

# Deposition Testimony of:

## **Heather Powell**

Date: November 17, 2011

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00007:07 HEATHER POWELL,  
08 having been first duly sworn, testified as  
09 follows:  
10 E X A M I N A T I O N  
11 BY MR. DILLS:  
12 Q. Good morning, Ms. Powell. My name is  
13 William Dills, and I represent the plaintiffs in  
14 this case.

Page 7:20 to 10:06

00007:20 And where did you go to high school?  
21 A. I went to high school at Waltrip High  
22 School.  
23 Q. Okay. And when did you graduate?  
24 A. 1993.  
25 Q. Okay. And did you go to college?  
00008:01 A. I took some classes at the Houston  
02 Community College but didn't complete any full-on  
03 degree.  
04 Q. Okay. Do you have any type of  
05 certification or any other -- any other education  
06 beyond that?  
07 A. No.  
08 Q. Okay. And who did you work for after --  
09 after high school?  
10 A. Well, I started working at my father's  
11 office as a receptionist while I was going to  
12 school. And so I worked there during -- while I  
13 was at school.  
14 Q. Okay. And what was your father's  
15 business?  
16 A. It was a computer servicing,  
17 networking-type business.  
18 Q. Okay. And how long did you work for him?  
19 A. Maybe a year or so.  
20 Q. Okay. And where did you go after that?  
21 A. After that, I went to Trade Star  
22 Investments.  
23 Q. Okay. And what was the business of Trade  
24 Star Investments?  
25 A. It's a stock brokerage company.  
00009:01 Q. Okay. And how long did you work for them?  
02 A. Approximately -- I'd say four or five  
03 years, somewhere around there.  
04 Q. Okay. And what did you do while you  
05 worked there?  
06 A. I did various positions. I started out  
07 doing cash -- like receiving deposit checks for  
08 sales and then also cutting checks. Did some new  
09 accounts, as far as setting up new accounts.  
10 Worked with retirement plans. And then last  
11 position was working in customer service. Since I

12 kind of got the experience with several areas, I  
13 kind of fit good with customer service since --  
14 Q. Okay.  
15 A. -- I was in lots of areas.  
16 Q. And where did you go after that?  
17 A. After that, to J. Connor Consulting.  
18 Q. Okay. And what did you do at J. Connor  
19 Consulting?  
20 A. I started as a regulatory assistant.  
21 Q. Okay. And what is the business of J.  
22 Connor Consulting?  
23 A. They represent oil and gas companies for  
24 doing filings, permits for the -- for the oil and  
25 gas companies for them to drill or exploration  
00010:01 plans, things like that.  
02 Q. Okay. And before you went to work for J.  
03 Connor Consulting, you had never had any  
04 experience in the regulatory areas; is that  
05 correct?  
06 A. Correct. Correct.

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00011:15 Okay. So what year approximately was  
16 it that you went to work for J. Connor Consulting?  
17 A. I believe it was 2001.  
18 Q. 2001.  
19 And how long were you with J. Connor  
20 Consulting?  
21 A. Approximately, five years.  
22 Q. Five years. That takes us up to 2006,  
23 thereabout?  
24 A. Uh-huh. Yes.  
25 Q. Okay. What training did J. Connor  
00012:01 Consulting give you with regards to regulatory  
02 matters?  
03 A. No formal training, just hands-on  
04 training.  
05 Q. Hands-on training.  
06 Can you kind of describe that a  
07 little bit? What did that entail?  
08 A. Basically working side by side with a  
09 regulatory tech -- they kind of had it set up into  
10 a three-person group for each -- each -- we had  
11 individual groups. And so you had your assistant,  
12 which was me starting; and then your tech; and  
13 then your consultant. And so I worked side by  
14 side with the tech for training as far as like how  
15 to do the activity reports and that type of thing.  
16 Q. Okay. And you would -- J. Connor  
17 Consulting -- as a member of J. Connor Consulting,  
18 you would go and assist drilling operators?  
19 A. No. I --  
20 Q. No?  
21 A. I was always in the office and just more

22 of a permit filing --  
23 Q. Okay.  
24 A. -- or --  
25 Q. And who were you filing -- oh, I'm sorry.  
00013:01 A. -- permit filing or report filing.  
02 Q. And who were you filing permits and  
03 reports for?  
04 A. Various companies. I started with one  
05 group, and I didn't really do any permits with  
06 that group. But moved over when I -- when I moved  
07 to being a tech. And the one -- the companies we  
08 represented was Apache Corporation, Tarpin.  
09 That's the ones I can think of off the top of my  
10 head.  
11 Q. Okay. Who is Apache?  
12 A. Apache Corporation is a company that does  
13 activities in the Gulf of Mexico, more shelf, not  
14 deepwater.  
15 Q. Okay. And when you say "activities," you  
16 mean drilling operations?  
17 A. Drilling, completion-type operations, yes.  
18 Q. Okay. And you said Apache and Tarpin?  
19 A. Tarpin is another one I remember.  
20 Q. And they do shallow water?  
21 A. I believe they were only shallow water.  
22 Q. What's your definition of "shallow water"?  
23 A. On the shelf, not off -- off -- on the  
24 shelf.  
25 Q. On the Continental --  
00014:01 A. Yeah.  
02 Q. -- and when you say "the shelf," I'm  
03 assuming you mean the Continental Shelf?  
04 A. Yes.  
05 Q. Is there -- do you have -- in your  
06 opinion, what are those water depths? Can you  
07 define for me the water depths that you associate  
08 with drilling on the Continental Shelf?  
09 A. I don't -- I don't know the exact -- exact  
10 depths.  
11 Q. That's fair. And if you don't know an  
12 answer, that's fine.  
13 A. Yeah.  
14 Q. "I don't know" is an acceptable answer.  
15 A. Okay.  
16 Q. Is there anybody else that you can think  
17 of that you filed permits for or anything like  
18 that?  
19 A. None that I can think of offhand.  
20 Q. Okay. You said you were with J. Connor  
21 Consulting for about five years?  
22 A. Yes.  
23 Q. And that took us up to 2006?  
24 A. Yes.  
25 Q. Where did you go after 2006?  
00015:01 A. After that -- it was approximately October

02 2006, I believe -- I went over to Cabot Oil & Gas.  
03 Q. Okay. And what did you do at Cabot?  
04 A. Similar things as far as filing permits.  
05 But they did State waters --  
06 Q. Uh-huh.  
07 A. -- and so I went over there to try State.  
08 I hadn't done State before, so I thought I would  
09 try something different.  
10 Q. Okay. And so when you were with J. Connor  
11 Consulting, you were filing permits and things  
12 with regards to Federal regulations?  
13 A. Yes.  
14 Q. Okay. And Cabot was more for State  
15 regulations. Is that -- do I understand that  
16 correctly?  
17 A. Yes.  
18 Q. Okay. And how long were you with Cabot?  
19 A. I'd say approximately nine months.  
20 Q. Nine months.  
21 All right. And where did you go --  
22 well, let me -- did Cabot provide you any type of  
23 training?  
24 A. No.  
25 Q. No. It was again -- was there any  
00016:01 training, or was it more --  
02 A. Just more hands-on.  
03 Q. More hands-on.  
04 A. Side by side with somebody.  
05 Q. Okay. And you were with Cabot for nine  
06 months. Where did you go after Cabot?  
07 A. To BP.  
08 Q. To BP. Okay.  
09 I've reviewed several documents in  
10 anticipation of this deposition. And I saw that  
11 while you were with BP at some point in time, you  
12 maintained a J. Connor Consulting E-mail address?  
13 A. Correct.  
14 Q. Okay. But you were no longer employed by  
15 J. Connor Consulting?  
16 A. So the way it worked out was BP didn't  
17 have a full-on, in-house position for me --  
18 Q. Uh-huh.  
19 A. -- so it was as a contract employee.  
20 Q. Okay.  
21 A. And they worked it out somehow with J.  
22 Connor Consulting to where I -- I was employed as  
23 J. Connor as a contract employee at BP, and I was  
24 100 percent in BP's office. So it was more like  
25 a -- if for some reason the contract expired and I  
00017:01 didn't have, you know, anything else at BP, then I  
02 would have a place to fall back to where I  
03 wouldn't be without a job.  
04 Q. Okay. Where did your paychecks come from?  
05 A. From J. Connor.  
06 Q. From J. Connor?

07 A. Yes.  
 08 Q. Okay. And this was end of 2006, beginning  
 09 of 2007?  
 10 A. Right.  
 11 Q. Okay. And --  
 12 A. No.  
 13 Q. I'm sorry. Okay.  
 14 A. No. I left -- I was at Cabot -- I started  
 15 at Cabot at end of 2006 and then started at J.  
 16 Connor around June or July of '07.  
 17 Q. Okay. You're right.  
 18 A. Yeah.  
 19 Q. Thank you for correcting.  
 20 A. Thank you.  
 21 Q. All right. So 2007, you're now working --  
 22 are you working solely with BP, or are you working  
 23 with any other operator?  
 24 A. Solely with BP, a hundred percent, at --  
 25 at their office.  
 00018:01 Q. And were you dealing with offshore?  
 02 Onshore?  
 03 A. Offshore.  
 04 Q. Offshore.  
 05 And can you tell me what wells or  
 06 what rigs or --  
 07 A. I didn't work directly with the rigs. I  
 08 was more like assistant tech-type position. So  
 09 there was the advisors that worked with rigs or  
 10 offshore op- -- operations, and I more assisted  
 11 them. I didn't work with any specific -- on a  
 12 specific project or anything at the time.

Page 19:02 to 19:07

00019:02 A. I don't remember any specific explanation.  
 03 Just that -- so they would have an assistant-type  
 04 person to support the rest of the group.  
 05 Q. Okay. When you started with BP, who did  
 06 you report to?  
 07 A. Jim Grant.

Page 19:09 to 19:11

00019:09 Who is Jim Grant?  
 10 A. Jim Grant was the supervisor for the  
 11 regulatory department.

Page 19:18 to 20:09

00019:18 Q. Okay. Did BP provide you with any  
 19 training with regards to regulatory matters?  
 20 A. Not that I can remember anything.  
 21 Q. Okay. When you first started, what were

22 your responsibilities? What kind of -- what was  
23 a -- what was a day like in the life of Heather  
24 Powell at BP?  
25 A. Okay. I would do Weekly Activity Reports.  
00020:01 Q. Uh-huh.  
02 A. Mostly did Weekly Activity Reports for  
03 exploration; but if other advisors needed  
04 assistance -- assistance with theirs, I would do  
05 theirs as well. And the End of Operation Reports,  
06 I'd file those. If they needed any kind of  
07 special projects, like putting together an Excel  
08 spreadsheet or putting together a report, things  
09 like that.

Page 21:01 to 22:03

00021:01 Q. What is a Weekly Activity Report?  
02 A. A Weekly Activity Report is a report that  
03 you submit to MMS on a weekly basis whenever  
04 they're having current activities offshore, be it  
05 drilling or -- or completion. It's a seven-day  
06 report that you -- that you submit to MMS for --  
07 so they know what activities have gone on.  
08 Q. And what kind of information is contained  
09 on a Weekly Activity Report?  
10 A. The depth that the well is at. It's got a  
11 narrative that you fill out for -- that you take  
12 from the Daily Operation Reports that kind of  
13 summarize what they did for each individual day.  
14 Casing information, things like that.  
15 Q. Okay. And where did that information come  
16 from?  
17 A. Typically from the Daily Operations  
18 Reports.  
19 Q. Okay. And the Daily Operation Reports  
20 came from the rigs?  
21 A. Yes. That's my understanding.  
22 Q. Okay. And then you would put that  
23 information into a Weekly Activity Report and file  
24 that with the MMS?  
25 A. Yes.  
00022:01 Q. Okay. And what -- did you do anything to  
02 check or verify the information that was being  
03 provided to you?

Page 22:06 to 23:23

00022:06 A. I didn't do anything as far as like  
07 sending it to anyone to -- to check it or anything  
08 like that. If there was -- if there was anything  
09 I had a question about, you know, I might go to  
10 the drilling engineer to ask a question about it  
11 to get some verification or something like that.  
12 But other than that, no.

13 Q. (BY MR. DILLS) Do you recall any  
14 instances where you did ask a drilling engineer  
15 for clarification on any information provided?  
16 A. I don't remember anything specific.  
17 Q. Okay. What's an End of Operations Report?  
18 A. End of Operations Report is after they  
19 complete, whatever activities they're doing, be it  
20 drilling. After 30 days after they complete it,  
21 you have to file an End of Operation Report, which  
22 basically is saying -- you know, it's kind of the  
23 final information with -- it includes, like,  
24 hydrocarbon-bearing intervals, the final wellbore  
25 schematic. The casing information is on the  
00023:01 Weekly Activity Reports. So final depth, what the  
02 current status is, like if it's TA'd or -- or what  
03 have you.  
04 Q. Okay. And you mentioned  
05 hydrocarbon-bearing zones?  
06 A. Uh-huh.  
07 Q. What is -- how do you define a  
08 hydrocarbon-bearing zone?  
09 A. I -- I don't know. I just get the  
10 information from the geologist.  
11 Q. Okay.  
12 A. I get -- I give him the form and he fills  
13 it out and gives it back to me. So...  
14 Q. Okay. Did you do -- are you aware that  
15 there are requirements in the CFR that cement be  
16 placed at, you know, 500 feet above the upper most  
17 hydrocarbon-bearing zone. Are you familiar with  
18 that regulation?  
19 A. I'm -- I'm aware. I've read it before,  
20 yes.  
21 Q. Okay. And what would you do to verify  
22 that that regulation was complied with?  
23 A. I -- I --

Page 24:01 to 24:10

00024:01 A. I -- I didn't do anything as far as --  
02 that wasn't part of my job responsibility, so I --  
03 I didn't do anything with that.  
04 Q. (BY MR. DILLS) Okay. So I'm just trying  
05 to make sure I understand you. You would be  
06 provided with information as to what the upper  
07 most hydrocarbon-bearing zone would be and where  
08 the top of the cement would be, and you would file  
09 that with the MMS, but did not -- you were not  
10 responsible for verifying that that was accurate?

Page 24:13 to 25:21

00024:13 Q. (BY MR. DILLS) Is that correct?  
14 A. They would give me the hydrocarbon-bearing

15 intervals, just what they gave me is what -- is  
16 all I knew.  
17 Q. Uh-huh.  
18 A. And the information would be on the  
19 wellbore schematic. I would attach it -- input  
20 that information, but as far as doing any kind of  
21 cross checking, that wasn't part of my  
22 responsibility.  
23 Q. Okay. And who provided that information  
24 to you?  
25 A. Someone in drilling, like the geologist  
00025:01 or...  
02 Q. Did you file any End of Operation Reports  
03 for the Macondo Well?  
04 A. I believe there was one, yes.  
05 Q. Okay.  
06 A. I believe so.  
07 Q. Do you recall who -- what geologist or who  
08 in the drilling operations provided you  
09 information with regards to the hydrocarbon zones?  
10 A. I'm not positive who. It -- I probably  
11 would have asked Jonathan Bellows, but I don't --  
12 I can't say for sure that he was the one that gave  
13 it to me.  
14 Q. Okay. Who is Jonathan Bellows?  
15 A. He's one of the geologists that I'm  
16 familiar with. So I would go to him, and if he  
17 wasn't the right person, he would direct me who to  
18 go to or -- you know, that kind of thing.  
19 Q. When you were working with BP in this  
20 capacity, did anybody oversee your work -- did  
21 anybody ever check your work?

Page 25:24 to 27:16

00025:24 A. I don't recall anybody checking it.  
25 Q. (BY MR. DILLS) Okay. Did you file any --  
00026:01 do you know what an APD stands for -- what an APD  
02 is?  
03 A. Yes.  
04 Q. Okay. What's an "APD"?  
05 A. An APD is an Application For Permit to  
06 Drill.  
07 Q. Okay. It's my understanding -- and please  
08 correct me if I'm wrong -- that APDs are often  
09 modified or changed or updated during the course  
10 of drilling. Is that -- do I understand that  
11 correctly?  
12 A. You can have a revision to it, yes.  
13 Q. Okay. And did you file any APDs or  
14 revisions or modifications for the Macondo Well?  
15 A. Towards the end, I did file some  
16 revisions.  
17 Q. Okay. Do you recall what the reason was  
18 for those revisions?

19 A. I believe it was to add a casing -- casing  
20 stream.

21 Q. Okay. And what is some of the information  
22 that's included in it? Can you kind of just list  
23 for me what's the information provided for on an  
24 APD?

25 A. Some of the information I can think of off  
00027:01 the top my head is wellbore schematic, drilling  
02 design, casing details, a drilling program where  
03 they have it written out, you know, what their  
04 plans were, BOP schematics. That's all I can  
05 think of off the top of my head. I'm sorry.

06 Q. Okay. No, that's fine. Do you know if --  
07 do you know what MASP is?

08 A. I know it stands for maximum anticipated  
09 surface pressure, but I don't know details about  
10 it.

11 Q. Is MASP or the calculation of MASP  
12 something that's included in the APD?

13 A. I believe it's within the casing design --  
14 casing calculations they give, but I don't know.

15 Q. Okay. Do you know what BP's policies are  
16 regarding the calculation of MASP?

Page 27:19 to 28:06

00027:19 A. No, I don't.

20 Q. (BY MR. DILLS) Okay. And I assume that  
21 you do not know how to calculate MASP?

22 A. No, I don't.

23 Q. Is that correct?

24 A. I do not.

25 Q. Okay. If you were going to file an APD  
00028:01 that contained a calculation for MASP, where would  
02 that calculation come from?

03 A. I would think that would come from the  
04 drilling engineer.

05 Q. Okay. And do you know if anybody checked  
06 that number to see if it was accurate?

Page 28:09 to 28:09

00028:09 A. I don't know.

Page 28:12 to 28:15

00028:12 Do you know if MASP is supposed to be  
13 calculated with 100 percent column of gas? Do you  
14 know that?

15 A. I don't know that.

Page 28:19 to 29:12

00028:19 Have you ever seen the DWOP? Do you  
20 know what the DWOP is?  
21 A. (No audible response.)  
22 Q. It's the drilling wells operation  
23 practices. It's a BP document.  
24 A. No, I don't.  
25 Q. BP never showed that to you?  
00029:01 A. I don't remember ever seeing anything like  
02 that.  
03 Q. Okay. Have you ever seen a document  
04 that's referred to as "Group Practice 1010: Wells  
05 Control Policy" -- or "Well Control"?  
06 A. No. It doesn't sound familiar.  
07 Q. And BP never gave you a copy of either one  
08 of those documents; is that correct?  
09 A. Yes.  
10 Q. Okay. And BP never discussed with you how  
11 to calculate MASP; is that correct?  
12 A. Yes.

Page 29:19 to 29:21

00029:19 Q. Who is Scherie Douglas?  
20 A. She was one of the regulatory advisors at  
21 the time. She's now the regulatory supervisor.

Page 30:06 to 30:16

00030:06 Q. And so Scherie Douglas got promoted and  
07 I'm assuming -- I -- I understand you've taken  
08 Scherie Douglas's position?  
09 A. I've taken a regulatory advisor position,  
10 yes.  
11 Q. Okay. So you've been promoted?  
12 A. Correct.  
13 Q. Have you -- when did that promotion take  
14 place?  
15 A. Approximately, July of 2010.  
16 Q. July of 2010?

Page 30:20 to 30:22

00030:20 Q. Okay. And was there an increase in your  
21 compensation?  
22 A. Yes.

Page 31:12 to 31:18

00031:12 You are now a regulatory advisor for  
13 BP. You were promoted in July of 2010, correct?  
14 A. Yes.  
15 Q. Is it your understanding that, if BP wants  
16 to calculate MASP with something less than 100

17 percent column of gas, that a dispensation is  
18 required?

Page 31:21 to 31:21

00031:21 A. I don't know.

Page 32:06 to 33:01

00032:06 A. I don't know. I don't know. I mean, I've  
07 never seen it before and I -- I just don't know  
08 what it's -- what it's in regards to. So I just  
09 don't know.

10 Q. (BY MR. DILLS) Okay. What are the roles  
11 and responsibilities of a regulatory advisor?

12 A. Filing permits, reports, plans, if  
13 necessary; exploration plans, development plans,  
14 if necessary; attend the meetings of the various  
15 groups as -- as you need to. That type thing.

16 Q. Okay. If somebody in the drilling crew or  
17 the engineering team has a question with regards  
18 to the regulation, who do they ask?

19 A. The regulatory advisor.

20 Q. Okay. So you're there to provide answers  
21 with regard to the regulations, correct?

22 A. Right. To help them, if -- if need be,  
23 yes.

24 Q. Okay. If there's a part of the regulation  
25 they don't understand, they can ask you?

00033:01 A. They -- yes, they could come to me.

Page 33:09 to 33:12

00033:09 Q. Okay. Are you aware that the regulations  
10 of CFR require that all the components of a  
11 blowout preventer meet or exceed the maximum  
12 anticipated surface pressure?

Page 33:15 to 33:16

00033:15 A. I -- I don't know -- I mean, do you  
16 have --

Page 34:02 to 34:03

00034:02 Q. (BY MR. DILLS) All right. We are going to  
03 look at 30 CFR 250.440.

Page 34:05 to 34:06

00034:05 MR. DILLS: It is not a tab. It's  
06 been previously marked as Exhibit 6169. I have an

Page 34:10 to 34:25

00034:10 Q. Okay. In Section -- what's previously  
 11 been marked as Exhibit 6169 is in 30 CFR 250.440.  
 12 And it says: "You must design, install, maintain,  
 13 test, and use the BOP system and system components  
 14 to ensure well control. The working pressure  
 15 rating for each -- or of each BOP component must  
 16 meet -- meet -- must exceed maximum anticipated  
 17 surface pressures. The BOP system includes the  
 18 BOP stack and associated BOP system and  
 19 equipment."  
 20 Did I read that correctly?  
 21 A. Yes. That's what I read also.  
 22 Q. Okay. So now you've had an opportun- --  
 23 does that refresh your memory that the  
 24 regulation -- the CFRs require that the BOP meet  
 25 or exceed the MASP. Is that fair?

Page 35:03 to 35:06

00035:03 A. I mean, the BOP as a whole. I don't know  
 04 what all components. It says "components." I  
 05 don't know what all components that's referring  
 06 to.

Page 35:17 to 36:07

00035:17 Q. What makes up a BOP? To the best of your  
 18 ability, can you tell me what makes up a BOP?  
 19 What are the components that you know to be on  
 20 there?  
 21 A. I know there's rams. I don't -- I don't  
 22 know enough about it to even say much of anything  
 23 about the components.  
 24 Q. Okay. So if somebody on the rig called  
 25 you and said, Ms. Powell, we understand that our  
 00036:01 BOP, according to this regulation, must meet or  
 02 exceed MASP, we want to insure that we're in  
 03 compliance, you don't -- you're not familiar with  
 04 the BOP or MASP, so how would you provide, you  
 05 know, a sufficient response? How would you ensure  
 06 that the well team or the engineering team is  
 07 compliant with this regulation?

Page 36:10 to 36:15

00036:10 A. I would probably -- if I wasn't sure of  
 11 the answer, after reading the regulation and  
 12 refreshing myself with it, I probably would seek  
 13 out advice from one of my fellow advisors or  
 14 supervisor, if need be. Maybe call MMS to see if

15 I could get some clarification, if I wasn't sure.

Page 36:24 to 38:18

00036:24 Q. Okay. Let's look at CFR 250.400 -- yeah,  
25 400 and 401.

00037:01 All right. CFR 250.400 says, you  
02 know, who is subject to the requirements of this  
03 subpart. And it says: "The requirements of this  
04 subpart apply to lessees, operating rights owners,  
05 operators, and their contractors and  
06 subcontractors."  
07 BP was the operator of the Macondo  
08 Well; is that correct?  
09 A. That's my understanding.

10 Q. Okay. And so this subpart, which is  
11 Subpart D, would apply to the operator; is that  
12 correct?  
13 A. Right. It looks like, as well as  
14 contractors and subcontractors and operating right  
15 owners. It looks like all those people apply.

16 Q. Right. But one of those people listed is  
17 the operator. And in this case, the operator was  
18 BP?  
19 A. Right. That's my understanding.

20 Q. Okay. And then CFR 250.401 says, "What  
21 must I do to keep wells under control?" This  
22 section, obviously, would apply to operators as  
23 well; is that correct? Fair?  
24 A. Okay.

25 Q. Okay. And it says: "You must take  
00038:01 necessary precautions to keep wells under control  
02 at all times."  
03 Did I read that correctly?  
04 A. Uh-huh. Yes.

05 Q. Okay. Do you know what precautions BP  
06 took to ensure that the well was kept under  
07 control?  
08 A. I do not.

09 Q. Do you know what a negative pressure test  
10 is?  
11 A. I do not.

12 Q. Do you know how a negative pressure test  
13 is conducted?  
14 A. No, I don't.

15 Q. If a negative pressure test needed to be  
16 conducted to ensure well control or the -- or the  
17 stability of a well, that's something that BP  
18 would be obligated to do?

Page 38:21 to 38:21

00038:21 A. I don't know.

Page 40:09 to 42:07

00040:09 Would you -- did you ever file any  
 10 temporary abandonment plans with the MMS for the  
 11 Macondo Well?  
 12 A. Yes.  
 13 Q. Okay. And where did you get the  
 14 information with regards to the temporary  
 15 abandonment plan?  
 16 A. From one of the drilling engineers.  
 17 Q. Do you recall which drilling engineer?  
 18 A. I -- I believe it was Mark Hafle.  
 19 Q. Okay. It's my understanding that Mark  
 20 Hafle and Brian Morel were the two drilling  
 21 engineers for the Macondo Well; is that correct?  
 22 A. I know they were on there. There was  
 23 other people as well. I don't know which ones  
 24 were the primary drilling engineers.  
 25 Q. Can you tell me the names, to the best of  
 00041:01 your recollection, of the people who you received  
 02 information from for the Macondo Well?  
 03 A. I don't know if they're ones that I  
 04 actually received directly from them, but I know  
 05 their names were associated, you know, as far as  
 06 like being on the cc line of the E-mail kind of  
 07 thing. I can remember Mark Hafle, Brian Morel,  
 08 Brett Cocales. I know there's more, but I'm just  
 09 not remembering who else.  
 10 Q. Okay. Let's look at 4 -- 250.416 E.  
 11 A. 406?  
 12 Q. 416.  
 13 A. 416.  
 14 Q. If you look at Section E, it says:  
 15 "Information that shows the blind shear rams  
 16 installed in the BOP stack -- both surfaces of BOP  
 17 stacks are capable of shearing the drill pipe and  
 18 the hole under maximum anticipated surface  
 19 pressure."  
 20 Do you know if any information was  
 21 ever filed with the MMS to show that the BOP on  
 22 the DEEPWATER HORIZON was capable of shearing the  
 23 drill pipe?  
 24 A. I don't know.  
 25 Q. Okay. When you -- I believe you took over  
 00042:01 for Scherie Douglas as the regulatory advisor for  
 02 the Macondo Well around April 13th?  
 03 A. Somewhere around -- yeah, early April.  
 04 Q. When you took over as the regulatory  
 05 advisor for the Macondo Well, did you ever go back  
 06 to see what information had or had not been filed  
 07 with the MMS?

Page 42:10 to 42:15

00042:10           A. I mean, we had the file, but as far as,  
11 like, going back and looking over each individual  
12 filing, no.  
13           Q. (BY MR. DILLS) Okay. Do you know why  
14 it's important that a BOP be able to shear the  
15 pipe that's in the hole?

Page 42:18 to 42:24

00042:18           A. I don't -- I don't know enough details. I  
19 mean, I just don't know --  
20           Q. (BY MR. DILLS) Okay.  
21           A. -- enough about it.  
22           Q. Do you understand the BOP is a  
23 safety-critical piece of equipment? Do you  
24 understand that?

Page 43:03 to 43:09

00043:03           A. I mean, I understand it's -- it's a  
04 safety -- a part of safety as far as to help  
05 prevent a blowout, but...  
06           Q. (BY MR. DILLS) Okay. If a BOP is not  
07 capable of shearing the pipe in the hole and  
08 sealing the well, do you think that's a safety  
09 hazard?

Page 43:13 to 43:17

00043:13           A. I don't -- I don't know enough about it.  
14 I don't know.  
15           Q. (BY MR. DILLS) Okay. Do you know if  
16 hydrocarbons get above a BOP, if there's any other  
17 way to stop them from reaching the rig floor?

Page 43:21 to 43:21

00043:21           A. No, I don't know.

Page 44:06 to 44:11

00044:06 Do you know what the different  
07 barriers are that are used on a well?  
08           A. I -- I don't know everything. I mean, I  
09 know there's -- there's casings and cement in the  
10 casing, but if there's other things that I'm not  
11 aware of, I don't know.

Page 45:04 to 45:07

00045:04           Q. Okay. An uncontrolled flow of  
05 hydrocarbons reaching the rig floor, do you -- do

06 you, Heather Powell, regulatory advisor for BP, do  
07 you think that is potentially dangerous?

Page 45:10 to 45:11

00045:10 A. I mean, just general worry. I mean, it  
11 sounds like not a good thing.

Page 46:02 to 46:07

00046:02 Q. (BY MR. DILLS) Have you received or  
03 attended any conferences or seminars with regards  
04 to application or interpretation of the CFRs since  
05 you've been employed by BP?  
06 A. No, not that I -- no, not that I can  
07 remember anything.

Page 50:19 to 50:23

00050:19 Q. (BY MR. DILLS) Okay. If you will, turn  
20 to the last tab, which I think is Tab 8, and  
21 that's another E-mail from Jim Grant; is that  
22 correct?  
23 A. Yes, looks like it.

Page 50:25 to 51:01

00050:25 MR. DILLS: And we'll go ahead and  
00051:01 we'll mark that as the next exhibit, 7384.

Page 51:03 to 52:06

00051:03 (Marked Exhibit No. 7384.)  
04 Q. (BY MR. DILLS) And what's the date on  
05 that E-mail?  
06 A. It looks like July 23rd, 2009.  
07 Q. Okay. Will you just go ahead and start  
08 reading that first paragraph?  
09 A. You want me to read it?  
10 Q. Yes, please.  
11 A. "Cost savings from Regulatory Team.  
12 \$7,500,000 saved by requesting approval to  
13 continue to operate the MARIANAS and HORIZON  
14 without pulling the stack to repair the BOP after  
15 assuring that MMS of the redundancy in the  
16 systems. This will allow the completion he  
17 Herschel 2 well."  
18 Do you want me to continue.  
19 Q. That's fine. That's fine.  
20 A. Okay.  
21 Q. Okay. So, Mr. Grant, who did he send that  
22 E-mail to?

23 A. It looks to be Curtis Jackson.  
 24 Q. Okay. And Curtis Jackson was his advisor  
 25 or supervisor?  
 00052:01 A. That's my understanding.  
 02 Q. Okay. And he's talking about how he's  
 03 managed to save BP \$7.5 million by getting MMS to  
 04 agree to not pull the BOP as frequently.  
 05 Is that a fair understanding of that  
 06 statement?

Page 52:09 to 52:13

00052:09 A. I don't -- I mean, I don't know. It's  
 10 just one line in the E-mail. I don't -- I don't  
 11 know.  
 12 Q. (BY MR. DILLS) Okay. Does pulling the  
 13 BOP to test it cost BP money?

Page 52:16 to 52:19

00052:16 A. I don't know what --  
 17 Q. (BY MR. DILLS) Okay. Do you know if  
 18 there was any pressure put on the regulatory  
 19 department at BP to save money?

Page 52:22 to 52:22

00052:22 A. I don't know. I'm not aware.

Page 54:08 to 54:25

00054:08 Do you know what it means to displace  
 09 a well?  
 10 A. No, I don't know.  
 11 Q. Do you know what balanced drilling and  
 12 underbalanced drilling are?  
 13 A. I've heard the terms, but I don't know  
 14 what they mean.  
 15 Q. Okay. And you filed the temporary  
 16 abandonment plan for the Macondo Well; is that  
 17 correct?  
 18 A. Yes.  
 19 Q. Okay. And do you know if any changes were  
 20 made to that plan from the time that you filed it  
 21 to the -- or strike that. Let me start over.  
 22 Were there any changes made to the  
 23 temporary abandonment plan that you filed with  
 24 MMS?  
 25 A. I --

Page 55:03 to 55:09

00055:03           A. I don't remember filing a revision, a  
 04   revised APM for it. I don't remember that.  
 05           Q. (BY MR. DILLS) Do you know if the  
 06   procedures that were performed for the temporary  
 07   abandonment of the Con- -- of the Macondo Well  
 08   varied or differed in any way from what you filed  
 09   with the MMS?

Page 55:12 to 55:16

00055:12           A. I don't know.  
 13           Q. (BY MR. DILLS) Okay. If the plans were  
 14   to change -- if the procedure was to change from  
 15   what was filed with the MMS, should a modification  
 16   have been filed?

Page 55:20 to 56:02

00055:20           A. I -- I don't know. It -- it might depend  
 21   on what kind of changes they were making, I guess.  
 22           Q. (BY MR. DILLS) Okay. Are there some  
 23   changes that would require a notification to the  
 24   MMS?  
 25           A. Like if they changed -- if they wanted to  
 00056:01   change where they were setting the -- the plug or  
 02   something like that.

Page 57:03 to 57:13

00057:03           Q. (BY MR. DILLS) Okay. Well, let's just  
 04   assume for right now that you can have drilling  
 05   mud that weighs more than seawater. If you were  
 06   going to, say, change the steps of the temporary  
 07   abandonment plan to where, say, you would conduct  
 08   a negative pressure test while you had drilling  
 09   mud in the hole or you were going to displace and  
 10   put seawater in the hole and then conduct a  
 11   negative pressure test, would a change like that,  
 12   in your opinion as a regulatory advisor for BP, be  
 13   something that needed to be notified to the MMS?

Page 57:17 to 58:02

00057:17           A. I don't know. I -- if it came -- if the  
 18   question was brought to me, I probably would  
 19   double-check with one of my other advisors to get  
 20   some advice.  
 21           Q. (BY MR. DILLS) Did --  
 22           A. I'm not positive.  
 23           Q. Did anybody from the Macondo Well's team  
 24   or the engineering team notify you of any change  
 25   to the procedures for the temporary abandonment of  
 00058:01   the Macondo Well?

02           A. No. I don't remember anybody.

Page 58:15 to 58:17

00058:15           Q. Good morning, Ms. Powell. My name is  
16 Kelly Hauser. I represent the United States of  
17 America in this matter. I have 80 minutes with

Page 59:07 to 60:03

00059:07           Q. Great. Just to recap a little bit, you  
08 were responsible for submitting Well Activity  
09 Reports on the Macondo Well; is that correct?  
10           A. Correct.  
11           Q. And what information were you responsible  
12 for providing in those reports?  
13           A. There was a narrative section where you  
14 would do like an overall summary of what happened  
15 within that given seven-day period. There is a  
16 section where you would update if -- say, when  
17 they were drilling, you would update the current  
18 depth that it was at, the current mud weight,  
19 casing information, and then if any logs were run  
20 or anything like that.  
21           Q. What kind of logs?  
22           A. I don't know what all kind of logs.  
23 Whatever log they might have run in the well,  
24 there was a section -- all you had to do, you  
25 know, "Were logs run? Yes. Were logs run? No."  
00060:01 So later on they would -- I guess, MMS would be  
02 aware that logs were run so they would -- we -- we  
03 had to send them copies of those.

Page 60:16 to 60:18

00060:16           Q. (BY MR. HAUSER) So you said you included  
17 mud weight in the WARs, correct?  
18           A. Yes.

Page 60:22 to 61:07

00060:22           Q. Would you include the results of pressure  
23 integrity tests?  
24           A. Like, function integrity tests or --  
25           Q. Either -- either formation integrity tests  
00061:01 or leak-off tests?  
02           A. It's on the casing section, yes.  
03           Q. Were you responsible for including that  
04 information?  
05           A. Yes.  
06           Q. Would the narrative include descriptions  
07 of mud loss events?

Page 61:14 to 62:02

00061:14 Q. (BY MR. HAUSER) Are you familiar with the  
15 term "mud loss event"?  
16 A. I've heard of it.  
17 Q. Are you aware that drillers sometimes lose  
18 mud in the formation?  
19 A. I've heard of it. I just don't know the  
20 details of it.  
21 Q. Have you ever included that sort of  
22 information in the narrative section of the WARs?  
23 A. I believe so.  
24 Q. Are you familiar with the term -- term  
25 "safe drilling margin"?  
00062:01 A. I'm -- I've heard of the term. I don't  
02 know the details of it.

Page 62:08 to 63:03

00062:08 Q. Are you familiar with 30 CFR 250.427?  
09 A. I'm -- I'm aware of it, yes.  
10 Q. Is this one of the MMS regulations that  
11 fell within the purview of your duties as a  
12 regulatory specialist?  
13 A. Not as far as performing tests.  
14 Q. Fair enough. But -- I understand you  
15 weren't performing the tests, but were you -- were  
16 you familiar with the requirements of this  
17 regulation?  
18 A. No, not --  
19 Q. No?  
20 A. No.  
21 Q. Do you have any understanding in  
22 Subsection B, where it says: "While drilling, you  
23 must maintain the safe drilling margin identified  
24 in the approved APD"?  
25 Do you understand that statement?  
00063:01 A. Under -- I mean, understand it? I mean, I  
02 read it, but I don't know -- as far as safe  
03 drilling margin, I don't know.

Page 63:06 to 63:19

00063:06 Q. What is your understanding about what a  
07 driller has to do in order to comply with this  
08 regulation?  
09 A. I -- I don't know.  
10 Q. If somebody on the drilling team came to  
11 you and asked you if they were complying with the  
12 safe drilling margin regulation, would you be able  
13 to answer that question?  
14 A. I'd probably seek out advice, double-check  
15 with somebody.

16 Q. Okay. Who would you -- who would you  
17 speak with?  
18 A. I'd probably talk to Scherie Douglas.  
19 Q. Scherie Douglas.

Page 64:07 to 64:09

00064:07 Q. She didn't supervise you, but she was  
08 relatively more senior to you?  
09 A. Senior, yeah.

Page 64:12 to 65:21

00064:12 Q. Okay. And the information -- I believe  
13 you testified that the information -- the data  
14 that you included in the Weekly Activity Reports,  
15 you got that from the drilling logs, is that  
16 correct, the daily drilling reports?  
17 A. Not the logs. The Daily Operation  
18 Reports.  
19 Q. The Daily Operation Reports.  
20 A. Yes.  
21 Q. Thank you. I appreciate that.  
22 Did you ever get data from any other  
23 source?  
24 A. If, for some reason, there was any kind of  
25 question as far as, like, what was on the Daily  
00065:01 Operation Report, say -- say, they said, you know,  
02 "cemented," but they didn't give the detail as far  
03 as how much they used, then I might, you know,  
04 double-check with the drilling engineer to  
05 double-check those, to get that information.  
06 Q. And which drilling engineers?  
07 A. I -- I probably would have called -- I  
08 can't think of a specific instance where I did,  
09 but I guess Mark Hafle or Brian Morel, one of --  
10 one of those.  
11 Q. Do you recall any instance where you asked  
12 Mr. Morel or Mr. Hafle for information to include  
13 in one of the Weekly Activity Reports?  
14 A. I don't remember a specific time.  
15 Q. Do you recall any instance where they  
16 offered information without you asking?  
17 A. I don't remember anything like that.  
18 Q. When you prepared the -- the WARs, did you  
19 ever consult the MMS field operations report  
20 handbook?  
21 A. No.

Page 66:01 to 66:23

00066:01 Q. Was it your general practice when  
02 completing the WARs to complete the pressure

03 integrity results to the nearest pound per gallon,  
 04 the nearest tenth pound per gallon, the nearest  
 05 hundredth per gallon, or something else?  
 06 A. Just what they had on the report.  
 07 Q. So if the report had a number -- pardon  
 08 me. I'm sorry, did you finish your answer?  
 09 A. No.  
 10 Q. Okay.  
 11 A. Just whatever was on the report, yeah.  
 12 Q. Okay. So if the report reported a  
 13 pressure integrity test to the nearest pound per  
 14 gallon, you'd report that?  
 15 A. I mean, say it was 10.5, I'd -- I'd put  
 16 10. -- I'd report 10.5. If it said 10, I'd report  
 17 10. I mean, that -- that kind of thing, you mean?  
 18 Q. Uh-huh.  
 19 A. Yeah.  
 20 Q. And same question for the mud weights:  
 21 Would you report to the tenth, the hundredth, the  
 22 nearest pound or something else?  
 23 A. Same thing.

Page 67:07 to 68:17

00067:07 tell you what this is. This is -- this is an  
 08 excerpt from the field operations report handbook,  
 09 an MMS document. It's Revision No. 1 or 01,  
 10 November 4th, 2002. Make sure -- I'm going to ask  
 11 that you mark that as Exhibit 7385.  
 12 (Marked Exhibit No. 7385.)  
 13 Q. (BY MR. HAUSER) Does this look familiar  
 14 to you?  
 15 A. Yes, I've seen it before.  
 16 Q. Turn to the first -- second page of that  
 17 document. In the introduction, the form states  
 18 that: "The purpose of the Well Activity Report  
 19 (WAR) is for the applicant to provide the  
 20 appropriate MMS district office a means for  
 21 submitting the actual work procedures and relevant  
 22 well information for ongoing well operations to  
 23 ensure compliance with an approved application or  
 24 applications."  
 25 Do you believe that's a fair  
 00068:01 statement with regard to the purpose of the WARs?  
 02 A. Yes. That's fair.  
 03 Q. And on the next page, if you would,  
 04 please, there's a heading that says "Completion of  
 05 Form" with the description of data elements. And  
 06 it says: "This section identifies the information  
 07 which is required to complete a WAR." This  
 08 section is divided into two general topics: One  
 09 is "General Information," and the second is  
 10 "Engineering Information."  
 11 Do you see that?  
 12 A. Uh-huh.

13 Q. And under Engineering Information, it  
 14 lists "open hole tools, mud logs and directional  
 15 surveys, as well as identity other open hole data  
 16 collected." Is that correct?  
 17 A. I do see that.

Page 68:23 to 68:24

00068:23 But directly above the Subsection 11, it says  
 24 "Wellbore History," historical information?

Page 69:03 to 70:09

00069:03 Q. Directly above that, two -- three items  
 04 up, there is a paragraph that says: MW, mud  
 05 weight, ppg, four characters, dash NN.N."  
 06 The notation of four characters,  
 07 NN.N, does that suggest to you that MMS expected  
 08 mud weights to be reported in tenths -- to --  
 09 nearest tenth of a pound per gallon?  
 10 A. That's what it looks like.  
 11 Q. And on the next page, under heading 12,  
 12 second from the bottom, it says: "Shoe test.  
 13 Four characters, NN.N, enter the pressure or  
 14 formation integrity test," parenthese --  
 15 parenthetical, "(pit/fit or leak-off test lot of  
 16 the shoe in the equivalent mud weights in pound  
 17 per gallon."  
 18 Doesn't the notation of four  
 19 characters NN.N suggest to you that MMS expected  
 20 the pressure or formation integrity test results  
 21 to be reported to the nearest tenth per pound per  
 22 gallon?  
 23 A. That's what it looks like.  
 24 Q. And one more question on this document.  
 25 On Page -- the following -- final page, under  
 00070:01 Subheading 15, Well Activity Summary, the first  
 02 sentence reads: "Provide a brief report  
 03 describing daily operations completed, including  
 04 any significant well problems and associated --  
 05 associated remedies."  
 06 In your opinion, would that include  
 07 kicks, significant well problems and associated  
 08 remedies?  
 09 A. Yes, I believe so.

Page 70:17 to 71:10

00070:17 Q. And I believe you said that you didn't  
 18 cross-check the information that you were  
 19 including in the WARs to ensure accuracy; is that  
 20 correct?  
 21 A. Correct.

22 Q. So you didn't look at the results of the  
23 pressure integrity tests?

24 A. No. I didn't get any of those results or  
25 reports or anything like that.

00071:01 Q. Okay. If you had a reason to believe that  
02 the data being submitted in a WAR was not  
03 accurate, what would you do?

04 A. Do you mean as far as if I thought someone  
05 gave me inac- -- inaccurate information?

06 Q. If you had any reason to believe that the  
07 report did not include the actual mud weight that  
08 was being used.

09 A. I mean, I've never had a situation where I  
10 felt that.

Page 71:21 to 71:25

00071:21 Q. Would you talk to anybody on the drilling  
22 team?

23 A. Well, at the time with Macondo, Scherie  
24 was the primary contact with them. So I probably  
25 wouldn't have overstepped, and gone to her.

Page 72:02 to 72:04

00072:02 Okay. Would you agree that a driller  
03 is obligated to file information with MMS that is  
04 accurate and correct?

Page 72:06 to 72:17

00072:06 A. I would -- yeah. I guess they should.

07 Q. (BY MR. HAUSER) And in light of the  
08 objection, would the same apply for an operator,  
09 obligated to file information with MMS that's --  
10 that's accurate and correct?

11 A. As accurate as -- as possible.

12 Q. As possible.

13 Do you believe that the information  
14 in the WARs should accurately reflect the  
15 conditions that are actually experienced in the  
16 well?

17 A. As accurate as -- as possible, yes.

Page 73:12 to 73:20

00073:12 Q. What is an "NTL"?

13 A. Notice to Lessee.

14 Q. And what is a Notice to Lessee?

15 A. Basically, it -- from what I understand,  
16 it's a -- a Notice to Lessee is from the MMS and  
17 it's to give some clarity to regulations.

18 Q. It sets forth MMS policies on certain

19 issues?  
20 A. That's my understanding.

Page 75:21 to 76:10

00075:21 Q. Let's -- let's talk -- let's talk about  
22 the April 15 APD that you did submit in Macondo?  
23 A. Okay.  
24 Q. Or I guess it was revised by you.  
25 A. Yes.  
00076:01 Q. Where did you get the information that you  
02 included in that APD?  
03 A. It would have been one of the drilling  
04 engineers.  
05 Q. Drilling engineers?  
06 A. Yes.  
07 Q. Do you recall if it was Mark Hafle, Brian  
08 Morel, or someone else?  
09 A. I think it might have been -- I think it  
10 was probably Mark.

Page 76:13 to 76:21

00076:13 Q. And, again, you didn't take any steps  
14 to -- to verify that the numbers he was giving you  
15 were actually results that were -- the correct  
16 data?  
17 A. Correct.  
18 Q. And, again, if you had reason to believe  
19 that the data being included in the APD was not  
20 accurate, would you reach out to Scherie Douglas?  
21 A. Yes, probably so.

Page 78:14 to 78:24

00078:14 Q. And as a general practice, when you're  
15 submitting here from an APD, will you compare a  
16 schematic -- the data included in the schematic  
17 with the data that's included in the well design  
18 information?  
19 A. I don't know for sure. I mean, I haven't  
20 done that many. So I can't remember what I -- I  
21 did or didn't do.  
22 Q. And do you recall specifically with regard  
23 to the April 15th?  
24 A. I don't recall specifically.

Page 79:03 to 79:25

00079:03 When you're getting ready to submit a  
04 WAR, did you ever compare the information in the  
05 WAR to information that was submitted in a  
06 contemporaneous APD?

07 A. I wouldn't look at the APD, no.  
 08 Q. Okay. If you were looking at -- if you  
 09 were completing an APD, would you look at a WAR?  
 10 A. No, I wouldn't.  
 11 Q. Turn to Tab 2 in your binder please. This  
 12 is Exhibit 6217. It's 30 CFR Section 250.401.  
 13 Are you familiar with this  
 14 regulation?  
 15 A. I'm aware of it. Yeah.  
 16 Q. Is it your understanding that this  
 17 regulation -- the requirements set forth in this  
 18 regulation applied during drilling?  
 19 A. As part of Subpart D, so, yes.  
 20 Q. So that would include while drilling the  
 21 final interval of the Macondo Well, correct?  
 22 A. I would believe so.  
 23 Q. What about when cementing the final  
 24 interval, would it apply then?  
 25 A. I don't know.

Page 80:04 to 80:18

00080:04 Q. First, let's look at the first line. It  
 05 says: "You must take necessary precautions to  
 06 keep wells under control at all times."  
 07 Correct?  
 08 A. Yes, I see that.  
 09 Q. And then Subsection C says: "Ensure that  
 10 the tool pusher, operator's representative, or a  
 11 member of the drilling crew maintains continuous  
 12 surveillance on the rig floor from the beginning  
 13 of drilling operations until the well is completed  
 14 or abandoned, unless you have secured the well  
 15 with blowout preventers (BOPs), bridge plugs,  
 16 cement plugs, or packers."  
 17 Did I read that correctly?  
 18 A. Yes, that's what I read.

Page 81:06 to 81:07

00081:06 Q. I'm not trying to confuse anyone here.  
 07 This is Exhibit 5837.

Page 81:09 to 82:13

00081:09 MR. HAUSER: 5837 and this is 30 CFR  
 10 250.428.  
 11 Q. (BY MR. HAUSER) Do you understand this  
 12 regulation?  
 13 A. 428? I mean, I'm -- I'm familiar with it.  
 14 Q. I specifically want to ask you about in  
 15 the table Subsection A. It says -- 428. It says:  
 16 "If you encounter the following situation: A,

17 have unexpected formation pressures or conditions  
 18 that warrant revising case -- that warrant  
 19 revising your casing design, then you must submit  
 20 a revised casing program to the direct manager for  
 21 approval."  
 22 Did I read that right, eventually?  
 23 A. Yes.  
 24 Q. So what does that phrase in Subsection A  
 25 mean to you, "if you have unexplained --  
 00082:01 unexpected formation pressures or conditions that  
 02 warrant revising your casing design"?  
 03 A. I don't -- I don't know what conditions  
 04 would warrant that.  
 05 Q. Can you give any example of a condition  
 06 that might warrant revising casing design?  
 07 A. No. That -- I mean, it seems more like an  
 08 engineering-type thing and I just -- I don't know.  
 09 Q. Can you recall any specific instance on  
 10 any well that you've worked on where a casing  
 11 design was revised as a result of unexpected  
 12 formation pressures?  
 13 A. Not that I can remember.

Page 83:18 to 84:02

00083:18 Q. I'm sorry. Let me ask a better question.  
 19 Have -- were you -- were you ever  
 20 involved in any request to MMS to drill with a  
 21 margin that was less than what was set forth in  
 22 the APD?  
 23 A. I don't remember asking for one of those.  
 24 Q. Okay. So I -- am I correct, then, that  
 25 you didn't play any role with regard to requesting  
 00084:01 a waivers on the Macondo Well?  
 02 A. I don't remember doing any.

Page 87:20 to 88:03

00087:20 Q. If you became aware that BP performed  
 21 multiple lots and it was your responsibility to  
 22 report the result of the pressure integrity tests  
 23 at a shoe, which lot would you report?  
 24 A. I would probably go with the last one, but  
 25 if I wasn't sure, I would double-check.  
 00088:01 Q. And who would you double-check with?  
 02 A. Probably6 start with Scherie, to get her  
 03 opinion. And if not, go to the driller.

Page 91:06 to 91:19

00091:06 Q. Would you expect actual lot results or pit  
 07 results to be included in the contemporaneous WAR?  
 08 A. In the Weekly Activity Report?

09 Q. Yes.  
 10 A. I would expect actuals, yes.  
 11 Q. Let's look at -- actually look at Tab 23,  
 12 please.  
 13 This is Exhibit 5838. And it's -- I  
 14 believe the WARs with end date 24 October, 2009,  
 15 and 31 October, 2009.  
 16 Did you complete these WARs?  
 17 A. I believe I did.  
 18 Q. You submitted these WARs to MMS?  
 19 A. Yes, I believe so.

Page 92:11 to 93:05

00092:11 Q. Let's look at the -- the next WAR.  
 12 A. Okay.  
 13 Q. And it's down on Page 3 of 4, that second  
 14 WAR. This is the WAR ending October 31, 2009.  
 15 The space for test information for casing shoe  
 16 test is -- is still blank.  
 17 A. On the 22?  
 18 Q. On -- on the -- for the WAR ending on the  
 19 31.  
 20 At that point, they had conducted  
 21 several lots, correct?  
 22 A. From seeing the -- yes.  
 23 Q. Yes.  
 24 A. It looks like it.  
 25 Q. And do you know why there's still no  
 00093:01 casing shoe information on that spot?  
 02 A. No, I don't.  
 03 Q. Let's go to Tab 25, please. Actually, I  
 04 may -- would you think it would be important for  
 05 that information to be provided?

Page 93:08 to 94:03

00093:08 A. Yes.  
 09 Q. (BY MR. HAUSER) Exhibit 1339. This is  
 10 the Application for Bypass generated on March 15,  
 11 2010. Did you provide any information in this  
 12 WAR -- excuse me, this APD?  
 13 A. I don't believe -- this probably was done  
 14 by Scherie.  
 15 Q. Turn to Page 6 of this document, it's No.  
 16 6 of 7.  
 17 A. Okay.  
 18 Q. I'd like to direct your attention to  
 19 Interval No. 4.  
 20 A. Okay. Yes.  
 21 Q. The data included for the formation test  
 22 and fracture gradient is 13.0. Do you see that?  
 23 A. On the 16-inch?  
 24 Q. Yes. On the 16-inch cas- -- beneath the

25 16-inch -- for the 16-inch shoe.  
 00094:01 A. Yes, I see those numbers.  
 02 Q. Do you know why 13.0 was provided?  
 03 A. No, I don't.

Page 95:22 to 96:16

00095:22 Q. (BY MR. HAUSER) Sure. Tab 40, please.  
 23 This is an -- I would like you to see the -- draw  
 24 your attention -- this is Exhibit 1133,  
 25 BP-HZN-MBI00110676.  
 00096:01 The bottom E-mail is from -- this  
 02 appears to be from Mr. Cocalles to Brian Morel and  
 03 Mark Hafle. Do you see that?  
 04 A. Yes, I see that.  
 05 Q. It reads: "The MMS Regs just say we have  
 06 to do Pit below each casing and since we have done  
 07 one on our 16-inch, I don't think we'll have to do  
 08 another one. However, our FIT is 12.55 ppg and  
 09 our total -- TD MW will be 12.1 ppg, which just  
 10 falls just short -- which falls just short of the  
 11 0.5 ppg margin."  
 12 Did I read that correctly?  
 13 A. Yes. That's what I see.  
 14 Q. Does this suggest to you that a FIT was  
 15 performed in the 16-inch shoe that yielded the  
 16 result of 12.55 ppg?

Page 96:19 to 97:08

00096:19 A. I don't know. I mean, it's just --  
 20 Q. (BY MR. HAUSER) Okay. Let me ask you  
 21 this: Assume for -- that a PIT had been  
 22 performed -- that a FIT, excuse me, had been  
 23 performed at the 16-inch shoe and the result was  
 24 12.55. Would you expect that result to be  
 25 reflected in the contemporaneous WAR?  
 00097:01 A. If that's the number they had given --  
 02 given me.  
 03 Q. And if that's the number they had given  
 04 you, how -- what number would be reflected in the  
 05 WAR?  
 06 A. I don't know. I mean, if that's the  
 07 number they gave me, that's part of what I would  
 08 report.

Page 98:06 to 100:14

00098:06 Q. Let's look at Tab 39, please. This is  
 07 Exhibit 4133, Bates No. BP-HZN-2179MDL01906847.  
 08 Do you recognize this document?  
 09 A. Yes. This is a Weekly Activity Report.  
 10 Q. And this is the WAR, the Weekly Activity

11 Report, ending 27-March-2010; is that correct?  
12 A. Yes. That's what it looks like.  
13 Q. And did you complete this WAR?  
14 A. More than likely.  
15 Q. Did you submit it to MMS?  
16 A. More than likely I was the one.  
17 Q. Turn to the second page of this, please.  
18 A. Okay.  
19 Q. In the box for the Casing Shoe Test at the  
20 16-inch interval, the WAR includes the number 13.  
21 Did you provide that number?  
22 A. I don't know for sure.  
23 Q. Who else would have provided that number,  
24 if you didn't?  
25 A. I would have probably completed the WAR;  
00099:01 but where the number came from, I'm not sure.  
02 Q. Where would you have likely gotten the  
03 number?  
04 A. More than likely from the Daily Operation  
05 Report.  
06 Q. If the Daily Operation Report had a --  
07 reported a FIT result of 12.55, would you report  
08 that as 13 in the Weekly Activity Report?  
09 A. I don't -- I would have probably said  
10 12.55, would have typed that out.  
11 Q. You would have typed out 12.55?  
12 A. I think so.  
13 Q. And if the form wouldn't let you put to  
14 the hundredth, what would you put?  
15 A. I don't know. I can't remember running  
16 into a situation...  
17 Q. Would you agree that if you were rounding  
18 to the nearest hun- -- the nearest tenth, 12.55  
19 rounds to 12.6?  
20 A. That would -- I mean basic math, yes.  
21 Q. Basic third-grade math?  
22 A. Yes.  
23 Q. Would you also agree that if you were  
24 rounding to the nearest tenth, you would not round  
25 12.55 to 13 using basic third-grade math?  
00100:01 A. Yes.  
02 Q. Okay. Let's stay, actually, on this  
03 Page 2 of Tab 39. In the Well Design Information  
04 for the 13 and 5/8 casing shoe, here it is listed  
05 at 13.625. I guess decimals are cooler. It lists  
06 a Casing Shoe Test of 14.7.  
07 Did you provide that information?  
08 A. More than likely I would have inputted it.  
09 Q. And did you get that, again, from the  
10 drilling report, the daily -- I'm sorry. I say  
11 that wrong. Why don't you tell me again: Where  
12 would you have likely gotten that?  
13 A. More than likely, I would have gotten that  
14 number from the Daily Operations Report.

Page 101:23 to 102:04

00101:23 Q. (BY MR. HAUSER) Sure. Hypothetically  
 24 speaking, if you became aware of information that  
 25 suggested the members of the drilling team didn't  
 00102:01 trust a particular result, would you nevertheless  
 02 report that result if it was reflected in the  
 03 daily drilling reports or given to you by one of  
 04 the operators?

Page 102:06 to 102:09

00102:06 A. I don't know what I would have -- would  
 07 do. I'd probably talk to Scherie about it, you  
 08 know, if I had any concerns that it wasn't  
 09 accurate.

Page 102:21 to 104:19

00102:21 Q. (BY MR. HAUSER) This is going to be  
 22 Exhibit 7387. This is the daily Pore Pressure  
 23 Fracture Gradient report dated March 23, 2009,  
 24 Bates stamped BP-HZN-MBI00191459.  
 25 Do you see the date on the bottom  
 00103:01 right-hand corner that's March 29th -- or excuse  
 02 me, March 23rd --  
 03 A. March 23rd.  
 04 Q. -- 2009?  
 05 A. Yes, I see that.  
 06 Q. In the Operations Summary section of this,  
 07 it says: "Tripped in. Performed LOT that gave no  
 08 meaningful data. Drilled."  
 09 Do you see that?  
 10 A. Wait. Where do you -- where is that?  
 11 Q. Operations Summary.  
 12 A. Oh, up here?  
 13 Q. Yeah.  
 14 A. Yes, I see it.  
 15 Q. "Performed LOT that no meaningful data --  
 16 no meaningful formation data. Drilled."  
 17 A. Okay.  
 18 Q. Do you see that?  
 19 A. Yes, I do.  
 20 Q. And then in the Additional Observations  
 21 box down at the bottom, second paragraph: "LOT  
 22 broke over at 1480 psi, which was above overburden  
 23 of 14.5 causing uncertainty about its usefulness  
 24 as a formation evaluation tool."  
 25 Do you see that?  
 00104:01 A. I do see that.  
 02 Q. Let's look at Tab 44, please. This is  
 03 Exhibit 1311, BP-HZN-MBI00114048. This is an  
 04 E-mail from Mr. Morel to Mr. Hafle dated  
 05 March 23rd.

06 Do you see that?  
 07 A. Yes, I see that.  
 08 Q. It says: "I do not believe we'll make  
 09 total depth at 15,100 feet with the current ppg  
 10 onboard using 13.7 as max LOT. They are going  
 11 to -- they are going to be way too cautious. I  
 12 guess I don't get how they can say we have a 12.9  
 13 ppg with pore pressure but don't believe the 14.7  
 14 LOT."  
 15 Do you see that?  
 16 A. Yes, I see that.  
 17 Q. Were you aware that the current PP team  
 18 onboard was using a 13.7 as a max LOT?  
 19 A. No. I don't --

Page 104:23 to 104:25

00104:23 Q. (BY MR. HAUSER) Did anyone ever discuss  
 24 with you concerns about the 14.7 LOT?  
 25 A. No.

Page 105:07 to 105:19

00105:07 Q. Did you ever hear any concerns about the  
 08 14.7's usefulness as a formation evaluation tool?  
 09 A. No.  
 10 Q. Did anyone ever discuss with you whether  
 11 it was appropriate to report 14.7 LOT to MMS?  
 12 A. No. No one had a discussion with me.  
 13 Q. I believe we asked you this earlier but  
 14 just in case: Do you know if BP experienced mud  
 15 losses in April?  
 16 A. I'm not sure.  
 17 Q. Would you expect mud losses if they  
 18 occurred to appear in the WAR?  
 19 A. More than likely, yeah.

Page 105:21 to 108:01

00105:21 MR. HAUSER: This is going to be a  
 22 new exhibit, 7388.  
 23 (Marked Exhibit No. 7388.)  
 24 MR. HAUSER: I'm glad you reached it  
 25 because I was about to put it on mine.  
 00106:01 Q. (BY MR. HAUSER) And that is Document  
 02 BP-HZN-2179MDL000635 -- and then -- I'm sorry. My  
 03 number gets cut off. So -- let's -- let's  
 04 identify this document.  
 05 Do you recognize this document?  
 06 A. It looks like a Weekly Activity Report.  
 07 Q. And do you see -- what's the WAR end date?  
 08 A. WAR end date is 10-April-2010.  
 09 Q. Do you know -- did you complete this WAR?

10 A. More than likely it was me.  
 11 Q. Did you submit it to MMS?  
 12 A. More than likely.  
 13 Q. Can you tell when this was submitted to  
 14 MMS, what day?  
 15 A. No.  
 16 Q. Up in the corner it says accept date  
 17 20-April-2010. What's the "accept date"?  
 18 A. Accept date is when MMS read it and  
 19 accepted it.  
 20 Q. It's the day of the explosion, correct?  
 21 A. Yes.  
 22 Q. April 20th?  
 23 Do you see any indication on this WAR  
 24 that BP experienced mud losses while drilling the  
 25 final interval?  
 00107:01 A. No. I'm not -- I'm not sure.  
 02 Q. And do you see any indication that BP  
 03 performed open hole logging in the final interval?  
 04 A. I don't -- I don't know for sure. It  
 05 says, "shallow tested MWD tools." MWD is "measure  
 06 while drilling." And then they say on the 10th:  
 07 "Rig up Schlumberger wireline."  
 08 So that -- that might be that they  
 09 were.  
 10 Q. Do you see any indication that the GeoTaps  
 11 were taken in the final interval?  
 12 A. I don't see anything on this.  
 13 Q. Turn to Page 4 of this document, please.  
 14 It's 405.  
 15 A. Okay.  
 16 Q. And for Casing Shoe Test for the 9.875,  
 17 the 8 7/8 inch casing shoe, it lists 16.  
 18 Do you see that?  
 19 A. Yes, I see that.  
 20 Q. Did you get that information from the  
 21 Daily Operations Report?  
 22 A. More than likely that's where I would have  
 23 gotten it.  
 24 Q. Can you tell from anything in this WAR  
 25 what the highest pore pressure was experienced in  
 00108:01 the final interval of the well was?

Page 108:04 to 108:10

00108:04 A. They don't have pore pressures on the  
 05 Weekly Activity Reports.  
 06 Q. (BY MR. HAUSER) Is there any  
 07 indication -- strike that.  
 08 Do you see anything in this document  
 09 that indicates whether BP was having trouble  
 10 maintaining a safe drilling margin?

Page 108:13 to 109:03

00108:13           A. No. I don't know by -- by what the  
14 narrative says if there was any issue.  
15           Q. (BY MR. HAUSER) If there was an issue  
16 with maintaining a safe drilling margin, would you  
17 expect it to be included in there?  
18           A. I don't remember them ever saying anything  
19 like that on the Daily Operations Reports.  
20           Q. Let's turn to Tab 14, please. This is  
21 Exhibit 4045, Application For Revised Bypass dated  
22 April 15, 2010.  
23                   Did you complete this -- is this the  
24 APD that you completed?  
25           A. This is the one I did.  
00109:01           Q. And this is the one you submit to MMS,  
02 correct?  
03           A. Correct.

Page 110:03 to 110:06

00110:03           Q. Do you believe that this document -- that  
04 the well information worksheet should be -- that  
05 the Well Design Information should be consistent  
06 with the data provided in the schematic?

Page 110:09 to 110:09

00110:09           A. I don't know. I'm not sure.

Page 111:04 to 111:11

00111:04 Do you see that it lists 15.2 next to  
05 formation test and 16.0 next to fracture gradient?  
06                   Did you provide that information?  
07           A. I would have probably filled out that  
08 section.  
09           Q. And where did you get that information?  
10           A. Probably from the information the drillers  
11 gave me.

Page 113:21 to 113:24

00113:21           Q. Back on Page 9 of 10 where it says  
22 Formation Test 15.2, does that suggest to you that  
23 the best estimate of the surface fracture gradient  
24 in the final interval was at least 15.2?

Page 114:01 to 114:01

00114:01           A. I don't know.

Page 115:05 to 115:22

00115:05 Q. Are you familiar with the term "single  
 06 point of accountability" as that term was used  
 07 inside BP?  
 08 A. I've heard the phrase, but I mean --  
 09 Q. What did -- in what context have you heard  
 10 the phrase?  
 11 A. I mean, like, if there was some -- there  
 12 might be somebody that would be the person to go  
 13 to about something. But, I mean, I can't say  
 14 specifically about one person or -- I'm not sure.  
 15 Q. So, for example, if somebody was the  
 16 single point of accountability for pore pressure  
 17 fracture gradient issues, that would be the person  
 18 to go to if those -- there were -- if you had  
 19 questions about those types of issues?  
 20 A. I don't know that I would go to them  
 21 directly. I would probably go to the drilling  
 22 engineer.

Page 116:06 to 117:15

00116:06 Q. Yes, 3-0. This is Exhibit 1343, Bates  
 07 Stamp BP-HZN-2179MDL 00006046. It's an E-mail  
 08 from Martin Alberton, dated April 2nd, 2010, to a  
 09 whole host of people, including Brian Morel and  
 10 Mark Hafle. Do you see that?  
 11 A. Yes.  
 12 Q. And the first line -- the first paragraph,  
 13 second line, says: "I think it's safe to say that  
 14 this test is not indicative of the true fracture  
 15 strength of the average shale that we're about to  
 16 drill."  
 17 Do you see that?  
 18 A. Yes, I see that.  
 19 Q. And then in -- there's a list of issues.  
 20 And then there's another full paragraph. The last  
 21 line of that second full paragraph says: "I think  
 22 the most likely explanation is that we have tested  
 23 a shale that has a high -- very high tensile  
 24 strength or that we have tested cement/casing."  
 25 Did I read that correctly?  
 00117:01 A. Yes, that's what I see.  
 02 Q. Did anyone ever relay to you that  
 03 Mr. Alberton had concerns about a particular lot  
 04 fit test?  
 05 A. No. This is the first I've heard his  
 06 name.  
 07 Q. Did anyone ever discuss whether it was  
 08 appropriate to you to report the 16.0 lot in the  
 09 APD?  
 10 A. No.  
 11 Q. If you had reason to believe that  
 12 individuals on BP's drilling team had concerns  
 13 about this, the -- whether the 16.0 lot was

14 representative of the formation strength, what  
15 would you do?

Page 117:18 to 117:22

00117:18 A. I don't know. Probably talk to -- talk to  
19 Scherie about it again. Just -- I don't know.  
20 Q. (BY MR. HAUSER) Would you have taken any  
21 steps before reporting it in the APD?  
22 A. I don't know. I don't know.

Page 118:05 to 119:16

00118:05 Tab 41 is Exhibit 4059. It's Bates Stamp  
06 BP-HZN-2179MDL 00042191. Do you recognize this  
07 document?  
08 A. I don't -- I may not remember it offhand;  
09 but I see my name on it, yes.  
10 Q. It appears to be an E-mail from you to  
11 Frank Patton, dated April 16th, 2010?  
12 A. Yes.  
13 Q. Do you have any reason to believe this is  
14 not a true and accurate copy of that E-mail?  
15 A. No. I mean, it looks like -- it looks  
16 like something I would have typed.  
17 Q. Do you recall E-mailing Frank Patton on  
18 around April 14th?  
19 A. I don't remember.  
20 Q. It says: "Good morning, Frank. I just  
21 submitted an APM to temporarily abandon the MC252  
22 No. 1."  
23 You did submit the A- -- the APM to  
24 temporarily abandon the Macondo Well, correct?  
25 A. Correct.  
00119:01 Q. And how would you have submitted it?  
02 A. By an A- -- by an APM on Honeywell.  
03 Q. Honeywell, yes.  
04 Would it be your general practice to  
05 follow that up with an E-mail to the MMS engineer?  
06 A. I mean, not necessarily every -- every  
07 time.  
08 Q. Do you recall doing that this time?  
09 A. I don't re- -- I don't recall either way.  
10 But, I mean, I see it, you know, that I did,  
11 but --  
12 Q. We -- we do know that you submitted the  
13 temporary abandonment --  
14 A. Yes.  
15 Q. -- correct?  
16 A. Yes.

Page 119:21 to 120:02

00119:21 Q. Who is Frank Patton?  
22 A. He's one of the drilling engineers at MMS,  
23 New Orleans District.  
24 Q. Do you specifically recall any  
25 conversations with Frank Patton regarding the  
00120:01 temporary abandonment plan?  
02 A. No. Just -- probably just the E-mail.

Page 120:04 to 120:18

00120:04 How would you describe your role in  
05 planning, drafting and submitting the temporary  
06 abandonment plan?  
07 A. Just as far as just to submit it.  
08 Q. Just to submit it. So you had no role in  
09 the drafting?  
10 A. No. Preparation of the document as far as  
11 procedures, schematic, no. Just the -- the  
12 format.  
13 Q. Who prepared the temporary abandonment  
14 plan?  
15 A. I'm not sure who exactly prepared it. I'm  
16 not sure.  
17 Q. Who do you think would do -- would have  
18 been involved?

Page 120:21 to 120:25

00120:21 A. I don't -- I don't know who all would have  
22 been involved in preparing it. I can only say who  
23 submitted to me if I saw the -- you know, an  
24 E-mail with that person's name. But otherwise, I  
25 don't remember who.

Page 121:04 to 121:07

00121:04 Q. I thought that might be helpful. Were you  
05 aware at the time you submitted a temporary  
06 abandonment plan that it contained a departure  
07 from the Federal regulations?

Page 121:09 to 122:06

00121:09 A. I don't remember.  
10 Q. (BY MR. HAUSER) Do you remember any  
11 conversations with anyone about the temporary  
12 abandonment procedure before you submitted it to  
13 MMS?  
14 A. No.  
15 Q. Who would you go to for help in  
16 understanding technical issues regarding a  
17 temporary abandon- -- abandonment plan?  
18 A. I probably would talk to the drilling

19 engineers.

20 Q. So, for example, if -- if Frank Patton had  
21 returned the application to you for some  
22 deficiency with the temporary abandonment plan,  
23 you'd talk to the drilling engineers?

24 A. Right. I'd let them know that it had been  
25 returned and what the reason was that it had been  
00122:01 returned.

02 Q. Being Brian Morel and Mark Hafle?

03 A. More than likely, it probably was them.

04 Q. Once the temporary abandonment procedure  
05 was submitted and approved by MMS, did you expect  
06 that BP would perform it as submitted?

Page 122:09 to 122:14

00122:09 A. I'm -- I'm not sure.

10 Q. (BY MR. HAUSER) Well, the temporary  
11 abandonment sets forth a series of steps, correct?

12 A. Correct.

13 Q. Did you understand that BP were going to  
14 perform all of those steps?

Page 122:17 to 122:21

00122:17 A. I -- I'm not -- I'm not sure.

18 Q. (BY MR. HAUSER) Do you know, as a  
19 regulatory specialist, whether BP was re- --  
20 required by the regs to perform the steps in the  
21 approved abandonment plan?

Page 122:24 to 124:13

00122:24 A. I'm not sure if any of them were, you  
25 know, additional steps that aren't requirements

00123:01 or, you know, that type thing. I don't -- I don't  
02 know.

03 Q. (BY MR. HAUSER) Okay. If you had  
04 questions about -- generally when you've had  
05 questions about regulatory issues you had that you  
06 couldn't answer yourself, you would ask Scherie  
07 Douglas; is that correct?

08 A. She probably -- more than likely Scherie  
09 about this -- this -- you know, an exploration-  
10 type situation, yes.

11 Q. Okay. So if Scherie Douglas testified  
12 that once MMS had approved the temporary  
13 abandonment plan, she expected BP to follow it;  
14 and if BP wanted to make a material change the  
15 temporary -- the temporary abandonment procedure  
16 after being approved, she would probably want to  
17 go back and get approval from MMS for that change,  
18 would you agree with that statement?

19 A. I'm not sure what she means by "material"  
 20 or -- I don't know. I mean, if they change -- if  
 21 they were making changes to, say, where they were  
 22 setting the plug --  
 23 Q. Uh-huh.  
 24 A. -- then, you know, that would be something  
 25 that they would need to get approval for --  
 00124:01 Q. How --  
 02 A. -- I would think.  
 03 Q. How would you define "material change," in  
 04 your words?  
 05 A. I'm not sure that I would. Like I said,  
 06 you know, if they were making a change to the plug  
 07 or that type thing, you know, where they were  
 08 setting it or amount of cement they were using, if  
 09 it was less than what they proposed.  
 10 Q. What about eliminating a pressure  
 11 integrity test, would you consider that to be a  
 12 material change?  
 13 A. I'm not sure.

Page 125:03 to 125:12

00125:03 Q. (BY MR. HAUSER) Let me clarify.  
 04 Would -- would you -- would you  
 05 consider the elimination of a planned negative  
 06 pressure test to be a material change to a  
 07 temporary abandonment procedure?  
 08 A. I don't -- I'm not sure if I would. I  
 09 don't know.  
 10 Q. What about a change to the sequence of  
 11 events in a temporary abandonment procedure?  
 12 A. I'm not sure.

Page 125:15 to 125:18

00125:15 Are you aware that BP, in fact, did  
 16 change the procedure and did not perform the  
 17 temporary abandonment plan initially submitted to  
 18 Mr. Patton?

Page 125:20 to 125:24

00125:20 A. I was not aware of -- of a different  
 21 procedure. I hadn't seen anything.  
 22 Q. (BY MR. HAUSER) If you had become aware  
 23 of a change in the procedure, what would you have  
 24 done?

Page 126:01 to 126:25

00126:01 A. I'm not sure.  
 02 Q. (BY MR. HAUSER) Would you talk to Scherie

03 Douglas?  
 04 A. More than likely.  
 05 Q. Would you talk to the drilling engineers?  
 06 A. Possibly.  
 07 Q. Brian Morel, Mark Hafle?  
 08 A. Probably. Probably.  
 09 Q. Did you have any contact at all with MMS  
 10 after the temporary abandonment procedure was  
 11 submitted and approved -- let me strike that.  
 12 With regard to the Macondo Well, did  
 13 you have any contact with MMS after the temporary  
 14 abandonment procedure was submitted and approved?  
 15 A. Contact as in -- you mean talking to them?  
 16 Q. Discussions about the Macondo Well with  
 17 anyone at M MMS?  
 18 A. Not that I can remember specific.  
 19 Q. And you said the temporary abandon- --  
 20 abandonment plan was designed by BP engineers,  
 21 correct?  
 22 A. That's my understanding.  
 23 Q. To your knowledge, did BP rely on anyone  
 24 at MMS to contribute to the design of that plan?  
 25 A. I don't know.

Page 127:05 to 127:07

00127:05 Q. Do you believe that it's the operator's  
 06 burden to comply with the requirements of 30 CFR  
 07 Part 250?

Page 127:09 to 127:09

00127:09 A. Yeah, I'm not sure.

Page 127:12 to 128:04

00127:12 Do you understand this regulation?  
 13 This is 30 CFR 250.141.  
 14 A. Okay. I've read it.  
 15 Q. You've read it.  
 16 Have you ever relied on this  
 17 regulation or used it in your day-to-day  
 18 operations at BP?  
 19 A. I -- I can't say for sure, because I don't  
 20 know what it -- it's got the effective date of  
 21 October 1st, and I haven't been in the office so I  
 22 don't know if this has been updated since -- I  
 23 don't know how -- I don't -- I don't know --  
 24 Q. Sure.  
 25 A. -- how current it is or -- or how it was  
 00128:01 when I was there.  
 02 Q. Would you agree -- that's a fair point,  
 03 because the effective date on this is October 11,

04 2008.

Page 128:13 to 128:16

00128:13 Q. (BY MR. HAUSER) So would you agree that  
14 under that -- under that requirement, BP was --  
15 is -- is required to ensure that any deviation  
16 provides equal or better level of safety?

Page 128:18 to 129:09

00128:18 A. I'm not sure.  
19 Q. (BY MR. HAUSER) Would you agree that the  
20 burden -- that this regulation puts the burden on  
21 the operator to demonstrate that alternate  
22 procedures provide a level of safety that equals  
23 or surpasses current BSEE requirements?  
24 A. I don't know. I mean, it says you must  
25 provide it, but I don't know that-- I don't --  
00129:01 what, you said the -- can you repeat it? Sorry.  
02 Q. Let me ask a different question.  
03 In your opinion -- do you have an  
04 opinion on whether the temporary abandonment  
05 procedure that you submitted to Frank Patton in  
06 April 2010 afforded an equal or greater degree of  
07 safety in the temporary abandonment -- temporary  
08 abandonment procedures that are specified in -- in  
09 30 CFR 250.1721?

Page 129:11 to 130:17

00129:11 A. I don't know.  
12 Q. (BY MR. HAUSER) Do you know how long it  
13 took Mr. Patton to approve the temporary  
14 abandonment request?  
15 A. I'm not sure.  
16 Q. Do you have -- was it -- do you recall if  
17 it was hours, days, weeks, something else?  
18 A. I would think it was within that same day.  
19 Q. Did you have any -- did you believe at the  
20 time that that was a reasonable amount of time to  
21 turn around a temporary abandonment plan?  
22 A. I don't remember thinking anything unusual  
23 or not -- or not usual.  
24 Q. Have you interacted with Frank Patton on a  
25 regular basis?  
00130:01 A. I wouldn't say on a regular basis, no.  
02 Q. How often would you say you interact with  
03 him?  
04 A. I mean, I couldn't say a specific time. I  
05 didn't really deal with him on a day-to-day basis,  
06 because it was Scherie's up until -- towards the  
07 end. And then, you know, after that, I haven't

08 really had much interaction with him.  
09 Q. Sure. In the instances where you did  
10 interact with him, did you find him to be a  
11 competent engineer, as far as you could tell?  
12 A. As far as I could tell.  
13 Q. Do you ever have any reason to question  
14 his competence?  
15 A. No.  
16 Q. His professionalism?  
17 A. No.

Page 131:04 to 131:07

00131:04 Q. Hi, Ms. Powell. My name is Doug Kraus.  
05 I'm here as special counsel to the Louisiana  
06 Attorney General's Office, representing the State  
07 of Louisiana.

Page 132:07 to 132:09

00132:07 Q. Okay. When did you go from doing contract  
08 work to becoming a BP employee?  
09 A. Ju- -- approximately July 2010.

Page 132:15 to 132:17

00132:15 Q. You're no longer an employee of J. Connor,  
16 though, correct?  
17 A. No.

Page 140:08 to 140:10

00140:08 Q. Good morning, Ms. Powell. My name is  
09 Stephany LeGrand. I'm here on behalf of  
10 TransOcean. I just have a few quick questions for

Page 140:16 to 141:20

00140:16 In particular, with respect to the  
17 drilling-related regulations and the one  
18 specifically related to drilling margins, are you  
19 aware of the MMS standard, if you will, of .5  
20 pounds per gallon?  
21 A. I have heard of that.  
22 Q. You have heard of that.  
23 How did you hear about that?  
24 A. Just through -- through the years, I --  
25 I've heard it, that it's like a -- kind of  
00141:01 unwritten -- that MMS goes by for the -- but I  
02 don't know as far as details or anything. No.  
03 Q. And if you are going to go under that  
04 margin, something smaller than .5 pound per

05 gallon, what's your understanding of what the  
06 operator would need to do at that point?  
07 A. They would have to either -- I -- I guess  
08 request an approval from MMS at the time.  
09 Q. And in your position, if an issue with  
10 respect to compliance with that .5 per gallon  
11 standard arose, how would you learn about that?  
12 A. From the drilling engineer.  
13 Q. You mentioned that you participated in the  
14 morning meetings for the rig, and I know that you  
15 said you didn't remember any specific topics off  
16 the top of your head. Do you ever remember anyone  
17 mentioning anything about any issues with regard  
18 to compliance with the drilling margin in those  
19 meetings?  
20 A. I don't recall anything like that.

Page 141:23 to 145:02

00141:23 MS. LEGRAND: Counsel, this has been  
24 marked previously as Exhibit 4754 and it is Tab 9  
25 on the CD. And we looked at this earlier. It's  
00142:01 just labeled a different set of numbers.  
02 Q. (BY MS. LEGRAND) I'd like to draw your  
03 attention, in particular, first, to Page 2. And  
04 is it accurate that the date of this particular  
05 request was April 15, 2010?  
06 A. That's -- yes, that's what it looks like.  
07 Q. Okay. And this was the Application For  
08 Revised Bypass that related to correcting the --  
09 the well design information, correct?  
10 A. Right. Yes.  
11 Q. And if you will turn with me to Page 9 of  
12 10, which is BP-HZN-2179MDL00155423. Towards the  
13 bottom of the page, we see Interval 8, which is  
14 the production casing; is that your understanding?  
15 A. That's what I see, yes.  
16 Q. Okay. And below that, we see a mud weight  
17 of 14.0; is that correct?  
18 A. Yes, I see that.  
19 Q. Okay. And we see the fracture gradient of  
20 16.0?  
21 A. Yes, I see that.  
22 Q. Okay. And I believe you testified earlier  
23 that that number came from the drilling engineers;  
24 is that correct?  
25 A. Yes. That's probably -- that's where I  
00143:01 would have gotten it.  
02 Q. Okay. And I'm going to now hand you  
03 what's on the CD as Tab 10. One for you and for  
04 your counsel.  
05 Do you recognize this document?  
06 A. No, I don't.  
07 Q. Okay. In the top left corner of the  
08 document, it's labeled a Drilling and Completions

09 MOC Initiate. Do you know what "MOC" stands for?  
 10 A. In BP terms, I think it's a Manag- --  
 11 Management of Change.  
 12 Q. Okay. And what date was this created,  
 13 based on the information in the top right-hand  
 14 corner?  
 15 A. Date initiated, it says, 4-14-2010.  
 16 Q. Okay. So that was just one day, then,  
 17 before this application for revised bypass was  
 18 submitted to the MMS; is that correct?  
 19 A. That's what it looks like.  
 20 Q. Okay. And this particular request appears  
 21 to have been initiated by Mark Hafle; is that  
 22 accurate?  
 23 A. That's what it says, yes.  
 24 Q. Okay. If you could, look at the section  
 25 that's "Risk/Mitigation," kind of towards the  
 00144:01 bottom of that narrative --  
 02 A. Okay.  
 03 Q. -- sort of the middle of the page.  
 04 A. Yes, I see it.  
 05 Q. If you'll read that paragraph with me --  
 06 or read that paragraph, I'll have just a couple of  
 07 questions. Let me know when you're ready.  
 08 A. Okay. Okay.  
 09 Q. Do you see the reference to the fact that  
 10 after the second major loss -- or mud loss which  
 11 we talked a little bit about earlier, that the BP  
 12 engineering team has been using a "14.5 arbitrary  
 13 factor gradient"?  
 14 A. Yes, I see that.  
 15 Q. And then just to -- this document was  
 16 created by a drilling engineer or appears to been  
 17 created by a drilling engineer. And then you  
 18 testified earlier that, in the Application For  
 19 Revised Bypass, the information that you obtained  
 20 to put in here was also obtained from the drilling  
 21 engineers, correct?  
 22 A. That -- that would be my understanding of  
 23 where I would have gotten it, yes.  
 24 Q. Do you have any idea why, within the same  
 25 day, there would be a fracture gradient difference  
 00145:01 of approximately 1 and a half pounds per gallon?  
 02 A. No, I don't.

Page 145:05 to 146:09

00145:05 Q. (BY MS. LEGRAND) Did anyone ever raise  
 06 that issue or discuss it?  
 07 A. I don't remember anything like that, no.  
 08 Q. Okay. Were you aware at any point prior  
 09 to April 20, 2010, when the blowout occurred, that  
 10 the drilling margin at Macondo had fallen below  
 11 the .5 pound per gallon standard by MMS?  
 12 MR. HOLOZUBIEC: Objections as to

13 form.

14 A. No, I don't remember any of that.

15 Q. (BY MS. LEGRAND) And no one asked you to  
16 prepare a deviation or a request to deviate from  
17 that standard at any point?

18 A. No, I don't remember anything like that.

19 Q. And you were the -- at that point in time,  
20 the time that this Application For Revised Bypass  
21 was created, after April 13 effectively, the only  
22 person that would have been communicating pore  
23 pressure, fracture gradient, and drilling margin  
24 information to MMS?

25 A. Well, I mean -- yes, I would have been the  
00146:01 one to file the revised bypass, but as far as  
02 communicating, like, any current data with pore  
03 pressure or fracture gradients, I didn't have  
04 anything like that to submit to them.

05 Q. So there -- there wouldn't have been  
06 anyone else that would have been asked to prepare  
07 any kind of request to deviate from the standard?

08 A. No. Unless I was out of the office for  
09 some reason, but I don't remember being out.

Page 146:23 to 146:23

00146:23 mark it as 7389.

Page 146:25 to 147:05

00146:25 Q. (BY MS. LEGRAND) I'll hand you -- it's  
00147:01 not labeled as such but it's been previously  
02 introduced as Exhibit 1220. And I'll give you a  
03 minute to read through this E-mail. It is an  
04 E-mail from Robert or Bobby Bodek and it's to  
05 Michael Barron and a couple of other folks.

Page 147:09 to 147:16

00147:09 A. Okay. I've read it.  
10 Q. (BY MS. LEGRAND) Have you ever seen this  
11 E-mail before?  
12 A. No. Just going over documents with my  
13 attorneys.  
14 Q. Okay. And can you tell me when this  
15 E-mail was sent?  
16 A. It looks to be April 13, 2010.

Page 147:24 to 148:17

00147:24 Q. (BY MS. LEGRAND) Okay. If I can draw  
25 your attention to the sentence about two-thirds of  
00148:01 the way through, on the left side. It starts with  
02 the word "Already...." and about midway through a

03 new sentence starts which reads: "It appeared as  
 04 if we had minimal, if any, drilling margin."  
 05 Is that a correct reading of that  
 06 sentence?  
 07 A. Here it is. "It appeared as if we had" --  
 08 yes, I see that sentence.  
 09 Q. Did anyone communicate that to you?  
 10 A. No.  
 11 Q. No one communicated that to you before you  
 12 filed the Application For Revised Bypass?  
 13 A. No.  
 14 Q. And before it was stated in that  
 15 Application For Revised Bypass that the fracture  
 16 gradient was 16.0 pounds per gallon?  
 17 A. Yeah. No. I don't remember any of that.

Page 148:25 to 148:25

00148:25 BY MR. GODWIN:

Page 149:21 to 150:11

00149:21 Q. Okay. And when you became involved with  
 22 the Macondo Well for the first time, to whom did  
 23 you report?  
 24 A. I would deal with Scherie Douglas. I  
 25 don't know that I would say "report to," but....  
 00150:01 Q. You were working as an outside employee --  
 02 outside -- you were an employee of another company  
 03 when you first became involved with Macondo; is  
 04 that correct?  
 05 A. Yes. As a contract employee.  
 06 Q. And is that J.C. Conner Consulting?  
 07 A. That's correct.  
 08 Q. Okay. And at a later date, sometime in  
 09 July of 2010, you were actually hired by BP as an  
 10 employee, were you not?  
 11 A. Correct.

Page 150:18 to 151:03

00150:18 Q. Okay. And did you -- when you first  
 19 became involved with the Macondo Well for the  
 20 first time, did you meet one or more members of  
 21 the Macondo team, particularly the drilling  
 22 engineers?  
 23 A. Yes.  
 24 Q. And would those folks have been Mr. Brian  
 25 Morel that you met when you first became involved?  
 00151:01 A. More than likely.  
 02 Q. Okay. And Mark Hafle?  
 03 A. More than likely.

Page 151:06 to 152:10

00151:06 Q. Okay. Did you meet John Guide at any time  
07 while you served as a consultant to BP before you  
08 actually took full employment with BP?  
09 A. Yes, I knew him.  
10 Q. Okay. About -- about how many times, if  
11 any, do you recall having met in person with John  
12 Guide before the tragic event of April 20, 2010?  
13 A. Just at the daily calls towards the end --  
14 end of March, early April, I started going to them  
15 every day. But before that, it was sporadic, kind  
16 of here and there, because Scherie was going to  
17 them every day. And so, I mean, I would see him  
18 at the -- at the rig calls, when I went.  
19 Q. Okay. And when you're talking about the  
20 "rig calls," are you referring to the morning  
21 calls that --  
22 A. Yes.  
23 Q. -- that took place about 7:30 each  
24 morning?  
25 A. Yes, that's the calls.  
00152:01 Q. And -- and for the time period, say,  
02 between April 10, 2010, and April 20, 2010, do you  
03 recall participating, either in person or by  
04 phone, in each of the morning calls, including  
05 weekends?  
06 A. I did not call in on weekends, no.  
07 Q. Okay.  
08 A. But I probably would have -- I would have  
09 been -- as long as I was in the office, I would  
10 have been in the daily calls --

Page 152:12 to 152:15

00152:12 A. -- during work days.  
13 Q. I'm sorry. Those would have been Monday  
14 through Friday?  
15 A. Yes.

Page 153:16 to 154:07

00153:16 Q. (BY MR. GODWIN) It's my understanding  
17 that, sometime in April of 2010, you became sole  
18 point of contact on behalf of BP with respect to  
19 the Macondo Well with MMS; is that correct?  
20 A. I became the regulatory advisor. I  
21 wouldn't -- I wouldn't say I was the sole point of  
22 contact. If -- if I had -- you know, if I had  
23 been out for some reason, I'm sure Scherie would  
24 have filled in that role. I mean -- but basically  
25 I was the regulatory advisor for Macondo, yes.  
00154:01 Q. That dealt with MMS?  
02 A. Yes.

03 Q. Are you aware of anyone who dealt with the  
04 MMS on behalf of BP concerning the Macondo Well  
05 with the MMS on and after April 10 -- and  
06 including April 20, 2010 -- other than yourself?  
07 A. I don't remember anybody else.

Page 154:10 to 154:13

00154:10 What is your educational background  
11 beyond high school, ma'am?  
12 A. I have approximately 40 hours of college  
13 courses but --

Page 154:16 to 156:09

00154:16 Q. Do you have any college courses in -- in  
17 the drilling of deepwater wells?  
18 A. No, I do not.  
19 Q. Do you have any college courses in  
20 engineering as it relates to the drilling of  
21 deepwater wells?  
22 A. No, I do not.  
23 Q. Other than your experience and being  
24 involved in the Macondo Well to whatever it was,  
25 do you have any experience in -- in the drilling  
00155:01 of deepwater wells in the Gulf of Mexico?  
02 A. Not in drilling the wells.  
03 Q. How about in engineering --  
04 A. No.  
05 Q. -- relating to the wells?  
06 A. No.  
07 Q. Is it a -- is it a -- is it an accurate  
08 statement that whatever you told the MMS on behalf  
09 of BP at any time concerning the Macondo Well was  
10 based upon information that you received from  
11 employees of BP?  
12 A. That would be my understanding, yes.  
13 Q. And was -- those folks who -- that would  
14 have provided you that information that you gave  
15 to a governmental agency, the MMS, would have been  
16 information that was provided by drilling  
17 engineers with BP?  
18 A. That would be my understanding.  
19 Q. And how many times concerning the Macondo  
20 Well do you recall having met in person with Brian  
21 Morel in, say, 2010? Just your best estimate.  
22 A. Just at the morning calls -- in the  
23 morning calls I would have attended.  
24 Q. Okay. Nothing other than that?  
25 A. Not that I can remember.  
00156:01 Q. Okay. Would the same hold true with  
02 respect to Mark Hafle?  
03 A. Yes.  
04 Q. Okay. Were you asked at any time -- say,

05 in the month of April of 2010 -- by anyone with  
06 MMS for any clarification or explanation with  
07 regard to any of the information that you'd  
08 provided to them on behalf of BP concerning the  
09 Macondo Well?

Page 156:18 to 156:18

00156:18 A. I don't remember.

Page 157:04 to 157:07

00157:04 The way I understood it was you didn't understand  
05 much about negative tests; is that accurate?  
06 A. Correct. I don't -- I don't understand  
07 that much about negative testing.

Page 157:15 to 158:02

00157:15 Q. (BY MR. GODWIN) With regard to your  
16 dealings with the MMS, did you submit anything in  
17 writing to the MMS concerning the temporary  
18 abandonment phase -- that being the -- the -- the  
19 execution of a negative test on the Macondo Well  
20 in the month of April 2010?  
21 A. I submitted a temporary abandonment  
22 Application for Permit to Modify.  
23 Q. Did that include the performance of a  
24 negative test?  
25 A. I believe it was on -- I believe that was  
00158:01 on there from looking at the documents recently  
02 with my lawyers.

Page 158:04 to 158:10

00158:04 And -- and do -- did you believe  
05 that, once you provided information to the MMS  
06 concerning the temporary abandonment phase of the  
07 Macondo Well, that if any part of that plan were  
08 to change, that you, on behalf of BP, would have a  
09 duty to inform the MMS that it had, in fact,  
10 changed?

Page 158:13 to 158:20

00158:13 A. If -- if -- I mean, if it was like a  
14 change to, say, the -- the plug that they were  
15 setting, then I would think that. If it was a  
16 minor change, I'm not sure that I would know, for  
17 sure, if it would be one that would need to be  
18 reported or not. I don't know if there was steps  
19 in the procedure that were extra or not required

20 steps. I'm not sure.

Page 159:16 to 159:20

00159:16 Q. Okay. And did -- were you asked at any  
17 time prior to April 20 by anyone at BP to inform  
18 the MMS that any part of the temporary abandonment  
19 plan would be changed?  
20 A. No.

Page 162:25 to 163:01

00162:25 A. This isn't -- that's not what this is in  
00163:01 regards to about something being incorrect.

Page 163:09 to 163:16

00163:09 A. Yeah. I mean, this is out of context. So  
10 I don't -- I'm assuming this is referring to the  
11 Weekly Activity Report, but looking at this, this  
12 wouldn't have been for a correction or not. It  
13 would have been for getting information for me to  
14 be able to submit it in the first place. It  
15 wouldn't be a -- it doesn't look like something to  
16 say something was correct or incorrect.

Page 163:24 to 164:03

00163:24 Q. Did you ever go back and inform the MMS  
25 that you needed to alter or amend that information  
00164:01 that you provided as set forth here in  
02 Exhibit 7390, regardless of the reason?  
03 A. I don't -- I don't know --

Page 164:11 to 164:11

00164:11 (Marked Exhibit No. 7391.)

Page 164:15 to 165:04

00164:15 Q. Okay. This is an E-mail you wrote to  
16 Mr. Frank Patton at the MMS dated April 15, is it  
17 not?  
18 A. Yes, it is.  
19 Q. And it -- and it says: I have submitted a  
20 corrected RBP to put the 9 and 7/8-inch -- 9 and  
21 7/8-inch intermediate liner back in the design  
22 page. I apologize for the confusion.  
23 What were you referring to here?  
24 A. I had a -- when I submitted the RPB to add  
25 in the last tapered liner, I had an -- I had  
00165:01 incorrectly removed it, and I was misunderstanding

02 what they were running. So, when I submitted it  
03 originally, I had made an error on my part; so, I  
04 was correcting it.

Page 165:23 to 165:25

00165:23 Let me refer to what's in the book as  
24 Tab 29 in the materials. It was previously marked  
25 as Exhibit 539 at a prior deposition. I'll hand

Page 166:03 to 166:19

00166:03 The first page is the one I'm going  
04 to refer to, which is exhib- -- Bates No.  
05 BP-HZN-CEC043219. Do you have that before you?  
06 A. Yes.  
07 Q. When you write here in this E-mail on  
08 April 15, 2010, to Mark Hafle, with no other  
09 copies and you said "Please tell me 3rd time's the  
10 charm" and you did a smiley face --  
11 A. Uh-huh.  
12 Q. -- what were you referring to there?  
13 A. On the revised bypass --  
14 Q. Okay.  
15 A. -- if you look at Page 1.  
16 Q. Page --  
17 A. Page --  
18 Q. -- 1 of 10?  
19 A. -- No. 1 of 10, yes.

Page 166:21 to 167:10

00166:21 A. You see on -- there's -- under where it  
22 says tracking ID, amount, and all that, there's  
23 4-15 entry, 4-15 entry, and 4-14 entry?  
24 Q. Right.  
25 A. So, I had misunderstood when he sent me  
00167:01 this that it was a tapered liner. So, I had  
02 entered it as a 7-inch production casing. So,  
03 the -- I believe it was Mark Hafle who pointed it  
04 out to me that I had inputted it incorrectly.  
05 So I corrected it to be the 9 and  
06 7/8-inch by 7-inch tapered casing, and then I  
07 inadvertently had removed the original 9 and 7/8,  
08 which is what we're referring to in April 7th that  
09 was originally run. I had inadvertently removed  
10 it; so, I added back into the -- the program.

Page 167:14 to 168:03

00167:14 A. When I'm referencing third time's a charm,  
15 I meant -- I corrected it. Hopefully, the third  
16 time I had gotten it accurate that time.

17 Q. Okay. Now, when you say the correct  
 18 casing program is 9 and 7/8-inch by 7 inch are  
 19 actually a tapered casing, you would not have  
 20 known that without somebody telling you, would  
 21 you, not being an engineer?  
 22 A. Right. Probably not. Yeah.  
 23 Q. Okay. And when you say "Inadvertently  
 24 removed the 9 and 7/8 liner from the well design  
 25 information, you would not have known that had you  
 00168:01 not been told that by one of BP's drilling  
 02 engineers, would you?  
 03 A. Correct, he -- he told me.

Page 168:09 to 168:20

00168:09 Q. Had the MMS approved any application  
 10 concerning the temporary abandonment procedures,  
 11 had they approved anything based upon the  
 12 incorrect information that you provided?  
 13 A. Yes. They had approved the revised  
 14 bypass.  
 15 Q. Okay. And the MMS had approved it. Well,  
 16 did you go back and ask the MMS to revisit its  
 17 approval when you learned that you had incorrectly  
 18 included incorrect information in the submission  
 19 to the MMS?  
 20 A. Yes.

Page 172:10 to 172:11

00172:10 Tab 32. I'm going to hand you what we have marked  
 11 as Exhibit 7392, Stephanie?

Page 172:16 to 173:15

00172:16 Q. (BY MR. GODWIN) This is a series of what  
 17 appears to be three E-mails in this exhibit,  
 18 one-page exhibit, is it not?  
 19 A. Yes.  
 20 Q. And you were the recipient of the E-mail  
 21 at the bottom sent by Mark Hafle at -- on April 16  
 22 at 9:35, were you not?  
 23 A. Yes. I see that.  
 24 Q. Okay. And where it says here under  
 25 "Subject: Macondo Temporary Abandonment  
 00173:01 Procedure... Heather, here's what we would like to  
 02 get approval for today so we can finalize the  
 03 weekend plans. Thanks. Please call Brian Morel  
 04 on the rig...for any questions," as he may be --  
 05 as Mr. Hafle was going to be out of pocket, what  
 06 were they asking you -- what were they -- strike  
 07 that.  
 08 What -- what did you understand they

09 wanted to get the approval of so that they could  
10 finalize weekend plans with this E-mail?  
11 A. That they wanted to have the temporary  
12 approval -- or temporary abandonment procedure  
13 submitted as an APM to MMS to get approval.  
14 Q. To do what?  
15 A. To TA the Macondo Well.

Page 174:17 to 175:09

00174:17 Q. Okay. Prior to April 16, 2010, had you,  
18 on behalf of BP, sought the approval of the MMS  
19 with respect to any part of the temporary  
20 abandonment phase of the well?  
21 A. No.  
22 Q. Okay. When was it that you actually  
23 submitted the request to the MMS for approval of  
24 the temporary abandonment phase?  
25 A. It would have been this Friday, April 16,  
00175:01 2010.  
02 Q. Friday, April 16?  
03 A. 2010.  
04 Q. Just so we're clear on that, your  
05 recollection is that's the very first time that  
06 you would have asked that MMS for approval of all  
07 or any part of the temporary abandonment phase of  
08 the Macondo Well; is that correct?  
09 A. That's what I remember.

Page 175:18 to 176:09

00175:18 Q. Yeah. Did you -- when you submitted the  
19 temporary abandonment phase procedure to MMS on  
20 Friday, April 16, did you submit it where there  
21 was going to be a liner with a tieback used in the  
22 well or a long string?  
23 A. I'm not sure.  
24 Q. You don't know?  
25 A. I don't remember.  
00176:01 Q. Did you -- well, you were talking about  
02 details of the casing that was going to be used in  
03 just a few days before; and are you telling us now  
04 that whenever you, on behalf of BP, submitted to  
05 the MMS the temporary abandonment phase, you don't  
06 have any idea whether there was going to be a long  
07 string used or whether it was going to be a liner  
08 with a tieback? Is that what you're telling us?  
09 A. I don't remember.

Page 177:12 to 177:16

00177:12 Q. Did you at any time participate in any  
13 morning call whereby BP employees discussed what

14 type of casing was going to be run there on the  
15 Macondo Well?  
16 A. I don't remember any discussion.

Page 180:02 to 180:07

00180:02 Q. Okay. Were you aware at any time, as a  
03 part of the temporary abandonment procedures which  
04 you sought approval of by the MMS, that the --  
05 that there was going to be a displacement of the  
06 riser to seawater, displacing the mud with  
07 seawater? Were aware of that?

Page 180:10 to 180:10

00180:10 A. I don't remember.

Page 181:04 to 181:12

00181:04 Q. Do you ever talk to Jesse Gagliano?  
05 A. I've seen him in the morning calls.  
06 Q. You've been -- he's been on the call?  
07 A. Right.  
08 Q. Okay. You've been on the call where Jesse  
09 Gagliano has been identified as one of the  
10 participants?  
11 A. He's -- I've seen him when he's in, like,  
12 the Houston office.

Page 181:17 to 181:24

00181:17 Q. When -- when you would participate in the  
18 morning calls, would you be a part of a group that  
19 were participating on behalf of BP?  
20 A. There was several people in there as far  
21 as drilling engineers, mud people, logging people,  
22 geologists. There was all different people that  
23 would come -- come in at different -- you know, I  
24 guess depending on what was going on with the rig.

Page 182:01 to 182:18

00182:01 A. Yeah, but I would be in there; but I  
02 wasn't like a participant as far as, like,  
03 actively talking on the calls or anything.  
04 Q. From time to time, would Jesse Gagliano be  
05 in those -- in that room where you participated in  
06 the morning calls?  
07 A. I do remember seeing him.  
08 Q. Did you ever hear at any time, either  
09 during a morning call or after a morning call,  
10 anyone with BP criticize Jesse Gagliano in any

11 respect whatsoever?  
12 A. No. I don't remember that.  
13 Q. Did you ever -- ever hear during a morning  
14 call or following a call -- morning call anyone  
15 question anything that Jesse Gagliano had said --  
16 A. No.  
17 Q. -- in any respect whatsoever?  
18 A. I don't remember anything like that, no.

Page 183:24 to 185:01

00183:24 Q. At any time after you became an employee  
25 at BP, did anyone ever say in your presence  
00184:01 anything that you perceived as being critical of  
02 the cementing services that my client provided on  
03 the Macondo Well?  
04 A. No. I don't remember anything like that.  
05 Q. At any time after you became an employee  
06 of BP, did anyone ever say in your presence  
07 anything that you perceived as being critical of  
08 the mud logging services provided by my client,  
09 Halliburton Sperry on the Macondo Well?  
10 A. I don't remember anything like that.  
11 Q. Would the same answers hold true with  
12 regard to -- from April 20, 2010, until sometime  
13 in July of 2010 when you became an employee, to  
14 the same questions?  
15 A. Yes. I don't remember anything like that.  
16 Q. So, then, as we sit here today -- as we  
17 sit here today, you're telling the Court and the  
18 ladies and gentlemen of the jury, should one be  
19 impaneled, that at no time ever while you were a  
20 consultant for BP, after the event and including  
21 the time that you've been an employee of the event  
22 [sic], other than possibly attorneys, no one with  
23 BP has ever criticized my client or questioned my  
24 client with regard to any of the cementing and/or  
25 mud logging services provided on the Macondo Well;  
00185:01 is that correct?

Page 185:06 to 185:16

00185:06 A. I had not heard anything like that.  
07 Q. Excuse me. Is that correct?  
08 A. I had not heard anything referred to that  
09 in my presence, no.  
10 Q. And when you say "had not heard," does  
11 that mean I have not heard, meaning up to today,  
12 you have not heard any criticisms of my client for  
13 anything that it did on the Macondo Well? Is that  
14 correct?  
15 A. Right. I haven't heard anything negative  
16 or -- at the time of the spill or anything.

Page 186:01 to 186:02

00186:01 Q. Good afternoon, Ms. Powell. My name is  
02 Diane Hertz. I represent -- represent Anadarko,

Page 186:22 to 186:24

00186:22 Q. Do you know that BP was the operator of  
23 the Macondo Well?  
24 A. That's my understanding.

Page 187:06 to 187:10

00187:06 Q. Have you had any communications or  
07 writing, E-mail, orally, with Anadarko regarding  
08 the Macondo Well prior to the incident on  
09 April 20th, 2010?  
10 A. No.

Page 187:22 to 187:22

00187:22 Q. -- are you aware of any communications --

Page 187:24 to 188:10

00187:24 Q. -- between BP and Anadarko prior to  
25 April 20th, 2010?  
00188:01 A. Okay. No, I'm not.  
02 Q. Okay. How about postincident, are you  
03 aware of any such communications?  
04 A. No, I don't know.  
05 Q. With respect to any of the information  
06 that you submitted to the MMS, did you ever  
07 provide that information to Anadarko at the same  
08 time?  
09 A. I -- I wasn't told to, and I didn't do  
10 that, no.

Page 188:21 to 188:24

00188:21 Q. Ms. Powell, I'm Catherine McCulley. I  
22 represent MOEX Offshore 2007, LLC, and its related  
23 affiliates in this litigation.  
24 A. Okay.

Page 189:03 to 191:12

00189:03 Q. Are you familiar with MOEX Offshore or its  
04 affiliates?  
05 A. I've heard the name before, but that's  
06 all. I just -- I've heard it. I've heard of it.

07 Q. In -- in what context? What do you know  
08 about them?  
09 A. Just I've heard the name in general.  
10 Nothing about it or anything.  
11 Q. Anything in connection with the Macondo  
12 Well or your work at BP?  
13 A. No.  
14 Q. Okay. On the morning calls that you  
15 listened in on in connection with the Macondo  
16 Well, was there ever anyone on those calls  
17 associated with MOEX or a MOEX entity?  
18 A. I don't know either way.  
19 Q. Okay. No one identified themselves as --  
20 A. No. We didn't, like, go around the room  
21 and identify. So I'm not -- I just don't know for  
22 sure.  
23 Q. But you didn't invite strangers into those  
24 calls?  
25 A. No.  
00190:01 Q. To your knowledge, did anyone from MOEX or  
02 its affiliates have any role in the design of the  
03 Macondo Well?  
04 A. I don't know.  
05 Q. Okay. With regard to the regulatory  
06 filings that you prepared or that you have  
07 knowledge of in connection with the Macondo  
08 Well --  
09 A. Uh-huh.  
10 Q. -- did anyone from MOEX or its affiliates  
11 participate in preparing those filings?  
12 A. No.  
13 Q. Did you provide any information in  
14 connection with the regulatory filings related to  
15 the Macondo Well to anybody with MOEX or a  
16 representative of MOEX?  
17 A. No.  
18 Q. Okay. Would the same be true with regard  
19 to the temporary abandonment filings that you made  
20 in connection with the Macondo Well; that is, that  
21 you didn't provide any of that information to MOEX  
22 or any of its representatives?  
23 A. No, I didn't.  
24 Q. Okay. And do you know if anybody from BP  
25 would have provided that information?  
00191:01 A. I have no idea if drillers or someone  
02 other -- in another department would have or not.  
03 I don't know.  
04 Q. You don't know whether anybody did or not?  
05 A. No.  
06 Q. Do you have any reason to believe that  
07 they did?  
08 A. No. I have no reason to believe they did.  
09 Q. Okay. And I can assume then that you had  
10 no discussions about any other topic with anybody  
11 from MOEX?

12 A. No.

Page 191:23 to 191:24

00191:23 Q. Hi, Ms. Powell, William Dills for the  
24 plaintiff again. I just have a few, very quick

Page 193:13 to 196:19

00193:13 that document. Let's turn to the CFRs real quick.  
14 If you will turn to 250.400 -- actually, 401.

15 All right. Are you there?

16 A. Yes.

17 Q. Okay. Great.

18 Now, 250.401 says: "What must I do  
19 to keep wells under control?" And then if you see  
20 Subpart A, it says: "Use the best available and  
21 safest drilling technology to monitor and evaluate  
22 well conditions and to minimize the potential for  
23 well -- for the well to flow or kick."

24 Did I read that correctly?

25 A. Yes, I see that.

00194:01 Q. Okay. And you're not -- your title now  
02 is -- are you a senior sub -- senior regulatory  
03 specialist?

04 A. Just regulatory advisor.

05 Q. Regulatory advisor.

06 Okay. As a regulatory advisor for  
07 BP, can you tell me what BP does to comply with  
08 250.401 Subpart A?

09 A. No. I don't know.

10 Q. Okay. Let's go to Subpart D. It says:  
11 "Use personnel trained according to provisions of  
12 Subpart O."

13 As a regulatory advisor for BP, can  
14 you tell me what is done to ensure that BP  
15 complies with Subpart D of 250.401?

16 A. I don't know.

17 Q. Okay. And Subpart E, it says: "Use and  
18 maintain equipment and materials necessary to  
19 ensure the safety and protection of personnel,  
20 equipment, natural resources, and the  
21 environment."

22 Same question: As a regulatory  
23 advisor for BP, can you tell me what BP does to  
24 ensure compliance with this part of the  
25 regulation?

00195:01 A. I don't know.

02 Q. Okay. Let's go to 250.402. It says:  
03 "When and how must I secure a well?" It says:  
04 "Whenever you interrupt drilling operations, you  
05 must install a downhole safety device, such as  
06 cement plug, bridge plug, or packer. You must  
07 install the device at an appropriate depth within

08 a properly cemented casing string or liner."  
09 Same question: As the regulatory  
10 advisor for BP, can you tell me what BP does to  
11 ensure compliance with this regulation?  
12 A. I don't know.  
13 Q. Okay. If you will, turn to 250.416. And  
14 Subpart E -- I believe I've already asked this  
15 question. I'm just going to ask it again for  
16 clarification.  
17 A. Okay.  
18 Q. Subpart E says: "What must I include in  
19 the diverter and BOP descriptions?"  
20 And then Subpart E of 250.416 says:  
21 "You must provide information that shows the  
22 blind-shear rams installed in the BOP stack (both  
23 surface and subsea stacks) are capable of shearing  
24 the drill pipe in the hole under maximum  
25 anticipated surface pressures."  
00196:01 As a regulatory advisor for BP, can  
02 you tell me what BP does to ensure compliance of  
03 this part of the regulation?  
04 A. I don't know.  
05 Q. Okay. And if you turn to 250.420 --  
06 A. All right.  
07 Q. 250.420 is: "What well casing and  
08 cementing requirements must I meet?"  
09 In Subpart A, it says:  
10 "Casing and cementing program requirements: Your  
11 casing and cementing programs must, one, properly  
12 control formation pressures and fluids; two,  
13 prevent the direct or indirect release of fluids  
14 from any stratum through the wellbore into the  
15 offshore waters."  
16 Can you tell me, as the regulatory  
17 advisor for BP, what BP does to ensure with  
18 250.420 of the regulations?  
19 A. No, I don't know.