

# Deposition Testimony of:

## **Scherie Douglas**

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Page 8:15 to 8:21

00008:15 Q. Good morning. My name is William Dills.  
16 I'm here today on behalf of the Plaintiffs in  
17 this case. Do you understand that?  
18 A. M-h'm.  
19 Q. Would you please state your name for the  
20 record?  
21 A. Scherie Douglas.

Page 9:15 to 10:03

00009:15 Q. Okay. And who are you currently employed  
16 by?  
17 A. BP.  
18 Q. And how long have you been employed by  
19 BP?  
20 A. Ten years.  
21 Q. Ten years?  
22 A. (Nodding.)  
23 Q. And what positions have you held with BP  
24 within those ten years?  
25 A. I was hired in as Regulatory Advisor for  
00010:01 the Exploration Group, and then in April of 2010  
02 I was promoted to Regulatory Compliance Team  
03 Lead.

Page 10:08 to 10:21

00010:08 Q. Okay. And where did you go to high  
09 school?  
10 A. I went to high school in Tuttle,  
11 Oklahoma.  
12 Q. Tuttle. And college?  
13 A. I attended the University of Oklahoma.  
14 Q. Okay. Did you graduate?  
15 A. I did not.  
16 Q. You did not. Did you attend any type of  
17 schools where you might obtain a certification  
18 or -- or -- or anything like that, post college?  
19 A. No. I attended one year at a communi --  
20 community college in Garden City, Kansas after we  
21 left Norman, Oklahoma.

Page 12:22 to 13:10

00012:22 Before you went to work for BP, had you  
23 ever had a job dealing with Regulatory Compliance  
24 before?  
25 A. Yes.  
00013:01 Q. Okay. What was that?  
02 A. I was -- I started with Samedan.  
03 Q. I'm sorry. Who?

04 A. Samedan Oil --  
05 Q. M-h'm.  
06 A. -- Corporation.  
07 Q. Okay.  
08 A. And --  
09 Q. And when did you go to work for them?  
10 A. H'm, about 2003 or '4.

Page 13:16 to 18:06

00013:16 Q. (By Mr. Dills) And how long did you work  
17 for them?  
18 A. Two or three years. Again --  
19 Q. M-h'm.  
20 A. -- I don't -- I don't remember without  
21 just going back and looking.  
22 Q. And you said that was approximately  
23 2003, 2004?  
24 A. I think -- I think that's right.  
25 Q. Okay. But you said you've been employed  
00014:01 with BP for ten years, so --  
02 A. Okay. So it would have been nine -- my  
03 math is terrible. I'm trying to subtract. So it  
04 was about 18, 19 years ago.  
05 Q. Okay.  
06 A. What -- whatever that comes out to be.  
07 Q. Okay. Had you -- have you had any other  
08 Regulatory Compliance jobs other than this one?  
09 A. I went from Samedan to EEX.  
10 Q. EEX. Who is EEX?  
11 A. It was -- it was an Exploration spinoff  
12 of Enron, I believe.  
13 Q. Okay.  
14 A. And then they got bought out by somebody  
15 else. I went to work for J. Connor Consulting,  
16 which is a Regulatory Consulting firm.  
17 Q. Okay.  
18 A. And from there, I went to BP.  
19 Q. Okay. And the only positions you've ever  
20 held at BP have been with regards to Regulatory  
21 Compliance; is that correct?  
22 A. That's correct.  
23 Q. Okay. And so I take it, as a Regulatory  
24 Advisor, you're familiar with the Code of Federal  
25 Regulations?  
00015:01 A. Yes.  
02 Q. Okay. And are you familiar with  
03 CFR 250.451?  
04 A. So that's in the Drilling Regulations.  
05 Q. M-h'm.  
06 A. I would have to look at it to see which  
07 one 451 actually is.  
08 Q. Okay. We'll back up. How about CFR  
09 250.150(3), are you familiar with that?  
10 A. I pretty much don't know them by number.

11 Q. I understand.  
12 A. So --  
13 Q. All right. Unfortunately, I don't have  
14 another copy. I think these have been previously  
15 marked as Exhibit 7056. I'll hand you a copy.  
16 A. (Reviewing document.)  
17 Q. I'll give you and your Counsel a moment  
18 to take a look at that. Have you seen this  
19 Regulation before?  
20 A. This is Subpart (o).  
21 Q. M-h'm. And this deals with the general  
22 responsibilities for training. Does this apply  
23 to the Operator?  
24 A. Yes.  
25 Q. Okay. And the Operator in this case  
00016:01 would be BP?  
02 A. Yes.  
03 Q. Okay. Can you tell me what BP did  
04 specifically to adhere to this Regulation?  
05 A. Our Subpart (o) Plan is owned by Drilling  
06 and Productions.  
07 Q. Okay.  
08 A. So I'm not -- I don't know all the ins  
09 and outs of our Subpart (o) Plan.  
10 Q. What do you know about your Subpart (o)  
11 Plan?  
12 A. That -- that we have one and it was  
13 audited by the MMS.  
14 Q. Okay. When was it audited by the MMS?  
15 A. I believe that was in 2009.  
16 Q. Okay. And do you know what the findings  
17 of that audit were?  
18 A. There were no findings.  
19 Q. There were no findings.  
20 So the MMS looks at your Plan. Did they  
21 issue a statement with regard to the Plan?  
22 A. I think I have an E-mail back --  
23 Q. M-h'm.  
24 A. -- from -- I believe it was Tom Meyer --  
25 Q. Tom Meyer.  
00017:01 A. -- at the MMS, saying that, you know,  
02 they thought we had a good Plan or -- or -- I  
03 don't -- I don't remember the exact wording, but  
04 I think I have an E-mail or a letter, one or the  
05 other.  
06 Q. Okay. But you don't know specifically  
07 what that Plan entailed, do you?  
08 A. It -- well, it -- no. I'm not  
09 familiar -- I am not real familiar with our Plan.  
10 Q. Okay. What do you understand that that  
11 Plan entailed, if anything?  
12 A. Well, I ha -- I haven't read it in a long  
13 time, so --  
14 Q. Okay.  
15 A. -- I really can't speak to it.

16 Q. So you don't recall any part of the Plan  
17 with regards to overseeing the training?

18 A. I'm not responsible for that Plan.

19 Q. Okay. But you are responsible for  
20 Regulatory Compliance?

21 A. Yes.

22 Q. And part of Regulatory Compliance, in  
23 accordance with the CFR, is that there be a Plan  
24 in place to train both BP employees as well as  
25 contractors, such as Transocean?

00018:01 A. So the responsibility for our Subpart (o)  
02 Plan resides in Wells and in Production.

03 Q. Okay. Who would have overseen the  
04 Subpart (o) Plan with regards to the DEEPWATER  
05 HORIZON?

06 A. There's only one --

Page 18:08 to 18:16

00018:08 A. There is -- there is one Subpart (o)  
09 Plan.

10 Q. (By Mr. Dills) And that covers all  
11 BP-drilled wells?

12 A. That's the way it -- that's the way the  
13 Regulations read. You have to have a Plan.

14 Q. You have to have a Plan. But it's not  
15 rig-specific?

16 A. The Plan itself is not rig-specific.

Page 19:02 to 19:07

00019:02 Q. All right. So going back to the CFR and  
03 the Regulation with regards to training, the  
04 Subpart (o) Plan is a general Plan that applies  
05 to all BP-drilled wells. Does that -- do I have  
06 that correct?

07 A. It applies to --

Page 19:10 to 19:16

00019:10 A. It applies to -- the Subpart (o) Plan  
11 applies to all the operations that fall with --  
12 under the Subpart (o) Regulations.

13 Q. (By Mr. Dills) Okay. And BP does  
14 business with several different contractors; is  
15 that correct?

16 A. Yes.

Page 20:04 to 20:11

00020:04 Q. BP has drilled other wells with other  
05 contractors?

06 A. Yes.

07 Q. Is that correct?  
 08 A. (Nodding.)  
 09 Q. And so your Subpart (o) Plan does not  
 10 vary based on the contractor, does it, to your --  
 11 the best of your knowledge?

Page 20:14 to 21:05

00020:14 A. Yeah. Our Subpart (o) Plan, I can't  
 15 really talk about, because I don't know what --  
 16 I'm -- I'm not as familiar with it as the people  
 17 who are responsible for it.  
 18 Q. (By Mr. Dills) All right. All right.  
 19 And I may have asked this, and if I have, I  
 20 apologize for being repetitive. Do you know who  
 21 oversees the application of the Subpart (o) Plan?  
 22 A. I don't know the single point of  
 23 accountability that resides. The drilling -- the  
 24 Well Control person resides in Wells.  
 25 Q. M-h'm.  
 00021:01 A. And the Production Safety portion resides  
 02 in Production.  
 03 Q. Okay. But you don't know who  
 04 specifically oversees that?  
 05 A. I do not.

Page 21:18 to 22:07

00021:18 I'm going to read you this section.  
 19 CFR 30 -- or 30 CFR 250.440 has been previously  
 20 marked as an Exhibit 6169, and it says: "What  
 21 are the general requirements for BOP systems and  
 22 system components?"  
 23 And it says: "You must design, install,  
 24 maintain, test, and use the BOP system and system  
 25 components to ensure well control. The  
 00022:01 working-pressure rating of each BOP component  
 02 must exceed maximum anticipated surface  
 03 pressures. The BOP system includes the BOP stack  
 04 and associated BOP systems and equipment."  
 05 Does that sound familiar?  
 06 A. M-h'm, yes.  
 07 Q. Are you familiar with that Regulation?

Page 22:10 to 22:10

00022:10 A. Yes.

Page 22:14 to 23:02

00022:14 Are you familiar with that Regulation?  
 15 A. Yes, as far as knowing what the General  
 16 Regulation is.

17 Q. Okay. And it requires that the BOP -- do  
 18 you know what a BOP is?  
 19 A. Yes, I do.  
 20 Q. All right. What is a BOP?  
 21 A. Blowout preventer.  
 22 Q. Okay. And what does it do?  
 23 A. I'm not technically familiar with how the  
 24 BOPs exactly work.  
 25 Q. Okay. Do you know what its intended  
 00023:01 purpose is?  
 02 A. To prevent blowouts.

Page 23:12 to 26:10

00023:12 Do you know what components cons -- made  
 13 up -- what major components made up the blowout  
 14 preventer that was on the DEEPWATER HORIZON on  
 15 April 20th, 2010?  
 16 A. No.  
 17 Q. Do you know if it had variable bore rams?  
 18 A. I would have to go back and look.  
 19 Q. Okay. And how long were you working with  
 20 the DEEPWATER HORIZON with regards to Regulatory  
 21 Compliance?  
 22 A. Ten years.  
 23 Q. Okay.  
 24 A. Nine years.  
 25 Q. And sitting here today, as the Regulatory  
 00024:01 Advisor for ten years, having worked with the  
 02 DEEPWATER HORIZON for ten years, you don't know  
 03 if the DEEPWATER HORIZON BOP had variable bore  
 04 rams?  
 05 A. I would have to go back and look.  
 06 Q. Okay. But you don't know today?  
 07 A. I couldn't tell you without looking.  
 08 Q. Okay. Do you know if there was a casing  
 09 shear ram on the blowout preventer?  
 10 A. I believe we had a casing shear.  
 11 Q. Okay. What about a blind shear ram?  
 12 A. Yes.  
 13 Q. And what about annular preventers?  
 14 A. We have to have an annular.  
 15 Q. You have to have an annular.  
 16 Do you know if there was one annular or  
 17 two annulars on the DEEPWATER HORIZON rig?  
 18 A. I believe there were two annulars on the  
 19 DEEPWATER HORIZON.  
 20 Q. Okay. And according to the CFR that we  
 21 just talked about, 250.440, those components must  
 22 meet or exceed the Maximum Anticipated Surface  
 23 Pressure; is that correct?  
 24 A. That's correct.  
 25 Q. Do you know how Maximum Anticipated  
 00025:01 Surface Pressure is calculated?  
 02 A. No, I do not.

03 Q. Okay. Let me back up a little bit. The  
 04 information that you get that you file with the  
 05 MMS -- let -- let me back up some more.  
 06 It's my understanding that part of your  
 07 job is to file Regulatory documents with the MMS.  
 08 Is that a fair summarization of what you do?  
 09 A. That's correct.  
 10 Q. Okay. All right. Where does the  
 11 information come from that you file with the MMS?  
 12 A. It depends on the Permit.  
 13 Q. Okay.  
 14 A. So --  
 15 Q. Let's say Application For Permit to  
 16 Drill?  
 17 A. Most of the information for the APD comes  
 18 from the Drilling Engineer.  
 19 Q. Okay. Who was the Drilling Engineer on  
 20 the DEEPWATER HORIZON?  
 21 A. It depends on what well it is.  
 22 Q. Okay. For the Macondo. For the purposes  
 23 of this deposition, unless I say otherwise, let's  
 24 assume I'm referring to Macondo 252 that was  
 25 drilled by the DEEPWATER HORIZON.  
 00026:01 A. Okay.  
 02 Q. Okay. But with regards to that APD,  
 03 where did the information for that well come  
 04 from?  
 05 A. From Mark Hafle and Brian Morel.  
 06 Q. Okay. And how did you receive that  
 07 information? Did they phone you? Did they  
 08 E-mail it? Fax it? How did you typically get  
 09 that information?  
 10 A. You --

Page 26:13 to 28:01

00026:13 A. I usually got that information by E-mail.  
 14 Q. (By Mr. Dills) Okay. Did you ever  
 15 receive that information in any other way?  
 16 A. I couldn't say.  
 17 Q. You couldn't say. Okay.  
 18 But the standard way was through E-mails.  
 19 They would E-mail you information, then you'd use  
 20 that fill out the APDs; is that correct?  
 21 A. That's correct.  
 22 Q. Okay. And did you ever get any  
 23 information from John Guide?  
 24 A. Not that I recall for the APD.  
 25 Q. Okay. Did you ever get any from -- do  
 00027:01 you know who John Guide is?  
 02 A. Yes, I do.  
 03 Q. Okay. Who is John Guide?  
 04 A. I don't know what his title is.  
 05 Q. Okay. Fair enough.  
 06 Did you ever receive any information



07 related to the DEEPWATER HORIZON and the Macondo  
08 Well from John Guide?

09 A. I got call -- phone calls from John Guide  
10 occasionally.

11 Q. Okay. And what were the nature of those  
12 phone calls?

13 A. Oh, I don't remember specific ones.

14 Q. M-h'm.

15 A. But it would be if he had a -- if I had a  
16 question, or sometimes if he was on call --

17 Q. M-h'm.

18 A. -- and we needed to get a verbal  
19 approval, he would call.

20 Q. Okay. What were some things that would  
21 require a verbal approval?

22 A. Would or did? I'm sorry.

23 Q. What would require a verbal -- what  
24 would -- what would John Guide call you if he  
25 needed verbal approval for?

00028:01 A. M-h'm.

Page 28:04 to 28:10

00028:04 A. If we needed to, you know, add a string  
05 of casing, or, you know, something that was --  
06 something like that, that we hadn't put in the  
07 APD.

08 Q. (By Mr. Dills) Okay. Was it common that  
09 things would be left out of the APD that would  
10 have to be added later on?

Page 28:13 to 28:18

00028:13 A. Yeah. I wouldn't say "left out."

14 Q. (By Mr. Dills) Okay. All right. Fair  
15 enough.

16 Would it be common that additions would  
17 need to be made?

18 A. It -- it wasn't --

Page 28:21 to 28:22

00028:21 A. It wasn't uncommon for you to have to  
22 revise your APD as you were drilling.

Page 29:01 to 29:07

00029:01 Q. You don't know. All right.

02 Let's go back to MASP, Maximum  
03 Anticipated Surface Pressure, that's required  
04 under the CFRs, okay? And you understand that  
05 the components of the blowout preventer must be  
06 rated to meet or exceed Maximum Antici --

07 Anticipated Surface Pressure, correct?

Page 29:10 to 30:01

00029:10 A. Correct.  
11 Q. (By Mr. Dills) Okay. But you don't know  
12 how Maximum Anticipated Surface Pressure is  
13 calculated; is that correct?  
14 A. That's correct.  
15 Q. You would rely on Brian Morel or Mark  
16 Hafle for that information?  
17 A. That's correct.  
18 Q. Okay. Are they the ones who would  
19 calculate Maximum Anticipated Surface Pressure?  
20 A. As far as I know. They're the ones that  
21 gave it to me.  
22 Q. Okay. Do you know if they're the ones  
23 who calculated Maximum Surface Anticipated  
24 Pressure?  
25 A. Like I said, I -- I don't really know how  
00030:01 they did it.

Page 30:04 to 30:08

00030:04 Q. Do you know if anybody at BP would  
05 double-check those calculations? Would somebody  
06 in the Regulatory Compliance Department look at  
07 the calculations and double-check them?  
08 A. The Regulator --

Page 30:11 to 30:16

00030:11 A. The Regulatory Department did not check  
12 the calculations.  
13 Q. (By Mr. Dills) Was there any process in  
14 place at BP to double check -- double-check those  
15 calculations?  
16 A. I'm not --

Page 30:19 to 31:01

00030:19 A. I'm not familiar with the Wells Assurance  
20 Process.  
21 Q. (By Mr. Dills) Okay. So to the best of  
22 your knowledge, there was not a process in place  
23 at BP to check the calculation of Maximum  
24 Anticipated Surface Pressure for the Macondo  
25 Well?  
00031:01 A. I would not --

Page 31:05 to 31:11

00031:05 A. Yeah. I would not say that.  
 06 Q. (By Mr. Dills) Okay. You would not say  
 07 that?  
 08 A. I would not say that.  
 09 Q. So there was a -- a process in place to  
 10 check that calculation?  
 11 A. The Wells --

Page 31:13 to 32:16

00031:13 A. The Wells Group has their own processes.  
 14 I just don't know what they are, but I know they  
 15 have assurance processes.  
 16 Q. (By Mr. Dills) Okay. But you don't know  
 17 what they are?  
 18 A. I'm not involved in them.  
 19 Q. Okay. Do you know who is involved with  
 20 them?  
 21 A. No, I do not.  
 22 Q. Okay. Is there a Group -- is there a  
 23 specific title of the Group or name for the Group  
 24 that does oversee that?  
 25 A. I don't know.  
 00032:01 Q. You don't know. Do you know what the  
 02 Maximum Anticipated Surface Pressure was that was  
 03 reported to the MMS for the Macondo Well?  
 04 A. I do not.  
 05 Q. Okay. Do you know what BP requires with  
 06 regards to the calculation of Maximum Anticipated  
 07 Surface Pressure?  
 08 A. I do not.  
 09 Q. Okay. I'm going to hand you and your  
 10 Counsel a copy of what's previously been marked  
 11 as Exhibit 93. (Tendering.) Have you ever seen  
 12 this document before?  
 13 A. I don't recall seeing this document.  
 14 Q. Okay. So as a Regulatory Advisor for BP,  
 15 you're not familiar with the Drilling and Well  
 16 Operations Practice Manual?

Page 32:19 to 32:19

00032:19 A. I am not.

Page 33:01 to 33:11

00033:01 Q. Okay. And you'll see that Section 15.2.3  
 02 of Exhibit 93 says that "The maximum allowable  
 03 wellhead pressure shall take into account a gas  
 04 column to surface for exploration and appraisal  
 05 wells..."  
 06 Did I read that correctly?  
 07 A. Yes.

08 Q. Okay. So according to this Exhibit 93,  
 09 the Drilling and Wells Operations Practice, MASP  
 10 should be calculated with a gas column to  
 11 surface. That's what this says; is that correct?

Page 33:14 to 33:14

00033:14 A. I can't really comment on this document.

Page 33:23 to 34:08

00033:23 Q. Okay. Is it fair if I use that, if I say  
 24 "DWOP," we'll know that I'm referring to  
 25 Exhibit 93?  
 00034:01 A. Right.  
 02 Q. Okay. We'll be on the same page?  
 03 A. Yeah.  
 04 Q. Okay. Fair enough. According to the  
 05 DWOP, however, which we've just read and you've  
 06 looked at, Maximum Anticipated Surface Pressure  
 07 should be calculated, according to this document,  
 08 with a gas column to surface; is that correct?

Page 34:11 to 35:09

00034:11 Q. (By Mr. Dills) According to this  
 12 document?  
 13 A. It appears so.  
 14 Q. Okay. Fair enough. I'm also going to  
 15 hand you what's previously been marked as Exhibit  
 16 215. Here you go. (Tendering.)  
 17 All right. Would you please turn to  
 18 Section 6.1.3.  
 19 A. (Complying.)  
 20 Q. Okay. And for the record, Exhibit 215 is  
 21 "GP Group Practice 10-10 Well Control." Have you  
 22 ever seen this document before?  
 23 A. I don't recall seeing this document.  
 24 Q. Okay. And Section 6.1.3 of Exhibit 215  
 25 says: "The maximum allowable wellhead pressure  
 00035:01 shall take into account a gas column to surface  
 02 for exploration and appraisal wells..."  
 03 Did I read that correctly?  
 04 A. Yes.  
 05 Q. Okay. So according to this document,  
 06 which is BP's Group Practice on Well Control, the  
 07 Maximum Allowable Wellhead Pressure shall be  
 08 calculated with a gas column to surface. That's  
 09 what this document states, does it not?

Page 35:12 to 35:17

00035:12 A. That's what's -- that's what you read in

13 this document, yes.  
14 Q. (By Mr. Dills) Okay. Do you know if the  
15 MASP that was reported to the MMS was calculated  
16 with a hundred percent gas column to the surface?  
17 A. I do not.

Page 35:24 to 36:09

00035:24 Q. I'm sorry. I take that back. In the  
25 back of your binder there are previously marked  
00036:01 exhibits. Will you turn to 7004?  
02 A. (Complying.)  
03 Q. Have you ever seen this document before?  
04 A. I can't say for sure about this one, but  
05 I can tell you that it looks like one of the --  
06 it could be one of the attachments to the APD.  
07 Q. Okay. And can you tell me, according to  
08 this document, how MASP was calculated with  
09 regards to the gas column?

Page 36:12 to 36:23

00036:12 A. No, I can't.  
13 Q. (By Mr. Dills) Okay. Do you see the  
14 section that says: "MASP - Bottom Hole Pressure  
15 Method"?  
16 A. I can read that, yes.  
17 Q. Okay. And the second section says: "A  
18 column of" gas -- "A column of 50%  
19 gas...50 percent liquid..." Do you see that?  
20 A. I see that.  
21 Q. So according to this document, MASP was  
22 not calculated with a hundred percent gas column;  
23 is that correct?

Page 37:01 to 37:24

00037:01 A. I really can't comment on -- yeah, I  
02 really can't comment on that.  
03 Q. (By Mr. Dills) Okay. Is this part of a  
04 document that -- this is part of an APD that you  
05 would file with the MMS, isn't it?  
06 A. This is a type of sheet that would go  
07 with an APD, yes.  
08 Q. Okay. And it says on the top right-hand  
09 corner: "MC 252 #1 - Macondo Prospect." Does  
10 this mean that this document was filed as a part  
11 of the APD for the Macondo Well?  
12 A. No, it does not.  
13 Q. Does not. What does that statement mean  
14 in the top right-hand corner?  
15 A. I don't know what that statement means,  
16 but just one sheet by itself --

17 Q. Yes.  
 18 A. -- I could not say that this was the  
 19 document that was filed with the APD.  
 20 Q. Okay. But according to this document,  
 21 this -- if it was part of the APD that was filed  
 22 for the Macondo Well, was MASP not calculated  
 23 with a hundred percent gas column?  
 24 A. I really can't --

Page 38:02 to 38:08

00038:02 A. I really can't comment on how to  
 03 interpret this sheet.  
 04 Q. (By Mr. Dills) But this is part of the  
 05 sheet that you would file -- you would file  
 06 something similar to this for an APD for a well,  
 07 wouldn't you?  
 08 A. That's correct.

Page 38:11 to 38:18

00038:11 Q. (By Mr. Dills) So you have some  
 12 familiar -- familiarity with these types of  
 13 documents, don't you?  
 14 MR. HOLOZUBIEC: Objection as to  
 15 form.  
 16 A. The technical part of the document is the  
 17 responsibility of the Drilling Engineer and the  
 18 Wells Group.

Page 38:24 to 39:18

00038:24 Q. (By Mr. Dills) And according to the CFR  
 25 250.440, MASP must be calcu -- you know, the --  
 00039:01 the components of a BOP must be able to meet or  
 02 exceed MASP, Maximum Anticipated Surface  
 03 Pressure, correct?  
 04 A. Correct.  
 05 Q. And the documents we just looked at, the  
 06 DWOP and GP 10-10, previously marked as Exhibits  
 07 93 and 215, respectively, state that MASP should  
 08 be calculated with a hundred percent gas column?  
 09 A. Those are internal BP documents.  
 10 Q. And they state that MASP should be  
 11 calculated with a gas column to surface, correct?  
 12 MR. HOLOZUBIEC: Objection as to  
 13 form.  
 14 Q. (By Mr. Dills) Correct?  
 15 A. That's what it looks like.  
 16 Q. Okay. And according to this document,  
 17 MASP was not calculated with a hundred percent  
 18 gas column, was it?

Page 39:21 to 40:09

00039:21 A. I -- I can't comment on this document.  
 22 Q. (By Mr. Dills) Okay. Does it say that  
 23 the gas column was calculated with a hundred  
 24 percent column of gas?  
 25 A. You know, I just -- I don't have the  
 00040:01 technical expertise to look at this document and  
 02 tell you what that means.  
 03 Q. Okay. As the Regulatory Advisor who  
 04 files these type of documents with the MMS, you  
 05 cannot tell me if this section that says a column  
 06 of gas -- a column of 50 percent gas 50 percent  
 07 liquid with regards to MASP is not a hundred  
 08 percent column of gas?  
 09 A. I cannot.

Page 40:19 to 42:15

00040:19 (Exhibit No. 5833 marked.)  
 20 Q. (By Mr. Dills) This E-mail's dated  
 21 January 18th, 2010? And can you tell me who --  
 22 who this was sent to?  
 23 A. It looks like Teri Halverson, Kurt Mix,  
 24 Forrest Shanks.  
 25 Q. Okay. Who's Teri?  
 00041:01 A. Teri Halverson is a Regulatory Advisor in  
 02 Projects.  
 03 Q. With BP?  
 04 A. With BP.  
 05 Q. Okay. And who is Kurt?  
 06 A. Kurt Mix is -- is an Engineer.  
 07 Q. And Engineer for BP?  
 08 A. Yes.  
 09 Q. And Forrest, who's Forrest?  
 10 A. Forrest was a Contract Engineer.  
 11 Q. Contract Engineer?  
 12 A. (Nodding.)  
 13 Q. Okay. You see that last paragraph, you  
 14 want to read that?  
 15 A. Okay. Let me take the time to read the  
 16 whole E-mail, if you don't mind?  
 17 Q. Sure. No problem.  
 18 A. (Reviewing document.) Okay.  
 19 Q. Okay. The last paragraph is the  
 20 paragraph I really want to draw your attention  
 21 to, and it says: "Maximum anticipated surface  
 22 pressure...The MMS is currently seeing Drilling  
 23 and" Completions "request in deep water where the  
 24 operating company" use -- "is using an oil  
 25 gradient in there calculation for  
 00042:01 determining...maximum anticipated surface  
 02 pressure...They are doing this to keep their MASP  
 03 below 15,000 psig because subsea equipment with a  
 04 pressure rating above 15,000 psig currently does

05 not exist. The MMS is drafting a policy to  
 06 define when must" a "gas gradient be used when  
 07 calculating the MASP and when may an oil gradient  
 08 be used. The policy will also address how must  
 09 the MASP for the completion case be calculated."

10 Did I read that correctly?

11 A. Yes.

12 Q. Okay. So according to this, MASP was  
 13 being calculated with something less than a  
 14 hundred percent gas column, because equipment  
 15 ratings did not meet that Requirement?

Page 42:18 to 43:12

00042:18 Q. (By Mr. Dills) That -- do I understand  
 19 that correctly?

20 A. So this E-mail came in response --  
 21 this -- those words are from MM -- MMS.

22 Q. Okay.

23 A. And as a member of the OOC Drilling  
 24 Subcommittee --

25 Q. M-h'm.

00043:01 A. -- we had invited Russell Hoshman and  
 02 Mike Connor to come and talk to us, and what were  
 03 some of their concerns or questions that they  
 04 were going to talk about. And that's where this  
 05 came from.

06 Q. Okay. Would MASP -- let me rephrase  
 07 that. Start over.

08 Would BP calculate MSAP [sic] with  
 09 something less than a hundred percent gas column  
 10 to surface because their equipment did not meet  
 11 the Requirement of a hundred percent gas column  
 12 to surface?

Page 43:15 to 43:22

00043:15 A. I -- yeah. I can't -- I can't comment on  
 16 that.

17 Q. (By Mr. Dills) Well, you're the  
 18 Regulatory Advisor for BP. You don't know if  
 19 they would calculate MSAP [sic] with something  
 20 less than a hundred percent gas column to surface  
 21 because their equipment didn't meet that  
 22 Regulation?

Page 43:25 to 44:08

00043:25 A. I can't comment on that.

00044:01 Q. (By Mr. Dills) Okay.

02 A. I was not involved in calculating MASP.

03 Q. Okay. So when Brian Morel or Mark Hafle  
 04 were calculating MASP, they would send that



05 number to you; is that correct?  
06 A. They sent the package to me, yes.  
07 Q. And that contained the calculation for  
08 MASP, or the number for MASP.

Page 44:11 to 45:18

00044:11 Q. (By Mr. Dills) Is that correct?  
12 A. Yes.  
13 Q. Okay. And you would use that to fill out  
14 the APD for the well; is that correct?  
15 A. That was an attachment to the APD.  
16 Q. Okay. But you -- but it -- it went  
17 directly from Mark Hafle or Brian Morel, you  
18 attached it to the APD, and that was filed with  
19 the MMS?  
20 A. That's correct.  
21 Q. Okay. At what part did that calculation  
22 go to -- you told me earlier in your deposition  
23 that there was somebody who double-checked that  
24 calculation.  
25 A. I --  
00045:01 MR. HOLOZUBIEC: Objection as to  
02 form.  
03 MR. TROUT: Objection, form.  
04 A. Yeah, I said I believed that -- my  
05 understanding and belief that the -- the Wells  
06 Group has assurance processes, but I don't know  
07 what they are.  
08 Q. (By Mr. Dills) Okay. But the information  
09 came from either Mark Hafle or Brian Morel  
10 directly to you?  
11 A. That's correct.  
12 Q. Okay. And then you attached it to the  
13 APD and filed it with the MMS?  
14 A. That is correct.  
15 Q. Okay. At what point in that process is  
16 it -- does it go to the Group you believe  
17 double-checks it?  
18 A. I --

Page 45:21 to 46:06

00045:21 A. -- I don't know.  
22 Q. (By Mr. Dills) You don't know. And you  
23 said you believe that there's an agency or a  
24 Group within BP that double-checks that number,  
25 but you don't know for sure, do you?  
00046:01 A. They have assurance processes.  
02 Q. Okay. What's the title -- what's the  
03 name of that Group?  
04 A. I -- I don't know.  
05 Q. Okay. But you know that they exist, you  
06 just don't know who they are?

Page 46:09 to 47:06

00046:09 Q. (By Mr. Dills) Is that correct? Do I  
10 understand that correct? And you're the  
11 Regulatory Advisor for BP, don't you think you  
12 ought to know who double-checks these  
13 calculations?  
14 A. I don't think that's my responsibility,  
15 no.  
16 Q. Whose responsibility is it?  
17 A. It is the Wells Group's responsibility to  
18 assure their numbers are correct.  
19 Q. Okay. All right. Let's go back to my  
20 earlier question.  
21 If the information comes from either Mark  
22 Hafle or Brian Morel, to you, and you then in  
23 turn attach it and file it with the A -- with the  
24 MMS, when does that number get double-checked?  
25 MR. HOLOZUBIEC: Objection as to  
00047:01 form.  
02 A. By who?  
03 Q. (By Mr. Dills) By the Group that you're  
04 telling me who don't know, but who you know  
05 exist, that double-checks this, when does it go  
06 to that Group?

Page 47:08 to 47:15

00047:08 A. I don't know.  
09 Q. (By Mr. Dills) Okay. As the Regulatory  
10 Advisor, shouldn't you know when that number gets  
11 double-checked? I mean, should you -- sorry.  
12 Let me rephrase that question.  
13 Before you file that number with the MMS,  
14 shouldn't you know it's been double-checked?  
15 A. I rely --

Page 47:18 to 48:01

00047:18 A. -- I rely on the expertise of the  
19 Drilling Engineers and the Wells Group to provide  
20 me the correct numbers.  
21 Q. (By Mr. Dills) Okay.  
22 A. Because I'm not a Drilling Engineer.  
23 Q. I understand that. How do you know that  
24 it's -- how do you know that number's accurate?  
25 A. Just as I said, I rely on their  
00048:01 expertise.

Page 48:18 to 48:20

00048:18 So you rely on the expertise of Brian

19 Morel and Mark Hafle to provide you with correct  
20 information; that's your testimony.

Page 48:23 to 49:12

00048:23 A. I rely on the Wells Group to provide me  
24 the correct information. That's true.  
25 Q. (By Mr. Dills) Okay. What do you do --  
00049:01 as the Regulatory Advisor, what do you do to  
02 ensure that number is -- is accurate? Do you --  
03 do you do anything?  
04 A. I do not check their calculations.  
05 Q. You just file it with the MMS?  
06 A. I file it with MMS.  
07 Q. Okay.  
08 A. Who get the calculations.  
09 Q. Right. But you don't do anything to  
10 ensure that those calculations are accurate and  
11 correct?  
12 A. It -- it --

Page 49:15 to 50:11

00049:15 Q. (By Mr. Dills) You just file them --  
16 A. I --  
17 Q. -- with the MMS?  
18 A. -- I don't have the expertise to check  
19 their calculations.  
20 Q. And you don't have anybody working under  
21 you who you can rely upon to check those  
22 calculations, do you?  
23 A. Checking -- MASP calculations are not in  
24 the responsibility of Regulatory. It's in the  
25 responsibility of Engineering.  
00050:01 Q. But you're filing it with the Federal  
02 Government with the MMS, are you not?  
03 A. I am.  
04 Q. And so you understand that there's a duty  
05 to file the information that's accurate and  
06 correct?  
07 A. That is correct.  
08 Q. But you don't do anything to make sure  
09 that information is accurate and correct; is that  
10 correct?  
11 A. I --

Page 50:13 to 50:13

00050:13 Q. (By Mr. Dills) Do I understand --

Page 50:15 to 50:24

00050:15 Q. (By Mr. Dills) -- your testimony?

16 A. I rely on the expertise of the Drilling  
17 Engineers and the Wells Group.

18 Q. Okay. Do you know why MASP is a  
19 significant number? Do you know how it -- that  
20 it is -- I'm sorry. Let me state that over  
21 again. I apologize. That was a bad question.

22 You realize that MASP has an impact on  
23 whether or not a BOP is determined to be suitable  
24 for a well, do you understand that?

Page 51:02 to 51:11

00051:02 A. I -- I mean, I -- technically, no.

03 Q. (By Mr. Dills) Technically no.

04 Generally, do you understand that MASP --  
05 I mean, we've read the Regulations, and you're  
06 the Regulatory Advisor. You understand, and  
07 you've already test -- testified that the -- the  
08 BOP components must meet or exceed MASP. So that  
09 number, MASP, is relevant into determining  
10 whether or not a BOP is suitable for a specific  
11 well.

Page 51:14 to 51:23

00051:14 Q. (By Mr. Dills) Is that correct?

15 A. I would say it's -- it is relevant in  
16 determining whether, from a Regulatory  
17 standpoint, it can be used on that well.

18 Q. Exactly.

19 A. Yeah.

20 Q. If a BOP does not meet MASP, the  
21 requirements of 250.440, then it's not suitable  
22 to drill a well.

23 A. Then the -- then the --

Page 52:01 to 52:08

00052:01 A. -- then the MMS would not approve it for  
02 use on that well.

03 Q. (By Mr. Dills) That's not my question.  
04 My question is to you, as the Regulatory Advisor  
05 for BP, if the components of a BOP do not meet or  
06 exceed maximum anticipated surface pressure, is  
07 that BOP suitable to drill that well?

08 A. I can't --

Page 52:10 to 52:10

00052:10 A. -- really --

Page 52:12 to 53:04

00052:12 A. -- I can't really say that. What I can  
 13 say is it's not Regulatory-wise, by a --  
 14 Q. (By Mr. Dills) It would --  
 15 A. -- at least --  
 16 Q. -- not be in Regulatory Compliance?  
 17 A. Yes.  
 18 Q. Okay. And we've established through --  
 19 through Exhibits two-fift -- 215 and 93, that  
 20 according to BP's Policy, MASP should be  
 21 calculated with a hundred percent gas column to  
 22 surface.  
 23 A. But BP's Policies have nothing to do with  
 24 Regulatory.  
 25 Q. They don't? What -- or, okay.  
 00053:01 How should MASP be calculated according  
 02 to this Code of Federal Re -- Code of Federal  
 03 Regulations?  
 04 A. I don't --

Page 53:06 to 53:06

00053:06 A. -- I don't know.

Page 53:08 to 53:17

00053:08 Q. (By Mr. Dills) But you're the Regulatory  
 09 Advisor.  
 10 A. I would have to go and look.  
 11 Q. Okay. Do you know if the CFRs specify  
 12 how MASP should be calculated?  
 13 A. I don't know right off my head. I'd have  
 14 to look at a -- I'd have to go and look.  
 15 Q. Okay. What do you think the MMS means  
 16 when it says "maximum" with regards to maximum  
 17 anticipated surface pressure?

Page 53:20 to 53:23

00053:20 Q. (By Mr. Dills) A hundred percent?  
 21 A. I don't know.  
 22 Q. I mean, it -- a hundred percent of  
 23 something is the maximum, is it not?

Page 54:01 to 54:04

00054:01 A. I guess.  
 02 Q. (By Mr. Dills) Okay. It's not anything  
 03 less -- anything less than a hundred percent  
 04 would not be maximum, would it?

Page 54:07 to 54:11

00054:07 A. That would make sense.  
 08 Q. (By Mr. Dills) It makes sense to me.  
 09 Does it make sense to you?  
 10 A. Maximum is maximum.  
 11 Q. And maximum is a hundred percent?

Page 54:14 to 54:15

00054:14 A. Maximum would be your highest anticipated  
 15 surface pressure.

Page 55:01 to 55:16

00055:01 Q. (By Mr. Dills) Okay. Do you look at the  
 02 shearability of drill pipe?  
 03 A. No, I do not.  
 04 Q. Okay. Who determines what drill pipe is  
 05 going to be used to drill a well?  
 06 A. Someone in the Wells Group. I'm not sure  
 07 who.  
 08 Q. Somebody at BP?  
 09 A. As far as I know.  
 10 Q. Okay. And I've got -- let me look at  
 11 this for a second. Do you know what drill pipe  
 12 was used on the Macondo Well to drill the well?  
 13 A. No, I do not.  
 14 Q. Is that something that would be  
 15 identified in the APD?  
 16 A. No.

Page 56:12 to 56:25

00056:12 (Exhibit No. 5834 marked.)  
 13 Q. (By Mr. Dills) Can you tell me what this  
 14 is?  
 15 A. I can tell you what it appears to be.  
 16 Q. Okay.  
 17 A. An Application for a Revised Bypass.  
 18 Q. Okay. Is this something you would have  
 19 filed with the MMS?  
 20 A. I did not file this document.  
 21 Q. Who did file this document?  
 22 A. Heather Powell.  
 23 Q. Okay. Who is Heather Powell?  
 24 A. Heather took over as Regulatory Advisor  
 25 when I moved to Team Lead.

Page 57:06 to 57:10

00057:06 point. How much time did you spend preparing for  
 07 this deposition today?  
 08 A. I don't know.

09 Q. Ballpark it for me.  
10 A. Couple of days.

Page 57:17 to 59:04

00057:17 Q. Okay. I'm not asking you what was  
18 discussed with Counsel, but how long did you meet  
19 with Counsel?  
20 A. Yesterday -- yesterday -- two days.  
21 Q. Two days?  
22 A. Yeah.  
23 Q. And you met with both your individual  
24 Counsel and Counsel for BP during that time?  
25 A. That's correct.  
00058:01 Q. Okay. And apparently, according to what  
02 you've just said, you reviewed some documents in  
03 preparation for your deposition. Is that true?  
04 A. Yes.  
05 Q. Okay. What documents did you review?  
06 A. I couldn't even tell you all of them.  
07 Q. Okay. Can you tell me some of them?  
08 A. This one.  
09 Q. This one. What else?  
10 A. The APD.  
11 Q. Okay.  
12 A. The Application for Bypass, some E-mails.  
13 Q. Okay. You see -- if you'll look at this  
14 Application for -- or Application for Revised  
15 Bypass, which we've marked as Exhibit 5834, a  
16 little past halfway down, it says No. "2) Request  
17 departure to stump test the 6-5/8" inch "and  
18 5-1/2 drill pipe, but only the 6-5/8 drillpipe  
19 subsea. The only time...5-1/2" inch "will be run  
20 below the stack is as an inner string," excuse  
21 me, "during the 16" inch "casing job." Once the  
22 16" inch case -- or "once the 16" inch "string is  
23 landed out and cemented, the seal" assemble --  
24 assembly, assemble -- "will be set, and the inner  
25 string pulled out of the wellbore. During this  
00059:01 time the 5-1/2" inch "will be below the stack  
02 inside the casing."  
03 Did I read that correctly?  
04 A. M-h'm, yes.

Page 59:12 to 59:16

00059:12 Q. (By Mr. Dills) Okay. And it says --  
13 looks like this was done on January 25th, 2010,  
14 so this probably would have been a part of one of  
15 the APDs you did file?  
16 A. Probably.

Page 60:06 to 60:25

00060:06 Q. I'm sorry, I didn't mean to interrupt  
07 you. Let me ask this question: The only time  
08 five and a half inch will be run below the stack  
09 is as an inner string during the 16-inch casing  
10 job. So you're telling the MMS, "That's the only  
11 time you're going to run five and a half inch"?  
12 A. Right.  
13 Q. Okay. Why would you need to distinguish  
14 that?  
15 A. I -- I believe the request is to not --  
16 let's see. Hang on. (Reviewing document.) To  
17 only test the six and five-eighths inch drill  
18 pipe subsea, that we would stump test the five  
19 and a half, but since it was only -- it wasn't  
20 really going to be used as drillstring, that we  
21 would not test it --  
22 Q. Okay. Why are you --  
23 A. -- test the BOPs.  
24 Q. Why are you not going to test the BOPs  
25 with five and a half inch drill pipe?

Page 61:03 to 61:03

00061:03 A. I can't answer that.

Page 61:16 to 62:07

00061:16 Q. Okay. All right. Let's go ahead and  
17 turn the page, if you would, please. See where  
18 it says "Revision I, 10-15-09"?  
19 A. Yes.  
20 Q. It says, "This RPD is to request approval  
21 to replace the upper annular element from the  
22 originally approved standard element rated to"  
23 10,000 or "10k on 5-1/2" inch drill "pipe to a  
24 6-5/8" element which is rated to 7.5k on 5-1/2"  
25 inch "and 10k on 6-5/8." Do you see that?  
00062:01 A. Uh-huh, yes.  
02 Q. Okay. So the upper annular on the BOP  
03 was re -- was switched to a stripping annular  
04 that reduced the effective sealing pressure on  
05 five and a half inch drill pipe to 7.5K; is that  
06 correct?  
07 A. Okay.

Page 62:10 to 62:20

00062:10 Q. (By Mr. Dills) Do you agree with that?  
11 A. That's what it sounds like.  
12 Q. Okay.  
13 A. I believe the requirement from a  
14 regulatory standpoint is one annular, though.  
15 Q. Okay. I just -- I didn't ask you that,



16 but I appreciate you clarifying.

17 So according to this document, the upper  
18 annular is only rated to 7.5 on five and a half  
19 inch drill pipe, according to this document; is  
20 that correct?

Page 62:23 to 63:14

00062:23 A. That's what it looks like to me.

24 Q. (By Mr. Dills) Okay. Take another look  
25 at Exhibit 7004, which was previously marked in  
00063:01 the back of your binder.

02 A. (Complying.)

03 Q. Under that section that says, "MASP -  
04 Bottom Hole Pressure Method," that last  
05 paragraph, do you see that?

06 A. Yes.

07 Q. And the calculation calculates MASP to be  
08 8,404 psi. Do you see that?

09 A. I'm sorry, say that again.

10 Q. The last paragraph under the section that  
11 says, "MASP - Bottom Hole Pressure Method."

12 A. Uh-huh.

13 Q. That last paragraph calculates MASP to be  
14 8,404 psi. Do you see that?

Page 63:17 to 64:14

00063:17 A. I see 8,404, but I can't tell you what  
18 that is.

19 Q. (By Mr. Dills) Okay. Well, let's --  
20 let's assume this is MASP bottomhole pressure --  
21 using the bottomhole pressure method as this  
22 document states, okay? That's what this document  
23 states, does it not, that the MASP bottomhole  
24 pressure using a 50 gas column, 50 percent  
25 liquid, is 8,404 psi. That's what this document  
00064:01 states, correct?

02 A. It says, "the mudline pressure is."

03 Q. Okay. And mud line is where the BOP is?

04 A. I don't know what -- I don't -- I  
05 don't -- I can't say for sure what that number  
06 is.

07 Q. Okay. Let's assume its MASP is the  
08 bottomhole pressure method, okay? Fair enough?

09 A. Okay.

10 Q. All right. And if it is 8,404 psi, as  
11 this document says it is, that would exceed the  
12 7,500 psi rating on the upper annular and five  
13 and a half inch drill pipe is in the hole?

14 A. On one --

Page 64:17 to 64:24

00064:17 Q. (By Mr. Dills) Doesn't it?  
18 A. On one an -- on one annular, yes.  
19 Q. I'm sorry, what was that?  
20 A. On the one annular.  
21 Q. On the one -- on the upper annular.  
22 Okay. And so you would have an annular that was  
23 not compliant with 30 CFR 250.440, if that's  
24 accurate?

Page 65:02 to 65:05

00065:02 Q. (By Mr. Dills) Because it cannot seal at  
03 maximum anticipated surface pressure around five  
04 and a half inch drill pipe, can it, if these  
05 numbers are accurate and correct?

Page 65:08 to 65:21

00065:08 A. The requirement is for one annular. So  
09 we had an annular that met the CFR, and we were  
10 approved for the other annular being de --  
11 downgraded.  
12 Q. (By Mr. Dills) Okay. What was the psi  
13 rating for the lower annular?  
14 A. I'd have to go back and look.  
15 Q. But you're sure it exceeded that  
16 requirement?  
17 A. Yes, or it would not have been approved  
18 by the MMS.  
19 Q. Okay. Do you know if six and  
20 five-eighths inch pipe were shearable?  
21 A. I do not.

Page 67:16 to 67:19

00067:16 Q. And 30 CFR 250.440 requires every  
17 component of the BOP meet or exceed MASP, does it  
18 not?  
19 A. We had approve --

Page 67:22 to 68:07

00067:22 A. Yeah. Yeah. We sought approval to  
23 change the second annular because we still had  
24 one that was in compliance with the Regulations.  
25 Q. (By Mr. Dills) But you also specified  
00068:01 that you were not going to run five and a half  
02 inch drill pipe in the hole with the exception of  
03 that one specified incident?  
04 A. Running the casing.  
05 Q. Right. The five and a half inch drill  
06 pipe was in the hole on April 20th, 2010, was it

07 not?

Page 68:10 to 68:10

00068:10 A. I do not know.

Page 68:19 to 68:21

00068:19 Q. (By Mr. Dills) Okay. But you also agree  
20 that 30 CFR 250.440 does require that every  
21 component of the BOP meet or exceed MASP?

Page 68:24 to 70:10

00068:24 A. As I said, we had approval from the MMS  
25 for the second annular.

00069:01 Q. (By Mr. Dills) That's not my question.  
02 My question is, does 30 CFR 250.440 require every  
03 component meet or exceed MASP?

04 A. Unless you have a dispensation from the  
05 MMS.

06 Q. Okay. All right. Who did you -- who  
07 were your primary points of contact at the MMS?

08 A. Frank Patton.

09 Q. Frank who?

10 A. Frank Patton.

11 Q. Frank Patton?

12 A. For the APD. I'm assuming you're still  
13 talking about the APD.

14 Q. Okay. Was there somebody else at MMS  
15 that you dealt with with other issues other than  
16 the APD?

17 A. Well, I mean, are we talking about  
18 drilling?

19 Q. M-h'm.

20 A. Drilling? Yeah. It was Frank.

21 Q. Okay. Other than drilling, was -- did  
22 you have a point of contact with the MMS?

23 A. Well, when we filed the Exploration Plan,  
24 that's a different Group.

25 Q. Okay. Who was that Group?

00070:01 A. That's the Plans Group in the Region  
02 office.

03 Q. And who was your point of contact there?

04 A. Mimi Griffitt.

05 Q. Okay. And what did you file as a part of  
06 the Exploration Plan? I mean, I'm assuming  
07 that's the Exploration Plan is what you filed?

08 A. Yes.

09 Q. Is part of that Plan the Regional Oil  
10 Spill Response Plan?

Page 70:13 to 70:24

00070:13 A. No, that's not part of the Exploration  
 14 Plan.  
 15 Q. (By Mr. Dills) Okay. Is the BP Regional  
 16 Oil Spill Response Plan something that was filed  
 17 with the MMS?  
 18 A. Yes.  
 19 Q. And what was that filed with or a part  
 20 of, or was it filed separately?  
 21 A. The Oil -- the Regional Oil Spill  
 22 Response Plan is a stand-alone Plan.  
 23 Q. Okay. Who's responsible for checking the  
 24 accuracy of this Plan?

Page 71:02 to 71:07

00071:02 A. That Plan resides under Dennis Johnson's  
 03 Group.  
 04 Q. (By Mr. Dills) Okay. Who is Dennis  
 05 Johnson?  
 06 A. He's the Crisis Continuity Manager,  
 07 Director, whatever.

Page 71:14 to 71:24

00071:14 Q. (By Mr. Dills) Okay. As a Regulatory  
 15 Advisor for BP, you do not know when the Regional  
 16 Oil Spill Response Plan is checked? Is that your  
 17 testimony?  
 18 A. The Regional Oil Spill Response Plan is  
 19 the responsibility of another Group in BP.  
 20 Q. Okay. And that Group is?  
 21 A. Crisis Continuity Management.  
 22 Q. Okay. Do you know when the last time  
 23 this Oil Spill Response Plan was checked for  
 24 accuracy?

Page 72:02 to 72:09

00072:02 A. I don't have any responsibilities with  
 03 the Oil Spill Response Plan.  
 04 Q. (By Mr. Dills) So the answer is "No," you  
 05 do not know when the last time it was checked?  
 06 A. I do not.  
 07 Q. Okay. Do you think that you have an  
 08 obligation when you file a document with the MMS  
 09 to make sure it's accurate and correct --

Page 72:12 to 72:21

00072:12 Q. (By Mr. Dills) -- as a Regulatory Advisor  
 13 for BP?  
 14 A. When I file documents with the -- with

15 the MMS, yes, I try to make sure they're  
16 correct --  
17 Q. Okay.  
18 A. -- as much as I can.  
19 Q. And what do you do to ensure the accuracy  
20 of the information you file?  
21 A. For the most --

Page 72:24 to 73:02

00072:24 A. For the most part, when it's a technical  
25 document --  
00073:01 Q. (By Mr. Dills) M-h'm.  
02 A. -- I rely on the expertise of experts.

Page 73:10 to 73:12

00073:10 Q. (By Mr. Dills) Did you do anything at any  
11 time to verify the accuracy of the information  
12 you filed with the MMS regarding the MC 252 Well?

Page 73:15 to 73:19

00073:15 A. Are -- are we talking about the APD?  
16 Q. (By Mr. Dills) Anything. Did you do  
17 anything with regards to any filing that you  
18 filed for the MC 252 Well to verify the accuracy  
19 and correctness of the information?

Page 73:22 to 74:23

00073:22 Q. (By Mr. Dills) Other than just taking the  
23 information you received from Brian Morel and  
24 Mark Hafle, did you, Scherie Douglas, Regulatory  
25 Advisor, do anything to check the accuracy and  
00074:01 correctness of that information?  
02 A. So as a practice for an APD, I can't  
03 remember for sure about every single filing I've  
04 ever made in my life, but --  
05 Q. I'm not asking you about every single  
06 filing.  
07 A. But my practice is when I get the  
08 information for an APD, there are a few things  
09 that I check. For the most part, it's a very  
10 technical document, and I rely on the expertise  
11 of the Drilling Engineers for that.  
12 Q. Okay. So I'm not -- go ahead.  
13 A. But there are some things that I check,  
14 like location, do we have a Plan that fits that  
15 location, is the location right, is the TD the  
16 same on the schematic as on the input sheet that  
17 they give me for the eWell form itself, so things  
18 like that.

19 Q. Okay. What did you check? What  
 20 information do you check with regards to the  
 21 Macondo Well with regards to accuracy and  
 22 completeness?  
 23 A. So as I just stated --

Page 75:01 to 75:08

00075:01 A. -- that is my practice. I can't tell you  
 02 for sure that I did every single thing on any  
 03 particular document two years ago.  
 04 Q. (By Mr. Dills) Okay. So you do not  
 05 recall anything that you did to check the  
 06 accuracy and correctness of the information filed  
 07 with the MMS with regard to the Macondo Well?  
 08 A. That's not really --

Page 75:11 to 76:03

00075:11 A. -- what I stated.  
 12 Q. (By Mr. Dills) Okay. Clarify.  
 13 A. Yeah. What I stated is my practice is to  
 14 do that.  
 15 Q. Okay.  
 16 A. Now, whether I could just say I  
 17 absolutely did every single one of the -- those  
 18 things, but my general practice, that's the way I  
 19 do APDs.  
 20 Q. Okay. What did you do with regards to  
 21 the technical information that you receive from  
 22 Brian Morel and Mark Hafle? What did you do to  
 23 ensure its accuracy?  
 24 A. I depend on the expertise of the Drilling  
 25 Engineers and the Wells organization for the  
 00076:01 accuracy of technical information.  
 02 Q. So you didn't do anything?  
 03 A. It's not --

Page 76:06 to 76:16

00076:06 A. -- my responsibility to check technical  
 07 information.  
 08 Q. (By Mr. Dills) Okay. If it's not the  
 09 responsibility of the Regulatory Advisor to check  
 10 the accuracy of the information they file with  
 11 the MMS, whose responsibility is it?  
 12 A. It belongs in the Wells Group.  
 13 Q. Okay. Did you have anything do with  
 14 regards to the calculations of flow rate  
 15 following the incident on April 20th, 2010?  
 16 A. I did not.

Page 79:03 to 79:09

00079:03 (Exhibit No. 5836 marked.)  
04 Q. (By Mr. Dills) I'll mark this next  
05 document as Exhibit 5836 for the record.  
06 Do you know who Gregg Walz is?  
07 A. He is a Drilling Engineer.  
08 Q. Did you ever have any dealings with  
09 Mr. Walz with regards to the Macondo Well?

Page 79:12 to 79:13

00079:12 A. I believe Gregg came to that Group like  
13 about a week before April 20th.

Page 79:18 to 79:24

00079:18 Q. Did you ever exchange E-mails with  
19 Mr. Walz?  
20 A. I don't know.  
21 Q. You don't know.  
22 Did Mr. Walz ever provide you information  
23 with regards to the Macondo Well?  
24 A. I don't recall specifically.

Page 80:08 to 81:13

00080:08 Q. This E-mail says: "Gregg Walz's  
09 Engineering Team has been reviewing sections of  
10 the new DWOP on a weekly basis and have been  
11 compiling a list of issues that we had questions  
12 on. Gregg has asked that we forward these on to  
13 you for further clarification." Do you see that?  
14 A. Yes.  
15 Q. Please turn the page, and it's the third  
16 page in the document I handed you. It's got a  
17 date in bold. It says: "2/15/10 DWOP Review:  
18 Well Control (Gregg's Notes)." Do you see that  
19 section?  
20 A. Yes.  
21 Q. And it says -- and if you'll look at  
22 Section 15.2.3, it says: "Currently many well  
23 designs can not meet the 'gas column to surface'  
24 or the" weservoir -- "reservoir fluid column to  
25 surface criteria?" Do you see that?  
00081:01 A. I do.  
02 Q. Did anybody at BP ever talk to you with  
03 regards to Regulatory Compliance on the issue of  
04 the well designs not being able to meet that  
05 requirement?  
06 A. No, they did not.  
07 Q. Nobody ever discussed that with you?  
08 A. I don't recall any conversation like  
09 that.  
10 Q. You don't recall any -- or any

11 conversations regarding BP's well designs not  
 12 being able to meet that MMS Requirement?  
 13 A. No.

Page 81:25 to 82:08

00081:25 Q. (By Mr. Dills) Okay. So you hadn't seen  
 00082:01 the DWOP before?  
 02 A. No.  
 03 Q. And had you seen GP 10-10 before?  
 04 A. No.  
 05 Q. What documents do they -- does BP give  
 06 their Regulatory Advisors with regard to ensuring  
 07 that BP is compliant?  
 08 A. Ensuring --

Page 82:11 to 82:16

00082:11 A. Ensuring BP is compliant with what?  
 12 Q. (By Mr. Dills) The Regulations.  
 13 A. We have the Regulations.  
 14 Q. Okay. Do -- does BP hold itself out  
 15 to -- not only just to adhere to the Regulations  
 16 but to meet or exceed those Regulations?

Page 82:19 to 83:03

00082:19 A. It is BP's Policy to -- to be in  
 20 compliance with Regulations.  
 21 Q. (By Mr. Dills) Okay. But they don't show  
 22 you their Well Control Policies?  
 23 A. I'm not involved in the Wells Group Well  
 24 Control Policies --  
 25 Q. That's not my question.  
 00083:01 A. -- no.  
 02 Q. They don't show you their Well Control  
 03 Policy, do they?

Page 83:06 to 83:11

00083:06 Q. (By Mr. Dills) You hadn't seen it before  
 07 today, had you?  
 08 A. I didn't recall seeing it before.  
 09 Q. Okay. And you don't recall seeing the  
 10 DWOP, had -- do you?  
 11 A. No, I do not.

Page 83:18 to 83:22

00083:18 Q. (By Mr. Dills) Well, we just read those  
 19 sections earlier, didn't we, and you agreed that  
 20 those sections required that MASP be calculated



21 with a hundred percent column of gas?

22 A. I agree that's the --

Page 84:01 to 84:11

00084:01 A. I agree that -- that you read a paragraph  
02 out of that --

03 Q. (By Mr. Dills) That stated that?

04 A. -- document that said something like  
05 that, yes.

06 Q. Okay. But BP doesn't share these  
07 documents with you?

08 A. No.

09 Q. They don't tell you how BP wants MASP  
10 calculated?

11 A. That --

Page 84:14 to 84:22

00084:14 A. Yeah. How they calculate MASP is not the  
15 Regulatory person's concern.

16 Q. (By Mr. Dills) But it is an information  
17 that you file with the MMS?

18 A. Yes, it is.

19 Q. And you would think, as the Regulatory  
20 Advisor, you would want to make sure that you  
21 were filing a number that is calculated in  
22 accordance with BP's Policies?

Page 84:24 to 85:05

00084:24 Q. (By Mr. Dills) Wouldn't you?

25 A. The Regulatory person does not  
00085:01 have responsibilities as to how MASP is  
02 calculated.

03 Q. So you don't have any responsibilities  
04 with regard to BP's Policies on how anything is  
05 calculated?

Page 85:09 to 85:13

00085:09 A. I do not have responsibility on how MASP  
10 is calculated.

11 Q. (By Mr. Dills) So your responsibility is  
12 only to take the information provided to you and  
13 pass that along?

Page 85:16 to 85:16

00085:16 A. As far as MASP is concerned, yes.

Page 86:02 to 87:16

00086:02 EXAMINATION

03 QUESTIONS BY MR. SPIRO:

04 Q. Ms. Douglas, hi, I'm Dan Spiro,  
05 representing the United States Department of  
06 Justice. I wanted to return to some statements  
07 that you were making earlier about your general  
08 practice in reviewing the Applications for  
09 Permits to Drill and other Drilling Permit  
10 Applications, okay?

11 A. Okay.

12 Q. You said it was your general practice to  
13 check some information on these Drilling Permit  
14 Applications. Can you go over, then,  
15 specifically what information you would check as  
16 a general matter?

17 A. As a general matter, I would check the --  
18 first of all, the location to make sure it was in  
19 line with what we had approved in our Exploration  
20 Plan. I would check the schematic, just to make  
21 sure it had the right heading, it had the right  
22 water depth, it had the right total depth, maybe  
23 casing points. Some of the information, you  
24 know, I filled in myself, as far I would check --  
25 I would have to check with the EPA and PDS Permit

00087:01 number. That's -- like, stuff like that.

02 Q. Well, I'm trying to get to the other  
03 "stuff like that." For example, the schematic,  
04 you would check the casing points, perhaps?

05 A. Right. Just because of the -- because I  
06 had inputs that had to go into eWell --

07 Q. Okay.

08 A. -- so I just wanted to see if they  
09 matched.

10 Q. Would you check the Leak-Off Test figures  
11 that were listed on the schematics?

12 A. No, I didn't usually do that.

13 Q. Did you check the Leak-Off Test figures  
14 or the Formation Integrity Test figures on the  
15 plots or the well design information documents?

16 A. No, I didn't.

Page 87:18 to 88:01

00087:18 A. No, I didn't do that.

19 Q. (By Mr. Spiro) Did you check the fracture  
20 gradient figures in the well design information  
21 documents or the plots or the schematics?

22 A. No, I just took what they gave me in the  
23 input sheet.

24 Q. Do you do any double-checking with  
25 respect to the drilling margin in your Drilling

00088:01 Permit Application work?

Page 88:04 to 88:20

00088:04 A. So I would check the -- as a general  
05 rule, would check the Formation Integrity Test  
06 from the one string to the mud weight and the  
07 next string.  
08 Q. (By Mr. Spiro) Did you do that with  
09 respect to each of the Drilling Permit  
10 Applications or just with respect to the initial  
11 Application For Permit to Drill?  
12 A. Probably just the initial Permit.  
13 Q. Now, this general practice that we have  
14 been discussing, do you recall any examples where  
15 you did not follow this practice with respect to  
16 this particular well?  
17 A. I don't recall any specifically, no.  
18 Q. Do you recall generally varying from your  
19 general practice with respect to this well?  
20 A. I wouldn't think so, no.

Page 89:02 to 89:05

00089:02 Q. (By Mr. Spiro) Who at BP was the  
03 authority with respect to the MMS Drilling  
04 Regulations who worked on this well?  
05 A. That would be me.

Page 89:08 to 89:15

00089:08 Q. (By Mr. Spiro) Anybody besides you?  
09 A. For this well?  
10 Q. For this well.  
11 A. No.  
12 Q. No one else in the Regulatory staff of BP  
13 or any contractor who worked with the Regulatory  
14 staff on BP was considered an authority on the  
15 MMS Drilling Regulations besides you?

Page 89:18 to 90:03

00089:18 A. Well, so I had responsibility for this  
19 well, and Heather Powell had some Regulatory  
20 responsibilities with this well.  
21 Q. (By Mr. Spiro) What was the extent of her  
22 responsibilities?  
23 A. Prior to my promotion and -- and her  
24 taking my place, she was responsible for filing  
25 the Weekly Activity Reports.  
00090:01 Q. Was she also responsible for knowing the  
02 MMS Drilling Regulations?  
03 A. Yes.

Page 90:06 to 90:20

00090:06 A. Yes.  
07 Q. (By Mr. Spiro) When did she take over  
08 your responsibilities as Regulatory Advisor, and  
09 when specifically in April of 2010, I should ask?  
10 A. Yeah. I -- I believe I sent an E-mail to  
11 the Team on April the 13th, telling them that she  
12 had -- that I was ceding, if you will, the  
13 responsibilities to her.  
14 Q. And what were your responsibilities after  
15 April 13th, 2010 with respect to this well?  
16 A. I didn't have any.  
17 Q. Is it the responsibility of the private  
18 Operator, in this case BP, to design the well and  
19 conduct its operations in full compliance with  
20 the MMS Drilling Regulations?

Page 90:23 to 91:10

00090:23 A. I would say "Yes," that the MMS holds the  
24 Operator responsible for being in compliance with  
25 the Regulations.  
00091:01 Q. (By Mr. Spiro) Was it your personal  
02 responsibility at BP, when you worked on this  
03 well, to ensure that the Macondo Well Team  
04 understands the MMS Drilling Regulations?  
05 A. Yes, that was part of my  
06 responsibilities, was to make sure they knew what  
07 the Regulations were.  
08 Q. Was your responsibility also to help  
09 explain to them what the Regulations meant as  
10 opposed to simply identifying what they say?

Page 91:13 to 91:18

00091:13 A. Yeah. If they had questions on  
14 interpretation of the Regulations, they would ask  
15 me.  
16 Q. (By Mr. Spiro) Was it your responsibility  
17 to train them as to the meaning of the  
18 Regulations?

Page 92:01 to 92:19

00092:01 Q. (By Mr. Spiro) Go ahead.  
02 A. So I met -- met with my Engineers often,  
03 and when new Regulations came about, I would make  
04 sure they had it, made sure they had copies of  
05 the Regulations. I -- I sat in meetings and, if  
06 questions are asked, then provided  
07 interpretation, or if we needed more clarifying  
08 interpretation, I would call MMS.

09 Q. Did you do any proactive training as  
10 opposed to simply asking them to come to you when  
11 they had questions?

12 A. I did -- it -- yes. Did some -- it  
13 wasn't a class, you know, if you will, formally,  
14 but as I said, if there were new Regulations that  
15 came out, or NTLs, you know, I made sure that my  
16 Team had them.

17 Q. Did you ever train them about the  
18 Drilling Margin Regulations?

19 A. No.

Page 92:24 to 93:19

00092:24 Q. Anything come up, any concerns that were  
25 raised as to whether or not the Well Team was in  
00093:01 compliance with the Regulations?

02 A. Not to my knowledge.

03 Q. Were there any concerns about whether  
04 they were in compliance with the Safe Drilling  
05 Margin Regulations at any time?

06 A. Not to my knowledge.

07 Q. You attended the Morning Meetings of the  
08 Macondo Well Team; is that correct?

09 A. The Rig Call Meetings I did.

10 Q. Did you ever discuss the drilling margin  
11 at these meetings?

12 A. We might have.

13 Q. Do you have any specific recollection of  
14 discussing the drilling margin at these meetings?

15 A. I don't have a specific Regulation, no.

16 Q. Do you understand what I mean by a  
17 "drilling margin"? Maybe if you can explain what  
18 I -- what you thought I meant.

19 A. Yeah. So --

Page 93:23 to 94:13

00093:23 A. The -- when the discussion would come up  
24 about drilling margin would be if we intended to  
25 drill with a higher mud -- mud weight that put us  
00094:01 within -- within the .5 ppg that MMS Policy  
02 considered to be the safe drilling margin.

03 Q. (By Mr. Spiro) And when you say ".5," are  
04 you referring to the difference between the mud  
05 weight and the fracture gradient?

06 A. The mud weight and the last FIT, yes.

07 Q. The last pressure integrity test?

08 A. We -- right.

09 Q. Did anyone else from the Regulatory Team  
10 or Regulatory Group attend these Morning  
11 Meetings?

12 A. Heather -- Heather Powell attended most  
13 of them, yeah.

Page 95:16 to 96:03

00095:16 Q. Okay. Why don't you turn to Tab 1,  
17 Exhibit 4022. And I want to direct your  
18 attention to (b), 427(b). If you could read that  
19 aloud.  
20 A. "While drilling, you must maintain the  
21 safe drilling margin identified in the approved  
22 APD. When you cannot maintain this safe margin,  
23 you must suspend drilling operations and remedy  
24 the situation."  
25 Q. Is this the sense of the term that you  
00096:01 were referring to before, when you were talking  
02 about the drilling margin?  
03 A. Yes.

Page 96:09 to 96:19

00096:09 Q. Okay. And what is your understanding of  
10 this second sentence: "When you cannot maintain  
11 this safe margin, you must suspend drilling  
12 operations and remedy the situation"?  
13 A. The way I would interpret that is if you  
14 can't maintain that margin, you can't drill ahead  
15 until you fix it.  
16 Q. Does this mean that when your mud weight  
17 is less than the required margin, you are  
18 prevented from drilling ahead without MMS  
19 approval?

Page 96:21 to 98:07

00096:21 A. So I would say when -- when we thought we  
22 were going to have to raise our drilling mud  
23 weight to within that margin, we would call the  
24 MMS --  
25 Q. (By Mr. Spiro) Would you --  
00097:01 A. -- to get approval.  
02 Q. Would you have been prohibited from  
03 drilling further down the well without that  
04 approval in that type of situation?  
05 A. She should get approval first.  
06 Q. My -- is my -- can you answer my question  
07 "Yes" or "No"? Would -- would you have been  
08 prohibited from drilling further down the well if  
09 your -- if you were -- did not maintain that safe  
10 margin without MMS approval?  
11 A. Without MMS approval, yes.  
12 Q. Are there any exceptions that you know of  
13 to that principle?  
14 A. From drilling on down?  
15 Q. Yes, when you do not have the requisite

16 difference between the mud weight and the  
17 pressure integrity test figure?

18 A. Yeah. I mean, for drilling, yes. I  
19 mean, if you have -- if you're not drilling, if  
20 you had to stop and have well control, you can  
21 raise your mud weight, but you can't drill  
22 further without approval within that margin that  
23 you have approved already.

24 Q. So you can encroach upon that margin, as  
25 long as your drill bit is not moving further down  
00098:01 the well; is that correct?

02 A. That's my understanding, yes.

03 Q. But is it your understanding that your  
04 drill bit cannot move at all further down the  
05 well, not 5 feet, not 10 feet, not 50 feet, not  
06 80 feet, not 100 feet; is that your  
07 understanding?

Page 98:09 to 98:10

00098:09 A. Without MMS approval, that's my  
10 understanding.

Page 99:17 to 99:23

00099:17 Q. Well, I'm asking you today, sitting here  
18 today, do you think that this Drilling  
19 Regulation -- Drilling Margin Regulation is  
20 important for maintaining well control?

21 A. Do I think that now or --

22 Q. Yeah.

23 A. Oh --

Page 100:01 to 101:01

00100:01 A. I -- I can make that assumption.

02 Q. (By Mr. Spiro) So you do think it is?

03 A. It's -- I'm not a technical expert on  
04 drilling wells.

05 Q. Understood. But that is your assumption,  
06 as you sit here today?

07 A. That the -- that the Regulation was  
08 written to help ensure well control.

09 Q. Let's turn to Tab 2. And this is Exhibit  
10 5837.

11 (Exhibit No. 5837 marked.)

12 Q. (By Mr. Spiro) I'm really just going to  
13 focus your attention on (a), if you can read (a)  
14 out loud. It's four -- 250.428(a).

15 A. Okay. "If you encounter the following  
16 situation: Have unexpected formation pressures  
17 or conditions that warrant revising your casing  
18 design. Submit a revised casing program to the

19 District Manager for approval."  
 20 Q. So let me see if I get this right, and  
 21 you can tell me if this is your interpretation.  
 22 Let's say BP cannot establish, based on currently  
 23 available pressure readings, that it has a  
 24 self -- a safe drilling margin at the moment.  
 25 One option is to submit a revised casing program,  
 00101:01 correct?

Page 101:04 to 101:07

00101:04 A. Okay. I mean, you always have the option  
 05 of submitting a revised casing program.  
 06 Q. (By Mr. Spiro) And another is to get MMS  
 07 approval to drill with less of a margin, correct?

Page 101:10 to 105:07

00101:10 A. You always -- you always have that  
 11 option, as well.  
 12 Q. (By Mr. Spiro) Would BP have any other  
 13 options available to them?  
 14 A. I don't know.  
 15 Q. You can't think of any?  
 16 A. I don't know.  
 17 Q. Well, can you think of any right now?  
 18 A. I cannot.  
 19 Q. Let's say you were to take a kick. Is it  
 20 okay, is it acceptable to ramp up your mud weight  
 21 to beat the kick, even if you would lose your  
 22 margin in the process?  
 23 A. As long as you're not drilling, yes.  
 24 Q. I see. So you can do that as long as you  
 25 don't drill further down the well?  
 00102:01 A. Yes.  
 02 Q. Turn to Tab 3, please, this has been  
 03 marked Exhibit 4550. February 7th, 2008 E-mail  
 04 from Terry Jordan to Ian Little and some other  
 05 folks. Seems to be referring to a meeting with  
 06 MMS in February of 2008. Do you remember  
 07 attending this meeting?  
 08 A. Yes.  
 09 Q. Who asked for the meeting?  
 10 A. We did. "We," BP.  
 11 Q. Okay. Now, I want you to turn real  
 12 quickly, you can put your finger there, turn real  
 13 quickly to Tab 27, which has been marked 45 --  
 14 Exhibit 4539, dated also in February of 2008. It  
 15 seems to be an E-mail you wrote, saying: "Some  
 16 of you requested to look at the presentation we  
 17 made to MMS regarding the standardized LOT  
 18 procedure."  
 19 Am -- am I correct that that's referring  
 20 to the same meeting that was referred to in



21 Exhibit 3?  
22 A. Yes.  
23 Q. So now I want you to turn to Tab 4, which  
24 has been marked Exhibit 4532. And my question  
25 is, is this the Presentation that you were  
00103:01 referencing in Tab 27, the -- the Presentation  
02 that you made to MMS?  
03 A. It probably is.  
04 Q. Why do you say that?  
05 A. Well, I didn't make the Presentation,  
06 so --  
07 Q. You were simply attending the meeting or  
08 listening to it?  
09 A. Yes.  
10 Q. Okay. So let's turn to Page 12 of the  
11 Presentation, this is Tab 4 again. And the  
12 second paragraph says: "While drilling, you must  
13 maintain the safe drilling margin" --  
14 A. Wait, wait. I -- I don't --  
15 Q. Page 12 at the bottom right --  
16 A. -- see any page numbers. Oh, there they  
17 are. Okay. Okay.  
18 Q. The second paragraph: "While drilling,  
19 you must maintain the safe drilling margin  
20 identified in the approved APR. (generally  
21 interpreted as" less than .5 "...with special  
22 permission to" .3...  
23 You see that?  
24 A. Yes.  
25 Q. What's your understanding of the meaning  
00104:01 of the term "special permission."  
02 MR. HOLOZUBIEC: Objection as to  
03 form.  
04 A. I don't know what Terry meant by that.  
05 Q. (By Mr. Spiro) Well, do you have an  
06 understanding of what it means to get approval  
07 from MMS to drill with less than the .5?  
08 A. Yes.  
09 Q. What is your understanding?  
10 A. That -- that you have to call MMS and get  
11 approval.  
12 Q. You can't --  
13 A. Unless you put it in your APD.  
14 Q. Unless it's in the APD.  
15 A. Yeah.  
16 Q. Okay.  
17 A. Because you can have .3 --  
18 Q. Okay.  
19 A. -- part per gallon in your APD.  
20 Q. Okay. So let's go back to Tab 3, and  
21 there is a sentence, and this is again Exhibit  
22 4550, there is a sentence that's, oh, I don't  
23 know, one, two, three, four, five, six paragraphs  
24 down, "They confirmed they still want to approve  
25 drilling if our mud weight is" less than .5

00105:01 "...of FIT/LOT value, but will grant approvals  
 02 down to 0.3...or 0.2...if a case can be made."  
 03 You see that?  
 04 A. Yes.  
 05 Q. Am I correct that the burden of  
 06 persuasion is on BP to actually make a case to  
 07 persuade MMS to approve a departure from the .5?

Page 105:10 to 105:16

00105:10 A. So it -- it would be the responsibi --  
 11 responsibility of BP to ask for approval if it's  
 12 less than what's approved in your APD.  
 13 Q. (By Mr. Spiro) And if you don't ask for  
 14 that approval, the assumption is you will not  
 15 drill without the .5 margin, correct?  
 16 A. If -- if .5 is what's in your APD, yes.

Page 105:24 to 106:05

00105:24 Q. (By Mr. Spiro) But you do deal with MMS  
 25 and request waivers of the .5, do you not?  
 00106:01 A. Yes.  
 02 Q. And when you do so, is it -- do you make  
 03 the assumption that you have to demonstrate to  
 04 them that it's warranted to drill with less than  
 05 the .5 margin?

Page 106:08 to 106:19

00106:08 A. The information that MMS has asked from  
 09 me when -- when we need to go within the margin  
 10 is your last leak-off or FIT, current mud weight,  
 11 anticipated mud weight, the TDs -- TD of that  
 12 hole section, and were you going to enter --  
 13 encounter any hydrocarbons.  
 14 Q. (By Mr. Spiro) Is your assumption that if  
 15 it's a hydrocarbon zone, they're less likely to  
 16 give you the waiver?  
 17 A. That was the impression I got.  
 18 Q. From whom?  
 19 A. From MMS.

Page 107:01 to 107:21

00107:01 Q. Was it your understanding when BP drilled  
 02 this well, that MMS had a right to oversee  
 03 whether Operators can be allowed to drill ahead  
 04 when they have less than the margin set forth in  
 05 the APD?  
 06 A. The MMS has the respon -- that's their --  
 07 their right to grant or not grant any waivers.  
 08 Q. So the ultimate decision, in your -- in

09 your mind, belong to MMS, correct?  
10 A. The ultimate decision as to whether we  
11 could drill with less than .5?  
12 Q. Yes.  
13 A. Yes.  
14 Q. That's not something that BP could  
15 unilaterally decide on their own legally?  
16 A. Not -- no.  
17 Q. Am I correct?  
18 A. That's correct.  
19 Q. Did you ever get a sense of why, absent  
20 the special approval, MMS wanted BP to drill only  
21 if it had a .5 margin?

Page 107:24 to 108:02

00107:24 A. I'm -- I'm sorry. Can you restate that?  
25 Q. (By Mr. Spiro) Did you ever get a sense  
00108:01 of why, absent special approval, MMS wanted BP to  
02 drill only if it had a .5 margin?

Page 108:05 to 108:14

00108:05 A. So the MMS Policy of .5 is not just for  
06 BP. That's their -- that's their industry --  
07 in -- internal Policy. It's an internal Policy  
08 of MMS that .5 is the safe drilling margin.  
09 Q. (By Mr. Spiro) Did you ever get a sense  
10 of the -- the reason behind that Policy?  
11 A. No. In fact, I -- I recall talking to --  
12 and I don't remember which Drilling Engineer it  
13 was, a few years ago, just asking where that  
14 number came from, and he didn't seem to know.

Page 109:12 to 112:14

00109:12 Q. (By Mr. Spiro) Do you know if Brian Morel  
13 is aware of the Drilling Margin Regulation that  
14 we looked at, 250.427?  
15 A. I believe Brian is aware of the  
16 Regulations, yes.  
17 Q. How do you know that?  
18 A. Just from conversations with him and  
19 being in meetings with him and working with him.  
20 Q. Does that also include 250.428(a) that we  
21 discussed?  
22 A. Which one was that?  
23 Q. That was the one that said that, you  
24 know, if you encounter unexpected pressures,  
25 you're supposed to revise your casing?  
00110:01 A. I would think so, yes.  
02 Q. How about Hafle?  
03 A. Yes.

04 Q. He also would have been familiar with  
05 those Regulations?  
06 A. Yes.  
07 Q. Guide?  
08 A. Yes.  
09 Q. Cocalas?  
10 A. Yes.  
11 Q. Okay. Let's turn to Tab 6. And this  
12 looks like the -- this is Exhibit 4000, rather.  
13 Is this the initial APD for this well?  
14 A. It seems to be.  
15 Q. Now, you mentioned that you did check  
16 something with respect to drilling margins with  
17 respect to this -- this particular document --  
18 and you correct me if I'm wrong -- discussed how  
19 you would check the Formation Test for one  
20 interval against the mud weight for the next  
21 interval?  
22 A. That was my practice to do that.  
23 Q. So let's -- let me give you an example.  
24 Go to Page 7 of 8.  
25 A. M-h'm.  
00111:01 Q. You with me?  
02 A. Yes.  
03 Q. And let's look at "Interval Number 4."  
04 And at the bottom right it has "Formation Test."  
05 Do you see that?  
06 A. Yes.  
07 Q. And what does that say?  
08 A. 13.6.  
09 Q. And you would check that number, 13.6,  
10 against the mud weight for Interval Number 5,  
11 which is 13.1; is that correct?  
12 A. That's correct.  
13 Q. And the difference would be .5?  
14 A. That's correct.  
15 Q. Well, if you want to eyeball this APD, to  
16 look at other intervals, and let me know, am I  
17 correct that the safe drilling margin for this  
18 well, once BP started drilling in mud, was  
19 consistently .5.  
20 A. (Reviewing document.) It looks like all  
21 the casing strings are .5, yes.  
22 Q. So is it my understanding that the safe  
23 drilling margin for this well, for the purposes  
24 of 427(b), absent a waiver from MMS, was .5 --  
25 A. Yes.  
00112:01 Q. -- ppg?  
02 A. (Nodding.)  
03 Q. Now, if you can go towards the end of  
04 this document, Bates, you know, ends in 237078.  
05 A. (Complying.)  
06 Q. That looks like a plot. See that?  
07 A. Yes.  
08 Q. Do you know the purpose of this document?

09 A. It's the pore pressure frac gradient  
10 plot.  
11 Q. Yes. Do you understand why it was  
12 submitted?  
13 A. It's part of the Regulations to submit  
14 it.

Page 112:21 to 113:11

00112:21 Q. Okay. And, again, this was drafted by  
22 the Well Team, to your knowledge?  
23 A. Yes.  
24 Q. It was submitted to you, like all these  
25 other documents, by Morel or Hafle?  
00113:01 A. Yes.  
02 Q. Is it your understanding that they,  
03 either Morel or Hafle, would have prepared it?  
04 A. I don't know who prepares it.  
05 Q. Okay.  
06 A. Because there are also subsurface people  
07 on the Team.  
08 Q. Okay. By the way, why did you choose the  
09 method that you did to demonstrate to MMS that  
10 your safe drilling margin was .5?  
11 A. That's the way I was taught.

Page 113:19 to 113:21

00113:19 Q. So that's how MMS wanted to know what the  
20 safe drilling margin was?  
21 A. That's how --

Page 113:24 to 114:20

00113:24 A. -- that's how they -- that's how they  
25 always asked me about it.  
00114:01 Q. (By Mr. Spiro) "They" being MMS --  
02 A. MMS --  
03 Q. -- employees?  
04 A. -- yes.  
05 Q. Thank you. All right. I guess you can  
06 keep your finger on Tab 6. And then we'll turn  
07 to Tab 7, which is October 29th, 2009, Revision  
08 of the APD. And it's marked Exhibit 1336. And I  
09 want to turn to -- your attention to the Well  
10 Design Worksheet again, and I guess pages -- Page  
11 6 of 8, Page 7 of 8.  
12 And what I'd like you to -- to do is  
13 notice some differences between the APD for May  
14 and this revision for October. And I want to  
15 call to your attention, Interval 3. And tell me  
16 when you're -- you have both of those in front of  
17 you.

18 A. Okay.  
19 Q. You notice the depth changed from 9900 to  
20 9090?

Page 114:22 to 115:08

00114:22 A. Right. That was the reason for filing  
23 this Revised --  
24 Q. (By Mr. Spiro) Okay.  
25 A. -- Plan.  
00115:01 Q. And you notice the pore pressure changed  
02 from 10.4 in May to 10.0 in -- in October?  
03 A. M-h'm.  
04 Q. You see that? (Indicating.)  
05 A. Yes, sorry.  
06 Q. Was it your understanding that BP was  
07 required to include on this new worksheet, the  
08 most up-to-date data it possessed?

Page 115:12 to 115:22

00115:12 A. -- that -- so when I -- whenever I would  
13 submit the Revised, the dry -- the Drilling  
14 Engineer would fill in the input sheet for that  
15 Interval.  
16 Q. (By Mr. Spiro) I understand, and you  
17 didn't double-check what he did on -- on --  
18 A. Yes.  
19 Q. -- on information like pore pressure or  
20 fracture gradient or formation test, did you?  
21 A. No, but I would presume that he gave me  
22 what he had.

Page 115:24 to 115:24

00115:24 A. And it was current.

Page 116:03 to 117:07

00116:03 Is it your understanding that BP was  
04 required to include on this worksheet, the most  
05 up-to-date data that it possessed?  
06 A. For this Casing String that we were  
07 changing, I would say "Yes."  
08 Q. So, for example, in October, if -- if you  
09 want to turn to the Formation Test at the bottom  
10 of Interval 2. If they had conducted a Formation  
11 Test prior to the time they submitted this, and  
12 got a number less than the 11.1 that is on this  
13 document, they should have changed it to the  
14 number that they obtained?  
15 A. Not necessarily.  
16 Q. Why not?

17 A. There -- there wasn't a Requirement to go  
18 back and update previous hole sections in the  
19 A -- in the APD when you filed a Revision. Some  
20 Engineers wanted you to do that, and some did  
21 not, at the MMS.  
22 And then there were times -- and I think  
23 probably even in this well, there were times when  
24 an -- an MMS Engineer would actually ask you to  
25 go back and put actual numbers in.  
00117:01 (Discussion off the record.)  
02 Q. (By Mr. Spiro) Okay. When they submitted  
03 this, this was in October of 2009. You see that?  
04 A. Right.  
05 Q. And isn't the Formation Test at the  
06 bottom of Interval 2 the relevant Formation Test  
07 to determine the drilling margin in October?

Page 117:10 to 118:01

00117:10 A. I think your drilling margin has already  
11 been established with your APD.  
12 Q. (By Mr. Spiro) Right. But in order to  
13 determine whether your mud weight is within the  
14 Regulations, if you're drilling Interval 3, don't  
15 you need to compare that mud weight to the  
16 Formation Test figure for Interval 2?  
17 A. Well, you would, but your -- your actual  
18 Formation Test goes on the Weekly Activity  
19 Report. You don't go back and revise your APD  
20 every time you do a Formation Test or a Leak-Off  
21 Test.  
22 Q. Okay. So you're saying that as long as  
23 the Formation Test figure is on the Weekly  
24 Activity Report, you don't have to update the  
25 Formation Test on the APD?  
00118:01 A. Right.

Page 118:10 to 118:25

00118:10 (Exhibit No. 5838 marked.)  
11 Q. (By Mr. Spiro) 5838. Tab 22. Now, this  
12 APD was submitted Apr -- October 29th. So why  
13 don't we go to this second Weekly Activity  
14 Report, which goes all the way through October  
15 31st. Okay? And I want to call to your  
16 attention the Pages -- Page 3 of 4? Is that  
17 correct? You see that?  
18 A. (Reviewing document.)  
19 Q. Following me?  
20 A. Uh-huh, yes.  
21 Q. Can you notice under "Casing Shoe Test,"  
22 under "TEST INFORMATION," the Casing Shoe Test is  
23 blank for both the 22-inch In -- Interval and the  
24 18-inch Interval. Do you see that?

25 A. (Reviewing document.) Yes.

Page 119:15 to 120:02

00119:15 Q. I'm talking about the 22-inch in this  
16 case. That's the one we've been --  
17 A. Yeah.  
18 Q. -- focusing on.  
19 A. And I don't know, because I didn't -- I  
20 didn't do this document. And I --  
21 Q. Okay.  
22 A. -- don't know when the Leak-Off Test was  
23 done.  
24 Q. But if the Leak-Off Test had been done  
25 prior to October 31st, it should have been filled  
00120:01 in here, correct?  
02 A. Yes --

Page 120:05 to 121:21

00120:05 A. I think it should have, yes.  
06 Q. (By Mr. Spiro) And do you view that as a  
07 requirement on BP or --  
08 A. I think when you get the information, and  
09 depending on when it was done, then it should  
10 have been put in.  
11 Q. Okay. Let's turn to Tab 8. This is --  
12 has been marked Exhibit 4008. It looks like a  
13 January 2010 Revision of the APD?  
14 A. (Reviewing document.)  
15 Q. And I want to call to your attention,  
16 first of all, Page 6 of 8, the Worksheet?  
17 By the way, was Heather Powell the person  
18 that submitted that Weekly Activity Report?  
19 A. She submitted -- I think she submitted  
20 all of them --  
21 Q. Okay.  
22 A. -- yeah.  
23 Q. Did you have any role at all?  
24 A. No, except my name is on all of them.  
25 Q. That's always a problem, isn't it.  
00121:01 A. Yeah.  
02 Q. Okay. So I want to call to your  
03 attention, first of all, Page 6 of 8 on this  
04 document, and specifically, Interval Number 2,  
05 see the "Formation Test, 10.5"?  
06 A. Uh-huh.  
07 Q. And do you see "Fracture Gradient" for  
08 the same Interval, 10.5? Following me?  
09 A. Yes.  
10 Q. And now I want you to go a few more pages  
11 to get to the plot, the same document we were  
12 looking at before, just a few more pages after  
13 that. It's Bates-stamped at the bottom,



14 SNR0000 --  
 15 A. Right.  
 16 Q. -- 0 --  
 17 A. 7.  
 18 Q. -- 779.  
 19 A. Okay.  
 20 Q. And you see that the plot has under the  
 21 22-inch casing shoe, 11.1 or so, not 10.5.

Page 121:24 to 122:19

00121:24 A. Yeah. I'm -- I'm not adept at --  
 25 Q. (By Mr. Spiro) You know how to read this  
 00122:01 plot?  
 02 A. -- interpreting these plots.  
 03 Q. Okay. Well, why don't you turn to the  
 04 previous page, and that's -- which is a  
 05 schematic. And you notice under -- there's a --  
 06 the number 22-inch, and there's a line below it,  
 07 and it has a 10.3 LOT figure?  
 08 A. I -- I really can't read that.  
 09 Q. The third number down.  
 10 A. Is this it?  
 11 MS. SOLOMON: (Indicating.)  
 12 A. I -- I can't read it.  
 13 Q. (By Mr. Spiro) All right. So can you  
 14 look at the plot, just look at the plot. Do you  
 15 see it says "22 inches" on the right side?  
 16 A. Okay.  
 17 Q. And if you follow it to where that  
 18 fracture gradient line is, it would be in excess  
 19 of 11. You see that?

Page 122:22 to 123:12

00122:22 A. (Reviewing document.) So which line are  
 23 we looking at?  
 24 Q. (By Mr. Spiro) 22 inches?  
 25 A. I mean, but which --  
 00123:01 Q. It's 8,000. 8,000 is the depth.  
 02 A. Yeah. But which of these dotted lines --  
 03 Q. Yes.  
 04 A. -- are you looking at?  
 05 Q. Well, you -- I -- if I said the fracture  
 06 gradient, would -- would that help you, or do you  
 07 really just not know anything about this -- the  
 08 way these plots work?  
 09 A. I -- I don't usually look at these plots.  
 10 Q. All right. Well, who is responsible for  
 11 making sure that these numbers are consistent for  
 12 the formation test and the fracture gradient?

Page 123:15 to 124:14

00123:15 A. So the responsibility is the -- is the  
 16 Drilling Engineer.  
 17 Q. (By Mr. Spiro) And if you -- when you  
 18 submitted this document, you would not check for  
 19 consistency between these numbers?  
 20 A. I didn't check this plot with the numbers  
 21 that they gave me to input into the eWell form.  
 22 Q. And you didn't check the schematic for  
 23 consistency with the Well Design Information  
 24 Worksheet?  
 25 A. Not for the Leak-Off Test or any of that,  
 00124:01 uh-huh.  
 02 Q. H'm, before we leave the issue of the  
 03 plot -- well, let's move on.  
 04 Well, let's -- let's move on. Let's move  
 05 on to Tab 9. This is Exhibit 1559, like a March  
 06 15th APD Revision. And I want you to go to the  
 07 end of this --  
 08 A. I'm sor --  
 09 Q. -- tab --  
 10 A. Which -- which tab?  
 11 Q. Tab 9.  
 12 A. Okay. That's -- it's -- I have an  
 13 Application For Bypass.  
 14 Q. Yes.

Page 124:25 to 127:05

00124:25 Q. Okay. So if you want to look -- go all  
 00125:01 the way to the end of this tab and then go back a  
 02 couple of pages, you'll see yet another plot.  
 03 A. M-h'm.  
 04 Q. This is dated March 15th, and you'll  
 05 notice there's a dotted line to the left of a  
 06 solid line at the right side of the page.  
 07 A. M-h'm.  
 08 Q. Do you see that?  
 09 A. Yes.  
 10 Q. Do you know why there is a dotted line .5  
 11 to the left of the line on the right side?  
 12 A. I do not.  
 13 Q. Do you know why there is a dotted line to  
 14 the right of the solid line all the way to the  
 15 left on the page?  
 16 A. No, I do not.  
 17 Q. Was it your understanding that BP would  
 18 be maintaining a margin between its pore pressure  
 19 and its mud weight?  
 20 A. So I relied on the Engineers to let me  
 21 know if we needed to get approval for an -- a  
 22 higher mud weight.  
 23 Q. My question is: Was it your  
 24 understanding that BP would be maintaining a  
 25 margin, not merely between the FIT and the

00126:01 fracture -- and -- excuse me -- and the mud  
 02 weight, but between the pore pressure and the mud  
 03 weight?  
 04 A. I didn't really think about that.  
 05 Q. Let's turn to Tab 10.  
 06 (Exhibit No. 5839 marked.)  
 07 Q. (By Mr. Spiro) This is Exhibit 5839 --  
 08 we'll be marking that -- 5839. And I want you to  
 09 turn to what is Page 93 at the bottom.  
 10 First of all, do you -- sorry. Do you  
 11 recognize this document?  
 12 A. I do not.  
 13 Q. Never seen it before?  
 14 A. No, I have not.  
 15 Q. So there is a plot on Page 93 that I want  
 16 you to take a look at, and it seems to indicate  
 17 that the dotted line refers to a kick and  
 18 cementing margin to the left of the fracture  
 19 gradient. You see that?  
 20 A. (Reviewing document.) Are you talking  
 21 about this line on the right?  
 22 Q. There's a line on the right which it's my  
 23 understanding that's the fracture gradient, and  
 24 then there's a dotted line just to the left of  
 25 that, and it says: "(Include 3 ppg Kick and  
 00127:01 Cementing Margin)."  
 02 A. I see those words, yeah.  
 03 Q. Do you have any understanding as to the  
 04 need for a kick in cementing margin?  
 05 A. I do not.

Page 127:17 to 128:07

00127:17 Q. (By Mr. Spiro) All right. Let's look at  
 18 the next tab, 11, which is Exhibit 6217. It's  
 19 been marked that already. Section 250.401 of the  
 20 Regs. And I want you to read it from the  
 21 beginning and stop at the end of Subsection (a).  
 22 A. Okay. "What must I do to keep wells  
 23 under control? You must take necessary  
 24 precautions to keep wells under control at all  
 25 times. You must use the best available and  
 00128:01 safest drilling technology to" monitor -- "monitor  
 02 and evaluate well conditions and to minimize  
 03 potential for the well to flow or kick."  
 04 Q. Okay. Is it your understanding that this  
 05 requires BP to be able to use best and safest  
 06 cementing techniques when it cements the interval  
 07 at the bottom of the well?

Page 128:10 to 128:21

00128:10 A. I don't know.  
 11 Q. (By Mr. Spiro) Is it your understanding

12 that this Regulation applies during the cementing  
13 phase of the Drilling Operations?

14 A. (Reviewing document.) I don't know that  
15 it applies to cementing.

16 Q. Who would be the Expert on this Well Team  
17 on the issue of whether this Regulation applied  
18 to cementing?

19 A. Well, this Regulation says "...safest  
20 drilling technology to monitor and evaluate well  
21 conditions..." so, to me, that's drilling.

Page 130:07 to 131:20

00130:07 Q. Okay. So I'm asking you: When you say  
08 "drilling," for the purposes of 250.401, do you  
09 think that only applies when the drill bit is  
10 moving further down the well?

11 A. I believe that -- no. Drilling appli --  
12 the Drilling Regulations that are included in 401  
13 would be until you get to TD. So Drilling  
14 Operations, which includes casing, includes  
15 cementing --

16 Q. M-h'm.

17 A. -- but not abandonment.

18 Q. Okay. So on April 9th, it's my  
19 understanding that this well reached its total  
20 depth of 18,360 feet, but obviously it was  
21 continuing to engage in exploration phase actions  
22 un -- until April 20th.

23 Are you saying that this Regulation  
24 applies through April 9th, if my facts are  
25 correct, but not afterwards?

00131:01 A. The way I would interpret is that this  
02 Regulation would apply until the abandonment  
03 operation started. So it would include getting  
04 to TD, and I think there are some logging -- you  
05 know, there are some logging requirements that  
06 went on. But the Abandonment Requirements are in  
07 Subpart (q).

08 Q. So, for example, when the BP submitted  
09 its Temporary Abandonment Application, which I  
10 believe was on April 16th, the activities it  
11 engaged in pursuant to that Application are not  
12 encompassed within this Regulation, in your view?

13 A. In my view, that's correct.

14 Q. Let's look at Tab 13. Now, this is  
15 submitted April 15th, so I understand that you  
16 may not have been personally involved in it. But  
17 if I can ask you to -- and I'm sorry. This is  
18 Exhibit 3067. I'm asking you to turn to the last  
19 page, Tab -- Page 8 of 8.

20 A. (Reviewing document.)

Page 131:22 to 132:03

00131:22 Q. (By Mr. Spiro) You see that? H'm -- and  
23 specifically regarding the very last entry,  
24 Interval 7, and -- which is -- it's my  
25 understanding that that was at the very end of  
00132:01 the well. That was 18,360 feet total depth. See  
02 that?  
03 A. I see that.

Page 132:20 to 133:05

00132:20 Q. H'm, Now, it -- this was at the end of  
21 the well, so they -- it's my understanding that  
22 they didn't do a Leak-Off Test at the bottom of  
23 the well. Do you know why there would be a  
24 formation test figure at the bottom of the well?  
25 A. I don't.  
00133:01 Q. So you only are familiar with formation  
02 tests that they would do at the top of an  
03 interval, correct?  
04 A. Right. Well -- or af -- after you drill  
05 out of the casing, yeah.

Page 133:10 to 134:09

00133:10 Q. When multiple Leak-Off Tests are  
11 performed, how do you determine which one to  
12 report --  
13 A. It's --  
14 Q. -- to MMS?  
15 A. It -- well, it's my understanding that  
16 you should report the last one.  
17 Q. And what's the basis of that  
18 understanding?  
19 A. Just conversations with -- with the MMS  
20 through the years, experience.  
21 Q. Have you informed people at BP that that  
22 is the correct way of doing it?  
23 A. Yes, I have.  
24 Q. Who?  
25 A. I -- I can't recall specifically, but I  
00134:01 have been asked that question before.  
02 Q. How about Morel?  
03 A. I don't remember.  
04 Q. Hafle?  
05 A. I don't remember anything in that well --  
06 in this well, about that.  
07 Q. Do you know any exceptions to the  
08 principle that the final test is the one that  
09 should be reported?

Page 134:12 to 135:01

00134:12 A. I haven't ever had that -- that --

13 anything brought up to me about that.

14 Q. (By Mr. Spiro) So if they did a bunch of  
15 tests and -- and the final test was not the  
16 highest test, in terms of the result, that still  
17 should be the one to report. Is that what you're  
18 saying?

19 A. When I -- whenever they asked me the  
20 question -- and this was a few years ago, because  
21 then they knew what the answer was going to be,  
22 because I, you know, worked with a lot of the  
23 same Engineers through the years -- but it was,  
24 "if we do another Leak-Off Test, and it's not as  
25 good, which one do we have to report," and I  
00135:01 always told them, "The last one."

Page 135:14 to 137:08

00135:14 Q. (By Mr. Spiro) Okay. Why don't you turn  
15 to Tab 17, which has been marked Exhibit 3727.  
16 And I want you to turn to the E-mail that is  
17 really on the second page. It begins at the  
18 bottom of the first page. Looks like an  
19 October 25th E-mail from you to "Le-nerd" Carter.

20 A. "Le-nard."

21 Q. Sorry. And I think that Lynard Carter  
22 works for MMS?

23 A. Yes.

24 Q. And I want to call your attention, what  
25 it says under "LOT at 22 inch shoe." It says  
00136:01 "10.38..."

02 Do you see that?

03 A. M-h'm, yes.

04 Q. Is -- is it customary for BP to record  
05 their LOTs internally to the hundredth rather  
06 than the tenth of a ppg?

07 A. I don't know.

08 Q. How did you get that information?

09 A. I got that information from either Brian  
10 or Mark, probably, one of the Engineers.

11 Q. Do they -- do you -- do you turn over to  
12 MMS whatever information the Engineers give to  
13 you in terms of the LOT, if you need a variance?

14 A. Yeah.

15 Q. So if they rounded over -- if they round  
16 it to the tenth, then you give it to them in the  
17 tenth. If they give it to you in the hundredth,  
18 then you give it to MMS in the hundredth?

19 A. In an E-mail, yeah.

20 Q. How about when you talk to them orally?

21 A. Yeah. I would say the same words orally  
22 as I put in this E-mail.

23 Q. So if -- if Morel or Hafle had given you  
24 10.4, then would you have told MMS, "The LOT is  
25 10.4." If Morel or Hafle said "10.38," then you  
00137:01 would have said to MMS, "The LOT is 10.38"?

02 A. That is correct.  
03 Q. That's your general practice?  
04 A. Yes.  
05 Q. Do you recall any situations with respect  
06 to this well where you varied from your general  
07 practice in that regard?  
08 A. I do not.

Page 137:20 to 139:17

00137:20 Q. Okay. Why don't we next turn to Tab 25,  
21 and this has been labeled Exhibit 4039, and I'm  
22 actually going to call -- ask you to sort of put  
23 your finger on 25 and 26, Tab 26, which is 4038.  
24 They sort of go together.  
25 Now, I assume you recognize Tab 26,  
00138:01 the -- an E-mail, apparently from you, dated  
02 March 18th to your colleagues?  
03 A. Yes, that's what it looks like.  
04 Q. Okay. And you are saying what in that  
05 E-mail?  
06 A. So I'm saying that we can drill that hole  
07 section with up to a 12.3 part per gallon mud.  
08 Q. Okay. So let me now ask you to look at  
09 Tab 25, which appears to be notes taken by MMS,  
10 recording a conversation with you -- I guess MMS,  
11 since Frank Patton typed it out. And why don't  
12 you read aloud the handwritten notes?  
13 A. It's -- let's see. Looks like he has:  
14 "Horizon, 12,250," which I don't know what that  
15 is. "12.1 mud weight, Mud up to 12.3, Last shoe  
16 test 12.6. No HC..." something "hole section."  
17 Q. I'm assuming that's "in." I'm assuming  
18 that's "No hydrocarbons in hole section," but  
19 that's my assumption.  
20 A. (Nodding.)  
21 Q. Is -- would that make sense that you  
22 would have said whether or not there's  
23 hydrocarbons in a hole section?  
24 A. They usually ask that.  
25 Q. So this is dated also March 18th, 2010.  
00139:01 Do you see that?  
02 A. Yes.  
03 Q. And it says "Horizon," so I'm assuming  
04 that this deals with the same interval that is  
05 referenced in Tab 26. Is that your assumption  
06 also, sitting here today?  
07 A. Yeah. It appears to be that  
08 conversation.  
09 Q. Did that 12.6 figure, would that have  
10 come from you?  
11 A. Is -- yeah. That's part of the  
12 information that they want, when you ask for  
13 higher mud weight.  
14 Q. So based on our previous conversation,

15 you presumably would have gotten 12.6 from Morel  
16 or Hafle, and then passed that on to Patton?  
17 A. Yes.

Page 139:20 to 140:12

00139:20 Q. (By Mr. Spiro) Now, I want to show you  
21 Tab 42 and ask you to look at Tab 42 which is  
22 4133. This is a WAR. It's through March 27th.  
23 And on Page 2 of 4, you'll notice that it lists  
24 the casing shoe tests for various intervals. And  
25 this is -- you know, we -- we just looked at  
00140:01 the -- the Patton document which said 12,250. I  
02 assume that's some sort of depth number.  
03 It's my understanding the interval we are  
04 talking about has a casing shoe test number of  
05 13. There's certainly no 12.6 here.  
06 But I want you to take a look at that,  
07 and tell me when you're done.  
08 A. (Reviewing document.) So we're looking  
09 at the --  
10 Q. I guess I'm pointing out to you that  
11 Patton -- that you gave Patton a 12.6 shoe test,  
12 but there's no 12.6 shoe test on this WAR --

Page 140:23 to 141:14

00140:23 A. (Reviewing document.)  
24 Q. (By Mr. Spiro) Did you give Patton the  
25 12.6 number?  
00141:01 A. Well, that's what he wrote down.  
02 Q. Based on your conversation with him?  
03 A. Assuming so, but I don't have the --  
04 Q. Okay.  
05 A. -- unless there's an E-mail, I don't  
06 know -- I don't have that.  
07 Q. All right. But let me ask you to focus  
08 again on -- on this Tab 42. And do you note that  
09 there's no 12.6 or any number close to 12.6,  
10 other than this 13 number?  
11 A. I don't see a -- I do not see a "12.6" on  
12 this page.  
13 Q. Is it acceptable if you have a 12.6 to  
14 record a 13 on the WAR?

Page 141:24 to 142:01

00141:24 Q. Okay. But if you got a 12.6 leak off  
25 test score, would it have been acceptable to  
00142:01 round that up to 13 on the WAR?

Page 142:04 to 142:05



00142:04 A. I don't know if "acceptable" is the word.  
05 I would have put 12.6.

Page 142:14 to 142:24

00142:14 Q. Okay. Again, though, it -- it -- it --  
15 you, as the -- as the Regulatory Advisor for this  
16 well, if somebody had come to you and said: "Is  
17 it acceptable or appropriate to round up from  
18 12.6 to 13 on this WAR," what would your response  
19 have been?  
20 A. Since the WAR takes tenths, I would have  
21 said: "You should put tenths and not round up."  
22 Q. So would you view this as a mistake if  
23 somebody put 13 if the actual number was twelve  
24 six?

Page 143:02 to 143:04

00143:02 A. If the number she was given is 12.6, and  
03 she rounded it to 13, that doesn't sound like  
04 something she would do, but, yeah.

Page 143:16 to 143:23

00143:16 Q. My question is, would it have been a  
17 mistake for one of the Drilling Engineers to give  
18 her the number 13, if, in fact, the actual LOT  
19 test was twelve six?  
20 A. If you -- unless you were -- unless you  
21 were rounding up all the time, or rounding down,  
22 you know, you should be consistent. So if you're  
23 doing it in tenths, you should do it in tenths.

Page 144:06 to 144:23

00144:06 Q. My question is, if you for your -- in own  
07 internal records have twelve six, if that's what  
08 you put down when you record a LOT test, are you  
09 saying it's not acceptable to give to MMS 13,  
10 because of rounding?  
11 A. I would not.  
12 Q. You would advise them not to?  
13 A. I would advise them not to. Whether the  
14 MMS accepts that, I don't know.  
15 Q. I want you to turn to Tab 43. This is  
16 Exhibit 1133. I want you to look at the E-mail  
17 from Brett Cocalles, dated March 14th of 2010.  
18 And I want to focus your attention on the line  
19 that begins "However" and ask you to read that  
20 sentence and the next sentence. Read it out  
21 loud. I'm sorry.  
22 A. Yeah, I'm going to read the paragraph

23 first, if that's fine.

Page 145:10 to 146:05

00145:10 Q. Start with the word "However" and read  
11 the next couple of sentences.  
12 A. "However, our FIT is 12.55 ppg and our TD  
13 mud weight will be 12.1 ppg, which falls just  
14 short of the 0.5 ppg margin."  
15 Q. Keep going.  
16 A. "Maybe" this "...is close enough" --  
17 "maybe it is close enough for them, but, we would  
18 have to ask them for this waiver as they require  
19 us to" main point "...0.5 ppg unless a waiver is  
20 granted and that would technically be a 12.6  
21 pp...shoe test."  
22 Q. If you had been under the impression that  
23 their FIT was 12.55, would you have given 12.55  
24 to Patton and not twelve six or 13?  
25 A. In the Weekly Activity Report is 12.6.  
00146:01 Q. Yeah. I'm talking about in what you gave  
02 to Patton in requesting a waiver?  
03 A. It -- it would depend on what I -- yeah.  
04 If I had gotten from the Engineer 12.55, that's  
05 what I would have told him.

Page 146:12 to 146:16

00146:12 Q. I'm saying that if you had understood  
13 that they had a FIT of 12.55, would you have  
14 given that number to MMS?  
15 A. Yes. I don't round it up from -- from  
16 the Engineer.

Page 146:24 to 147:01

00146:24 Q. (By Mr. Spiro) Is it your understanding  
25 when you have a safe drilling margin of .5, the  
00147:01 MMS wants a full .5 and not a .45?

Page 147:04 to 147:08

00147:04 A. I wouldn't know that either.  
05 Q. (By Mr. Spiro) Have you ever formed an  
06 impression one way or the other on that?  
07 A. I've never talked to them about that one  
08 way or the other.

Page 148:15 to 150:06

00148:15 Q. (By Mr. Spiro) All right. So why don't  
16 we look at Tab 12, which is Exhibit 4047. And

17 this is in March 26, and we'll look at Page 7 of  
 18 9. And once again --  
 19 A. Okay. Well, just a minute. (Reviewing  
 20 document.) Okay.  
 21 Q. Once again, we're looking at the Interval  
 22 No. 4 and the formation test figure of thirteen  
 23 zero. At the bottom of Interval 4.  
 24 A. Okay.  
 25 Q. And the fracture gradient of thirteen  
 00149:01 zero in the Report. You see that?  
 02 A. Okay.  
 03 Q. Well, this followed your conversation  
 04 with Patton on March 18th where you mentioned  
 05 twelve six, did it not?  
 06 A. I don't know.  
 07 Q. Do we need to go back to that tab? I  
 08 mean, we were --  
 09 A. Well, you'll have to get me back to the  
 10 tab with the date because --  
 11 Q. Okay. Tab 25, just put your finger here,  
 12 don't lose it, do you see it says March 18th,  
 13 2010, twelve six?  
 14 A. On Frank's?  
 15 Q. Yes.  
 16 A. Uh-huh.  
 17 Q. And we just talked -- talked about a  
 18 March 14th E-mail from Cocalles when he said it  
 19 was 12.55. Is this thirteen zero acceptable to  
 20 put that in a Drilling Permit Application on  
 21 March 26th following those dates? Is that  
 22 acceptable to you?  
 23 A. So this Permit was filed to include a  
 24 9-inch liner, so she may or may -- may not have  
 25 gone back. And as I stated previously, there's  
 00150:01 no obligation to go back and update previous  
 02 sections in an -- in an APD.  
 03 Q. Okay. But again -- all right.  
 04 A. The actual -- actual numbers go in Weekly  
 05 Activity Reports, not in -- in Drilling Permits.  
 06 They're -- they're projected.

Page 151:14 to 152:07

00151:14 Q. Okay. But we're not talking about the  
 15 bypass now. We're talking about March 26th,  
 16 which is after the -- the initial bypass, when  
 17 they've actually conducted the test, and they've  
 18 actually found it was twelve five five, is it  
 19 acceptable when you have never before identified  
 20 in a Drilling Permit Application thirteen zero  
 21 and you have a test of twelve five five, is it  
 22 acceptable to put thirteen zero as your formation  
 23 test figure?  
 24 A. You have to put thirteen zero, because  
 25 this eWell form does not accept hundredths, so

00152:01 we -- you round it up.  
02 Q. Well, why not twelve -- why not twelve  
03 five or twelve six?  
04 A. I don't know. I don't know the answer to  
05 that.  
06 Q. Is it acceptable to put thirteen zero if  
07 you've really got a twelve five five?

Page 152:10 to 153:02

00152:10 A. In this Permit, in the Appli -- in a  
11 Drilling Permit it's not actual figures. It's  
12 projected.  
13 Q. (By Mr. Spiro) I know. And I'm asking  
14 you, if you simply -- it -- well, no, this Permit  
15 they've -- they've actually taken the LOT test,  
16 is it acceptable when your actual test result was  
17 twelve five five, to put any number other than  
18 twelve five or twelve six in this entry?  
19 A. So since this number was 12 -- thirteen  
20 zero and the Weekly Activity Report was thirteen  
21 zero, that's -- I don't know where the number  
22 came from.  
23 Q. All right.  
24 A. So if it was twelve six, it should be  
25 twelve six.  
00153:01 Q. So it was not acceptable to put thirteen  
02 zero if they actually got a twelve five five?

Page 153:05 to 153:13

00153:05 A. I don't know if they actually got a  
06 twelve five five, if that was the final leakoff  
07 test.  
08 Q. (By Mr. Spiro) But if it were?  
09 A. If it were, you should put twelve six.  
10 Q. Okay. Was it your understanding when  
11 this well was drilled, that MMS was concerned  
12 about these figures being accurate figures like  
13 the ones we've been discussing?

Page 153:16 to 153:24

00153:16 A. In the APD?  
17 Q. (By Mr. Spiro) Yes.  
18 A. The APD is a projected document, so you  
19 project as accurately as you can what you're  
20 going to -- what you're going to encounter.  
21 Q. Well, is it your assumption that these  
22 figures are accurate when you submitted them, to  
23 the best of your knowledge?  
24 A. Yes.

Page 154:06 to 154:10

00154:06 Q. Was it your understanding that MMS relies  
07 on the formation test figures to be as accurate  
08 as possible to determine whether or not Operators  
09 are complying with the safe drilling margin  
10 Regulation?

Page 154:13 to 154:15

00154:13 A. They use -- the MMS would use the actual  
14 number. They don't use the numbers in the APD  
15 because those numbers are going to change.

Page 155:01 to 156:07

00155:01 Q. (By Mr. Spiro) Was it your assumption  
02 that they would be relying on accuracy in the  
03 Weekly Activity Reports' entries for formation  
04 tests?  
05 A. I can't answer that either.  
06 Q. You made no assumption as to whether MMS  
07 relied on accuracy?  
08 A. The only time that we talked about  
09 drilling margin with the MMS is when I would call  
10 to ask for a different margin. So I don't know  
11 what they look at on a weekly or daily basis.  
12 Q. Is it your understanding that they were  
13 entitled to accuracy in the Well Activity Reports  
14 with respect to the formation test?  
15 A. With respect to anything.  
16 Q. And was it your understanding that those  
17 figures for formation tests was what they had  
18 available to them to determine if the Operator  
19 was operating within a safe drilling margin?  
20 A. I don't know the answer to that.  
21 Q. All right. Turn to Tab 29. This has  
22 been marked Exhibit 3733, and I want to focus  
23 your attention on the E-mail in the middle of the  
24 page from Martin Albertin to Randall sou -- Sant  
25 and Mark Alberty, about a leakoff test, a LOT.  
00156:01 Albertin was the well's single point of  
02 accountability for PPFG issues, was he not?  
03 A. I don't know.  
04 Q. Do you know the name Martin Albertin?  
05 A. Yes.  
06 Q. You understand him to be an expert on  
07 leakoff tests?

Page 156:10 to 157:13

00156:10 A. I understand he's a member of the Tiger  
11 Team that had to do with pore pressure and frac

12 gradient, but I don't know what his specific  
13 responsibilities are.

14 Q. (By Mr. Spiro) Okay. Look at what it  
15 says under -- well, why don't you read that  
16 E-mail. Let me know when you're done.

17 A. The second one?

18 Q. Yeah.

19 A. (Reviewing document.) Okay.

20 Q. And look under Option 1. He said he has  
21 been scratching his head as to the origin of why  
22 this leakoff test result was above the  
23 overburden. And he said: "option 1: not a  
24 valid LOT, somehow performed another casing  
25 test?"

00157:01 Do you see that?

02 A. Yes.

03 Q. Were you ever told that there were any  
04 concerns raised as to whether this LOT was valid?

05 A. I was not.

06 Q. Do you know why, if he had expressed  
07 concerns about the LOT's validity, there was not  
08 another test conducted?

09 A. I have no idea.

10 Q. Had you known that there were concerns  
11 raised by Martin Albertin about the test  
12 validity, would you have proposed that they do  
13 another?

Page 157:16 to 158:03

00157:16 A. Yeah, that would not be my area of  
17 expertise to tell them when they need to do a  
18 leakoff test.

19 Q. (By Mr. Spiro) When you submit a LOT, or  
20 formation test score, to MMS, you operate under  
21 the assumption that the LOT was a valid one?

22 A. Yes.

23 Q. Do you think that's implicit in the  
24 Regulation that requires you to do and report a  
25 LOT?

00158:01 A. That it be a valid test?

02 Q. Yes.

03 A. Yes.

Page 158:19 to 158:22

00158:19 Q. If there were concerns about a LOT's  
20 validity that had not been resolved, were they  
21 expected to do another leakoff test?

22 A. I don't know.

Page 159:03 to 161:02

00159:03 Q. Were you aware that they did several  
04 leakoff tests for the October Interval of the  
05 Macondo?  
06 A. No.  
07 Q. This is the first time you're hearing  
08 that?  
09 A. Yes.  
10 Q. Were you aware that they did several  
11 leakoff tests for the February Interval of the  
12 Macondo?  
13 A. I don't recall being aware of that.  
14 Q. So this is the first time that you've  
15 heard that they -- they did more than a single  
16 leakoff test for any Interval of the Macondo?  
17 A. Yeah. I usually didn't know when they  
18 do -- did the leakoff tests, so --  
19 (Discussion off the record.)  
20 Q. (By Mr. Spiro) All right. I think I -- I  
21 know your answer to this, but why don't we go to  
22 Exhibit -- or Tab 30, which is Exhibit 1343.  
23 Maybe this will jog your memory, I don't know.  
24 And really we're focusing on the first E-mail  
25 from Martin Albertin, this is dated April 2nd.  
00160:01 A. (Reviewing document.)  
02 Q. And let me call your attention to a  
03 couple of things. It says: "Possible  
04 explanations for the LOT...tests..." And he --  
05 he identifies the word "erroneous test." Do you  
06 see that, like the fourth bullet?  
07 A. Yes.  
08 Q. And I want to also call your attention,  
09 the last sentence of the penultimate paragraph,  
10 that begins "I think," can you -- do you -- can  
11 you read that, can you read it out loud, so make  
12 sure we're on the same page here?  
13 A. Of the -- okay. I'm -- I'm not --  
14 Q. Okay. The -- the second to the last  
15 paragraph, that starts "We can't get pore  
16 pressure..."?  
17 A. Okay, m-h'm.  
18 Q. Four lines down, there's a sentence that  
19 begins with the word "I." If you can read that  
20 aloud?  
21 A. "I wouldn't" that one?  
22 Q. No. It says "I think," near the end of  
23 the paragraph.  
24 A. Oh, okay, okay. "I think the most likely  
25 explanation is that we have tested a shale that  
00161:01 has very high tensile strength, or we have tested  
02 cement/casing."

Page 161:21 to 162:03

00161:21 Q. Was it your understanding that the  
22 purpose of a LOT test is to test the formation

23 and not cement or casing?  
 24 A. Yes. Which -- yes.  
 25 Q. So it -- let me ask it again: If -- if  
 00162:01 they had -- if they were under the understanding  
 02 that they had tested cement or casing, would that  
 03 make it an invalid test?

Page 162:06 to 162:10

00162:06 A. If they thought -- if they were sure that  
 07 they cased -- tested cement or casing?  
 08 Q. (By Mr. Spiro) M-h'm.  
 09 A. Then I would expect them to do another  
 10 test.

Page 162:12 to 163:12

00162:12 Q. (By Mr. Spiro) Would you report to MMS, a  
 13 test that you understood to be a test of cement  
 14 or casing as a Formation Test?  
 15 A. Well, that's never happened to me, first  
 16 of all. No one has ever come to me and said,  
 17 "This is not a valid leakoff test" --  
 18 Q. M-h'm.  
 19 A. -- as you put it. "Let's give this to  
 20 MMS."  
 21 Q. If --  
 22 A. That has never happened to me.  
 23 Q. If they had, would you have reported it?  
 24 A. I would have had to ask more questions  
 25 about that.  
 00163:01 Q. And would your answer be the same if it  
 02 was your understood -- if it was your  
 03 understanding that they thought it might be a  
 04 cement or casing test?  
 05 A. Would my answer be the same as --  
 06 Q. That you would not report a test to MMS  
 07 without asking more questions.  
 08 A. Right.  
 09 Q. If you thought -- if -- if you were  
 10 advised that it might be a test of cement or  
 11 casing rather than formation?  
 12 A. Right. I would be --

Page 163:15 to 163:20

00163:15 A. -- I would ask more questions.  
 16 Q. (By Mr. Spiro) Such as?  
 17 A. I would -- I would talk to the Drilling  
 18 Engineer and the subsurface person to see if, in  
 19 fact, they really thought it was not a valid  
 20 test.



Page 163:23 to 164:02

00163:23 Q. This is an E-mail from Robert Bodek --  
24 it's the first page we're looking at -- dated  
25 April 13th, 2010. Exhibit 1220 is how it's been  
00164:01 marked. Have you seen this before?  
02 A. I have not.

Page 165:24 to 166:07

00165:24 Q. "We had already experienced static losses  
25 with a 14.5...ESD! It appeared as if we had  
00166:01 minimal, if any, drilling margin."  
02 Okay. Am I correct, based on reading  
03 this, that at least according to this man Bodek,  
04 they couldn't drop their mud weight even  
05 one-tenth of a ppg without being underbalanced  
06 because of the pore pressure? Is that your  
07 reading of that?

Page 166:11 to 166:11

00166:11 A. I -- I'm not a --

Page 166:13 to 167:05

00166:13 A. Yeah. Yeah. I -- I can't really say  
14 what he meant by this E-mail. I didn't -- I've  
15 never seen it, and I was not party to this  
16 conversation. In fact, I had already not --  
17 Q. (By Mr. Spiro) Okay.  
18 A. -- I was already not doing this well  
19 anymore. Right?  
20 Q. On the 13th.  
21 A. Right.  
22 Q. Okay. But they're talking about events  
23 that took place before the 13th, on the -- like  
24 the 4th or 5th of April. But you were -- were  
25 you brought into this equation at all on the 4th  
00167:01 or 5th of April?  
02 A. I was not.  
03 Q. Do you recall, in Morning Meetings, this  
04 topic coming up in early April?  
05 A. I do not.

Page 167:07 to 167:11

00167:07 Q. (By Mr. Spiro) Yeah. If they were --  
08 were understanding that they had minimal, if any,  
09 drilling margin, if Bodek was under that  
10 understanding, should they have continued to  
11 drill without going to MMS?

Page 167:15 to 168:04

00167:15 A. Yeah, so my understanding of the  
16 Requirements for MMS is that whatever the  
17 previous Leakoff Test was, or FIT, that is what  
18 you're drilling margin is.  
19 Q. (By Mr. Spiro) Okay.  
20 A. So if they were going to go within the  
21 .5ppg, then, yes, they should have gone to MMS.  
22 Q. Well, I -- I think that the Leakoff  
23 Test -- and we could -- we could show it here,  
24 was -- we just looked at it before, it was 16.  
25 Remember? That was the one that Albertin was  
00168:01 questioning. Does that mean you're saying that  
02 it would have been acceptable for margin purposes  
03 to drill with any -- anything lower than a  
04 fifteen five?

Page 168:07 to 168:13

00168:07 A. Yes. So the way I've always understood  
08 it, with -- from the MMS perspective, that is  
09 your drilling mud.  
10 Q. (By Mr. Spiro) Okay. So I'm asking you,  
11 would it have been acceptable for them to drill  
12 ahead with anything less a fifteen five if they  
13 had a Leakoff Test of 16?

Page 168:16 to 169:02

00168:16 A. Less than -- I'm sorry.  
17 Q. (By Mr. Spiro) Fifteen five -- 15.5, I'm  
18 sorry. That gives them a .5 margin below their  
19 Leakoff Test number.  
20 A. So you can drill with a lower mud weight  
21 from your .5. It's just when you go higher.  
22 Q. Well, what Bodek seems to be talking  
23 about, is that they were losing mud in the low  
24 14s. Are you saying that it would have been  
25 acceptable for them to drill at -- at around the  
00169:01 same number where they were losing mud?  
02 A. So I can't really --

Page 169:05 to 169:06

00169:05 A. Yeah, I really can't comment on that.  
06 Because that is not my area of expertise at all.

Page 169:22 to 170:22

00169:22 Q. Okay. Okay. Let's go back to Tab 4, and  
23 this is Exhibit 4532, and ask you to look at Page

24 12.  
 25 A. (Reviewing document.)  
 00170:01 Q. Now, I want to call to your attention in  
 02 particular, the first bullet this time. "You  
 03 must use the pressure integrity test and related  
 04 hole-behavior observations, such as pore-pressure  
 05 test results, gas-cut drilling fluid, and well  
 06 kicks to adjust the drilling fluid program and  
 07 setting depth of the next casing string." You  
 08 with me?  
 09 A. M-h'm. Yes.  
 10 Q. And --  
 11 A. Sorry.  
 12 Q. -- that comes from a Regulation, does it  
 13 not?  
 14 A. Yes, it does.  
 15 Q. Do you remember the Regulation number?  
 16 A. No, I do not.  
 17 Q. Okay. I think it's the one we saw  
 18 before, 427, this time, (a), not (b), 250.427(a).  
 19 In your view, does that require Operators to set  
 20 casing when their hole behavior observations  
 21 indicate that it would not be safe to continue to  
 22 drill further in an Interval?

Page 170:25 to 171:11

00170:25 A. I think it -- what I think  
 00171:01 this Regulation says is that they have to use the  
 02 data they have, the real hole data that they  
 03 have, to adjust their either drilling fluid  
 04 program or where they set casing.  
 05 Q. (By Mr. Spiro) So if they are obtaining  
 06 data from test results or other events, they must  
 07 listen to that information, or listen to the  
 08 well, in determining how much mud to put in the  
 09 well or when to set casing. Is that what you're  
 10 saying?  
 11 A. That's what I'm saying.

Page 172:17 to 172:21

00172:17 Q. (By Mr. Spiro) Does this require there to  
 18 be any kind of cushion, in your mind, between  
 19 your mud weight and the lowest fracture gradient  
 20 that you're -- that you are experiencing based on  
 21 your hole behavior observations?

Page 172:24 to 173:15

00172:24 A. I can't -- I can't answer that.  
 25 Q. (By Mr. Spiro) Who would be the Expert on  
 00173:01 this Regulation that was involved with the

02 Macondo Well?  
03 A. That would be the Drilling Engineers and  
04 the subsurface.  
05 Q. All right. Can you give me names?  
06 A. Brian and Mark.  
07 Q. Morel and Hafle?  
08 A. Yes.  
09 Q. Did anybody train them as to the meaning  
10 of this Regulation?  
11 A. This specific Regulation?  
12 Q. This particular Regulation we've been  
13 talking about.  
14 A. I don't recall talking to them  
15 specifically about this particular Regulation.

Page 174:05 to 174:18

00174:05 Q. (By Mr. Spiro) Have you served as  
06 Regulatory Advisor on BP wells when they submit  
07 Temporary Abandonment Procedures?  
08 A. Yes, I have.  
09 Q. When BP submits Temporary Abandonment  
10 Procedures, or should I say when you have  
11 submitted a Temporary Abandonment Procedure on  
12 behalf of BP, was it your understanding that BP  
13 was going to follow the Procedures submitted?  
14 A. Yes.  
15 Q. Once the Temporary Abandonment Procedures  
16 have been submitted and approved by MMS, do you  
17 believe that BP has an obligation to perform the  
18 Procedure as submitted?

Page 174:21 to 175:02

00174:21 A. Yes. There are -- are certain things  
22 that -- and it depends on if -- on what changes  
23 are made. If it's a material change, if it's  
24 significant, you would probably want to go back  
25 to get approval to change it. There are some  
00175:01 things that the MMS typically has allowed you to  
02 change without.

Page 175:09 to 175:16

00175:09 Q. Have -- has MMS explained to you that BP  
10 is -- is allowed to change its Procedures after  
11 having the Temporary Abandonment Process  
12 approved, as long as the changes are not  
13 material?  
14 A. As far as a person saying that, it's just  
15 been understood working with them through the  
16 years, no.

Page 175:21 to 176:18

00175:21 Q. Well, what gives you the idea that it's  
22 okay to vary from the Procedures that have been  
23 approved, under certain circumstances?  
24 A. Well, there have been times when I've  
25 called to ask, "Do we need to revise a  
00176:01 Procedure," and the answer is "No."  
02 Q. Did you, under those circumstances, tell  
03 them what the change would be?  
04 A. Yeah, I would have, if I called,  
05 absolutely.  
06 Q. Do you think it's ever acceptable to vary  
07 from the Procedures without at least orally  
08 getting the go-ahead from MMS?  
09 A. I think from the years of experience that  
10 we had, we just -- there were certain things that  
11 you knew they accepted, so you didn't necessarily  
12 call.  
13 Q. Such as what?  
14 A. Such as if you change your casing--  
15 casing type to a type that's more stringent,  
16 more -- heavier casing. If you pump more cement  
17 than you put in your APD. If you drill within a  
18 hundred feet of your TD.

Page 177:01 to 177:07

00177:01 Q. (By Mr. Spiro) Let me -- let me say it  
02 this way: If they are changing their Procedure  
03 so that they're replacing mud with water to 3,000  
04 feet below the seabed, and that was not in the  
05 original approved Procedure, should they have  
06 gone to MMS first to obtain authorization to do  
07 that?

Page 177:10 to 177:13

00177:10 A. I would -- I would have to ask more  
11 questions about that, because I'm not familiar  
12 with it, to know if it was a change that needed  
13 to -- to be --

Page 177:15 to 179:06

00177:15 A. -- reported to the MMS.  
16 Q. Let's look at some documents, then.  
17 Let's look at Tab 36. And I'm going to call to  
18 your attention what is the -- I guess, the third  
19 page of this document, which it says "Temporary  
20 Abandonment Procedure." This is for the Macondo  
21 Well. I understand you did not submit it.  
22 A. No, I did not.

23 Q. But have you seen similar Temporary  
 24 Abandonment Procedures in the past?  
 25 A. H'm, I don't, as a rule, review the  
 00178:01 Procedure.  
 02 Q. I see. So you'll note that this, on  
 03 Page -- this page, under No. 1, it says:  
 04 "Negative test casing to seawater gradient..."  
 05 do you see that?  
 06 A. Yes.  
 07 Q. And then after that is completed, it  
 08 says -- I see "TIH..." -- I assume that means  
 09 "trip in hole" -- "...to 8367." Do you see that?  
 10 A. Yes.  
 11 Q. And then it says: "Displace to  
 12 seawater" --  
 13 A. (Nodding.)  
 14 Q. -- after you do a negative pressure test  
 15 on Item 1.  
 16 Now, look at Page thirty -- excuse me,  
 17 Tab 37, which is Exhibit 547. And I'm sorry.  
 18 That last -- last exhibit on Tab 36 was Exhibit  
 19 4032.  
 20 And I want you to look at -- in Tab 37,  
 21 the fact that this was dated April 20th. This is  
 22 the Operations Note that was done on the last day  
 23 that the DEEPWATER HORIZON -- you know, before  
 24 the explosion, the last day -- the last day  
 25 where -- where the DEEPWATER HORIZON existed.  
 00179:01 So do -- can you look at that Procedure?  
 02 At the top, it says: "Displace to seawater" at  
 03 "8367." I'm -- I'm combining Items 2 and 3. And  
 04 then it says: "...do a negative test..." it  
 05 doesn't talk about doing a negative test at the  
 06 beginning. Do you see that?

Page 179:09 to 179:16

00179:09 A. Well, I'm not an -- an interpreter of  
 10 abandonment procedures, but I see where you're  
 11 pointing it out.  
 12 Q. (By Mr. Spiro) And my question is: Is it  
 13 a material change, in your mind, that the  
 14 negative test is not being done before the  
 15 displacement to seawater all the way down to  
 16 8367?

Page 179:18 to 180:13

00179:18 A. Yeah. I'm not qualified to make that  
 19 answer.  
 20 Q. (By Mr. Spiro) But what you are saying,  
 21 in your view, is that if it is a material change  
 22 to the Temporary Abandonment Procedures that have  
 23 been approved, then BP would have been obligated

24 to let MMS know before they engaged in a new  
25 approach?  
00180:01 A. If it materially changed the substance  
02 of -- of the Abandonment Procedure, I would have  
03 recommended letting MMS know.  
04 Q. When you say you "would have recommended"  
05 it, are you saying that you think that they were  
06 required to do that?  
07 A. H'm, it would just depend on what the  
08 change was.  
09 Q. And I'm asking you: If it's a material  
10 change, would you believe that they would have  
11 been required to go to MMS and obtain -- at least  
12 to notify MMS about what they were doing, before  
13 they did it?

Page 180:15 to 180:16

00180:15 A. I don't know if it's required, but I  
16 would definitely have recommended it.

Page 180:23 to 181:10

00180:23 Q. Are you aware of a Regulation that  
24 requires an Operator to, quote, provide a level  
25 of safety and environmental protection that  
00181:01 equals or surpasses current MMS requirements when  
02 they're seeking a departure from the Regulations?  
03 A. That -- yeah, that's in the Regulation  
04 which allows you to deviate from the -- the  
05 Regulations.  
06 Q. So in this case, BP must ensure that any  
07 Deviation from the Regulations that they're  
08 requesting is one that provides an equal or  
09 better level of safety?  
10 A. When you ask --

Page 181:13 to 181:23

00181:13 A. Yeah. When you ask for a departure from  
14 the Regulations, then that's what you have to  
15 show the MMS.  
16 Q. (By Mr. Spiro) What do you have to show  
17 MMS? I'm sorry.  
18 A. You have to -- you have to show the MMS  
19 that that is as safe or safer than --  
20 Q. Okay.  
21 A. -- the Regu -- than abiding by the  
22 Regulations that are in print.  
23 Q. That's BP's burden --

Page 181:25 to 181:25

00181:25 Q. (By Mr. Spiro) -- to do so?

Page 182:02 to 182:09

00182:02 A. Well, it -- yeah. It's the MMS's burden  
 03 to approve it or not approve it.  
 04 Q. (By Mr. Spiro) Right, but is it BP's  
 05 burden, when they seek a departure from the  
 06 Regulations, that they believe that it's  
 07 providing a level of safety and environmental  
 08 protection that equal or surpasses current MMS  
 09 requirements?

Page 182:11 to 182:14

00182:11 A. I think it's BP's burden -- or it's  
 12 any -- anybody in Industry's burden to know that,  
 13 and if the MMS decides to ask for proof, then  
 14 they will.

Page 182:16 to 183:05

00182:16 A. To know that they're -- what they're  
 17 requesting is as safe.  
 18 Q. Okay. So at least they must have a  
 19 good-faith belief that that what -- that what  
 20 they're requesting is as safe?  
 21 A. Yes.  
 22 Q. You've worked a lot with Frank Patton  
 23 over the years; is that correct?  
 24 A. I've worked with Frank several times,  
 25 yes.  
 00183:01 Q. Do you consider him a capable Engineer?  
 02 A. As far as I know.  
 03 Q. Do you have any criticisms of his actions  
 04 in approving Permits for the Macondo?  
 05 A. I did not.

Page 184:13 to 186:13

00184:13 Q. So -- so you're with me now, Subpart --  
 14 I'm -- I'm focusing on Subpart (a) of  
 15 Section 250.401.  
 16 A. Okay.  
 17 Q. Now, we just read about Temporary  
 18 Abandonment Procedures, which involved things  
 19 like conducting a negative pressure test.  
 20 Is it your understanding that this  
 21 Regulation, Subpart (a), was applying to those  
 22 kinds of procedures?  
 23 A. Now, the Regulations in -- under  
 24 Subpart (d) apply to drilling. Subpart (q),  
 25 which is in the 1700s, apply to abandonment.



00185:01 Q. So it's your view that when BP was  
 02 implementing their Temporary Abandonment  
 03 Procedures, they were not required by  
 04 Section 250.401 to use the best available and  
 05 safest drilling technology to monitor and  
 06 evaluate well conditions and to minimize the  
 07 potential for the well to flow or kick.  
 08 A. What I --  
 09 Q. Is that correct?  
 10 A. What I'm saying is the Regulations that  
 11 BP would have been operating under during the  
 12 Temporary Abandonment Operations are in  
 13 Subpart (q), not in Subpart (a).  
 14 Q. You mean Subpart (d)?  
 15 A. (d).  
 16 Q. So this -- so what was in Subpart (d)  
 17 would not have applied to their Temporary  
 18 Abandonment Procedures, in your opinion?  
 19 A. That's correct.  
 20 (Discussion off the record.)  
 21 Q. (By Mr. Spiro) Okay.  
 22 (Discussion off the record.)  
 23 Q. (By Mr. Spiro) And -- and what if we move  
 24 back in time a little bit to the time that BP was  
 25 cementing the final Interval, which came before  
 00186:01 the Temporary Abandonment Procedures. Are you  
 02 with me?  
 03 A. Yes.  
 04 Q. Would Subpart (d) apply to the cementing  
 05 of the final Interval?  
 06 A. I would say "Yes."  
 07 Q. So Section 250.401 would apply to their  
 08 cementing of the final Interval. Is that what  
 09 you're saying?  
 10 A. Of the final casing string. Is that what  
 11 you're talking about?  
 12 Q. Yes.  
 13 A. Yes.

Page 186:19 to 190:05

00186:19 (Exhibit No. 5841 marked.)  
 20 Q. (By Mr. Spiro) 5841 is what we are  
 21 marking this document as, Exhibit 5841, and this  
 22 appears to be an E-mail from Brian Morel to you,  
 23 dated October 25th, 2009.  
 24 Does this ring a bell?  
 25 A. I made several requests to the BOEM  
 00187:01 during that well, but I don't necessarily  
 02 remember this particular one, but, yes, I can see  
 03 that.  
 04 Q. So was Morel -- when -- when you were  
 05 to -- strike that.  
 06 When you contacted MMS seeking a waiver  
 07 of the .5 drilling margin, was your contacts

08 prompted by an E-mail like this from Morel?  
09 A. That -- it would have been prompted by an  
10 E-mail or a phone call from Brian or Mark or --  
11 or John.  
12 Q. John?  
13 A. Guide.  
14 Q. Okay. Do you recall John Guide ever  
15 contacting you with respect to the Macondo asking  
16 you to seek a waiver --  
17 A. No.  
18 Q. -- of the Drilling Margin Regulations?  
19 A. I don't recall that specifically, no.  
20 Q. Do you recall asking for any waiver to  
21 less than .3 ppg with respect to the Macondo?  
22 A. I don't recall that.  
23 Q. Why were you -- why were you seeking a  
24 waiver to .3, because Morel asked you to or some  
25 other reason?  
00188:01 A. Yeah, only if the -- I -- I just asked  
02 for what the Engineer asked me to ask.  
03 Q. Fair enough.  
04 A. Yes.  
05 Q. Okay. So I want to go back to Tab 17,  
06 and, again, the last -- we looked at this before,  
07 the last -- second page of Tab 17, the last  
08 E-mail here.  
09 Do you see that?  
10 A. M-h'm, yes.  
11 Q. Now, I'm assuming this followed your  
12 receipt of an E-mail from Morel to seek the .3  
13 variance. Do you -- do you recall if there was  
14 another conversation or E-mail in between the --  
15 the previous E-mail we just looked at and this  
16 one?  
17 A. I -- I don't know, huh-uh.  
18 Q. But, again, this information that you  
19 gave to Lynard Carter would have been obtained  
20 from whom?  
21 A. An Engineer, yeah.  
22 Q. Okay. And if we go up in this document,  
23 you see that Lynard Carter is sending an E-mail  
24 to you, if you can take a look at that.  
25 A. Right.  
00189:01 Q. And I -- I gather that's approving your  
02 request to change the mud weight to 10?  
03 A. Right.  
04 Q. And it says: "Please note this approval  
05 in your weekly activity report..."  
06 A. Right.  
07 Q. Is that your responsibility to note that  
08 approval in your Weekly Activity Report?  
09 A. Heather did the Weekly Activity Reports.  
10 Q. Did you communicate this E-mail? Did you  
11 provide a copy of this E-mail to her?  
12 A. I don't know, but it will be in the Daily

13 Drilling Report that she got.  
 14 Q. Okay. I guess my question is, did you  
 15 communicate with her that MMS specifically asked  
 16 for this approval to be noted in your Weekly  
 17 Activity Report?

18 A. I don't know if I communicated it --  
 19 communicated it to Heather personally. But it  
 20 would have been in the Daily Drill -- Drilling  
 21 Report that she read to do the Weekly Activity  
 22 Report.

23 Q. What would have been, I'm sorry?

24 A. The verbal approval.

25 Q. And how would she have obtained that  
 00190:01 information?

02 A. She gets it every day.

03 Q. I see. So you -- you think she would  
 04 know to put that in the Weekly Activity Report?

05 A. Yes.

Page 191:04 to 191:09

00191:04 Q. (By Mr. Spiro) This is 5842. And I'm  
 05 obviously calling to your attention the E-mail at  
 06 the bottom of the page.

07 Do you recall that?

08 A. Looking at it, I -- I do recall a little  
 09 bit about that.

Page 191:15 to 191:20

00191:15 Q. Do you remember that they said that they  
 16 had given you a downhole number instead of the  
 17 surface number, and that's what you had provided  
 18 to MMS by mistake?

19 A. I believe that I communicated that to  
 20 Lynard, as well.

Page 191:25 to 192:07

00191:25 Q. So this -- this E-mail on Tab 20,  
 00192:01 Exhibit 5842, would have prompted you to write  
 02 the E-mail that is at the top of Exhibit 3727,  
 03 Tab 17?

04 A. Yeah. I don't know if this was the only  
 05 one, but it would have prompted me to at least  
 06 contact Brian to find out what needed to be  
 07 communicated to MMS.

Page 192:09 to 192:22

00192:09 Q. (By Mr. Spiro) Was it your understanding  
 10 when you got this E-mail from Brian Morel, that  
 11 the 10.25 was the surface analog of 10.38 figure

12 that you had previously provided to MMS?  
 13 MR. HOLOZUBIEC: Objection as to  
 14 form.  
 15 A. Yeah. I'm not sure what you mean by  
 16 "analog."  
 17 Q. (By Mr. Spiro) In other words, that there  
 18 was a -- there was a LOT performed, the downhole  
 19 equivalent was -- resulted in a 10.38, and  
 20 the surface equivalent of that same LOT was a  
 21 10.25.  
 22 A. So --

Page 192:25 to 193:13

00192:25 Q. (By Mr. Spiro) Was it your understanding  
 00193:01 that it was the same LOT?  
 02 A. Oh, I see what you're saying.  
 03 Yes.  
 04 Q. Now, when you submitted the E-mail to  
 05 Lynard Carter that's at the top of Tab 17 --  
 06 A. Yes.  
 07 Q. -- Exhibit 3727, was it your  
 08 understanding that you had to wait for a response  
 09 from Lynard Carter before BP could drill ahead,  
 10 or was it your assumption that they didn't have  
 11 to respond?  
 12 A. Yeah. I -- I didn't expect that we would  
 13 have to wait for Lynard to respond back.

Page 196:22 to 197:22

00196:22 Q. (By Mr. Dart) Okay. Now, I'd like you to  
 23 refer to Tab 4 of the PSC's exhibits, which was  
 24 an E-mail that was discussed with you earlier  
 25 this morning. Do you recall that?  
 00197:01 A. Yes.  
 02 Q. Yes. Okay. And it's an E-mail from you,  
 03 dated January 18th of 2010, to Teri Halverson,  
 04 Kurt Mix, and Forrest Shanks; is that right?  
 05 A. That's correct.  
 06 Q. And it dealt with MASP calculations. Do  
 07 you recall that discussion?  
 08 A. From earlier this morning?  
 09 Q. Yes.  
 10 A. Yes.  
 11 Q. Okay. Now, you said -- you said in the  
 12 first sentence of your E-mail that you would be  
 13 at two OOC meetings. What is the OOC?  
 14 A. OOC is the Offshore Operators Committee,  
 15 which is an industry trade organization.  
 16 Q. Okay. And did you say that you were a  
 17 member of the Drilling Subcommittee?  
 18 A. That's correct.  
 19 Q. All right. So you were one of the BP

20 Representatives on this Offshore Operator's  
21 Committee?  
22 A. Yes.

Page 200:04 to 200:23

00200:04 Q. Okay. Now, you said you were going to go  
05 to this meeting with Mike Connor and Russell  
06 Hoshman. Were those MMS employees?  
07 A. Yes.  
08 Q. Okay. What was the purpose of this  
09 meeting?  
10 A. It was a drilling sub -- there were two  
11 meetings that day. There was a Drilling  
12 Subcommittee meeting and a Technical Subcommittee  
13 meeting. And Russell was coming to the Drilling  
14 Subcommittee to speak to that group, which is  
15 industry. It's a group of -- you know, industry  
16 group.  
17 Q. M-h'm.  
18 A. And then Mike was coming later that  
19 afternoon to speak to the Technical Subcommittee.  
20 Q. Okay. Now, which, if any, of those --  
21 were you on the Technical Subcommittee, as well?  
22 A. Yes.  
23 Q. Okay. So you're on two subcommittees?

Page 201:08 to 202:14

00201:08 Q. Now, there -- there were two subjects in  
09 your E-mail, one dealing with drilling risers and  
10 one dealing with MASP. And -- and I'm interested  
11 in the MASP portion of it.  
12 Was that Presentation made to the  
13 Drilling Subcommittee or the Technical  
14 Subcommittee or both?  
15 A. I don't remember.  
16 Q. Who was making that Presentation  
17 between -- as between Mr. Connor and Mister --  
18 the other guy?  
19 A. I can't say for sure. Which one was it?  
20 Russell. Yeah.  
21 Q. Russell. Yes. And you said the language  
22 in your E-mail was a quote from one of those two  
23 people?  
24 A. Right.  
25 Q. Where did you get that language from to  
00202:01 put in your E-mail?  
02 A. I think that I got that E-mail from  
03 probably Russell. It might have been Mike.  
04 Q. Okay. Now, also at the top of your  
05 E-mail it lists two attachments. And the second  
06 attachment says: "Draft Policy Completion Case  
07 MASP 11-18-09.doc." So that's a Word document, I

08 presume?  
 09 A. Right.  
 10 Q. And this is a, what, a draft of a  
 11 proposed Regulatory change by MMS?  
 12 A. I don't remember exactly, but once again,  
 13 Russell had sent the -- sent those to me for a --  
 14 for the discussion in that meeting.

Page 203:16 to 204:02

00203:16 Q. Okay. Do you recall making a  
 17 Presentation at either of the Subcommittee  
 18 meetings?  
 19 A. No, I didn't make a Presentation.  
 20 Q. Did you ask any questions at this --  
 21 A. I don't -- I don't remember asking any  
 22 questions, but I don't know if I did or not.  
 23 Q. Okay. But, again, it's fair to say that  
 24 at -- at some level, you were involved in the  
 25 proposal by MMS to change the methodology for  
 00204:01 MASP calculations?  
 02 A. Well --

Page 204:05 to 204:15

00204:05 A. -- yeah, so what I heard -- what we heard  
 06 that day was where the MMS was in their thinking  
 07 about what they might or might not do.  
 08 Q. (By Mr. Dart) Okay. But you were aware  
 09 of it, right?  
 10 A. I was aware that they were thinking about  
 11 making some changes, yes.  
 12 Q. All right. And those changes, as you say  
 13 in your E-mail, deal with using an oil gradient  
 14 in the calculations as opposed to a hundred  
 15 percent gas column; is that right?

Page 204:18 to 205:01

00204:18 A. (Reviewing document.) It looks -- from  
 19 this E-mail, it looks like that is one of the  
 20 things they were considering.  
 21 Q. (By Mr. Dart) Sure. So at least you were  
 22 aware of the issue, right?  
 23 A. I'm not sure I would call it an "issue."  
 24 Q. Well --  
 25 A. I was -- I'm aware that -- that the MMS  
 00205:01 was talking about it.

Page 205:04 to 205:07

00205:04 Q. All right. And what they were talking  
 05 about was whether or not an Operator could

06 calculate MASP by using a liquid gas gradient as  
 07 opposed to a hundred percent gas column, correct?

Page 205:10 to 205:20

00205:10 A. They -- they -- that was part of their  
 11 discussions, apparently, in how -- how they were  
 12 going to formulate their Policy, which they  
 13 didn't --  
 14 Q. (By Mr. Dart) Right.  
 15 A. -- had not been communicated to us.  
 16 Q. Right. So you were aware that that was  
 17 the -- the issue with MMS, right?  
 18 A. It was part of their discussion, yes.  
 19 Q. And you were aware of it?  
 20 A. Ah, by means of this meeting, yes.

Page 205:23 to 206:14

00205:23 Q. (By Mr. Dart) 30 CFR 250.107 says that  
 24 "You must protect health, safety, property, and  
 25 the environment by: (1) Performing all  
 00206:01 operations in a safe and workmanlike manner; and  
 02 (2) Maintaining all equipment and work areas in a  
 03 safe condition."  
 04 Is that your understanding of that MMS  
 05 Regulation?  
 06 A. Well, without looking at it to know, then  
 07 I can say -- it sounds right. Absolutely.  
 08 Q. (Turning computer toward witness.)  
 09 A. Okay.  
 10 Q. Okay?  
 11 A. Okay.  
 12 Q. What did you do as a Regulatory  
 13 Compliance Officer to ensure that BP drilled the  
 14 Macondo Well in a safe and workmanlike manner?

Page 206:18 to 207:16

00206:18 A. The responsibility for compliance with  
 19 the Regulations rests on Operation -- in  
 20 Operations.  
 21 Q. (By Mr. Dart) So as a Regulatory  
 22 Compliance Officer, you had no obligation for  
 23 Regulatory Compliance?  
 24 A. I was the Regulatory Advisor.  
 25 Q. All right. So --  
 00207:01 A. Regulatory Specialist not Compliance.  
 02 But my responsibility was to ensure that they  
 03 knew what the Regulations were, to make sure the  
 04 paperwork got filed correctly, communicate with  
 05 the MMS, but actually complying with the Permit  
 06 or with the Regulations rests in Operations.

07 Q. And did you communicate with Mr. Hafle or  
08 Mr. Morel or Mr. Guide specifically Section  
09 250.107?

10 A. During the Macondo Well, I don't recall  
11 sitting down specifically and reading .107 to  
12 them.

13 Q. Do you believe, as we sit here today,  
14 that BP performed all of its operations in a safe  
15 and workmanlike manner?

16 A. I can't answer that question.

Page 208:04 to 208:15

00208:04 Q. Okay. Good afternoon, Ms. --

05 Ms. Douglas. My name is Paul Thibodeaux, and I  
06 represent Transocean. I'm going to ask you some  
07 followup questions regarding some of the pore  
08 pressure and drilling margin questions you were  
09 asked earlier.

10 It's my understanding that it's your  
11 testimony that it was the Macondo Drilling  
12 Engineers, like Hafle and Morel, that were --  
13 were responsible at BP for determining when the  
14 MMS needed to be notified regarding safe drilling  
15 margin and PPFG issues; is that right?

Page 208:18 to 209:21

00208:18 A. Right. So it was their responsibility to  
19 let me know if they were going to go within the  
20 .5 part per gallon from the la -- last FIT  
21 leakoff test to the current mud weight.

22 Q. (By Mr. Thibodeaux) Sure.

23 A. Yeah, it was their responsibility to let  
24 me know.

25 Q. It was their responsibility regarding any  
00209:01 drilling margin issues that might arise, to let  
02 you know that the mud weight was encroaching on  
03 the drilling margin, right?

04 A. On the FIT, the last FIT LOT, yes.

05 Q. Okay. Are you making that distinction  
06 with the -- the last FIT? Why are you making  
07 that distinction?

08 A. Because that's how I've always  
09 communicated to -- that's how the MMS has, in the  
10 past, communicated the need for approval, is if  
11 you have -- you have your last leakoff test, your  
12 last -- or FIT, whichever you did, and then you  
13 have a half pound, basically, between that and  
14 your highest mud weight, unless you get approval.

15 Q. Well, you would agree, though, in --  
16 in -- in a circumstance in which the fracture  
17 gradient in the downhole -- the downhole fracture  
18 gradient was lower than the FIT result at the



19 previous shoe, that in that case, the drilling  
20 margin would be -- be based off that downhole  
21 fracture gradient and the mud weight, right?

Page 209:24 to 210:07

00209:24 A. As far as communicating to the MMS, I  
25 would say "No."  
00210:01 Q. (By Mr. Thibodeaux) Okay. So if -- if  
02 Mr. Patton, Mr. Saucier, Mr. Trocquet from the  
03 MMS testified that you would take that into  
04 account, meaning the downhole fracture gradient,  
05 when determining the drilling margin, you would  
06 disagree with that?  
07 A. I --

Page 210:10 to 210:12

00210:10 A. I can't comment on that.  
11 Q. (By Mr. Thibodeaux) You're just not  
12 aware?

Page 210:14 to 210:21

00210:14 A. I -- I've never talked to them about  
15 that.  
16 Q. (By Mr. Thibodeaux) So as the Regulatory  
17 Compliance person for BP in April of 2010, if the  
18 situation arose in which the fracture gradient  
19 downhole was lower -- you know, than the FIT was  
20 at the previous shoe, you just don't know if that  
21 needed to be reported to the MMS?

Page 210:24 to 210:25

00210:24 A. I don't think there's a Requirement to go  
25 back and report that to MMS.

Page 211:05 to 213:24

00211:05 Q. All right. A few moments ago when  
06 Mr. Dart was asking you some questions, I believe  
07 you testified that the obligation for Regulatory  
08 Compliance rests in Operations. For Macondo, who  
09 are you -- who is -- who was Operations?  
10 A. Well, it would be the Drilling Team and  
11 whoever was responsible for their Compliance.  
12 Q. Okay. So, again, that would be Hafle,  
13 Morel --  
14 A. I don't know where the ultimate -- in  
15 their organizational chart, I'm not sure where  
16 the ultimate responsibility lay.

17 Q. Well, who was your res -- who -- what's  
18 your understanding of who the Operations Team  
19 was --  
20 A. The one --  
21 Q. -- for Macondo?  
22 A. Well, I know who I worked with.  
23 Q. And who was that?  
24 A. So I worked with Brian Morel, Mark Hafle,  
25 John Guide, Brett Cocalles, and the Well Site  
00212:01 Leaders.  
02 Q. And which Well Site Leaders did you work  
03 with?  
04 A. I mean, as far as work with, you know,  
05 just -- primarily by "working with," I mean on  
06 the phone, on the rig calls.  
07 Q. And who were they?  
08 A. I believe the ones on Macondo were Don  
09 Vidrine and Ronnie Sepulvado, and then there was  
10 a new -- a newer guy that I didn't really know.  
11 I didn't remember his name.  
12 Q. Was it Bob Kaluza?  
13 A. Oh, yeah, it was Bob.  
14 Q. And did you work with Bob Kaluza  
15 regarding the Macondo Well after April 13th?  
16 A. I didn't work with the Operations Team at  
17 all after April the 13th.  
18 Q. Okay. Turn to Tab 4 in your binder,  
19 please. Okay. This is the Application For  
20 Revised Bypass. It's got a date at the bottom of  
21 March 26, 2010 and a Bates number ending at --  
22 ending in 1748. I believe we looked at this  
23 document earlier. Do you recall that?  
24 A. Do I call -- recall looking at it  
25 earlier?  
00213:01 Q. Yes.  
02 A. Yes.  
03 Q. Please turn, if you would, to Page 8 of  
04 9. I just want to confirm with you -- if you  
05 look at the -- the table set forth for Intervals  
06 No. 7 and No. 8, is all of the information set  
07 forth in those tables information that would be  
08 provided or was provided by the -- the BP  
09 Drilling Engineers, Mr. Hafle or Morel?  
10 A. Yes.  
11 Q. Can you turn to "Attachment 3," which  
12 ends in the Bates No. 1759?  
13 A. (Complying.)  
14 Q. And the next page is the well schematic.  
15 Do you see that, 1760?  
16 A. Yes.  
17 Q. Okay. Is this information also  
18 information that would be provided or was  
19 provided by Mr. Morel or Hafle?  
20 A. Yes.  
21 Q. And the same question regarding the next

22 attachment, which is Attachment 2, the Pore  
23 Pressure Profile?  
24 A. Yes.

Page 214:25 to 215:05

00214:25 Q. If you were provided with information  
00215:01 that said that the FIT test was not indicative of  
02 the true fracture strength of the formation to be  
03 drilled, is that information that, as the  
04 Regulatory Compliance Officer for BP, you think  
05 needs to be submitted to the MMS?

Page 215:08 to 216:18

00215:08 A. I think I would ask a lot more questions  
09 about that.  
10 Q. (By Mr. Thibodeaux) And who would you ask  
11 those questions to?  
12 A. With the Engineers and the Subsurface  
13 people, to see what that meant.  
14 Q. And -- and why would you ask those  
15 questions?  
16 A. To determine if it was a valid test or  
17 not.  
18 Q. And why would you want to know if it was  
19 a valid test?  
20 A. Because I don't want to report numbers  
21 that are not valid.  
22 Q. In April of 2010, were you ever made  
23 aware by anyone in BP that the FIT was not  
24 indicative of the true fracture strength of the  
25 formation?  
00216:01 A. I was not.  
02 Q. At any point did you ever learn that BP  
03 made that determination?  
04 A. I did -- no.  
05 Q. Do you know if Ms. Heather Powell was  
06 ever provided with that information --  
07 A. I don't know.  
08 Q. -- in your report?  
09 A. She never spoke to me about that. I  
10 don't know.  
11 Q. Has anyone at BP ever spoke to you about  
12 that?  
13 A. No.  
14 Q. Are you aware of anyone within BP  
15 providing the MMS with notice that the April 2nd  
16 FIT was not indicative of the formation fracture  
17 strength?  
18 A. I don't --

Page 216:21 to 217:18

00216:21 A. I don't know of any communication that  
 22 took place between anyone else and the -- and the  
 23 MMS.

24 Q. (By Mr. Thibodeaux) But in early April  
 25 2010, you would have been responsible for  
 00217:01 communicating to the MMS if that information was  
 02 provided to you, correct?

03 A. I -- I was -- I was doing most of the  
 04 communicating until close to mid-April.

05 Q. Okay. And is Ms. Powell the only other  
 06 person that would be communicating with the MMS  
 07 in April of 2010, other than you?

08 A. Yes, most likely.

09 Q. Is there somebody else that -- that we  
 10 haven't talked about?

11 A. Not that I know of, but I can't say for  
 12 sure that nobody did.

13 Q. Is there anybody else in -- in -- in your  
 14 Regulatory Compliance Section, other than you and  
 15 Ms. Powell?

16 A. Only if -- if somebody else was covering  
 17 for one of us, you know, if we were out of town  
 18 or on vacation.

Page 218:05 to 218:07

00218:05 Q. In April of 2010, were you ever made  
 06 aware that the drilling margin in the Macondo  
 07 Well was less than .5 ppg?

Page 218:09 to 218:22

00218:09 A. I don't recall all the dates that I was  
 10 asked to get approval to go within 5 -- .55, so I  
 11 don't -- I don't know.

12 Q. (By Mr. Thibodeaux) With respect to the  
 13 Production Interval, do you remember specifically  
 14 whether anyone ever made you aware that the  
 15 drilling margin was less than .5 ppg?

16 A. I don't recall that.

17 Q. Do you recall having any conversations  
 18 with anyone within BP regarding the drilling  
 19 margin being less than .5 ppg in the Production  
 20 Interval?

21 A. I don't specifically remember the  
 22 Production Interval, no.

Page 219:15 to 220:22

00219:15 Q. In April of 2010, did Mr. Martin Albertin  
 16 ever communicate to you that the downhole  
 17 fracture gradient in the Macondo Well was  
 18 approximately 14.35 ppg?

19 A. No.  
 20 Q. Anyone else within BP report that to you?  
 21 A. I don't recall that.  
 22 Q. Okay. Turn to -- turn to Tab 9, please.  
 23 A. (Complying.)  
 24 Q. It's the April 15th "Application for  
 25 Revised Bypass" that ends in Bates No. 155415.  
 00220:01 It's previously been marked as an exhibit in the  
 02 case. I just forget the number. If you turn to  
 03 Page 8 of 9 -- I'm sorry, 9 of -- Page 9 of 10,  
 04 which ends in Bates No. 155423. Again, the  
 05 information set forth in these tables is  
 06 information that was provided by the Drilling  
 07 Engineers Morel and Hafle?  
 08 A. Yes. I'm assuming it is, al -- although  
 09 I did not file this.  
 10 Q. Ms. Powell file -- filed this one?  
 11 A. Yes.  
 12 Q. But you would expect that Mr. Morel and  
 13 Hafle would have provided that information?  
 14 A. Yes.  
 15 Q. Okay. If you look in the Interval Number  
 16 8 table, I'm a little confused about your  
 17 testimony earlier. You -- you -- you mentioned,  
 18 with respect to the fracture gradient, did you  
 19 say you just don't know what that number is  
 20 supposed to mean?  
 21 A. I don't know where it comes -- I don't  
 22 know where they get that number, no.

Page 220:25 to 221:01

00220:25 That's a downhole fracture gradient  
 00221:01 number, isn't it?

Page 221:04 to 221:23

00221:04 A. I don't know.  
 05 Q. (By Mr. Thibodeaux) You don't know.  
 06 Okay. Turn to Tab 10, please.  
 07 A. Holy Cow.  
 08 Q. Yeah, this is some tiny writing, sorry  
 09 about that. This is the April 14th MoC, it has a  
 10 Bates No. Number BP-HZN-CEC021656. It's also  
 11 previously been marked. Have you -- have you  
 12 ever seen this document before?  
 13 A. So you said Tab 10?  
 14 Q. That's right.  
 15 A. Right?  
 16 MR. TROUT: What is the Bates number  
 17 you're giving?  
 18 Q. (By Mr. Thibodeaux) My copy might be  
 19 different than what your copy is.  
 20 A. Yeah, mine is -- yeah. I have the -- the

21 number you read off is not what I --  
22 Q. Yeah. Okay. So BP-HZN-MBI00143259.  
23 A. Yes.

Page 222:01 to 222:04

00222:01 Q. Okay. Okay. If you'd look in the -- do  
02 you see the section that says:  
03 "Risk/Mitigation"?  
04 A. Yes.

Page 222:09 to 223:02

00222:09 Q. Do you see where it says: "Since that  
10 second event, we have been using a 14.5 arbitrary  
11 frac gradient that we are attempting to abide by  
12 based on actual circulating conditions..."?  
13 A. M-h'm, yes.  
14 Q. Okay.  
15 A. I see that.  
16 Q. Now, if you --  
17 A. More or less.  
18 Q. -- if you turn back to Tab 9, on Page --  
19 on Page 9, which is also an April 15th document,  
20 there's the fracture gradient of 16.0 we looked  
21 at earlier, right?  
22 A. (Reviewing document.) Okay.  
23 Q. Okay. Now, can you explain why, on the  
24 same day an -- an -- an MoC is produced by BP  
25 referring to the fracture gradient as 14.5, and  
00223:01 this submission to the MMS, the fracture gradient  
02 is described as 16.0?

Page 223:05 to 223:07

00223:05 A. Well, I don't know what -- I don't really  
06 know what this document number -- on Tab 10 is  
07 referring to, as I haven't seen this before.

Page 223:12 to 223:23

00223:12 Q. Well, if they're on the same day,  
13 wouldn't you expect the information that's  
14 learned on the same day to be provided to the  
15 MMS?  
16 A. Well, I don't know at what time of day  
17 they were done or when this -- when it was  
18 communicated to the person filing the APD.  
19 Q. All right. In April of 2010, you're not  
20 aware of anyone within BP informing the MMS that  
21 the downhole fracture gradient was as low as 14.3  
22 to 14.4 ppg, right?  
23 A. I'm --

Page 224:01 to 224:06

00224:01 A. I'm not aware of that.  
02 Q. (By Mr. Thibodeaux) Okay. In April of  
03 2010, you're not aware of anyone within BP  
04 informing the MMS that the fracture gradient was  
05 less than the FIT result of the previous shoe,  
06 right?

Page 224:09 to 224:14

00224:09 A. I'm not aware of it.  
10 Q. (By Mr. Thibodeaux) In April of 2010,  
11 you're not aware -- in -- in March or April of  
12 2010, you're not aware of BP ever seeking  
13 approval from the MMS to proceed with drilling --  
14 with a drilling margin less than .5 ppg, right?

Page 224:18 to 224:23

00224:18 A. Okay. Re -- would you repeat that  
19 question?  
20 Q. (By Mr. Thibodeaux) Sure. In April or  
21 March of 2010, you're not aware of anyone within  
22 BP seeking approval to drill the Macondo Well  
23 with a drilling margin less than .5 ppg?

Page 225:01 to 225:11

00225:01 A. So I'm not -- I'm not -- I am not sure if  
02 I requested that or not in March or April,  
03 without going back and look at my records.  
04 Q. (By Mr. Thibodeaux) Okay. Now,  
05 specifically with respect to the Production  
06 Interval, are you aware of anyone in BP seeking a  
07 waiver below the .5 ppb -- ppg drilling margin?  
08 A. Yeah, that would be the same answer.  
09 Unless I -- I'd have to look at my E-mail to see  
10 if I requested any. I'm not aware of -- I'm not  
11 aware of it, if anybody else did.

Page 225:21 to 226:04

00225:21 Q. Okay. Switching gears to the Temporary  
22 Abandonment Procedures. You were talking with  
23 Mr. Spiro a little bit earlier about changes to  
24 the Procedure, and mat -- a -- a material change?  
25 Do you recall that testimony?  
00226:01 A. Right.  
02 Q. Okay. Who in BP decides whether it is a  
03 material change?

04 A. Well, I think it --

Page 226:07 to 226:22

00226:07 A. -- yeah, I think it would be a discussion  
08 between the Regulatory Advisor and the  
09 Drilling -- Drilling or Subsurface Engineers.  
10 Q. (By Mr. Thibodeaux) So that's something  
11 that you would discuss with Mr. Hafle or Morel,  
12 and make a decision as to whether it was a  
13 material change that needed to be brought to the  
14 attention of the MMS?  
15 A. Well, not on the Temporary Abandonment,  
16 because I wasn't doing it.  
17 Q. Okay. Then Ms. Powell?  
18 A. That would have been Heather, yes.  
19 Q. Okay. But you would -- you would expect  
20 Ms. Powell and the Drilling Engineers to have  
21 that conversation as to whether it was a material  
22 change?

Page 226:25 to 227:16

00226:25 A. I think if she -- well, I guess, yeah.  
00227:01 Q. (By Mr. Thibodeaux) Who would make the  
02 final decision as to whether or not it was a  
03 material change that was worthy of being raised  
04 to the MMS?  
05 A. I think it's a joint decision.  
06 Q. Between?  
07 A. Between -- it would be a -- it would be  
08 the Engineering Team, then, you know, saying,  
09 "This is how it affects what we're doing. It  
10 doesn't affect it." "It does affect it." And  
11 then asking Heather or me or whoever to make the  
12 change. It would be an -- an agreement that  
13 would need -- needed to be changed.  
14 Q. Okay.  
15 A. And if clarity was needed, then we would  
16 call the MMS.

Page 230:19 to 235:07

00230:19 Q. Good afternoon, Ms. Douglas. My name is  
20 Floyd Hartley. I represent Halliburton. I want  
21 to start off clearing up some confusion in my  
22 mind about what your role and responsibility was  
23 with respect to the Macondo Well.  
24 My understanding is up until about  
25 April 13th of 2010, you were a Regulatory Advisor  
00231:01 with BP?  
02 A. That's correct.  
03 Q. On or about that day, you became what,



04 Regulatory Compliance Team Lead?  
05 A. Yes.  
06 Q. Okay. So the -- up until that point, you  
07 were the Regulatory Advisor assigned to the  
08 Macondo Well?  
09 A. Yes.  
10 Q. You had worked for BP for approximately  
11 ten years at that point?  
12 A. It was ten years this past August.  
13 Q. Okay. So about nine and a half or so at  
14 that point?  
15 A. Yeah.  
16 Q. Is that right?  
17 A. That sounds right, yeah.  
18 Q. Okay. And in that entire career with BP  
19 had been in Regulatory Advisor role?  
20 A. Yes, it had.  
21 Q. Okay. You had some prior experience with  
22 Regulatory Compliance functions, positions?  
23 A. Yes.  
24 Q. If I got it down right, you'd spent some  
25 time with Samedan, EEX, and J. Connor Consulting?  
00232:01 A. That's correct.  
02 Q. How long cumulatively did you work for  
03 those three employers in the Regulatory  
04 Compliance field?  
05 A. So about eight or nine years.  
06 Q. Okay. And in that eight or nine years  
07 with those three companies, did you have roles or  
08 responsibilities for Drilling Regulations?  
09 A. Yes.  
10 Q. Okay. The same sorts of Regulations that  
11 you had responsibilities for with BP?  
12 A. Yes.  
13 Q. Is it fair to say you had 18, 19 years of  
14 experience with Drilling Regulations?  
15 A. Well, probably minus the first year or  
16 two, yes.  
17 Q. Okay. Can you tell me what you did to  
18 gain training or education about those Drilling  
19 Regulations?  
20 A. Yes. So aside from just, you know,  
21 reading them, there were -- the MMS held  
22 workshops, industry groups held workshops every  
23 year. I -- I got to as many of those as  
24 possible. Some other consulting firms held  
25 training classes, other training classes that I  
00233:01 could find and go to, and then just experience.  
02 Q. Okay. How many courses would you attend  
03 on a yearly basis?  
04 A. Depending on how many were offered, of  
05 course, probably -- and I wouldn't say  
06 necessarily courses, either. Sometimes they were  
07 just workshops --  
08 Q. Lunch-and-learns --

09 A. -- or a class.  
 10 Q. -- seminars --  
 11 A. Exactly. I couldn't really even  
 12 estimate.  
 13 Q. Scores during the course of your tenure?  
 14 A. Over the course of my tenure with BP?  
 15 Q. Yes, ma'am.  
 16 A. I would say that's -- I probably attended  
 17 four or five a year maybe.  
 18 Q. Okay. Now, were you assigned to the  
 19 Macondo Well as Regulatory Advisor before the  
 20 DEEPWATER HORIZON showed up on January 31, 2010?  
 21 A. Yes, I was assigned to Exploration, so --  
 22 Q. Were you the Regulatory Advisor  
 23 responsible for the Macondo Well when the  
 24 MARIANAS was drilling --  
 25 A. Yes.  
 00234:01 Q. -- as well?  
 02 And that role continued when -- when the  
 03 HORIZON showed up?  
 04 A. Yes.  
 05 Q. Okay. Can you describe for me what your  
 06 responsibility was as Regulatory Advisor for the  
 07 Macondo Well?  
 08 A. So my responsibility was to interact with  
 09 the Teams, advise what the Regulations required,  
 10 answer questions regarding Regulations, and  
 11 regarding what needed to be provided to file the  
 12 required Permits, and communicate -- I was the  
 13 conduit of information, if you will, from the  
 14 Macondo Teams to the MMS and was usually there  
 15 when -- when we made verbal contact with MMS, as  
 16 well.  
 17 Q. Okay. I think, in response to  
 18 Mr. Spiro's questions about MASP, you mentioned  
 19 that your -- your role was simply to take the  
 20 information you were provided and pass it on to  
 21 the MMS; is that right?  
 22 A. For the Permits?  
 23 Q. Yes.  
 24 A. Yes.  
 25 Q. Is that generally, as you understood it,  
 00235:01 your role with respect to all of this information  
 02 that the Drilling Team were providing you, to  
 03 simply pass that on to MMS?  
 04 A. Yes.  
 05 Q. Was there, to your knowledge, anyone  
 06 assigned to the Macondo Well to ensure that the  
 07 MMS Regulations were complied with by BP?

Page 235:10 to 237:20

00235:10 A. So during the -- during the course of  
 11 operations --  
 12 Q. (By Mr. Hartley) Yes, ma'am.

13 A. Yeah. So there are ways to assure that,  
14 and one of them is the Weekly Activity Report,  
15 which is accepted by the BOEM. So weekly, we  
16 were comparing the Permit that was -- that was  
17 approved to their actual operations.

18 Q. When you say "we," were you involved in  
19 comparing that?

20 A. No, that would have been Heather.

21 Q. Okay. Heather Powell?

22 A. Yes.

23 Q. All right. Your role was to educate the  
24 Operations Team, the Drilling Team on applicable  
25 Regulations?

00236:01 A. Yes.

02 Q. To make sure that they had an adequate  
03 understanding of the Regulations applicable to  
04 the drilling of the well to make sure BP could  
05 comply?

06 A. That was one of my roles, yes.

07 Q. Okay. What did you do to satisfy that  
08 role for the Macondo Well?

09 A. So specifically for Macondo, I couldn't  
10 really say, because it was an ongoing  
11 relationship that I had with Engineers in  
12 Exploration.

13 And opportunities to provide information  
14 about new Regulations, and answer questions about  
15 existing Regulations, I gave them a copy of the  
16 Regulations, and every time it was republished,  
17 gave them copies of the new ones, even though the  
18 Drilling Regulations didn't really change that  
19 often.

20 Q. Okay. And -- and you're talking about  
21 the course of your historic relationship with the  
22 Drilling and Operations Group?

23 A. With the Exploration Drilling Group, yes.

24 Q. Okay. Can you recall a single  
25 conversation with any of the Drilling Engineers

00237:01 for the Macondo Well about the Regulations  
02 applicable to drilling of that well?

03 A. I -- I don't recall specific  
04 conversations, no.

05 Q. Okay. Do you know whether there were any  
06 such conversations, you just don't recall the  
07 details today?

08 A. I don't recall if there were any specific  
09 conversations.

10 Q. I'm going to hand you a copy of what I've  
11 marked as Exhibit 5845.

12 MR. HARTLEY: With extra copies for  
13 your Counsel. It's Tab 4 in the materials we  
14 have.

15 Q. (By Mr. Hartley) This is a copy of 30 CFR  
16 250.421. Are you familiar with this Regulation?

17 A. (Reviewing document.) Yes.

18 Q. Okay. Can you tell me generally what  
 19 your understanding of the casing and cementing  
 20 requirements included in 250.421 are?

Page 237:23 to 239:09

00237:23 A. Yeah. So I would have to read this  
 24 because I don't have it memorized.  
 25 Q. (By Mr. Hartley) Okay.  
 00238:01 A. But it provides what the requirements are  
 02 for each casing string.  
 03 Q. Okay. Well, turn to the second page of  
 04 the exhibit, under Subsection (e) for Production.  
 05 The right-hand column has the "Cementing  
 06 requirements."  
 07 Do you see that?  
 08 A. Yes.  
 09 Q. Under Subsection (e) includes the  
 10 Requirement: "As a minimum, you must cement the  
 11 annular space at least 500 feet above the casing  
 12 shoe and 500 feet above the uppermost  
 13 hydrocarbon-bearing zone."  
 14 Do you see that Requirement?  
 15 A. Yes.  
 16 Q. Were you familiar with that Requirement  
 17 while you were Regulatory Advisor for the Macondo  
 18 Well?  
 19 A. Yes.  
 20 Q. Do you recall having any conversations  
 21 with anybody in the Operations and Drilling Team  
 22 about this Requirement?  
 23 A. I do not.  
 24 Q. Do you recall having any such  
 25 conversation prior to the Macondo Well about this  
 00239:01 Requirement?  
 02 A. I don't recall any specific  
 03 conversations, no.  
 04 Q. Do you know whether Heather Powell had  
 05 any of those conversations?  
 06 A. I do not.  
 07 Q. Do you know whether Mr. Morel or  
 08 Mr. Hafle had any appreciation of this  
 09 Regulation?

Page 239:13 to 240:04

00239:13 A. Yes, I think that Mark and Brian both  
 14 know what the Regulations were.  
 15 Q. (By Mr. Hartley) Okay. And how is that?  
 16 Why do you think that?  
 17 A. Just from -- as I stated before, from my  
 18 personal interaction with them through the years  
 19 and discussing the Regulations, and various other  
 20 questions that were asked here and there.

21 Q. So -- so do you recall talking about this  
22 Regulation with them?  
23 A. I do not.  
24 Q. Okay. So I -- so I'm curious. Why do  
25 you think that they're aware of this Regulation  
00240:01 if you're the one with the -- with the  
02 requirement or responsibility to educate them  
03 about them, and you never had that conversation?  
04 A. Because I --

Page 240:08 to 241:17

00240:08 A. I've worked with Mark long enough to know  
09 that he had the knowledge of the Regulations.  
10 Q. (By Mr. Hartley) Okay. What -- what in  
11 your mind, based on your working with Mark, gave  
12 you the impression that he understood this  
13 Regulation in particular?  
14 A. I can't really speak to this particular  
15 Regulation.  
16 Q. Okay.  
17 A. But I know that Mark had a -- a knowledge  
18 of the Regulations.  
19 Q. Okay. And I want to draw a distinction  
20 there. Is your answer that based on your  
21 experience working with Mr. Hafle, you think he  
22 was generally knowledgeable about the  
23 Regulations, or is it that based on your  
24 experience, you think he was knowledgeable about  
25 this Regulation?  
00241:01 A. I can't speak to this particular  
02 Regulation.  
03 Q. Okay.  
04 A. Yeah.  
05 Q. Based on your work history with BP, do  
06 you have any understanding of whether Mr. Hafle  
07 or Mr. Morel had an appreciation of this specific  
08 Regulation?  
09 A. I had -- I have no reason to believe that  
10 they would have excluded this Regulation from any  
11 of the other Regulations in Subpart (d).  
12 Q. And how do the -- Mr. Hafle and Mr. Morel  
13 come to an understanding of what the Regulations  
14 require?  
15 A. Well, it was part of their job.  
16 Q. Okay. And how do they obtain that  
17 information?

Page 241:19 to 243:06

00241:19 A. I'm not sure all of the ways they obtain  
20 the information --  
21 Q. (By Mr. Hartley) Okay. If --  
22 A. -- other from me. I --

23 Q. Right. So -- so part of your job is to  
 24 give them the Regulations --  
 25 A. Right.  
 00242:01 Q. -- and advise them on the Regulations  
 02 applicable to their -- their operations?  
 03 A. Yes.  
 04 Q. And you didn't do that with respect to  
 05 this specific Regulation?  
 06 A. Yes, I have given them a copy of  
 07 Subpart (d) and of the Regulations, so they have  
 08 it.  
 09 Q. Okay. Did you call out this -- this  
 10 Regulation in any of those conveyances?  
 11 A. Any one particular res -- Regulation?  
 12 Q. M-h'm.  
 13 A. Or just -- I'd just give them not  
 14 particularly one at a time --  
 15 Q. So you'd give them --  
 16 A. -- necessarily --  
 17 Q. You'll give them --  
 18 A. -- unless it changes.  
 19 Q. Okay. So unless there's a change in the  
 20 Regulation, you'll provide the packet of  
 21 subchapter (d), or whatever it is, and send  
 22 anything in the conveyance directing their  
 23 attention to anything, or is it just, "Here are  
 24 the Regulations"?  
 25 A. There might be various ways of doing it  
 00243:01 each year. I don't know exactly how I've always  
 02 done it, but it's their responsibility to know  
 03 the Regulations.  
 04 Q. Okay. Whose responsibility was it for  
 05 the Macondo Well to ensure that BP complied with  
 06 the Regulations?

Page 243:08 to 243:22

00243:08 A. So as I stated previously, Compliance to  
 09 the Permit and to the Regulations during  
 10 operations rests in the Operations.  
 11 Q. (By Mr. Hartley) By Operations, are you  
 12 talking specifically about Mr. Hafle and  
 13 Mr. Morel?  
 14 A. I'm talking about drilling, because I  
 15 don't -- I -- as I stated previously, I don't  
 16 know what their organization -- organizational  
 17 structure was like, as far as who was ultimately  
 18 responsible.  
 19 Q. Okay. While you were Regulatory Advisor  
 20 for the Macondo Well, were you responsible at all  
 21 for making sure that the information conveyed to  
 22 the MMS was accurate?

Page 243:25 to 245:01

00243:25 A. Yeah. So I -- I relied on the expertise  
 00244:01 of the Engineers and the subsurface people to  
 02 give me the proper information, the correct  
 03 information to give to the MMS.  
 04 Q. (By Mr. Hartley) Well, was there a single  
 05 time where you were Regulatory Advisor for the  
 06 Macondo Well where you asked for verification of  
 07 any number or any detail or any fact provided in  
 08 that material?  
 09 A. So what do you mean by "verification"?  
 10 Q. I think you testified that you relied on  
 11 the Drilling Engineers and whomever to come up  
 12 with the specific details to put in the  
 13 material --  
 14 A. Right.  
 15 Q. -- you were going to pass to the MMS,  
 16 correct?  
 17 A. Right.  
 18 Q. Did you at any time consult with anybody,  
 19 ask the question, seek verification of any of the  
 20 information you were provided?  
 21 A. So you're asking if I'm questioning the  
 22 Engineer, that his number's right?  
 23 Q. Did you do anything to make sure you were  
 24 conveying accurate information?  
 25 A. I conveyed the information that the  
 00245:01 Engineer gave me.

Page 247:23 to 248:07

00247:23 Q. Okay. Did you ever talk to anybody with  
 24 BP about the Requirement to cement in the annular  
 25 500 feet above the uppermost hydrocarbon bearing  
 00248:01 zone?  
 02 A. I can't say if I did or didn't, because I  
 03 don't recall specific conversations about that.  
 04 Q. Okay. And you -- you -- you're certainly  
 05 aware that MMS is -- is concerned, or was  
 06 concerned at the time, or interested in where  
 07 hydrocarbon bearing zones were in the formations?

Page 248:09 to 252:17

00248:09 A. You have -- so in your -- in your End of  
 10 Well Report, you have to -- you have to give  
 11 hydrocarbon zones.  
 12 Q. (By Mr. Hartley) Okay. Well, it's even  
 13 before that, that I think you testified earlier  
 14 that people like Frank Patton would -- would  
 15 always ask you about hydrocarbon bearing zones,  
 16 right?  
 17 A. If we were going to go within the  
 18 drilling margin, then he would ask are -- usually

19 ask, that was some of the information they want,  
20 are you expecting to encounter hydrocarbon zones,  
21 in that hole section.  
22 Q. Is that a question he would ask you or  
23 the Operations Group?  
24 A. He communicated with me, primarily.  
25 Q. And then where would you go to get that  
00249:01 information?  
02 A. I would get it from the Drilling  
03 Engineer.  
04 Q. Okay. Did that ever happen on the  
05 Macondo Well?  
06 A. Did what ever happen?  
07 Q. Were you asked about the location of  
08 hydrocarbon bearing zones by the MMS?  
09 A. I don't know, because I -- as a rule,  
10 since -- since they had started asking me are  
11 there any hydrocarbon zones in this hole section,  
12 if I was asking to get a higher mud weight, I  
13 just started putting it in the E-mail to them, as  
14 a matter of course.  
15 Q. You'd put the location of the hydrocarbon  
16 bearing zones in the E-mail?  
17 A. Not the location, I would just make a  
18 statement there are no hydrocarbons in -- we  
19 don't expect hydrocarbon zones in this hole  
20 section.  
21 Q. Okay. Since April 20th, 2010, have you  
22 had any conversations with other BP employees,  
23 excluding lawyers, about whether BP complied with  
24 this Regulation?  
25 A. I have not.  
00250:01 Q. Okay. Have you come to an understanding  
02 on whether, separate and apart from any  
03 conversations, BP did comply with this  
04 Regulation?  
05 A. I have not. Excuse me.  
06 Q. Have you seen documents or information  
07 suggesting that BP was questioning the location  
08 of hydrocarbon bearing zones after April 20th,  
09 2010?  
10 A. I have not.  
11 (Exhibit No. 5846 marked.)  
12 Q. (By Mr. Hartley) I'm going to hand you  
13 what I've marked now as a copy of Exhibit 5846.  
14 A. Okay.  
15 Q. It's Tab 33 on our materials.  
16 (Tendering.) Sorry. And on the -- the top  
17 E-mail on this exhibit is an E-mail from Brett  
18 Coteles to Mark Hafle. But I want to start  
19 further down, on the second page, the very first  
20 E-mail. It's from you to Mr. Guide, Mr. Morel,  
21 Mr. Hafle, and Mr. Coteles, dated March 10th,  
22 2010. Do you see that E-mail?  
23 A. Yes.



24 Q. In the first line, you write: "Frank  
 25 sent me an email asking if there are any  
 00251:01 hydrocarbon bearing zones below 12,900'."  
 02 Do you see that line?  
 03 A. Yes.  
 04 Q. By "Frank" you're referring to Frank  
 05 Patton?  
 06 A. Yes.  
 07 Q. Do you recall the correspondence or  
 08 conversation with Mr. Patton about that question?  
 09 A. No, I do not.  
 10 Q. Okay. Do you recall the circumstances of  
 11 the context by which he was asking you about the  
 12 hydrocarbon bearing zones?  
 13 A. No, I can't say that without seeing what  
 14 preceded that.  
 15 Q. Okay. Do you know whether something did  
 16 precede this in writing?  
 17 A. Well, obviously an E-mail from him.  
 18 Q. Would it have been an E-mail or a  
 19 telephone call?  
 20 A. I said "Frank sent me an email" so I'm  
 21 assuming it was an E-mail.  
 22 Q. Okay. Do you recall whether you  
 23 responded in writing to Mr. Patton's question?  
 24 A. I don't.  
 25 Q. See on the bottom of the first page,  
 00252:01 E-mail from -- from Mr. Hafle responding to you,  
 02 and his first question is "What is the  
 03 requirement for a hydrocarbon zone?"  
 04 Do you see that?  
 05 A. Yes.  
 06 Q. Did you ever answer Mr. Hafle's question?  
 07 A. I believe that we -- my -- my  
 08 recollection about the 5-foot stringer was  
 09 regarding plugging the original wellbore before  
 10 we bypassed, and we asked that question of Frank.  
 11 Q. Did you ever respond to Mr. Hafle's  
 12 question?  
 13 A. The Requirement for a hydrocarbon zone?  
 14 I don't know.  
 15 Q. Okay. Do you have an understanding of  
 16 what the Requirement is for a hydrocarbon zone in  
 17 terms of reporting?

Page 252:20 to 252:25

00252:20 A. Yeah. Reporting hydrocarbon zones, like  
 21 on the end of well, is 15 feet of pay.  
 22 Q. (By Mr. Hartley) Are there requirements  
 23 other than for the End of Well Report about which  
 24 you're aware?  
 25 A. Well --

Page 253:03 to 253:08

00253:03 A. So you put hydrocarbon zones on your  
04 schematic for your abandonment.  
05 Q. (By Mr. Hartley) Okay. I don't need to  
06 have that one. This is already previously marked  
07 as Exhibit 7279. It's in Tab 64 of our  
08 materials.

Page 253:12 to 253:17

00253:12 Q. (By Mr. Hartley) Okay. So if I  
13 understand what you just told me then, the -- the  
14 Hydrocarbon Zone Requirement, as you understood  
15 it, was if there's 15 feet of pay, you have to  
16 report it?  
17 A. Yes.

Page 253:19 to 253:23

00253:19 Q. (By Mr. Hartley) Is -- is it your  
20 understanding that if you identify a hydrocarbon  
21 bearing zone less than 15 feet, then it -- it can  
22 go unreported and you don't have to convey that  
23 Requirement to B -- to MMS?

Page 253:25 to 254:22

00253:25 A. Convey it -- yeah, convey it, so the --  
00254:01 the 15 feet of hydrocarbon zone pay refers to the  
02 End of Well Report.  
03 Q. (By Mr. Hartley) Okay. Does --  
04 A. That's what they want on the End of Well  
05 Report.  
06 Q. Okay. Does BP, based on your experience,  
07 report hydrocarbon bearing zones in materials  
08 other than the End of Well Report?  
09 A. So the -- the only time that I can recall  
10 ever doing that myself is on the schematic for  
11 the abandonment.  
12 Q. And what does it show on that schematic  
13 for the abandonment?  
14 A. Where the hydrocarbon zones are.  
15 Q. Do you have an understanding or  
16 appreciation for why that is included in the --  
17 in the schematic for the Abandonment Plan?  
18 A. So the MMS can see where the hydrocarbon  
19 zones are and the cement plugs.  
20 Q. And is that because the cement has to be  
21 500 feet above the shallowest hydrocarbon bearing  
22 zone?

Page 254:24 to 255:16

00254:24 A. I think you can make the assumption  
 25 that's why they want it on the schematic.  
 00255:01 Q. (By Mr. Hartley) Okay. Do you have an  
 02 understanding or reason other than that?  
 03 A. I don't -- no. I don't know why else  
 04 they would want it.  
 05 Q. Okay. And were you actually involved in  
 06 preparing the schematics that included the  
 07 depiction of the hydrocarbon bearing zones?  
 08 A. No.  
 09 Q. So to -- to make sure I understand,  
 10 because sometimes I'm slow, on -- on the End of  
 11 Well Report, BP would report hydrocarbon bearing  
 12 zones of 15 feet or greater, right?  
 13 A. Correct.  
 14 Q. But on the schematics for the Abandonment  
 15 Plans, you'll include all hydrocarbon bearing  
 16 zones?

Page 255:18 to 255:23

00255:18 A. I don't know.  
 19 Q. (By Mr. Hartley) Okay. In your role as  
 20 Regulatory Advisor, did you review the schematic  
 21 to ensure that the hydrocarbon bearing zones were  
 22 being accurately reported to MMS?  
 23 A. I did not.

Page 255:25 to 259:01

00255:25 Q. (By Mr. Hartley) Did you review those  
 00256:01 schematics at all for any purpose?  
 02 A. For the temporary abandonment?  
 03 Q. Yes, ma'am.  
 04 A. Not always.  
 05 Q. Okay. In what circumstances would you  
 06 review the schematic?  
 07 A. So if I -- I usually did not, because  
 08 they were usually -- unless I had a reason to  
 09 believe that I needed to, which I'm -- I'm trying  
 10 to think of one right now, and I -- I really  
 11 can't think of a reason, so I'd say probably not.  
 12 Q. Did -- did you ever look at a schematic  
 13 to see whether the cement in the plan was going  
 14 to be high enough above the shallowest  
 15 hydrocarbon zone?  
 16 A. I did not do that.  
 17 Q. Do you know whether anybody within BP did  
 18 that?  
 19 A. That is the Well --  
 20 Q. For the Macondo Well?  
 21 A. Yeah, that would be the Wells Group  
 22 responsibilities.

23 Q. Okay. It would be their responsibility.  
24 Do you know whether that was done?  
25 A. I can't speak to the --  
00257:01 Q. Okay. Did --  
02 A. -- temporary abandonment.  
03 Q. Did you have any conversation with  
04 anybody on that group about that requirement or  
05 issue on the schematics?  
06 A. I was not in that capacity anymore when  
07 the abandonment was done.  
08 Q. Okay. Did you have any of those  
09 conversations prior to April 13th?  
10 A. Not that I recall.  
11 Q. Did you train Heather Powell as your  
12 replacement to do that?  
13 A. Well, Heather was already trained, so --  
14 Q. By you?  
15 A. By me and others. And she had had  
16 several years of experience prying to -- prior to  
17 coming to BP.  
18 Q. Did you have any conversation with  
19 Ms. Powell between April 13th and April 20th of  
20 2010 about the Macondo Well?  
21 A. I do not, that I recall.  
22 Q. Okay. Turning to the last page of  
23 Exhibit 7279 that I handed you, it looks -- are  
24 you familiar with this chart or charts of this  
25 nature prepared by BP?  
00258:01 A. I don't know what this is. I don't know  
02 what this is.  
03 Q. Okay. So you've never seen charts like  
04 this prepared by BP?  
05 A. No, not that I recall.  
06 Q. Okay. I want to direct your attention to  
07 the column that reads "Sand Name." Do you see  
08 that, seventh column from the left?  
09 A. One, two three, four, five -- "Sand  
10 Name" -- okay. "Sand Name."  
11 Q. Do you find that column?  
12 A. Yes.  
13 Q. Okay. The sand name for M57B, do you see  
14 that?  
15 A. 57B?  
16 Q. Yes, ma'am.  
17 A. Yes.  
18 Q. So it's about the fourth -- fourth row  
19 down?  
20 A. Right.  
21 Q. It goes from 17,467 feet to 17,469,  
22 right?  
23 A. Yes.  
24 Q. So this is one that would not be included  
25 in an End of Well Report because it doesn't have  
00259:01 the 15 feet that you were talking about earlier?

Page 259:03 to 259:16

00259:03 Q. (By Mr. Hartley) Would you agree with  
04 that?  
05 A. Well, I would have to subtract that out,  
06 but yeah.  
07 Q. 17,467, 17,469?  
08 A. Yeah.  
09 Q. So that wouldn't --  
10 A. I'll go ahead and do this --  
11 Q. That would not be included in an End of  
12 Well Report?  
13 A. Right.  
14 Q. Okay. But it would be included in  
15 schematics?  
16 A. I don't --

Page 259:18 to 259:22

00259:18 A. I don't know.  
19 Q. (By Mr. Hartley) Or it should be, based  
20 on your understanding and experience with how  
21 that -- how the schematics are done for the  
22 abandonment plans by BP?

Page 259:24 to 260:18

00259:24 A. Yeah, I don't really know what the MMS  
25 requires for hydrocarbon zones.  
00260:01 Q. (By Mr. Hartley) Other than that cement  
02 has to be 500 feet above the shallowest one?  
03 A. Yeah, because the -- the only definition  
04 that they've ever given me for hydrocarbon zone  
05 previously was -- the only conversations I had  
06 about -- with them was 15 feet.  
07 Q. Okay. Were you ever -- as a part of the  
08 seminars you attended or conversations with  
09 Mr. Patton or others with MMS, were you ever  
10 informed what a hydrocarbon-bearing zone is?  
11 A. I've never heard it defined by the MMS.  
12 Q. Okay. Have you heard it defined by  
13 anybody in the course of your 17, 18 years as a  
14 Regulatory Advisor?  
15 A. I don't recall that, no.  
16 Q. Do you have a general understanding of  
17 what a hydrocarbon-bearing zone is, in your mind?  
18 A. Just --

Page 260:20 to 260:24

00260:20 A. Not a technical understanding.  
21 Q. (By Mr. Hartley) Okay. When you hear  
22 "hydrocarbon-bearing zone," what does that

23 conjure in your mind?  
24 A. A --

Page 261:01 to 261:09

00261:01 Q. (By Mr. Hartley) A -- a zone that  
02 contain -- or sands that contain either gas or  
03 some form of gas or oil?  
04 A. Right.  
05 Q. Okay. Looking at this M57B sand, it --  
06 the "Fluid Content" reads "Gas." Do you see  
07 that?  
08 A. (Reviewing document.) "Fluid Content" --  
09 yes.

Page 262:19 to 262:24

00262:19 Q. (By Mr. Hartley) Okay. So taking the  
20 document at face value as coming from BP, reading  
21 that this level, the M57B sand level contains  
22 gas, would you view that as a hydrocarbon-bearing  
23 zone, as you understand the term?  
24 A. I pick --

Page 263:01 to 264:06

00263:01 A. Yeah, I can't really say coming from this  
02 form. What do they mean by "bearing gas"? I  
03 don't know.  
04 Q. (By Mr. Hartley) Okay. So --  
05 A. I would have to have direct conversations  
06 with somebody about that, if they sent me a form  
07 like this.  
08 Q. Okay. Who would you have that  
09 conversation with?  
10 A. I would probably go to the Drilling  
11 Engineer.  
12 Q. Mr. Morel or Mr. Hafle?  
13 A. Probably, because they're the ones I  
14 dealt with most.  
15 Q. Other than Mr. Morel and Hafle, did you  
16 deal with other Drilling Engineers about  
17 substantive issues?  
18 A. Not -- not Drilling Engineers.  
19 Q. Okay.  
20 A. Huh-uh.  
21 Q. Do you know who Kent Corser is?  
22 A. Yes, I know Kent.  
23 Q. Who is Kent Corser?  
24 A. He currently -- I mean, he came to the  
25 Gulf of Mexico just recently as the Wells  
00264:01 Engineering Team Lead, I think, and I'm not  
02 positive what his title is.

03 Q. Okay. Well, is he the type of person you  
04 would rely upon to give you information about  
05 whether a -- a particular formation is -- is  
06 hydrocarbon bearing?

Page 264:08 to 264:20

00264:08 A. I don't -- I don't know. I don't know  
09 Kent that well.  
10 Q. (By Mr. Hartley) Okay.  
11 A. I just started working with him.  
12 Q. Okay. Look at the first page of  
13 Exhibit 7279. The very top E-mail from  
14 Mr. Corser under the signature block reads  
15 "Drilling Engineering Manager NAG." You see  
16 that?  
17 A. Yes.  
18 Q. Given your understanding of Mr. Corser  
19 and his title, would you rely on his opinion as  
20 to whether a sand level is hydrocarbon bearing?

Page 264:22 to 265:10

00264:22 A. I'm not sure why I would ever ask Kent  
23 that, but I mean, he was in NAG, which is the  
24 onshore properties, but I would trust Kent, yeah.  
25 Q. (By Mr. Hartley) Okay. In -- in that  
00265:01 E-mail, the top of the page, the second sentence,  
02 "They did a new study and have classified it a  
03 gas bearing and capable of flow." Do you see  
04 that sentence?  
05 A. Yes.  
06 Q. Based on your understanding of the MMS  
07 regulation we looked at, 250.421(e), and the  
08 comment that it is gas bearing and capable of  
09 flow, would you think that the cement must be 500  
10 feet higher in the annulus than that formation?

Page 265:12 to 265:21

00265:12 A. (Reviewing document.) Yeah. So -- I  
13 would -- yeah. I would think that a gas-bearing,  
14 capable of flow sand would be on the schematic.  
15 Q. (By Mr. Hartley) Okay.  
16 A. And subject to cementing rules.  
17 Q. Okay. So it would be on the schematic,  
18 meaning that under the regulation, then BP would  
19 be required to -- at least to comply with the  
20 regulation, to put the cement 500 feet above that  
21 hydrocarbon-bearing zone?

Page 265:23 to 265:24

00265:23 A. But I don't know what this is referring  
 24 to. I've never seen this before.

Page 266:10 to 267:08

00266:10 Q. While you were Regulatory Advisor  
 11 responsible for the Macondo Well, did you have  
 12 any conversations with the Drilling or Operations  
 13 Teams about what MMS regulations required?  
 14 A. I don't recall specific conversations.  
 15 Q. Did you have any conversations other than  
 16 receiving material and then passing it along?  
 17 A. So I can't say for sure what  
 18 conversations went on during Macondo, but in the  
 19 course of normal operations for exploration wells  
 20 in Rig Call Meetings and other Team Meetings, if  
 21 asked questions about regulations or if something  
 22 came up that I thought that I wanted to remind  
 23 about a regulation, then that would happen. But  
 24 as far as specifically Macondo, it doesn't stand  
 25 out from any of the other wells that I was a part  
 00267:01 of, so I don't recall any specific conversations.  
 02 Q. So if the Drilling Engineer approaches  
 03 you with a question about a regulation and  
 04 identifies a sand level that's gas bearing and  
 05 capable of flow and asking you whether they need  
 06 to cement 500 feet above that, what would your  
 07 advice or response be, under -- as your job was  
 08 Regulatory Advisor?

Page 267:11 to 267:15

00267:11 A. Yeah. So if I was asked that question,  
 12 which I wasn't, then I would say if I -- my gut  
 13 feeling would be, yes, it needed to be reported  
 14 on the schematic and cemented. If we had  
 15 questions, we could call the MMS and ask.

Page 268:16 to 268:18

00268:16 Q. Okay. Did you have any contact with  
 17 Anadarko with respect to the DEEPWATER HORIZON?  
 18 A. No.

Page 268:22 to 269:04

00268:22 Q. Did anyone from Anadarko participate in  
 23 any Regulatory Filings with respect to the  
 24 DEEPWATER HORIZON?  
 25 A. No.  
 00269:01 Q. Did you send copies of any of BP's  
 02 Regulatory Filings to anyone at Anadarko?  
 03 A. I did not personally. Partner



04 relationships were handled by somebody else.

Page 269:11 to 269:14

00269:11 Q. Okay. So you personally do not know of  
12 any incidents when BP's Regulatory Filings were  
13 sent to anyone at Anadarko?  
14 A. I -- I don't personally know that, no.

Page 271:07 to 271:20

00271:07 Q. Okay. Do you recall that in February of  
08 2010 you were corresponding with Brian Morel  
09 about what the annular testing would be that  
10 would take place on the DEEPWATER HORIZON BOP?  
11 A. I -- I think we had previously gotten  
12 approval to reduce the test pressure.  
13 Q. All right. And so you do recall that in  
14 February of 2010 you were discussing that subject  
15 with Brian Morel by E-mail?  
16 A. Right.  
17 Q. What was the purpose of reducing the test  
18 pressure on the annular from 5,000 psi to 3500  
19 psi?  
20 A. I don't know.

Page 272:09 to 273:01

00272:09 Q. Is Exhibit 4007 the narrative that  
10 accompanied the RPD related to reducing the  
11 annular pressure test from 5,000 psi to 3500 psi?  
12 A. That's what this looks like, yes.  
13 Q. Okay. Can you tell from looking at that  
14 document what the purpose was of requesting to  
15 reduce -- reduce the annular pressure testing  
16 from 5,000 to 3500 psi?  
17 A. No --  
18 Q. And --  
19 A. -- not from this one line here. I don't  
20 know what else is in the document, but --  
21 Q. Okay. So to the best of your  
22 recollection, you never knew what was the purpose  
23 for reducing the annular pressure testing from  
24 5,000 to 3500 psi?  
25 A. I don't recall if we had a discussion  
00273:01 about it or not.

Page 273:16 to 274:17

00273:16 Q. Ms. Douglas, my name is Catherine  
17 McCulley. I represent MOEX Offshore and the  
18 related MOEX entities in this MDL 2179  
19 litigation.

20 Are you familiar with MOEX Offshore or  
21 any of the MOEX entities?  
22 A. Not -- no.  
23 Q. Have you had any discussions with anyone  
24 from MOEX, or on MOEX's behalf, with regard to  
25 any of the Regulatory filings relating to the  
00274:01 Macondo Well?  
02 A. No.  
03 Q. Did anyone from MOEX participate in any  
04 way in the preparation or the discussions between  
05 you and your colleagues at BP and the MMS in  
06 connection with Regulatory findings for the  
07 Macondo Well?  
08 A. Not that I know of.  
09 Q. Okay. Did you send copies of any of the  
10 Regulatory findings to MOEX Offshore or any of  
11 the MOEX entities in connection with the Macondo  
12 Well?  
13 A. I did not personally send Regulatory  
14 filings.  
15 Q. Do you have knowledge of anyone that did?  
16 A. I do not have personal knowledge of that,  
17 no.

Page 275:07 to 275:15

00275:07 Q. Ms. Douglas, I'm Frank Holozubiec  
08 representing BP, and I'd just like to ask you a  
09 couple of questions clarifying some of the  
10 matters that were covered earlier in your  
11 deposition today.  
12 I -- I'd like you first to turn to what's  
13 been marked as Exhibit 5834. It appears at Tab  
14 28 in the binder of Plaintiffs' Exhibits that you  
15 have before you.

Page 275:19 to 276:12

00275:19 Q. And that is the "Application for Revised  
20 Bypass"? Is that correct?  
21 A. Yes.  
22 Q. And at the bottom, it says:  
23 "Electronically generated on" April 15th, 2010,  
24 correct?  
25 A. Correct.  
00276:01 Q. Okay. You -- I believe you testified  
02 that by April 15th, 2010, you were not working on  
03 the Macondo Well, correct?  
04 A. That's correct.  
05 Q. But you were directed to some of the  
06 prior Revision comments that appear on Page 1 and  
07 2 of -- of the document.  
08 I'd like you to turn to Page 2 of -- of  
09 Exhibit 5834. All right. At the top of the page

10 where it says: "Revision I" with the date  
11 October 15, 2009. If you'd just read those two  
12 paragraphs?

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00276:16 A. Oh, okay. (Reviewing document.) Okay.

17 Q. Do you recall being questioned about  
18 these paragraphs this morning by the Plaintiffs'  
19 Counsel?

20 A. Yes, I do.

21 Q. All right. Which rig was working at the  
22 Macondo Well at the time of this Revision,  
23 October 15, 2009?

24 A. That would have been the MARIANAS.

25 Q. So these comments would reflect the --  
00277:01 the MARIANAS rig; is that correct?

02 A. That's correct.

03 Q. The questions this morning suggested that  
04 the first paragraph of this Revision involved  
05 adding a stripping element to the annular. Do  
06 you know if that was done on the annular of the  
07 MARIANAS rig?

08 A. Well, I know we -- we requested approval  
09 for it.

10 Q. Would you know that the -- but was it  
11 because of a stripping element, or for some other  
12 reason?

13 A. Oh, I don't -- I don't remember, m'm-m'm.

14 Q. So you don't know whether this request  
15 for approval related to a stripping element or  
16 not?

17 A. I don't recall that, just from what's in  
18 here.

19 Q. All right. Earlier in the day, you were  
20 also asked about the Maximum Anticipated Surface  
21 Pressures. Do you recall that?

22 A. Yes.

23 Q. And I believe you said you are not an  
24 Engineer and not involved in calculating those;  
25 is that correct?

00278:01 A. That's correct.

02 Q. And you do not calculate any of the  
03 Maximum Anticipated Surface Pressures that are  
04 included in the Regulatory filings?

05 A. No, I do not.

06 Q. You generally -- you receive those from  
07 the Engineers and put them in the filings; is  
08 that correct?

09 A. That's correct.

10 Q. Okay.

11 MR. HOLOZUBIEC: I'd like to mark  
12 this as the next exhibit, is -- which is 5847.  
13 (Exhibit No. 5847 marked.)

14 Q. (By Mr. Holozubiec) Ms. Douglas, I've

15 just marked as Exhibit 5847, a -- a CFR  
16 Regulation 50.413 [sic], titled: "What must  
17 my" -- "description of well drilling design  
18 criteria address?" Would you review that,  
19 please?  
20 A. (Reviewing document.) Okay.  
21 Q. Would you read aloud the first two  
22 sentences of Subsection (f)?  
23 A. "Maximum anticipated surface pressures.  
24 For this section, maximum anticipated surface  
25 pressures are the pressures that you reasonably  
00279:01 expect to be exerted upon a casing string and its  
02 related wellhead equipment."  
03 Q. All right. When you were questioned  
04 about the meaning of Maximum Anticipated Surface  
05 Pressures earlier, under the MMS Regulations, you  
06 did not have Section 413 in front of you; is that  
07 correct?  
08 A. That's correct.  
09 Q. Does Section 413 provide guidance as to  
10 the MMS's meaning of "Maximum Anticipated Surface  
11 Pressures"?  
12 A. Yes, I believe it does.  
13 Q. And what -- what is that guidance?  
14 A. That -- that your antici -- it's your --  
15 your reasonably anticipated surface pressure.  
16 The highest it re -- highest reasonably  
17 anticipated surface pressure is the way I would  
18 interpret that.  
19 Q. And when you were asked some questions  
20 this morning about whether "maximum" means 100  
21 percent, you were defining the term "maximum"  
22 just in its common usage and not with respect to  
23 any particular Regulation; is that correct?  
24 A. That's correct.  
25 Q. Just saying what "maximum" means to you,  
00280:01 as a -- as an English word, correct?  
02 A. Correct.  
03 Q. And that was not meant to apply to any  
04 definition of Maximum Anticipated Surface  
05 Pressures under the MMS Regulations; is that  
06 correct?  
07 A. Right.  
08 Q. I'd now like you to look at what was just  
09 marked as Exhibit 727 -- 79. Do you have that --  
10 A. Oh, okay.  
11 Q. -- in front of you?  
12 A. Yeah. Okay.  
13 Q. You were asked some questions about the  
14 first two sentences of this E-mail; is that  
15 correct?  
16 A. Yes, I was.  
17 Q. And this is an E-mail from Kent Corser  
18 sent on June 25, 2010. You were not sent this  
19 E-mail; is that correct?

20 A. That's correct.  
 21 Q. And were you copied on this E-mail?  
 22 A. I've never seen this E-mail until today.  
 23 Q. Okay. All right. Do you have any  
 24 understanding of what is being discussed in the  
 25 first paragraph of the E-mail?  
 00281:01 A. I do not.  
 02 Q. Do you know whether that is referring to  
 03 a -- a particular hydrocarbon-bearing zone or  
 04 not?  
 05 A. I don't know what it's referring to.  
 06 Q. Okay. Do you know anything about the  
 07 zone or matter that is being discussed in the  
 08 first paragraph?  
 09 A. No, I do not.  
 10 Q. Do you know its characteristics?  
 11 A. No, I do not.  
 12 Q. Do you know how long or short it may be?  
 13 A. No.  
 14 Q. Okay. Do you have any expertise in  
 15 determining whether something is a  
 16 hydrocarbon-bearing zone?  
 17 A. No. That is not my area of expertise at  
 18 all.

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00282:16 Q. (By Mr. Dills) And, actually, if you  
 17 would, would you please take a second and look at  
 18 250.401. I'd like to ask you about Subpart (c)  
 19 of that Regulation. Would you please read  
 20 Subpart (c) for the record?  
 21 A. "Ensure that the toolpusher, operator's  
 22 representative, or a member of the drilling crew  
 23 maintains continuous surveillance on the rig  
 24 floor from the beginning of drilling operations  
 25 until the well is completed or abandoned, unless  
 00283:01 you have secured the well with blowout  
 02 preventers...bridge plugs, cement plugs, or  
 03 packers."  
 04 Q. Okay. So you see that it says that it  
 05 must -- I'm sorry -- maintain continuous  
 06 surveillance of the rig through the well's  
 07 completion or abandonment. Do you agree with  
 08 that?

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00283:11 A. So it says.  
 12 Q. (By Mr. Dills) Let's start with the first  
 13 part. It says: "You must take necessary  
 14 precautions to keep wells under control at all  
 15 times. You must:" and then there's Subpart (c),  
 16 which you've already read.

17 A. Right.  
 18 Q. And that goes through the abandonment of  
 19 the well?  
 20 A. The -- "surveillance on the rig floor" --  
 21 (reviewing document). Yes.  
 22 Q. So that obligation does not stop once  
 23 Temporary Abandonment Procedures begin. This  
 24 Regulation must be adhered to through the  
 25 completion of the abandonment process?

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00284:03 Q. (By Mr. Dills) As a Regulatory Advisor,  
 04 do you agree with that?  
 05 A. So that -- that "continuous surveillance  
 06 on the rig floor" from the "toolpusher,  
 07 operator's representative, or a member of the  
 08 drilling crew" through the abandonment of the  
 09 well.  
 10 Q. Right.  
 11 A. Yes.  
 12 Q. So that obligation does not stop when the  
 13 Temporary Abandonment Procedures begin. It only  
 14 is concluded once the abandonment procedures are  
 15 complete?  
 16 A. I would agree with that.  
 17 Q. Okay. Thank you.  
 18 Next, I'd like to hand you what's been  
 19 previously marked as Exhibit 5351. (Tendering.)  
 20 MR. DILLS: Whoops. Sorry about  
 21 that. There you go. Sorry, guys.  
 22 Q. (By Mr. Dills) Okay. I'd like to refer  
 23 to you Section 250.416. "What must I include in  
 24 the diverter and BOP descriptions:" Do you see  
 25 that?  
 00285:01 A. Yes.  
 02 Q. I'd like to refer your attention to  
 03 Subpart (e). It says: "Information that shows  
 04 that the blind-shear rams installed on the BOP  
 05 stack (both surface and subsea stacks) are  
 06 capable of shearing the drill pipe in the hole  
 07 under maximum anticipated surface pressure."  
 08 Did I read that correctly?  
 09 A. Yes.  
 10 Q. What did BP do to comply with this  
 11 section of the Regulation?

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00285:14 A. So would you rephrase that?  
 15 Q. (By Mr. Dills) Sure. According to this,  
 16 "You must include in the diverter and BOP  
 17 descriptions: Information that shows the  
 18 blind-shear rams installed in the BOP

19 stack...are capable of shearing the drill  
 20 pipe..."  
 21 What did you do to show that the BOP was  
 22 capable of shearing the drill pipe?  
 23 A. We did not supply that.

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00286:01 A. So we did -- we did not attach that to  
 02 the APD.  
 03 Q. (By Mr. Dills) Well, as the Regulatory  
 04 Advisor, are you not required to adhere to this  
 05 section of the CFR?  
 06 A. So I did -- I did not attach that to the  
 07 APD.  
 08 Q. Okay. But should you have?

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00286:11 A. It's in the Regulations, but I had never  
 12 put one on an APD, nor had the MMS ever asked for  
 13 that on an APD.  
 14 Q. (By Mr. Dills) But you do agree it is in  
 15 the Regulations?  
 16 A. It is in the Regulations.  
 17 Q. And it was not included in the APD for  
 18 the Macondo Well?  
 19 A. That's correct.

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00290:15 Is there another Regulatory body within  
 16 BP that oversees or that deals with Regulatory  
 17 Compliance?  
 18 A. So we have a Compliance Management System  
 19 that does self-audits, you know, to check  
 20 compliance. But the responsibility for  
 21 compliance in Operations resides in Operations.  
 22 Q. And when you say it "resides in  
 23 Operations," do you know -- is there -- is that  
 24 the Drilling Engineers?  
 25 A. In the case of a drilling well, I would  
 00291:01 say it would be in that Drilling organization.  
 02 Q. So with regard --  
 03 A. The people who are responsible for those  
 04 Operations.  
 05 Q. Okay. So with regards to the Macondo  
 06 Well, Brian Morel and Mark Hafle would be  
 07 responsible for Regulatory Compliance. Is  
 08 that -- do I understand your testimony correctly?  
 09 A. So I didn't say Brian or Mark, but  
 10 someone in that Drilling oper -- in that Drilling  
 11 Group would be responsible for the Operations,

12 meeting the Requirements of the Permit, and the  
13 Regulations.

14 Q. Do you know who that was for the Macondo  
15 Well?

16 A. No, I do not.

17 Q. Okay. You said part of your roles and  
18 responsibilities are to -- let's see, to advise  
19 what the Regulations require. Is that true? Is  
20 that -- do I have that correct?

21 A. The Regulations require -- as far as  
22 what's required for the Permits, I think is what  
23 I was referring to in that statement.

24 Q. All right. Let me see if I can state it.

25 So part of your roles and  
00292:01 responsibilities are to advise what the Drilling  
02 Regulations require; is that correct?

03 A. Well, part -- my role -- part of my role  
04 is to give advice, as to either interpreting the  
05 Regulations or what the Regulations require us to  
06 do to file the Permits.

07 Q. Okay.

08 A. Yeah.

09 Q. But you do not know what is required for  
10 the calculation of the MASP?

11 A. I do not.

12 Q. But you do know that it is required as  
13 part of the submissions to MMS?

14 A. We have to submit it, yes.

15 Q. Okay. But you don't know how it's  
16 calculated?

17 A. I do not.

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00295:11 Q. Okay. In the casing design, if the  
12 casing includes either burst disks or rupt -- do  
13 you know what a burst disk is?

14 A. I do not.

15 Q. Do you know what a ruptured disk is?

16 A. No, I don't.

17 Q. If the casing on a well includes a burst  
18 disk or a ruptured disk, is that something you  
19 must disclose to the MMS?

20 A. I don't know.

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00295:23 Q. (By Mr. Dills) You don't know?

24 A. I don't know.

25 Q. Okay. You also testified earlier if you  
00296:01 did multiple leak-off tests, that you would  
02 report the las -- the results from the last test.  
03 Do you recall that testimony?

04 A. Yes.



05 Q. And I think you also testified, even if  
06 the results of the last test were not as good as  
07 a previous test, you would still report the last  
08 test?

09 A. That's correct.

10 Q. Okay. If a previous test, the test  
11 done -- say you did three tests, if the results  
12 of Test 2 were not as good as Test 3, would you  
13 report the results for Test 2, or would you  
14 report the best results?

15 A. I would report --

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00296:18 A. I'm sorry. I would report the last  
19 result.

20 Q. (By Mr. Dills) So even if the results for  
21 Test 2 in our hypothetical, three tests, were not  
22 as good as Test 3, you would not report that?

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00296:25 A. I would report the last test.

Page 297:15 to 297:24

00297:15 Q. Okay. If a rig crew diverts -- are you  
16 familiar with a diverter system?

17 A. Somewhat.

18 Q. Okay.

19 A. I wouldn't -- well, I wouldn't say  
20 "familiar." I -- I sort of know what it is.

21 Q. Okay. If a rig crew diverts overboard,  
22 is that something that has to be reported to the  
23 MMS?

24 A. They have --

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00298:01 form.

02 A. Yes.

03 Q. (By Mr. Dills) They do.

04 A. It has to go at least on a Weekly  
05 Activity Report.

06 Q. Okay. So it does have to be -- if a rig  
07 crew diverts overboard, it does have to be  
08 reported to the MMS?

09 A. It has to go on the Weekly Activity  
10 Report, yes.

11 Q. If the rig crew goes to the mud/gas  
12 separator, does that have to be reported to the  
13 MMS?

14 A. Not --

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00298:17       A.   Not to my knowledge.