them were too expensive to pursue?

10 A. No.

Page 91:16 to 92:04

00091:16 Q. Did BOEMRE representatives participate in
 17 working groups that were considering ROV
 18 intervention strategies during that time period?
 19 A. We were present through myself at
 20 Transocean. We had a presence at BP's Westlake 4
 21 office. I can't speak to whether or not we
 22 participated in any team meetings regarding any
 23 discussion around functioning the BOP at that
 24 time.
 25 Q. Okay. So just so I understand, it's your
 00092:01 testimony that you don't know if any BOEMRE
 02 representatives participated in any team meetings
 03 relating to the ROV intervention efforts from
 04 April 20th to May 5th?

Page 92:06 to 93:05

00092:06 A. No.
 07 Q. (BY MS. DEMPSEY) When you say that
 08 BOEMRE representatives had a presence at
 09 Westlake 4 and in Transocean's offices, could you
 10 describe which BOEMRE representatives, if you
 11 know their names.
 12 A. And we're referring to the April 21st
 13 through May 5th?
 14 Q. That's correct.
 15 A. Initially, myself, David Dykes, and Kirk
 16 Malstrom through the 23rd. To the best of my
 17 recollection, from the 23rd through the -- maybe
 18 the 27th was Elliot Smith and John McCarroll.
 19 And sometime after that it was -- we added Troy
 20 Trosclair.
 21 Q. And were those MMS representatives -- did
 22 they maintain a presence at BP's facilities and
 23 Transocean's or -- basically, what was the
 24 division of --
 25 A. The translation -- the Transocean
 00093:01 operation ended when I left on the 23rd.
 02 Q. In other words, the ROV intervention
 03 efforts that were being led from Transocean's --
 04 Transocean's offices ended on April 23rd, to your
 05 knowledge?

Page 93:08 to 94:20

00093:08 A. I do not know if the ROV intervention
 09 operations ceased on that time. I'm simply
 10 saying that our role in witnessing Transocean's
 11 efforts was terminated that day and was moved --

12 all resources were moved to Westlake 4.

13 Q. (BY MS. DEMPSEY) Did MMS have a
14 presence -- let's start with a period from April
15 the 21st to the 23rd, when there were ROV
16 intervention efforts being directed from both
17 BP's and Transocean's offices in Houston. Did --

18 A. Let me say first that I'm not aware of
19 any efforts being led at BP's office on the 21st
20 through the 23rd.

21 Q. So it was your understanding, then, from
22 April 21st to April 23rd that the ROV
23 intervention efforts were being directed out of
24 Transocean's Houston offices?

25 A. Yes.

00094:01 Q. With Mike Wright as the incident
02 commander?

03 A. On the 21st, yes. On the 22nd, they --
04 it was a 24-hour operation, so they were swapping
05 out. The two incident commanders, my notes
06 reflect that there was Mike Wright and there was
07 Eric Hall. Those are the two gentlemen that I
08 remember.

09 Q. And did MMS have a 24-hour presence at
10 Transocean's facilities from April 21st to the
11 23rd?

12 A. Yes.

13 Q. Okay.

14 A. Now, does that mean that I went to sleep
15 at some point? Yes. But it was me.

16 Q. Okay. Were you the sole MMS
17 representative at Transocean's offices from the
18 21st to the 23rd?

19 A. Yes, that I can recall. If somebody else
20 showed up there, I wouldn't remember.

Page 95:14 to 95:16

00095:14 Q. Okay. And to your recollection, what was
15 Transocean doing in response to the blowout on
16 April 21st?

Page 95:18 to 95:24

00095:18 A. They were -- you know, the specific
19 response was making preparations and attempting
20 to close the BOP via ROV. There were a number of
21 other things they were dealing with, obviously,
22 POB, missing -- missing folks, where the -- where
23 the injured were going to be Medivac'd to.
24 That's in my notes.

Page 96:21 to 96:23

00096:21 Q. Okay. If you had heard anything that you
22 disagreed with as a MMS representative, would you
23 have voiced an opinion of the strategy?

Page 96:25 to 97:06

00096:25 A. I wouldn't assimilate the two as MMS
00097:01 employee versus just an engineer. If I would
02 have heard something that was a crazy idea, I
03 probably would have weighed in.
04 Q. (BY MS. DEMPSEY) Okay. But that wasn't
05 the case on the 21st?
06 A. No.

Page 99:03 to 100:04

00099:03 Q. (BY MS. DEMPSEY) Can you, to the extent
04 you can recall, walk me through your activities
05 on April 22nd in terms of meetings attended or
06 what your -- what you were doing on the 22nd --
07 I'm sorry -- as it relates to the ROV
08 intervention efforts.
09 A. To my knowledge, all I saw there was this
10 one conference room, the rest room and the
11 kitchen as far as coffee. So all the efforts, in
12 my opinion, that were going on or my knowledge of
13 was that one incident command conference room.
14 So any of the discussions, you know, if
15 you look through my notes, you'll see that they
16 were talking about manifolds, accumulators. They
17 were talking about the offset of the vessel.
18 They were talking about doing ROV interventions,
19 sheen reports, what type of sheen report was
20 going on, I mean, reporting about the flex joint
21 being broken.
22 I mean, I was just trying to jot any
23 notes down that I could that would -- that my
24 management might need to know about.
25 Q. Did anyone in the room, to your
00100:01 recollection, describe what they thought the
02 likelihood of success was for the ROV
03 intervention efforts on the 22nd?
04 A. The likelihood, no.

Page 103:24 to 104:02

00103:24 Q. Okay. So on April 21st and 22nd, which
25 superiors were you speaking with?
00104:01 A. My superiors, Troy Trosclair and Mike
02 Saucier.

Page 104:06 to 104:13

00104:06 Q. And you were communicating the situation
07 on the ground at Transocean's office to them on
08 the 21st and 22nd?
09 A. Yes.
10 Q. Did they express -- did they express any
11 opinions to you about the ROV intervention effort
12 on the 21st or 22nd?
13 A. No.

Page 104:17 to 105:07

00104:17 Q. Can you remind me, on April 21st and
18 22nd, what other MMS representatives, if any,
19 were at Transocean's Houston office?
20 A. None that I'm aware of.
21 Q. Are you aware of any MMS representatives
22 that would have been in BP's Houston office on
23 the 21st or 22nd?
24 A. The two folks -- the two colleagues that
25 I was with were David Dykes and Kirk Malstrom.
00105:01 Q. And you believe they were at BP's Houston
02 offices on April 21st and 22nd?
03 A. That's what I believe.
04 Q. On April 21st and 22nd, were you under
05 the assumption that Transocean was leading source
06 control efforts relating to the DEEPWATER HORIZON
07 BOP?

Page 105:11 to 105:18

00105:11 A. You characterize it as source control.
12 My belief at the time is Transocean was leading
13 the efforts to shut in the well and save the rig.
14 Q. (BY MS. DEMPSEY) Okay. And did you --
15 you mentioned before that, I think, Mike Wright
16 was the incident commander, at least at some
17 points on April 21st and 22nd; is that correct?
18 A. Yes.

Page 105:21 to 105:24

00105:21 Do you also understand that Mike Wright
22 was -- Mike Wright at Transocean was the person
23 in charge on April 21st leading the response
24 effort?

Page 106:02 to 106:02

00106:02 A. Yes.

Page 106:09 to 106:12

00106:09 At any point on April 21st or 22nd, did
10 United States government representatives advise
11 Transocean, BP or anyone else not to go ahead
12 with attempts to activate the auto shear?

Page 106:16 to 106:21

00106:16 A. I did not instruct them as such.
17 Q. (BY MS. DEMPSEY) And you don't know of
18 anyone else with the United States government
19 that instructed Transocean, BP or any other
20 parties not to activate the auto shears on the
21 BOP?

Page 106:23 to 106:23

00106:23 A. I'm not aware.

Page 107:15 to 107:15

00107:15 (Exhibit 5328 was marked.)

Page 113:19 to 113:22

00113:19 Q. Okay. But setting aside the date, were
20 you aware that there were attempts to simulate
21 the AMF deadman with ROV intervention?
22 A. Simulate the deadman, yes.

Page 115:13 to 116:09

00115:13 Q. (BY MS. DEMPSEY) Okay. When you learned
14 of the strategy to simulate the AMF deadman, did
15 it seem like a reasonable strategy to you at the
16 time?
17 A. Again, I was there as an observer. I
18 believed at the time that there were the proper
19 experts in the room, and I was not questioning
20 their strategy.
21 Q. When you say "proper experts in the
22 room," can you give me a sense of who you're
23 referencing. It doesn't have to be names.
24 A. I don't recall the names. I'm just --
25 the general remembrance I have of the room is
00116:01 that they had a number of folks with schematics
02 that were reviewing control systems and
03 strategizing. I was not -- I intentionally kept
04 myself away from their brainstorming sessions
05 because it was tight quarters and didn't believe
06 that I was the expert in their control system in
07 such a manner that I should provide input. So
08 who they work for, were they Transocean employees

09 or other employees, I couldn't say.

Page 124:06 to 124:08

00124:06 Q. Okay. Is it your impression, though,
07 that these four approval signatures were required
08 before the operation could commence?

Page 124:10 to 124:13

00124:10 A. I think BP asked for these approvals, and
11 they were granted. As far as those being --
12 using the word "required," I couldn't speak to
13 that.

Page 126:06 to 126:09

00126:06 Q. (BY MS. DEMPSEY) Okay. And if you
07 identified unreasonable risk, then you wouldn't
08 approve the process until mitigations were in
09 place, correct?

Page 126:11 to 126:20

00126:11 A. Or at least until the mitigations were --
12 until the process was discussed. Does that
13 necessarily mean that the procedures were
14 changed? No. It might have just been clarity
15 that someone would seek.
16 Q. (BY MS. DEMPSEY) When Lars Herbst or any
17 other MMS representative signed or approved of
18 the procedure, they had a comfort that the
19 potential benefits outweighed the potential risks
20 of an operation?

Page 126:24 to 127:01

00126:24 A. The procedure was approved, and it was
25 considered to be a task that could be performed
00127:01 safely.

Page 139:11 to 139:16

00139:11 Q. Okay. You testified earlier that you did
12 not -- I don't want to mischaracterize it. But I
13 think you testified earlier that you did not feel
14 that this delayed the process or was any -- of
15 any significance, from your perspective; is that
16 correct?

Page 139:20 to 140:12

00139:20 A. I didn't have a general sense -- by the
21 time May 5th would have come along and that was
22 determined, there were already -- to my
23 knowledge, there were already a number of
24 attempts to function various components of the
25 BOP stack.

00140:01 So gaining more knowledge about a
02 plumbing issue on the BOP stack was well worth it
03 in relative terms if it would help you further
04 the cause of shutting in the well.

05 So I would not characterize it as a
06 delay. I would simply characterize it as a data
07 collection point. That knowledge was extremely
08 important in order to move forward and make
09 decisions.

10 Q. So then you would generally characterize
11 the ROV intervention efforts as one valuable
12 source control strategy amongst many?

Page 140:14 to 140:24

00140:14 A. At the time, between April 21st and
15 May 5th, it was a very valuable tool and -- and a
16 plan that we -- or at least I supported.

17 Q. (BY MS. DEMPSEY) And why did you
18 consider it a very valuable tool?

19 A. Because it was what was available. The
20 ROV hot stabs and the subsea controller BOP
21 stack -- obviously, when the rig has been lost,
22 it was the -- one of the only options to function
23 the BO -- or it was the option to function the
24 BOP.

Page 141:03 to 141:16

00141:03 Q. (BY MS. DEMPSEY) And so at that point,
04 you and presumably MMS believed that it was an
05 option worth pursuing in conjunction with other
06 options that were being pursued at that time?

07 A. At no time did I believe that it was not
08 an option.

09 Q. Or that it shouldn't be pursued?

10 A. And that it shouldn't be pursued.

11 Q. Were you satisfied that all parties that
12 were involved in the ROV intervention efforts to
13 close in the BOP and seal the well were making a
14 good faith effort to achieve a successful outcome
15 with the ROV intervention?

16 A. Yes.

Page 142:25 to 143:20

00142:25 Would you look at your logbook,

00143:01 Exhibit 5326. I believe it's the fifth page.
02 It's the notes from April 21st, 2010. Does that
03 look right to you?
04 A. It says April 21st.
05 Q. And then in parens it says Transocean?
06 A. Yes.
07 Q. And it has a cell phone number?
08 A. Yes.
09 Q. Okay. I know we looked at this before.
10 But No. 1, it says Mike Wright, incident
11 commander, and then it has a cell phone number.
12 What did incident commander signify to you on
13 April 21st, 2010?
14 A. Not much. The fact that he was the
15 person in charge at Transocean where I was.
16 So -- and to clarify, incident commander took on
17 a more significant meaning once I was involved in
18 source control at BP. But at this point the
19 whole concept of an incident commander was beyond
20 my knowledge.

Page 144:06 to 144:19

00144:06 Q. (BY MS. DEMPSEY) Okay. So what
07 terminology -- and let's set aside source
08 control. That's not what you were using. But I
09 am interested in the terms that you were using to
10 describe what was going on at Transocean's
11 offices on the 21st.
12 A. Well, again, I wrote down incident
13 commander. He was the person in charge. In my
14 opinion, he was leading Transocean's efforts
15 regarding the blowout. When I first arrived
16 there, it was not -- the source was at the
17 surface in the form of a fire. So he was in
18 charge of coordinating all of Transocean's
19 efforts to shut in the well and save the rig.

Page 145:04 to 146:03

00145:04 Q. (BY MS. DEMPSEY) Were you aware from
05 April 21st to the 23rd whether the group that was
06 working out of Transocean's office was directing
07 the ROV intervention for the blowout preventer?
08 A. I think I testified earlier that from my
09 perspective, there was communications with the
10 folks in Transocean's incident command center or
11 that conference room that we were in.
12 But exactly -- Mike Wright incident -- as
13 the incident commander or the person in charge,
14 he had various folks working around the center.
15 But were they the ones actually giving the
16 commands, or were the folks offshore in the ROV
17 rooms or what have you? I have no idea as to how

18 they did that.

19 Q. What -- to your knowledge, were the
20 groups working out of Transocean's office
21 communicating with the folks offshore on the
22 vessels that had the ROVs?

23 A. Yes.

24 Q. Do you know if the folks offshore that
25 were on the vessels running the ROV operations
00146:01 were communicating with any offices or
02 individuals besides those at Transocean's office?
03 A. I do not know.

Page 149:18 to 149:23

00149:18 Q. In going back to the BOP intervention
19 team, is it your understanding that they provided
20 regular and frequent status reports and plans to
21 the incident management team for source control
22 and operations in Houston?
23 A. Every day, two to three times a day.

Page 150:25 to 152:18

00150:25 To your knowledge, did the BOP
00151:01 intervention team interface with the U.S. Coast
02 Guard as it worked?
03 A. Yes.
04 Q. Okay. And do you have reason to believe
05 that the BOP intervention team provided frequent
06 status reports and updates to the U.S. Coast
07 Guard as it worked?
08 A. Yes.
09 Q. Okay. And does the same go for BOEMRE,
10 meaning that the BOP intervention team provided
11 BOEMRE with status reports and updates on its
12 activities?
13 A. Yes.
14 Q. Do you believe that also was on a daily
15 basis?
16 A. For clarity, when -- I was not at BP
17 between April the 24th through the time I
18 returned on May the 4th.
19 But every day that I was there after
20 May 4th, we received updates from those teams at
21 least twice a day, in some instances three times
22 a day. And those meetings would generally be
23 attended by not only BOEMRE or MMS at the time.
24 They would be attended by Coast Guard, members of
25 the science team, various folks, BP management,
00152:01 BP executives.
02 Q. And during those meetings, what did you
03 understand the purpose of those meetings to be?
04 A. You had a number of team leads that were
05 reporting essentially to BP executives and to the

06 Coast Guard and MMS, and it was a way for them to
 07 communicate the plans forward for -- it was a way
 08 for the executives in BP as well as for the U.S.
 09 Coast Guard and BOE -- or MMS to understand what
 10 the plans were, have opportunity to give input.
 11 And then subsequently, those team leads could go
 12 back to their teams to understand what all the
 13 other teams' priorities were.

14 Q. Did you feel that when the USCG or the
 15 BOEMRE representatives communicated their
 16 thoughts and gave input to the BOP intervention
 17 team, that their input was taken seriously?

18 A. I do.

Page 153:01 to 153:11

00153:01 Q. All right. Just so I understand the task
 02 force process, a couple of questions on that.

03 Is it correct that the task force would
 04 develop different BOP -- let's talk about the BOP
 05 intervention team for a moment.

06 Is it true that the BOP intervention team
 07 would develop different options for actuating the
 08 BOP, and then the incident command and the
 09 parties involved in this would review those
 10 options and select options that they thought
 11 would yield the best likelihood of success?

Page 153:13 to 153:13

00153:13 A. I wouldn't characterize --

Page 153:15 to 154:14

00153:15 A. I would not characterize it that way at
 16 all.

17 Q. (BY MS. DEMPSEY) Okay. Could you
 18 describe to me how the process worked, to your
 19 understanding.

20 A. There were various teams. The BOP
 21 intervention team was one of those. I believe
 22 that that was a team of engineers who
 23 brainstormed and came up with ideas, and they
 24 went to work on procedures after they determined
 25 what the best course of action was.

00154:01 And then they presented it to the
 02 incident command for a slot, so to speak, to go
 03 out and perform that work because there were many
 04 activities going on with many vessels, and then
 05 that plan was put into place.

06 Do I believe BP management was
 07 approval -- was involved in whether or not it was
 08 a good decision or not? Yes, I do. But

09 ultimately, a team was there to put their best
10 ideas forth for consideration.

11 Q. And it was up to incident command, then,
12 to decide whether to approve the ideas or
13 strategies that the BOP intervention team was
14 suggesting?

Page 154:16 to 154:22

00154:16 A. Yeah. The incident command is a pretty
17 broad statement. So in other words, there is a
18 BP incident commander. There is a Coast Guard
19 incident commander. You have a number of
20 interested parties. And I can't characterize
21 BP's plans as having to have U.S. Coast Guard or
22 MMS approval to proceed.

Page 155:10 to 156:10

00155:10 A. I mean, you're kind of asking me about
11 BP's own structure for meetings. I have a very
12 limited knowledge of why, how, or who created
13 that structure. I just know that I was present
14 or my colleagues were present. And how they came
15 to that structure is really beyond the scope of
16 what my knowledge is.

17 Q. (BY MS. DEMPSEY) Okay. At these
18 meetings you attended where the BOP intervention
19 team would give you updates and status reports,
20 were you then supposed to brief your superiors or
21 people that you reported to about that
22 information that you received during the
23 meetings?

24 A. I did brief my superiors.

25 Q. And who did you brief?

00156:01 A. Many people.

02 Q. All in MMS at the time?

03 A. Yes.

04 Q. Can you name some of the individuals you
05 would have briefed on a regular basis on BOP
06 intervention team updates.

07 A. Mike Saucier, Lars Herbst, Mike
08 Prendergas.

09 Q. Did you brief them on a daily basis?

10 A. At least twice a day.

Page 157:24 to 158:05

00157:24 Q. (BY MS. DEMPSEY) Okay. My question is a
25 tiny bit different. It's that, are you -- do you
00158:01 know of any operators that had a capping stack
02 that could operate in a deepwater environment,
03 and they had those capping stacks available as of

04 April 20th, 2010?
05 A. I do not.

Page 158:13 to 158:15

00158:13 Q. (BY MS. DEMPSEY) As of April 20, 2010,
14 there was no MMS requirement to have an available
15 capping stack, correct?

Page 158:18 to 158:22

00158:18 A. No.
19 Q. (BY MS. DEMPSEY) So that is correct?
20 A. I know of -- at the time of the incident
21 I knew of no regulation or requirement that said
22 that an operator needed to have a capping stack.

Page 162:11 to 162:19

00162:11 Q. Okay. Now, while you were at Transocean,
12 did you participate in or observe any telephone
13 calls or video conferences between BP and
14 Transocean during those days?
15 A. No.
16 Q. So you really don't know what was going
17 on at BP's offices with respect to ROV
18 interventions, do you?
19 A. No.

Page 175:04 to 175:12

00175:04 Q. Okay. Am I correct that you would -- did
05 Mike Wright open the meeting and give you
06 background information of what occurred in the
07 Gulf?
08 A. I wouldn't consider it a meeting. Mike
09 Wright was already actively engaged in the
10 incident. He did introduce himself to me as the
11 incident commander and offered me a seat at the
12 table.

Page 180:12 to 181:04

00180:12 Q. First of all, you wouldn't characterize
13 yourself as a BOP expert, would you?
14 A. I am not a BOP expert.
15 Q. Never designed a BOP?
16 A. No.
17 Q. Never serviced a BOP?
18 A. No.
19 Q. Never functioned a BOP?
20 A. No.

21 Q. Have you ever had any training on BOPs?
 22 A. No.
 23 Q. How would you describe your past
 24 experience with BOPs prior to April 20th of 2010?
 25 A. I would not have a description of my
 00181:01 experience on BOPs whatsoever.
 02 Q. Zero experience before this?
 03 A. Other than understanding the basic
 04 premise, no.

Page 192:20 to 193:20

00192:20 Q. Okay. Do you remember any conversation
 21 about someone suggesting that BOP on BOP would
 22 have led to uncontrolled underground flow?
 23 A. I mean, I'd have to take this into the
 24 context of the day. If you'd like, I can review
 25 this to maybe give you a better idea of what was
 00193:01 going on that day.
 02 But just to pull this one statement out,
 03 trying to remember, you know, I'd have to go
 04 through the scope of what was going on in the
 05 days to determine.
 06 So 5/28 was about the time, I believe,
 07 that -- where junk shot had failed, is basically
 08 what the deal is. So junk shot -- they were
 09 moving away from junk shot on or around the 28th.
 10 So I think in general, when you look at
 11 the 28th, they're talking about getting a second
 12 relief well. They're talking about longer term
 13 production solution.
 14 So somewhere in the conversations there
 15 was consistent talk about whether or not
 16 long-term flow rate had to be established to --
 17 should they do an abrupt shut-in. So at some
 18 point there was a discussion of whether or not
 19 they should have an abrupt shut-in or not. So
 20 that's about the best memory I can give you.

Page 194:02 to 194:07

00194:02 Q. Would that abrupt shut-in concern have
 03 applied to a capping stack on top of the HORIZON
 04 BOP?
 05 A. Yes. It would have applied to any device
 06 that would have shut off the flow above the
 07 existing BOP.

Page 197:01 to 197:04

00197:01 MS. ROSA: The designation was to
 02 the participation. He's able to talk about the
 03 government's participation in these topics. He

04 has done so.

Page 204:18 to 204:25

00204:18 Q. (BY MR. GUIDRY) Who had responsibility
19 for directing source control operations after the
20 blowout?
21 A. That's a good question.
22 Q. Do you have an answer?
23 A. I think you would have to go to the
24 incident command instructor through the Coast
25 Guard, federal on-scene coordinator.

Page 205:15 to 205:17

00205:15 Q. Correct. I'm wondering who's calling the
16 shots for purposes of source control on the
17 Macondo well after the blowout?

Page 205:19 to 205:23

00205:19 A. You're talking about overall scope of the
20 whole operation?
21 Q. (BY MR. GUIDRY) Yes, sir.
22 A. I'm referring to the federal on-scene
23 coordinator, which there were several.

Page 207:21 to 207:25

00207:21 Q. Okay. If the team leads were reporting
22 to BP executives and to Coast Guard and MMS, who
23 was making the ultimate decisions with regard to
24 handling source control issues on the Macondo
25 well for the team leads?

Page 208:03 to 208:04

00208:03 A. For the third time, I would say the
04 federal on-scene coordinator.

Page 208:25 to 209:12

00208:25 Q. (BY MR. GUIDRY) Okay. Then earlier you
00209:01 also testified: I can't characterize BP's plans
02 as having to have U.S. Coast Guard or MMS
03 approval to proceed.
04 Can you tell me what you meant by that.
05 A. Yeah. That's -- that's kind of a little
06 bit out of context. I think at that time we were
07 talking about the actual ROV hot stabs. So if
08 you go back to the time frame between when I was
09 there, April 21st through the 23rd, they were

10 already on site with the ROVs making attempts to
11 shut the BOP. They weren't asking me, and I
12 certainly wasn't directing them.

Page 213:01 to 213:19

00213:01 Q. Okay. I would like to talk with you
02 about some matters that you just were speaking
03 about, and we'll also ask some questions from
04 some of the other attorneys, and it has to do
05 with the federal on-site command process that you
06 were discussing.

07 I'm going to mark as Exhibit 5335 an
08 e-mail dated April the 15th of 2010 from an
09 Earnest Bush, who is a BP employee, Gulf of
10 Mexico for Crisis Continuity Management as, I
11 guess, an advisor.

12 (Exhibit 5335 was marked.)

13 Q. (BY MR. PETOSA) So I'd like to take a
14 step back, though, before we talk about the
15 question here.

16 Is it your understanding as you sit here
17 today that BP was the designated responsible
18 party with respect to the Macondo blowout?

19 A. Yes.

Page 213:24 to 214:07

00213:24 Q. BP accepted that designation, correct?

25 A. I believe they did.

00214:01 Q. Transocean was also designated as a
02 responsible party. Do you understand that?

03 A. I do not recall.

04 Q. Okay. Transocean objected to or denied
05 that designation. Do you have any understanding
06 of that?

07 A. I do not.

Page 214:16 to 215:22

00214:16 Q. (BY MR. PETOSA) Earlier this week BP
17 Shipping sponsored a session with Captain
18 J. J. Plunkett of MSU Port Arthur. He spoke
19 about his response to FOSC to the Eagle Otome --
20 or Otome. I apologize if I'm mispronouncing --
21 spill in the Port Arthur, Texas area. If you're
22 not familiar with the incident, here is a news
23 article.

24 There was a spill. A ship ended up
25 colliding with another ship in Port Arthur. The
00215:01 relevance of the issue has more to do with this
02 spill.

03 Some key points that I felt were

04 important from his presentation were his
 05 expectations of the Responsible Party.
 06 And it's listed below. I'd like to refer
 07 you down to where it says: Expectations of an
 08 RP, Responsible Party, to the third bullet: It's
 09 the RP'S Spill.
 10 The USCG -- United States Coast Guard,
 11 correct?
 12 A. Yes.
 13 Q. -- enters a response with the idea that
 14 they are there to assist the RP, unless you give
 15 them an impression that you are incompetent.
 16 Then they will take over.
 17 Now, BP was a responsible party with
 18 respect to this spill?
 19 A. Yes.
 20 Q. They weren't incompetent relative to this
 21 spill. You're not telling me that, correct?
 22 A. They were not incompetent.

Page 216:14 to 216:22

00216:14 Q. (BY MR. PETOSA) BP, you would agree,
 15 relative to the individuals that are BP employees
 16 identified on this e-mail, understood five days
 17 before this spill that if they are designated as
 18 a responsible party, that the Coast Guard would
 19 be there to assist them unless they were
 20 incompetent in their efforts to contain the
 21 spill, correct?
 22 A. That's what this appears --

Page 216:24 to 216:25

00216:24 Q. (BY MR. PETOSA) Yes?
 25 A. That's what this appears to say.

Page 217:13 to 218:15

00217:13 everyone, that that was Anadarko's Tab 8, which
 14 was marked as Exhibit 5334.
 15 Q. (BY MR. PETOSA) Second bullet -- I'm
 16 going to read it, sir -- says: The day after the
 17 BP executive meetings -- meeting, excuse me --
 18 Secretary Salazar took the first of many trips to
 19 Houston to review the response efforts at BP
 20 headquarters. On April 29th -- that's 2010 --
 21 after attending the operations meetings with BP
 22 executives, Secretary Salazar concluded that BP
 23 was not making adequate progress in addressing
 24 the spill and pushed the company to expand source
 25 control and well containment options.
 00218:01 Did I read that correctly?

02 A. You read it correctly.

03 Q. Did you ever become aware of concerns in
04 and around -- on and around that time that the
05 OIR representatives and other representatives of
06 the Coast Guard and MMS had with respect to BP's
07 efforts to contain the spill?

08 A. I was not there on April 29th.
09 Secretary Salazar came to BP quite a few times
10 while I was there, and I think he pushed them
11 every time to respond with more ideas, more
12 options. I can't characterize his level of
13 understanding of the oil field.

14 Q. But oil was flowing in the Gulf, correct?

15 A. Absolutely.

Page 219:11 to 219:23

00219:11 You were asked some questions early on; I
12 think it was actually by BP. You indicated that
13 you were never trained in source control, and you
14 have not been trained on the federal regulations
15 regarding blowout preventers. Did I hear that
16 correct, the second part? And if so, can you
17 clarify.

18 A. I, of course, studied the regulations on
19 blowout preventers. I have referred to them many
20 times. As far as there being an official
21 training course, it's all on-the-job training,
22 what I teach myself, what I ask of others inside
23 my agency.

Page 228:16 to 228:18

00228:16 Q. You would agree that BP sought to change
17 the lower VBR and convert it to a test profile to
18 save money?

Page 228:20 to 228:21

00228:20 Q. (BY MR. PETOSA) And time, which is
21 money?

Page 228:24 to 230:12

00228:24 A. I would agree that to save time and to
25 save trips -- and trips mean more dynamic -- more
00229:01 dynamic activities on the rig floor, which could
02 also increase safety. So this statement does
03 address the cost.

04 But at the same time, if presented on a
05 whole to the MMS or to me, if -- I'm not sure I
06 would have ever gotten the cost savings. They
07 would have proposed it to me as to saving trips,

08 saving -- saving more activity or preventing as
 09 much activity on the rig floor, which would have
 10 been a good thing.

11 Q. But on the flip side, would you agree by
 12 eliminating one pipe ram, one variable bore ram,
 13 and its ability to shut in the well at a flow
 14 situation, you're decreasing the safety profile
 15 of the DEEPWATER HORIZON BOP?

16 A. I would say it this way, that more
 17 redundancy is better.

18 Q. We talked about that earlier. Bottom
 19 line, sir, it's a good thing, correct?

20 A. Yes, it is.

21 Q. Let's talk about Tab No. 9, sir. It's an
 22 e-mail from David Sims at BP to an Ian Little at
 23 BP entitled: Update on TO, Transocean,
 24 Performance.

25 I'd like to read to you, sir, only the
 00230:01 first statement there in that e-mail: My
 02 inclination is to not say anything at this time.
 03 I can't point to anything that Transocean has
 04 done wrong to cause the failures. Also, we drove
 05 the decision to install test rams and put
 06 ourselves in this position of having to pull the
 07 stack if one ram fails. Under normal
 08 circumstances we wouldn't have pulled the stack
 09 after either failure as we can operate with two
 10 functioning rams.

11 Again, this was a decision driven by BP.
 12 Do you agree?

Page 230:14 to 230:24

00230:14 A. The decision regarding --

15 Q. (BY MR. PETOSA) To convert to a test
 16 ram.

17 A. It appears so, yes.

18 Q. Don't you think that BP also should have
 19 been aware, sir, when they were trying to hot
 20 stab the BOP after the blowout occurred, that the
 21 hot stab might have still been linked to the
 22 lower VBR that they converted to a test ram since
 23 they drove the decision and requested that that
 24 lower VBR be converted to a test ram?

Page 231:02 to 231:02

00231:02 A. Someone should have known.

Page 231:17 to 231:22

00231:17 Q. You would agree that BP, as the operator
 18 of that rig and the operator who requested that

19 that lower variable bore ram be converted to a
 20 test ram, should have also been aware about the
 21 possibility that there was a plumbing problem, as
 22 you described it?

Page 231:25 to 232:06

00231:25 A. And I'll repeat. Someone should have
 00232:01 been aware.

02 Q. (BY MR. PETOSA) The only two, you would
 03 agree, that should have been aware would have
 04 either been Transocean, the driller contracted by
 05 BP, who was the operator of that rig relative to
 06 the well, correct?

Page 232:09 to 232:12

00232:09 A. By the time we got to that situation,
 10 either Transocean or BP should have known what
 11 was going on with that -- those hot stab
 12 locations.

Page 239:18 to 240:01

00239:18 Q. I'd like to talk about the next page
 19 over. Right at the top, you note: LMRP cap to
 20 ENTERPRISE. And then No. 3, you talk about it
 21 again.
 22 What do you mean about -- what does that
 23 indicate, sir? Describe to me what you mean by
 24 LMRP cap to ENTERPRISE.
 25 A. LMRP cap, I think in this regard, refers
 00240:01 to an actual top hat, not a sealing device.

Page 240:07 to 241:24

00240:07 Q. Taxing mine, too, trying to get through
 08 all this stuff in the day the deposition occurs.
 09 I'm sorry about that.
 10 So the LMRP cap from the ENTERPRISE, sir,
 11 is it your testimony that that was the top hat
 12 and not something that was considered as being a
 13 sealing or capping stack?
 14 A. Give me one second here. Yeah. If you
 15 go to 5/30, you'll see where in No. 3 I refer to
 16 LMRP cap. And you'll see where it says:
 17 Lead-based cap will be out late Monday night or
 18 early Tuesday morning.
 19 Q. Uh-huh.
 20 A. The LMRP caps refer to not a capping
 21 stack but a top hat. So I can remember that one
 22 of the nicknames for one of those caps was called
 23 "Leady," which stood for they were going to put

24 some lead in the bottom of one of the caps to
 25 give it a little bit of extra weight to hold it
 00241:01 stable over the -- once the LMRP -- I'm sorry --
 02 once the riser had been cut free on the top of
 03 the flex joint. One of their capture
 04 methodologies was a top hat, which was not a
 05 sealing cap.

06 So if you saw something that referred
 07 to -- the LMRP will be repeated throughout these
 08 notes, but the LMRP top hat is probably a more
 09 appropriate term. And no doubt that a lot of
 10 terms were flying around there, and maybe my
 11 notes don't reflect. But certainly, this is
 12 referring to a top hat.

13 Q. I note, sir, on June 30th of 2010 there
 14 is an 8 o'clock entry under -- it says Salazar.
 15 It's the second page that you have for June 30th
 16 at the 8 o'clock entry, Salazar No. 3. It says
 17 capping stack.

18 A. Right.

19 Q. Is capping stack -- is that also what you
 20 indicated earlier as sealing cap? Does that mean
 21 the same thing?

22 A. Capping stack is the device that was
 23 ultimately put on the well that had rams and was
 24 intended to seal the well.

Page 246:17 to 247:10

00246:17 Q. I'm trying to do that as we speak. I
 18 apologize. Let me know if you find it because
 19 I'm looking, too. I'm up to May 11th.
 20 I note on May 13th of 2010 at the bottom,
 21 engineering No. 4, you note: Review of BOP on
 22 BOP and top valve is underway.

23 Is that correct?

24 A. On what day?

25 Q. May 13th at the bottom next to No. 4
 00247:01 where it says Engineering. And it's towards the
 02 back. It's the last two days -- last two pages
 03 of notes from May 13th. It starts out:
 04 May 13th, No. 1, subsea dispersion injection.

05 And I'm referencing this one, No. 4. It
 06 says Engineering. There you go. Do you want to
 07 read that for me to make sure I get -- what does
 08 that say review of?

09 A. Review of BOP on BOP and top valve
 10 underway.

Page 247:16 to 249:05

00247:16 Q. No. I meant the sentence before. Going
 17 could be many things, like being done with this
 18 deposition and going home. But I'm asking you

19 specific about that line: Review of BOP on BOP.
 20 What did you mean about that and the
 21 other part -- and top valve?
 22 A. Specifically, I don't recall.
 23 Q. Does that reference there that analysis
 24 was going on at that time about the use of a
 25 capping stack?
 00248:01 A. Yes. That -- I mean, they may have. I
 02 can't be 100 percent certain. They may have
 03 referred to a capping stack as another BOP. I
 04 can't be 100 percent sure of that.
 05 Q. Now, I'd like to refer you to May 14th.
 06 Only a couple of pages more. On the top, No. 4,
 07 it says Engineering.
 08 A. Yes.
 09 Q. It says -- if you can read that third
 10 bullet for me. It looks like something, and then
 11 BOP on BOP.
 12 A. BOP on BOP review. No major show stop,
 13 provided you can unlatch the LRMP. Valve on top
 14 of LRMP start --
 15 I can't read my own handwriting.
 16 Q. What's the difference between a BOP on
 17 BOP versus a valve on top of the DEEPWATER
 18 HORIZON LRMP of the BOP?
 19 A. My general sense or general memory would
 20 be that they considered multiple options. One
 21 would be the use of a BOP from another rig. One
 22 would be they would have a reduced BOP, like a
 23 capping stack that had multiple rams. And I also
 24 believe they were building -- in addition to the
 25 capping stack, they were building a single ram
 00249:01 capping stack.
 02 So when they refer to BOP on BOP, I'm --
 03 I just can't be positive whether or not they're
 04 referring to another rig's BOP versus a capping
 05 stack.

Page 253:05 to 253:08

00253:05 Q. Would you agree, sir, that as the
 06 operator of the DEEPWATER HORIZON and MC 252,
 07 that BP should have been prepared for a blowout
 08 scenario, which is, in fact, what occurred?

Page 253:10 to 253:20

00253:10 A. I would expect every operator in the Gulf
 11 of Mexico to be prepared for a blowout, including
 12 BP.
 13 Q. (BY MR. PETOSA) And with respect to
 14 specifically the DEEPWATER HORIZON and MC 252,
 15 you would agree that BP as the operator should
 16 have been prepared to respond to the blowout that

17 occurred?
18 A. Yes.
19 Q. Would you agree, sir, that BP was not
20 prepared to respond to the blowout?

Page 253:22 to 254:10

00253:22 A. I would not agree with that statement.
23 Q. (BY MR. PETOSA) Why?
24 A. Given the -- given the circumstances of
25 the blowout and what occurred, I am convinced
00254:01 that the effort undertaken to get -- to secure
02 the well was the most anyone could do.
03 Q. Okay. But you offer that opinion, sir,
04 just based upon your observations in the time
05 frame we've discussed from April 21st through
06 April 23rd of 2010 and May 4th of 2010 forward,
07 correct?
08 A. I offer that as my -- as a result of my
09 observations from April 21st through the time I
10 left.

Page 254:13 to 254:19

00254:13 Q. The time you were involved. But that's
14 not based upon any analysis or review that you
15 have conducted on your own in preparing for the
16 deposition today, looking at all the APDs, the
17 well designs, the plans, everything related to
18 MC 252 as it applies to BP?
19 A. Correct.