

OFFSHORE HELICOPTER SAFETY INQUIRY

January 18, 2010

Tara Place, Suite 213, 31 Peet Street

St. John's, NL

January 18, 2010

PRESENT:

John F. Roil, Q.C./

Anne Fagan.....Inquiry Counsel

**John Andrews/ Amy Crosbie. Canada-Newfoundland and Labrador Offshore
..... Petroleum Board (C-NLOPB)**

**Cecily Strickland/Ian Wallace..... Hibernia Management and
..... Development Company (HMDC)**

D. Blair PritchettSuncor (Petro-Canada)

Alexander C. MacDonald, Q.C..... Husky Oil Operations Ltd.

Nick Schultz Canadian Association of Petroleum Producers (CAPP)

Laura Brown Laengle Government of Newfoundland and Labrador

Norman J. Whalen, Q.C.....Cougar Helicopters Inc.

Jamie Martin.....Families of Deceased Passengers

**Kate O'Brien.....Davis Estate (Pilot) and
..... agent on behalf of Douglas A. Latto for Lanouette Estate (Co-pilot)**

**V. Randell J. Earle, Q.C. Communications, Energy and Paperworkers Union
..... Local 2121**

**Robert Rutherford (without counsel) Offshore Safety and Survival Centre,
..... Marine Institute**

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1 January 18, 2010
 2 COMMISSIONER:
 3 Q. Good morning, ladies and gentlemen. Mr. Roil.
 4 ROIL, Q.C.:
 5 Q. Good morning. Thank you, Commissioner. Today
 6 we are hearing another of a series of panels.
 7 This time it's a panel of two. We have two
 8 representatives of Hibernia Management and
 9 Development Company Limited. One is Mr. Paul
 10 Sacuta, whom we have met on an earlier
 11 occasion, and who is already sworn, and the
 12 other is Mr. John Fraser, and I would ask the
 13 Register to administer the oath for Mr. Fraser
 14 only please.
 15 MR. PAUL SACUTA, PREVIOUSLY SWORN, MR. JOHN FRASER,
 16 SWORN, EXAMINATION BY JOHN ROIL, Q.C.
 17 REGISTRAR:
 18 Q. State your name, please.
 19 MR. FRASER:
 20 A. John Fraser.
 21 COMMISSIONER:
 22 Q. Okay, Mr. Roil.
 23 ROIL, Q.C.:
 24 Q. Commissioner, before we proceed, I'd like to
 25 speak a little bit about the exhibits. There

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1 are a small number of exhibits, although some
 2 of them are quite lengthy, and I would like to
 3 ask that they be put up as exhibits in our
 4 proceedings, but before doing so, I would --
 5 I'd like to say that I've had a concern
 6 expressed by at least one counsel, who has
 7 indicated a concern and a very legitimate
 8 concern about the timing of the posting of at
 9 least one of these exhibits. The PowerPoint
 10 went up very late on Friday afternoon and I
 11 expressed my -- or he expressed his concern to
 12 me and I share it, and quite frankly, we will
 13 do our best to get them up as soon as they are
 14 final and 4:30 on Friday afternoon is not good
 15 enough. So we'll make sure we do better than
 16 that. Additional exhibits for the next series
 17 will be started to be uploaded this morning
 18 while we're here in hearing. We have a very
 19 compressed schedule, so getting approval of
 20 documents, getting them up, getting them
 21 loaded as we go through the hardware and
 22 software procedures does take some time
 23 sometimes, but certainly the presentation from
 24 Hibernia today will be, I suspect, all of the
 25 day, and so counsel will have an opportunity,

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1 I suspect, to overnight prepare for the cross-
 2 examination or the examination by other
 3 counsel tomorrow.
 4 COMMISSIONER:
 5 Q. Okay, thank you.
 6 ROIL, Q.C.:
 7 Q. With that comment, I would ask that you admit
 8 as exhibits Exhibit No. 130, which is a public
 9 exhibit, the HMDC PowerPoint presentation,
 10 which I will lead them through today, and in
 11 addition, Exhibits 131 through and including
 12 136, that series of six exhibits being
 13 confidential exhibits. These are documents
 14 that are the proprietary interest of HMDC.
 15 They are, of course, sharing them with us and
 16 with the parties in the room, but they will
 17 not be available to the public. There is, of
 18 course, an understandable concern that their
 19 competitors not get a competitive advantage by
 20 seeing their documents and by comparing them
 21 to other documents and so on and so forth, but
 22 I think we have a process that will allow us
 23 to look at them, to the extent that we need
 24 necessary.
 25 COMMISSIONER:

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1 Q. That will apply, of course, to the other
 2 presenters as well.
 3 ROIL, Q.C.:
 4 Q. The other presenters will be very similar.
 5 There'll be some public documents and some
 6 will be considered confidential. And at the
 7 request of our staff, the Registrar has
 8 indicated that sometimes being surprised as to
 9 what exhibits need to come up is a problem, in
 10 terms of finding them rapidly. So as a
 11 courtesy to our staff, I would indicate that I
 12 will be looking, in the course of the
 13 examination today, at: Exhibit No. 132, pages
 14 126 and 30; Exhibit 133 and Mr. Sacuta or Mr.
 15 Fraser will have to take us to the page in
 16 that case; Exhibit 135, which is a very short
 17 one; and Exhibit 136. So with all of that as
 18 a preface, good morning, gentlemen.
 19 MR. SACUTA:
 20 A. Good morning.
 21 MR. FRASER:
 22 A. Good morning.
 23 ROIL, Q.C.:
 24 Q. Mr. Sacuta, you have been with us before, and
 25 you are familiar with the process and I gather

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1 you're going to lead us through a significant
 2 portion of this and that Mr. Fraser will jump
 3 in from time to time. So I'd let you take it
 4 away and introduce Mr. Fraser and his
 5 credentials and so on.

6 MR. SACUTA:
 7 A. Okay, thank you very much. Mr. Roil,
 8 Commissioner Wells, when we presented as a
 9 joint panel last week, we talked about how the
 10 events of March 12th impacted so many people
 11 in our province. Obviously this has been a
 12 very difficult time for the families of those
 13 who died on board Flight 491. After listening
 14 to Mr. Decker's testimony, it is clearly
 15 evident how he has been affected. It has also
 16 been a difficult time for the industry and the
 17 broader community. It is the most difficult
 18 thing I have ever had to face in my career.
 19 The incident and the families are never far my
 20 thoughts.
 21 I will be presenting today with John
 22 Fraser, who is currently the offshore
 23 installation manager on the Hibernia platform.
 24 John was on board Hibernia on March 12th, 2009
 25 and did an outstanding job of talking,

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1 listening and watching out for the workforce
 2 during this difficult period. John and I are
 3 as impacted by the decisions HMDC make around
 4 helicopter transportation as any of our
 5 workforce. John works a three-week-on three-
 6 week-off rotation, so he flies to and from
 7 work each shift change and I travel offshore
 8 up to ten times per year.
 9 The review by the Inquiry and the
 10 recommendations by this Inquiry will impact us
 11 directly as individuals and more so, it will
 12 impact us as leaders because we are ultimately
 13 responsible for the safety of all the people
 14 who work offshore and onshore Hibernia. This
 15 is our workplace. The Platform is also John's
 16 home for half of the year.
 17 We are focused on safety because it is
 18 the right thing to do. We know that if a
 19 company doesn't get safety right, it won't get
 20 the rest of its business right. It's as
 21 simple as that. There is nothing more
 22 important than the safety of our workforce,
 23 and this includes the safe and reliable
 24 transport of our employees and contractors.
 25 We put significant resources into designing a

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1 safe facility, implementing the best safety
 2 management system and training our people. I
 3 am proud of the safety culture at Hibernia. I
 4 have worked all over the world and I can say
 5 that this is one of the best operations I have
 6 worked with when it comes to the commitment
 7 and engagement of the workforce and the
 8 commitment and engagement of the operator.
 9 The Hibernia Management and Development
 10 Company supports this Inquiry and is fully
 11 participating. Although we are very proud of
 12 our safety performance, we are always looking
 13 for ways to improve that performance, which is
 14 among the best in the industry. We thank you
 15 for the opportunity to be here today.
 16 Last week I provided my personal bio and
 17 I do not plan to review it again. I will hand
 18 over to Mr. Fraser so he can provide a brief
 19 overview of his work experience.

20 MR. FRASER:
 21 A. Thank you, Mr. Sacuta. Mr. Commissioner, my
 22 name is John Fraser and I'm an offshore
 23 installation manager on the Hibernia Platform.
 24 The offshore installation manager is the most
 25 senior position on the Hibernia Platform and I

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1 report to Mr. Sacuta. My primary
 2 responsibility as OIM is to ensure the safety
 3 of everyone on the Platform.
 4 I started working in the offshore oil and
 5 gas industry 30 years ago when I took some
 6 time off from university to go to work on an
 7 offshore drill rig. In that time, on the
 8 drill rigs, I worked in drilling operations,
 9 maintenance, logistics and in safety. In the
 10 past 30 years, I've flown in over 400 offshore
 11 helicopter flights in Southeast Asia, the
 12 North Sea, Alaska, Gulf of Mexico and the
 13 North Atlantic, both here in Newfoundland and
 14 in Nova Scotia. I've flown on Bell 212 and
 15 Bell 214 helicopters, various models of the
 16 Super Puma helicopters in various places, the
 17 Sikorsky S-61s, S-76s and of course, the S-92s
 18 here in Newfoundland.
 19 15 years ago, I started work at Hibernia
 20 and I've worked as a Platform services
 21 supervisor, an onshore safety lead and a
 22 platform production supervisor. I'm currently
 23 one of the two offshore installation managers
 24 on Hibernia. There's two of every position,
 25 so I'm here now and this time next week, I'll

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1 be offshore on Hibernia, flying out there, and
 2 my back-to-back will come in.
 3 Like everyone involved in the tragic
 4 events of March 12th, they've had a tremendous
 5 effect on my family and myself. Not a day
 6 goes by when I don't think of that day and the
 7 families of those who were involved. I'm not
 8 sure that this Inquiry -- I am sure that this
 9 Inquiry will have a positive effect on safety
 10 and I will support you in your work in any way
 11 that I can. Thanks for the opportunity to be
 12 here today.
 13 COMMISSIONER:
 14 Q. Thank you.
 15 ROIL, Q.C.:
 16 Q. Mr. Sacuta, I think you're going to do the
 17 outline and start the presentation, and as
 18 I've indicated to other witnesses, if at any
 19 time I ask a question and you wish to defer it
 20 to Mr. Fraser because he has a greater
 21 knowledge of that particular area because
 22 you're both affirmed and sworn as witnesses,
 23 you can hand it back and forth as you see
 24 appropriate.
 25 MR. SACUTA:

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1 A. We have a number of sections to review today.
 2 First the Hibernia overview will talk about
 3 the history, including the construction, the
 4 safety design, the helideck design, including
 5 the safety features of the helideck. We'll
 6 talk about HMDC's organizational structure and
 7 our statement of commitment to safety, health
 8 and the environment.
 9 In the basis of safe operations section,
 10 we'll talk about the regulatory environment in
 11 which we operate, Hibernia's safety plan and
 12 our safety management system. Our risk
 13 management we'll talk about next, which is one
 14 of the key components of our operations
 15 integrity management system or our safety
 16 management system. Personnel safety,
 17 including personnel and training, regulatory
 18 requirements and the Hibernia offshore JOHS
 19 committee.
 20 We'll then talk about helicopter
 21 operations and maintenance, our aviation
 22 operations guide, the helicopter operations
 23 manual, Hibernia's helicopter operations
 24 manual, and offshore helicopter refuelling,
 25 arrivals and departures. I'll talk about

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1 aviation contract management, which will be to
 2 discuss third party services, Cougar as our
 3 helicopter service provider, how we monitor
 4 Cougar's performance, and the selection of the
 5 S-92 airframe.
 6 Incident management, we will provide a
 7 very brief discussion on Hibernia's incident
 8 investigation process. Emergency response,
 9 we'll discuss the regulatory requirements,
 10 Hibernia's emergency response structure and
 11 the response to March 12th, including any
 12 lessons learned, and then I'll have a summary
 13 and some closing remarks.
 14 I do not intend to read all the items on
 15 this slide, as a number of them were covered
 16 in the joint panel, but I would like to
 17 highlight the following. Hibernia's peak
 18 production occurred in 2002 when we achieved
 19 230,000 barrels a day from a facility that was
 20 originally designed for 150,000 barrels a day.
 21 We have produced approximately 650 million
 22 barrels of oil to date. When the project was
 23 originally sanctioned, it was sanctioned based
 24 on recoverable reserves of 525 million
 25 barrels. The current estimates of recoverable

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1 reserves on the Hibernia platform are between
 2 950 million and 1.3 billion barrels, so more
 3 than twice what the original project sanction
 4 was.
 5 ROIL, Q.C.:
 6 Q. Is there a current life expectancy or is there
 7 any way we can, without offending the stock
 8 markets of the world, talk about how long you
 9 expect that facility to be out there?
 10 MR. SACUTA:
 11 A. We're expecting it to be producing through
 12 2034.
 13 ROIL, Q.C.:
 14 Q. And that's based on known reserves?
 15 MR. SACUTA:
 16 A. Based on known reserves.
 17 ROIL, Q.C.:
 18 Q. Okay, and if additional reserves were found -
 19 MR. SACUTA:
 20 A. That's correct.
 21 ROIL, Q.C.:
 22 Q. - that might impact that?
 23 MR. SACUTA:
 24 A. That's correct.
 25 ROIL, Q.C.:

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1 Q. Okay. Thank you.

2 MR. SACUTA:

3 A. I also talked about this slide in the joint

4 panel. One new picture on the bottom right-

5 hand portion is it shows the reservoirs which

6 the Hibernia Platform produces from. There

7 are two producing reservoirs, the Hibernia

8 reservoir, which is the deeper, and the Ben

9 Nevis Avalon, which is the shallower of the

10 two reservoirs. The Hibernia formation is the

11 most prolific of the two producing reservoirs

12 and produces the largest percentage of oil

13 currently from the Platform.

14 ROIL, Q.C.:

15 Q. I think the other details of the Platform were

16 discussed in your -

17 MR. SACUTA:

18 A. That's correct.

19 ROIL, Q.C.:

20 Q. - in the joint panel we had with the other

21 operators. Thank you.

22 MR. SACUTA:

23 A. Certainly we believe Hibernia is a world-class

24 facility. The gravity-based structure was

25 built in Bull Arm, Newfoundland. We created a

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1 drydock by erecting a massive berm across

2 Great Mosquito Cove. The GBS ice wall

3 consists of a 50-foot thick concrete belt with

4 16 ice teeth which are specifically designed

5 for deflecting icebergs should one approach

6 the Platform. The base of the GBS is

7 equivalent to the length of two football

8 fields to put its size in perspective. The

9 topsides consists of five super modules. Two

10 were built in Korea, two in Italy and one in

11 Bull Arm. The five super modules are the

12 process module, which we call M10, the

13 wellheads module we call M20, the mud module

14 which is associated with drilling, M30, the

15 utilities module M40 and the living quarters

16 module which is M50. The wellheads module was

17 actually the super module that was built in

18 Newfoundland.

19 ROIL, Q.C.:

20 Q. The helideck, is that a portion of one of

21 those modules or is it attached?

22 MR. SACUTA:

23 A. It's attached to one of the modules.

24 ROIL, Q.C.:

25 Q. Okay. We'll talk about that later perhaps.

Page 15

1 MR. SACUTA:

2 A. Yes. The GBS was towed into deep water and

3 flooded and the topsides was towed over the

4 submerged GBS and the GBS was slowly raised to

5 meet the topsides when the mating occurred,

6 and at the time of the tow out, it was the --

7 the facility was towed offshore by nine of the

8 world's largest tugboats.

9 The Hibernia Platform was designed to the

10 highest standards and incorporates a large

11 number of significant safety features, which

12 includes, as I've already mentioned, an

13 iceberg resistant gravity-based structure, a

14 temporary safe refuge protected by a blast

15 wall and our temporary safe refuge is actually

16 the living quarters or the accommodations

17 module.

18 ROIL, Q.C.:

19 Q. And what's a blast wall?

20 MR. SACUTA:

21 A. The blast wall is a wall that's designed to

22 withstand a certain size blast to protect the

23 occupants on the other side of the wall.

24 ROIL, Q.C.:

25 Q. So if something untoward happens -

Page 16

1 MR. SACUTA:

2 A. If something were to happen on the other side

3 of the wall, it's designed for a certain blast

4 rating, which would protect those that are

5 inside the accommodations module.

6 ROIL, Q.C.:

7 Q. I see, thank you.

8 MR. SACUTA:

9 A. It includes thousands of highly sensitive

10 smoke, fire and gas detectors. I think

11 there's approximately 5,000 end devices on the

12 Platform, between fire, smoke, gas and manual

13 call points. I've never seen anything like it

14 as far as the numbers. An order of magnitude

15 larger than any place I've ever worked.

16 It has a water and foam delude system

17 capable of delivering thousands of gallons of

18 water per minute to various locations, as

19 needed. It has firewall protection between

20 the modules. As I mentioned, there's

21 firewalls between the modules. The M10

22 module, which is the process module, is the

23 module that is farthest away from the

24 accommodations module by the design. It's the

25 area that has the oil and gas processing

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1 equipment. So by design, it's located the
 2 farthest distance away from the module that
 3 actual people actually live and sleep in. And
 4 we have an automatic emergency shutdown
 5 system. Should the system detect an
 6 abnormality it has the ability of immediately
 7 shutting the Platform, shutting all the wells
 8 and blow down the system to protect those that
 9 are on board.

10 Based on the fact that this Inquiry is
 11 focused on helicopter transportation, we have
 12 prepared a couple of slides which describe the
 13 Hibernia helideck design and safety features.
 14 It's designed, and some of this we covered
 15 last week, in accordance with Transport Canada
 16 guidelines TP-4414. It's also designed to an
 17 API-RP-2L which is a recommended practice for
 18 planning, designing and constructing heliports
 19 for fixed offshore platforms. It is located
 20 on the southwest corner of the Platform at 149
 21 metres of elevation, and that 149 metres is
 22 from the seabed floor. So 80 metres of water,
 23 69 metres above the water surface, and you can
 24 see we've circled where the helideck is
 25 located on that picture. It measures 22.8

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1 metres by 22.8 metres. It has a weight
 2 limitation of almost 16,000 kilograms and it
 3 can accommodate large working class
 4 helicopters, including the Eurocopter AS332L,
 5 which is the Super Puma, the Sikorsky S-61,
 6 the Sikorsky S-92 and the Cormorant, which is
 7 the Coast Guard helicopter.

8 ROIL, Q.C.:
 9 Q. I think all of us are aware, from the media,
 10 of an incident last week where a Cormorant was
 11 used to get to 600 kilometres off our shore to
 12 help an injured seaman.

13 MR. SACUTA:
 14 A. That's right.

15 ROIL, Q.C.:
 16 Q. This was the Platform that the Cormorant
 17 landed on?

18 MR. SACUTA:
 19 A. That's right. The Hibernia installation has
 20 significantly extended the reach to the
 21 Canadian Coast Guard. It is not uncommon for
 22 the Canadian Coast Guard to fly to Hibernia,
 23 land, refuel if required and then carry on to
 24 a ship in distress. Quite often they will
 25 order the ship to head towards the Platform,

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1 if they've got an injured party. So it's
 2 essentially doubled the reach in that area of
 3 the Atlantic Ocean for the Coast Guard. It's
 4 not uncommon at all to have the Coast Guard
 5 come out, fly out and then wait for the
 6 opportunity to carry on to recover a casualty,
 7 for example.

8 ROIL, Q.C.:
 9 Q. And their consumption of fuel and whatnot,
 10 we'll talk about perhaps a little later when
 11 we talk specifically about fuel and the
 12 reserves.

13 MR. SACUTA:
 14 A. Right.

15 ROIL, Q.C.:
 16 Q. Just looking at the photograph there, the
 17 white portion that looks like a building or a
 18 hotel or a house, a rather large house.

19 MR. SACUTA:
 20 A. Yes.

21 ROIL, Q.C.:
 22 Q. What is that?

23 MR. SACUTA:
 24 A. That is the accommodations module. So it is a
 25 hotel. It's the offshore hotel. It contains

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1 140 rooms, each room with two beds in it, a
 2 bathroom. So there would be a POB for 280
 3 personnel on board.

4 ROIL, Q.C.:
 5 Q. POB is persons on board?

6 MR. SACUTA:
 7 A. Personnel on board, yeah.

8 ROIL, Q.C.:
 9 Q. Okay, thank you.

10 MR. SACUTA:
 11 A. So the helideck design features, it does have
 12 water and foam firefighting equipment around
 13 the perimeter of the helideck. It has
 14 lighting for visibility. There is a perimeter
 15 net which is a regulated requirement. It has
 16 a non-skid surface, which is supplemented
 17 during a netting, during the winter months.
 18 During the winter months, we put a
 19 crosshatched net for people to walk on when
 20 they get off the helicopter, in case it
 21 becomes -- if there's any ice on the deck or
 22 it becomes -- slippery. So we do that during all
 23 winter months and then it comes off during the
 24 summer months because the non-slip surface is
 25 adequate during the summer months.

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1 There are tie-down points. Should we
 2 have to shutdown a helicopter, we can tie it
 3 down, if it had to spend the night, for
 4 example. There's windsocks to determine wind
 5 direction, a helideck rescue kit, and there is
 6 an emergency parking area. So if we had a
 7 helicopter that for any reason had to shutdown
 8 and could not be restarted, we could pull it
 9 off to the side and still have access to the
 10 platform so another helicopter could land.
 11 ROIL, Q.C.:
 12 Q. And that is shown on the photograph?
 13 MR. SACUTA:
 14 A. It's shown on the photograph at the top end,
 15 the square or rectangular area at the top of
 16 the green helideck area.
 17 ROIL, Q.C.:
 18 Q. And is that designed in such a way that even
 19 if a helicopter is parked there, another
 20 helicopter can safely land or take off?
 21 MR. SACUTA:
 22 A. Yes, that's correct. For information, Cougar
 23 does do a detailed annual helideck inspection
 24 using a designated in-house inspector. We
 25 complete structural inspections by our

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1 inspection contracting company, and these are
 2 validated as part of the annual inspection of
 3 the helideck which is completed by Lloyd's
 4 Register. Additionally, every day before
 5 helicopter's activities, the HLO, the
 6 helicopter landing officer, does a visual
 7 inspection of the helideck. We also have
 8 maintenance routines for all the lights. So
 9 there are a number of inspections that are
 10 completed associated with the helideck on a
 11 yearly basis.
 12 ROIL, Q.C.:
 13 Q. In the area of the North Atlantic, surrounded
 14 by saltwater, are there any major challenges
 15 in terms of maintenance of the helideck?
 16 MR. SACUTA:
 17 A. The biggest challenge is inspecting the under
 18 deck structures which usually means you need
 19 abseilers or guys to get on ropes to actually
 20 do those inspections. But everything else is
 21 -- I mean, you're on a fixed installation in
 22 our case, so to inspect the helideck lights
 23 and the firefighting equipment, it's all on a
 24 non-moving part of the Platform. The
 25 structural components do require some special

Page 23

1 service people to get underneath the helideck
 2 to inspect those beams, for example.
 3 ROIL, Q.C.:
 4 Q. Okay, thank you.
 5 MR. SACUTA:
 6 A. As discussed in the joint panel presentation,
 7 Hibernia is not operated by one of the co-
 8 venturers, but rather by a separately
 9 incorporated company which is the Hibernia
 10 Management and Development Company. It was
 11 incorporated in 1988 by the co-venturers or
 12 the shareholders who entered into a joint
 13 venture to develop the Hibernia oilfield. As
 14 I've mentioned, HMDC is the operator of the
 15 project. It is an integrated team of
 16 specialists originally comprised of direct
 17 hires, secondees from co-venturer companies
 18 and contract staff. That was the original
 19 design of the Hibernia organization and I'll
 20 talk a little bit further about some of the
 21 changes that have occurred over time.
 22 HMDC president is myself. I do have a
 23 management team which is a number of
 24 supervisors and then the boxes below are to
 25 represent the departments that fall under

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1 there. So we have an engineering and
 2 geoscience department, an operations
 3 department, a maintenance department, drilling
 4 and well work, safety health and environment
 5 and business services, and each one of those
 6 departments would have a supervisor which
 7 would be on the management team.
 8 ROIL, Q.C.:
 9 Q. And then Mr. Fraser, which department would he
 10 work out of?
 11 MR. SACUTA:
 12 A. He would be in the operations department.
 13 ROIL, Q.C.:
 14 Q. Okay, that's part of operations, his OIM or
 15 offshore installation manager role.
 16 MR. SACUTA:
 17 A. Right.
 18 ROIL, Q.C.:
 19 Q. And that safety, health, environment and
 20 security person, to whom do they report?
 21 MR. SACUTA:
 22 A. There are a number of safety, health and
 23 environment personnel and they do have a
 24 safety, health and environment supervisor who
 25 is a part of the management team.

Page 25

1 ROIL, Q.C.:

2 Q. Okay.

3 MR. SACUTA:

4 A. We have a much more flat organization than

5 some of the other operators in this area.

6 Between myself and my management team, there

7 are no other levels and there's no one above

8 me from an HMDC perspective.

9 ROIL, Q.C.:

10 Q. So there's not a series -- you're the

11 president of HMDC.

12 MR. SACUTA:

13 A. That's correct.

14 ROIL, Q.C.:

15 Q. Are there a series of vice-presidents?

16 MR. SACUTA:

17 A. No. There's myself as the president and then

18 a number of supervisors for the departments

19 that are part of the management team.

20 ROIL, Q.C.:

21 Q. So who then is the Hibernia Executive

22 Committee? Because that's another expression

23 that we will run across from time to time.

24 MR. SACUTA:

25 A. Yes. The HMDC president and the management

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1 team are accountable to the Hibernia Executive

2 Committee which is composed of co-venturer

3 company representatives and is responsible for

4 the management and exercise of overall

5 supervision and control of the joint venture.

6 So there'll be representatives from each of

7 the co-venturers, ExxonMobil, Chevron, Suncor,

8 Canada Hibernia Holding Corporation, Murphy

9 and Statoil. So I report to the HEC. We have

10 regularly scheduled quarterly meetings where

11 we review performance. We review safety

12 statistics, production, drilling, and other

13 factors that we do at a quarterly meeting.

14 Effective January 1st of 2003, the

15 Hibernia Executive Committee authorized HMDC

16 to adopt and implement the policies, procedure

17 systems and business controls of ExxonMobil

18 Canada Properties, or ExxonMobil Canada. We

19 do rely solely on ExxonMobil Canada to

20 nominate personnel for HMDC managerial and key

21 technical and operations positions, subject to

22 the HEC's right of approval. So in 2003 --

23 prior to 2003, we could have secondees from

24 any of the six co-venturers. Basically, in

25 2003, we're in a situation now where the

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1 majority or essentially all of personnel that

2 work for HMDC in the office are secondees of

3 ExxonMobil Canada.

4 We have entered into a business services

5 agreement with ExxonMobil Canada and its

6 affiliates as necessary to support HMDC

7 operations, and what this has done is provided

8 HMDC with access to experienced personnel and

9 robust internationally tested policies and

10 procedures, based on the fact that ExxonMobil

11 is the largest oil company in the world.

12 ROIL, Q.C.:

13 Q. So I take it, and these are my words not

14 yours, HMDC is run now as if it were run --

15 not as if it were, in a manner consistent with

16 the way that ExxonMobil manages its properties

17 all over the world?

18 MR. SACUTA:

19 A. Yeah. We've adopted the policies and

20 procedures that would be used by ExxonMobil's

21 operations around the world. So what that has

22 allowed us to do is leverage off of the

23 strength of ExxonMobil's worldwide knowledge

24 and continuous improvement opportunities and

25 leverage off that as part of operating the

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1 Hibernia Platform itself. We still have a

2 dedicated or an incorporated company, HMDC,

3 although we utilize ExxonMobil's policies and

4 processes.

5 ROIL, Q.C.:

6 Q. So prior to the ExxonMobil policies and

7 practices, what kind of policies, if there was

8 a personnel policy or a safety policy or

9 anything else, what kind of policies were in

10 place prior to 2003?

11 MR. SACUTA:

12 A. HMDC had their own policies, were HMDC

13 specific, that were generated over time, from

14 the time of the original incorporation of HMDC

15 as an entity. So they had their own set --

16 they had their own safety management system.

17 They had their own policies and procedures.

18 But when this decision was made in 2003, we

19 started to transition to the ExxonMobil

20 policies and procedures.

21 ROIL, Q.C.:

22 Q. And that transition is fully effect now?

23 MR. SACUTA:

24 A. Absolutely.

25 ROIL, Q.C.:

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1 Q. Okay.
 2 MR. SACUTA:
 3 A. So this chart is not intended to show every
 4 offshore leadership position, but rather to
 5 show the main employers on the Platform and
 6 where they are monitored from a leadership
 7 perspective. So you can see under operations
 8 and maintenance, there are four employers that
 9 are identified. They report in through the
 10 production and maintenance supervisor. So
 11 HMDC does have all operations and maintenance
 12 employees offshore. We also have Baker Hughes
 13 Canada, Newfoundland Service Alliance and
 14 Spectral Energy. For any of your information,
 15 the two hydraulic personnel who were on
 16 Flight 491 were called to the Platform under a
 17 subcontract through the Newfoundland Service
 18 Alliance.
 19 ROIL, Q.C.:
 20 Q. Okay.
 21 MR. SACUTA:
 22 A. Under the drilling -
 23 ROIL, Q.C.:
 24 Q. Sorry, before you go onto the drilling.
 25 MR. SACUTA:

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1 A. Yeah.
 2 ROIL, Q.C.:
 3 Q. How many persons would be working on the
 4 facility from the operations and maintenance
 5 side of things, in terms of comparing to the
 6 total?
 7 MR. SACUTA:
 8 A. Around 32. So we'd have around 32 HMDC
 9 employees. Any of the supervisory positions
 10 that are offshore are normally ExxonMobil
 11 secondees. Below the supervisory level, there
 12 would not be ExxonMobil secondees. We've got
 13 HMDC as one of the employers and the other
 14 ones are the various employers that work under
 15 each of the individual sections.
 16 ROIL, Q.C.:
 17 Q. So that 32 would include the HMDC people, the
 18 Baker, the Newfoundland -
 19 MR. SACUTA:
 20 A. No.
 21 ROIL, Q.C.:
 22 Q. No, okay.
 23 MR. SACUTA:
 24 A. That's just the HMDC.
 25 ROIL, Q.C.:

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1 Q. That's the HMDC, got you, okay. Under the
 2 total operations and maintenance on a normal
 3 day?
 4 MR. SACUTA:
 5 A. That is operations and maintenance.
 6 ROIL, Q.C.:
 7 Q. Yes, sorry. So the total number, the 32 plus
 8 the others?
 9 MR. SACUTA:
 10 A. Baker Hughes would normally have one
 11 individual on board. The Newfoundland Service
 12 Alliance depends on the activity. They are a
 13 contractor that provides specialized service,
 14 so that can vary, and Spectral Energy
 15 Services, which provide inspection services,
 16 would normally have two on board.
 17 ROIL, Q.C.:
 18 Q. Okay. So not all be -
 19 MR. SACUTA:
 20 A. The majority of personnel in that area would
 21 be HMDC employees.
 22 ROIL, Q.C.:
 23 Q. Okay. So all of these various contract
 24 companies, they would not necessarily have any
 25 or a very large workforce aboard at any point

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1 in time?
 2 MR. SACUTA:
 3 A. Underneath operations and maintenance, when we
 4 get onto drilling, for example, Noble Drilling
 5 is our company that runs our drilling
 6 operation.
 7 ROIL, Q.C.:
 8 Q. Yes.
 9 MR. SACUTA:
 10 A. There'll be a large number of Noble Drilling
 11 employees on board which would be contractors,
 12 for example.
 13 ROIL, Q.C.:
 14 Q. So the number of people depends on the kind of
 15 activity they're performing?
 16 MR. SACUTA:
 17 A. Kind of activity and what they've been
 18 contracted to do.
 19 ROIL, Q.C.:
 20 Q. Okay.
 21 MR. SACUTA:
 22 A. I wasn't going to go through all of the
 23 employers, but I would like to highlight that,
 24 as I mentioned, this is not intended to show
 25 all the leadership positions offshore, for

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1 example. We do have a safety health and
 2 environment lead who does report to the OIM,
 3 and also reports to the onshore safety
 4 supervisor. So that would be an example of a
 5 position that's not shown on this graph. They
 6 do not have any subcontractors underneath
 7 them. They're out there, their sole purpose
 8 is to -- for safety and to monitor the safe
 9 operations of the Platform.
 10 ROIL, Q.C.:
 11 Q. And I think you told us earlier, each of those
 12 positions would be multiplied by two.
 13 MR. SACUTA:
 14 A. That's correct.
 15 ROIL, Q.C.:
 16 Q. Everybody works on the same sort of working
 17 regime of 21-on-21-off?
 18 MR. SACUTA:
 19 A. That's right.
 20 ROIL, Q.C.:
 21 Q. How often do these contractors change? Are
 22 they long-term commitments or do some of them
 23 change and some of them not change? What's
 24 the nature of that?
 25 MR. SACUTA:

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1 A. It depends on the specifics of the contract.
 2 They're usually, you know, contracts that
 3 would last five years, with extension
 4 provisions. For example, Noble Drilling has
 5 been our drilling contractor since we towed
 6 out. So they've been our contractor for 12
 7 years, almost 13 years. So it depends on the
 8 contracts themselves. There are opportunities
 9 at the end of a contract to rebid. Some
 10 contracts already have extension provisions
 11 built into the contract. So it depends on the
 12 circumstances. The majority of the people
 13 that are on this list have been involved with
 14 Hibernia since the original tow out in 1997.
 15 The Hibernia offshore workforce. The
 16 size and composition of the Hibernia offshore
 17 workforce varies depending on the scope of
 18 work being performed, as I mentioned earlier.
 19 We have a maximum of 360 persons on board,
 20 immediately prior to the first oil well in
 21 late 1997. We have a POB, or a personnel on
 22 board limitation of 280 beds. Prior to first
 23 oil, we had some extra beds brought out. We
 24 weren't producing hydrocarbon at that point,
 25 so we were able to convince the Board that

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1 there was a very low risk of increasing the
 2 POB above the 280 normal restriction. When we
 3 are producing, the maximum number of people on
 4 board is 280.
 5 As the project evolved through its growth
 6 plateau and decline cycle, our personnel on
 7 board changed. The current POB is anywhere
 8 between 220 and 240, depending on the activity
 9 that's under way at the time. Approximately
 10 90 percent of the workforce are Newfoundlander
 11 and Labradorians, and they are employed either
 12 directly by HMDC, as I mentioned earlier, or
 13 one of the 13 contractors engaged by HMDC to
 14 provide specialty services, and the workforce
 15 on the Hibernia Platform is represented by the
 16 Communication Energy and Paperworkers Union,
 17 Local 60N.
 18 ROIL, Q.C.:
 19 Q. Okay. You've heard Mr. Earle refer to 2121.
 20 Is that something different or do you
 21 understand the -
 22 MR. SACUTA:
 23 A. We have an agreement in place with the Local
 24 60N. I believe that they are hoping to
 25 establish the 2121 Local, but the agreement we

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1 currently have in place is with Local 60N.
 2 ROIL, Q.C.:
 3 Q. Now there's a statement in quotation marks.
 4 Where does this come from?
 5 MR. SACUTA:
 6 A. This comes from our operations plan. It's
 7 developed this commitment to safety, health
 8 and the environment. It's in the operational
 9 plan. It is shown to all new employees when
 10 they arrive on the Platform. It's part of our
 11 safety, health and environment handbook, which
 12 John will be talking about later in the
 13 presentation. I'm not planning to read the
 14 entire commitment, but I would like to
 15 highlight a couple of key components.
 16 We all share the responsibility to
 17 communicate, implement and live by Hibernia's
 18 commitment to safety, health and the
 19 environment. We have the right and the
 20 responsibility to work safely. We will
 21 regularly review and measure our performance
 22 against this commitment and continue to look
 23 for opportunities to improve our safety,
 24 health and environment management process, and
 25 together we will foster a culture that

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1 recognizes practices and promotes safe and
 2 environmentally responsible work by
 3 implementing and supporting the individual
 4 responsible safety system.
 5 Later on in this presentation, Mr. Fraser
 6 will be talking about some of the specific
 7 tools, policies and practices which foster our
 8 safety culture.
 9 ROIL, Q.C.:
 10 Q. Now the Hibernia operational plan, that's a
 11 new concept that we have not yet gotten into,
 12 but I take it that this is a document that is
 13 part of the management processes of HMDC?
 14 MR. SACUTA:
 15 A. We'll talk about it a little bit later, but
 16 the Hibernia operations plan meets our
 17 regulatory requirement for our safety plan, as
 18 well as some other components. So we don't
 19 have a individual separate safety plan. We
 20 have an operational plan and contained within
 21 the operational plan are all the requirements
 22 that the Board would expect to have in a
 23 safety plan.
 24 ROIL, Q.C.:
 25 Q. So when the Board asks you to submit your

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1 safety plan, you submitted your operational
 2 plan?
 3 MR. SACUTA:
 4 A. That's correct, and the Board would approve
 5 that operational plan as part of any
 6 operations authorization process.
 7 ROIL, Q.C.:
 8 Q. Okay.
 9 MR. SACUTA:
 10 A. In the next section, I'm going to describe the
 11 regulatory environment in which we operate,
 12 Hibernia's safety plan, which is our
 13 operational plan, and I'll introduce the
 14 operations integrity management system, which
 15 is Hibernia's safety management system.
 16 As I've previously mentioned, I have
 17 worked in a number of areas around the world,
 18 and it is my opinion that the Newfoundland and
 19 Labrador area is one of the most regulated.
 20 It's certainly the most regulated I've
 21 experienced.
 22 The Canada Newfoundland and Labrador
 23 Offshore Petroleum Board, or the C-NLOPB,
 24 provides detailed regulations and guidelines
 25 to the industry. They provide a work

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1 authorization requirement, certifying
 2 authority, fitness for service verification,
 3 continuous monitoring. They do provide
 4 continuous monitoring. They do quarterly
 5 audits and compliance assessments by both the
 6 C-NLOPB and the certifying authority, which is
 7 Lloyd's Register.
 8 ROIL, Q.C.:
 9 Q. I think these are some of the same concepts
 10 that we discussed in the committee of the
 11 joint operators.
 12 MR. SACUTA:
 13 A. That's correct. The operator must submit
 14 plans, including the following, to the C-NLOPB
 15 for approval prior to obtaining authorization
 16 for exploration, development and production: a
 17 development plan, a Canada-Newfoundland
 18 benefits plan, a safety plan, a drilling
 19 program, a reservoir depletion plan, and an
 20 environmental protection plan.
 21 So the Board has provided the following
 22 work activity approvals to HMDC: a production
 23 operations authorization, which is approved
 24 every three years; a drilling program
 25 authorization, also approved every three

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1 years; a well operations authorization,
 2 approved every three years; and then an
 3 operating license, which is approved annually.
 4 The primary safety documents required and
 5 approved by the Board as prerequisites to the
 6 above authorizations are the concept safety
 7 analysis, which was done in the design phase
 8 of the Hibernia Platform, and a safety plan
 9 during the operations phase.
 10 ROIL, Q.C.:
 11 Q. So do I take it from this that the concept of
 12 safety or that safety is important was even at
 13 the design stage of the Platform?
 14 MR. SACUTA:
 15 A. Absolutely, and that's how we ended up with a
 16 platform designed with over 5,000 gas, smoke,
 17 fire detectors, for example. In 2009, the
 18 Board did combine all the authorizations, the
 19 production operations, the drilling program
 20 and the well operations into a single
 21 operations authorization, which was issued to
 22 Hibernia on December 15th 2009. We just
 23 received it last month. I believe that
 24 Hibernia was the first operator to obtain this
 25 combined authorization, and I think Howard

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1 Pike talked about the plans to go to that
 2 during his testimony.
 3 As far as oversight goes, the Board
 4 performs scheduled inspections and compliance
 5 audits of HMDC to ensure compliance with all
 6 of the regulatory requirements and compliance
 7 with any conditions imposed by the operations
 8 authorization, including the safety plan.
 9 The audits and inspection frequencies.
 10 There is an annual audit. There are quarterly
 11 inspections and ad hoc inspections, as
 12 required. As I mentioned last week, there are
 13 opportunities for the Board to come out at any
 14 time. If they have any issues, they'd request
 15 a seat. We get them a seat on the helicopter
 16 and out they'll go. There have been no
 17 significant findings to date with respect to
 18 helicopter operations during any of those
 19 individual audits. For your information, we
 20 also provide the Board a daily report which
 21 covers all aspects of the activities on the
 22 Platform, from safety to drilling to
 23 production. They receive it every day.
 24 Mondays usually we get the weekend, Friday,
 25 Saturday, Sunday, sent to them on Monday.

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1 ROIL, Q.C.:
 2 Q. What kinds of information about helicopter
 3 transportation, if any, would be in that daily
 4 report?
 5 MR. SACUTA:
 6 A. Only if there had been an issue with
 7 helicopter transportation. For example, if
 8 there were no flights because of fog, that
 9 would be in a daily report. If there had been
 10 some type of an incident, it would be
 11 highlighted in the safety section. So if
 12 helicopter operations are normal, the comment
 13 may be "just completed two flights", for
 14 example.
 15 ROIL, Q.C.:
 16 Q. Yes, okay.
 17 MR. SACUTA:
 18 A. In the Hibernia safety plan, the Hibernia
 19 Operational Plan has been approved by the
 20 Board as meeting the requirements of a safety
 21 plan. It was based on the concept safety
 22 analysis. It formalized Hibernia's commitment
 23 to operate in a safe and environmentally
 24 responsible manner. It lays out the
 25 management system or framework under which we

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1 conduct our work. It's a living document
 2 which is updated as needed to reflect
 3 operational changes, and at a minimum every
 4 three years to maintain the operations
 5 authorization as approved by the Board.
 6 Updates require the Board's approval prior to
 7 implementation. The Operational Plan serves
 8 as a basis for audits by the C-NLOPB and a
 9 certified authority. So any commitments we
 10 make in the Operations Plan, the Board will
 11 measure compliance with.
 12 ROIL, Q.C.:
 13 Q. I'm not going to take you to the document
 14 right now, but I have it in front of me, it's
 15 Exhibit 131, and I believe that we have it
 16 unredacted and it's 375 pages. Would that
 17 seem about right?
 18 MR. SACUTA:
 19 A. That would seem about right, yes.
 20 ROIL, Q.C.:
 21 Q. So it's a lengthy document?
 22 MR. SACUTA:
 23 A. It's a very detailed document, yes. So the
 24 Operations Plan consists of five sections.
 25 The first section is an introduction. The

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1 second section talks about a description of
 2 the installation. The third section talks
 3 about the organization and management systems.
 4 That would include our safety management
 5 system. Section 4 is on the basis of safe
 6 operations, and Section 5 is the basis of
 7 environmental and environmentally responsible
 8 operations, and this is not applicable in
 9 terms of the context of helicopter safety.
 10 Section 2, the description of the
 11 installation, it describes the installation
 12 and the safety design philosophy used to
 13 ensure a safe platform design. Hazards that
 14 could affect the safety of personnel and the
 15 integrity of the installation are identified,
 16 and appropriate measures taken to prevent
 17 occurrence or minimize consequences. The main
 18 objective of the safety design philosophy was
 19 to ensure a safe working environment for
 20 personnel by minimizing the potential for
 21 hazardous occurrences, avoiding exposure to
 22 potential hazards, containing and minimizing
 23 the effects of hazards in the event of an
 24 emergency, and providing a satisfactory means
 25 of escape from all work areas. Section 2

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1 includes a description of the helideck
 2 location, the size, and the weight
 3 limitations. Section 3 describes HMDC's
 4 organizational structure and its safety
 5 management system. HMDC has adopted
 6 ExxonMobil's operations integrity management
 7 system. We sometimes call it OIMS.
 8 ROIL, Q.C.:
 9 Q. OIMS.
 10 MR. SACUTA:
 11 A. Not to be confused with Offshore Installation
 12 Manager.
 13 ROIL, Q.C.:
 14 Q. Like I say, in this industry that is replete
 15 with acronyms, we have an OIMS.
 16 MR. SACUTA:
 17 A. That's right.
 18 ROIL, Q.C.:
 19 Q. In the early stages of this proceeding, I
 20 asked your legal counsel to produce your OIMS
 21 thinking it was a document that I could bring
 22 up here and lay down. I take it it's somewhat
 23 more extensive than that?
 24 MR. SACUTA:
 25 A. Much more extensive, and I'll talk a little

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1 bit further about the number of elements and
 2 the number of management systems that are
 3 associated with that. It's not a simple
 4 document that we can produce. It's a large
 5 number of policies, procedures, guidelines,
 6 that are used depending on the various
 7 elements, and I'll talk a little bit about it
 8 a little bit further in the presentation.
 9 ROIL, Q.C.:
 10 Q. To put it in context because other people may
 11 have systems that they have that they call
 12 information or integrated management systems,
 13 there might be 100 or 200, how many pages --
 14 if we were to download all the documents and
 15 print them all, what sort of volume would be
 16 have?
 17 MR. SACUTA:
 18 A. It would be hundreds of documents, not
 19 hundreds of pages, but hundreds of document.
 20 ROIL, Q.C.:
 21 Q. Okay, and this is the Exxon one that is used
 22 worldwide, is it?
 23 MR. SACUTA:
 24 A. That's correct. So what it is, it's a
 25 consistently applied safety management system

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1 which is utilized by Exxon at all their
 2 worldwide producing facilities.
 3 ROIL, Q.C.:
 4 Q. What advantages -- I think you named some of
 5 them, but what advantages do you get or
 6 disadvantages do you get by having an
 7 integrated management system that is belonging
 8 to such a large company that operates all over
 9 the world?
 10 MR. SACUTA:
 11 A. It allows you to capture lessons learned from
 12 all over the world. One of the processes that
 13 occurs in our evaluation of OIMS is an
 14 evaluation, a feedback mechanism, a continuous
 15 improvement opportunity, and so that
 16 information gets relayed around the world when
 17 we have those type of opportunities. So you
 18 get a worldwide view of how to improve the
 19 operations integrity management system based
 20 on the number of areas that may be using it.
 21 You also get the potential for having
 22 personnel outside of your organization come in
 23 to assess your compliance with OIMS, and I'll
 24 talk about that a little further in the
 25 presentation as well.

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1 ROIL, Q.C.:
 2 Q. Okay. Are there any disadvantages, such as,
 3 you know, the ability to change? If you need
 4 to make change, is that a difficult process
 5 because it calls for a change all over the
 6 world?
 7 MR. SACUTA:
 8 A. I mean, it is a very regimented process, but I
 9 think if you've got an item that needs to be
 10 looked at and required, there's certainly a
 11 process by which you can bring it up and say
 12 we need to consider whether or not there needs
 13 to be a change made to this integrity
 14 management system. It is a worldwide process,
 15 so with that comes the benefits and then also
 16 a little bit maybe of a snail's pace when it
 17 comes to change, if needed, but underneath the
 18 OIMS expectations and guidelines you can build
 19 your own documents as well that fit into that
 20 process.
 21 ROIL, Q.C.:
 22 Q. Okay, so it doesn't dictate every single thing
 23 you can do?
 24 MR. SACUTA:
 25 A. It doesn't dictate every level of procedures

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1 or policies within the Operations Integrity
 2 Management System.
 3 ROIL, Q.C.:
 4 Q. Okay.
 5 MR. SACUTA:
 6 A. OIMS provides Hibernia Management with the
 7 framework for meeting the safety, health and
 8 environment statement of commitment, which we
 9 had talked about earlier. Section 3
 10 summarizes processes and procedures used to
 11 ensure safe helicopter operations and
 12 documents commitments made regarding
 13 helicopter services, including adherence to
 14 the Hibernia Helicopter Operations Manual and
 15 our Aviation Operations Guide, to provide
 16 flight tracking by satellite-based flight
 17 following system, which you've heard last
 18 week, the Blue Sky System.
 19 ROIL, Q.C.:
 20 Q. That's the Blue Sky, is it?
 21 MR. SACUTA:
 22 A. Yes.
 23 ROIL, Q.C.:
 24 Q. Yeah, okay.
 25 MR. SACUTA:

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1 A. And then we also have the commitment for a
 2 standby helicopter in St. John's, and a
 3 standby vessel at the Hibernia Platform 24
 4 hours, seven days a week, to respond to
 5 emergency events.
 6 ROIL, Q.C.:
 7 Q. And we'll talk about those in a little more
 8 detail as we proceed, I gather.
 9 MR. SACUTA:
 10 A. Section 4, the basis of safe operations
 11 describes the hazard assessments and safety
 12 studies carried out during both the design and
 13 operational phases of the Hibernia Platform.
 14 It describes the Hibernia installation and
 15 operational systems that prevent, control, and
 16 mitigate hazards and their escalation. It
 17 describes Hibernia's risk assessment process
 18 and the assessment criteria, and it summarizes
 19 the detailed assessment of each potential
 20 major hazard identified. Section 4 does
 21 include a summary of the studies and risk
 22 assessments of helicopter transportation.
 23 Helicopter transportation risks have been
 24 reviewed at all phases of the Hibernia
 25 project, from conceptual design to current

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1 operations, which includes the concept of
 2 safety analysis completed during the design
 3 phase, the development of the original
 4 operational plan, pre-start readiness reviews
 5 prior to 1997, an updates to the operations
 6 plan that have been completed since start up,
 7 and aviation operation -- sorry, aviation risk
 8 assessments as required by our Operations
 9 Integrity Management System, and I'll talk
 10 about that a little bit further in the
 11 presentation as well.
 12 ROIL, Q.C.:
 13 Q. Okay. The Integrated Management System, is it
 14 designed specifically toward helicopters, or
 15 is it designed towards a larger piece of --
 16 MR. SACUTA:
 17 A. It's designed to overall operations of the
 18 Hibernia Platform, not just helicopters;
 19 maintenance, production, drilling, safety,
 20 incident investigations, emergency response.
 21 It's all encompassing when it comes to safety.
 22 ROIL, Q.C.:
 23 Q. Okay, so if I said that by reading the
 24 operational plan, for example, you wouldn't
 25 find a whole pile of references to

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1 helicopters, or if I looked at any of the
 2 other processes under the OIMS System, would I
 3 expect to see a lot of references to
 4 helicopters, or is it directing me to
 5 processes that would apply to helicopters and
 6 other things?
 7 MR. SACUTA:
 8 A. I mean, it would -- it would direct you to
 9 documents. For example, the Helicopter
 10 Operations Manual, which is a document within
 11 the OIMS System, a lower level document. It
 12 would also have the Aviation Operations Guide.
 13 Risk assessment, for example, might not
 14 specifically be associated with helicopter
 15 operations, but it provides you the foundation
 16 under which you could do a risk assessment
 17 associated with helicopter operations.
 18 ROIL, Q.C.:
 19 Q. Or any other operation?
 20 MR. SACUTA:
 21 A. Or any other operation, that's correct. So
 22 Safety Management System provides a systematic
 23 approach to managing safety. The Safety
 24 Management System identifies hazards and
 25 ensures associated risk is eliminated or

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1 effectively managed. A typical Safety
 2 Management System includes an integrated
 3 organizational structure, responsibilities and
 4 accountabilities, policies and procedures, and
 5 a measurement feedback and continuous
 6 improvement process. So as I mentioned, HMDC
 7 safety management system is called the
 8 Operations Integrity Management System. It's
 9 a systematic and structured approach to the
 10 management of safety, health, environment, and
 11 security. It is focused on identifying
 12 hazards and managing risk, and it is a mature
 13 and globally tested system through
 14 ExxonMobil's worldwide operations. As far as
 15 stewardship and sustainment go, there's a high
 16 level of management involvement and
 17 accountability. It ensures safety and
 18 environmental compliance with applicable laws
 19 and regulations and drives continuous
 20 improvement. Workforce participation is key
 21 to OIMS effectiveness, and OIMS is fully
 22 integrated into HMDC's operations and impacts
 23 all work activities on the Platform.
 24 ROIL, Q.C.:
 25 Q. So workforce participation, I take it,

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1 somewhere in this presentation we will get to
 2 how that is --
 3 MR. SACUTA:
 4 A. Yes, we're going to talk about personnel
 5 safety and accountability in Mr. Fraser's
 6 section.
 7 ROIL, Q.C.:
 8 Q. Good, okay. Thank you.
 9 MR. SACUTA:
 10 A. So there are eleven elements of OIMS and they
 11 are listed on this slide. Management
 12 leadership, commitment, and accountability is
 13 the driver. Execution is provided by a number
 14 of specific elements, a number of which I will
 15 be discussing in the next set of slides, and
 16 including Mr. Fraser. The evaluation is also
 17 key as it provides the opportunity to assess
 18 compliance, identify opportunities for
 19 improvement, review them with management, and
 20 track any actions to closure. This allows a
 21 continuous improvement cycle to exist.
 22 ROIL, Q.C.:
 23 Q. Okay, of these eleven elements then, which
 24 ones will be not be touching on in our further
 25 discussion, and perhaps you can just mention

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1 what they are, what they deal with, so that we
 2 understand the whole --
 3 MR. SACUTA:
 4 A. I'll talk about the ones we will be touching
 5 on. We'll be talking risk assessment and
 6 management, personnel and training, operations
 7 and maintenance, third party services,
 8 incident investigation, and community
 9 awareness and emergency preparedness, will be
 10 the ones we'll be discussing today.
 11 ROIL, Q.C.:
 12 Q. Okay, what do the ones you have not mentioned,
 13 just to give us a --
 14 MR. SACUTA:
 15 A. Facilities design and construction --
 16 ROIL, Q.C.:
 17 Q. A one line sort of explanation as to what they
 18 do.
 19 MR. SACUTA:
 20 Q. Facilities design and construction would be if
 21 you're building something new on the Platform,
 22 adding some equipment. That would be the
 23 element that would be applicable. Information
 24 documentation is how we maintain our records
 25 and our files, for example. Management of

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1 change is how you manage change at your
 2 facility. We have a process in place to
 3 document process for managing change on a
 4 facility.
 5 ROIL, Q.C.:
 6 Q. So if something changes, there's a process to
 7 undertake that change?
 8 MR. SACUTA:
 9 A. Right. If you were to add a new compressor,
 10 for example, on a facility, you would have to
 11 follow the management of change process.
 12 ROIL, Q.C.:
 13 Q. And then the 11th, the evaluation process?
 14 MR. SACUTA:
 15 A. The evaluation, integrity assessment, and
 16 improvement, that's where you actually
 17 evaluate compliance with OIMS. You have a
 18 team come in, and I'll talk a little bit
 19 further about auditing and how you identify
 20 areas for improvement, how you implement an
 21 action plan and track those areas to closure.
 22 ROIL, Q.C.:
 23 Q. So, in fact, the audit process would be a part
 24 of the 11?
 25 MR. SACUTA:

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1 A. That's correct, and any report that comes out
 2 of that Element 11 would then go back to
 3 Element 1, which is management. They would be
 4 provided with the results of the audit with
 5 the recommendations for improvement.
 6 ROIL, Q.C.:
 7 Q. And the circle begins again?
 8 MR. SACUTA:
 9 A. And the circle begins.
 10 ROIL, Q.C.:
 11 Q. Okay. The next slide, I think, is a
 12 particularly useful one in terms of trying to
 13 visualize a large document like your OIMS.
 14 MR. SACUTA:
 15 A. Right. So underneath the 11 elements there
 16 are 64 expectations and 223 guidelines, and
 17 then from there, these are all covered under
 18 40 management systems. Those 40 management
 19 systems, 24 of them are associated with
 20 production and 16 of them are associated with
 21 drilling. Within the management systems are
 22 objectives, procedures, resource and
 23 responsibilities, a verification and
 24 measurement process, and a feedback and
 25 improvement process. So that's a --

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1 basically, it just shows how you go from the
 2 11 elements and come down with multiple
 3 procedures and processes. The 11 elements is
 4 the top and then it expands from there as to
 5 the expectations of OIMS.
 6 ROIL, Q.C.:
 7 Q. So these are cascading sort of levels of
 8 direction?
 9 MR. SACUTA:
 10 A. Correct.
 11 ROIL, Q.C.:
 12 Q. Okay, because I think others will use things
 13 like triangles and what not to describe their
 14 regimes, so --
 15 MR. SACUTA:
 16 A. Right.
 17 ROIL, Q.C.:
 18 Q. So this is the way that you've explained this
 19 one.
 20 MR. SACUTA:
 21 A. Right.
 22 ROIL, Q.C.:
 23 Q. So the 64 expectations, they are a further
 24 detail of the 11 elements?
 25 MR. SACUTA:

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1 A. Of the 11 elements, that's correct.
 2 ROIL, Q.C.:
 3 Q. Okay, and then the guidelines --
 4 MR. SACUTA:
 5 A. When you get down to the 40 management
 6 systems, for example, like Element 3, as I
 7 mentioned previously, which would be facility
 8 design and construction, would have three
 9 management systems under Element 3.
 10 ROIL, Q.C.:
 11 Q. Right.
 12 MR. SACUTA:
 13 A. Broken down between quality control, project
 14 management. So some of the elements have
 15 management systems underneath them. Risk
 16 management, for example, is its own element.
 17 It's Element 2, and risk assessment and
 18 management is the only thing that's under that
 19 element.
 20 ROIL, Q.C.:
 21 Q. But some of the other elements have --
 22 MR. SACUTA:
 23 A. Have multiple management systems underneath
 24 them. Element 6 would be the best example.
 25 ROIL, Q.C.:

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1 Q. Is there any way to sort of identify how many
 2 of these expectations or guidelines or
 3 management systems might impact helicopter
 4 operations? Can you draw that kind of a line?
 5 MR. SACUTA:
 6 A. I don't think I can draw that kind of a line.
 7 I mean, certainly anything -- any of the
 8 guidelines potentially could impact helicopter
 9 operations, depending what the guideline is.
 10 ROIL, Q.C.:
 11 Q. Okay.
 12 MR. SACUTA:
 13 A. So without getting into specific details of
 14 the 223 guidelines, there are expectations
 15 that -- you audit contractors, for example,
 16 may be one of the guidelines, and as Cougar is
 17 a contractor, that would be one that would
 18 follow under helicopter operations. So the
 19 first element I'll discuss would be Element 1,
 20 which is management leadership, commitment,
 21 and accountability. Management establishes
 22 policy, provides perspective, sets
 23 expectations, and provides the resources for
 24 successful operations. Assurance of
 25 operations integrity requires management,

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1 leadership, and commitment visible to the
 2 organization, and accountability at all
 3 levels.
 4 ROIL, Q.C.:
 5 Q. So that is the statement of Element 1?
 6 MR. SACUTA:
 7 A. That is the statement for Element 1.
 8 ROIL, Q.C.:
 9 Q. Okay.
 10 MR. SACUTA:
 11 A. Underneath it would be the expectation, which
 12 is systems for operations integrity management
 13 are established, communicated, and supported
 14 at every level in the organization. So that
 15 would be the expectation under Element 1.
 16 ROIL, Q.C.:
 17 Q. So Element 1 would only have one expectation?
 18 MR. SACUTA:
 19 A. This expectation would be under Element 1,
 20 that's correct.
 21 ROIL, Q.C.:
 22 Q. Could there be others?
 23 MR. SACUTA:
 24 A. In some cases, we haven't identified all of
 25 the expectations, and in some cases there may

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1 only be one.
 2 ROIL, Q.C.:
 3 Q. Yes, okay.
 4 MR. SACUTA:
 5 A. So guidelines, OIMS is used throughout the
 6 organization. We maintain and public policies
 7 that address safety, health, the environment,
 8 and security, that are consistent with OIMS
 9 expectations and guidelines. Managers ensure
 10 that business objectives are consistent with
 11 OIMS expectations and guidelines, and systems
 12 are established to address the OIMS
 13 expectations and guidelines consistent with
 14 the characteristics of management systems
 15 defined in OIMS.
 16 ROIL, Q.C.:
 17 Q. Now just taking, for example, the second
 18 bullet under guidelines, you maintain and
 19 publish policies.
 20 MR. SACUTA:
 21 A. Yes.
 22 ROIL, Q.C.:
 23 Q. How would HMDC publish in this electronic
 24 world? Are these done by printing and posting
 25 in places or are they on a website, or how --

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1 MR. SACUTA:
 2 A. There's two ways. There are certain people
 3 that would be on a controlled document list
 4 that would get controlled copies of those
 5 policies, like the OIM, for example, or myself,
 6 but we also have an information management
 7 website that would allow access so that you
 8 could go online and actually look at the
 9 policy. So there's key people that are
 10 identified as requiring hard copies, which is
 11 the controlled distribution, and then there's
 12 the information management website that would
 13 allow any number of individuals to go online
 14 and actually see the document.
 15 ROIL, Q.C.:
 16 Q. And the employees on board, on the 21 day
 17 rotation, do they have regular access to that
 18 kind of website?
 19 MR. SACUTA:
 20 A. A large number of them would, depending on
 21 whether or not they had an e-mail address set
 22 up, for example. Some of our employees come
 23 on and don't have the need to have an actual
 24 e-mail address, but anybody who does have a
 25 LAN ID, a local area network ID, would then

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1 have the opportunity to have access to the
 2 information management website.
 3 ROIL, Q.C.:
 4 Q. And if an employee didn't have the familiarity
 5 with electronic servicing, are there paper
 6 copies available?
 7 MR. SACUTA:
 8 A. There are paper copies available. He can go
 9 see the OIM. Sometimes his supervisor will
 10 have a controlled copy. So there are hard
 11 copies available to employees on the facility.
 12 ROIL, Q.C.:
 13 Q. Okay, thank you.
 14 MR. SACUTA:
 15 A. So as far as performance reviews go, we want
 16 to obtain feedback from the following sources
 17 to ensure continuous improvement. We get
 18 feedback from the workforce and the users,
 19 management stewardship by regular verification
 20 and measurement feedback, we do annual company
 21 assessments, and the way OIMS is set up is
 22 that you have to do an annual assessment.
 23 Every third year it must be done by a team
 24 external to your organization. So year one
 25 and year two, you would put together an

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1 internal team to do the assessment.
 2 ROIL, Q.C.:
 3 Q. That's a self-assessment?
 4 MR. SACUTA:
 5 A. Self-assessment.
 6 ROIL, Q.C.:
 7 Q. Yes.
 8 MR. SACUTA:
 9 A. With HMDC personnel, and then in the third
 10 year what we do is bring in a team from
 11 outside of the HMDC organization, usually a
 12 series of ExxonMobil specialists from various
 13 areas around the world, and they come in and
 14 measure compliance with the OIMS expectations.
 15 That team would be made up of a number of what
 16 I would call OIMS experts that are familiar
 17 with the system that would be able to come in
 18 and measure that you are meeting the
 19 expectations and the guidelines identified in
 20 the various OIMS documents. We also have the
 21 certifying authority, Lloyd's Register, doing
 22 quarterly inspections and audits, and also the
 23 C-NLOPB does quarterly inspections based on
 24 our commitments in the ops plan, which
 25 outlines OIMS. They would measure us against

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1 those commitments and any supporting
 2 documentation that is tied to the Operations
 3 Integrity Management System.
 4 ROIL, Q.C.:
 5 Q. What did you mean with the bullet, workforce
 6 and user input?
 7 MR. SACUTA:
 8 A. At any point in time -- for example, one of
 9 the systems that is an OIMS system is work
 10 management on the Platform, the control of
 11 work system, permitting system. If they have
 12 some concerns or issues with the process we
 13 use, they can provide feedback as to an
 14 improvement opportunity. So there's always
 15 the opportunity for the workforce to engage in
 16 this process and recommend improvements to our
 17 processes and procedures.
 18 ROIL, Q.C.:
 19 Q. Is there a process that encourages that, or is
 20 it a -- how is that known by the workforce?
 21 MR. SACUTA:
 22 A. I think the workforce, just based on the
 23 interest that's paid every single day offshore
 24 to safety, and to, for example, work
 25 management and the fact that we audit our

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1 permits, we make sure that the permits are
 2 done properly, that the work is done safety,
 3 they all realize that they have an opportunity
 4 to provide feedback or improvement
 5 opportunities to any process or procedure we
 6 use offshore.
 7 ROIL, Q.C.:
 8 Q. This work permit, that's an internal permit
 9 you're talking about there, is it?
 10 MR. SACUTA:
 11 A. That's an internal -- it's how you control
 12 work, make sure the worksite is safe before
 13 you start work.
 14 ROIL, Q.C.:
 15 Q. Okay, the next section we're dealing with now
 16 is the risk management area.
 17 MR. SACUTA:
 18 A. Yes. In this section, I'm going to describe
 19 how Hibernia's risk assessment and management
 20 process work, and then specifically discuss
 21 risk assessments associated with aviation
 22 operations. As you can see, this is OIMS
 23 Element 2, risk assessment and management. So
 24 the purpose of OIMS Element 2 is to prevent or
 25 mitigate the undesirable consequences of

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1 potential incidents by identifying,
 2 evaluating, and controlling hazards, and
 3 assessing and managing risk in a structured
 4 and prudent manner. It's important to note
 5 that not all hazards can be eliminated, and,
 6 therefore, must be managed. Accordingly, a
 7 risk management process is required. The
 8 objectives are to perform formal risk
 9 assessments for ongoing operations, projects
 10 and maintenance activities, and manage risk to
 11 a level that is as low as reasonably
 12 practicable.
 13 ROIL, Q.C.:
 14 Q. If I can just stop you there, because that
 15 expression " as low as reasonably practicable"
 16 comes up, I think, in other presentations as
 17 well. Is that an industry expression that is
 18 used sort of by other companies as well?
 19 MR. SACUTA:
 20 A. It's a well used expression in the oil and gas
 21 business certainly, and I believe it's used in
 22 other industries as well.
 23 ROIL, Q.C.:
 24 Q. Right, and what relationship does reasonably
 25 practicable have to do with costs?

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1 MR. SACUTA:
 2 A. I mean, I think there are times when you can't
 3 ignore the cost when you're looking at as low
 4 as reasonably practicable, but I wouldn't say
 5 cost is the major factor in looking on whether
 6 or not the risk is as low as reasonably
 7 practicable. We don't ignore cost, but it's
 8 not the major factor.
 9 ROIL, Q.C.:
 10 Q. Okay. Perhaps we'll come back to that because
 11 I think you have heard presenters here
 12 recently say that cost should never be the
 13 driver, cost should not be a consideration
 14 when safety of the workforce is at play.
 15 MR. SACUTA:
 16 A. Right.
 17 ROIL, Q.C.:
 18 Q. Okay, so we'll just keep our eye on that
 19 expression and see how it gets applied.
 20 MR. SACUTA:
 21 A. Okay. We want to manage the risk assessment
 22 process and associated activities to ensure
 23 timely close-out of findings. We want to
 24 ensure that risks are communicated to the
 25 relevant parties affected by the risk and any

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1 learnings are shared, and periodic risk
 2 assessments are conducted on a minimum of
 3 every five years for major ongoing operations,
 4 such as helicopter transportation offshore.
 5 ROIL, Q.C.:
 6 Q. So risks are communicated to relevant parties
 7 affected. How would that take place in terms
 8 of helicopter transportation or helicopter use
 9 or helidecks or anything?
 10 MR. SACUTA:
 11 A. I mean, there's various methods under which we
 12 could communicate risk. We could do it
 13 through the JOHS Committees, we could do it
 14 through the independent departmental safety
 15 meetings which John will be talking about a
 16 little bit later, we can do it through town
 17 halls, and we can do it through providing
 18 PowerPoint presentations, for example, that
 19 would be posted on bulletin boards offshore.
 20 There are a number of methods that we could
 21 communicate those risks.
 22 ROIL, Q.C.:
 23 Q. Okay.
 24 MR. SACUTA:
 25 A. So at a high level, hazard identification,

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1 evaluation, and control, is the first step in
 2 the process. Depending on the results of the
 3 first step will determine if a risk assessment
 4 is required, and this is a very simplistic
 5 drawing; basically, hazard identification,
 6 evaluation, and control. Depending on the
 7 results of that, you may have to do a formal
 8 risk assessment which would include risk
 9 management that came out of that risk
 10 assessment, any follow-up and stewardship of
 11 actions that were required, and those three
 12 boxes at the bottom are basically the feedback
 13 for continuous improvement process that you
 14 would follow during any hazard identification
 15 process. As I've mentioned, periodic risk
 16 assessments of major ongoing activities,
 17 including helicopter transportation, have to
 18 be conducted a minimum of every five years.
 19 ROIL, Q.C.:
 20 Q. So I take it that during the past five years
 21 we should find an assessment of helicopter
 22 operations?
 23 MR. SACUTA:
 24 A. Yeah, 2005 -- sorry, 2006 was the last one
 25 done by Hibernia. So risk assessment of

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1 Hibernia's helicopter transportation was
 2 undertaken in 2006 to identify potential
 3 hazards and risks, define safeguards, and
 4 recommend improvement opportunities. As far
 5 as the risk assessment team goes, proper
 6 representation on any risk assessment team is
 7 essential to ensuring hazard scenarios are
 8 properly identified and assessed. The
 9 Hibernia aviation operations risk assessment
 10 team included the following representation;
 11 from HMDC, a risk mitigation engineer; the
 12 logistics coordinator, who is an onshore
 13 position; the services supervisor, who was an
 14 offshore employee working a 21 day on, 21 day
 15 off rotation; one of our offshore installation
 16 managers, also working a 21 on, 21 off; an
 17 ExxonMobil aviation advisor out of our
 18 ExxonMobil corporate aviation department; Risk
 19 Management Research Institute representatives,
 20 they're the contract service provider for risk
 21 management that we use at Hibernia; and it
 22 also included Cougar personnel, the flight
 23 operations manager, the base aviation safety
 24 officer, and the base operations manager. I
 25 wanted to be sure that when you looked at that

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1 team that you realized there were frequent
 2 users of the helicopters on that team, both
 3 the services supervisor, and the offshore
 4 installation manager, would travel every three
 5 weeks to or from the Platform.
 6 ROIL, Q.C.:
 7 Q. Yes, I think we've had other presenters, and
 8 through questioning by other counsel, the
 9 question has come up about worker
 10 representatives. Is there any non-management
 11 person who's a worker representative on this
 12 group?
 13 MR. SACUTA:
 14 A. Not on the group that did this risk
 15 assessment, but certainly there were users of
 16 the helicopters between the services
 17 supervisor and the offshore installation
 18 manager.
 19 ROIL, Q.C.:
 20 Q. So your position is that the interest of any
 21 traveller is covered by the fact that there
 22 are managers who travel?
 23 MR. SACUTA:
 24 A. That's correct.
 25 ROIL, Q.C.:

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1 Q. The other question that I was going to ask you
 2 about this risk assessment that was done in
 3 2006, I take it that that was done as a part
 4 of your ordinary cycle?
 5 MR. SACUTA:
 6 A. That's correct.
 7 ROIL, Q.C.:
 8 Q. Every five years a major operation is risk
 9 assessed. If there were an incident or a
 10 reason, could a risk assessment, or have you
 11 ever experienced a risk assessment of that
 12 type being performed out of sequence?
 13 MR. SACUTA:
 14 A. Absolutely, and I think after March 12th, we
 15 did get together and do a revisit of this risk
 16 assessment to see if there was anything that
 17 needed to be outlined or improved as part of
 18 that risk assessment. There was a crosscheck
 19 with a smaller team than was done for the main
 20 risk assessment, but we did get together and
 21 see if there was anything that was missed in
 22 the risk assessment done in 2006 based on what
 23 we experienced in March of 2009.
 24 ROIL, Q.C.:
 25 Q. Okay, so once every five years is the

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1 regulatory -- not regulatory, is the systems
 2 requirement?
 3 MR. SACUTA:
 4 A. You can't go longer than five years, but
 5 there's nothing to stop you from doing it
 6 after five months if there's been a change in
 7 any of the hazard scenarios.
 8 ROIL, Q.C.:
 9 Q. Right. Okay, we'll probably do one more slide
 10 and that will be a place to break.
 11 MR. SACUTA:
 12 A. Okay, well, this will be a long slide, but I
 13 will do it, yeah.
 14 ROIL, Q.C.:
 15 Q. Well, if it's a long slide and it's going to
 16 take more than five minutes, maybe we should
 17 break now and come back.
 18 MR. SACUTA:
 19 A. Okay, I think we should probably break now.
 20 ROIL, Q.C.:
 21 Q. We should probably break, Commissioner.
 22 (RECESS)
 23 ROIL, Q.C.:
 24 Q. Mr. Sacuta, by the fact that we have slide 29
 25 back up, I take it there's something you

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1 wanted to clarify or add to this particular
 2 discussion?
 3 MR. SACUTA:
 4 A. Yeah, I just wanted to clarify, the 11
 5 elements, the 64 expectations, the 223
 6 guidelines, and the 40 management systems, are
 7 the framework under which we operate, but
 8 where the rubber hits the road from an HMDC
 9 perspective, is the next level, in particular,
 10 the procedures. HMDC is responsible for the
 11 development, the updating, the issuance of the
 12 procedures themselves. So we are responsible
 13 for developing our own procedures. Those
 14 procedures have to not contradict any of OIMS
 15 framework. So, for example, the Helicopter
 16 Operations Manual is a Hibernia specific
 17 document that we put together specific to
 18 Hibernia.
 19 ROIL, Q.C.:
 20 Q. So that would -- would that be a procedure?
 21 MR. SACUTA:
 22 A. That would be a procedure.
 23 ROIL, Q.C.:
 24 Q. And that's -- in our little cascading pictures
 25 here, that would be underneath the 40

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1 management systems?
 2 MR. SACUTA:
 3 A. Correct.
 4 ROIL, Q.C.:
 5 Q. Yes.
 6 MR. SACUTA:
 7 A. Now, for example, the Helicopter Operations
 8 Manual which is specific to Hibernia's
 9 helicopter operations, the helicopter landing
 10 officer would have a copy of it, the services
 11 supervisor would have a copy of it, the
 12 offshore installation manager would have a
 13 copy of it, and at any point in time if any of
 14 those individuals wanted to make a change or
 15 an improvement, there is the opportunity for
 16 that to be done. We don't have to go through
 17 all the way up through the chain of command to
 18 get that from an ExxonMobil perspective.
 19 Depending on the nature of the procedure, for
 20 example, the offshore installation manager
 21 could approve a change.
 22 ROIL, Q.C.:
 23 Q. Yes.
 24 MR. SACUTA:
 25 A. I could approve a change, but it doesn't have

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1 to go any higher than myself to make those
 2 changes. So although we've got this well
 3 established framework, it's up to HMDC to put
 4 together their own procedures to meet the
 5 expectations and the guidelines that are
 6 contained with OIMS. OIMS does not dictate
 7 the specifics of what the procedures have to
 8 say. They just have this overlying framework
 9 as to what you have to meet. So when I
 10 discussed it this morning, I didn't think I
 11 did a very good job of making sure you
 12 understood that from an HMDC perspective, we
 13 are responsible for developing our own
 14 procedures, for maintaining them, for
 15 soliciting feedback on those procedures, and
 16 for change in them if required based on that
 17 feedback.
 18 ROIL, Q.C.:
 19 Q. Okay, so I take it that from what you've now
 20 said that if you needed a change in your
 21 Helicopter Operations Manual, that can be done
 22 site specific?
 23 MR. SACUTA:
 24 A. Absolutely.
 25 ROIL, Q.C.:

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1 Q. If HMDC said it didn't want to have a
 2 Helicopter Operations Manual, that might
 3 require -- if one of the management systems
 4 said "thou shalt have a helicopter operations
 5 procedure".
 6 MR. SACUTA:
 7 A. If there was something that specific.
 8 ROIL, Q.C.:
 9 Q. Yeah, or if we --
 10 MR. SACUTA:
 11 A. If we wanted to put something in that document
 12 that was outside of the OIMS framework, that
 13 would be something that would be a concern for
 14 us, but just as long as we stay within the
 15 OIMS framework, we can write our own
 16 procedures for our own specific requirements
 17 because OIMS does not know where you operate,
 18 it's basically the framework under which you
 19 operate. So we are responsible for providing
 20 our own procedures and can update them at any
 21 point in time.
 22 ROIL, Q.C.:
 23 Q. So your comment that "slowness sometimes comes
 24 with the structure", that applies a higher
 25 level is knocked down at the procedures?

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1 MR. SACUTA:
 2 A. On the framework.
 3 ROIL, Q.C.:
 4 Q. On the framework.
 5 MR. SACUTA:
 6 A. Where the rubber hits the road, from my
 7 perspective, we have ample opportunity and no
 8 hindrance on time for us if we want to change
 9 one of our procedures.
 10 ROIL, Q.C.:
 11 Q. Okay, I think that's a good clarification.
 12 Thank you. Okay, now I guess we can move back
 13 to slide 38.
 14 MR. SACUTA:
 15 A. Right.
 16 ROIL, Q.C.:
 17 Q. Your aviation operations risk assessment
 18 discussion.
 19 MR. SACUTA:
 20 A. Right. So the aviation operations risk
 21 assessment methodology was a scenario-based
 22 approach, which included identifying a hazard,
 23 defining the risk scenario, defining any
 24 existing safeguards that are in place, and
 25 I'll go through some of those in detail in my

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1 subsequent slides. Determining the
 2 consequence and the probability, plotting that
 3 on our risk matrix, identifying any
 4 improvement opportunities to mitigate those
 5 risks, and then distribute those improvement
 6 opportunities to closure. You will notice
 7 that the Hibernia risk assessment is a four by
 8 five matrix. We've heard five by five, seven
 9 by seven. Ours is a four by five, which has
 10 the highest level of risk in the top left hand
 11 corner. So the black risk would be considered
 12 the highest, the grey risk would be considered
 13 a medium risk, and the white risk would be
 14 considered the lowest risk on our matrix.
 15 ROIL, Q.C.:
 16 Q. Okay. Are there any rules about this black,
 17 grey, and white -- in other words, if an
 18 activity, even after risk management, still
 19 stays up in A1, in that quadrant there --
 20 MR. SACUTA:
 21 A. Right.
 22 ROIL, Q.C.:
 23 Q. Still be undertaken?
 24 MR. SACUTA:
 25 A. So the consequence has four different

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1 categories when we look at consequence. One
 2 is health and safety, one is environmental
 3 impact, one is public disruption, and one is
 4 financial impact. We would not operate in the
 5 black area if it was a health and safety
 6 issue. There may be times that the financial
 7 risk may end up as a black risk. We would
 8 operate in that situation provided there were
 9 no black safety risks. So as an example, I
 10 can give you an example, we have gas
 11 compressors on the Platform that we have full
 12 instrumentation to monitor vibration, and we
 13 could have a trend that indicated that a
 14 bearing on a gas compressor may be slowly
 15 increasing in vibration, and you could have
 16 two options. You could shut down the
 17 compressor and change that bearing out prior
 18 to a failure. When we shut down gas
 19 compressors offshore, it does have a
 20 production impact because the gas that is
 21 produced is re-injected, and if we can't re-
 22 inject it, then we can't flare it, so
 23 generally you have to cut production. So you
 24 may decide to shut it down immediately to
 25 replace that bearing, or you may look at it

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1 and say three months from now I have a planned
 2 shutdown of the entire facility which would
 3 provide a better opportunity to coordinate
 4 this activity without having a significant
 5 impact on production, but the risk associated
 6 with doing that would be that you could have a
 7 more significant failure of the bearing, no
 8 safety risk associated with that, but it may
 9 cause additional damage to the equipment,
 10 which would increase the length of time under
 11 which you would have to repair the compressor.
 12 So you're taking a black financial risk
 13 because of the added down time component based
 14 on comparing it against delaying the repair
 15 for three months until you can schedule it
 16 during a planned activity. So within those
 17 three months, if it did have a failure, then
 18 you may have an extended shutdown over what it
 19 would normally take if you had a planned
 20 opportunity. So that would be an example of a
 21 black risk, a financial risk.
 22 COMMISSIONER:
 23 Q. But if there was a safety aspect to it --
 24 MR. SACUTA:
 25 A. Right, if we had a piece of equipment that had

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1 a safety component should it fail, that placed
 2 our workforce at risk, we would shut it down
 3 immediately and repair it immediately. We
 4 would not operate with a black safety risk.
 5 On a probability perspective, there are five
 6 levels of probability. "A" is defined as the
 7 possibility of repeated incidents, which is
 8 defined as 20 or more times in the facility
 9 life. "B" is the possibility of isolated
 10 incidents, which is between 5 and 20 times in
 11 a facility life. "C" is the possibility of
 12 occurring some time, 1 to 5 times in a
 13 facility life. "D" is not likely to occur in
 14 the life of a facility, and "E" is practically
 15 impossible or extremely unlikely to occur in
 16 the life of a facility. All risk assessments,
 17 regardless of the risk assessment rating, are
 18 approved by the HMDC President, myself.
 19 Depending on the level of risk, may require
 20 higher level managerial endorsement, such as a
 21 technical supervisory endorsement or a safety
 22 health and environment endorsement, depending
 23 on the level of risk, but all risk assessments
 24 are approved by myself.
 25 ROIL, Q.C.:

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1 Q. So you personally sign off that you've seen,
 2 you understand, and you accept?
 3 MR. SACUTA:
 4 A. I understand the risk, and I accept.
 5 ROIL, Q.C.:
 6 Q. Okay.
 7 MR. SACUTA:
 8 A. Any improvement opportunities identified are
 9 assigned to an appropriate person with a due
 10 date. They are stewarded to closure, and they
 11 do require the HMDC President's approval to
 12 either close or to extend that due date. So
 13 we try to steward to a due date. If for some
 14 reason, they cannot close that improvement
 15 opportunity within the scheduled due date,
 16 then they have to submit paperwork for my
 17 approval to extend that due date. At any time
 18 the risk assessment improvement opportunity is
 19 closed or recommended for closure, it takes my
 20 endorsement or my approval for them to close
 21 that risk assessment action.
 22 ROIL, Q.C.:
 23 Q. Okay, if the Commissioner doesn't have any
 24 further questions, we'll move on to the next
 25 one.

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1 COMMISSIONER:
 2 Q. It's really a matter -- what you do then is
 3 balancing things, isn't it, to find an
 4 appropriate balance?
 5 MR. SACUTA:
 6 A. Correct.
 7 COMMISSIONER:
 8 Q. Between -- not exactly competing interests,
 9 but risks or opportunities?
 10 MR. SACUTA:
 11 A. I mean, I think that when it comes to safety,
 12 we're not going to operate in a black risk.
 13 We just won't do that. There are times, as I
 14 mentioned financially, that we may operate in
 15 a black risk just based on the fact that we
 16 have an opportunity to defer something and try
 17 to tie it to another work activity, but when
 18 it comes to safety and health, we will not
 19 operate in a black risk.
 20 ROIL, Q.C.:
 21 Q. Okay, now I think we're going to be bring this
 22 down to a more concrete discussion about
 23 aviation risk.
 24 MR. SACUTA:
 25 A. Right. So safeguards or existing safeguards

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1 are measured already in place to prevent the
 2 hazard scenario from occurring or to reduce
 3 the potential impact. Some of the safeguards
 4 related to helicopter operations include the
 5 key preventative safeguards which reduce the
 6 probability of occurrence would be under the
 7 equipment, the fact that we have twin turbine
 8 engine helicopters, helicopters with twin
 9 engines such that if one failed, it was still
 10 able to fly. The fact that we have two pilots
 11 on the cockpit, such that if one becomes
 12 incapacitated, we have a backup to fly back.
 13 We have helicopter landing lights on the
 14 helideck to aid in visibility. We have deiced
 15 capable aircraft should they come into an
 16 icing situation. We have an alternate
 17 offshore landing site. If there's an issue at
 18 Hibernia, they can fly over to Terra Nova, the
 19 Sea Rose, and if there are tankers in the
 20 area, the tankers that service our operations
 21 do have helidecks and they can land on the
 22 tankers.
 23 ROIL, Q.C.:
 24 Q. Okay, let's just discuss that. So at Terra
 25 Nova, depending on whether that was drilling,

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1 they were drilling and producing, there could
 2 be two sites there, and would you use the
 3 facilities?
 4 MR. SACUTA:
 5 A. For example, right now Terra Nova isn't doing
 6 any drilling, but the Husky operation has two
 7 drilling rigs that are in service. So you
 8 could have the Terra Nova facility, the White
 9 Rose facility, and potentially two drilling
 10 rigs as alternate landing sites.
 11 ROIL, Q.C.:
 12 Q. And as well -- what are these tankers? Are
 13 these the shuttle tankers?
 14 MR. SACUTA:
 15 A. The shuttle tankers that take oil from
 16 Hibernia, for example, and Terra Nova, into
 17 NTL, they are also equipped with a helideck,
 18 so the helicopter could land on the back of a
 19 tanker if it had to.
 20 ROIL, Q.C.:
 21 Q. Okay, and in terms of placement, how often --
 22 I don't think we've discussed tankers before.
 23 How often would there be a tanker in or around
 24 the facilities that are part of the Ben Nevis
 25 Field or -- the Jean D'Arc Basin, sorry, the

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1 area that we've been speaking of up until now?
 2 MR. SACUTA:
 3 A. At our current production rate at Hibernia, we
 4 would have a tanker about every six days. I
 5 think Terra Nova's would be a little less than
 6 that, maybe every seven days, and Husky,
 7 probably around the same, six or seven days.
 8 So depending on the production profiles and
 9 the storage volumes in the vessels, you could
 10 have three tankers out there all at the same
 11 time loading, or you could have a tanker
 12 today, a tanker tomorrow, and a tanker the day
 13 after. So there is potentially a tanker
 14 available at each installation every basically
 15 once a week taking a load, but they may
 16 overlap. We also have -- we talked last week
 17 about the HUMS system, the Health and Usage
 18 Monitoring System, which monitors performance
 19 of the helicopters. From an operational
 20 perspective, a key preventative safeguard is
 21 the fact that we have operational maintenance
 22 inspection and testing procedures for our
 23 offshore helicopter equipment, like, for
 24 refuelling, for example. We have maintenance
 25 of our equipment, maintenance of the

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1 helicopter lights, et cetera.
 2 ROIL, Q.C.:
 3 Q. But by operation, you don't means hands on
 4 operation of the helicopters themselves?
 5 MR. SACUTA:
 6 A. I mean, Cougar has their own operational.
 7 They're not HMDC generated operational
 8 documents.
 9 ROIL, Q.C.:
 10 Q. Right, but your assurance to the workforce is
 11 that there are operational maintenance and
 12 inspection procedures, either you have them or
 13 Cougar has them?
 14 MR. SACUTA:
 15 A. That's correct.
 16 ROIL, Q.C.:
 17 Q. Okay.
 18 MR. SACUTA:
 19 A. Weather monitoring and adverse weather flying
 20 procedures, basically there's visibility
 21 restrictions, wind restrictions, and freezing
 22 rain restrictions on helicopter operations,
 23 and we do have Platform communication with the
 24 helicopter pretty much throughout the flight.
 25 Our radio operator can communicate with the

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1 helicopter pilots at any given time. From a
 2 training perspective, we do have training and
 3 competence assurance of all personnel involved
 4 with helicopter operations, from the
 5 helicopter landing officer to the helideck
 6 crews, and we have annual simulated training
 7 for all pilots, which is a function that
 8 Cougar provides as part of their contract
 9 services.
 10 ROIL, Q.C.:
 11 Q. So all of these are the safeguards that what,
 12 that try to put it --
 13 MR. SACUTA:
 14 A. Reduce the probability.
 15 ROIL, Q.C.:
 16 Q. The probability, the likelihood of an
 17 occurrence happening that is a more dramatic
 18 one?
 19 MR. SACUTA:
 20 A. That's right.
 21 ROIL, Q.C.:
 22 Q. Okay.
 23 MR. SACUTA:
 24 A. We also have safeguards that reduce the
 25 consequences.

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1 ROIL, Q.C.:
 2 Q. So if something happens?
 3 MR. SACUTA:
 4 A. Right.
 5 ROIL, Q.C.:
 6 Q. Okay.
 7 MR. SACUTA:
 8 A. So from an equipment perspective, we've got
 9 three dedicated foam water monitors on the
 10 helideck which have three modes of operation.
 11 They can be fired manually, they can be fired
 12 fixed, and they can be fired automatically.
 13 There's three different ways under which you
 14 could provide foam and water to the helideck,
 15 should there be an incident.
 16 ROIL, Q.C.:
 17 Q. Okay. It's obvious to you, but a foam water
 18 monitor is what?
 19 MR. SACUTA:
 20 A. It's like a fire nozzle that sprays water, and
 21 it also has the ability to spray foam. One of
 22 the ways that you can put out a hydrocarbon
 23 fire is to blanket it with foam. The foam
 24 separates the fire from oxygen, which is what
 25 you need to continue fire, so it puts a layer

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1 of foam over any spilled fuel, for example,
 2 that would then extinguish the fire.
 3 ROIL, Q.C.:
 4 Q. So the land-based equivalent would be fire
 5 hoses and fire extinguishers?
 6 MR. SACUTA:
 7 A. Right, but in our case we have the added
 8 luxury or the added ability to put foam down
 9 because sometimes if you were to spray water,
 10 what it would do is just -- the fire would
 11 continue to burn because it still had an
 12 ignition source, the oxygen. So the foam
 13 removes and separates the fire from the oxygen
 14 source. We also have -- all seats are
 15 equipped with a four point quick release
 16 harness system which is for the protection of
 17 the passengers, and our helicopters are
 18 equipped with floatation. We talked about
 19 that last week and we're currently in the
 20 process of upgrading that floatation.
 21 Operationally, we have fully trained
 22 helicopter landing officers and a helideck
 23 crew to provide rapid response to incidents
 24 should one happen on the helideck, and we also
 25 have flight following and tracking system,

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1 which is the Blue Sky System. Training, all
 2 personnel under BST, basic survival training,
 3 including training on helicopter safety and
 4 underwater escape, the HUET training.
 5 Personal protective equipment, all passengers
 6 wear helicopter passenger transportation suits
 7 equipped with emergency light and a personal
 8 locator beacon. There is not reference to
 9 HUEBA on this because this is the risk
 10 assessment that was done in 2006.
 11 ROIL, Q.C.:
 12 Q. Yes, okay.
 13 MR. SACUTA:
 14 A. Emergency response, we always have a standby
 15 vessel at the Hibernia Platform, we have a
 16 standby helicopter based in St. John's, which
 17 is part of the Cougar contractual requirement
 18 and our commitment in the operations plan, and
 19 then we also have the Department of National
 20 Defence's SAR resources available should we
 21 need them.
 22 ROIL, Q.C.:
 23 Q. Okay, now the standby vessel at the Hibernia
 24 Platform, again we use the word "standby", and
 25 I gather that "standby" has two aspects to it.

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1 One is to standby the rig itself?
 2 MR. SACUTA:
 3 A. Uh-hm.
 4 ROIL, Q.C.:
 5 Q. And what's the other standby that relates to
 6 helicopter transport?
 7 MR. SACUTA:
 8 A. It has to be in close proximity during any
 9 helicopter landing, which I believe is half a
 10 mile and 10 degree offset to the incoming
 11 flight path. So it's actually a more
 12 restricted requirement during helicopter
 13 landing operations.
 14 ROIL, Q.C.:
 15 Q. So during helicopter landing, there is a more
 16 defined location for the standby vessel?
 17 MR. SACUTA:
 18 A. Yes, it has to be in a predefined location,
 19 which is closer to the Platform than it may be
 20 during normal standby duties.
 21 ROIL, Q.C.:
 22 Q. And what is its relationship to the flight
 23 path of a helicopter?
 24 MR. SACUTA:
 25 A. It's set 10 degrees offset, such that the

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1 helicopter will fly in, it will be 10 degrees
 2 offset, so that if there were any issues with
 3 the incoming landing, that it would be able to
 4 respond very quickly based on -- and it's also
 5 used as a observation technique that the pilot
 6 can get his bearing to the helideck by seeing
 7 the standby vessel because it's set half a
 8 mile from the Platform. So it's almost like a
 9 crosscheck on your final approach to the
 10 Platform.
 11 ROIL, Q.C.:
 12 Q. Okay, so if the helicopter is coming from the
 13 northwest --
 14 MR. SACUTA:
 15 A. Right.
 16 ROIL, Q.C.:
 17 Q. Then it would be 10 degrees off from that
 18 northwest direction?
 19 MR. SACUTA:
 20 A. Right, from the direction it approaches the
 21 helideck.
 22 ROIL, Q.C.:
 23 Q. Rather than sitting on the other side?
 24 MR. SACUTA:
 25 A. Right.

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1 ROIL, Q.C.:

2 Q. And why is it 10 degrees off?

3 MR. SACUTA:

4 A. We don't want the helicopter flying right over

5 the top of the vessel.

6 ROIL, Q.C.:

7 Q. Okay. So again another management risk?

8 MR. SACUTA:

9 A. Another management risk, yeah.

10 ROIL, Q.C.:

11 Q. Okay, now then the slide is dealing with the

12 results of the 2006 aviation operations risk

13 assessment?

14 MR. SACUTA:

15 A. That's right.

16 ROIL, Q.C.:

17 Q. Right.

18 MR. SACUTA:

19 A. So coming out of that aviation risk assessment

20 completed in 2006, a number of improvement

21 opportunities were identified. The first was

22 to develop and adopt a site specific wind

23 speed versus direction matrix to formalize

24 current guidance for decision making process

25 regarding weather limits. The matrix was --

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1 the recommendation identified that the matrix

2 was to be included in the Hibernia Operations

3 Manual. This wind speed matrix was developed

4 by Cougar. It was not added to the Hibernia

5 Helicopter Operations Manual as it was

6 determined that aviation operational limits

7 for Hibernia are best managed by Cougar

8 through the issuance of a flight operations

9 memo. So Cougar issued a flight operations

10 memo which all their pilots would have access

11 to. We did not update our Helicopter

12 Operations Manual, and when that particular

13 improvement opportunity was signed off, that

14 was identified on the close-out form, it was

15 approved by the Hibernia President at the time

16 as meeting the original intent of that action.

17 ROIL, Q.C.:

18 Q. So the answer is, I take it, that if not

19 solved by the way that was suggested under the

20 aviation operations assessment, it was solved

21 by another way?

22 MR. SACUTA:

23 A. Correct.

24 ROIL, Q.C.:

25 Q. But then that substitute assignment had to be

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1 signed off by the President?

2 MR. SACUTA:

3 A. It had to be identified, here's what the

4 improvement opportunity was, here's how we

5 have met the intent of that improvement

6 opportunity. If it's not specifically the

7 same as what the improvement opportunity is,

8 there would be words around why that was the

9 case, and basically what I read to you was the

10 reason why, it was felt that it was better

11 managed by Cougar through a flight operations

12 memo. The Hibernia President at the time

13 would look at that and say, yes, I agree with

14 that, and he would sign off that the

15 improvement opportunity was closed.

16 ROIL, Q.C.:

17 Q. And you, as the incoming President, would have

18 access to the explanation?

19 MR. SACUTA:

20 A. Absolutely, yes, I have access to all the

21 improvement opportunity closure forms.

22 ROIL, Q.C.:

23 Q. Okay, the next three there deal with the S-92A

24 airframe.

25 MR. SACUTA:

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1 A. That's right. Although at the time we did the

2 risk assessment in 2006, we weren't currently

3 flying the S-92, we knew we were very

4 interested in the S-92, and eventually we felt

5 we would be transitioning to the S-92. So as

6 part of that risk assessment, we identified

7 the needs to ensure that the helicopter

8 landing officer and the helideck crews had had

9 S-92 aircraft familiarization. There was

10 always the possibility with Terra Nova flying

11 the S-92, that the S-92 may have to land on

12 our helideck, based on potentially a flight

13 share, or should they be fogged in at Terra

14 Nova when they got out there, they sometimes

15 come over and land on us to see if the fog can

16 clear. So we wanted to make sure that our

17 crews were familiar with the S-92. So that

18 was completed, both the second and third

19 actions, and we wanted to make sure that our

20 Hibernia documentation included information

21 relevant to the S-92 and assure consistency

22 with the Aviation Operations Guide as

23 required, and that was also closed. The fifth

24 one on this list was to install ground

25 proximity alert warning system on the

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1 applicable aircraft. This is a device that
 2 lets you know when you're too close to the
 3 ground, it's like a warning system. That was
 4 implemented as well. The sixth one was to
 5 modify the Blue Sky, which is the tracking
 6 system, to automatically alert Cougar dispatch
 7 of an unplanned deviation from planned
 8 altitudes. That was closed and not
 9 implemented, and the reason was is that we
 10 could not modify the Blue Sky System to
 11 provide this service. It was identified in
 12 the close-out form that it was impossible to
 13 modify Blue Sky to meet this intent. So not
 14 being able to do that, the action was closed
 15 without being implemented and approved by the
 16 Hibernia President at the time.

17 ROIL, Q.C.:

18 Q. So I take it that a feature of Blue Sky did
 19 not allow that to be implemented?

20 MR. SACUTA:

21 A. Correct, there was no way that the Blue Sky
 22 System could be modified to meet that
 23 improvement opportunity.

24 ROIL, Q.C.:

25 Q. Is Blue Sky something that's proprietary to

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1 somebody other than Cougar and/or HMDC?

2 MR. SACUTA:

3 A. I believe that is the case, yes. It's a
 4 software system that you go out and purchase.

5 ROIL, Q.C.:

6 Q. Okay, perhaps we can ask Cougar about that for
 7 more specific detail.

8 MR. SACUTA:

9 A. Yeah.

10 ROIL, Q.C.:

11 Q. Okay.

12 MR. SACUTA:

13 A. And the last one was to develop and implement
 14 a program that requires all first time
 15 passengers to wear visible identification. As
 16 an example, a coloured armband attached to the
 17 flight suit. This recommendation was not
 18 implemented. A review of the check-in process
 19 and also recognizing that all personnel
 20 complete the same level of training when it
 21 comes to helicopter escape, and all watch the
 22 preflight video, indicated the benefit of this
 23 change was minimal. The close-out form was
 24 filled out with those exact statements, that
 25 everybody that gets on a helicopter generally

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1 goes through the same level of training,
 2 they're all exposed to the same original
 3 orientation video, and so it was not
 4 implemented based on that fact, and that was
 5 also signed off by the Hibernia President at
 6 the time.

7 ROIL, Q.C.:

8 Q. And again to restate just to make sure we're
 9 clear, then the conclusion was reached that a
 10 first time traveller or a 50 time traveller,
 11 all had the same exposure to the same training
 12 with respect to helicopter evacuation?

13 MR. SACUTA:

14 A. That's correct.

15 ROIL, Q.C.:

16 Q. And that perhaps other than Robert Decker,
 17 there's nobody that has had to go through the
 18 actual evacuation of an aircraft that's
 19 submerged?

20 MR. SACUTA:

21 A. That's right. They all watch the orientation
 22 video, they all undergo the same level of
 23 training, so everyone is basically the same
 24 when it comes to getting on the helicopter and
 25 taking a seat on that helicopter. So the

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1 benefit was thought to be minimal of having
 2 people identified with an armband, based on
 3 the fact that everybody undergoes the same
 4 level of training.

5 ROIL, Q.C.:

6 Q. Okay, there is, I understand, an additional
 7 way in which new workers are identified once
 8 they get to the facility?

9 MR. SACUTA:

10 A. Yes. We've got a yellow hat policy, which Mr.
 11 Fraser will talk about in his section.

12 ROIL, Q.C.:

13 Q. Okay, but that's designed towards the
 14 identification of a person who's the first
 15 time on the facility?

16 MR. SACUTA:

17 A. Correct. So I'm going to hand off now to Mr.
 18 Fraser for the next two sections of the
 19 presentation.

20 ROIL, Q.C.:

21 Q. Thank you, Mr. Sacuta. Welcome, Mr. Fraser.

22 MR. FRASER:

23 A. We're going to talk about OIMS Element 5,
 24 personnel and training, and a key component of
 25 Element 5 is personnel safety management as

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1 part of this. Go to the next slide, Paul. So
 2 Element 5 provides the framework for safety
 3 processes activities, and provides structure
 4 for implementing, maintaining, and continually
 5 improving personal safety performance. So in
 6 this slide I'll take a few minutes and I'll go
 7 through how we meet these management system
 8 requirements that OIMS lays out here at
 9 Hibernia, and show how the requirements are
 10 met offshore. This is part of what Mr. Sacuta
 11 talked about, the rubber meeting the road.
 12 ROIL, Q.C.:
 13 Q. So with respect to offshore workers, when you
 14 are in the offshore installation manager role,
 15 you are the person that is ultimately
 16 responsible for these items?
 17 MR. FRASER:
 18 A. Yes, sir.
 19 ROIL, Q.C.:
 20 Q. And you can tell us that you have personal
 21 knowledge of all this?
 22 MR. FRASER:
 23 A. Personal knowledge of all this stuff, yeah.
 24 So we'll take you -- this will take a few
 25 minutes to go through this, but it shows --

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1 it's not specific to helicopter operations,
 2 but it's in general how we do all our day to
 3 day business from a safety perspective on the
 4 Platform. So it'll give you a good overview
 5 of how we do that. Helicopter issues are
 6 certainly part of that. The system addresses
 7 the following key safety aspects, a structured
 8 safety organization at the management and
 9 operational levels. So at Hibernia, safety is
 10 embedded in our organization in everything
 11 that we do. The offshore asset level team
 12 consists of operations and maintenance, and
 13 offshore and onshore leadership personnel. So
 14 Mr. Sacuta is in charge of the asset level
 15 team at Hibernia, and I'm part of that team,
 16 and what we do is once a month we will have a
 17 meeting, for instance, that we'll go through
 18 by teleconference with the onshore leadership
 19 and offshore leadership, and we'll go through
 20 all the broad range of business at Hibernia,
 21 from reservoir management, to drilling
 22 results, to construction activities, and a key
 23 piece of that the first probably -- it's a two
 24 hour meeting, so probably the first twenty
 25 minutes to half an hour of that meeting would

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1 be a discussion on safety. So we'll look at -
 2 -
 3 ROIL, Q.C.:
 4 Q. So safety is actually a subject item on the
 5 agenda?
 6 MR. FRASER:
 7 A. Yes, sir, there's probably 100 slides in that
 8 meeting, and 30 of them are around safety,
 9 probably 20 to 30 of them are around safety.
 10 So what we'll do is we'll look at obviously
 11 any incidents that we've had in the past
 12 month. This is a monthly meeting, so any
 13 incidents we've had in the last month, we'll
 14 look those incidents, the specifics around
 15 them. We'll look at our reporting statistics,
 16 you know, our level of incidents that we've
 17 had, where we are for the year, where we were
 18 for the past month. So a general sort of high
 19 level leadership discussion on safety, a brief
 20 on any new programs that are coming up,
 21 anything like that. Additionally to that,
 22 we'll have another monthly meeting that's
 23 specifically around safety. So at that
 24 meeting will be basically the same group of
 25 people, the same leadership people, plus we

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1 will get the SH&E Department.
 2 ROIL, Q.C.:
 3 Q. What is the SH&E Department?
 4 MR. FRASER:
 5 A. Oh, sorry, Safety Health and Environment
 6 Department.
 7 ROIL, Q.C.:
 8 Q. Okay.
 9 MR. FRASER:
 10 A. Safety Health and Environment Security it is
 11 now, so each person in that department will
 12 come into that meeting also. We do the same
 13 type of video conference link to the Platform,
 14 and we'll go through in detail the incidents
 15 we've had in the past month, any outstanding
 16 action items from those incidents, and who's
 17 responsible, where they currently sit, because
 18 some action items take some time to close out,
 19 as you can understand. We'll also look at any
 20 audit items that have come up, anything that's
 21 come up from, say, the Board or from Lloyd's,
 22 the status of those issues, where they all
 23 are. We'll look at the statistics that come
 24 from -- I'll talk about some of our safety
 25 programs that generate some statistics, and

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1 we'll look at those statistics and see if we
 2 need to come up with any new programs around
 3 that kind of stuff. So we'll go through all
 4 that. We also review the JOHS Minutes at that
 5 meeting, any issues that have come up in a
 6 general review of the JOHS Minutes, not in
 7 detail, but, you know, any issues, any
 8 outstanding items.
 9 ROIL, Q.C.:
 10 Q. What sort of things are you looking for in
 11 terms of the JOHS meetings? Is it something
 12 that must attract your attention because it's
 13 interesting, or is it -- what kind of things
 14 do you look for?
 15 MR. FRASER:
 16 A. It'll give the onshore folks a chance, if they
 17 have any questions about it, because typically
 18 there will be actions assigned to the onshore
 19 safety people around things that are discussed
 20 in the JOHS meetings. So we will assign
 21 actions to the SH&E supervisor, and his folks
 22 will take a look at those actions, and that's
 23 an opportunity where they can give us an
 24 update on where they are with those actions.
 25 We'll talk some more about the JOHS meeting,

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1 obviously, when I get into this presentation.
 2 ROIL, Q.C.:
 3 Q. Yes.
 4 MR. FRASER:
 5 A. On a daily basis, we also have departmental
 6 safety -- meetings are part of the handover
 7 meetings. So what happens at the end --
 8 ROIL, Q.C.:
 9 Q. Sorry, what's a handover meeting?
 10 MR. FRASER:
 11 A. Okay, so at the end of every shift, there's a
 12 crew of folks that are working, and then
 13 they're going off shift, and there's a crew of
 14 folks that are coming on shift. So we work 24
 15 hours a day. People do their 12 hours, and
 16 just before the end of their shift, depending
 17 on which department they're in, they will have
 18 a meeting with the folks that are coming on
 19 shift and will have a discussion around,
 20 obviously, you know, what's gone on during the
 21 day and what work remains outstanding, what
 22 the plan for the work is for that evening.
 23 Also as part of that there will be a
 24 discussion around any safety issues. So the
 25 first part of that meeting will be around any

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1 safety observations, any hazard IDs, and I
 2 will talk about those things, and any issues
 3 that have come up from a safety perspective,
 4 the supervisor may have knowledge of a safety
 5 alert that's come out or something like that,
 6 and had passed that on to the workforce.
 7 They'll talk about things like, you know, it's
 8 cold tonight or it's just snowed and the decks
 9 are slippery, be careful, or it's windy, those
 10 types of things in a safety perspective, and
 11 there's input from the workforce there, the
 12 guys can talk about what happened during the
 13 day from a safety perspective.
 14 ROIL, Q.C.:
 15 Q. You told us about two times of -- more than
 16 that, three types of meetings, all of which
 17 safety is always the first item discussed?
 18 MR. FRASER:
 19 A. Yes, safety is always the first discussion at
 20 any of these meetings. Sometimes it's an in-
 21 depth discussion, obviously, and sometimes
 22 it's just a brief discussion, depending on
 23 what the purpose of the meeting is.
 24 ROIL, Q.C.:
 25 Q. But if I looked at any agenda for any of these

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1 meetings, safety is on the top, it doesn't
 2 come in at the end?
 3 MR. FRASER:
 4 A. Yeah, and we don't -- like, some of the
 5 meetings are -- like, the handover meeting,
 6 for instance, there's no Minutes to that,
 7 right. That'll be -- you know, we'll get
 8 together in a room, you and I, and whoever
 9 else is on our work team, and we'll have a
 10 discussion around the stuff I just described,
 11 not a formal meeting.
 12 ROIL, Q.C.:
 13 Q. Right.
 14 MR. FRASER:
 15 A. Ongoing safety programs is another thing that
 16 OIMS requires us to have. So we talked about
 17 our safety department and looking at
 18 statistics, so our safety department will look
 19 at the trends from our incident database. So
 20 that's things that have already happened, and
 21 we've got a couple of programs we'll talk
 22 about a little bit that look at potential
 23 things that we need to nip in the bud, so to
 24 speak, and they will look at safety programs
 25 to try and address those things. So if we

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1 have -- in our hazard program, if we're seeing
 2 an incident with loose stair treads, for
 3 instance, that they will initiate a program to
 4 go out and check the stair treads, for
 5 instance, or something of that nature. If we
 6 get an incident that reports of, you know,
 7 issues with folks not putting their safety
 8 glasses on in the appropriate areas, then
 9 we'll initiate a program, maybe go around, and
 10 the theme of the month may be, you know, eye
 11 protection and we'll initiate a program around
 12 that kind of stuff.

13 ROIL, Q.C.:

14 Q. Are these programs reactive to issues or are
 15 they also proactive? In other words, there's
 16 nothing happening, but we think we should
 17 reinforce them?

18 MR. FRASER:

19 A. Both. Obviously, if we had an incident where
 20 people were getting injured because of my
 21 example, eye protection, then we would
 22 obviously institute a program there. We also
 23 have our behaviour based safety program, which
 24 will give us insights into people are --
 25 seeing people without safety equipment on, and

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1 then we'll initiate a program to highlight
 2 that to the workforce, and I'll talk a little
 3 bit about how that program works. Then next
 4 requirement for OIMS is safety emphasis
 5 through ongoing communications. So we talked
 6 about the shift handovers at the starts and
 7 beginning of each shift -- start and end of
 8 each shift. We also have a large computer
 9 screen in the galley that shows our -- hooked
 10 up to a dedicated computer, and it shows a
 11 slide show, a PowerPoint show, that has
 12 different safety messages on it. It'll show
 13 some of our trends, some of our statistics,
 14 it'll show information of hazard reports and
 15 safety alerts that we get from other
 16 facilities or from outside the company, or
 17 anywhere around the world. We have a process
 18 where we take those safety alerts and give
 19 them out to the appropriate people on the
 20 Platform. We also have typical office type
 21 workplace things where we have bulletin
 22 boards. So we have bulletin board outside the
 23 coffee and smoke rooms and outside the galley,
 24 there's a hallway goes down between those two
 25 areas and there's bulletin boards there. One

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1 of those bulletin boards is dedicated to the
 2 JOHS Committee, so any JOHS issues, the JOHS
 3 Minutes would go up there on that board. We
 4 also take our incident reports and safety
 5 alerts and those types of things and we put
 6 them in a binder, take the names and stuff,
 7 obviously, take that kind of information,
 8 personal information off it, but that goes in
 9 a binder and we put those in our coffee shops
 10 and smoke room so folks can read through those
 11 at their leisure while they're having a coffee
 12 or a snack. Also part of that is every
 13 morning there's a meeting in the OIM's office,
 14 in my office, and Mr. Sacuta talked about we
 15 have a report that goes to the Board, the
 16 first piece of that report is safety issues,
 17 any incidents we've had, briefs, safety
 18 statistics and some information like that, and
 19 environmental information, and that goes --
 20 every morning we have a discussion with the
 21 leadership team and one of the members of the
 22 JOHS Committee comes to that meeting. It's a
 23 small group, six people, seven if you include
 24 the safety rep. They will come to my office
 25 and we'll go through what happened the

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1 previous day, what we're planning on doing the
 2 next day, and any safety issues that have come
 3 up throughout the day, and the JOHS rep, they
 4 have a rota that they manage themselves, the
 5 safety reps manage, and they will send
 6 somebody down every morning to that meeting
 7 and we'll go through that, and they have the
 8 opportunity there if there's any safety
 9 concerns that any members of the JOHS
 10 Committee have, they can bring that up at that
 11 time. The next bullet point, and this was
 12 your question about the orientation, is safety
 13 orientations for site visitors and new
 14 contract workers. So anybody that comes to
 15 the Platform, when they arrive on the
 16 Platform, they get a video presentation at
 17 Heli-Admin which shows generally all the
 18 safety aspects of the Platform. You get to
 19 hear what an emergency alarm sounds like, see
 20 the various alarm lights, and it shows you
 21 what you're supposed to do in the event of an
 22 emergency, a little bit around the health and
 23 safety aspects of the Platform. Then once you
 24 leave there, you go down to my -- well, you
 25 actually go on a tour of the Platform. The

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1 Heli Admin personnel take you on a mini tour
 2 of the Platform, show you where your life boat
 3 is, show you where your muster station is, and
 4 muster station is where you report in an
 5 emergency, and shows you we have a system to
 6 track people at an emergency, shows people how
 7 they participate in that. It shows them the
 8 lay of the land, sort of where the coffee shop
 9 is, where the galley is, the important pieces,
 10 the smoke shop, if you're so inclined, and
 11 shows you that and tells you the rules of, you
 12 know, no coveralls in the galley, no coveralls
 13 in your room, that kind of stuff. So the
 14 second piece of that is that you come to my
 15 office. I go through a list of about ten
 16 things that I go through with any new worker
 17 on the Platform.

18 ROIL, Q.C.:
 19 Q. So every new worker comes to your office?
 20 MR. FRASER:
 21 A. Every new worker comes to my office, yeah, and
 22 there's a -- so we sit down for a few minutes
 23 and just go through, you know, basically talk
 24 about -- our safety model is "nobody gets hurt
 25 at Hibernia", and we talk a little bit about,

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1 you know, his responsibilities or her
 2 responsibilities around meeting those
 3 expectations and what my expectations are, and
 4 what Mr. Sacuta's expectations, and everybody
 5 else's expectations around safety, and we talk
 6 about the basics of reporting things
 7 immediately, you know, if they see a hazard,
 8 if there's any injuries, that type of thing.
 9 You know, talk about our philosophy on the
 10 Platform, no harassment, no horseplay, those
 11 types of things. So just a brief outline on
 12 our expectations of what we'd like them to do.
 13 The next step of that orientation is the
 14 person would go to their supervisor. So if
 15 you were a maintenance contractor coming out
 16 to do some maintenance, especially maintenance
 17 work on the Platform, you would go to the
 18 supervisor and the supervisor would go through
 19 basically the same things that we have already
 20 gone through, but more site specific, more
 21 specific to your role on the Platform. So
 22 you'd get assigned a mentor. So if you were
 23 going to work on the gas compressor and you
 24 were an instrument person, you would get
 25 assigned an instrument tech probably to be

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1 your mentor, and he would be working with you,
 2 showing you around, taking you to and from the
 3 worksite, and showing you how the system works
 4 on the Platform. Part of that process is what
 5 we talked about, the yellow hard hat process.
 6 So when you're new on the Platform, you get a
 7 yellow hard hat, if you're a visitor, or a new
 8 employee, you get a yellow hard hat, and
 9 that's to help identify you as somebody who
 10 may not be familiar with the entire layout of
 11 the Platform. So primarily if you're in an
 12 emergency, if you're outside with your hard
 13 hat on and there's an emergency, that you will
 14 get special attention to get back into the
 15 safe refuge if there's an emergency, and part
 16 of that process is we have a test after you've
 17 been there for a certain length of time, then
 18 you have to sit down and actually write a
 19 little test to make sure that you can describe
 20 -- it's primarily around how to get back to
 21 the TSR for an emergency and a few other
 22 things like that, but primarily around how to
 23 respond in an emergency. We have a book too
 24 that we give everybody. That's the Offshore
 25 Safety Health and Environment Handbook. It's

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1 one of the things that we give out to all the
 2 folks when they newly come on the Platform.
 3 It has our statement of commitment that we saw
 4 on the slide show. It goes through things
 5 like the Platform rules that we talked about
 6 earlier, fire protection, emergency
 7 procedures, occupational health and hygiene,
 8 safety at work, the general kind of stuff and
 9 refers them to -- this tells them this is just
 10 the real basics, refers them back to talk to
 11 the supervisor or see the actual procedures
 12 that govern these particular activities.

13 MR. SACUTA:
 14 A. Included in that handbook would be the
 15 discussion around the right to refuse process
 16 as well, so that employees are made aware of
 17 that process.

18 ROIL, Q.C.:
 19 Q. This is as good a place as anybody -- or
 20 anywhere to address this, and I invite either
 21 one of you, in the context of the kind of
 22 culture you seem to be describing here, can
 23 you understand or explain why some people
 24 would be inclined to say to others outside of
 25 your organization, well, I'm afraid to talk

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1 about something at the rig, I'm afraid to talk
 2 about safety for fear I might lose my job?
 3 MR. SACUTA:
 4 A. I can just speak from my experience that when
 5 I go offshore, people know me. I mean, I
 6 spent five years offshore, just about five
 7 years offshore, and I recognize there may be
 8 some new people offshore, but I have not
 9 experienced a reluctance of people to stop and
 10 talk to me about any issue, whether it's a
 11 safety related issue, whether it's a labour
 12 relations related issue, or whether it's to
 13 ask me whether I think the Leafs or the
 14 Canadians are a better team. People talk to
 15 us. Now I do recognize that there may be some
 16 employees that are new, I'm a big guy, but
 17 that's one of the reasons that when I go
 18 offshore -- I go offshore as frequently as I
 19 do to talk to as many people as I can, and I
 20 have not experienced a situation where there
 21 has been a reluctance of anybody that I've
 22 come across to talk about any issue. They ask
 23 tough questions when I have town halls. So
 24 I'm a little perplexed by the statement that
 25 people are reluctant to talk because it's not

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1 something that I experience when I go
 2 offshore. I'm familiar with a large
 3 percentage of the people that work offshore
 4 because I travel back and forth to the
 5 Platform with them, and I think can probably
 6 provide his perspective because he's there day
 7 in and day out, but I am no aware of any
 8 situation where any employee has brought up a
 9 safety related issue and there has ever been
 10 discipline. That does not happen on our
 11 facility. We encourage all of our employees
 12 to contribute, if they've got a safety
 13 concern, to bring it up. So I'm a little
 14 perplexed by those statements.
 15 MR. FRASER:
 16 A. Yeah, and I've got a couple more things here
 17 on this slide to talk about. There's ample
 18 opportunity, you know, even if folks have an
 19 issue with talking to their supervisor or
 20 talking to myself or Mr. Sacuta, or anybody
 21 else, there's ample opportunity where they
 22 could report something anonymously. They've
 23 also got -- the C-NLOPB is available by phone,
 24 everybody has access to a phone. I echo Mr.
 25 Sacuta's statement. The folks that work with

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1 me when I'm out there are -- you know, they're
 2 informed, they're well educated people,
 3 they're not shy. If they have an issue,
 4 they'll come and talk to you.
 5 ROIL, Q.C.:
 6 Q. Thank you. Okay, I didn't mean to interrupt,
 7 but it seemed to be a place to inject that
 8 question because it did stand out from what we
 9 heard last week.
 10 MR. FRASER:
 11 A. So the next bullet point that OIMS requires us
 12 to have is appropriate and well maintained
 13 personal protective equipment, so we have a
 14 procedure that lays out the requirements for
 15 our PPE, so like our work boots have got to be
 16 CSA approved to a certain standard, and safety
 17 glasses, respiratory protection, all of that
 18 kind of standard stuff, and we expect our
 19 contractors, if their contract says that they
 20 need to supply their workforce with that, our
 21 contractors have to meet that standard. Also
 22 in that standard, the helicopter suits are
 23 part of that standard, so that's laid out in
 24 there and they obviously -- there's been lots
 25 of discussion around that, they have to meet a

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1 standard. Just to talk about the next bullet
 2 point, workplace hazard identification and
 3 reporting. We have two methods, two kind of
 4 things that we report. One thing is a -- this
 5 is more equipment related, piece of equipment,
 6 so the hazard ID program, and we've got a card
 7 that we use so people can report it, just a
 8 brief description of what happened and this
 9 helps initiate the tracking process. So if
 10 you come across -- it could be as simple as a
 11 hose in the walkway. We have walkways,
 12 designated walkways, and somebody has laid a
 13 water hose across the walkway, so you'd walk
 14 up to it, you'd move the hose out of the way,
 15 get rid of the hazard, the tripping hazard,
 16 and then you would write a card up just to
 17 record that you did that and you could write
 18 down on the card that it was closed.
 19 ROIL, Q.C.:
 20 Q. Does that require a person to sign his or her
 21 name?
 22 MR. FRASER:
 23 A. No, you don't have to. You can -- we've got
 24 boxes around the Platform where you can drop
 25 them off and they get picked up at a certain

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1 designated time, but most people sign them.
 2 There's a spot there to designate a few key
 3 things, and we use that information as part of
 4 our database to track. You know, if we showed
 5 a lot of housekeeping issues, which that would
 6 be, then maybe we would put a program in place
 7 for housekeeping, like we talked about
 8 earlier, right. So that's -- you can
 9 anonymously put -- you can submit this
 10 anonymously, but most people sign it.
 11 ROIL, Q.C.:
 12 Q. Just hold that up so that the camera can see
 13 it as well. Just a little card --
 14 MR. FRASER:
 15 A. Just a little card, yeah. It's got a few
 16 things. It's got, you know, description of
 17 what the hazard was, what the action taken,
 18 and suggestion to prevent occurrence, and then
 19 there's some tick boxes to describe it a
 20 little bit and there's a spot at the bottom of
 21 the close out of the incident. So you can
 22 close it out yourself, or you could -- if it
 23 was a bigger issue, a loose stair tread, for
 24 instance, that required some maintenance, some
 25 intervention, then you would -- what we try to

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1 do is get people to -- encourage people to
 2 take action immediately, so barrier the area
 3 off with some barrier tape, or have somebody
 4 stand there until you could go get some kind
 5 of a sign to put up, and then it would get
 6 entered into our maintenance program if it was
 7 something that had to get -- longer term
 8 issue, and our maintenance program has a way
 9 to track these issues to make sure they're
 10 designated as a hazard ID. All these go into
 11 a database and they're all tracked to
 12 completion. The next piece is -- the next
 13 bullet point is worksite safety assessments.
 14 So OIMS requires that we do that, and the way
 15 we meet that requirement is every week the
 16 Platform leadership gets together at 9 o'clock
 17 on Saturdays usually, and we have a -- we have
 18 the Platform divided up into teams, into
 19 areas. Each supervisor is responsible for
 20 certain area on the Platform, and one of the
 21 safety reps will come to that meeting and he
 22 will participate -- he or she will participate
 23 in that inspection and we'll go out and
 24 inspect the whole Platform, and it's general,
 25 like we talked about, housekeeping, and making

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1 sure the safety equipment is in place and
 2 nothing is blocked in. So there's some
 3 general kind of themes that we use, and then
 4 there's a specific theme of the day type of
 5 issue that we'll look at. So if we had -- if
 6 we had an issue like we talked about, the hose
 7 in the walkway thing, if we had an issue
 8 around that, that we would emphasize to the
 9 team that was going on, take a look for, you
 10 know, hoses improperly stored, that might be
 11 the theme. That happens every week. The same
 12 thing, if you see a hazard, you put a hazard
 13 card in and that helps track that. There's a
 14 formal meeting at the end of it where we go
 15 through any issues that we looked at what
 16 happened the last week's inspection, if those
 17 issues were closed, if they're still
 18 outstanding, and any new issues that come up.
 19 Like I said, the JOHS worker rep, there's one
 20 of those folks participates in that meeting.
 21 Also when senior personnel like Mr. Sacuta
 22 come on board, they have a program where they
 23 will go around and do an inspection of the
 24 Platform, walk around and do a site survey,
 25 and report back if they see any issues. Also,

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1 of course, the Board comes out and they'll do
 2 that same function when they're on the
 3 Platform.
 4 MR. FRASER:
 5 A. The next bullet point is behaviour based
 6 safety programs. So that's our Stop program,
 7 and we've got a similar kind of card that we
 8 use for that, similar type issue, and this is
 9 around behaviour. So we have a system, and
 10 this is -- it's a -- I believe it came from
 11 Dupont, was the company that developed this,
 12 but we use it on Hibernia, and basically what
 13 they do is it's to get people in the workforce
 14 talking with each other about safety. So, you
 15 know, what will happen is everybody gets a
 16 basic training on how this works and the idea
 17 is that if I go out on the work site and Mr.
 18 Sacuta doesn't have his safety glasses on, and
 19 he's had people come up to him because he's
 20 forgotten to put his safety glasses on when
 21 he's walked out of the TSR, the safe refuge
 22 accommodations, sorry about the acronym, and
 23 so the idea is that we'll have a discussion
 24 that say "hey, Paul, you didn't have your
 25 glasses on" and then he'll say "yeah, okay"

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1 and he'll put them on. So both sides know the
 2 spirit of which the intent of that is, and
 3 then I would go back and make a card out that
 4 says -- you know, it's got safe acts observed
 5 or unsafe act observed. So this was an unsafe
 6 act. I would put down observed a worker
 7 without his safety glasses on. I can put my
 8 name on it. I don't put his name on it. And
 9 then I would tick off on the box for the
 10 statistics, I would tick off that somebody
 11 without the proper PPE.
 12 ROIL, Q.C.:
 13 Q. So you wouldn't have to identify the person?
 14 MR. FRASER:
 15 A. You don't identify the person, no.
 16 ROIL, Q.C.:
 17 Q. Just the fact that -
 18 MR. SACUTA:
 19 A. It had nothing to do with me being the person.
 20 You wouldn't identify any person.
 21 MR. FRASER:
 22 A. You wouldn't identify any person. So if the -
 23 MR. SACUTA:
 24 A. You identify what the actual unsafe act was,
 25 or a safe act.

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1 ROIL, Q.C.:
 2 Q. Yeah, the focus is on the act, not the person.
 3 MR. SACUTA:
 4 A. Right.
 5 MR. FRASER:
 6 A. The focus is on the act, not the person,
 7 right, and in the same respect, somebody would
 8 come out and see Mr. Sacuta with his glasses
 9 on and say "I see you got all your PPE on.
 10 You got the proper gloves, the proper gear.
 11 Good job, and I'll do a Stop card on that" and
 12 then the guy would do the same thing. There's
 13 a spot for you for safe acts observed. So
 14 you'd write down "observed worker in workplace
 15 with all PPE in place." Again, no names are
 16 used. There's a spot on it where you can put
 17 your name. I could put my name on it if it
 18 was, but if it was you and I having the
 19 interaction, I wouldn't put your name on it,
 20 but I could put my own name on it.
 21 So the idea is to get people talking back
 22 and forth about safety on a day-to-day basis,
 23 right, and at the real grassroots level type
 24 thing.
 25 ROIL, Q.C.:

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1 Q. How many of these cards -- that was a red one.
 2 The other one is a blue or green.
 3 MR. FRASER:
 4 A. Yeah, so the hazard ID reports, we get
 5 probably 15 of those a week, on average. Some
 6 weeks you get more. If there was a
 7 maintenance shutdown, you'd probably get more.
 8 You'd have more people, more activities. So
 9 probably around 15 a week of these, and these
 10 observations, the people talking about safety
 11 and documented that they're talking about
 12 safety, about 300 a week. So thousands
 13 throughout the year.
 14 ROIL, Q.C.:
 15 Q. And what happens with them when they're handed
 16 in?
 17 MR. FRASER:
 18 A. Yeah, so they go into -
 19 ROIL, Q.C.:
 20 Q. Just follow up so that we understand what the
 21 ultimate trail is for these.
 22 MR. FRASER:
 23 A. So these go to town, to our SH&E department
 24 onshore and there's some tick boxes -
 25 ROIL, Q.C.:

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1 Q. By town, you mean St. John's?
 2 MR. FRASER:
 3 A. St. John's, sorry. We just call it town, yes,
 4 so it's St. John's, yeah.
 5 ROIL, Q.C.:
 6 Q. I call it town sometimes too.
 7 MR. FRASER:
 8 A. You call it town too, yeah. So we sent it to
 9 St. John's, to our office in St. John's and
 10 all this goes into a database and there's --
 11 like this one here, there's -- positions of
 12 people is one of the classes, and it might be
 13 improper lifting, right. So you'd tick that
 14 box off. That would go into the database and
 15 at the end of the month, the SH&E department
 16 would generate a report saying "hey, we've got
 17 25 improper lifting techniques, unsafe
 18 behaviours observed" and then we would say
 19 "that's our leading indicator. We need to
 20 have -- we need to make sure that we get a
 21 program out there to remind people of safe
 22 lifting techniques" and that may be posters.
 23 It may be get somebody from onshore that's an
 24 expert in it, and we've had them come out,
 25 ergonomics people come out and put on classes

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1 for people on proper lifting techniques.
 2 MR. SACUTA:
 3 A. I think the key component of sending it
 4 onshore is it is sent onshore after offshore
 5 has done their review. So offshore gets the
 6 opportunity to look at the Stop card, talk
 7 about it. It's brought up at safety meetings.
 8 It's brought up at shift handovers. So
 9 there's an opportunity for immediate feedback
 10 to the workforce on anything that's identified
 11 on the card.
 12 ROIL, Q.C.:
 13 Q. Again, this question is not necessarily
 14 applicable now, but it seems a very good place
 15 for it. Would issues surrounding safety or
 16 lack of safety or concerns with respect to
 17 helicopter transport, would that be identified
 18 on these kinds of cards or do they tend
 19 generally to be about the conditions and
 20 concerns and good, the bad and the ugly on the
 21 facility itself, rather than as a part of the
 22 transit out?
 23 MR. FRASER:
 24 A. The vast majority are on the Platform. I
 25 guess, you know, you spend three weeks on the

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1 Platform and you spend an hour and a half on
 2 the helicopter. So the time frame is there,
 3 you know. I spend most of my time on the
 4 helicopter asleep, so you know. There are
 5 some that have come up from helicopter issues.
 6 We had hazard IDs on -- I believe on the
 7 headsets, the older model helicopters had a
 8 headset on them that you could listen to the
 9 announcements from the pilot and there was
 10 issues with that, and we -
 11 ROIL, Q.C.:
 12 Q. By issues, you mean the lack of ability to
 13 hear?
 14 MR. FRASER:
 15 A. Yeah. Sometimes you couldn't hear the
 16 messages and the system, gradually what we did
 17 was with the S-92s, we replaced that system
 18 eventually with a -- we tried boosting the
 19 power on the headsets and stuff like that, and
 20 now we have the PAs in the S-92 has got enough
 21 speakers and they're powerful enough that we
 22 don't use that system any more. And you know,
 23 like in helicopter operations, maybe somebody
 24 not using the handrail coming down from the
 25 helideck, but not a lot generated from that.

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1 So the next bullet point is safety
 2 performance trending. So we talked about --
 3 you know, we talked about that, that we'd take
 4 the information. So an incident report, for
 5 instance, is a lagging indicator, so something
 6 has already happened and we obviously are
 7 going to take whatever measures we can do to
 8 make sure that that doesn't happen again, but
 9 the information from the hazard IDs and the
 10 observation programs of that type of stuff
 11 goes into a leading indicator numbers and that
 12 will give us some indication of areas where we
 13 potentially could have a problem with
 14 injuries.
 15 So all that safety performance trending
 16 is done by our onshore SH&E department. They
 17 do the administration of that and send us the
 18 results offshore.
 19 The last bullet point in this section is
 20 recognition program. So what we do to
 21 encourage folks to participate in these
 22 programs is we'll have a random draw once a
 23 week, the SH&E lead and he'll get somebody
 24 from one of the worker reps or somebody else
 25 to just randomly draw one of these cards out,

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1 and if there's a name on it, which there
 2 usually is, of the person that submitted it,
 3 then they'll give them something like, you
 4 know, a flashlight or a baseball hat or a T-
 5 shirt or something like that, a small token of
 6 appreciation for participating in the program.
 7 Same thing with the hazard ID report. We'll
 8 also take -- the SH&E lead will go through and
 9 pick out a particularly good observation and
 10 give that for the pick of the week as not a
 11 random, like based on quality. So somebody
 12 does a good job of a good quality observation
 13 and they'll get same kind of a token for that.
 14 Additionally, we have a program called
 15 the President's Safety Award and what that is
 16 is once a month, a person or a group that's
 17 contributed to safety on the Platform and the
 18 wellbeing of the workforce will get nominated
 19 and the prize for that is a donation of \$1,000
 20 in their name to the charity of their choice
 21 as a token of our appreciation for their good
 22 work and participation in the safety programs
 23 on the Platform.
 24 ROIL, Q.C.:
 25 Q. So it's not just a rules based approach.

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1 There's a rewards and incentive approach as
 2 well?
 3 MR. FRASER:
 4 A. Yeah, there's a rewards, yeah. You don't want
 5 to make it too one way or another, but it's --
 6 you know, it's a pretty good program, yeah.
 7 ROIL, Q.C.:
 8 Q. Do you ever get the complaint from employees
 9 that there's too much focus on safety, that
 10 it's in my face all the time and I can't --
 11 you know, you're getting to the stage where
 12 I'm saturated, I'm tired of hearing about it?
 13 MR. FRASER:
 14 A. Sometimes you do. It's like anything. People
 15 will get -- you know, I think our folks all
 16 want to get stuff done, right. Everybody
 17 wants to get the job done. They all
 18 understand how important safety is and, you
 19 know, normally I think that most people will
 20 say, you know, that sometimes it gets -- you
 21 know, sometimes your job gets delayed because
 22 you're waiting for the permit to get put in
 23 place and stuff like that, and you just got to
 24 wait, and you know, people want to get work
 25 done, but in general, I think everybody

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1 accepts that that's part of life offshore is
 2 that, you know, you have to do it safe before
 3 you do it, right. We'd rather wait and sit
 4 there and wait until the job is ready to go
 5 than take a shortcut.
 6 ROIL, Q.C.:
 7 Q. You mentioned earlier, and I see in the slide
 8 there the "Nobody Gets Hurt". That, I take
 9 it, is a slogan or a byline or something?
 10 MR. FRASER:
 11 A. Yeah, that's our safety slogan. You know, we
 12 put it on those, you know, the ball hats and
 13 if we give out t-shirts for something and say
 14 "nobody gets hurt." That's our safety motto.
 15 That's our objective in everyday and when you
 16 come into the OIM's office your first day
 17 there, then we talk about "nobody gets hurt"
 18 and that's our objective, that we think that,
 19 you know, that you should be able to work here
 20 everyday for the rest of your life and not get
 21 hurt and none of your coworkers can get hurt,
 22 and that's the objective in every task that we
 23 do. The primary objective is, what I tell
 24 folks is, you know, you may be here to do a
 25 specialty job up in drilling and drill a well

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1 and it doesn't matter if we -- how the
 2 schedule of drilling that well goes, it won't
 3 be a successful well if somebody gets hurt
 4 drilling the well.
 5 ROIL, Q.C.:
 6 Q. When I come to work in the morning, I drive in
 7 my car and I come in here and I don't start
 8 work until I arrive. What is your
 9 understanding that the employees or that the
 10 workers have in terms of when do they start
 11 work?
 12 MR. FRASER:
 13 A. When do they start work?
 14 ROIL, Q.C.:
 15 Q. Yeah, in terms of the helicopter ride, is that
 16 part of work?
 17 MR. FRASER:
 18 A. Yeah, so they start work when they check in at
 19 the heliport.
 20 ROIL, Q.C.:
 21 Q. There's no question about that anywhere?
 22 MR. FRASER:
 23 A. There shouldn't be.
 24 MR. SACUTA:
 25 A. And certainly they're exposed to our

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1 expectations on safety from the time they
 2 check in right through until the time they
 3 depart the Platform.
 4 ROIL, Q.C.:
 5 Q. Yeah. Yeah, just want -- I'm trying to
 6 establish whether there's a crack in the -
 7 MR. FRASER:
 8 A. No.
 9 ROIL, Q.C.:
 10 Q. - in the period when maybe helicopter
 11 transportation isn't considered part of work.
 12 I haven't heard that.
 13 MR. FRASER:
 14 A. No.
 15 ROIL, Q.C.:
 16 Q. I'm just wondering if that's a possibility.
 17 MR. SACUTA:
 18 A. Shouldn't be.
 19 ROIL, Q.C.:
 20 Q. In terms of as you gentlemen understand work
 21 at HMDC.
 22 MR. FRASER:
 23 A. No. When they show up at the heliport, when
 24 they check in, they're at work, and they're at
 25 work until they get their boots back and their

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1 jacket and leave the heliport. Sometimes
 2 their boots are late, but normally that's when
 3 -- when you're finished, when you walk out the
 4 door, that's when it ends. So arrival at the
 5 heliport, departure from the heliport, in that
 6 three-week cycle, that's when you're at work.
 7 MR. SACUTA:
 8 A. And we certainly encourage all of our
 9 employees to take the practices and policies
 10 and procedures and the steps related to safety
 11 home with them, so that they utilize them at
 12 home, and I think that, you know, there are
 13 people that treat safety different at home
 14 than they do at work. But I'd like to see the
 15 day when it doesn't matter if you're at home
 16 or you're at work, you treat safety the same,
 17 and we encourage that as part of our day-to-
 18 day responsibilities offshore.
 19 ROIL, Q.C.:
 20 Q. Okay.
 21 MR. FRASER:
 22 A. So the objective of this management system is
 23 obviously the ultimate goal of managing
 24 personal safety is to achieve an incident-free
 25 workplace where nobody gets hurt by reducing

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1 at-risk behaviour and managing hazards
 2 associated with the work environment, hazard
 3 identification and correction programs which
 4 are comprehensive and widely used. So that's
 5 our objective in that, in that whole system,
 6 right.
 7 Safety just doesn't happen. We talked
 8 about, you know, talked about a lot of safety.
 9 It's hard work. Having a management system is
 10 only part of it. It requires lots of work and
 11 effort by everybody on a day-to-day basis,
 12 from Mr. Sacuta to myself, you know, from the
 13 chef to the roughneck. Everybody in that --
 14 everybody there, every day, every shift needs
 15 to be -- you know, needs to work at it. It's
 16 a lot of work to keep everybody safe all the
 17 time, and that's our objective, that we don't
 18 want anybody to get hurt ever.
 19 Going to go to the next slide there,
 20 Paul. So some of the processes and procedures
 21 that are used in Element 5, personnel and
 22 training, and we talked about this that these
 23 are our procedures that are at our level. The
 24 management system outlines what we should do
 25 and then we have to design our procedures here

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1 locally on how we do that, right. So the
 2 offshore safety health and environment
 3 handbook, and we showed you that, and that's
 4 one of our procedures that we use, because
 5 that's an official HMDC document. It's got a
 6 document number on it.
 7 The Joint Occupational Health and Safety
 8 Committee, there's a procedure that governs
 9 that committee, how that committee operates,
 10 how you nominate people, how they get elected,
 11 how the minutes are kept, what it's
 12 responsibilities are. All that is in a
 13 document that we have.
 14 Platform safety meetings, we've got a
 15 document that outlines how we do our Platform
 16 safety meetings.
 17 Personal protective equipment, including
 18 transportation suits, we talked about that,
 19 that all that, the standards of all that
 20 personal protective equipment is outlined.
 21 Training requirements, so all of our
 22 workforce, everybody that works on Hibernia
 23 has what we call a road map and it outlines
 24 every role, what the training is required for
 25 that role and what the key competencies are

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1 for that role, and that's all up to the TQG,
 2 Training and Qualifications guidelines. So
 3 all that's documented, so everybody from --
 4 like I said, from the chef to the roughneck
 5 has a road map that lays out what they need
 6 for training and that's all documented.
 7 Next slide, slide 46, so now we'll talk a
 8 little bit about the Hibernia Joint
 9 Occupational Health and Safety Committee. So
 10 the safety committee is a legislated
 11 requirement. The Occupational Health and
 12 Safety Committee is mandated by Sections 37,
 13 38 and 39 of the Newfoundland and Labrador
 14 Occupational Health and Safety Act. So 37
 15 outlines that ten or more employees, if the
 16 workplace has ten or more employees, you need
 17 to have a committee. So obviously we've got
 18 way more than that. Section 38 is the
 19 composition of the committee and the necessary
 20 training, and I'll talk a little bit about
 21 that later, and Section 39 is the duties of
 22 the committee, so we'll have a little
 23 discussion on that.
 24 The other thing, legislative
 25 requirements, worker representatives are

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1 nominated and elected by their coworkers as
 2 per a set of standards and procedures, and
 3 we'll talk about that. All JOHS committee
 4 representatives receive training with respect
 5 to their responsibilities in incident
 6 investigation.
 7 ROIL, Q.C.:
 8 Q. What kind of training is that? I mean, is it
 9 just an on-the-committee training or is there
 10 a formalized training?
 11 MR. FRASER:
 12 A. No, there's a formalized committee that the
 13 Workplace Health and Safety Commission lays
 14 out. There's certain service providers in
 15 Newfoundland, the people that are certified to
 16 do that. So we send all of our JOHS reps, and
 17 that's workers, so I've attended and our
 18 workers -- I'm management, I guess.
 19 Management and workers both go to the same
 20 course and get -- it teaches them, you know,
 21 what their duties are, outlines the Act and
 22 talk about regulations and the Act and what
 23 they're supposed to do and a little bit around
 24 committee interaction, how to work on a
 25 committee, so a little component of that, and

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1 we also do two days of training on incident
 2 investigation. So we have a system called
 3 TapRooT, a proprietary system that we use to
 4 investigate incidents and everybody that's on
 5 the JOHS committee, worker or management, gets
 6 trained in TapRooT incident investigation
 7 technique.
 8 Just going to go to the next slide there,
 9 slide 47. So the Hibernia Platform has a
 10 mature, well-established JOHS committee
 11 providing Platform wide representation since
 12 1997. You know, our JOHS ensures that the
 13 workforce is involved in what's going on on
 14 the Platform safety wise, from day one, day-
 15 to-day, you know, they're involved in
 16 everything that we do offshore. The committee
 17 has responsibilities for identifying aspects
 18 of the workplace that may be unhealthy or
 19 unsafe, receive complaints, concerns, issues
 20 from workers and maintain records of issues
 21 and resolutions, so that the JOHS committee
 22 has a -- you know, we have a form of minutes
 23 that we keep and those minutes go to the C-
 24 NLOPB every three weeks we have a JOHS
 25 meeting. We have a meeting when I'm there and

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1 then three weeks later, everybody changes out
 2 and they have a JOHS meeting with the other
 3 shift that's off and I think the legislation
 4 is every three months, but we have one every
 5 three weeks, a JOHS committee meeting.
 6 ROIL, Q.C.:
 7 Q. And again, at the risk of being a little
 8 repetitious, is there any question that issues
 9 relating to the transport portion of my
 10 employment, that that's a place where that
 11 should and can get raised, if I have concerns?
 12 MR. FRASER:
 13 A. Yeah, we've talked about issues at the
 14 heliport and the heliport and the
 15 transportation offshore are all -- have all
 16 been raised at the JOHS committee at one time
 17 or another. Not a lot. I guess it's the same
 18 kind of thing. There's, you know, a small
 19 component of our time is related to
 20 helicopters, but there has been some
 21 discussion on JOHS.
 22 So another duty of the committee is to
 23 make recommendations to management and workers
 24 to enforce health and safety in the workplace.
 25 So like I said, the JOHS committee is a key

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1 component of our safety culture getting to
 2 where we are. Our safety record, you know, we
 3 wouldn't be where we are if it wasn't for the
 4 JOHS committee. That's a key piece of the
 5 work. You know, there's not enough
 6 supervisors out there to do that. The
 7 workforce is a big key component of that, and
 8 the JOHS is the driver behind that from the
 9 workforce perspective.
 10 Establish and promote health and safety
 11 programs for workers. So the JOHS committee
 12 has -- you know, we've had lots of programs
 13 where the JOHS committee has participated and
 14 been the driver for it. Recently we had our
 15 H1N1 was -- as everybody knows, was in the
 16 news. We had an H1N1 program that the JOHS
 17 committee was a key in implementing that, and
 18 we had great success with that offshore.
 19 Provide C-NLOPB with minutes, copies of
 20 minutes and action lists, and we talked about
 21 that, and to meet with the C-NLOPB twice
 22 annually. So we've had -- and I believe the
 23 Commission -
 24 ROIL, Q.C.:
 25 Q. We've actually attended.

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1 MR. FRASER:
 2 A. Yeah, the Commission attended one of those
 3 sessions. So what we do is the Board gets all
 4 the JOHS committees from all the platforms in
 5 the area, the facilities, everything that's
 6 under the Board's jurisdiction, and the JOHS
 7 committees, both workers and management, come
 8 in for two days and they have -- it says two
 9 meetings, but it is two meetings, but it's one
 10 meeting for one shift and one meeting for the
 11 other shift. So they do it three weeks
 12 offset, so everybody gets to attend, and they
 13 get everybody in there and have -- and it's
 14 been evolving. The Board's been -- they've
 15 been tweaking the process, I guess, as we go
 16 and this year we had -- the Board, we came in
 17 and we had discussion. We had break -- we had
 18 general discussion and then had breakout
 19 groups and discussed specific issues and those
 20 groups were broken out. The management
 21 representatives went in one group and the
 22 worker representatives went in the other group
 23 and then they have discussions within those
 24 groups and then come back to the general
 25 session, and it's a pretty good process. It's

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1 worked well. There's been some -- you know,
 2 there's been some growing pains with it, but
 3 it's worked very well, I think.
 4 The committee structure, we'll talk a
 5 little bit about the Hibernia JOHS committee
 6 is structured in accordance with the Joint
 7 Occupational Health and Safety Committee
 8 document, which I talked about earlier, and
 9 includes the following representation. Equal
 10 attendance from management and workforce. If
 11 we were going to have a meeting where we had
 12 to vote on something, we would be very -- we
 13 would adhere to that rule very closely. We
 14 have -- if there's -- if we're going to have a
 15 general safety discussion at our JOHS
 16 meetings, we would get -- you know, if there's
 17 -- however many safety reps are available,
 18 show up to the meeting, we don't say "well,
 19 we've got ten supervisors and we got 11 safety
 20 reps. We're going to send somebody away." We
 21 get everybody to participate as much as
 22 possible. But for instances where we'd have
 23 to have a vote on something, which has
 24 happened very rarely, then we would make sure
 25 that we adhered to that equal representation.

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1 ROIL, Q.C.:
 2 Q. And what would a vote be required for? To
 3 implement something new or to change
 4 something?
 5 MR. FRASER:
 6 A. Yeah, if there was something, an issue had
 7 come up around -- like when we had the recent
 8 right to refuse issues, we made sure that we
 9 adhered very closely to that, to the
 10 legislation on that. But in general, when
 11 we're going to have a safety discussion that
 12 involves everybody, the more participation the
 13 better.
 14 The OIM, the production supervisor,
 15 maintenance supervisor, services supervisor,
 16 drilling supervisor, and the safety health and
 17 environment lead are all members of the JOHS
 18 committee. Elected worker representatives
 19 come from all departments throughout the
 20 Platform to ensure maximum worker
 21 participation and representation. So we have
 22 -- right now on the Platform, there's 26
 23 safety representatives from worker reps and -
 24 ROIL, Q.C.:
 25 Q. 26 on each of the two shifts?

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1 MR. FRASER:
 2 A. No, 13 on each shift. So there's 13 on and 13
 3 off.
 4 ROIL, Q.C.:
 5 Q. Right.
 6 MR. FRASER:
 7 A. There could be a time when there's 11 on and
 8 14 off, but just because of the shift
 9 rotations and they're divided up. Production
 10 operations, Platform services, production
 11 maintenance, drilling operations, drilling
 12 maintenance, drilling services and
 13 construction are all represented at that
 14 group. Some of the bigger groups like
 15 drilling operations have three on board at one
 16 time. Some of the smaller groups, like
 17 drilling services, may only have one.
 18 The worker reps also have a meeting where
 19 they go every Friday at 1:00 and the workers,
 20 worker reps go by themselves. There's no
 21 management there, and -
 22 ROIL, Q.C.:
 23 Q. Now by worker reps, I take it those would be
 24 the same people that are members of the CEP,
 25 the union?

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1 MR. FRASER:
 2 A. Yes.
 3 ROIL, Q.C.:
 4 Q. They're all bargaining unit people?
 5 MR. FRASER:
 6 A. All bargaining unit people, yeah. Yes, our
 7 elected safety reps are all bargaining unit
 8 people. They have a meeting where they go
 9 without any management at 1:00 every -- every
 10 Friday at 1:00, unless there's something going
 11 on, and they'll go there and have a meeting
 12 where they will sit down and discuss any
 13 issues that have come up from their
 14 constituents. Typically, that meeting, at the
 15 end of that meeting, the co-chair will come
 16 down and talk to myself, if there's any
 17 issues. So you know, typically she'll come
 18 down after the meeting, at usually 2:30 in the
 19 afternoon or she'll call me up and say "I got
 20 some things I want to talk to you about" and
 21 then have a general discussion. Usually it's
 22 just things on a -- you know, next meeting we
 23 need to have a status on where this is or
 24 where that item is, but you know, generally a
 25 good discussion. We encourage the workers

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1 obviously to discuss anything with their
 2 supervisors first, and most of the time that
 3 happens. The JOHS committee tends to deal
 4 with more general Platform wide issues.
 5 So the JOHS committee has a secretary
 6 that keeps the minutes obviously, and the
 7 minutes are generated after each meeting. The
 8 co-chair and myself sign off on each page
 9 after we agree on what the items that were
 10 discussed and everybody's happy with it and we
 11 have an action list that would also go with
 12 that.
 13 It's jointly chaired by the OIM and an
 14 elected worker representative. So the worker
 15 representatives have what they call a co-chair
 16 that they've elected amongst themselves and we
 17 alternate back and forth who is the chair.
 18 Basically the chair gets to read the minutes
 19 from the last meeting is what it is, right.
 20 ROIL, Q.C.:
 21 Q. The chair doesn't have a lot of authority.
 22 MR. FRASER:
 23 A. The chair doesn't have a lot of authority, no.
 24 ROIL, Q.C.:
 25 Q. To control things. Is it -- so each meeting

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1 is chaired by two people or is it back and
 2 forth alternately?
 3 MR. FRASER:
 4 A. We tend to go back and forth, yeah.
 5 ROIL, Q.C.:
 6 Q. Okay, yeah.
 7 MR. FRASER:
 8 A. Okay. Next slide, Paul, please. So some more
 9 on the JOHS committee. The Hibernia JOHS
 10 committee has developed and enhanced numerous
 11 safety initiatives including the hearing
 12 protection programs, the loss prevention
 13 observation program, Platform shutdown safety
 14 monitor program, transportation by vessel
 15 guidelines, and promoting worker participation
 16 in Platform wide safety programs, Stop, Hazard
 17 ID and injury and near miss reporting.
 18 So the hearing protection program, just
 19 to give you a flavour for a couple of these,
 20 is when we first went offshore, the vision was
 21 that there were certain areas that were noisy
 22 and people had to wear hearing protection in
 23 those areas. What we found through our
 24 observation program was that people were going
 25 from quiet areas to noisy areas, not wearing

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1 their hearing protection. So the JOHS
 2 committee got together and came up with some
 3 guidelines and basically what we decided was
 4 that every time you go outside the office
 5 areas or the accommodations, you have to wear
 6 your hearing protection, and that eliminated
 7 the hazard of people forgetting to put their
 8 hearing protection on. So the JOHS committee
 9 was a key to getting that out and, you know,
 10 there was some people didn't want to wear
 11 hearing protection at some times, right. They
 12 figured they wouldn't do that and the JOHS
 13 committee was the key in selling that idea and
 14 getting buy in from the workforce on that.
 15 That was ten years ago we did that.
 16 ROIL, Q.C.:
 17 Q. So the message, I take it, is that this is not
 18 just a committee that sits and talks. It
 19 actually produces?
 20 MR. FRASER:
 21 A. Produces, yeah. Another good example of that
 22 is the transportation by vessel guidelines.
 23 So when we first went offshore, there was a
 24 vision that we would never have to transport
 25 people back and forth on a supply vessel.

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1 Well, you know, the fog here, pretty quickly
 2 we realized that that wasn't going to be the
 3 case. So we had some guidelines established
 4 on how we would transport people back and
 5 forth, how long we would wait before we put
 6 people on the boat, what kind of issues, what
 7 kind of safeguards we would have to have, and
 8 all that kind of stuff was all -- the JOHS
 9 committee was a key component in establishing
 10 all that.

11 ROIL, Q.C.:

12 Q. Okay. I think rather than deal with all of
 13 these, in the interest of time -

14 MR. FRASER:

15 A. Yeah.

16 ROIL, Q.C.:

17 Q. - we should move on a little bit.

18 MR. FRASER:

19 A. Yeah. And also, the JOHS committee addressed
 20 workforce concerns on a broad array of issues,
 21 including the frequency and location of basic
 22 survival training, potable water quality, E452
 23 passenger suit comfort issues. We talked the
 24 helicopter return to service -- when the
 25 helicopter return to service was going on,

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1 after the incident in March, what happened was
 2 that the issues that the workforce had on
 3 Hibernia got funnelled to the JOHS committee
 4 and the JOHS committee submitted lists into
 5 the Task Force and then the Task Force had
 6 sessions with the JOHS committee and reported
 7 back on the status of different items and
 8 where we were and where we were going with
 9 that particular return to service. So the
 10 JOHS committee was involved in that, and then
 11 they took the issues back, to their
 12 explanations and issues back and forth. So
 13 that was our way to communicate to the
 14 workforce. I think is that -- any questions?

15 ROIL, Q.C.:

16 Q. I guess because we've talked about it a lot,
 17 and you haven't been here before, I'll give
 18 you the opportunity to make comment on the
 19 E452 passenger transport suit comfort issues.

20 MR. FRASER:

21 A. Oh yes, sorry.

22 ROIL, Q.C.:

23 Q. What can you tell us about your knowledge of
 24 the concerns of the workers of HMDC about the
 25 E45 suit prior to the incident on March the

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1 12th?

2 MR. FRASER:

3 A. Yeah. The main discussion was around the
 4 comfort of the suits. I think you guys have
 5 heard that the zippers were really stiff,
 6 really difficult to pull up, and we had to --
 7 some people had trouble with that. Some
 8 people didn't, but there were people that had
 9 trouble with it. When they were new, they
 10 were really stiff and they -

11 ROIL, Q.C.:

12 Q. By new, you mean when the suits are?

13 MR. FRASER:

14 A. When the suits were new, the suits are --
 15 well, I guess some of them probably still are
 16 new, but the suits are new. When they're new,
 17 they're really stiff. The zippers are stiff.
 18 So we -- you know, based on feedback from the
 19 JOHS committee, we went back to onshore and
 20 said "we need to do something about this." So
 21 we initiated the -- I think you guys talked
 22 the other day about putting lubricant, I think
 23 it's beeswax, on the zippers and looking at
 24 different issues, way we could make sure
 25 everybody was trained in how to put them up,

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1 how to put it up and then we put the zipper up
 2 and then we had issues that at the heliport
 3 everybody would have to sit down and
 4 demonstrate that they could zipper the hood
 5 up. So that was around the -- the issues
 6 around the suit and you know, they're bulky
 7 and there was some issues with that. The
 8 wrist seals were tight and there was issues
 9 with that.

10 ROIL, Q.C.:

11 Q. As the OIM and primarily responsible for
 12 persons travelling to and from your facility,
 13 was it ever a concern of yours that these
 14 kinds of concerns, which you described as
 15 comfort, would have engaged a situation where
 16 the suit was not fitting and that somebody was
 17 at risk?

18 MR. FRASER:

19 A. No. My personal experience, I went to my BST
 20 refresher shortly after we started using those
 21 suits. I can't remember exactly when, but
 22 when I used my suit, it was the first time
 23 that I had used a suit in the pool for the
 24 dunk that I didn't get really wet. I got a
 25 small amount of water, like about that big, on

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1 my chest. The suits were new. The suit that
 2 I had was new and one of the issues -- I don't
 3 know if they talked about it, the Marine
 4 Institute talked about it, but the suits that
 5 they use in the pool, the chlorine breaks them
 6 down. So they tend to leak more than a normal
 7 suit. So I didn't have any -- from a personal
 8 perspective, and from what I was talking to
 9 the workforce around the suits, it was around
 10 the comfort of -- they were uncomfortable when
 11 you had them zippered up. They were
 12 uncomfortable. The zipper was stiff and it
 13 kept your neck over to one side and they're
 14 not very comfortable. That's what -- you
 15 know, if you got it zippered up to land on the
 16 Platform or take off from the Platform, you
 17 know, you had to take it down after a while
 18 because it would be uncomfortable to leave it
 19 for a long period of time. But in an
 20 emergency that comfort wouldn't matter, in an
 21 emergency, right. So that's my experience
 22 with it. Does that answer your question?
 23 ROIL, Q.C.:
 24 Q. Yes, it does. I think we've given the other
 25 witnesses, from time to time, the opportunity

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1 to reflect on that issue and I'm glad to have
 2 you to have your opportunity as well. We've
 3 got another five minutes, and I think in the
 4 interest of time, we probably should begin to
 5 get into the next section.
 6 MR. FRASER:
 7 A. Okay.
 8 ROIL, Q.C.:
 9 Q. I think you're going to lead us through that
 10 one as well.
 11 MR. FRASER:
 12 A. Yes, sir. So go to -- I guess we just go to
 13 slide 51. So again, talking about the OIMS
 14 Element 6, operations and maintenance and I
 15 guess we're going to go through it. Hibernia
 16 has a large number of procedures that detail
 17 how we operate and maintain the Platform. So
 18 OIMS' Element 6 talks about operations and
 19 maintenance and what I'm going to talk about
 20 here is how we service the helicopters at the
 21 Platform, how a helicopter lands and takes
 22 off, people get on and off and we refuel it.
 23 It's not about how the operator maintain
 24 helicopters.
 25 ROIL, Q.C.:

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1 Q. Good, okay.
 2 MR. FRASER:
 3 A. Cougar takes care of that, right.
 4 ROIL, Q.C.:
 5 Q. Yeah, understood.
 6 MR. FRASER:
 7 A. So Element 6 has a -- the purpose is operating
 8 and maintenance procedures are identified,
 9 developed and maintained, quality assurance
 10 processes for replacement equipment and
 11 materials is in place. Objective is operating
 12 and maintenance procedures are identified,
 13 classified, developed and approved and
 14 available at all locations. Improvements to
 15 operating and maintenance procedures are
 16 identified and communicated and QA/QC plans
 17 ensure that replacement equipment and
 18 materials used in operations and maintenance
 19 activities meet design specifications.
 20 ROIL, Q.C.:
 21 Q. QA/QC may be another acronym that not
 22 everybody is familiar with.
 23 MR. FRASER:
 24 A. Quality assurance and quality control.
 25 ROIL, Q.C.:

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1 Q. Quality control.
 2 MR. FRASER:
 3 A. And in this, and again, this is not around
 4 quality control and quality assurance of
 5 operating the helicopter.
 6 ROIL, Q.C.:
 7 Q. No.
 8 MR. FRASER:
 9 A. Processes and procedures related to helicopter
 10 operations. So we have a couple of documents
 11 that we have at Hibernia that are related to
 12 helicopter operations. The aviation
 13 operations guide, the helicopter operations
 14 manual, and the helideck operations procedure
 15 and a process for control for helifuel.
 16 ROIL, Q.C.:
 17 Q. Okay, now just getting back to our sort of
 18 comments and Mr. Sacuta's explanation that
 19 some things are HMDC specific. The aviation
 20 operations guide, is that a HMDC one or is
 21 that an ExxonMobil?
 22 MR. FRASER:
 23 A. It is an -- this, we have a Hibernia version
 24 of the aviation operations guideline in our
 25 document control system, but it is a

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1 ExxonMobil corporate aviation guideline.
 2 ROIL, Q.C.:
 3 Q. And it's been adopted by HMDC?
 4 MR. FRASER:
 5 A. It's been adopted by HMDC.
 6 ROIL, Q.C.:
 7 Q. Okay. What about the operations manual?
 8 MR. FRASER:
 9 A. So the helicopter operations manual is a
 10 Hibernia specific manual that details how we
 11 do that. It talks about what goes on at the
 12 heliport, what's required to be done at the
 13 heliport, and once you get offshore, but it
 14 doesn't go into the details. It's just in
 15 general terms. You know, you need to be
 16 checked in. You need to be weighed. Cougar,
 17 I'm sure, when they come in, they'll tell you
 18 the specifics around that, but it's just a
 19 general requirement of what HMDC requires.
 20 The next one, the helideck operations
 21 procedure, so that's what goes on on the
 22 Platform on the helideck.
 23 ROIL, Q.C.:
 24 Q. And that's a HMDC specific document?
 25 MR. FRASER:

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1 A. That's an HMDC specific document, yes, sir.
 2 And the process for control of Platform
 3 helifuel is another HMDC specific document.
 4 ROIL, Q.C.:
 5 Q. Okay. Well that probably is as good a place
 6 as any, Commissioner, to stop for a luncheon
 7 break.
 8 COMMISSIONER:
 9 Q. Okay then. So we'll come back at 2:00.
 10 ROIL, Q.C.:
 11 Q. 2:00, thank you.
 12 (LUNCH BREAK)
 13 ROIL, Q.C.:
 14 Q. Good afternoon, Commissioner, Mr. Fraser. I
 15 think we finished with slide No. 51.
 16 MR. FRASER:
 17 A. Yeah, and we'll go on to slide 52.
 18 ROIL, Q.C.:
 19 Q. 52.
 20 MR. FRASER:
 21 A. So as we talked about before lunch, we're just
 22 going to go through some of the processes and
 23 procedures related to helicopter operations on
 24 the Platform. And the first one we want to
 25 talk about is the Aviation Operations Guide.

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1 And the Aviation Operations Guide, the AOG as
 2 we call it, another acronym, is a compilation
 3 of petroleum industry aviation best practices.
 4 It assists us in planning and development and
 5 conduct of safe and efficient air transport
 6 activities. And the AOG ensures that the
 7 company has high standards everywhere we
 8 operate because obviously it's an SMO
 9 procedure that we've adopted and it's used all
 10 over the world, and what we do is we use it to
 11 make sure that we meet the regulations or the
 12 AOG, whatever is the highest standard.
 13 ROIL, Q.C.:
 14 Q. Okay. So if the AOG is below the regulation,
 15 clearly the regulations -
 16 MR. FRASER:
 17 A. Clearly we meet the regulations, yeah. So AOG
 18 provides for, there's other bullet points,
 19 I'll give you some of the, I guess, more
 20 pertinent ones and I think Mr. Sacuta is going
 21 to talk about some of these later. Evaluation
 22 of helicopter services, service providers by a
 23 qualified aviation advisors, the conduct of
 24 contract initial and periodic aviation
 25 reviews, including familiarization with

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1 organizational structure, review of safety
 2 performance, aircraft condition and flight
 3 crew and engineering standards. Another one
 4 is personal qualifications and training for
 5 pilots and crew, the AOG has guidance on that
 6 and it also gives us guidance on emergency
 7 response planning and survival equipment.
 8 ROIL, Q.C.:
 9 Q. So, for example, one of the bullets says
 10 "Aviation standards and recommended
 11 equipment." If the AOG didn't recommend
 12 HUEBA, then the local standard of having the
 13 HUEBA would apply?
 14 MR. FRASER:
 15 A. Yes, that's correct.
 16 ROIL, Q.C.:
 17 Q. Okay, next slide.
 18 MR. FRASER:
 19 A. Okay, next slide, slide 52, we talk about the
 20 Hibernia Helicopter Operations Manual and this
 21 is one of the documents that we talked about
 22 in our management system is specific to
 23 Hibernia, so we've created this document here.
 24 It's a key information resource for Hibernia's
 25 specific helicopter operations. It provides

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1 guidance to ensure all helicopter operations
 2 are conducted in accordance with Hibernia's
 3 contract specification and applicable
 4 regulatory requirements and safe work
 5 practices. And it covers activities relating
 6 to helicopter operations, both on shore and
 7 offshore, defines roles and responsibilities,
 8 provides procedures to ensure adherence to
 9 regulations and standards and reduce risk,
 10 details safe work practices, and it obviously
 11 works in conjunction with the Aviation
 12 Operations Guide and we'll talk about the
 13 specifics of what, how this outlines what we
 14 do on the Platform when a helicopter gets
 15 here. It does talk about onshore and it talks
 16 about the basics, that the cargo and
 17 passengers have to be weighed and manifested
 18 and those types of things in general terms and
 19 Cougar, I'm sure, will have more specific
 20 guidance.
 21 ROIL, Q.C.:
 22 Q. And we're also aware or are you aware of the
 23 helicopter pooling arrangement that takes
 24 place?
 25 MR. FRASER:

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1 A. Ah yes.
 2 ROIL, Q.C.:
 3 Q. Yes, so that all the helicopters are pooled to
 4 get flights to the various facilities every
 5 day.
 6 MR. FRASER:
 7 A. Yes, sir.
 8 ROIL, Q.C.:
 9 Q. Okay, does the Operations Manual anticipate
 10 that or is that something that it obviously -
 11 MR. FRASER:
 12 A. No, that's not in there, this is just
 13 basically how we get people offshore and back,
 14 that type of arrangement isn't mentioned -
 15 ROIL, Q.C.:
 16 Q. Yeah, that part of the operation doesn't--
 17 that's not in the plan there.
 18 MR. FRASER:
 19 A. Yeah, that's not in -
 20 ROIL, Q.C.:
 21 Q. Okay, thank you. Now, the next slide.
 22 MR. FRASER:
 23 A. The next slide, Slide 54 is helicopter
 24 operations, a little bit more detail around
 25 the Operations Manual, to ensure all

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1 helicopter operations on the Hibernia Platform
 2 are preformed safely, HMDC provides the
 3 following: a certified helideck, we talked
 4 about that this morning, a certified
 5 refuelling system with personnel trained in
 6 aircraft refuelling, testing of the fuel and
 7 system maintenance, a comprehensive radio
 8 communication facility to provide
 9 communications with all aircraft. Site
 10 specific weather observations and reporting,
 11 so that's done at our site. Comprehensive
 12 emergency response capabilities to deal with
 13 aircraft emergencies on the Platform,
 14 helicopter landing officer and helideck crew
 15 trained in all aspects of aircraft and
 16 passenger cargo handling and refuelling and
 17 firefighting rescue and emergency response on
 18 the Platform. We also have personnel trained
 19 in processing passengers and cargo, including
 20 the carriage of dangerous goods by air and
 21 standby vessel with rescue capabilities is
 22 also part of that operations manual.
 23 ROIL, Q.C.:
 24 Q. So when we haul out the Helicopter Operations
 25 Manual, which we have here as an exhibit, we

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1 went through the various pages, are these the
 2 things that we -
 3 MR. FRASER:
 4 A. These are all the things that are covered in
 5 there, that's specifically for offshore
 6 operations, yes.
 7 ROIL, Q.C.:
 8 Q. Okay, thank you.
 9 MR. FRASER:
 10 A. The next couple of slides we'll go through and
 11 they outline the people involved with the day-
 12 to-day helicopter operations on the Platform.
 13 Most of these jobs, sometime in my career I've
 14 done most of these jobs. The offshore
 15 installation manager, obviously that's what I
 16 do now, the two main things on this slide
 17 pertaining to OIM is safer helicopter
 18 operations on the Hibernia Platform, the OIM
 19 is responsible for that. And also the
 20 authorization of all non-scheduled flights. I
 21 think that's it for that slide. I will go on
 22 to the next slide.
 23 ROIL, Q.C.:
 24 Q. If there's anything I want to draw your
 25 attention to, I will as we go through.

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1 MR. FRASER:
 2 A. Yes, yes, certainly.
 3 ROIL, Q.C.:
 4 Q. The authorization of all non-scheduled
 5 flights, what's the difference between
 6 scheduled and non-scheduled?
 7 MR. FRASER:
 8 A. So we have a scheduled laid out of basically
 9 it's a flight a day, Monday to Friday. If
 10 there's a flight not on that schedule, then I
 11 have to authorize that flight, so that could
 12 be, you know, there's a number of reasons why
 13 we would need--we'd have extra people to move
 14 back and forth or whatever the reason would
 15 be.
 16 ROIL, Q.C.:
 17 Q. So anything that's not part of the regular
 18 schedule, you personally have to sign off on?
 19 MR. FRASER:
 20 A. That's right, because obviously there's a cost
 21 associated with flying a helicopter and
 22 there's some operational issues also, right.
 23 ROIL, Q.C.:
 24 Q. Okay, thank you.
 25 MR. FRASER:

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1 A. The Platform services supervisor is the next
 2 one we'll look at and basically the service's
 3 supervisor responsible for the OIM for
 4 ensuring helicopter operations comply with the
 5 helicopter operation's manual, the AOG, the
 6 Aviations Operations Guide and all relevant
 7 guidelines and regulations and close liaison
 8 with Cougar regarding the provision of safe
 9 and efficient helicopter transportation
 10 services, so the services supervisor is the
 11 person responsible for the day-to-day
 12 helicopter operations. So the services
 13 supervisor reports to me and they talk to
 14 Cougar obviously every day and they have a
 15 short teleconference just to go through what
 16 the plan is for the day on Monday to Friday
 17 type flying and then the rest of the people,
 18 we'll talk about the rest of the roles here,
 19 report up to the services supervisor.
 20 ROIL, Q.C.:
 21 Q. Okay, so this is the senior person right on
 22 the helideck, if you will, or responsible for
 23 the helideck.
 24 MR. FRASER:
 25 A. He's on the Platform, there's other people on

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1 the helideck, but he's the supervisor that
 2 reports to me of all this helicopter
 3 operations, the logistics on the Platform,
 4 vessels and helicopters are his
 5 responsibility.
 6 ROIL, Q.C.:
 7 Q. Tell me, who would on the vessel--on the
 8 vessel, on the facility, sometimes they're
 9 vessels, sometimes they're not, yours floats
 10 very poorly I take it, it sits at the bottom.
 11 Who is responsible for making decisions about
 12 weather? We all know that the weather is
 13 sometimes sketchy in Newfoundland and if
 14 flights are cancelled or, you know, if
 15 attempts are made, those kind of things, who
 16 is the person that gets engaged in that on a
 17 daily basis from the HMDC perspective?
 18 MR. FRASER:
 19 A. So what happens is the weather information,
 20 the radio operator and we'll talk about the
 21 radio operator on Hibernia, the radio operator
 22 is the person that gives the weather
 23 observations.
 24 ROIL, Q.C.:
 25 Q. Uh-hm.

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1 MR. FRASER:
 2 A. That information gets relayed to Cougar and
 3 the pilots and the dispatch at Cougar make the
 4 decision on whether they can fly and whether
 5 they will fly and the services supervisor
 6 deals with that on a day-to-day basis, like
 7 they would keep him informed on whether they
 8 were going to fly or not fly, but, you know,
 9 it's primarily the weather that guides that,
 10 whether they fly or not.
 11 ROIL, Q.C.:
 12 Q. So the Platform services supervisor doesn't
 13 make any decisions on whether to fly or not or
 14 does he or she?
 15 MR. FRASER:
 16 A. Well he can make a decision on whether, you
 17 know, he can talk to me about whether we're
 18 going to fly a flight or not, but usually if a
 19 flight is scheduled -
 20 ROIL, Q.C.:
 21 Q. Yes.
 22 MR. FRASER:
 23 A. Then unless there is a weather issue or an
 24 issue with the aircraft, then it flies. So
 25 the weather can stop it or obviously a

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1 maintenance issue with the helicopter can stop
 2 it, but if it's scheduled to fly, it will fly.
 3 ROIL, Q.C.:
 4 Q. Yeah, I think I, you know, we'll hear from
 5 Cougar later as to who their persons are that
 6 are engaged in that discussion, so you're
 7 saying in terms of the HMDC side of things, it
 8 would be the radio operator would be providing
 9 information.
 10 MR. FRASER:
 11 A. The radio operator would provide the
 12 information on the weather conditions on the
 13 Platform. So if a flight is scheduled to come
 14 today and unless the weather cancels it or
 15 delays it or there's an issue with--that
 16 Cougar has an issue that they can't fly, then
 17 normally that flight would fly out, I guess we
 18 could cancel the flight, myself or the
 19 services supervisor could cancel the flight if
 20 there was another issue, but that's usually
 21 not--it's usually the weather.
 22 ROIL, Q.C.:
 23 Q. Okay, thank you.
 24 MR. FRASER:
 25 A. The next, we'll talk about the helicopter

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1 landing officer, so the helicopter landing
 2 officer is responsible for the on-site
 3 supervision of the helideck crew, so he's the
 4 person in charge of the helicopter deck, hands
 5 on, he's got a radio, he stands out on the
 6 helideck and guides the crew and supervises,
 7 stands back, he's a kind of a hands-off person
 8 that watches what's going on. He's got a
 9 radio, he's in communication with the captain
 10 of the helicopter and also with the radio
 11 operator down below, right, so responsible for
 12 getting the bags on and off, the people on and
 13 off and the refuelling done. All right?
 14 ROIL, Q.C.:
 15 Q. Yes, thank you.
 16 MR. FRASER:
 17 A. Okay, and the next slide is the helideck crew
 18 and the helideck crew, they're the folks on
 19 the helideck that there will be two when the
 20 helicopter comes, there will be two people
 21 dressed in firefighters bunker gear, same as
 22 you see the City of St. John's Fire Department
 23 wear and they're trained to be offshore
 24 firefighters and they standby for the
 25 firefighting equipment and then the rest of

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1 the crew under the guidance of the HLO stands
 2 by. The helicopter lands and we'll go through
 3 the process of how we do that, but they're the
 4 people that move the baggage, refuel the
 5 helicopter, do the safety standby.
 6 ROIL, Q.C.:
 7 Q. Okay, how many people would be involved in the
 8 helideck crew, including the fire safety--fire
 9 sensitive people and the baggage handlers and
 10 that sort of thing.
 11 MR. FRASER:
 12 A. So you have the HLO in charge, you'd have two
 13 firefighters with the bunker gear on and then
 14 you would have at least three people there to
 15 handle the fuel and the baggage and stuff like
 16 that. Typically we'll try to get a few more
 17 people up there. They're all trained and we
 18 have a pool of people that we draw on and
 19 usually we like to turn the helicopter around
 20 and get everybody off the helicopter and get
 21 them headed back to town as expeditiously as
 22 we can, right.
 23 ROIL, Q.C.:
 24 Q. What happens in terms of the helicopter being
 25 shut down or not shut down during a stop? Is

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1 there any rule or any practice that governs
 2 that?
 3 MR. FRASER:
 4 A. There's rules around restarting the
 5 helicopter, but as far as shutting it down,
 6 normally we don't shut it down, the helicopter
 7 lands and we take the passengers off and
 8 refuel it and put the passengers back on all
 9 while the machine is running.
 10 ROIL, Q.C.:
 11 Q. So the rotors are turning.
 12 MR. FRASER:
 13 A. Rotors are turning, yeah.
 14 ROIL, Q.C.:
 15 Q. And how long would that process take,
 16 approximately?
 17 MR. FRASER:
 18 A. Twenty minutes, half an hour kind of
 19 timeframe. Obviously if it's in bad weather
 20 or something like that, it might take a little
 21 bit longer, it would depend on how much fuel
 22 and how many people. Okay, the next slide,
 23 this is the radio operator slide, so we talked
 24 about that a little bit already. All
 25 helicopter related communications, so the

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1 radio operator is in the radio room in
 2 communications with town, with the helicopter
 3 and does the monitoring reporting of the
 4 actual weather conditions on the Platform, so
 5 they're a pretty key person in this whole
 6 operation.
 7 ROIL, Q.C.:
 8 Q. They report the actual weather conditions, is
 9 the radio operator also the weather monitor or
 10 is the monitor another person?
 11 MR. FRASER:
 12 A. Yes. No, on Hibernia it's a single person.
 13 ROIL, Q.C.:
 14 Q. Same person, okay.
 15 MR. FRASER:
 16 A. Okay, the next slide is the heli-admin clerk
 17 and basically the heli-admin clerk has two
 18 functions, we talked about the Hibernia
 19 Platform is like a big hotel, 280 person hotel
 20 and they're the check-in clerk, so they check
 21 in people from that perspective from giving
 22 them a room and they also have a safety
 23 function in that that they make sure that
 24 everybody that gets on board has their
 25 induction that we talked about earlier, that

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1 you get the video induction and they're part
 2 of that process. They also do the manifesting
 3 and the weighing of the people before they go
 4 to town, so if it's your turn to go back to
 5 town, then he'll handle checking you in,
 6 weighing your baggage, getting your
 7 information on the manifest, that type of
 8 stuff.
 9 ROIL, Q.C.:
 10 Q. What happens to the Helly Hansen, another use
 11 of the word heli, the Helly Hansen suits, is
 12 there somebody in heli-admin that has
 13 responsibility for the travel suits, the
 14 transportation suits?
 15 MR. FRASER:
 16 A. No, you take your suit back to your room.
 17 When you arrive on the Platform, you take the
 18 HUEBA and the PLB come off, they get turned
 19 into heli-admin.
 20 ROIL, Q.C.:
 21 Q. So those are the parts that go into heli-
 22 admin.
 23 MR. FRASER:
 24 A. They go into heli-admin and we'll talk about
 25 that a little bit next couple of slides.

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1 Okay. Just to--all of these people that we
 2 talked about earlier all have training,
 3 depending on what their role is, specialized
 4 training, so the radio operator has the radio
 5 operator's license in weather training and
 6 everybody in this, that we just talked about,
 7 we talked about earlier a road map, so they're
 8 all trained, there's certain courses that they
 9 all have to take and they're all competent and
 10 there's verification of their competency.
 11 ROIL, Q.C.:
 12 Q. And all that training is provided where, by
 13 whom?
 14 MR. FRASER:
 15 A. Some of it is on-the-job training, some of it
 16 is at the Marine Institute and some of it is,
 17 like the helideck crew goes to Cougar as part
 18 of their competency, they go into Cougar and
 19 spend time with a pilot and a machine so they
 20 can, you know, have lots of time to look at
 21 everything in the quiet, in the hanger, and
 22 see how all the doors work and all that kind
 23 of stuff. So we do a portion of it there, so
 24 there's a range, some of it's at the Marine
 25 Institute, some of it is other specialized

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1 trainers and some of it's on the job.
 2 ROIL, Q.C.:
 3 Q. Okay, thank you.
 4 MR. FRASER:
 5 A. The standby vessel, the last component of
 6 that, the standby vessel and we talked about
 7 that already, that they have a duty to standby
 8 in certain locations when the helicopter is
 9 arriving and departing the Platform.
 10 ROIL, Q.C.:
 11 Q. I think we discussed what close proximity
 12 means in terms of the ten percent off and
 13 within, I think you said half a mile
 14 approximately?
 15 MR. FRASER:
 16 A. Yeah, that's the standard location for them,
 17 yes. So the next one is a little bit on
 18 helicopter refuelling arrivals and departures.
 19 I think Mr. Sacuta talked about aviation fuel,
 20 that we had some for Search and Rescue, so we
 21 store aviation fuel on the Platform for
 22 refuelling our helicopters. We're responsible
 23 for the maintenance and quality control of the
 24 offshore refuelling facility and the fuel
 25 delivered to us. It comes out in tote tanks,

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1 transit tanks for bulk delivery and we have a
 2 direct to aircraft fuel delivery system, so
 3 the transit tanks come, sit on the Platform,
 4 we have a pumping and filtering skid that
 5 pumps the fuel up to the helicopter as needed.
 6 ROIL, Q.C.:
 7 Q. Directly from the tanks.
 8 MR. FRASER:
 9 A. Directly from the tanks, yes, sir. So the
 10 next slide -
 11 ROIL, Q.C.:
 12 Q. I'm sorry, the arrangement of fuel to be held
 13 is 4500 litres, in terms of usage, how many
 14 refuellings would that give you?
 15 MR. FRASER:
 16 A. It depends on the weather, but usually three
 17 to four hundred litres of fuel, I would say,
 18 you know, sometimes it's none, and sometimes
 19 it's more than that, but that's around the
 20 average.
 21 ROIL, Q.C.:
 22 Q. So there's always more--sorry, there's always
 23 a quantity sufficient for four, five or maybe
 24 up to 10 flights.
 25 MR. FRASER:

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1 A. Yeah, well one tank will hold 4500 litres and
 2 we have space for four tanks.
 3 ROIL, Q.C.:
 4 Q. Okay.
 5 MR. FRASER:
 6 A. So fuel is not an issue. I'll just go through
 7 the next slide, we'll just go through what
 8 happens when a helicopter arrives, the process
 9 for a helicopter arrival on the Platform and
 10 this is a condensed version of what's in the
 11 Helicopter Operations Manual.
 12 ROIL, Q.C.:
 13 Q. So these are the kinds of things any person
 14 would see if they were taking a flight -
 15 MR. FRASER:
 16 A. Well some of it occurs before you, so some of
 17 it you might not see, but yeah, this will be
 18 kind of an overview of what goes on behind the
 19 scenes and in front of the cameras, I guess.
 20 Helicopter arrives on the Hibernia Platform,
 21 so the helicopter landing officer, the HLO and
 22 crew inspect the helideck and emergency
 23 response equipment and make ready for the
 24 incoming helicopter. The HLO gives the
 25 incoming helicopter final clearance to land

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1 and the HLO and the helideck crew standby
 2 fully suited and prepared for firefighting
 3 duties. So the HLO when the helicopter is
 4 distant from the Platform, the HLO is radioed,
 5 he can't talk to the helicopter until the
 6 helicopter gets within close proximity, so the
 7 radio operator keeps the HLO and the crew
 8 informed on what's going on, where the
 9 helicopter is, what the ETA, estimated time of
 10 arrival for the helicopter and then when it
 11 gets within a close, a certain range, then
 12 that responsibility is turned over to the HLO
 13 and he can communicate directly to the -
 14 ROIL, Q.C.:
 15 Q. And so the radio operator stands aside once it
 16 gets that close.
 17 MR. FRASER:
 18 A. Yeah, they're involved, they're still there
 19 and they're listening and watching and they
 20 have it on close circuit TV, they have a
 21 camera that watches the helideck, so it's kind
 22 of a team effort, but the handover goes to the
 23 HLO when it gets close enough.
 24 ROIL, Q.C.:
 25 Q. Good.

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1 MR. FRASER:
 2 A. Okay, after landing, the pilot indicates the
 3 all clear by switching off the helicopter's
 4 anti-collision light, so that's a flashing
 5 light on the helicopter. The HLO gives
 6 permission for the helideck crew to approach
 7 the aircraft and insert the wheel chock, so
 8 the helideck crew stands back off the helideck
 9 a distance because the helideck is not that
 10 big really, in terms of the helicopter, so the
 11 helicopter can land, they stand back off to
 12 the side and then once they get the all clear,
 13 then they approach the helicopter. The
 14 helideck crew remove the baggage from the
 15 cargo compartments and direct the passengers
 16 to remove their seatbelts and depart the
 17 aircraft. So they go up and actually open the
 18 door, the passengers don't open the door, you
 19 sit in the helicopter and the door gets opened
 20 and then you get waved out of the helicopter
 21 if you can remember, we did that. So the
 22 helideck crew members escorts the arriving
 23 passengers to the heli-admin reception area
 24 for processing, so we make sure that
 25 everybody, like most people have been there

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1 many times, they know their way, but we'd make
 2 sure that somebody takes everybody down the
 3 stairs and down to the heli-admin's arrival
 4 area.
 5 ROIL, Q.C.:
 6 Q. So a brand new person couldn't wander off to
 7 the side?
 8 MR. FRASER:
 9 A. That's the idea, yeah, so everybody--and part
 10 of the induction is follow the deck crew when
 11 you get off the Platform. So that's in the
 12 video that people are told to follow the deck
 13 crew. In heli-admin the passengers are
 14 assigned rooms and muster stations, so the
 15 muster station is where you go in an emergency
 16 if the alarms go off, you're instructed on
 17 what to do. Personnel arriving at Hibernia
 18 for the first time get the safety orientation
 19 by the heli-admin staff and we talked about
 20 that process this morning.
 21 ROIL, Q.C.:
 22 Q. Yes, indeed.
 23 MR. FRASER:
 24 A. Once all passengers are clear of the helideck,
 25 any additional cargo, baggage has been

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1 unloaded, the aircraft refuelling takes place.
 2 So there's a process there that--I won't go
 3 into great detail, but basically the pilot
 4 gets out, one of the pilots, two pilots will
 5 get out and they will do a check of the fuel
 6 sample, the HLO takes a sample of the fuel and
 7 the helicopter pilot will verify that it's a
 8 good sample and they'll proceed with the
 9 refuelling. The next slide, just kind of the
 10 reverse of this while process. We'll talk
 11 about departures from the Hibernia Platform,
 12 so one hour prior to the aircraft arrival, all
 13 departing passengers report to heli-admin
 14 departure lounge, so typically the radio
 15 operator will be the first to know that the
 16 helicopter has left town and he will make a PA
 17 throughout the whole Platform so that
 18 everybody knows the helicopter is on its way.
 19 ROIL, Q.C.:
 20 Q. Okay, and the approximate flight time is?
 21 MR. FRASER:
 22 A. Is an hour and thirty minutes, an hour and
 23 twenty minutes, somewhere in that range.
 24 Again, it's weather dependant, right.
 25 ROIL, Q.C.:

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1 Q. Yes.
 2 MR. FRASER:
 3 A. So that announcement will go out and if you're
 4 waiting to go home, you're listening for it,
 5 so that announcement will go out and then an
 6 hour before, there will be another
 7 announcement go out to tell people to report
 8 to the heli-admin and passengers, cargo and
 9 baggage are all weighed, departing passengers
 10 sign a security declaration declaring their
 11 baggage is free of hazardous or unauthorized
 12 material. Passengers are issued a personal
 13 locator beacon, a PLB, and a helicopter
 14 underwater escape breathing apparatus and
 15 shown a Transport Canada approved pre-flight
 16 safety video. So the same video that they see
 17 on the way out at the heliport, we show them
 18 that same video on the way in and we talked
 19 about that already. The passenger and cargo
 20 manifest is prepared by the heli-admin clerk,
 21 so the clerk in heli-admin, we have a
 22 computerized system that does that for us,
 23 keeps track of what room people are in and all
 24 that kind of information, and that's part of
 25 that process, the names will go in and the

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1 weights will go in there and that information
 2 will be given to the pilots. Once refuelling
 3 is completed, departing passengers are
 4 escorted to helideck where they hand over
 5 their baggage to the helideck crew and then
 6 board the aircraft. The baggage is loaded
 7 into the aircraft and a helideck crew member
 8 ensures that seatbelts are properly fastened,
 9 so one of the helideck crew will go into the
 10 helicopter and assist people, make sure
 11 everybody has got their seatbelt fastened
 12 correctly and adjusted correctly. When
 13 everybody is ready, then he will step out of
 14 the helicopter and they will close the--the
 15 helideck crew closes the door and the
 16 helicopter landing officer will give the
 17 pilots the "all clear" for departure and the
 18 process then, the pilots will, when they're
 19 ready, they will get the helideck crew,
 20 they'll give the HLO a signal and he will
 21 remove the wheel chocks, everybody will move
 22 off the helideck and the helicopter will
 23 depart.
 24 ROIL, Q.C.:
 25 Q. Now, I think you mentioned earlier in this

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1 explanation of what happens, particularly on a
 2 departure where you said about an hour before
 3 the aircraft arrives, it's known because it
 4 has departed from St. John's already -
 5 MR. FRASER:
 6 A. Yes
 7 ROIL, Q.C.:
 8 Q. And you said subject to weather, you know, it
 9 should get there in an hour and a half. You
 10 also indicated with a smile and I understand
 11 that, that you know, everybody knows when a
 12 helicopter is going home because "home" has a
 13 meaning for all of us.
 14 MR. FRASER:
 15 A. Yes.
 16 ROIL, Q.C.:
 17 Q. What percentage of flights and you can break
 18 this up by season if it's more appropriate,
 19 what percentage of your scheduled flights
 20 actually get there and get back without any
 21 major weather interruptions? Is it two
 22 percent or twenty percent or eighty percent?
 23 MR. FRASER:
 24 A. What percent get there? I don't know, eighty
 25 percent?

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1 MR. SACUTA:
 2 A. I think yeah, the majority of flights we get
 3 there are scheduled--we certainly have during
 4 fog season challenges with getting the flights
 5 out, so--and that's in the April, May, June
 6 timeframe is when the most fog is, so under
 7 normal circumstances, provided we've got
 8 helicopter availability, the majority of times
 9 the helicopters would get there under the
 10 schedule. There are times during the winter
 11 if there's a storm in St. John's, like a snow
 12 day for the kids, that also normally means
 13 there isn't helicopter flying on those days.
 14 ROIL, Q.C.:
 15 Q. Right. So weather in St. John's and the
 16 weather at the facility both impact -
 17 MR. SACUTA:
 18 A. Yes.
 19 ROIL, Q.C.:
 20 Q. But your difficult season is the April to June
 21 season, is it, in terms of fog or weather
 22 conditions?
 23 MR. SACUTA:
 24 A. Fog is the big issue then.
 25 ROIL, Q.C.:

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1 Q. And again, I don't want to pin you because I
 2 don't think I've indicated in advance I would
 3 ask this question, so it's unfair to pin
 4 precise numbers, but what sort of, you know,
 5 do--in that period are you down significantly
 6 below your eighty percent estimate for the
 7 rest of the year?
 8 MR. SACUTA:
 9 A. I can speak from my experience when I was the
 10 installation manager years ago, the longest
 11 stretch that I ever experienced where we
 12 didn't get helicopter flights was two weeks.
 13 We went a Friday to a Friday without a
 14 helicopter flight due to fog. Now that would
 15 be considered highly unusual, that was a
 16 unique circumstance, we had a weather pattern
 17 that had a dense spot of fog that never moved
 18 off because there was no wind, which in
 19 Newfoundland, no wind is very unusual, but
 20 that's the worse that I've ever known that
 21 we've had a continuous two-week stretch
 22 without being able to get a flight offshore.
 23 It's typically a couple of days.
 24 ROIL, Q.C.:
 25 Q. I guess typically it's a matter of days.

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1 MR. SACUTA:
 2 A. Yeah.
 3 ROIL, Q.C.:
 4 Q. And I think we may have addressed this, Mr.
 5 Sacuta, in the joint panel and so Mr. Fraser
 6 to the extent that you are more there all the
 7 time now, or at least 50 percent of the time,
 8 how many are dedicated flights that just go to
 9 and from Hibernia? Is that the vast majority
 10 as opposed to -
 11 MR. FRASER:
 12 A. Vast majority, yeah, the scheduled flights
 13 Monday to Friday go to, typically just go to
 14 Hibernia, it's not very often that we deviate
 15 from that. Sometimes what we call an ad hoc
 16 flight, a flight that's a non-scheduled
 17 flight, sometimes they will stop at other
 18 places, but we have such a large POB that it's
 19 very rare that our helicopters aren't full.
 20 ROIL, Q.C.:
 21 Q. Yeah. So if your flight is full with your
 22 people, then there's no reason for it to go
 23 anywhere -
 24 MR. SACUTA:
 25 A. There's no reason for it to go anywhere else,

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1 yeah.

2 ROIL, Q.C.:

3 Q. Okay, that's it for your portion now, thank

4 you very much and we turn back to Mr. Sacuta.

5 MR. SACUTA:

6 A. Okay, I'm going to move into aviation contract

7 management. In this section I am going to

8 describe OIMS Element 8, which is third party

9 services. I'll talk about the process by

10 which Cougar was selected as HMDC's helicopter

11 service provider. I'll talk about how we

12 monitor Cougar's performance and then I'll

13 also have a sort discussion on the selection

14 of the S-92A aircraft. So HMDC hires

15 contractors to provides goods and specialized

16 services required to support the operation.

17 We require as contractors to comply with all

18 applicable legislative requirements, including

19 those of the Board and other applicable

20 regulatory agencies, Transport Canada, for

21 example. Helicopter transportation is carried

22 out by a specialized service provider and that

23 specialized service provider for us is Cougar

24 Helicopters.

25 ROIL, Q.C.:

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1 Q. Is that the norm for the oil industry in your

2 experience as you've travelled throughout the

3 world that helicopter services are provided by

4 outside contractors, as opposed to -

5 MR. SACUTA:

6 A. Every place I've worked, that's been the case.

7 ROIL, Q.C.:

8 Q. Every place.

9 MR. SACUTA:

10 A. Yes. And lastly, HMDC's contractors are

11 evaluated, selected and monitored in

12 compliance with OIMS Element 8. So here's

13 OIMS Element 8, third party services. The

14 purpose of OIMS Element 8 is to ensure third

15 party service providers perform in a manner

16 that is consistent and compatible with HMDC's

17 policies and our business objectives. The

18 objective is that third party services are

19 evaluated and selected using criteria that

20 include an assessment of capabilities to

21 perform the work in a safe and environmentally

22 sound manner, that third party performance

23 requirements are defined and communicated,

24 such as contract, interfaces between

25 organizations providing the receipt of

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1 services are effectively managed and third

2 party performance is monitored and assessed,

3 feedback is provided and deficiencies are

4 corrected. So the processes and procedures we

5 use is that we have an evaluation and

6 selection of third party service providers,

7 certainly a performance monitoring system and

8 a reporting and feedback process. So the

9 competitive bid selection process, there is a

10 detailed description of a scope of work. We

11 develop a set of rigorous pre-qualifications

12 to identify potential service providers.

13 Formal bid proposals are requested from pre-

14 qualified global service providers. A

15 detailed analysis is completed on each formal

16 bid package to identify the preferred service

17 provider, which consists of a safety and

18 environmental assessment, a technical analysis

19 and an economic and benefits analysis. The

20 helicopter services contract was awarded to

21 Cougar in 1995 and the contract award was

22 reviewed and validated by the Board at the

23 time of that award. I'd just like to

24 highlight that the safety and environmental

25 assessment is a screening which identifies the

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1 minimum requirements from an SH&E perspective.

2 This could include reviewing the company's

3 total recordable incident rate performance,

4 checking their training programs, seeing how

5 they handle safety meetings, if they've got a

6 safety meeting process, seeing if they have an

7 accident investigation process, those are the

8 types of things that would go in a SH&E

9 screening. If a potential bidder does not

10 meet HMDC's SH&E expectations, they would not

11 progress to the potential bidder expression of

12 interest process and would not be given the

13 opportunity to bid. So we always check

14 compliance with our expectations on SH&E. If

15 a contractor does not meet those expectations,

16 they would not even be given the opportunity

17 to bid on our contracts.

18 ROIL, Q.C.:

19 Q. Do you have any personal or corporate history

20 familiarity with the bid in 1995; in other

21 words, my question that comes out of that

22 preamble is were there other bidders for the

23 contract at that time, do you know?

24 MR. SACUTA:

25 A. Other bidders than Cougar?

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1 ROIL, Q.C.:

2 Q. Yes.

3 MR. SACUTA:

4 A. Yes, I believe there were three bidders, I

5 don't have any specific knowledge, but I

6 believe there was three bidders at the time.

7 ROIL, Q.C.:

8 Q. And is Cougar living into the same contract

9 now or have there been renewals of the

10 contract?

11 MR. SACUTA:

12 A. There have been extensions and renewals of the

13 contract over that period.

14 ROIL, Q.C.:

15 Q. And I think we have an exhibit 00132, if I

16 could ask the Registrar to bring up. For

17 those who are not in the room, I've asked for

18 the exhibit which appears to be a contract

19 between ExxonMobil Canada Properties and

20 Cougar Helicopters Inc. This is the current

21 Cougar contract?

22 MR. SACUTA:

23 A. That's correct. Originally we had a contract

24 between HMDC and Cougar. Based on the

25 relationship that we've established with

Page 202

1 ExxonMobil, as I talked about earlier, and the

2 fact that there were -- there was the

3 potential for ExxonMobil to have other

4 activities in the Newfoundland basin,

5 potential for some exploratory drilling, it

6 was decided to move to a contract between

7 Cougar and ExxonMobil, which would allow us to

8 use this contract for ExxonMobil dedicated

9 operations and for the Hibernia operations.

10 So it was ability to increase the flexibility

11 for future work that may happen in the

12 Newfoundland basin.

13 ROIL, Q.C.:

14 Q. Okay. Let's just keep that document

15 available, but we'll go back to the slide

16 presentation, please.

17 MR. SACUTA:

18 A. Okay. So the scope of services. Helicopter

19 transportation services using only aircraft

20 and equipment that is fit for purpose and

21 meets all regulatory and industry standards

22 was a condition of the contract. It also

23 included passenger terminal services,

24 administration and cargo transport, flight

25 tracking services, Blue Sky, a first response

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1 standby helicopter and personnel. That was a

2 requirement of our contract and it's certainly

3 a requirement of our operations plan.

4 Training for all pilots and flight dispatchers

5 as determined by the helicopter operations

6 manual and the aviation operations guide. The

7 aviation operations guide is actually attached

8 to the contract we have with Cougar. An

9 aircraft hangar and workshop facility to do

10 maintenance on the Cougar aircraft. Aircraft

11 maintenance in accordance with the

12 manufacturer's maintenance schedule performed

13 by trained, licensed aircraft engineers.

14 Support aircraft and engineers to undertake

15 aircraft repair offshore in the event of an

16 aircraft becoming unserviceable. So in other

17 words, they had to be able to mobilize

18 personnel to transit offshore should we have

19 an aircraft on the helideck in the parking

20 area that required service before returning to

21 town. And a provision of an alternate landing

22 site with all necessary personnel and

23 facilities to support flight operations.

24 There are times when, it may be hard to

25 believe, but the St. John's airport is fogged

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1 in, and they have an alternate which is Long

2 Pond is the designated alternate for Cougar's

3 operations.

4 ROIL, Q.C.:

5 Q. Okay. So the alternate landing site is

6 something other than the other facilities that

7 are in the basin?

8 MR. SACUTA:

9 A. Yeah. We need an alternate landing site for

10 onshore as well as the fact that we have the

11 opportunity for other landing sites offshore

12 when we transit offshore.

13 ROIL, Q.C.:

14 Q. Okay. So there is an alternate land-based

15 landing site at Long Pond?

16 MR. SACUTA:

17 A. At Long Pond.

18 ROIL, Q.C.:

19 Q. Okay. Now just if we can take a moment to go

20 back to the document, first response standby

21 helicopter and personnel. I just want to have

22 a look to see how that gets defined in the

23 contract. I'd ask the Registrar, if she

24 could, to go to page 30.

25 REGISTRAR:

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1 Q. Exhibit number?
 2 ROIL, Q.C.:
 3 Q. Sorry, the one we just called up.
 4 REGISTRAR:
 5 Q. 132?
 6 ROIL, Q.C.:
 7 Q. 132, please.
 8 REGISTRAR:
 9 Q. And the page number?
 10 ROIL, Q.C.:
 11 Q. Page 30 of our pagination, which is page 13 of
 12 the contract, but page 30, and I think the
 13 alternate landing site is mentioned there and
 14 then below that, I believe, is first response
 15 capability.
 16 MR. SACUTA:
 17 A. That's correct, under Section 11 of the
 18 contract.
 19 ROIL, Q.C.:
 20 Q. Okay, if we could just get Section 11.1?
 21 We're not quite -- just scan up a tiny bit.
 22 Okay, that's fine. Now because there are
 23 people who are not able to see this, perhaps
 24 Mr. Sacuta, if you could read the contractual
 25 requirement with respect to first response

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1 capability?
 2 MR. SACUTA:
 3 A. Sure. "The contractor shall provide all
 4 personnel, equipment, permits and/or
 5 authorizations required to provide first
 6 response to owner-specific incidents on a 24-
 7 hour, 7-day-a-week basis. During non-core
 8 hours, wheels up response time shall be at
 9 most one hour," and as we've testified last
 10 week, it's a 24/7 one hour wheels up response
 11 time for the Cougar first response search and
 12 rescue capability.
 13 ROIL, Q.C.:
 14 Q. I was going to ask you, during non-core,
 15 earlier in the contract it defines the core
 16 hours, I think it's seven a.m. to ten p.m.
 17 MR. SACUTA:
 18 A. Um-hm.
 19 ROIL, Q.C.:
 20 Q. Sorry, that's eight p.m., 700 hours to 2000
 21 hours.
 22 MR. SACUTA:
 23 A. Right.
 24 ROIL, Q.C.:
 25 Q. Use the 24-hour clock. So the expression

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1 "during non-core hours, wheels up response
 2 time shall be at most one hour."
 3 MR. SACUTA:
 4 A. Yes.
 5 ROIL, Q.C.:
 6 Q. Are you telling us that the way this contract
 7 is lived is that that is the -
 8 MR. SACUTA:
 9 A. It's 24/7 the response time is one hour wheels
 10 up.
 11 ROIL, Q.C.:
 12 Q. Is there a hope or an expectation that during
 13 the core hours, that that time would be
 14 shorter?
 15 MR. SACUTA:
 16 A. I mean, I -
 17 ROIL, Q.C.:
 18 Q. Or has any thought been given to whether or
 19 not it would be shorter during other periods?
 20 MR. SACUTA:
 21 A. I think Cougar has demonstrated the ability to
 22 exceed or be less than that one hour. On
 23 March 12th, they were in the air wheels up 40
 24 minutes roughly after the helicopter hit the
 25 water. So Cougar is going to do the best and

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1 the fastest job that they can, but
 2 contractually, the maximum time they can take
 3 is one hour.
 4 ROIL, Q.C.:
 5 Q. Yeah. So if they're longer than an hour,
 6 they're in breach of your contract?
 7 MR. SACUTA:
 8 A. Absolutely.
 9 ROIL, Q.C.:
 10 Q. And I think 11.2 defines, and perhaps we
 11 should read that in as well, to what exactly
 12 first response is in support of.
 13 MR. SACUTA:
 14 A. Sure. "Contractor shall be staffed and
 15 equipped to respond to an incident by locating
 16 the casualty, assisting with air deployable
 17 equipment, and recovering personnel through
 18 the use of a rescue winch and a winch
 19 operator. Potential first response missions
 20 shall include, but not be limited to, Platform
 21 or other drilling platform vessel medevacs,
 22 support vessel medevacs." So in other words,
 23 if one of our supply vessels had a medevac.
 24 "Tanker medevacs," supporting the tankers that
 25 operate in our jurisdiction, "a helicopter

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1 ditching, the location and potential recovery
 2 of personnel and a location of lifeboats and
 3 fast rescue craft and potential recovery of
 4 personnel."
 5 ROIL, Q.C.:
 6 Q. So first response includes at least those
 7 kinds of services?
 8 MR. SACUTA:
 9 A. That's right.
 10 ROIL, Q.C.:
 11 Q. And do I take it that some of those services
 12 would require the rescue winch and some of
 13 those services might not require the rescue
 14 winch?
 15 MR. SACUTA:
 16 A. That's correct. For example, a medevac on the
 17 Platform wouldn't require the winch, but it
 18 would require the ability to put a stretcher
 19 on the helicopter, for example. And up until
 20 March 12th, essentially all of our first
 21 response requests were due to medevacs.
 22 ROIL, Q.C.:
 23 Q. Medevacs from the facility?
 24 MR. SACUTA:
 25 A. From the facility, yeah.

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1 ROIL, Q.C.:
 2 Q. But as I read it here, so that we are all
 3 clear, because I think we tend to talk in
 4 terms of first response as being a SAR-type
 5 activity. So medical evacuations from the
 6 drilling platform or the vessels, support
 7 vessel medevacs, so that's from the standby
 8 vessels that we spoke of. Tanker medevac is
 9 from the -
 10 MR. SACUTA:
 11 A. Yeah, there could be a circumstance where
 12 we've got a tanker loading oil and they have
 13 somebody that gets injured or somebody that
 14 has a medical condition, appendicitis or
 15 something, that requires them to be medevac'd.
 16 That would be included in Cougar's
 17 responsibility as part of this first response
 18 capability.
 19 ROIL, Q.C.:
 20 Q. And then helicopter ditching, we are all too
 21 familiar with what is exactly involved there.
 22 And then location of lifeboats, fast rescue
 23 craft. What's the fact scenario that would
 24 drive that?
 25 MR. SACUTA:

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1 A. If we had an abandonment situation, for
 2 example, where we actually had to abandon the
 3 Platform.
 4 ROIL, Q.C.:
 5 Q. Yes.
 6 MR. SACUTA:
 7 A. People abandon using the lifeboats. There
 8 could be a case where we would have a man
 9 overboard where we may have a fast rescue
 10 craft trying to go around the area to locate
 11 the individual. In those circumstances, we
 12 may want to call out a helicopter to aid in
 13 that search as well.
 14 ROIL, Q.C.:
 15 Q. Right, okay. Okay, that's all, I think.
 16 Thank you for the -- for right now. So I
 17 think we've dealt with slide 70, yeah.
 18 MR. SACUTA:
 19 A. Yeah. As far as performance monitoring goes,
 20 third party performance is monitored and
 21 periodically assessed to confirm that the
 22 performance meets the established criteria and
 23 that feedback is provided and deficiencies are
 24 corrected. The aviation operations guide
 25 review requirements states that all aviation

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1 operators should be subject to initial and
 2 periodic technical and operational reviews
 3 conducted by an external qualified aviation
 4 adviser, and I'll talk a little bit about how
 5 we do that in our operation in subsequent
 6 slides. All ongoing long-term aviation
 7 operations should be reviewed annually. Just
 8 for you information, the aviation operations
 9 guide actually defines what a long-term
 10 aviation operation is, as continuous
 11 operations greater than one year in length.
 12 ROIL, Q.C.:
 13 Q. So anything longer than one year is long term?
 14 MR. SACUTA:
 15 A. It would be considered a long-term aviation
 16 operation.
 17 ROIL, Q.C.:
 18 Q. Okay.
 19 MR. SACUTA:
 20 A. HMDC does conduct performance reviews, audits
 21 of Cougar in accordance with Element 8 and the
 22 aviation operations guide, and we'll talk
 23 about those performance reviews in the
 24 subsequent slides.
 25 So annual audits. Now we have completed

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1 11 aviation audits since the Hibernia Platform
 2 start up in September of 1997. We have
 3 contracted ExxonMobil's corporate aviation
 4 services to conduct the annual audits. We
 5 have been fortunate enough that the individual
 6 that has done the audits has been the same one
 7 during that 11-year period. What we've
 8 highlighted here is the findings in the last
 9 five years. You can see that in the period
 10 between 2005 and 2009, there were no
 11 significant findings. The medium findings
 12 ranged between five and zero over the various
 13 years, and then the lower, we had eight in
 14 2005 and then one, three, three, and two, and
 15 I have a summary of some of those findings in
 16 my subsequent slides. It should be -- we'd
 17 like to note that the 2006 audit was actually
 18 completed in February of 2007, due to some
 19 scheduling issues with the aviation advisor.
 20 ROIL, Q.C.:
 21 Q. Yes, okay. But these are separate annual
 22 reports. It's just that that report came in a
 23 little later?
 24 MR. SACUTA:
 25 A. That's correct.

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1 ROIL, Q.C.:
 2 Q. Okay.
 3 MR. SACUTA:
 4 A. It was done in February of 2007 and then the
 5 2007 audit was done later that year.
 6 ROIL, Q.C.:
 7 Q. Okay, and when did the new airframe, the S-92,
 8 come into use for your operation?
 9 MR. SACUTA:
 10 A. 2007.
 11 ROIL, Q.C.:
 12 Q. 2007 was the year that the S-92 was
 13 introduced.
 14 MR. SACUTA:
 15 A. Yes.
 16 ROIL, Q.C.:
 17 Q. Okay. Now we'll move to number -
 18 MR. SACUTA:
 19 A. So I'm not planning to review all of these
 20 findings, but what I've done is selected a
 21 couple or three on each of the next set of
 22 slides.
 23 ROIL, Q.C.:
 24 Q. Okay. So just so we look at the slide in an
 25 overview, the first 1-2-3-4-5, those are the

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1 five medium findings that were referred to on
 2 the earlier page?
 3 MR. SACUTA:
 4 A. Yes.
 5 ROIL, Q.C.:
 6 Q. Okay, and then the 6 is the one that was done
 7 a little late into the year.
 8 MR. SACUTA:
 9 A. Right.
 10 ROIL, Q.C.:
 11 Q. And then we have the 7's, the 8's and the 9.
 12 MR. SACUTA:
 13 A. Correct.
 14 ROIL, Q.C.:
 15 Q. Okay, and we're now looking at only the
 16 medium.
 17 MR. SACUTA:
 18 A. These are the medium, all the medium findings
 19 during that five-year period.
 20 ROIL, Q.C.:
 21 Q. Okay. What is the nature of significant,
 22 medium and lower, in terms of your
 23 understanding of the relative importance or
 24 sensitivity?
 25 MR. SACUTA:

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1 A. I've actually got a definition that the
 2 aviation advisor stewards findings to, so if I
 3 could, I'd like to read it.
 4 ROIL, Q.C.:
 5 Q. Yeah.
 6 MR. SACUTA:
 7 A. A significant finding is a recommendation to
 8 correct, repair or improve an item of
 9 equipment, a document, a process or a
 10 situation that in the opinion of the advisor,
 11 if not undertaken near term could affect the
 12 integrity of operations in the near future or
 13 that possesses a higher risk to safety, health
 14 and environment.
 15 A medium finding is a recommendation to
 16 correct, repair or improve an item of
 17 equipment, document, process or situation that
 18 in the opinion of the advisor can be
 19 reasonably expected to further reduce
 20 associated risk to a level as low as
 21 reasonably practicable.
 22 And a low finding is a recommendation to
 23 correct, repair or improve an item of
 24 equipment, document, process or situation that
 25 in the opinion of the advisor could improve

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1 efficiency, reduce costs or eliminate risk
 2 exposure entirely.
 3 I'd like to comment that all the findings
 4 are sent to Cougar for their action and
 5 they're tracked to closure and the aviation
 6 advisor must endorse the closure prior to the
 7 HMDC president approving any closure.
 8 ROIL, Q.C.:
 9 Q. And this advisor you tell us is the same
 10 person that you started with in 1997?
 11 MR. SACUTA:
 12 A. Yeah, he's done all 11 audits over the years.
 13 ROIL, Q.C.:
 14 Q. Okay, and I believe that we may have seen that
 15 gentleman's work also in the HOTF. Was he
 16 involved?
 17 MR. SACUTA:
 18 A. Yeah, he was on the aviation safety review
 19 team. There was a person that led that
 20 aviation safety review. That individual is
 21 our aviation advisor that we use for these
 22 audits.
 23 ROIL, Q.C.:
 24 Q. And that's the Exxon -
 25 MR. SACUTA:

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1 A. The ExxonMobil aviation advisor, that's
 2 correct.
 3 ROIL, Q.C.:
 4 Q. And I think we have his credentials in the -
 5 MR. SACUTA:
 6 A. In the HOTF report.
 7 ROIL, Q.C.:
 8 Q. - HOTF report, thank you.
 9 MR. SACUTA:
 10 A. 40 years experience, among a whole bunch of
 11 other things, including being a helicopter
 12 pilot in Vietnam.
 13 ROIL, Q.C.:
 14 Q. I take it that you're impressed with his
 15 credentials.
 16 MR. SACUTA:
 17 A. Extremely impressed, yeah.
 18 ROIL, Q.C.:
 19 Q. I think they are, they're quite credible.
 20 Okay.
 21 MR. SACUTA:
 22 A. Okay, so I'll just -- I've got three that I'd
 23 like to talk about. In 2005, the finding was
 24 Cougar to ensure that S-92 passenger seats are
 25 properly aligned with the window exits. Now

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1 you know that we did not move to the S-92
 2 until 2007, but PetroCanada began the S-92 in
 3 2005. So as part of the review, the aviation
 4 advisor actually took a look at the aircraft
 5 and there were no indications that the seats
 6 weren't aligned with the windows, but you have
 7 the ability to position the seats, move them
 8 in and out. He just wanted to make sure that
 9 it was -- that Cougar was aware that our
 10 expectations were when you have the seats put
 11 in the aircraft, the seats will line up with
 12 the windows. It wasn't because he had
 13 observed the seats not being lined up in the
 14 window. He just wanted to be sure they
 15 understood that from HMDC's perspective, each
 16 and every time that aircraft would be used
 17 sometime in the future, we would like those
 18 seats to line up with the windows.
 19 The second one is assess the ability to
 20 comply with the aviation operations guide
 21 regarding night currency for pilots. Night
 22 currency requirements for pilots, the AOG
 23 recommends that you have three landings in a
 24 90-day period which is more onerous than
 25 Transport Canada's which is five landings in a

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1 90-day or in a six-month period. So it was
 2 difficult for Cougar to meet the requirements
 3 during the summer months due to extended
 4 daylight hours. So during those summer months
 5 where we have days where the sun gets -- comes
 6 up at five and sets after ten, there's a
 7 limited number of night time flying hours. So
 8 what Cougar has done has been able to
 9 demonstrate an equivalent level of competency
 10 using a simulator, which basically when you're
 11 in the simulator, it's just like you're flying
 12 an aircraft. So they presented that as a way
 13 to meet this -- or close this finding which
 14 was endorsed by the aviation advisor.
 15 The third one I wanted to talk about was
 16 recommend Cougar incorporate homing devices in
 17 the cockpits of airframes designated for SAR.
 18 You can see that -
 19 ROIL, Q.C.:
 20 Q. That's the second last one there?
 21 MR. SACUTA:
 22 A. Second last one. That was done during the
 23 recently completed 2009 audit. That is still
 24 shown as an open action. The current status -
 25 - a homing device, just so you understand, has

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1 the ability to track the signal from a PLB.
 2 So it gives you direction of signal with a
 3 homing device. Currently, one of the three
 4 aircraft that Cougar has, one of the three S-
 5 92s actually has a homing device and the other
 6 two don't. So the other two would have to
 7 kind of fly a pattern and measure location
 8 based on the strength of the signal. So he's
 9 recommended that we put the homing device in
 10 all three aircraft, which would be you'd be
 11 able to more quickly identify the location of
 12 an individual if he was in the water and his
 13 PLB was activated. Cougar has provided a cost
 14 estimate to provide the other two aircraft and
 15 we're currently reviewing the cost estimate
 16 with the other area operators. We expect a
 17 decision and this item to be closed some time
 18 in the near future. So we've progressed it
 19 with Cougar and now it's with the operators to
 20 make this happen.
 21 ROIL, Q.C.:
 22 Q. And then at some point in time, again will the
 23 solution that is found be signed off by the
 24 gentleman who's your aviation advisor?
 25 MR. SACUTA:

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1 A. Yeah. He would endorse it. Normally we do
 2 the endorsement process by e-mail because he's
 3 located in Dallas, and then we would attach
 4 his endorsement to the close out form and then
 5 I would sign off for closure.
 6 ROIL, Q.C.:
 7 Q. I've made a note here. It isn't tied into
 8 this page, but I know in the earlier evidence,
 9 we talked about the auto hover feature and I
 10 think that was indicated to be something that
 11 was being sought.
 12 MR. SACUTA:
 13 A. Correct.
 14 ROIL, Q.C.:
 15 Q. For the Cougar equipment.
 16 MR. SACUTA:
 17 A. Yes.
 18 ROIL, Q.C.:
 19 Q. To enable it to, I guess, my understanding of
 20 it, very much of a layperson's, to measure the
 21 distance from the water in a night time
 22 restricted visibility -
 23 MR. SACUTA:
 24 A. What the auto hover -
 25 ROIL, Q.C.:

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1 Q. - retain height, I guess.
 2 MR. SACUTA:
 3 A. What the auto hover capability does is removes
 4 the pilot having to be the person that
 5 maintains station. In order for a pilot to
 6 maintain a height, they have to have a visual
 7 reference to know where they are. Auto hover
 8 removes the requirement for that visual
 9 reference, and auto -- as we mentioned in the
 10 joint panel, auto hover needs to be certified
 11 by Transport Canada and then we are planning
 12 to install that on our aircraft, so that we've
 13 got full auto hover capability, which will
 14 allow us to winch in night time hours.
 15 ROIL, Q.C.:
 16 Q. Right, and that would include any or all of
 17 the airframes that are dedicated to SAR or
 18 sorry, first response issues?
 19 MR. SACUTA:
 20 A. That would be correct. Any airframe that was
 21 in a SAR configuration to be the first
 22 response SAR helicopter would be equipped with
 23 auto hover.
 24 ROIL, Q.C.:
 25 Q. Okay. So if more than one helicopter was

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1 being configured and set aside -
 2 MR. SACUTA:
 3 A. That's correct.
 4 ROIL, Q.C.:
 5 Q. - then more than one would have to have it?
 6 MR. SACUTA:
 7 A. That's correct.
 8 ROIL, Q.C.:
 9 Q. Okay, and that's different than the homing
 10 device? That's a different -
 11 MR. SACUTA:
 12 A. That's different. The homing device is
 13 basically once you're in the air and
 14 somebody's in the water and their PLB goes
 15 off, it points you in the direction of where
 16 they are.
 17 ROIL, Q.C.:
 18 Q. Okay. That's the aviation medium findings,
 19 and then, I think the next page we get to the
 20 lower findings.
 21 MR. SACUTA:
 22 A. Yeah, I've got a couple of lower findings, a
 23 couple of pages of lower findings, so I'll
 24 talk about just a couple. By nature of the
 25 classification, obviously lower findings are

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1 less significant. In 2005, Cougar was to
 2 provide evidence of renewable liability
 3 insurance, which was due to expire November
 4 1st, 2005. At the time of the audit, it was
 5 before November 1st, but the aviation advisor
 6 noticed that their liability insurance was
 7 going to expire, so he wanted to make sure
 8 that Cougar provided evidence to us that they
 9 had extended that liability insurance and that
 10 was done by Cougar and that item has been
 11 closed.
 12 ROIL, Q.C.:
 13 Q. Okay. So we should not take it that there was
 14 ever a period of time that -
 15 MR. SACUTA:
 16 A. No.
 17 ROIL, Q.C.:
 18 Q. - there wasn't liability insurance?
 19 MR. SACUTA:
 20 A. It was just that at the time he did this
 21 audit, it was so close to November 1st. He
 22 wanted almost to remind Cougar that, you know,
 23 your liability insurance expires November 1st.
 24 You need to demonstrate to the HMDC that you
 25 have new liability insurance available prior

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1 to November 1st.
 2 ROIL, Q.C.:
 3 Q. Okay. So even though there was not a
 4 deficiency -
 5 MR. SACUTA:
 6 A. No.
 7 ROIL, Q.C.:
 8 Q. - at the time of the inspection, he would
 9 still describe that as a lower finding?
 10 MR. SACUTA:
 11 A. Exactly.
 12 ROIL, Q.C.:
 13 Q. Just trying to get a sense as to what lower
 14 findings might include.
 15 MR. SACUTA:
 16 A. That's right, and I mean, I talked about in
 17 the definition that, you know, reduce costs,
 18 eliminate risk exposure entirely, could
 19 improve efficiency. They're very lower level
 20 significance findings and this was just more
 21 of a highlight by the aviation advisor to
 22 Cougar to remind them that their liability
 23 insurance -- and there was no indication that
 24 they didn't know, but he just wanted to make
 25 sure that they let us know that they had

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1 extended that liability insurance.
 2 Now the second one is to recommend HMDC
 3 consider replacing the current yellow helideck
 4 lighting with green perimeter lights. So
 5 green, my understanding is that green
 6 perimeter lights have more visibility than
 7 yellow, so that was done. It was in order to
 8 enhance visibility and that's been closed as
 9 well, as having been implemented on the
 10 Hibernia. So you can see that the aviation
 11 advisor's findings aren't just with Cougar.
 12 They're also findings associated with our
 13 helicopter operations on the Platform itself.
 14 ROIL, Q.C.:
 15 Q. So his view of helicopter is not just the
 16 airframe or the operator? It's the holistic
 17 operation of helicopters to and from?
 18 MR. SACUTA:
 19 A. That's correct.
 20 ROIL, Q.C.:
 21 Q. Okay. If he were -- this may be a question
 22 that you can't answer, but would something
 23 like the suits that people wear and the gear
 24 that they wear, would that be a part of the
 25 things that he would look at?

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1 MR. SACUTA:
 2 A. I mean, he would look at that as part of
 3 compliance with the helicopter operations
 4 manual or the aviation operations guide. So
 5 he would look to ensure that we were using
 6 suits.
 7 ROIL, Q.C.:
 8 Q. Yes, okay.
 9 MR. SACUTA:
 10 A. The second set of lower findings, I've got a
 11 couple here. In 2008, when he reviewed
 12 Cougar's emergency action plan, he noticed
 13 that there were no contact numbers, telephone
 14 numbers for HMDC in that action plan. So he
 15 recommended that Cougar update their emergency
 16 action plan and make sure there were contact
 17 numbers for various people at HMDC. So that
 18 has been done. And also in 2008, no random
 19 drug and alcohol testing for Cougar safety
 20 sensitive positions, which is a requirement in
 21 our contract, and he discovered that there
 22 hadn't been the random drug and alcohol
 23 testing. So Cougar has now implemented that
 24 for safety sensitive personnel. A pilot, for
 25 example, would be considered a safety

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1 sensitive personnel and they now have a random
 2 drug and alcohol testing program in place.
 3 The offshore logistics superintendent --
 4 sorry, the onshore logistics superintendent is
 5 the focal point between the aviation advisor
 6 and Cougar to ensure findings are tracked. I
 7 approve any closure forms after endorsement by
 8 the aviation advisor. As you know, Mr. Roil,
 9 and Commissioner Wells, we had an audit
 10 completed in October of 2009, and I would like
 11 to read a comment from the cover letter, based
 12 on the fact that we did have the accident in
 13 March.
 14 ROIL, Q.C.:
 15 Q. Actually, we have -- I'm going to jump back a
 16 little bit. We have actually two audits that
 17 I have asked you to pull up the reports of,
 18 and they are Exhibits # 135 and 136. I'll ask
 19 the Registrar to take up Exhibit 135 first of
 20 all, and this is the report of your --
 21 MR. SACUTA:
 22 A. The 2006 audit that we received the report in
 23 March of 2007, because it was done in
 24 February.
 25 ROIL, Q.C.:

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1 Q. So this is an audit before the March incident?
 2 MR. SACUTA:
 3 A. Correct.
 4 ROIL, Q.C.:
 5 Q. And then the second one which we'll look at
 6 later is one after the incident?
 7 MR. SACUTA:
 8 A. That's correct.
 9 ROIL, Q.C.:
 10 Q. Okay. Now just perhaps if we take the front
 11 page of this, and again because there are
 12 people who will hear who will not be able to
 13 read this document, I'd ask you to read just
 14 the first two paragraphs so we'll get a sense
 15 as to what it is that -- this is from Mr.
 16 James Such, who's your aviation advisor.
 17 MR. SACUTA:
 18 A. Correct, "The undersigned completed an
 19 aviation safety review of Cougar Helicopters
 20 Incorporated, CHI, during the period, 12th to
 21 15th of February, 2007. As per task order,
 22 EMCETO-019, as Hibernia Management and
 23 Development Company, HMDC, authorized this
 24 work under WAF, which is a work authorization
 25 form, 2007-037, the aviation safety review

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1 action plan, ASRAP, is attached. The overall
 2 recommendation is that aviation services
 3 recommends CHI for continued use. The
 4 operator should address the items tabulated in
 5 the attached action plan. The advisor
 6 recommends HMDC forward the plan to Cougar
 7 Helicopters, together with a request that it
 8 return a written response within a reasonable
 9 time frame".
 10 ROIL, Q.C.:
 11 Q. And under "significant findings"?
 12 MR. SACUTA:
 13 A. "No significant findings". There are no
 14 significant items.
 15 ROIL, Q.C.:
 16 Q. And I think in the next paragraph, we'll just
 17 stop there, we won't read the whole thing,
 18 under the first line of safety, what does it
 19 say?
 20 MR. SACUTA:
 21 A. It says, "Since the last visit in the fourth
 22 quarter of 2005, CHI has not had any
 23 accidents".
 24 ROIL, Q.C.:
 25 Q. And then attached to that two page report,

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1 there's a number of schedules, including a
 2 list of items. Do I take it that those are the
 3 list of items that the advisor wanted
 4 addressed?
 5 MR. SACUTA:
 6 A. That's correct.
 7 ROIL, Q.C.:
 8 Q. Okay, and to your knowledge, have all of those
 9 items been addressed since that audit?
 10 MR. SACUTA:
 11 A. Yes, they have.
 12 ROIL, Q.C.:
 13 Q. Now then there's also another audit which was
 14 done in November of 2009, Exhibit 136.
 15 MR. SACUTA:
 16 A. This was addressed to myself, and what I was
 17 going to do is read a paragraph.
 18 ROIL, Q.C.:
 19 Q. Okay, again you might read the opening
 20 paragraph.
 21 MR. SACUTA:
 22 A. Okay, I'll do that.
 23 ROIL, Q.C.:
 24 Q. Yeah, just so we have the context of the
 25 letter and the tone that it's written in.

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1 MR. SACUTA:
 2 A. "The undersigned complete an aviation safety
 3 review of Cougar Helicopters Incorporated,
 4 CHI, during the period 22nd to 24th of
 5 October, 2009, as per task order, EMCETO-029,
 6 and HMDC WAF, 2009-101. Attached is the
 7 aviation safety review action plan, the ASRAP,
 8 Cougar Helicopters". Do you want me to carry
 9 on?
 10 ROIL, Q.C.:
 11 Q. Yeah, carry on.
 12 MR. SACUTA:
 13 A. "The advisor acknowledges that one direct
 14 result of the Cougar accident of March 9th has
 15 been a heightened awareness and interest by
 16 multiple parties in many areas related to the
 17 transportation services CHI provides, and to
 18 demand a manufacturer and ongoing maintenance
 19 program of the Sikorsky S-92 helicopter. The
 20 customer demand for information from Cougar
 21 and Sikorsky has increased exponentially. The
 22 advisor believes CHI personnel are doing their
 23 best to meet this demand, but that one effect
 24 has been elevated stress in individual
 25 workers. While this may be unavoidable in the

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1 near term, the challenge for the customer
 2 groups and Cougar for the longer term is to
 3 establish an acceptable process to provide
 4 required information without significantly
 5 distracting individuals away from their
 6 primary responsibilities and focus areas".
 7 ROIL, Q.C.:
 8 Q. And the next paragraph, and then I'll stop you
 9 and ask you for some comment.
 10 MR. SACUTA:
 11 A. Okay. "Consistent with this goal, CHI
 12 suggested timing customer safety reviews to a
 13 single period when the customer advisors or
 14 consultants can visit and conduct their
 15 reviews concurrently. Aviation Services takes
 16 no exception to this idea provided it's able
 17 to offer and render to HMDC an individual, not
 18 a joint report".
 19 ROIL, Q.C.:
 20 Q. Okay, now as the senior person in Newfoundland
 21 responsible for the operation of helicopters
 22 to and from HMDC, what were you understanding
 23 this issue to be about here?
 24 MR. SACUTA:
 25 A. I think the issue is that there's a heightened

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1 awareness after March 12th, and so there's a
 2 lot of focus and attention paid on Cougar's
 3 helicopter operations by each of the three
 4 operators. We all have our own auditing
 5 processes, and I think it's placed a strain on
 6 Cougar in terms of having the time and the
 7 people -- taking their people away from their
 8 day to day responsibilities, which is to
 9 maintain helicopters. So what they
 10 recommended is that we consider doing not
 11 necessarily a joint audit, but schedule our
 12 audits all the same time so that the focus
 13 that we placed on Cougar during these audits
 14 all comes at one time instead of spread out at
 15 three different times during a year, and what
 16 we have done from my perspective is I've
 17 talked to my logistics coordinator about we
 18 need to look at that and see if we can work
 19 with the other operators and see if we can
 20 arrange that as part of our yearly audits,
 21 that we try to get each individual operator
 22 doing it at the same time.
 23 ROIL, Q.C.:
 24 Q. Okay, notwithstanding that challenge, and I
 25 think that's understandable in light of the

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1 incident on March 12th and the incredible
 2 focus on this company, what was the
 3 recommendation of the auditor?
 4 MR. SACUTA:
 5 A. "Aviation Services recommended CHI, Cougar
 6 Helicopters Incorporated, for continued use.
 7 The advisor recommends that HMDC forward the
 8 ASRAP to CHI, together with a request that it
 9 return a written response within a reasonable
 10 period. There are no significant items".
 11 ROIL, Q.C.:
 12 Q. Okay, and perhaps again the next two
 13 paragraphs, and then I'll -- I think we just
 14 need to get once again the factual background
 15 to this particular inspection.
 16 MR. SACUTA:
 17 A. I can't page down for some reason. Okay, this
 18 is actually what I wanted to talk about.
 19 "Since the last review in November, 2008, CHI
 20 experienced a significant fatal accident,
 21 March, 2009. Subsequent to the accident, an
 22 aviation safety review team, ASRT, made up of
 23 aviation advisors and consultants, conducted a
 24 joint aviation safety review by request of the
 25 end user companies. The focus of the aviation

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1 safety review team was to assess whether the
 2 organization was ready to return to service.
 3 The aviation safety review team report
 4 affirmed that the Cougar organization was
 5 ready. At the time of this review, the
 6 advisor was unable to discern any significant
 7 differences in the posture of the company with
 8 regard to safety of operations. It is the
 9 advisor's belief that safety of operations
 10 remains the foremost goal of Cougar personnel
 11 and that its systems, processes, and
 12 methodologies support that goal".
 13 ROIL, Q.C.:
 14 Q. The expression, "The advisor was unable to
 15 discern any significant differences in the
 16 posture of the company", do you take that as
 17 being a positive statement?
 18 MR. SACUTA:
 19 A. I take it as a positive statement, yes.
 20 ROIL, Q.C.:
 21 Q. I think the way it's worded, somebody might
 22 try to interpret it otherwise, but --
 23 MR. SACUTA:
 24 A. I didn't read it -- sorry, I didn't write it,
 25 so you'd have to talk to the aviation advisor,

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1 but I see that as a positive statement.
 2 ROIL, Q.C.:
 3 Q. Yes.
 4 MR. SACUTA:
 5 A. I mean, he speaks around the fact that his
 6 belief is that the safety of operations
 7 remains the foremost goal of Cougar personnel.
 8 I think that says it all.
 9 ROIL, Q.C.:
 10 Q. Yeah. Now that's scant -- well, not scant, I
 11 guess, in terms of the fact that flights are
 12 flying every day, but it's only done a month
 13 and a bit ago. Do you know the status of any
 14 of the outstanding items on the list at this
 15 point in time?
 16 MR. SACUTA:
 17 A. Yeah, as far as the findings go, there was a
 18 recommendation to review the company route
 19 book and aircraft MCH, which is the serial
 20 number of the aircraft. That has been
 21 completed. We're just working through the
 22 approvals and the sign off process. The
 23 management diagram in the low section, they're
 24 also working on that. I talked about the two
 25 medium findings, the fact that the homing

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1 devices and -- we are progressing and having
 2 Cougar look at the other medium finding, which
 3 was to recommend Cougar consider for the
 4 purposes of customer information, development
 5 of a spreadsheet listing the directives of the
 6 manufacturer and civil aviation authorities,
 7 together with an initial assessment of the
 8 relative importance and impact for the user
 9 group. So I know Cougar is looking at that as
 10 well.
 11 ROIL, Q.C.:
 12 Q. So for the purpose of customer information,
 13 what do you -- who are the customers that are
 14 being referred to there?
 15 MR. SACUTA:
 16 A. That would be us and our workforce.
 17 ROIL, Q.C.:
 18 Q. And your workforce.
 19 MR. SACUTA:
 20 A. Yeah.
 21 ROIL, Q.C.:
 22 Q. I think we spoke earlier in the joint
 23 presentation of the desire to provide more
 24 information to the workforce where they're
 25 travelling and just in relation to that.

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1 MR. SACUTA:
 2 A. Yes, and we have done that as a matter of
 3 course. When Cougar received the alert
 4 service bulletin to change out the filter bowl
 5 assembly, that was communicated to our
 6 workforce because of the significance of that
 7 to the event of March 12th. So we have been
 8 working with Cougar to make sure we keep our
 9 workforce aware of those situations.
 10 ROIL, Q.C.:
 11 Q. Okay, thank you. I think that's all for the
 12 time being on the issue of audits and
 13 performance monitoring. We can now move
 14 perhaps through slide 76.
 15 MR. SACUTA:
 16 A. Okay, the Sikorsky S-92, as the next
 17 generation of helicopters, offered a number of
 18 technical improvements over the Super Puma.
 19 It was recommended by Cougar. The S-92 is
 20 fully compliant with the ExxonMobil Aviation
 21 Operations Guide and was indorsed by
 22 ExxonMobil's Corporate Aviation Services. As
 23 I mentioned, in 2005 Petro Canada was the
 24 first to go with the S-92. We wanted some
 25 more run time on it, we were very interested

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1 in the aircraft, but based on the consultation
 2 with Aviation Services, they wanted to see
 3 some more run time, and we got that additional
 4 run time and then we transitioned to the
 5 aircraft in 2007. So moving to a common
 6 aircraft type with Suncor and Husky will
 7 enhance synergies, improve safety and
 8 reliability, and it would be more cost
 9 effective.
 10 ROIL, Q.C.:
 11 Q. If you had determined -- in light of the
 12 pooling and sharing of this resource within
 13 the industry, if HMDC had concluded that it
 14 wanted to stay with the Super Puma or some
 15 other airframe, a 61 or a 76, would that have
 16 been logistically possible?
 17 MR. SACUTA:
 18 A. Yes.
 19 ROIL, Q.C.:
 20 Q. So you have the ability to control your
 21 airframe?
 22 MR. SACUTA:
 23 A. Absolutely.
 24 ROIL, Q.C.:
 25 Q. In terms of telling them we want this

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1 particular one?
 2 MR. SACUTA:
 3 A. That's right.
 4 ROIL, Q.C.:
 5 Q. I want to make sure that we understand that
 6 this is not when one person triggers it, the
 7 others have to go?
 8 MR. SACUTA:
 9 A. If we weren't satisfied with the transition to
 10 the S-92, or if during that period between
 11 2005 and 2007 we hadn't been satisfied with
 12 its performance, we would have stayed with the
 13 Super Puma, but we were very satisfied with
 14 the S-92's performance, and as I mentioned, it
 15 had a number of technical improvements over
 16 the Super Puma. So we thought it was the best
 17 aircraft for our service in Newfoundland.
 18 ROIL, Q.C.:
 19 Q. Okay, thank you.
 20 MR. SACUTA:
 21 A. So in this section I'm going to briefly
 22 describe HMDC's incident investigation and
 23 also the process. It will be a very brief
 24 description. It is Element 9, incident
 25 investigation. So the purpose is to

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1 facilitate the proper management of incidents
 2 so that valuable information and lessons
 3 learned are available to improve operations
 4 and avoid recurrence. The objective is
 5 safety, health, and environmental, security,
 6 process and equipment related incidents are
 7 reported, investigated, and analyzed to
 8 identify the root cause. Corrective actions
 9 are identified and implemented to prevent
 10 reoccurrence and lessons learned are
 11 communicated.
 12 ROIL, Q.C.:
 13 Q. So here you're speaking of generally incidents
 14 with which your company are involved?
 15 MR. SACUTA:
 16 A. Right, it can be a safety, health, environment
 17 incident, it could be an incident associated
 18 with equipment, with the process, a wide range
 19 of incident definitions.
 20 ROIL, Q.C.:
 21 Q. Perhaps we need to get into some definitions
 22 and some expressions here because I know that
 23 particularly with the aviation industry there
 24 are certain expressions that are used there
 25 that you may use in an entirely different

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1 context and I want to make sure that we
 2 understand the context in which you use them.
 3 MR. SACUTA:
 4 A. Sure, and I think I can maybe give some
 5 clarification that I had on this slide. So
 6 the incident notification and investigation
 7 reporting process, I would comment that
 8 helicopter related incidents are reported and
 9 investigated and analyzed in accordance with
 10 OIMS Element 9. So in this chart, you can see
 11 an unsafe event occurs. That could be a near
 12 miss or an incident, and I'll give you a very
 13 simplistic view of what a near miss and an
 14 incident or a hazard is. You've got a book
 15 shelf and you've got a book teetering on the
 16 edge, that would be a hazard, potential for
 17 the book to fall. If the book was to fall,
 18 land on the floor and hadn't hit anybody, that
 19 would be a near miss, and if the book was to
 20 fall and hit somebody and that individual was
 21 injured, that would be an incident. Very
 22 simplistic, but I can probably relay that to
 23 you as far as helicopter operations go. Let's
 24 say a helicopter landed on the helideck and
 25 when the helideck crew went to the baggage

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1 compartment, they found a bag or a box that
 2 was extremely heavy and it hadn't been marked
 3 properly, that would be a hazard and they'd
 4 report it as such. Let's say they're removing
 5 a box out of the helideck area and the bottom
 6 of the box fell out and whatever was in there
 7 fell onto the deck, that would be a near miss.
 8 Let's say when they were removing a box,
 9 whatever was in the box fell out and landed on
 10 somebody's foot and caused an injury, that
 11 would be an incident.
 12 ROIL, Q.C.:
 13 Q. So the expression, "near miss" doesn't take on
 14 the common jargon that we have in aviation
 15 culture, I guess, that near miss is two
 16 aircraft that are coming close to one another?
 17 MR. SACUTA:
 18 A. Exactly.
 19 ROIL, Q.C.:
 20 Q. You're not talking about that at all?
 21 MR. SACUTA:
 22 A. No, no. So after the unsafe event occurs,
 23 there is an incident notification and a report
 24 form initiated. The incident is classified
 25 and there's a reporting structure. So it could

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1 be classified as a near miss, it could be an
 2 incident that may be an injury type incident,
 3 it could be a gas release type incident.
 4 There are many different things that it could
 5 be. The investigation and root cause analysis
 6 is completed, corrective actions are
 7 identified and implemented. Any corrective
 8 actions have to be stewarded to closure, such
 9 that if it says you're going to do, A, B, and
 10 C, that each one of those activities are done
 11 and they're stewarded to closure and signed
 12 off as being completed. The communication
 13 concerning the lesson learned on the Hibernia
 14 Platform, it's part of our safety meeting
 15 structure that you review incidents that may
 16 have occurred in your area as part of the JOHS
 17 Committee. So whenever we've had an incident,
 18 we try to communicate with our workforce so
 19 that we avoid recurrence of that incident.
 20 Then there's a report goes out and a debrief.
 21 A debrief would be required, for example, with
 22 onshore. If we had had a significant
 23 incident, we would do a debrief with onshore
 24 management just to make sure that we were kept
 25 up to date with what were the circumstances

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1 under which that incident occurred.
 2 ROIL, Q.C.:
 3 Q. Now with respect to the March 12th incident in
 4 the broadest sense, would this kind of process
 5 had been undertaken by HMDC?
 6 MR. SACUTA:
 7 A. It was agreed after the March 12th incident
 8 that based on the fact that this was a Husky
 9 flight, scheduled flight, in discussions with
 10 the Board, it was agreed that Husky would take
 11 the lead on it, being a Husky incident. So
 12 Husky was responsible for completing the
 13 incident review and submitting the report to
 14 the Board.
 15 ROIL, Q.C.:
 16 Q. Would HMDC, in any of its efforts, have done
 17 any lessons learned or anything as a result of
 18 this incident to --
 19 MR. SACUTA:
 20 A. I think the aviation safety -- sorry, the HOTF
 21 Report had lessons learned in it. Husky kept
 22 us up to date throughout this whole process.
 23 As part of Husky's incident reporting, Cougar
 24 had done an incident investigation, and, of
 25 course, the TSB is still -- their

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1 investigation is still underway. So what Husky
 2 submitted to the Board wouldn't have been a
 3 final document because we're waiting for the
 4 TSB report to be issued.
 5 ROIL, Q.C.:
 6 Q. The next section takes us perhaps into the
 7 end. I know -- Commissioner, I see down here
 8 by the little note that is put in front of me
 9 that we normally don't have the afternoon
 10 break until 3:30, but I think this will be a
 11 good time, and I think, quite frankly, I need
 12 a bit of a break.
 13 COMMISSIONER:
 14 Q. Okay, we'll come back in fifteen minutes.
 15 ROIL, Q.C.:
 16 Q. Fifteen minutes. Thank you.
 17 (RECESS)
 18 ROIL, Q.C.:
 19 Q. Okay, Mr. Sacuta, I understand that you're
 20 going to take us through the slides from page
 21 81.
 22 MR. SACUTA:
 23 A. That's correct. The next up is emergency
 24 response. In this section, I'm going to
 25 discuss Hibernia's emergency and response

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1 process, so this will include the regulatory
 2 requirements, OIMS Element 10, which is
 3 community awareness and emergency
 4 preparedness, the Hibernia emergency response
 5 structure and how its activated, and the
 6 specific responses to March 12th, 2009. So
 7 from a regulatory perspective, the operators
 8 are required to prepare and submit a safety
 9 plan to the chief safety officer of the C-
 10 NLOPB for approval. The safety plan must
 11 provide for all matters related to the safety
 12 and health of personnel and the integrity of
 13 the installation. This includes contingency
 14 plans for emergency response to and mitigation
 15 of accidental events. The Hibernia Operations
 16 Plan references the Hibernia emergency
 17 response plan which contains operational
 18 guidance on emergency response activities. So
 19 within our operations plan we make reference
 20 to our Hibernia emergency response plan, which
 21 is a dedicated document.
 22 ROIL, Q.C.:
 23 Q. That's another dedicated HMDC document?
 24 MR. SACUTA:
 25 A. That's correct. So as you can see, community

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1 awareness and emergency preparedness --
 2 ROIL, Q.C.:
 3 Q. First of all, that combination of titles
 4 sounds a little odd to me, but perhaps not to
 5 you. Perhaps you could explain how they come
 6 to be related?
 7 MR. SACUTA:
 8 A. Yes. Although community awareness and
 9 emergency response are contained under Element
 10 10 of the Operations Integrity Management
 11 System, they actually have their own
 12 management systems. So underneath Element 10,
 13 there's two management systems; 10-1, which is
 14 community awareness, and 10-2, which is
 15 emergency response. However, there are --
 16 there may be times where these two management
 17 systems are tied closely together, such as at
 18 a refinery where an emergency could have an
 19 impact on the surrounding communities. So
 20 that's why they're basically covered under the
 21 same Element 10, although they have their own
 22 separate management systems.
 23 ROIL, Q.C.:
 24 Q. So each system is separate?
 25 MR. SACUTA:

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1 A. Yes.
 2 ROIL, Q.C.:
 3 Q. But they talk to one another because of the
 4 fact that they could --
 5 MR. SACUTA:
 6 A. There could be that overlap or interface
 7 during an emergency response situation. So a
 8 key component of Element 10 is the emergency
 9 preparedness and response. The purpose is to
 10 ensure effective emergency response plans are
 11 established, that equipment is well
 12 maintained, and trained personnel are
 13 available to deal with emergency situations.
 14 The objective is the emergency response plans
 15 are documented, resourced, accessible,
 16 current, and clearly communicated. Required
 17 emergency response drills are conducted to
 18 test the adequacy of response plans. The
 19 process is to develop and update an emergency
 20 response plan which we have a document, as I
 21 mentioned, and to conduct emergency response
 22 drills. So we've got a little flow chart
 23 here. The first step in the flow chart is to
 24 understand the regulatory requirements and the
 25 response organization's training needs. From

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1 there, you develop a list of drill scenarios
 2 for the upcoming period. You would select a
 3 drill scenario.
 4 ROIL, Q.C.:
 5 Q. This is for a drill, for a practice?
 6 MR. SACUTA:
 7 A. This is for a practice, and I think the key
 8 component is on an annual basis, Hibernia
 9 completes a major exercise where we test both
 10 the onshore and offshore emergency response
 11 organizations. From an offshore perspective,
 12 the Platform holds weekly muster drills where
 13 they test fire teams, they do table tops. So
 14 this is an ever living process that we
 15 continually train and exercise our emergency
 16 response organizations. Now we also do
 17 onshore. We do table top exercises to provide
 18 additional training for people to fill
 19 positions because in any organization you have
 20 people move in and out. We want to make sure
 21 that if, for example, I, as the President,
 22 moves on to another opportunity, there's
 23 always somebody that's trained to do that
 24 role. So there's a number of people that can
 25 fill various emergency response duties in our

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1 organization. Certainly when you conduct a
 2 drill, there's always a debrief afterwards to
 3 evaluate the effectiveness. We document the
 4 drill just so that we can say here's what the
 5 specific situation was, the mobilization
 6 times, which -- and we'll talk a little bit
 7 later about the specific emergency response
 8 organizations we have related to HMDC.
 9 There's also -- you incorporate any learnings.
 10 There's always a debrief after an emergency
 11 response drill. For onshore -- and I'll talk
 12 about it a little bit later in the exercise.
 13 You get together and talk about what worked
 14 well, what needs to be improved. We
 15 incorporate those learnings into the emergency
 16 response plan, so it's an ever green document
 17 that continues to be updated as required.
 18 Then there's always the follow up and close
 19 out of improvement actions, and then we share
 20 learnings, and one of the things we did after
 21 March 12th, it was in the HOTF Report, was
 22 actually some learnings on the three
 23 operator's response to the March 12th
 24 incident.
 25 ROIL, Q.C.:

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1 Q. So that wasn't a drill, that was the real
 2 thing?
 3 MR. SACUTA:
 4 A. That was a real thing. We do the same thing
 5 on real incidents.
 6 ROIL, Q.C.:

7 Q. I was going to say, what kind of fact
 8 situations do you develop for your drills?
 9 Would you ever have -- prior to March 12th,
 10 would you have ever identified an incident
 11 with a helicopter or with a vessel or
 12 something as a part of what you would be
 13 drilling on -- drilling exercising, I mean.
 14 MR. SACUTA:
 15 A. In our emergency response are a number of
 16 scenarios that we will drill on a regular
 17 basis, and perhaps John can talk about the
 18 helicopter crash perspective. I think that's
 19 one of the scenarios that they look at
 20 offshore as part of their weekly exercises,
 21 the response to that.
 22 MR. FRASER:
 23 A. Yes. So part of our regular emergency
 24 exercises, we have a schedule, as Paul said,
 25 of different events that we could have happen

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1 and we go through -- one of them is a
 2 helicopter incident, and typically the
 3 exercise that we would do on the Platform
 4 would involve a helicopter emergency on the
 5 helideck because that would involve more
 6 people.
 7 ROIL, Q.C.:

8 Q. Yes.
 9 MR. FRASER:
 10 A. And so we drill, and I can't remember the
 11 exact frequency of it, but we do it on a
 12 fairly regular basis that we -- we get the
 13 helideck crew and they simulate that there's
 14 an issue with a helicopter, and it can be
 15 various scenarios that we work out, and
 16 typically the SH&E lead will manage that and
 17 come up with some scenarios, so we -- somebody
 18 has to run the exercise and he'll do that, and
 19 we do that quite frequently.
 20 MR. SACUTA:
 21 A. So as far as Hibernia's emergency response
 22 goes, it's a multi-chaired system with well
 23 defined rules and responsibilities. Response
 24 teams are on call 24 hours a day. As I
 25 mentioned, routine drills are conducted to

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1 ensure response team readiness. Response
 2 teams have access to external resources, such
 3 as the RCMP, and the joint coordination
 4 centre, which we certainly communicated with
 5 during the March 12th incident, and the focus
 6 during emergency situations is to protect our
 7 people, protect the environment, safeguard our
 8 assets, and maintain our corporate reputation.
 9 So on the right hand side of this it shows the
 10 HMDC President, and underneath we've got the
 11 HMDC offshore emergency response organization.
 12 That's John, for example, his team would have
 13 an emergency response organization.
 14 ROIL, Q.C.:

15 Q. So in the event an incident happened while he
 16 was on watch, he would be the offshore
 17 emergency response organization team lead?
 18 MR. SACUTA:
 19 A. Right, and I've got some slides on that coming
 20 up. We've got the onshore emergency response
 21 organization, which I would be the lead of,
 22 and then we have the opportunity as part of
 23 this relationship we have with ExxonMobil to
 24 utilize ExxonMobil's emergency support group,
 25 and there's some additional information on

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1 that as we move forward.
 2 ROIL, Q.C.:
 3 Q. Okay.
 4 MR. SACUTA:
 5 A. So from an offshore emergency response
 6 perspective, the emergency response team deals
 7 with all Platform emergencies, the OIM, Mr.
 8 Fraser, if he was out there as back to back,
 9 would be in overall command of the Platform
 10 emergency response. The primary consideration
 11 in any emergency response is the safety of the
 12 personnel on board, the protection of the
 13 environment, and the integrity of the
 14 Platform. So they have offshore what's called
 15 the emergency coordination centre which is a
 16 dedicated room offshore only used for
 17 emergency response purposes, which includes
 18 all the required communication equipment, so
 19 it would have satellite phones, the ability to
 20 do PA announcements. All the communications
 21 that you would need during an emergency are in
 22 that dedicated room, and that room's sole
 23 purpose is for emergency response.
 24 ROIL, Q.C.:
 25 Q. Okay, and where is that room in relation to

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1 the fire wall and the blast wall?
 2 MR. SACUTA:
 3 A. It's in the accommodations module on the same
 4 level of all the offices of the offshore
 5 leadership team, and on the same level of the
 6 central control room.
 7 ROIL, Q.C.:
 8 Q. And this room is dedicated solely to -- has no
 9 other use?
 10 MR. SACUTA:
 11 A. Has no other use.
 12 ROIL, Q.C.:
 13 Q. Other than for emergency --
 14 MR. SACUTA:
 15 A. For emergency response. So there's nobody ever
 16 sitting in that room, that room is -- it's
 17 always open, but there are no desks in there.
 18 It's a room that is used during emergency
 19 response situations. Underneath the OIM, in
 20 that room you may have the services supervisor
 21 who is responsible for the POB, or the
 22 personnel on board status, making sure we've
 23 accounted for all persons on board during an
 24 emergency. They communicate with the vessels
 25 and understand the helicopter status. The

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1 radio operator generally stays in the radio
 2 room upstairs on the highest level of the
 3 accommodations, and he would also be in
 4 communication with the vessels, any aircraft,
 5 and he does have a direct communication line
 6 into the emergency control centre, the ECC.
 7 We have an incident recorder who's in there
 8 writing down anything he hears that's
 9 happening, anything that comes in on the
 10 radio's communication with fire teams, for
 11 example. We have a ECC-CCR communications
 12 person. The CCR is the Central Control Room.
 13 These are two separate areas, but we need
 14 someone to communicate back and forth between
 15 the ECC where the OIM is located, and the CCR,
 16 which would be where all your distributed
 17 control systems, your fire and gas panels, all
 18 that. So there needs to be communication back
 19 and forth between those two centres. The
 20 drilling supervisor looks after the weather,
 21 the plot plan, making sure that we've got the
 22 weather conditions, sea state conditions all
 23 identified on the map, so that the OIM has
 24 that available to him, and then the
 25 maintenance supervisor is the communication

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1 between the offshore ECC and the shore
 2 communications, which I'll talk about next,
 3 but basically he would be the one that would
 4 be communicating with the emergency operations
 5 centre in town.
 6 ROIL, Q.C.:
 7 Q. Okay, so he's the link into the onshore?
 8 MR. SACUTA:
 9 A. Yes.
 10 ROIL, Q.C.:
 11 Q. Before we go on, I think the point needs to be
 12 made that it seems to me that while we in the
 13 Inquiry look at the use of helicopters in the
 14 offshore, there's really two issues in terms
 15 of emergency. One is, I think, that the
 16 helicopter can be the cause of the emergency,
 17 or it could be a support --
 18 MR. SACUTA:
 19 A. It could be a response.
 20 ROIL, Q.C.:
 21 Q. A response to an emergency.
 22 MR. SACUTA:
 23 A. Right, we could call our helicopters to
 24 downman the facility, for example. If you
 25 wanted to get non-essential personnel off the

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1 Platform, you could call Cougar and say, you
 2 know, send us out as many helicopters as you
 3 got available because we'd like to start
 4 precautionary downman of our facility. You'd
 5 have some options. You could downman them to
 6 some of the other facilities in the area, or
 7 you could send them back to town, depending on
 8 the situation.
 9 ROIL, Q.C.:
 10 Q. Have the helicopters ever been used in that
 11 kind of advance guard style of operation in
 12 terms of getting people off in anticipation of
 13 an incident or a problem arising?
 14 MR. SACUTA:
 15 A. I'm aware of one situation back in 1998 where
 16 we did a precautionary downman, but besides
 17 that, I'm not aware of any others.
 18 ROIL, Q.C.:
 19 Q. Was that precautionary down as a result of an
 20 operational problem?
 21 MR. SACUTA:
 22 A. It was an operational problem, yes. There was
 23 an operational issue at the time, and they
 24 decided to take non-essential personnel and
 25 they downmanned them to an adjacent facility.

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1 At the time I think there was a drilling rig
 2 drilling at the time, and we moved people to
 3 the drilling rig until we knew exactly what
 4 was going on on the Platform. That was the
 5 protocol was to get non-essential personnel
 6 off the Platform.
 7 ROIL, Q.C.:
 8 Q. But there wasn't ultimately an emergency at
 9 that time?
 10 MR. SACUTA:
 11 A. No. I mean, there was a situation that needed
 12 to be addressed, but very quickly after it was
 13 addressed, the workforce was brought back to
 14 the Platform.
 15 ROIL, Q.C.:
 16 Q. Okay, thank you.
 17 MR. SACUTA:
 18 A. So from an onshore emergency response
 19 perspective, we have what's called the
 20 emergency operations centre, which provides
 21 direct support the Hibernia Platform when
 22 required. The HMDC President, myself, or a
 23 designate manages the response in the EOC.
 24 There may be circumstances where I'm not
 25 available or I'm needed for other purposes, so

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1 there's always somebody who's adequately
 2 trained to stand in for me as the head of the
 3 emergency operations centre.
 4 ROIL, Q.C.:
 5 Q. And where is the emergency operations centre?
 6 MR. SACUTA:
 7 A. It's located in our office building in town on
 8 the 5th floor of Cabot Place.
 9 ROIL, Q.C.:
 10 Q. So it's in the same building that you operate
 11 your business from?
 12 MR. SACUTA:
 13 A. That's right. It is also a dedicated room
 14 that is used solely for emergency response.
 15 The EOCT members are selected based on
 16 experience, work skills, and leadership
 17 qualities, and they are trained in emergency
 18 response duties and conduct regular drills
 19 involving helicopter ditching, fire and
 20 explosion, and potential security threats. So
 21 there's two ways that we can do some training.
 22 We can do it in an interface training exercise
 23 with offshore where we have the full
 24 established communications, and then there's
 25 what we call "table top exercises", where

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1 we'll have a group of people in another
 2 conference room, for example, mimicking being
 3 the offshore Platform, just to train us
 4 separately. So we use that a lot to train our
 5 people that are new into the emergency
 6 response organization to provide that training
 7 prior to a real emergency happening.
 8 ROIL, Q.C.:
 9 Q. So in some emergencies they actually call from
 10 the Platform; in other cases, they call from
 11 the room next door?
 12 MR. SACUTA:
 13 A. Yeah, I mean, when we're doing a drill,
 14 sometimes we have a joint exercise where it
 15 involves the offshore organization and
 16 onshore, and sometimes we'll let offshore run
 17 the day to day business and we'll do a table
 18 top exercise, which basically just has a few
 19 people in a room that simulate the OIM and
 20 they simulate the maintenance supervisor, and
 21 they make the calls to tell you what's
 22 happening, but you're still acting in the EOC
 23 like it's a real emergency, just with role
 24 players.
 25 ROIL, Q.C.:

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1 Q. Right.
 2 MR. SACUTA:
 3 A. And as I've already mentioned, these drills
 4 may involve major contractors and other
 5 support organizations, such as the JRCC, the
 6 RCMP, and other operators, and during the
 7 March 12th incident there was a lot of
 8 communication between the various operators.
 9 I was in direct communications with Husky's
 10 emergency response team, the JRCC was being
 11 contacted, we updated the Board, and I'll talk
 12 about that a little bit later in the slides as
 13 to the direct response of March 12th. Under
 14 the EOC, we've got a technical coordinator, a
 15 safety coordinator, human resources
 16 coordinator, public affairs, a logistics
 17 coordinator, and operations coordinator, an
 18 event recorder, and all of those people have
 19 dedicated responsibilities in that EOC centre.
 20 For example, the operations coordinator would
 21 be the one that was in communication with the
 22 Platform with the maintenance supervisor.
 23 There are times when I would be communicating
 24 with John directly if he was out there, just
 25 to make sure that we've got open communication

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1 between both.
 2 ROIL, Q.C.:
 3 Q. And who is the section manager that's in
 4 charge of the emergency operations centre?
 5 MR. SACUTA:
 6 A. That's me.
 7 ROIL, Q.C.:
 8 Q. That would be the -- if you were available?
 9 MR. SACUTA:
 10 A. If I was available -- generally it would
 11 always be me unless I was on vacation, and
 12 when I go on vacation, I designate an
 13 alternate, for example.
 14 ROIL, Q.C.:
 15 Q. Right.
 16 MR. SACUTA:
 17 A. So as I mentioned, we talked about
 18 ExxonMobil's emergency support group or the
 19 ESG. HMDC has contracted ExxonMobil Canada to
 20 be available to provide additional support
 21 services during incidents if requested by
 22 HMDC. Hibernia's EOC section manager, myself,
 23 has the ability to activate the ExxonMobil
 24 emergency support group at any time during any
 25 incident. It provides access to the resources

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1 of ExxonMobil Canada and its affiliates to
 2 support emergencies, and the HMDC President
 3 does retain the overall responsibility for
 4 Hibernia's emergency response activities.
 5 So this triangle shows the relationship. At
 6 the bottom of that triangle would be
 7 ExxonMobil Canada's ESG group. It is also in
 8 a dedicated room in the same office building
 9 as Hibernia. It's a -
 10 ROIL, Q.C.:
 11 Q. But a separate room?
 12 MR. SACUTA:
 13 A. Separate room.
 14 ROIL, Q.C.:
 15 Q. Yes.
 16 MR. SACUTA:
 17 A. It's generally staffed by ExxonMobil personnel
 18 or ExxonMobil personnel that have been
 19 seconded to HMDC. So we do have ExxonMobil
 20 only personnel that work in St. John's. So
 21 it's a combination of either dedicated
 22 ExxonMobil personnel or some ExxonMobil
 23 personnel that have been seconded to HMDC.
 24 ROIL, Q.C.:
 25 Q. Okay. So nobody who's a part of your

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1 organization in the EOC is the same person
 2 who's ascribed duties in the ESG?
 3 MR. SACUTA:
 4 A. That's correct. They're separate roles,
 5 separate organizations.
 6 ROIL, Q.C.:
 7 Q. And I think you said as president, you or the
 8 person who is president, retains control and
 9 responsibility?
 10 MR. SACUTA:
 11 A. Overall responsibility, yes.
 12 ROIL, Q.C.:
 13 Q. So this is a support, rather than -
 14 MR. SACUTA:
 15 A. It is a support organization.
 16 ROIL, Q.C.:
 17 Q. This is not decision making out here?
 18 MR. SACUTA:
 19 A. No, absolutely not.
 20 ROIL, Q.C.:
 21 Q. Okay.
 22 MR. SACUTA:
 23 A. So I mean, some of the things they would do
 24 is, you know, updating partners, for example.
 25 They do have access -- in the pyramid there at

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1 the bottom, they do have access to ExxonMobil
 2 production companies ESG which is in Houston
 3 and also access to ExxonMobil's corporate ESG,
 4 which is in Dallas. During the March 12th
 5 incident, we did activate the production
 6 companies ESG in Houston. We did not activate
 7 the ESG in Dallas, but they were kept aware
 8 throughout the incident of what was going on.
 9 So the protocols for mobilizing emergency
 10 response teams. Hibernia has a 24-hour per
 11 day, 7-day per week activation capability for
 12 offshore emergency operations centre, the EOC
 13 team members.
 14 ROIL, Q.C.:
 15 Q. So how does that actually happen?
 16 MR. SACUTA:
 17 A. We use a company called Telelink and if I was
 18 to be informed of an incident offshore, for
 19 example, and based on whatever the
 20 circumstances of that incident are, I have the
 21 ability to contact Telelink and tell them to
 22 mobilize the EOC. I also have the ability to
 23 tell Telelink to mobilize the ESG, if I think
 24 it's required, and then they have a call list
 25 that goes out to all the various people that

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1 are on call during that period and then those
 2 individuals, if it was off hours, would come
 3 down to the Hibernia office and accumulate in
 4 the EOC centre.
 5 ROIL, Q.C.:
 6 Q. And if it's during on hours?
 7 MR. SACUTA:
 8 A. Usually you're just in your office and you hop
 9 up the stairs or down the stairs, depending
 10 where you are, to the actual location of the
 11 EOC.
 12 ROIL, Q.C.:
 13 Q. Okay. So once you go to the EOC centre, do
 14 you stay there?
 15 MR. SACUTA:
 16 A. You're dedicated. We do have people who can
 17 come in and relieve if you're there for an
 18 extended period of time, and that's one of the
 19 responsibilities of my job is to monitor the
 20 effectiveness of the team. If I see people
 21 are getting tired or they're getting stressed,
 22 then I would then look at the next person
 23 that's on the list and get them to come and
 24 spell the person and give them some time off.
 25 So the onshore emergency coordination

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1 centre -- or sorry, the offshore emergency
 2 coordination centre, the ECC, can also
 3 initiate the EOC activation process. If they
 4 have a significant enough event offshore, John
 5 can inform the maintenance supervisor
 6 "activate the EOC. We don't need to talk to
 7 Paul. You just need to go activate and we'll
 8 get everybody in there."
 9 As part of its emergency response
 10 procedures, Cougar Helicopters can also
 11 activate the EOC. If they have an incident
 12 that they would like to have us activated,
 13 they have the same capability to phone
 14 Telelink and say "can you please activate the
 15 Hibernia EOC" and depending on the nature of
 16 the incident, the onshore emergency support
 17 group, ESG, can also be activated at the
 18 request of myself.
 19 So as a response to March 12th. During a
 20 routine aircraft monitoring, the Platform
 21 radio operator on Hibernia became aware that a
 22 Cougar helicopter was in trouble and as per
 23 normal protocol informed the OIM, who was Mr.
 24 Fraser at the time. The OIM immediately
 25 contacted myself to inform me of the

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1 situation. The radio operator reviewed the
 2 helicopter passenger list and noted that two
 3 employees of an HMDC contractor were on board
 4 the aircraft and notified the OIM, and the OIM
 5 updated myself. At the time of the initial
 6 discussion between John and I, we weren't sure
 7 whether or not -- we knew it was a Husky
 8 flight, but we weren't sure if there were any
 9 HMDC personnel or contractors on the facility.
 10 The radio operator confirmed that to John and
 11 then John updated me.
 12 I immediately contacted our senior
 13 emergency preparedness and response advisor
 14 and informed him of the event. At the time, I
 15 was on my way to the C-NLOPB for a meeting, so
 16 I was walking down towards TD Centre when I
 17 got the first call.
 18 ROIL, Q.C.:
 19 Q. You do remember that day?
 20 MR. SACUTA:
 21 A. I remember that day. I'll remember it for the
 22 rest of my life. The decision was made to
 23 activate both the EOC and the emergency
 24 support group, based on the nature of the
 25 event, and the Hibernia senior EP and our

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1 emergency preparedness and response advisor
 2 initiated the emergency team call out.
 3 ROIL, Q.C.:
 4 Q. And what sort of a time frame would that have
 5 taken from first to that stage?
 6 MR. SACUTA:
 7 A. I think the first call that I received was
 8 around 10:04 and we had the response activated
 9 within a matter of minutes. Of course, I was
 10 a ways away, so I had to actually run back to
 11 the office, but -- so by the time I got to the
 12 EOC, it was fully staffed.
 13 Given the location of the incident, the
 14 OIM determined that the Hibernia Platform was
 15 too distant to offer any direct support with
 16 the standby vessel. Personnel and equipment
 17 were put on standby to assist in any way
 18 possible. The helicopter had just been
 19 approximately 30 to 35 miles off of the coast
 20 of Newfoundland, so it was a long distance
 21 away from the Hibernia Platform. We weren't
 22 able to offer the assistance of our standby
 23 vessel, but we put all of our resources, both
 24 onshore and offshore, put them in ready status
 25 in case they needed to be used.

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1 Actually, the Platform had shut down the
 2 day before March 12th, in preparation for a
 3 major maintenance campaign. Based on that
 4 fact, all non-critical work activities on
 5 board the Platform were suspended. The
 6 workforce was not focused on their work.
 7 Obviously there was a lot of concern when this
 8 event happened and so we basically stood down
 9 all work at that time.
 10 Communications between the onshore
 11 emergency operations centre and the OIM were
 12 conducted regularly through that process. As
 13 I got more information, I kept John available.
 14 If John got anything, he kept me informed, and
 15 the OIM kept the offshore workforce informed
 16 of the situation and the recovery efforts at
 17 that time. The OIM did hold a town hall
 18 meeting with all Platform personnel on the
 19 evening of March 12th. Obviously there was a
 20 lot of concern amongst the workforce. We got
 21 John all the information we could at that
 22 point in time, as to what had happened and
 23 what the status was, what the look ahead was,
 24 and he held that town hall. We provided
 25 information about the incident, the recovery

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1 efforts, were shared with the workforce.
 2 ROIL, Q.C.:
 3 Q. In our modern world where everybody has a
 4 computer and everybody has a cell phone and
 5 people are talking to and linking to the
 6 worldwide web, was the accuracy of information
 7 a challenge for you?
 8 MR. SACUTA:
 9 A. There was some stuff out like in the press.
 10 What we're trained to do is not listen
 11 necessarily to all the press and take it as
 12 for real. We wanted to get the accurate
 13 information and what we used for it is the
 14 communication between Husky's emergency
 15 response centre and ourselves and the
 16 communications we were having with the Coast
 17 Guard. When we had that communication, we
 18 knew that that interface would be accurate.
 19 There was a lot of stuff on the press. It was
 20 on CNN. It was on just about every channel
 21 and I know that the TVs offshore were all
 22 focused on that. So that's one of the reasons
 23 that we wanted John to do the town hall that
 24 night, was to make sure that he could relay to
 25 the workforce the accurate information that we

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1 had available as far as what had happened and
 2 what the plans were going forward.
 3 So as far as the onshore emergency
 4 operations centre goes, at approximately
 5 10:30, it says, March 12th, the Hibernia EOC
 6 mobilized. The actual call out, I believe,
 7 was before that. By the time everybody was in
 8 there and it was fully operational, it was
 9 close to 10:30. The HMDC family and media
 10 telephone response teams were activated to
 11 address incoming calls. Certainly during a
 12 situation like that, there's always going to
 13 be a stream of people calling, people whose
 14 work members were scheduled to fly that day or
 15 their family members. There was a lot of that
 16 type of call.
 17 The communications links were quickly set
 18 up between the Hibernia EOC, the Coast Guard,
 19 the JRCC, Husky and other support
 20 organizations. HMDC's vessels were made
 21 available to the Coast Guard to support rescue
 22 efforts. Information was quickly provided to
 23 Hyflodraulic, who was the employer of the two
 24 passengers that were on board Flight 491 that
 25 were Hibernia contractors and updates were

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1 provided when information became available.
 2 We had a lot of communication with
 3 Hyflodraulic during that period to let them
 4 know what we knew, because, you know, they
 5 were devastated by this. It was a family run
 6 business.
 7 We did make myself available to the media
 8 at news conferences that were held on the 12th
 9 and the 13th during those two days. Grief
 10 counsellor services were offered to employees
 11 of Hyflodraulic and employees of HMDC and we
 12 stood down the EOC at 5:30. We did do a
 13 debrief that day. That certainly didn't mean
 14 the end of the day for myself and a number of
 15 other people that worked in the office. You
 16 know, we were engaged through the night and
 17 the next day and through the weekend as we
 18 looked forward.
 19 ROIL, Q.C.:
 20 Q. So I take it that the stood down expression
 21 means that the entire structure that is in the
 22 EOC was no longer needed to be used as a
 23 resource?
 24 MR. SACUTA:
 25 A. That's correct. But as I mentioned, you know,

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1 there was a number of people that were in the
 2 office until very late hours on that night.
 3 ROIL, Q.C.:
 4 Q. Yes.
 5 MR. SACUTA:
 6 A. You know, getting information as we could. As
 7 I mentioned, the ESG was also activated at
 8 roughly the same time as the EOC. The ESG
 9 provided strategic planning and support to
 10 myself. They monitored the events. They
 11 monitored media coverage and they also
 12 communicated incident information to the co-
 13 venturers and to the Provincial Government
 14 during this window. So that took the burden
 15 off of the EOC to communicate and ESG took
 16 that on themselves and made sure that the co-
 17 venturers and the government were kept up to
 18 date through this process.
 19 ROIL, Q.C.:
 20 Q. So if you didn't have the resource of an ESG,
 21 that would become part of the responsibilities
 22 of the EOC?
 23 MR. SACUTA:
 24 A. That's correct.
 25 ROIL, Q.C.:

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1 Q. You've got me using all your acronyms now.
 2 It's getting scary.
 3 MR. SACUTA:
 4 A. We've got a spot for you on the EOC. So post
 5 incident activities, we assisted HMDC
 6 employees, contractors and employees and their
 7 families. We arranged grief counselling both
 8 onshore and offshore. We had a grief
 9 counsellor go offshore by boat to help with
 10 John and the guys offshore because obviously
 11 there was a lot of concerns. We monitored the
 12 search and rescue efforts and provided
 13 assistance where possible. As I previously
 14 mentioned, we provided support for JRCC,
 15 certainly for Husky and for Cougar during this
 16 period. We communicated with the government
 17 agencies, including the TSB and the Hibernia
 18 co-venturers. Supported the incident
 19 investigations, ensured accurate and timely
 20 information was supplied to the media, and we
 21 certainly suspended helicopter operations.
 22 There were no helicopter flights to be
 23 completed until we knew the circumstances
 24 under which Flight 491 had the accident.
 25 ROIL, Q.C.:

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1 Q. Who actually made that decision or who was a
 2 part of it? How would it come about? Clearly
 3 the helicopter that ditched or crashed, more
 4 correctly put -- were there any other flights
 5 that were in the air at that time, to your
 6 knowledge?
 7 MR. SACUTA:
 8 A. There was a flight that was returning from the
 9 Terra Nova facility, I understand, and we had
 10 a flight that was getting ready to leave. Of
 11 course, our flight didn't leave. Cougar,
 12 their first response helicopter dispatched.
 13 Cougar, the returning flight from Terra Nova
 14 actually was the second helicopter to respond
 15 to the incident, so there were two helicopters
 16 that arrived on the scene prior to the JRCC
 17 actually or prior to the Coast Guard showing
 18 up, so the first two helicopters on the scene.
 19 ROIL, Q.C.:
 20 Q. So in terms of first response, there were two
 21 first response helicopters dispatched?
 22 MR. SACUTA:
 23 A. I mean, Cougar dispatched the first one
 24 immediately and when the second helicopter had
 25 returned from offshore, it was fully kitted up

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1 and also responded. So the first two
 2 helicopters on the scene on March 12th were
 3 both Cougar helicopters.
 4 ROIL, Q.C.:
 5 Q. Was there any debate or discussion as to
 6 whether helicopters should continue to fly
 7 personnel out there at that time?
 8 MR. SACUTA:
 9 A. As far as personnel goes, there was no debate.
 10 We weren't going to fly personnel. Cougar was
 11 focused on the rescue and recovery efforts and
 12 so -- and thereafter, once that was completed,
 13 Cougar made the decision that they were not
 14 going to fly their helicopters until they knew
 15 the circumstances under which Flight 491 had
 16 crashed.
 17 As far as communications with the
 18 workforce goes, we held multiple town hall
 19 meetings to communicate with the workforce.
 20 As I mentioned, on March 12th, the OIM had a
 21 town hall meeting with the Platform personnel.
 22 On March 13th, I had two town hall meetings,
 23 one with the onshore HMDC and contractor
 24 personnel, and then later that afternoon, I
 25 had one for any offshore HMDC workforce who

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1 were off duty and invited their families and
 2 families of those members who were currently
 3 offshore at the time. Basically, it was just
 4 an information session to let them know what
 5 we knew about the accident and what the
 6 looking forward plans were. A lot of
 7 questions at those town halls, but we thought
 8 it was very important, based on what had
 9 happened, to keep our workforce up to date.
 10 ROIL, Q.C.:
 11 Q. Were you able to answer all the questions at
 12 that point?
 13 MR. SACUTA:
 14 A. Obviously not, because why did the helicopter
 15 crash, at that point in time the helicopter
 16 hadn't been recovered. So I was able to
 17 answer the questions that I could and there
 18 were some questions obviously that I couldn't
 19 answer.
 20 So from the lessons learned perspective.
 21 Debrief sessions. All Hibernia emergency
 22 response teams held debrief sessions following
 23 the incident to review potential issues and
 24 areas of improvement. The Hibernia Management
 25 held a separate meeting to review all the

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1 debrief notes from the helicopter incident.
 2 So the ESG did a debrief session and the EOC
 3 did a debrief session and what we did is sat
 4 down and went around the room and asked
 5 everybody what worked well, what had you
 6 struggled with, what are the improvement
 7 opportunities, and those were all captured and
 8 then we got together to talk about all the
 9 improvement opportunities and assign, you
 10 know, actions for who would follow up on
 11 those.
 12 ROIL, Q.C.:
 13 Q. What sort of time frame would those
 14 debriefings take?
 15 MR. SACUTA:
 16 A. That would have happened -- the crash happened
 17 Thursday morning and that would have been late
 18 Thursday afternoon, around the 5:30 time
 19 frame.
 20 ROIL, Q.C.:
 21 Q. So it happens on the very day that the -
 22 MR. SACUTA:
 23 A. It happened on the very day in this situation.
 24 ROIL, Q.C.:
 25 Q. Yes.

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1 MR. SACUTA:
 2 A. Prior to standing down the EOC, we would have
 3 done the debrief. What worked well?
 4 Hibernia's emergency response personnel
 5 performed their roles skilfully. Previous
 6 training received during drills provided to be
 7 effective, and I think that that's one of the
 8 things that HMDC does a lot of is we train for
 9 emergency response and that pays dividends we
 10 actually have an emergency. Hibernia's
 11 emergency response processes and procedures
 12 worked as planned. HMDC's management sit at
 13 meetings with employees on each floor in Cabot
 14 Place to keep them informed of ongoing rescue
 15 efforts. Aside from the fact that we had a
 16 fully staffed EOC and a fully staffed ESG, we
 17 had a number of employees that were still at
 18 work. So what we did is provide -- select an
 19 individual from each floor, give them an
 20 update so they could take them back to their
 21 own individual floors and provide their
 22 employees with an update, those that weren't
 23 part of the emergency response teams, but were
 24 still at the office.
 25 ROIL, Q.C.:

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1 Q. How many HMDC employees would be in Cabot
 2 Place in St. John's?
 3 MR. SACUTA:
 4 A. It's a good question. I think you're talking
 5 somewhere between 100 and 200.
 6 ROIL, Q.C.:
 7 Q. Yeah. So not quite as large as the offshore
 8 work site, but a significant number of
 9 personnel.
 10 MR. SACUTA:
 11 A. Yes. And onshore employees were given the
 12 option to go home to their families or talk to
 13 grief counsellors on site, you know. We just
 14 thought "guys, work today is not important.
 15 If you want to help us" -- a lot of people
 16 stayed around to help and a lot of people
 17 decided to go home. From an improvement
 18 opportunities perspective, one of the key
 19 learnings was monitoring the stress placed on
 20 response team members. During the debrief of
 21 the EOC, there was a few people that talked
 22 about how stressed they were, how hard it was
 23 to do their roles as information came in about
 24 the circumstances, and that would certainly be
 25 one of my primary responsibilities in that

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1 role is making sure that if somebody is
 2 stressed, that we continue to monitor them and
 3 get somebody to spell them, and we also
 4 encouraged all our employees to, you know, to
 5 speak up if they were having problems focusing
 6 on the job they had at hand.
 7 All operators have their emergency
 8 response teams activated by one service
 9 provider, as I mentioned a company called
 10 Telelink. With all operators mobilizing at
 11 one time, the service response time could be
 12 impeded. We have worked closely with our
 13 service provider to improve their response to
 14 initial activation. Equipment upgrades were
 15 not required, just a more structured approach
 16 was implemented and this has been tested and
 17 so this improvement opportunity has been
 18 closed.
 19 ROIL, Q.C.:
 20 Q. Okay. So all three of the producing operators
 21 out there use the same service to -
 22 MR. SACUTA:
 23 A. Right.
 24 ROIL, Q.C.:
 25 Q. - to activate emergency response.

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1 MR. SACUTA:
 2 A. Right. So on March 12th, everybody would have
 3 bene trying to activate around the same time.
 4 So the last section I'd like to cover today is
 5 some summary and closing remarks. I'd like to
 6 talk about Hibernia's safety performance. I'd
 7 like to talk about helicopter transportation
 8 safety and then I have some closing remarks.
 9 Hibernia has achieved its strong safety
 10 record by the following: utilizing mature,
 11 globally tested safety management systems to
 12 drive continuous improvement, the operations
 13 integrity management system; by maintaining
 14 our facilities and securing best available
 15 technologies; relying on comprehensive risk
 16 assessments and management processes to
 17 identify and eliminate or mitigate hazards;
 18 documenting and clearly stating safety
 19 policies and procedures; driving
 20 accountability for safety at every level in
 21 the organization, we are all responsible for
 22 our safety and the safety of those working
 23 around us; having a highly skilled committed
 24 and engaged workforce, and I fully believe we
 25 have that in the Hibernia organization; hiring

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1 industry leading specialized service
 2 providers, such as Cougar Helicopters;
 3 believing that it is possible to have a work
 4 environment without injuries, I believe that.
 5 It takes a lot of hard work, but I believe we
 6 can have a work environment where we do not
 7 have injuries; striving every day to learn
 8 from our past experiences, to achieve a
 9 reality where no one gets hurt. You've heard
 10 that a lot. We believe that we can work every
 11 day and no one will get hurt.
 12 The safety of our workforce is our
 13 greatest responsibility. HMDC uses top
 14 quality service providers and leading edge
 15 technology for helicopter transportation.
 16 From an operational safety perspective, we've
 17 got a world class operator who's been
 18 certified by Transport Canada. We have highly
 19 skilled flight crews with pilot training
 20 exceeding the industry norms, which are
 21 already very heavy, the training requirements
 22 under the regulations. We have certified
 23 aircraft maintenance facility with skilled,
 24 licensed aircraft engineers. We clearly
 25 document and contractually require operational

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1 procedures. We have rigorous oversight and
 2 monitoring by HMDC and ExxonMobil's aviation
 3 services and we talked about our annual
 4 review, and we expect compliance with all
 5 regulatory requirements.

6 From an aircraft safety perspective, we
 7 have the latest generation twin engine harsh
 8 environment helicopter, the S-92. We have
 9 leading edge aviation technology, the
 10 helicopter usage monitoring system, HUMS as
 11 we've heard repeatedly over the last couple of
 12 weeks. We have flight tracking capability and
 13 emergency locator transmitters on our
 14 helicopters, the Blue Sky for the flight
 15 tracking and the E-PERBS for the transmitters,
 16 and the latest generation helicopter safety
 17 equipment.

18 From a personnel safety perspective,
 19 highly qualified basic -- high quality basic
 20 survival training and helicopter underwater
 21 escape training, certified survival suits
 22 appropriate for the Newfoundland environment,
 23 cold water environment, state-of-the-art
 24 personal protection equipment, which includes
 25 PLBs and the HUEBA. Helicopter and vessel on

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1 emergency standby staffed by skilled persons.
 2 We have a standby vessel on site 24/7 and a
 3 first response search and rescue helicopter in
 4 St. John's which we believe is a world class
 5 first response system, and we also have access
 6 to the Department of National Defence's search
 7 and rescue support.

8 In closing, Mr. Roil and Commissioner
 9 Wells, during this Inquiry and in particular
 10 in the media, there have been statements made
 11 that question the oil industry's commitment to
 12 safety. I find these statements inaccurate
 13 and there is nothing -- as there is nothing
 14 more important than the safety of our
 15 workforce. I realize we had a tragic event on
 16 March 12th and I realize the loss was great
 17 and that it impacted many people and changed
 18 many lives, but our industry is still a safe
 19 one. We have robust safety management systems
 20 in place. We have an engaged workforce, both
 21 offshore and onshore, and our injury
 22 statistics have been much lower than the
 23 provincial averages. In fact, prior to 2009,
 24 if you compared the offshore oil industry's
 25 safety performance against other industries in

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1 Newfoundland and Labrador, our safety
 2 performance was significantly better than
 3 other industries.

4 For example, in the five years between
 5 2004 and 2008, Hibernia experienced only two
 6 situations that resulted in a lost time
 7 incident. During this period, we had between
 8 200 and 250 personnel on board the facility on
 9 a daily basis. We completed three major
 10 shutdowns in this period where a significant
 11 amount of labour intensive work was completed
 12 and our total number of people on board
 13 increased from approximately 250 to near 350
 14 during these shutdown periods. Just think
 15 about this. More than 200 people working on
 16 an offshore facility around the clock, seven
 17 days a week, out in the middle of the North
 18 Atlantic every day for five years, and we only
 19 experienced two situations where a Hibernia
 20 worker had to miss a day's work due to work-
 21 related injury. The system is working.

22 It is very sad that we experienced the
 23 tragedy of March 12th, but we can't lose sight
 24 of the focus and the effort that everyone has
 25 put into safety since we started producing in

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1 1997. Although I'm very proud of the effort
 2 and commitment of our workforce and the robust
 3 safety management system we have in place, we
 4 are always looking for ways to improve this
 5 performance. Quite simply, our goal is nobody
 6 gets hurt. I believe this is possible, but it
 7 will take the continued effort of everyone in
 8 the Hibernia organization. Said another way,
 9 safety is a journey not a destination and I am
 10 confident this Inquiry will help us move
 11 forward on that journey. Thank you very much.

12 ROIL, Q.C.:

13 Q. Thank you, Mr. Sacuta.

14 COMMISSIONER:

15 Q. Thank you, Mr. Sacuta.

16 ROIL, Q.C.:

17 Q. Commissioner, I have no further questions at
 18 this time.

19 COMMISSIONER:

20 Q. Thank you. Well, it's quarter past four. I
 21 don't think I'm going to invite anybody to ask
 22 questions now. You might want to think of it
 23 and we'll go through the list tomorrow morning
 24 at 9:30.

25 ROIL, Q.C.:

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1 Q. That's fine. So we're adjourned until 9:30
2 tomorrow?
3 COMMISSIONER:
4 Q. Yes. I don't think it would be particularly
5 productive to start now before people have a
6 chance to think about what they might wish to
7 ask. All right then, 9:30 tomorrow morning.

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1 CERTIFICATE
2 We, the undersigned, do hereby certify that
3 the foregoing is a true and correct transcript of a
4 hearing heard on the 18th day of January, 2010 at
5 Tara Place, 31 Peet Street, Suite 213, St. John's
6 Newfoundland and Labrador and was transcribed by us
7 to the best of our ability by means of a sound
8 apparatus.
9 Dated at St. John's, NL this
10 18th day of January, 2010
11 Cindy Sooley
12 Discoveries Unlimited Inc.
13 Judy Moss
14 Discoveries Unlimited Inc.

Offshore Helicopter Safety Inquiry

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