

Deposition Testimony of:

Thad Allen

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Page 14:05 to 14:07

00014:05 ADMIRAL THAD WILLIAM ALLEN
06 was called as a witness by the PSC, and being
07 first duly sworn, testified as follows:

Page 14:20 to 15:01

00014:20 Would you agree that it was BP's
21 obligation to be prepared to res -- to respond to
22 an oil spill like the Macondo?
23 A. BP's obligation for oil -- oil spill
24 response would be pursuant to the Response Plan
25 they provided to the Department of Interior as a
00015:01 condition of permitting.

Page 16:10 to 16:12

00016:10 Q. (By Mr. Barr) Well, you took over as the
11 National Incident Commander on May 1, correct?
12 A. That's correct.

Page 22:01 to 22:01

00022:01 (Exhibit No. 9100 marked.)

Page 22:20 to 23:19

00022:20 Do you see that the first page of this is
21 a letter you wrote to Secretary Napolitano,
22 correct?
23 A. That's correct.
24 Q. And this was written on October 1, 2010,
25 correct?
00023:01 A. That's correct.
02 Q. And you attached to this letter a Report
03 entitled "National Incident Commander's Report:
04 MC252 Deepwater Horizon," correct?
05 A. That's correct.
06 Q. And this was a Re -- a Report you wrote,
07 correct?
08 A. I wrote a good deal of it, and then it
09 was edited and I was assisted by my staff.
10 Q. Okay. But it was written under your
11 authority?
12 A. That's correct.
13 Q. And it's expressing your views, as the
14 National Incident Commander, as it pertains to
15 the entire effort responding to the Macondo
16 incident, correct?
17 A. Relating to my Regulatory and Statutory
18 responsibilities as a National Incident
19 Commander.

Page 27:20 to 27:23

00027:20 Q. (By Mr. Barr) Did you believe, as
21 National Incident Commander, that the Response
22 Plan prepared by BP was adequate to respond to
23 the Macondo incident?

Page 27:25 to 28:05

00027:25 A. The Response Plan was not reviewed by the
00028:01 Coast Guard. It would be responsible for
02 responding to the spill. To my knowledge, the
03 response met the requirements of the conditions
04 of the permitting. The overall magnitude of the
05 events itself dwarfed any Response Plan.

Page 72:17 to 73:01

00072:17 Q. Did you believe that there was not an
18 ability to respond before the Macondo spill?
19 A. There was an ability to respond, and it
20 was documented in the response plans that were
21 submitted as a condition of the Permit.
22 The "Lessons Learned" had more to do with
23 the overall scope of both geographical and volume
24 of the oil scope that vastly exceeded the
25 Response Plan, planning requirements, and, of
00073:01 course, issues related to well control.

Page 73:08 to 73:11

00073:08 Q. Do you believe, in your experience with
09 the Macondo spill, that BP had anywhere close to
10 the resources necessary to respond to a 162,000
11 barrel per day spill?

Page 73:14 to 74:06

00073:14 A. I think a -- a correct approach would be
15 to take a look at what we actually had to
16 encounter, which was oil coming to the surface
17 for a period of nearly between 85 and 87 days,
18 under different wind, sea, and tide conditions
19 that did not produce a monolithic slick, which
20 was the mental model for the -- the legislation
21 that was passed following the Exxon VALDEZ. And
22 what we ultimately ended up with were hundreds of
23 thousands of patches of oil that threatened
24 simultaneously five states.
25 The geographical scope and ultimately the
00074:01 amount that was dispersed over those areas are
02 not contained in any planning criteria or any
03 response plans I've ever dealt with. So we were

04 dealing with an anomalous event whose features
05 were not adequately captured in the Response
06 Planning requirements.

Page 85:22 to 86:05

00085:22 Q. Okay. And how did you get involved
23 initially?
24 A. I received a call at night that there was
25 an explosion on the rig. At the time, I was a
00086:01 Commandant in the Coast Guard. The Deputy
02 Commandant for Operations had called me and
03 briefed me that we were mounting a search and
04 rescue effort and starting to mobilize our forces
05 related to any potential follow-on --

Page 86:07 to 86:23

00086:07 A. -- incident that might occur.
08 Q. What was your involvement from April 20th
09 to May 1, when you took over as National Incident
10 Commander?
11 A. I was the Commandant of the Coast Guard,
12 and the sequence of events starting with the 20th
13 of April had the -- a local Coast Guard Command
14 responding. It would be Coast Guard Sector New
15 Orleans. After the rig itself sunk on the 22nd
16 of April, Admiral Mary Landry, who is the Eighth
17 District Commander, established a Unified Area
18 Command. And from that period of time until 1
19 May, the operations where the Federal Government
20 was executing their authority through the Federal
21 On-Scene Coordinator were being conducted by
22 Admiral Landry with Unified Area Command until I
23 assumed the role of National Incident Commander.

Page 118:07 to 118:09

00118:07 Q. Okay. And just so it's clear for the
08 record, what -- what -- what is ICS?
09 A. Incident Command System.

Page 118:11 to 119:04

00118:11 A. The -- the General Response Doctrine for
12 the United States Government, Federal Government,
13 is something called the National Incident
14 Management System, or NIMS. That's doctrinally
15 controlled by FEMA, and it is used in wildfires,
16 flood response, natural disasters, and so forth.
17 It is also used by the public safety community in
18 response to any kind of public safety emergency.
19 And it's executed through the Incident Command

20 System, which has predescribed roles and
21 responsibilities that are generic wherever you go
22 in the country.
23 And the purpose of that is to be able to
24 bring people in from the West Coast, to the East
25 Coast; and if they're trained and certified in
00119:01 logistics, they can be plugged in right away.
02 That is the standard response structure that was
03 utilized everywhere, but it was not quite needed
04 or correct for what was going on in Houston.

Page 124:23 to 125:04

00124:23 Q. It's my understanding that you are here
24 as a 30(b)(6) witness on behalf of the United
25 States as it relates to Topic 6, 7, 27, 29, and
00125:01 97. And we can go through those, if -- if you
02 are more comfortable, if you don't know the --
03 the number.
04 A. I'm familiar with them, and concur.

Page 125:17 to 128:09

00125:17 Q. (By Mr. Kraus) As it relates to Topic 29,
18 which is: "Your knowledge of and involvement
19 with the selection, testing, monitoring,
20 approval, and use of subsea or surface
21 dispersants at or in the area immediately above
22 the MC252 Well as" to "those matters affected or"
23 relate "to Source Control Efforts and any effort
24 to quantify the flow of hydrocarbons from...MC
25 252 Well."
00126:01 Is that correct?
02 A. That's correct.
03 Q. Okay. Related to "the selection,
04 testing, monitoring, approval, and use of subsea
05 or surface dispersants," would you please
06 describe what the State of Louisiana's level
07 in -- of involvement was related to those
08 decisions?
09 A. Pre-event, the -- the role of the State
10 of Louisiana would have been as a participant in
11 the area contingency planning process conducted
12 by the pre-designated Federal On-Scene
13 Coordinator for that geographical area, which
14 would have been Coast Guard sector New Orleans.
15 Q. And can you describe what you mean or --
16 when you say a "participant"?
17 A. Yes. Under the National Contingency
18 Plan, and the changes made following the Exxon
19 VALDEZ through the Oil Pollution Act of 1990 and
20 the Clean Water Act, pre-designated Federal
21 On-Scene Coordinators, which are generally local
22 Coast Guard commanding officers, are required to
23 produce area contingency plans that identify

24 sensitive areas, threats of discharge oil and
25 hazardous materials from existing facilities or
00127:01 vessels or barges likely to be in transit, and to
02 conduct measures -- measures to protect sensitive
03 areas and resources, and come up with plans to do
04 that in conjunction with the State in which that
05 predesignated Federal On-Scene Coordinator is
06 located, and then have those plans be the basis
07 for response activities.

08 Q. Did the State of Louisiana, or any state,
09 for that matter, have any right to select which
10 dispersants would be used?

11 A. Dispersants are used pursuant to
12 Statutory and Regulatory Guidelines that were
13 produced after the Exxon VALDEZ and the Oil
14 Pollution Act of 1990, that allow for the either
15 authorized or preauthorized use of dispersants
16 when certain conditions are met that are agreed
17 to by the pre-designated Federal On-Scene
18 Coordinator and local Governments.

19 In the early 1990s, there were a number
20 of agreements negotiated to allow preauthorized
21 use of dispersants if certain conditions were
22 met, largely having to do with the distance
23 offshore, the direction of the wind, ability to
24 monitor for the effects of the dispersants.

25 The actual dispersants themselves are
00128:01 actually classified and put on a Federal
02 schedule, and that is a function carried out by
03 the Environmental Protection Agency.

04 Q. So is it the EPA that actually selects
05 which dispersants are going to be used or were
06 used in this case?

07 A. They actually come up with a Government
08 schedule of authorized dispersants, yes, that's
09 correct.

Page 128:12 to 129:03

00128:12 Do -- does Louisiana have the right to
13 veto or to stop the use of a dispersant?

14 A. As a matter of law, I'm not sure I'm
15 qualified to comment on that. I know, as a
16 matter of practice, once the protocols are
17 approved for preauthorization and contained in
18 the Area Contingency Plans, that the Federal
19 On-Scene Coordinators can use those, as long as
20 the crit -- the -- the conditions are met, and
21 those would have been conditions that would have
22 been negotiated and approved by the State of
23 Louisiana.

24 Q. Okay. So once the EPA selects the
25 dispersants it's going to use, the State can't go
00129:01 back to the EPA or the Federal On-Scene Commander
02 and state -- and voice their objection to its use

03 and have it stopped?

Page 129:07 to 129:08

00129:07 A. They could, but that would be a very
08 inopportune time to try and intervene.

Page 129:12 to 130:14

00129:12 Q. Related to Topic 97, which states as
13 follows: "The EPA's role and participation in
14 the process of considering or determining the
15 amount or type of dispersants to be applied in
16 connection with the release of hydrocarbons from
17 the MC252 Well...the methods," the "calculations,
18 analyses, estimates, factors, data and
19 assumptions considered or employed by the EPA in
20 connection with that role," can you describe what
21 the State of Lou -- well, first of all, did I
22 read that Topic correctly?

23 A. You did.

24 Q. Okay. Can you describe what the State of
25 Louisiana's level of involvement and
00130:01 participation was in the process that's described
02 in this Topic?

03 A. I can give you a two-part answer I think
04 that correctly describes the situation. Prior to
05 the event itself, Louisiana's involvement would
06 have been in the preauthorizations contained in
07 agreements conducted by the local Coast Guard
08 Commanders on the conditions under which
09 dispersants would be authorized.

10 Following the event itself, those
11 preapprovals were executed, and the local Federal
12 On-Scene Coordinator were conducting operations
13 with dispersants in accordance with the protocols
14 and criterion that were established.

Page 131:15 to 132:22

00131:15 Q. So at some point subsequent to
16 April 20th, 2010, was Louisiana ever consulted
17 regarding the amount of dispersants to be used at
18 the wellhead?

19 A. I am absolutely sure that the amount of
20 dispersants that were used at the wellhead were
21 discussed and approved every day through the
22 Incident Action Plans. In this case, it would be
23 in Houma, where the State of Louisiana was
24 represented at the Uni -- at the Unified Command.
25 I know, because I visited Houma myself and saw
00132:01 the State Representatives there.

02 So those day-to-day tactical decisions on
03 the employment of dispersants would have been

04 done in the context of the participation of
05 everybody at the Command Center in Houma,
06 including the State of Louisiana.

07 Q. Do you know with what level of
08 involvement or what level of input the State
09 dictated, or did they have any voice, in the
10 amount of dispersants that were going to be used,
11 other than what you just described?

12 A. My sense is, and this is only my sense,
13 that there was no questioning of the application
14 of dispersants because there's a legitimate role
15 for dispersants to be used. And, ultimately, the
16 issue of the total amount and the subsea
17 application became issues that arose when it was
18 done for the first time.

19 And the discussions that I was involved
20 in were actually raised at the National level,
21 when I first became aware of them in my
22 discussions with Lisa Jackson --

Page 132:24 to 133:05

00132:24 A. -- the administrator of -- the
25 administrator of the EPA. That does not mean
00133:01 those discussions were not taking place at Houma,
02 but, except for the times that I was visiting, I
03 didn't do my daily work, if you will, at Houma.
04 MR. KRAUS: I'm going to go ahead
05 and mark the Notice as Exhibit No. 9107.

Page 133:11 to 133:13

00133:11 Q. When did you note -- or on what date were
12 you no longer the National Incident Commander?
13 A. 1 October, 2010.

Page 157:25 to 158:06

00157:25 Q. Okay. Had another spill occurred in --
00158:01 in the time period that you were National
02 Incident Commander, was there a concern on your
03 part, or on behalf of the United States
04 Government, that it could be appropriately
05 responded to, seeing it -- is that we know the
06 level of commitment of resources to Macondo?

Page 158:11 to 158:12

00158:11 A. Well, there's one facet, then, that I
12 can't answer.

Page 158:14 to 159:23

00158:14 A. When it became apparent that the amount
 15 of equipment that we needed to adequately respond
 16 to this event was more than what was available in
 17 the Gulf area, an issue arose about where to get
 18 that equipment. The industrial base or the
 19 supply chain, if you will, for things like booms,
 20 skimming equipment could not produce the
 21 equipment fast enough for us to meet the demand
 22 that was growing to try and simultaneously
 23 potentially defend five coastal states.

24 It raised the issue of moving equipment
 25 from elsewhere in the country to be able to put
 00159:01 that into play for the spill response. That
 02 raised the secondary issue of the regulatory and
 03 statutory standby requirements as a condition of
 04 operation for, let's say, waterside transfers
 05 that are taking place in the Port of L.A. As a
 06 result of that and the fact that we could not
 07 indemnify those facilities against their
 08 liability if a spill occurred, we actually went
 09 through an emergency rulemaking process with the
 10 EPA to lower the re -- the standby requirements
 11 other places in the country so that equipment
 12 could be moved.

13 So I would -- I would say this, and I
 14 would classify this under "Lesson Learned," that
 15 I believe there needs to be the ability under an
 16 emergency situation to relocate equipment where
 17 it is needed and reduce the standby requirements.
 18 When you do that, you incur the risk that you'll
 19 have an event someplace else, have less equipment
 20 or not enough equipment to respond to it. But
 21 that is the risk that is assumed within the
 22 current response framework that's been
 23 established under Law.

Page 170:15 to 170:19

00170:15 Q. Okay. My last Topic has to do with boom.
 16 There was a significant amount of boom that was
 17 placed in the Gulf of Mexico related to this
 18 spill, correct?
 19 A. That is a gross understatement.

Page 177:08 to 177:12

00177:08 And I think one thing that you were not
 09 asked was: When you -- when did you become the
 10 Commandant of the Coast Guard? Was that in May
 11 of 2008?
 12 A. May 25th, 2006.

Page 177:15 to 177:20

00177:15 Q. And that tenure is set as a -- as a
16 four-year commitment, correct?
17 A. That is correct, by law.
18 Q. And so you ended your tour as the
19 Commandant of the Coast Guard in May of 2010?
20 A. Correct. May 25th, again.

Page 178:07 to 178:23

00178:07 Q. Admiral Allen, would you walk through the
08 time elements of the events? Let's just start at
09 April 20th and talk about your status up until
10 the time you left the Coast Guard.
11 A. On April 20th, I was the Commandant of
12 the Coast Guard. On the 25th of May -- excuse
13 me. On the 1st of May, I was named the National
14 Incident Commander concurrently as the
15 Commandant. I immediately relinquished all
16 authority and responsibility to the Vice
17 Commandant, so I wouldn't have a conflict and --
18 and concentrate on my duties as the National
19 Incident Commander.
20 On the 25th of May, I was officially
21 relieved as the Commandant. And at that point,
22 my status was terminal leave until my retirement
23 date, which was the 30th of June.

Page 179:06 to 179:15

00179:06 A. On the first of July, I became a Senior
07 Executive attached to Secretary Napolitano and
08 stayed in that status until 1 October, when I
09 terminated my service as the National Incident
10 Commander.
11 So the period between the 25th of May
12 2010, and 30 June, 2010, I was in the Coast Guard
13 on active duty, but no longer the Commandant with
14 any authority related to that, but I was still
15 the National Incident Commander.

Page 180:24 to 181:10

00180:24 (Exhibit No. 9111 marked.)
25 Q. (By Mr. Brock) I'm handing over to you
00181:01 now, just so that you can see it, and it's in
02 your notebook there, at Tab 4, a Summary of the
03 Topics that were assigned to Admiral Allen. And
04 I really just pulled this out for ease of
05 reference for you and me.
06 But would you just look that over and
07 confirm for us that those are the Topics that you
08 are prepared to testify about today?
09 A. (Reviewing document.) I confirm those
10 are the Topics.

Page 181:19 to 181:24

00181:19 Q. Okay. So would that be true for -- just
20 to cut through it, for all the Topics, Topic 7,
21 27, 29, and 97, you did not conduct interviews of
22 any individuals that are employed or were
23 employed with the United States of America?
24 A. No.

Page 182:05 to 182:07

00182:05 Yeah, did you speak to anyone besides the
06 attorneys?
07 A. There were several conference calls.

Page 182:10 to 182:22

00182:10 Q. (By Mr. Brock) And were those conference
11 calls -- were those conference calls utilized for
12 you to gain knowledge about the facts?
13 A. Yes.
14 Q. Okay. Can you tell me the -- the dates
15 of those conversations and the name of the person
16 you talked to? I don't want to get into the
17 detail of those conversations yet for now. Just
18 give me the dates of the conversations and the
19 names of the people you talked to.
20 A. The dates, I'm not sure I can recall
21 directly, but the -- the people that were -- that
22 I talked to were Marcia McNutt --

Page 182:24 to 182:25

00182:24 A. -- Captain Pete Gautier, and Mr. Bill
25 Grawe.

Page 183:07 to 183:08

00183:07 And Dana Tulis, Environmental Protection
08 Agency.

Page 185:03 to 185:12

00185:03 Q. Okay. And then is it Dana Tulis?
04 A. Tulis.
05 Q. And Dana is presently employed with EPA?
06 A. That's correct.
07 Q. And was Dana employed with EPA from
08 April 20th, 2010 until October 1st, 2010?
09 A. She was.
10 Q. And what is her position?

11 A. She is the Co-Chair of the National
12 Response Team --

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00185:14 A. -- representing EPA.
15 Q. And what was the Topic about which you
16 inquired of Dana Tulis?
17 A. It would be dispersants.
18 Q. Okay. Just to try to narrow the field a
19 bit, over what period of time did these
20 interviews take place?
21 A. The last two weeks.

Page 189:16 to 190:02

00189:16 Q. Right. If we look at the period of time
17 April the 20th up until May the 1st, what were
18 you doing during that period of time?
19 A. I was the Commandant of the Coast Guard.
20 The command and control of the event had elevated
21 from a Sector to -- to New Orleans to the Unified
22 Area Command, which, at that time, was located in
23 Robert, Louisiana, at the Shell training
24 facility. And my role at that point was
25 oversight as the Agency Head over the Federal
00190:01 On-Scene Coordinator, who was Mary Landry, Head
02 of the Unified Area Command.

Page 190:23 to 191:03

00190:23 Q. Right. In terms of what you were able to
24 observe in terms of activity in Robert, did you
25 feel like that BP was responding in an
00191:01 appropriate and timely way to the significant
02 issues that it was faced with in the Gulf of
03 Mexico?

Page 191:10 to 192:15

00191:10 A. The only firsthand experience I had were
11 in my visits to Robert. And, again, I don't
12 recall the exact dates, but I did make visits
13 down there. In the course of that, I did walk
14 through the Unified Area Command. I was briefed
15 by both the BP and the Coast Guard folks who were
16 there. I talked personally to Mary Landry and
17 Doug Suttles -- in fact, I had dinner with them
18 in the cafeteria -- and generally walked around
19 and tried to get a sense for how everything was
20 going.
21 There was a -- as you imagine, a flurry
22 of activity. Nothing that would indicate that

23 anything was amiss. There was a lot of activity
24 going on, but as far as the exact details, what
25 was happening at the time, it was clear that Mary
00192:01 and Doug Suttles were working the issues, and
02 nothing at that time was any cause for me to have
03 any concern.

04 Q. (By Mr. Brock) Okay. And did it appear
05 to you that they were working issues in a
06 cooperative fashion?

07 A. They were. I mean, we all need to
08 understand, when you have an event like this, the
09 RP has certain roles and responsibilities and
10 there are concerns on that side, and the
11 Government has concerns. And one of the roles of
12 the Federal On-Scene Coordinator, the Area
13 Commander, and the National Incident Commander is
14 to make sure you establish unity of effort. And
15 they were both working very hard at that.

Page 193:15 to 195:21

00193:15 Q. All right. If you look a few paragraphs
16 up, you can see that this is Admiral Allen
17 speaking. Do you see that?

18 A. I do.

19 Q. Okay. And the transcript reads: "The
20 entire framework is called the national
21 contingency plan, and it is how we have
22 prosecuted oil spills ever since the Oil
23 Pollution Act of 1990. That is the way we have
24 been prosecuting this case since the explosion on
25 the Deepwater Horizon on the 20th of April."

00194:01 And this is the sentence I want to ask
02 you about: Even in advance -- "Even in advance,
03 "of the sinking of the drilling unit, we were
04 staging equipment that was against the scenario
05 we would have a worst-case spill. And we started
06 actually mobilizing equipment, salvage engineers
07 and everything right after the event happened
08 into the 21st of April."

09 Do you see that?

10 A. I do.

11 Q. Okay. Would you describe, please, what
12 you were referring to there in terms of
13 mobilizing equipment and salvage engine --
14 engineers as early as April the 21st?

15 A. Sure. Without getting into detail that I
16 don't have privy to right now, my -- my memory,
17 there were a couple things happened
18 simultaneously. First and foremost, in the 48
19 hours responding to the event, our highest
20 priority was safety of life. And once we knew we
21 had gotten anybody that could be found off the
22 rig -- we knew we had eleven people missing -- we
23 launched a significant air and sea rescue

24 operation. I think it covered about 35,000
 25 square miles in and around the rig.

00195:01 Over the next 24 to 48 hours, as we
 02 exhausted every possibility that anybody might
 03 have survived and been in the water, we were
 04 simultaneously looking at the issues that were
 05 associated with the stability of the rig. And
 06 normally we have our folks that are Naval
 07 Architects are involved with not only the
 08 industry BP themselves, but the Supervisor of
 09 Salvage was -- was involved at that time, taking
 10 a look at the issues related to the rig itself,
 11 the stability, whether or not there would be
 12 long-term structural problems associated with
 13 that, and then the staging of pollution response
 14 equipment.

15 Q. Okay. What involvement did BP have in
 16 moving resources in the direction of the area of
 17 the spill as early as April the 21st?

18 A. Let me couch that in the terms of the
 19 Command and Control System was the place, because
 20 that's -- that was the mechanism by which I was
 21 informed about what was going on. And --

Page 195:23 to 196:20

00195:23 A. -- originally the Sector Commander in New
 24 Orleans, Captain Ed Stanton, was responsible for
 25 overall coordination of the response, so a lot of
 00196:01 that initial activity would have been coordinated
 02 through his command level.

03 After the rig sunk, Mary Landry
 04 established a Unified Area Command up in Robert.
 05 So a lot of the original coordination, outreach
 06 would have been, first of all, at the Sector New
 07 Orleans level and then at the Area Unified
 08 Command level, augmented by subject matter
 09 expertise at Coast Guard Headquarters at the
 10 Marine Safety Center and our resident subject
 11 matter experts on naval architecture and
 12 stability and design working with the Supervisor
 13 of Salvage, with the Navy, and then working with
 14 the BP folks.

15 A lot of that I was not privy to
 16 directly, as far as what transactions were going
 17 on, but it was reported to me that all those
 18 activities were taking place simultaneously, as
 19 well as marshalling response resources and
 20 bringing them to the -- to the scene.

Page 197:03 to 197:06

00197:03 Q. Okay. In terms of the early days after
 04 the rig sank, did you feel like BP was
 05 marshalling resources in an appropriate way to

06 deal with the spill?

Page 197:09 to 197:18

00197:09 A. The reports I was receiving following
10 the -- the collapse of the rig were coming from
11 Mary Landry and Mary Landry's staff at Robert, at
12 the Unified Area Command. It indicated there was
13 a significant amount of activity and a
14 significant amount of resources being deployed.
15 The exact nature of the quantity, you know, I --
16 I don't remember at this point. But to my
17 knowledge, it was a -- it was a general
18 mobilization --

Page 197:20 to 197:21

00197:20 A. -- against the very, very great concern
21 we might be dealing with a worst-case discharge.

Page 210:10 to 210:18

00210:10 Q. And why was that?
11 A. Well, we didn't know a lot of about what
12 was going on. There was still an ROV trying to
13 survey the -- I think to the riser pipe and
14 trying to find out where the rig was at and
15 everything else. There was a kink in the riser
16 pipe. I was asked early on several times in the
17 course of the response about flow rate, and there
18 was rising concern publicly about it.

Page 210:20 to 210:25

00210:20 A. And, frankly, I told my people to -- to
21 focus on the response, getting equipment out
22 there, assuming the worst-case scenario, and the
23 numbers ultimately would take care of themselves.
24 And, ultimately, I told them it would be decided
25 in Court.

Page 211:07 to 211:24

00211:07 Q. Fair enough. In terms of the number
08 itself, did you convey to others at that time
09 that there would be a great amount -- amount of
10 uncertainty surrounding the -- the number?
11 A. My general guidance, and I can't tell you
12 where it went from being just a Commandant
13 talking to Mary Landry, who was actually running
14 the response until I was a National Incident
15 Commander, was you would plan on a worst-case
16 scenario, we need to mobilize equipment, we need

17 to understand this is a fairly catastrophic
 18 event, and the flow rate will sort itself -- at
 19 that point, the rate would sort itself out at
 20 some point. But I don't want us to get wrapped
 21 around the axle on incremental changes to what
 22 was, ar -- arguably, a rough and inaccurate
 23 estimate to begin with, and focus on the
 24 response.

Page 213:01 to 213:06

00213:01 Q. Okay. Do you have a reaction to the
 02 5,000 barrel a day number?
 03 A. Again, every time that flow rate was
 04 brought up, I -- I repeatedly told folks to keep
 05 pushing resources and planning on something far
 06 greater than that.

Page 213:08 to 213:11

00213:08 A. It was not consequential in my guidance.
 09 Q. Okay. What were the reasons, to your way
 10 of thinking, as to why that number was un --
 11 uncertain and likely inaccurate?

Page 213:14 to 214:07

00213:14 A. I've been involved in an oil response and
 15 a search and rescue response for over 40 years,
 16 and I very, very rarely have found a first
 17 report, in any of those instances, ever to be
 18 accurate.
 19 Q. Okay. Now, you mentioned that the
 20 estimates of 1,000 and 5,000 were inconsequential
 21 in terms of the effort that you were mounting to
 22 respond to the spill, correct?
 23 A. That's correct.
 24 Q. And why -- why was -- why was that?
 25 Why -- why was it that those numbers were not
 00214:01 important to the response to the spill?
 02 A. Well, even notwithstanding any criticisms
 03 of the Response Plan that was developed as a
 04 condition of the Permit, any maximum discharge of
 05 flow rate out of that well related to the
 06 planning far exceeded, far exceeded 5,000
 07 barrels.

Page 227:07 to 227:07

00227:07 Q. You may.

Page 227:09 to 227:11

00227:09 A. We gave you a listing of who we talked
10 to. I don't think we included Mary Landry, and
11 she should be included.

Page 228:09 to 228:25

00228:09 What were -- what were the Subject
10 matters that you talked to -- is it Admiral
11 Landry?
12 A. Yes.
13 Q. -- Admiral Landry about?
14 A. It was generally related to the sequence
15 of events where she stood up the Unified Area
16 Command and I became the National Incident
17 Commander, and then ultimately, because we had to
18 sustain this operation for a long time, she
19 returned to her duties as Commander of the Eighth
20 Coast Guard District here in New Orleans. And
21 the bulk of our discussion was the command and
22 control relationships, how we managed
23 relationships, operational and policy decisions
24 related to the response itself, dispersants, and
25 things like that.

Page 229:12 to 229:23

00229:12 Q. Okay. Fair enough. Thank you. In a CNN
13 interview on May the 14th, 2010, you made the
14 following statement: "We first thought it was a
15 thousand barrels and then we thought it was 5,000
16 barrels. Frankly, whether it was 1,000, 5,000,
17 10,000 or 15,000, our mobilization of resources
18 have been for something far beyond that because
19 we've always been prepared for a catastrophic
20 event."
21 Do you remember making that statement?
22 A. I did, and that's a pretty excellent
23 summary of the last 10 minutes.

Page 244:23 to 245:01

00244:23 Q. When you say "one more bid," what -- what
24 does that mean?
25 A. All of God's children had a flow rate
00245:01 number.

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF LOUISIANA

3 IN RE: OIL SPILL) MDL NO. 2179
4 BY THE OIL RIG)
5 "DEEPWATER HORIZON" IN) SECTION "J"
6 THE GULF OF MEXICO, ON)
7 APRIL 20, 2010) JUDGE BARBIER
8) MAG. JUDGE SHUSHAN

9 REPORTER'S CERTIFICATION
10 TO THE ORAL AND VIDEOTAPED DEPOSITION OF
11 ADMIRAL THAD WILLIAM ALLEN
12 UNITED STATES OF AMERICA 30(b)(6)
13 SEPTEMBER 24, 2012
14 VOLUME 1

15 I, Emanuel A. Fontana, Jr., Certified
16 Shorthand Reporter in and for the State of Texas,
17 hereby certify to the following:

18 That the witness, **ADMIRAL THAD WILLIAM**
19 **ALLEN**, was duly sworn by the officer and that the
20 transcript of the oral deposition is a true
21 record of the testimony given by the witness;

22 That the deposition transcript was submitted
23 on September 26, 2012, to the witness or to
24 Attorney E. Michael Underhill for the witness to
25 examine, sign, and return to Worldwide Court
Reporters, Inc., by November 10, 2012.

That the amount of time used by each party
at the deposition is as follows:

Mr. Barr - 2 Hours, 1 Minute
Mr. Kraus - 52 Minutes
Ms. Patty - 3 Minutes
Mr. Brock - 3 Hours, 37 Minutes

1 I further certify that I am neither counsel
2 for, related to, nor employed by any of the
3 parties in the action in which this proceeding
4 was taken, and further that I am not financially
5 or otherwise interested in the outcome of the
6 action.

7
8 SUBSCRIBED AND SWORN to by me on this 24th
9 day of September, 2012.

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Emanuel A. Fontana, Jr., RPR
Texas CSR No. 1232
Expiration Date: 12/31/12
Worldwide Court Reporters
Firm Registration No. 223
3000 Wesleyan, Suite 235
Houston, Texas 77027
(713) 572-2000

CHANGES AND SIGNATURE

WITNESS NAME: ADMIRAL THAD WILLIAM ALLEN

DATE OF DEPOSITION: SEPTEMBER 24, 2012

PAGE	LINE	CHANGE	REASON
5		See the attached document	
6		with changes by citation.	
7			
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PURSUANT TO CONFIDENTIALITY ORDER

I, ADMIRAL THAD WILLIAM ALLEN, have read
the foregoing deposition and hereby affix my
signature that same is true and correct, except
as noted on the attached Amendment Sheet.

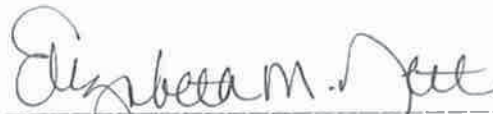


ADMIRAL THAD WILLIAM ALLEN

THE STATE OF Virginia)
COUNTY OF Fairfax)

Before me, Elizabeth M. Nett, on
this day personally appeared **ADMIRAL THAD WILLIAM
ALLEN**, known to me (or proved to me under oath or
through EN to be the
person whose name is subscribed to the foregoing
instrument and acknowledged to me that they
executed the same for the purposes and
consideration therein expressed.

Given under my hand and seal of office this
24 day of October, 2012.



NOTARY PUBLIC IN AND FOR
THE STATE OF Virginia
COMMISSION EXPIRES: September 30, 2014



PURSUANT TO CONFIDENTIALITY ORDER

Citation	Statement/Passage to be reviewed	Comments
26:18-20	"...that might or might not involve <u>involvement of Federal people around scene</u> in Houston."	the federal people on scene in Houston
48:1-3	"A lot of it had to do with the art of possible related to the equipment that was on the bottom."	this is accurate ... we had to sue the equipment in the condition it was in on the bottom
49:17-21	"...there were a number of outreach activities that I <u>took place</u> to make sure I understood what was being proposed and make sure my knowledge was growing with the incident as it needed to."	I undertook
54-55:25-3	"There was hardly a procedure that was recommended to me that wasn't discussed broadly <u>across Government</u> that didn't take into account the integrity of the wellhead..."	ok
55:5-7	"That was an overarching concern in any procedure that was <u>discuss</u> throughout the entire response."	discussed
68:24-25	"And we continued to evolve our ability to capture <u>produce</u> oil or not..."	... to capture or produce and not have the oil going
69:13_	"...readings will be taken as the <u>well were</u> shut-in..."	... readings to be taken
95:14_	"That's correct -- term."	etiher delete term or say "That's the correct term."
104-105:25-2	"How you actuate the rams were all endemic to the system, the blowout preventer, is regarding well control."	How you activate the rams is part of the system, the blowout preventer, regarding well control.
115:6-8	"...because they're the ones that had authority over issuing the Permits and so forth that had to be done <u>necessarily</u> connected to the response."	so they were necessarily
115:16-17	"The reason this is stated that it would be revised is this continued to be revised,..."	For that reason the the plans to capture or recover oil were continually revised.

116:2-5	"...that BP needed to provide additional capacity and redundancy in containing oil separate from well control had to be done simultaneously."	well control and it had to be done
158:18-23	"The industrial base of the supply chain, if you will, <u>for things like booms, skimming equipment</u> could not produce the equipment fast enough for us to meet the demand that was growing to try and simultaneously potentially defend five coastal states."	change of to or after base and it is ok
190:17-18	"-- in those early portions that I visisted the UAC;..."	Is there any missing text before this statement? No but you could say "But in those early portions that I visited the the UAC I would be familiar...
206:3-5	"Now, you can talk about whether something should have been done, at a time what should have happened."	... done and at what time it should have happened.
240:1-4	"...stuff came together at one time, in my mind, where not only do we need to solve the problem of the public discussion of flow rate for credibility, a significant issue."	issues instead of stuff
249:5-9	"I cert -- I'm -- certainly would be the logical..."	It certainly would be logical
258:1-3	"Redundancy is <u>be</u> able to sustain that with the loss of equipment..."	... to be able ...
263:21-22	"...while <u>start</u> moving to preparations in place to cap the well..."	starting to make preaprtions to place a cap on the well
281:6-8	"Some people got people early, some people came later, but ultimately that's what it evolved to it."	...people got there
333:9-10	"-- amount of sand because of potential <u>of</u> abrade the interior of the BOP."	... abrading the

Citation	Statement/Passage to be reviewed	Comment
483:4-7	"... I wasn't basing any of my actions on flow rate, until the lager issue was <u>begged</u> to establish the Flow Rate Group, as we talked about."	the confluence of issues dictated that we establish
639:23-24	"That's the reason, <u>the blowout, and blowout was one of the options.</u> "	blowout preventer on the blowout preventer
676:10-12	"...that we were to triple our resources down there, <u>where we -- possible</u> , to have a Coast Guard Representative there..."	where possible we were