

# Deposition Testimony of:

## **Michael Saucier**

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Page 280:24 to 281:16

00280:24 Q. Okay. Mr. Patton testified that he did  
25 not recall talking to anyone at TransOcean about  
00281:01 the Macondo Well from the middle of 2009 through  
02 April 20th, 2010.  
03 During that time frame, did you speak  
04 with anyone from TransOcean about the Macondo  
05 Well?  
06 A. No.  
07 Q. Mr. Patton also testified during that time  
08 frame TransOcean did not submit any documents to  
09 the MMS regarding the Macondo Well. During that  
10 time frame, are you -- you are not aware of any  
11 Macondo-related documents submitted by TransOcean,  
12 right?  
13 A. I'm not aware of any.  
14 Q. Are you aware -- you are aware that BP  
15 submitted numerous applications to the MMS  
16 regarding the Macondo Well, correct?

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00281:18 A. Yes.  
19 Q. (BY MR. THIBODEAUX) Those applications  
20 were applications for permit to drill,  
21 applications for a permit to modify, applications  
22 for a revised -- revised bypass?  
23 A. Yes.  
24 Q. And in those applications, there are  
25 numerous -- numerous representations that are made  
00282:01 by BP regarding various aspects of the Macondo  
02 Well, correct?

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00282:04 A. Repeat that, please.  
05 Q. (BY MR. THIBODEAUX) Yes. In those  
06 applications, there are numerous representations  
07 made by BP -- by BP regarding various aspects of  
08 the Macondo Well?

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00282:10 A. Correct.  
11 Q. (BY MR. THIBODEAUX) And the MMS relies on  
12 those representations that were made by BP that  
13 are in those applications, correct?  
14 A. We rely on the information submitted,  
15 correct.  
16 Q. The MMS relies on the -- on the veracity  
17 of those representations that were made by BP in  
18 its submissions to the MMS, right?

19 A. Correct.  
20 Q. And the MMS assumes that BP is telling the  
21 truth when it submits applications to the MMS,  
22 correct?

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00282:24 A. Yes.  
25 Q. (BY MR. THIBODEAUX) And it's your  
00283:01 expectation that if BP discovered that something  
02 that it represented to the MMS was not true, that  
03 BP has a duty to correct that statement and tell  
04 MMS the truth, correct?

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00283:06 A. Yes.  
07 Q. (BY MR. THIBODEAUX) Now, if BP does not  
08 correct statements that are inaccurate in its  
09 submissions to the MMS, that would be a regulatory  
10 violation, correct?

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00283:14 A. It could be, yes.  
15 Q. (BY MR. THIBODEAUX) Okay. I want to talk  
16 just briefly about your -- your background. You  
17 testified yesterday, I believe, that you have a  
18 degree in petroleum engineering from LSU, correct?  
19 A. Yes.  
20 Q. And you went immediately into the MMS  
21 straight out of graduation, correct?  
22 A. Correct.  
23 Q. And that was in 1984?  
24 A. Yes.  
25 Q. Since 1984, all of your work with respect  
00284:01 to the MMS has been related to Gulf of Mexico  
02 drilling; is that right?  
03 A. Yes.  
04 Q. Okay. And in that capacity, since 1984,  
05 you have -- your job duties required you to be  
06 familiar with the MMS regulations as they apply to  
07 Gulf of Mexico drilling, correct?  
08 A. Correct.  
09 Q. Okay. I want to talk a little bit about  
10 the safe drilling margin issues that were  
11 discussed yesterday as well. MMS regulations  
12 require a safe drilling margin to be maintained at  
13 all times, correct?

Page 284:15 to 285:17

00284:15 Q. (BY MR. THIBODEAUX) Now, the MMS defines

16 a safe drilling margin to be at least 0.5 ppg,  
17 correct?  
18 A. Yes.  
19 Q. Now, an -- an operator like BP has a  
20 responsibility to notify MMS in its Application  
21 for Permit to Drill of the safe drilling margin  
22 that it intends to use in drilling a hole section,  
23 right?  
24 A. It -- it has to be indicated in there that  
25 they're going to maintain at least a half a pound.  
00285:01 Q. Right. And that's for each hole section  
02 that will be drilled in a well, right?  
03 A. From surface down -- all the way down to  
04 the bottom of the well.  
05 Q. And bottomhole, that would be the total  
06 depth of the well, correct?  
07 A. Correct.  
08 Q. Now, to calculate the safe drilling  
09 margin, an operator is going to start with the  
10 value of a LOT or FIT test at the previous casing  
11 shoe point above the hole interval that's about to  
12 be drilled, right?  
13 A. Correct.  
14 Q. Okay. And that FIT or LOT test at the  
15 previous casing shoe represents the anticipated  
16 fracture gradient that will be seen while drilling  
17 the hole section, co -- correct?

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00285:19 A. Well, if it's -- if it's an FIT, it  
20 wouldn't necessarily be the fracture gradient. It  
21 would be the -- it would be a point that they have  
22 determined that they will use to base the drilling  
23 margin on.  
24 Q. (BY MR. THIBODEAUX) Okay. Okay. And  
25 then an operator -- operator would take the value  
00286:01 of the highest-anticipated mud weight to be used  
02 in drilling the hole section and compare that to  
03 the previous shoes, casing, FIT or LOT test,  
04 right?  
05 A. Yes.  
06 Q. Okay. So, the safe drilling margin is  
07 going to be the difference between the FIT or LOT  
08 value with the previous casing shoe and the  
09 highest mud weight value that it will use in the  
10 open hole below, correct?  
11 A. Correct.  
12 Q. Okay. Now, before drilling a hole  
13 section, BP is required by MMS regulations to  
14 notify MMS of its calculated safe drilling margin,  
15 right?  
16 A. What is shown on -- in -- in the Permit to  
17 Drill.  
18 Q. And they do that by submitting it in the

19 permits to drill, right?  
20 A. Correct.

Page 286:22 to 287:11

00286:22 Q. (BY MR. THIBODEAUX) And before an  
23 operator like BP proceeds with drilling the hole  
24 section, the MMS must approve the BP-submitted  
25 safe drilling margin, right?  
00287:01 MR. KEEGAN: Objection to form.  
02 A. Yes.  
03 Q. (BY MR. THIBODEAUX) Some approved safe  
04 drilling margins could be higher than 0.5 ppg,  
05 right?  
06 A. An operator could show a safe drilling  
07 margin higher than 0.5, but it has to be at least  
08 0.5.  
09 Q. The minimum has to -- the minimum standard  
10 drilling margin -- safety -- safe drilling margin  
11 must be 0.5 ppg, right?

Page 287:13 to 288:02

00287:13 A. On the permit, correct.  
14 Q. (BY MR. THIBODEAUX) Okay. If an operator  
15 like BP cannot maintain a drilling margin of at  
16 least 0.5 ppg, the operator must seek an explicit  
17 dispensation from MMS -- MMS to dip below 0.5 ppg,  
18 right?  
19 A. Correct.  
20 Q. The MMS typically will allow dispensations  
21 down to 0.3 ppg, correct?  
22 A. If sufficient information indicates that  
23 it's safe to do so, correct.  
24 Q. But the MMS does not allow dispensations  
25 down to a 0.3 ppg drilling margin if the hole  
00288:01 interval at issue has hydrocarbon-bearing sands,  
02 correct?

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00288:04 A. An operator can request it, and we would  
05 review it.  
06 Q. (BY MR. THIBODEAUX) The MMS typically  
07 will not grant such exceptions, though, in the  
08 event that it's in a production interval of a  
09 well, correct?  
10 A. It's less likely.

Page 288:12 to 289:04

00288:12 Q. (BY MR. THIBODEAUX) And why is it less  
13 likely -- likely to do that?

14 A. Because of the hydrocarbon interval and  
15 ensuring you can keep it under control.

16 Q. It's more important in a  
17 hydrocarbon-bearing interval to maintain a higher  
18 safe drilling margin, correct?

19 A. You just want to make -- make sure you can  
20 keep the well under control.

21 Q. Now, MMS regulations require that if a  
22 safe drilling margin that's approved by the MMS  
23 cannot be maintained, drilling operations must be  
24 suspended, correct?

25 A. Correct.

00289:01 Q. And if -- and MMS regulations also require  
02 that if a safe drilling margin that's approved by  
03 the MMS cannot be maintained, the operator -- like  
04 BP -- must notify the MMS of that fact, correct?

Page 289:06 to 289:24

00289:06 A. Unless they go ahead and set casing or  
07 plug the well. They can't drill ahead with a  
08 safe -- with -- within that half-a-pound  
09 notification.

10 Q. (BY MR. THIBODEAUX) Okay. Like you just  
11 said, the approved safe drilling margin must be  
12 maintained throughout the drilling of the -- of  
13 the hole interval, correct?

14 A. While drilling, correct.

15 Q. And that would be down to the TD, or total  
16 depth, of that hole interval, correct?

17 A. Yes.

18 Q. Okay. During the drilling of a hole  
19 interval, if losses occur indicating that the  
20 actual fracture gradient is less than the FIT test  
21 at the previous shoe, the operator must still  
22 maintain the approved safe drilling margin between  
23 the mud weight and the actual fracture gradient in  
24 the hole, correct?

Page 290:01 to 290:13

00290:01 A. If the hole indicates the fracture  
02 gradient is different than what you got when you  
03 did your shoe test, the operator should need to --  
04 well, actually needs to refer to regulations to  
05 take into consideration the new information they  
06 have.

07 Q. (BY MR. THIBODEAUX) And so, the safe  
08 drilling margin, assuming it's 0.5 ppg, is not  
09 just going to be set from the FIT or LOT value.  
10 If the -- if the actual hole conditions dictate  
11 that the fracture gradient is less than the FIT or  
12 LOT value, then that 0.5 ppg has to be maintained  
13 from that actual fracture gradient, right?

Page 290:15 to 292:15

00290:15 A. From the new information, yes.  
16 Q. (BY MR. THIBODEAUX) Now, if an operator  
17 like BP does not maintain the 0.5 ppg safe  
18 drilling margin while drilling, that is a  
19 violation of MMS regulations, correct?  
20 A. Correct.  
21 Q. Specifically it's a violation of  
22 CFR 250.427, right?  
23 A. I'd have to look at it to verify it.  
24 Q. Okay.  
25 MR. THIBODEAUX: Well, I've marked as  
00291:01 Exhibit 4750 that CFR.  
02 A. Correct.  
03 Q. (BY MR. THIBODEAUX) So, CFR 250.427 is  
04 the regulation that covers the main -- the  
05 maintaining of a 0.5 ppg safe drilling margin,  
06 right?  
07 A. It requires you to maintain a safe  
08 drilling margin, correct.  
09 Q. And it's specifically a violation of  
10 CFR 250.427(b) if a safe drilling -- safe drilling  
11 margin is not maintained, correct?  
12 A. Correct.  
13 Q. And the ap -- applicable language in the  
14 CFR is: "While drilling, you must maintain a safe  
15 drilling margin identified in the approved APD,"  
16 right?  
17 A. Correct.  
18 Q. And APD is "Application for Permit to  
19 Drill," correct?  
20 A. Yes.  
21 Q. And the following sentence states: "When  
22 you cannot maintain a safe margin, you must  
23 suspend drilling operations and remedy the  
24 situation." Right?  
25 A. Correct.  
00292:01 Q. Okay. Let's take a look at  
02 CFR 250.427(a). The first sentence states: "You  
03 must use the pressure integrity test and related  
04 hole behavior observations, such as pore pressure  
05 test results, gas-cut drilling fluid, and well  
06 kicks, to adjust the drilling fluid program and  
07 the setting depth of the next casing string."  
08 Do you see that?  
09 A. Yes.  
10 Q. If losses are encountered while drilling  
11 and an operator like BP determines that the  
12 fracture gradient in the open hole is less than  
13 the FIT or LOT at the previous shoe, that fracture  
14 gradient is a related hole behavior observation  
15 pursuant to the regulation, correct?

Page 292:17 to 293:04

00292:17 A. Yes.  
18 Q. (BY MR. THIBODEAUX) Mr. Saucier, are you  
19 aware that BP has a team of professionals in  
20 Houston that are geologists, petrophysicists, and  
21 engineers that are -- that are responsible for  
22 ana -- analyzing pore pressure and fracture  
23 gradient information received realtime from a rig?  
24 A. I'm not specifically aware of that.  
25 Q. You are aware that -- that -- that  
00293:01 operators like BP do have PPFG specialists that  
02 are responsible for predicting pore pressure and  
03 fracture gradient levels that will be seen in a  
04 well, correct?

Page 293:06 to 293:10

00293:06 A. Yes.  
07 Q. And it's those predicted levels that are  
08 used to -- to supply the information in the  
09 Applications for Permit to Drill that set the  
10 different safe drilling margins, correct?

Page 293:12 to 293:18

00293:12 A. Yes.  
13 Q. (BY MR. THIBODEAUX) Okay. In BP, that  
14 team is known as the Tiger team. Have you ever  
15 heard of the Tiger team before?  
16 A. Yes.  
17 Q. You have heard of them?  
18 A. I've seen the term.

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00294:02 Pursuant to CFR 250.427 and  
03 specifically the language regarding related hole  
04 behavior observations, the determinations made by  
05 the BP PPFG specialists, like the Tiger team,  
06 regarding actual hole conditions that are being  
07 observed, would fall under the regulation language  
08 "Related Hole Behavior Observations," correct?

Page 294:10 to 294:17

00294:10 A. Yes.  
11 Q. (BY MR. THIBODEAUX) Okay. You're aware  
12 that BP's PPFG specialists like the Tiger team  
13 compile realtime and other data seen as drilling  
14 to determine what the actual fracture gradients  
15 are in the well and then supply that information



16 to the BP drilling engineers to determine the  
17 course of operations, correct?

Page 294:19 to 294:24

00294:19 A. I would suspect that's what they do.  
20 Q. (BY MR. THIBODEAUX) Okay. If the BP PPFG  
21 specialists determine that there were open hole  
22 fracture gradients that were below the previous  
23 used FIT result, MMS regulations would require BP  
24 to provide that information to the MMS, correct?

Page 295:01 to 295:07

00295:01 A. It's -- it would require that BP or  
02 operator would use that new information to base  
03 their drilling margin on.  
04 Q. (BY MR. THIBODEAUX) And if the informa --  
05 if the drilling margin cannot be maintained based  
06 on that new information, you would expect BP to  
07 notify MMS of that fact, correct?

Page 295:09 to 295:12

00295:09 A. Yes.  
10 Q. (BY MR. THIBODEAUX) And if BP failed to  
11 notify MMS of that fact, that would be a  
12 regulatory violation, correct?

Page 295:14 to 295:14

00295:14 A. Yes.

Page 295:20 to 296:01

00295:20 MR. THIBODEAUX: I'm going to mark  
21 this as Exhibit 4751.  
22 (Marked Exhibit No. 4751.)  
23 Q. (BY MR. THIBODEAUX) This is a March 26th,  
24 2009, Application for Permit to Drill a New Well.  
25 You see that?  
00296:01 A. Yes.

Page 296:13 to 298:05

00296:13 Q. (BY MR. THIBODEAUX) I'm sorry. Yeah.  
14 March -- it's -- it's March -- it's May 22nd,  
15 actually.  
16 A. Of 2009?  
17 Q. Right. Sorry.  
18 The approval day listed is May 22nd,  
19 2009, right?

20 A. That's correct.  
 21 Q. And at the bottom, there's a -- there's a  
 22 note that it was electronically generated on  
 23 May 26th, 2009. Do you see that?  
 24 A. Yes.  
 25 Q. Okay. And this is an Application for  
 00297:01 Permit to -- to Drill a New Well that was  
 02 submitted by BP in connection with the Macondo  
 03 Well, right?  
 04 A. Yes.  
 05 Q. Okay. In the top right corner, it shows  
 06 that it was approved by Mr. Frank Patton, correct?  
 07 A. Yes.  
 08 Q. And he's with the MMS, correct?  
 09 A. Yes.  
 10 Q. Okay. I just want to go through the  
 11 application worksheets so we can provide the judge  
 12 and the jury with -- with an idea of -- of how the  
 13 safe drilling margins are set forth in the  
 14 application, okay?  
 15 So if we turn to Page 7 of 8, which  
 16 has a Bates number ending 869 -- 8689, and if we  
 17 start with Interval No. 3 -- and start -- and work  
 18 our way down, the safe drilling margin set forth  
 19 in the application for Interval No. 4 is going to  
 20 be the formation test of 12.3 set forth in  
 21 Interval No. 3 minus the mud weight set forth in  
 22 Interval No. 4 of 11.8, correct?  
 23 A. Yes.  
 24 Q. And that sets forth a .5 ppg safe drilling  
 25 margin, correct?  
 00298:01 A. Yes.  
 02 Q. And that's the type of drilling margin  
 03 that the MMS would be looking at and would approve  
 04 in an Application for Permit to Drill a New Well,  
 05 right?

Page 298:07 to 299:04

00298:07 A. Yes.  
 08 Q. (BY MR. THIBODEAUX) Now, if we go through  
 09 all the other intervals, Interval 5 and  
 10 Interval 6, we'll see that if we take the  
 11 formation test at the previous interval and  
 12 subtract it by the mud weight in the current  
 13 interval, there's going to be a .5 ppg drilling  
 14 margin set forth, correct?  
 15 A. Yes.  
 16 Q. Now, specifically in Interval No. 6, which  
 17 would be the production interval for the Macondo  
 18 Well, we would look at the formation test of 14.7  
 19 in Interval 5 and would subtract that from the mud  
 20 weight of 14.2 in Interval 6, right?  
 21 A. Yes.  
 22 Q. And that's a .5 ppg drilling margin,

23 correct?  
24 A. Yes.  
25 Q. Okay. When MMS approved this Application  
00299:01 for Permit to Drill a New Well on May 22nd, 2009,  
02 it was approving the use of a .5 ppg safe drilling  
03 margin in the Macondo Well for the production  
04 interval, correct?

Page 299:06 to 300:01

00299:06 A. Yes.  
07 Q. (BY MR. THIBODEAUX) Okay. If you don't  
08 mind, please turn to Tab 3 in the binder.  
09 MR. THIBODEAUX: And mark that as  
10 Exhibit 4752.  
11 (Marked Exhibit No. 4752.)  
12 Q. (BY MR. THIBODEAUX) Now, Exhibit 4752 is  
13 an Application for Revised Bypass submitted by BP  
14 regarding the Macondo Well, correct?  
15 A. Yes.  
16 Q. Okay. There's a date stamp at the bottom  
17 that says: "Electronically generated on March 26,  
18 2010."  
19 Do you see that?  
20 A. Yes.  
21 Q. Okay. And this application indicates that  
22 it was approved by the MMS, correct?  
23 A. Yes.  
24 Q. All right. Are you aware that BP drilled  
25 the final production interval in the Macondo Well  
00300:01 in April of 2010?

Page 300:03 to 300:09

00300:03 A. I'm not sure when it -- they actually  
04 started drilling that final interval.  
05 Q. (BY MR. THIBODEAUX) Okay. Now, I want  
06 you to assume, then, for the purposes of this  
07 discussion, that -- that BP did not begin drilling  
08 the production interval until after March 26th,  
09 2010, okay?

Page 300:11 to 300:22

00300:11 A. All right.  
12 Q. (BY MR. THIBODEAUX) Now, we looked  
13 previously at the -- at the May 26th, 2009,  
14 Application for Permit to -- to Drill, and now we  
15 have an Application for Revised Bypass that is  
16 dated March 26th, 20 -- 2010, prior to the  
17 drilling of the final hole section.  
18 If BP was going to change its  
19 approved safe drilling margin from the May 26th,

20 2009, application, this Application for Revised  
21 Bypass would be a document that they could do that  
22 in, correct?

Page 300:24 to 301:09

00300:24 A. They could, yes.  
25 Q. (BY MR. THIBODEAUX) For example, in the  
00301:01 worksheet information set forth on Page 8 of 9 of  
02 Exhibit 4752 in the Interval No. 8 section, there  
03 could be information here that sets forth that the  
04 safe drilling margin will be less than .5 ppg,  
05 correct?  
06 A. They could have requested it.  
07 Q. Okay. If we take a look at Interval  
08 No. 8, that's the final hole section for the  
09 Macondo Well, correct?

Page 301:11 to 303:05

00301:11 A. That's what it seems to be.  
12 Q. (BY MR. THIBODEAUX) Okay. Interval No. 7  
13 would be the hole section prior to that, correct?  
14 A. That's what it seems to be, yes.  
15 Q. Okay. If we take a look at Interval  
16 No. 7, the safe drilling margin that's set forth  
17 in this Application For Revised Bypass is going to  
18 be the formation test at 14.6 at Interval No. 6  
19 minus the mud weight of 13.9 AT Interval No. 7,  
20 right?  
21 A. Repeat the question, please.  
22 Q. Yes. If we're going to look at the safe  
23 drilling margin that's set forth in this  
24 application for Interval No. 7, we'd look at the  
25 formation test at Interval No. 6, the 14.6, and  
00302:01 the mud weight of 13.9 set forth in Interval  
02 No. 7, right?  
03 A. Yes.  
04 Q. Okay. And we get a .7 safe drilling  
05 margin, correct?  
06 A. Yes.  
07 Q. Okay. If we look at the safe drilling  
08 margin set forth for Interval No. 8, we look at  
09 the formation test of 15.0 in Interval No. 7 and  
10 the mud weight of 14.4 in Interval No. 8, right?  
11 A. Yes.  
12 Q. And we get a .6 drilling margin, correct?  
13 A. Yes.  
14 Q. Okay. So those are certainly not requests  
15 to deviate below the .5 ppg safe drilling margin,  
16 right?  
17 A. Correct.  
18 Q. Okay. If you would, within that  
19 application, would you please turn to the Bates

20 number that ends in 1762. It's in the -- it's in  
 21 the "Attachments" section, and it's the  
 22 second-to-last page. Are you familiar with  
 23 pressure profiles like Attachment No. 2?  
 24 A. Yes.  
 25 Q. Okay. If you take a look at this pressure  
 00303:01 profile, we see that there are five lines that are  
 02 graphed by depth and mud weight, right?  
 03 A. Yes.  
 04 Q. Okay. I want to focus in on the final  
 05 hole interval on the Macondo Well --

Page 303:07 to 303:09

00303:07 Q. (BY MR. THIBODEAUX) -- which would be  
 08 indicated as being below the notation for 9 and  
 09 seven-eighths inch. Do you see that?

Page 303:11 to 304:13

00303:11 A. Yes.  
 12 Q. (BY MR. THIBODEAUX) Okay. That says --  
 13 where it says 9 and seven-eighths inch and there's  
 14 a triangle that indicates a casing shoe point,  
 15 correct?  
 16 A. A proposed casing shoe point, yes.  
 17 Q. Okay. Now, the far left line that's  
 18 graphed is an indication of the expected pore  
 19 pressure in that hole interval, correct?  
 20 A. Yes.  
 21 Q. The far right line that's graphed is an  
 22 indication of the expected frac gradient in that  
 23 hole interval, right?  
 24 A. Yes.  
 25 Q. Now, the second line from the left that's  
 00304:01 dashed is an indication of the expected pore  
 02 pressure plus .2 ppg, correct?  
 03 A. Yes.  
 04 Q. And the fourth line from the left that's  
 05 dashed is an indication of the expected frac  
 06 gradient minus .5 ppg, right?  
 07 A. Yes.  
 08 Q. Now, we could -- we could say that the  
 09 area below the 9 and seven-eighths casing shoe  
 10 point and between the frac gradient line and the  
 11 minus .5 frac gradient line represents the safe  
 12 drilling margin area for the final hole interval,  
 13 correct?

Page 304:15 to 304:25

00304:15 A. Yes.  
 16 Q. (BY MR. THIBODEAUX) Now, the third line

17 that's graphed, which is the bolded line,  
18 represents the planned mud weights for the open  
19 hole interval, correct?  
20 A. Yes.  
21 Q. Okay. And this graph represents that in  
22 the final production interval for the Macondo  
23 Well, BP will maintain a mud weight that is at  
24 least .5 ppg less than the fracture gradient in  
25 the hole, correct?

Page 305:02 to 305:02

00305:02 A. Yes.

Page 305:09 to 305:23

00305:09 Q. (BY MR. THIBODEAUX) Yes. The frac  
10 gradient for the final hole interval line, it  
11 increases from the casing shoe point down to the  
12 total depth of the well, right?  
13 A. Yes.  
14 Q. So it's not -- as exhibited on this graph,  
15 the frac gradient is not simply a FIT or LOT point  
16 but an estimation of what the frac gradient will  
17 be as you drill through the well, correct?  
18 A. Yes.  
19 Q. Between March 26th, 2010, when MMS  
20 approved this Application for Bypass, and April  
21 20th, 2010, BP never submitted a revised safe  
22 drilling margin to the MMS for the final  
23 production interval, right?

Page 305:25 to 306:06

00305:25 A. I don't have any information to make a  
00306:01 determination of that.  
02 Q. (BY MR. THIBODEAUX) After March 26th,  
03 2010, BP never sought a waiver from MMS -- MMS  
04 requesting permission to dip below the .5 ppg safe  
05 drilling margin in the Macondo production  
06 interval, right?

Page 306:08 to 307:03

00306:08 A. I don't have any specific information to  
09 know that.  
10 Q. (BY MR. THIBODEAUX) Did Mr. Patton ever  
11 tell you that MMS sought a dispensation for the  
12 production interval?  
13 A. That BP sought?  
14 Q. Correct.  
15 A. He never informed me of anything like  
16 that.

17 Q. Did anyone else at MMS ever inform you of  
18 that?

19 A. No.

20 Q. So, you're not aware that BP sought such a  
21 dispensation, right?

22 A. No.

23 Q. All right. If BP knew that, in the  
24 Macondo production interval, the previous shoe FIT  
25 was not indicative of the true fracture strength  
00307:01 of the formation to be drilled, you would expect  
02 BP to suspend operations and notify MMS of that  
03 fact, right?

Page 307:05 to 307:10

00307:05 A. Yes.

06 Q. (BY MR. THIBODEAUX) If BP knew if the  
07 previous shoe FIT was not indicative of the true  
08 fracture strength of the formation to be drilled,  
09 the failure to provide that information to the MMS  
10 would be a regulatory violation, correct?

Page 307:12 to 308:08

00307:12 A. Yes.

13 Q. (BY MR. THIBODEAUX) Turn to Tab 7 in your  
14 binder, please.

15 MR. THIBODEAUX: I'm going to mark  
16 this as Exhibit 4753.

17 (Marked Exhibit No. 4753.)

18 Q. (BY MR. THIBODEAUX) This is a document  
19 with Bates No. BP-HZN-2179MDL00096724 through  
20 96731.

21 Okay. Mr. Saucier, this is an  
22 Application for Revised Bypass submitted by --  
23 submitted by BP regarding the Macondo Well that  
24 has a date of April 15th, 2010. You see that?

25 A. Yes.

00308:01 Q. Okay. And it indicates that this  
02 application was approved by the MMS, correct?

03 A. Yes.

04 Q. Okay. Please turn to Page 8 of 8 in the  
05 application for the Bates number ending in 96 --  
06 96731. In the "Interval No. 7" section, that's  
07 the final production interval for the Macondo  
08 Well, right?

Page 308:10 to 308:15

00308:10 A. Yes, that's what it seems to be.

11 Q. (BY MR. THIBODEAUX) Okay. If you take a  
12 look in the left-hand column, there's an entry for  
13 "Fracture Gradient" and a parenthetical that says

14 "ppg" and the entry is 16.0. Do you see that?  
15 A. Yes.

Page 308:23 to 309:02

00308:23 Q. (BY MR. THIBODEAUX) Sure. If BP knew in  
24 the Macondo production interval that the fracture  
25 gradient was something less than 16.0 ppg, that  
00309:01 information should be indicated in the box where  
02 it says "Fracture Gradient," correct?

Page 309:04 to 309:13

00309:04 A. Well, the 16 as shown here is -- is not  
05 the shoe, but it's downhole.  
06 Q. (BY MR. THIBODEAUX) The expectation is  
07 that the fracture gradient information that would  
08 be set forth where it says "Fracture Gradient" --  
09 A. Uh-huh.  
10 Q. -- on this application, would it be an  
11 indication of the downhole fracture gradient?  
12 Correct?  
13 A. Yes.

Page 309:15 to 309:17

00309:15 Q. (BY MR. THIBODEAUX) It would be an  
16 indication of the fracture gradient that's  
17 observed while drilling the interval, correct?

Page 309:19 to 310:01

00309:19 A. My interpretation of what this fracture  
20 gradient here is, is an indication of the fracture  
21 gradient at the TD of this interval.  
22 Q. (BY MR. THIBODEAUX) So, if there was a  
23 fracture gradient in the Macondo production  
24 interval that was less than 16.0, you would expect  
25 that information to be indicated where it says  
00310:01 "Fracture Gradient," right?

Page 310:04 to 310:04

00310:04 A. Yes.

Page 310:24 to 311:23

00310:24 MR. THIBODEAUX: I'll mark this as  
25 Exhibit 4754.  
00311:01 (Marked Exhibit No. 4754.)  
02 Q. (BY MR. THIBODEAUX) Okay. This is an  
03 Application For Revised Bypass submitted by BP



04 regarding the Macondo Well, right?  
05 A. Yes.  
06 Q. Okay. And there's an indication that it  
07 was electronically generated on April 15th, 2010.  
08 Do you see that at the bottom?  
09 A. Yes.  
10 Q. And it's -- it was approved by the MMS,  
11 correct?  
12 A. Yes.  
13 Q. Okay. It has a Bates number of  
14 BP-HZN-2179MDL00155415 through 424. If we turn to  
15 Page 9 of 10 with a Bates number ending in 423,  
16 you see there's an addition of an Interval No. 8  
17 section that's in addition from the previous  
18 application we were just looking at.  
19 A. Yes.  
20 Q. Okay. Now, it's your understanding that  
21 this application that we're looking at now was  
22 submitted because Interval No. 8 was omitted from  
23 the previous application, correct?

Page 311:25 to 312:23

00311:25 A. I'm not sure why it was omitted.  
00312:01 Q. (BY MR. THIBODEAUX) Okay. If we look at  
02 the previous application, there's an Interval  
03 No. 7 but there's no Interval No. 8.  
04 A. Okay. I see that.  
05 Q. You see that?  
06 A. Yes.  
07 Q. Okay. Now, if we look at Interval No. 8  
08 in Exhibit 4754, I want to ask you the same  
09 questions about the fracture gradient.  
10 There's an indication in Interval  
11 No. 8 that the fracture gradient with  
12 parenthetical ppg is 16.0. You see that?  
13 A. Repeat, please.  
14 Q. In Interval No. 8, there's an indication  
15 on the left-hand side of a fracture gradient with  
16 a parenthetical of ppg with a value of 16.0. You  
17 see that?  
18 A. Yes.  
19 Q. Okay. Now, if BP knew that the fracture  
20 gradient in the Macondo production interval was a  
21 value different than 16.0 ppg, BP should have  
22 provided that number in the Interval No. 8  
23 section, correct?

Page 312:25 to 313:07

00312:25 A. The -- the way the form is set up, I'm not  
00313:01 familiar enough with it to know that the number  
02 they're supposed to put in there is the frac  
03 gradient all the way to TD or anywhere along that

04 interval. I'm not familiar enough with it to  
 05 know.  
 06 Q. Okay. But it's not supposed to be simply  
 07 the previous shoe FIT or LOT value, right?

Page 313:09 to 313:12

00313:09 A. Correct.  
 10 Q. (BY MR. THIBODEAUX) It's supposed to be a  
 11 downhole frac gradient number as it relates from  
 12 the previous casing shoe, correct?

Page 313:14 to 313:19

00313:14 A. From looking at the form, that's what it  
 15 indicates.  
 16 Q. (BY MR. THIBODEAUX) Now, the failure to  
 17 provide a downhole frac gradient number in the  
 18 section labeled "Frac Gradient" would be a  
 19 violation of MMS regulations, right?

Page 313:21 to 314:05

00313:21 A. The permit may not have been approved if  
 22 one wasn't in here.  
 23 Q. (BY MR. THIBODEAUX) The permit would not  
 24 have been approved if there --  
 25 A. It may not have been approved if he didn't  
 00314:01 have a number filled in here.  
 02 Q. Okay. And the expectation of the MMS is  
 03 that the number filled in there will be an actual  
 04 fracture gradient number from the production  
 05 interval, correct?

Page 314:07 to 314:13

00314:07 A. An estimated number.  
 08 Q. (BY MR. THIBODEAUX) Now, if the MMS knew  
 09 that the fracture gradient number indicated here  
 10 of 16.0 ppg was not a downhole fracture gradient  
 11 but only the FIT or LOT value from the previous  
 12 casing shoe, MMS would not approve the  
 13 application, right?

Page 314:15 to 314:17

00314:15 A. If it matched the FIT or LOT of the  
 16 previous casing, we would question why was the  
 17 same -- why was it the same.

Page 314:20 to 315:13

00314:20 During the drilling of the Macondo  
 21 Well, you never became aware of any issuance of  
 22 noncompliance with respect to any regulatory  
 23 requirement related to TransOcean, right?  
 24 A. I'm not aware of any.  
 25 Q. During the drilling of the Macondo Well,  
 00315:01 no one from the MMS ever reported to you that they  
 02 thought TransOcean was not in compliance with any  
 03 regulatory requirements imposed on it in  
 04 connection with the drilling of the well, right?  
 05 A. Correct.  
 06 Q. During the drilling of the Macondo Well,  
 07 the MMS did not issue any INCs to TransOcean,  
 08 correct?  
 09 A. As far as I know, no.  
 10 Q. Prior to the Macondo blowout, all of the  
 11 BOP testing that was conducted aboard the  
 12 DEEPWATER HORIZON was deemed acceptable by the --  
 13 by the MMS, correct?

Page 315:15 to 315:24

00315:15 A. If we haven't issued any INCs, then that  
 16 would be true.  
 17 Q. (BY MR. THIBODEAUX) And you're not aware  
 18 of any INCs related to BOP testing, correct?  
 19 A. At this point in time, I'm not.  
 20 Q. Okay. Prior to the Macondo blowout, no  
 21 regulatory compliance issues were raised by MMS to  
 22 TransOcean regarding any problems with the  
 23 maintenance of the DEEPWATER HORIZON, right?  
 24 A. As far as I'm aware, no.

Page 316:02 to 316:25

00316:02 Q. Prior to the Macondo Well blowout, no  
 03 regulatory compliance issues were raised by MMS to  
 04 TransOcean regarding any problems regarding the  
 05 TransOcean rig crew, right?  
 06 A. As far as I'm aware, correct.  
 07 Q. Prior to the Macondo blowout, you were  
 08 never informed by anyone from MMS that the  
 09 TransOcean -- that TransOcean or any of its  
 10 employees on the DEEPWATER HORIZON exhibited a  
 11 callous disregard for safety -- for the safety of  
 12 individuals or the environment, right?  
 13 A. Correct.  
 14 Q. You're not aware of any maximum  
 15 anticipated surface pressure calculations or  
 16 predictions that were submitted by TransOcean to  
 17 the MMS regarding the Macondo Well, right?  
 18 A. Correct.  
 19 Q. Prior to the Macondo blowout, the MMS did  
 20 not raise any issues with TransOcean regarding the

21 configuration of the BOP, including the number and  
22 capacity of the annular preventers, blind shear  
23 rams, casing shear ram, or variable bore rams,  
24 right?  
25 A. Correct.

Page 326:07 to 326:17

00326:07 Q. (BY MS. RICHARD) Would you expect an  
08 operator to be forthright in the dealings with the  
09 MMS?  
10 A. Yes.  
11 Q. And would you expect them to provide MMS  
12 with clear, unambiguous information regarding the  
13 information that they're -- they have to provide  
14 to the MMS?  
15 A. Yes.  
16 Q. Okay. I'd like to ask you to look at  
17 Tab 13 in your binder, please.

Page 326:20 to 327:03

00326:20 MS. RICHARD: I'm going to mark this  
21 as Exhibit 4757.  
22 (Marked Exhibit No. 4757.)  
23 Q. (BY MS. RICHARD) Do you have that in your  
24 binder in front of you, Tab 13?  
25 A. Yes.  
00327:01 Q. And would you agree that it's important  
02 for you to get clear information from the operator  
03 provided to the MMS?

Page 327:05 to 328:15

00327:05 A. Yes.  
06 Q. (BY MS. RICHARD) Okay. Have you ever  
07 seen this E-mail before?  
08 A. I don't -- I don't recall seeing this  
09 E-mail.  
10 Q. And you're not copied on any -- on any of  
11 these E-mails in this chain, correct?  
12 A. No, ma'am. Correct.  
13 Q. Do you know who Trent Fleece is?  
14 A. No, I don't.  
15 Q. Do you know who John Shaughnessy is?  
16 A. I've heard the name.  
17 Q. Do you know who either one of those  
18 gentlemen works for?  
19 A. No.  
20 Q. Okay. You -- do you know who at the -- on  
21 the last page, which ends with 5185, do you know  
22 who Scherie Douglas is?  
23 A. Yes, I do.

24 Q. And do you know what her position is with  
25 BP?  
00328:01 A. I don't know if this is the correct title,  
02 but I think she's like a regulatory agent.  
03 Q. Is she someone you've spoken to  
04 personally?  
05 A. Yes.  
06 Q. Is it typical for you to speak with  
07 someone in a regulatory position with an operator  
08 in your position as regional supervisor?  
09 A. Yes.  
10 Q. Okay. The first line of the -- the -- at  
11 the top of the E-mail on the Bates Stamp ending in  
12 5183 references that it's best to be left  
13 ambiguous with the MMS. Does that give you  
14 concern regarding the position of -- of the person  
15 sending this E-mail?

Page 328:17 to 328:22

00328:17 A. Yes.  
18 Q. (BY MS. RICHARD) Does that give you any  
19 concern -- did that give you concern about the  
20 information that you were receiving from the  
21 operator regarding the -- the information  
22 referenced in this E-mail?

Page 328:24 to 328:25

00328:24 A. Yes, it would.  
25 Q. (BY MS. RICHARD) And why would that be?

Page 329:02 to 329:03

00329:02 A. Basically because of the tone of the  
03 E-mail.

Page 329:20 to 330:04

00329:20 Q. I have another question for you about the  
21 BOP information. Do you recall when you gave your  
22 testimony before the MBI, being asked about  
23 whether there was BOP information that was not on  
24 the APD?  
25 A. In front of who?  
00330:01 Q. I don't have this in the binder, but I'd  
02 like to refer you to Page -- I'll put it before  
03 you -- Page 28 of your MBI testimony, starting at  
04 Line 10, just to refresh your recollection.

Page 330:11 to 330:18

00330:11 Q. (BY MS. RICHARD) On Page -- on Page 28 of  
 12 the MBI testimony, you were asked:  
 13 "Does the MMS actually require the  
 14 operator to submit with their application, in  
 15 accordance with the regulations, information on  
 16 how they ensure that the blind shear" -- "blind  
 17 shear ram can actually shear drill pipe?"  
 18 And your answer was "Yes," correct?

Page 330:23 to 331:05

00330:23 A. That's what I responded, correct.  
 24 Q. And you were then asked:  
 25 "Do you know if the operator, BP,  
 00331:01 submitted that within their application for this  
 02 well?"  
 03 Correct?  
 04 A. Yes, ma'am.  
 05 Q. And would you read your answer?

Page 331:12 to 332:01

00331:12 A. "It is my understanding they didn't for  
 13 this well, but it is" -- "but it still doesn't  
 14 remove the requirement that they should have the  
 15 capa" -- "capability."  
 16 Q. (BY MS. RICHARD) And then the next full  
 17 question starting on Line 23:  
 18 "But it is the requirement for the  
 19 regulations to submit that description within  
 20 accordance with the regulations within the APD?"  
 21 And your answer on Line 2, Page 29?  
 22 A. "Yes."  
 23 Q. And so the -- the -- do you -- do you know  
 24 why the APD was approved, even though the operator  
 25 did not provide that information that is required  
 00332:01 by the MMS?

Page 332:03 to 332:14

00332:03 A. It was probably an overlooked item.  
 04 Q. (BY MS. RICHARD) Okay. Do you know if  
 05 the MMS has ever looked into that, as to why that  
 06 was approved without the required information  
 07 being put into that?  
 08 A. Yes.  
 09 Q. And what was that finding?  
 10 A. Mr. Patton didn't realize he was -- he was  
 11 supposed to look for that.  
 12 Q. Was that information found out before  
 13 April 20th of 2010 or after April 20th of 2010?  
 14 A. After.

Page 334:02 to 334:07

00334:02 Q. And are you aware that -- in this  
03 litigation, that BP employee, Greg Walz, has  
04 testified that Halliburton employee Jesse Gagliano  
05 told him before the cement job was run that if BP  
06 used only six centralizers, that it would cause  
07 channeling problems?

Page 334:09 to 334:14

00334:09 A. I have heard something to that effect.  
10 Q. (BY MS. RICHARD) Are you aware that  
11 despite Mr. Gagliano communicating that  
12 information to Mr. Walz, that BP decided to use  
13 6 centralizers instead of 21 centralizers as was  
14 previously planned?

Page 334:16 to 334:20

00334:16 A. Yes.  
17 Q. (BY MS. RICHARD) In those circumstances,  
18 should BP have run a cement bond log and/or one or  
19 more of these other items listed here on  
20 Exhibit 4738 --

Page 334:22 to 334:23

00334:22 Q. (BY MS. RICHARD) -- under your answer  
23 titled 30 CFR 20.248?

Page 334:25 to 335:23

00334:25 A. If there's an indication of an inadequate  
00335:01 cement job, then these are the -- one of the four  
02 items should be -- should be done to attempt to  
03 address the problem.  
04 Q. (BY MS. RICHARD) I want to ask you to  
05 look at another hard copy that we have and I've  
06 also handed out. It's CFR -- 30 CFR 250.421. And  
07 let me ask you if you would look on Page 2 --  
08 starting on Page 2 at the bottom. It talks about  
09 the -- about the casing and "You must use enough  
10 cement to cover or isolate all hydrocarbon-bearing  
11 zones above the shoe."  
12 Going on to Page 3: "At a minimum,  
13 you must cement the annular space at least 500  
14 feet above the casing shoe and 500 feet above the  
15 uppermost hydrocarbon-bearing zone."  
16 Did this regulation apply to the  
17 Macondo Well?  
18 A. Yes.  
19 Q. And what are the chances of an operator

20 getting a waiver from a reg -- this regulation  
 21 requiring the placement of the top of cement 500  
 22 feet above the shallowest hydrocarbon-bearing  
 23 sand?

Page 335:25 to 336:08

00335:25 A. An operator would have to make a point and  
 00336:01 have enough data to indicate there's a good reason  
 02 to get a departure from this.  
 03 Q. (BY MS. RICHARD) Have you ever, in your  
 04 27-year history with MMS, seen an instance where  
 05 a -- an operator has been given a waiver from that  
 06 requirement of placing the top of cement 500 feet  
 07 above the uppermost hydrocarbon-bearing zone?  
 08 A. Not that I can specifically recall.

Page 336:23 to 337:05

00336:23 Q. Okay. I'd ask you if you'd look at Tab 55  
 24 in your binder. Have you -- have you looked at  
 25 that document before -- and I'll tell you that  
 00337:01 that's previously been marked as Exhibit 4032 in  
 02 this litigation.  
 03 A. Yes.  
 04 Q. And you have reviewed that one?  
 05 A. I have seen it.

Page 337:07 to 337:14

00337:07 That was the last APM granted on the  
 08 Macondo Well, correct?  
 09 A. I wouldn't know for sure.  
 10 Q. Okay. The date on it is April 16th, 2010,  
 11 correct?  
 12 A. Yes.  
 13 Q. And would you agree with me that it was a  
 14 request to set an unusually deep cement plug?

Page 337:16 to 337:23

00337:16 A. It was a request to set a cement plug. It  
 17 was basically a request to temporarily  
 18 abandonment.  
 19 Q. (BY MS. RICHARD) And was it a request to  
 20 set the cement plug deeper than normal?  
 21 A. It is a request to set a surface plug  
 22 deeper than the -- what's stated in the  
 23 regulations.

Page 339:22 to 339:23



00339:22 Q. Is that a typical time frame for an APM of  
23 this nature to be approved?

Page 339:25 to 340:17

00339:25 A. I guess there really isn't any  
00340:01 particular typical time frame, but I don't see  
02 there would be any particular issues because Frank  
03 Patton is very aware of what's required.  
04 Q. (BY MS. RICHARD) What -- what kind of  
05 analysis would you expect to go into play in this  
06 type of approval?  
07 A. I haven't done these for so long, it would  
08 be difficult. That's why I rely on our engineers.  
09 Q. Is it typical for your regulators to  
10 approve requests within five or six minutes?  
11 A. Depending on the request.  
12 Q. Are you aware of APM approvals within that  
13 short a time period?  
14 A. It could be when you have -- have been  
15 discussing the issue with an operator and then  
16 they submit it and everything he's discussed is in  
17 the permit. It could be that request.

Page 344:19 to 345:01

00344:19 Q. Okay. Tab 58 has previously been marked  
20 in this proceeding as Exhibit 4060.  
21 And who -- who is Greg Walz?  
22 A. He's a regulatory agent, from what I  
23 understand, with BP.  
24 Q. And on Bates No. 128995, he refers to an  
25 MMS-mandated plug and abandon, or P&A, of the Nile  
00345:01 Well by July 2nd.

Page 345:09 to 345:11

00345:09 What is the normal consequence by the  
10 MMS if an operator does not finish a P&A by the  
11 mandated P -- P&A date?

Page 345:13 to 345:22

00345:13 A. Typically, the only time there is a  
14 mandated P&A date is when the lease expires and  
15 you have a year to abandon your wells on the  
16 lease. I'm not sure that's the case here, but  
17 it's -- from what I'm seeing, is that there is a  
18 lease in -- that is being held by Operations; and  
19 they are on 180-day clock, which means they have  
20 to do some type of operation to attempt to put the  
21 lease on production or drill a well to hold the  
22 lease.

Page 346:01 to 346:17

00346:01 A. The P&A operation wouldn't be an operation  
02 that would hold the lease. I don't think the July  
03 2nd date has anything to do with the 180-day  
04 clock.  
05 Q. (BY MS. RICHARD) Do you know what the  
06 "MMS deadline - The Nile Well has to be P&A'd by  
07 July 2, 2010," is referring to?  
08 A. I'm not familiar with it.  
09 Q. Okay. And where the Kaskida Well -- if  
10 you see at the top where it says they're "getting  
11 the Kaskida IFT spud prior to May 16" --  
12 A. Right.  
13 Q. -- do you have -- are you familiar with  
14 the -- any deadline regarding getting the Kaskida  
15 spud by May 16th?  
16 A. That seems to be the date the lease may  
17 expire.

Page 349:10 to 349:17

00349:10 MS. RICHARD: This is going to be  
11 marked as Exhibit 4760.  
12 (Marked Exhibit No. 4760.)  
13 Q. (BY MS. RICHARD) Have you had a minute to  
14 review that?  
15 A. (No response.)  
16 Q. Have you had a chance to look at it now?  
17 A. Yes, ma'am.

Page 349:24 to 350:12

00349:24 A. Repeat the question, please.  
25 Q. Do you recall that after the April 20th,  
00350:01 2010, incident, the MMS observed a digital BOP  
02 test on another rig that's reflected in this  
03 E-mail chain that's before you?  
04 A. Observed an attempt at it, right.  
05 Q. Okay. An attempt at it?  
06 A. Yes, ma'am.  
07 Q. And were there some problems with the  
08 digital BOP testing?  
09 A. Yes, ma'am.  
10 Q. Do you believe, based on this test --  
11 testing that -- or this attempt at testing, that  
12 digital BOP tests are sound technology?

Page 350:14 to 350:17

00350:14 A. Well, from what I know, they can be  
15 conducted properly; but in this situation here, I

16 would -- the sea conditions, apparently there were  
17 issues.

Page 350:20 to 350:23

00350:20 Is it possible that sea con --  
21 conditions, then, can affect the accuracy of  
22 digital BOP tests?  
23 A. It seems to be the case.

Page 351:04 to 352:06

00351:04 Q. (BY MS. RICHARD) If you'll look at the  
05 Bates Stamp No. 9737.  
06 Let me ask you a question to preface  
07 before: You -- you were, in 2008, part of a  
08 meeting where BP introduced MMS to the digital BOP  
09 technology, correct?  
10 Let me -- let me -- you're looking  
11 kind of puzzled. So, let me refer you to Tab 7 in  
12 the binder.  
13 MS. RICHARD: It's being marked as  
14 Exhibit 4762.  
15 (Marked Exhibit No. 4762.)  
16 A. That's what it indicates.  
17 Q. (BY MS. RICHARD) Okay. So, they were  
18 just -- do you recall that -- that -- that  
19 meeting?  
20 A. Faintly, yes.  
21 Q. And was that meeting introducing the  
22 technology that we just talked about in Tab 81?  
23 A. That technology had been reviewed by some  
24 of our personnel for a long time and deemed that  
25 it would be acceptable; and if I recall correctly,  
00352:01 this meeting was to show how the technology was  
02 going to be used offshore.  
03 Q. Going back to Tab 10 and to the Bates  
04 number ending in 9737, do you agree with BP's  
05 characterization that digital testing is more  
06 efficient and accurate?

Page 352:08 to 352:14

00352:08 A. I don't have enough information to make  
09 that call.  
10 Q. (BY MS. RICHARD) Based on the experience  
11 you had reflected in Tab 81, would you agree  
12 that -- that digital testing is more efficient and  
13 accurate after what you saw, the digital  
14 instruments, the attempted testing?

Page 352:16 to 352:20

00352:16           A. That first test, you attempt to do is to  
17 get a baseline to compare it with the conventional  
18 chart testing; and in this case, we weren't able  
19 to get a baseline. So, that's why it wasn't -- we  
20 didn't go forward with the digital test.

Page 362:04 to 362:12

00362:04           Q. You're aware that Anadarko was a co-lessee  
05 of the Macondo Well; is that correct?  
06           A. Yes.  
07           Q. And you're aware that BP was the operator  
08 of that well, right?  
09           A. Yes.  
10           Q. And, conversely, that Anadarko was not the  
11 operator of the well, right?  
12           A. Yes.

Page 362:20 to 364:05

00362:20           Q. Have you ever seen any exploration plans  
21 submitted by Anadarko with respect to the Macondo  
22 Well?  
23           A. I haven't seen one.  
24           Q. Have you ever seen any APDs or APMs or  
25 weekly activity reports that Anadarko submitted in  
00363:01 connection with the Macondo Well?  
02           A. No.  
03           Q. Did any MMS employee ever tell you that  
04 they had received information of any kind from  
05 Anadarko relating to the design or drilling or  
06 temporary abandonment of the Macondo Well?  
07           A. From Anadarko, no.  
08           Q. Under MMS regulations, is a non-operating  
09 leaseholder responsible for submitting APDs and  
10 APRs -- I'm sorry, excuse me -- and APMs and  
11 weekly reports to MMS?  
12           A. No.  
13           Q. And based on your over 25 years of  
14 experience with MMS, is it standard practice that  
15 a non-operating leaseholder has no involvement in  
16 submitting APMs and APDs and weekly reports to  
17 MMS?  
18           A. Correct.  
19           Q. And is it fair to say that MMS doesn't  
20 require the non-operator to submit anything in  
21 connection with the design, the drilling, and the  
22 temporary abandonment of a well because it doesn't  
23 view those procedures as the non-operating  
24 leaseholder's responsibility? Is that correct?  
25           A. Correct.  
00364:01           Q. Did you ever personally go to the  
02 DEEPWATER HORIZON rig at the MC 252 site?  
03           A. Prior to April 20th?

04 Q. Prior to April 20th, yes.  
 05 A. No.

Page 366:15 to 366:18

00366:15 In requesting a departure from a  
 16 preapproved drilling plan, does that request also  
 17 ever constitute a request for some type of  
 18 deviation or exemption from an MMS regulation?

Page 366:20 to 368:06

00366:20 A. Yes.  
 21 Q. (BY MR. SAUNDERS) And does MMS have  
 22 authority to grant approval to departures from the  
 23 requirements of the CFR?  
 24 A. Yes.  
 25 Q. Is that a fairly common occurrence, or  
 00367:01 would you describe that as -- as rare?  
 02 A. It's not very common.  
 03 Q. And who has authority within MMS to grant  
 04 approval for departures from the MMS regulations?  
 05 Would that be the same breakdown that you gave  
 06 previously, depending on the nature of the  
 07 request?  
 08 A. Yes. Depending on the nature of the  
 09 request. Those personnel and above, yeah.  
 10 Q. Does that require any higher level of  
 11 approval within MMS if the request for departure  
 12 also constitutes a request for deviation from the  
 13 MMS regulations?  
 14 A. It can be given at the GS 13 drilling,  
 15 workover, production engineer level if it's for  
 16 one -- an area that they oversee.  
 17 Q. Okay. What are Weekly Activity Reports?  
 18 A. It's reports that summarizes the previous  
 19 week's activity for an operation being conducted  
 20 as approved by MMS.  
 21 Q. Are those prepared by the operator?  
 22 A. They're submitted by the operator.  
 23 Q. And we already talked, I think, through  
 24 some previous questioning. You mentioned that MMS  
 25 relies on the accuracy of representations that are  
 00368:01 made in APDs and APRs.  
 02 Is it also the case that -- excuse  
 03 me, APMs. I've got to get my acronyms straight.  
 04 Is it also the case that MMS relies  
 05 on the accuracy of representations made in the  
 06 Weekly Activity Reports submitted by the operator?

Page 368:08 to 368:12

00368:08 A. Yes.

09 Q. (BY MR. SAUNDERS) In fact, Weekly  
10 Activity Reports are the primary way in which MMS  
11 keeps informed about what's going on with active  
12 projects; is that correct?

Page 368:14 to 368:18

00368:14 A. Yes.  
15 Q. (BY MR. SAUNDERS) And they're the  
16 principal way for MMS to determine whether there's  
17 something wrong or something unsafe on an active  
18 project, correct?

Page 368:20 to 369:09

00368:20 A. That had -- had occurred, correct.  
21 Q. (BY MR. SAUNDERS) Right. And if  
22 something doesn't look right in a Weekly Activity  
23 Report, MMS will typically follow up on that to  
24 make sure that everything has been set right and  
25 is safe; is that fair?  
00369:01 A. Yes.  
02 Q. And again, it's the operator who's  
03 responsible for submitting those reports, not the  
04 non-operating party, correct?  
05 A. Correct.  
06 Q. If the operator finds out that the  
07 information in a Weekly Activity Report is  
08 incorrect, does MMS expect the operator to correct  
09 that and provide accurate information?

Page 369:11 to 369:17

00369:11 A. Yes.  
12 Q. (BY MR. SAUNDERS) And would the same be  
13 true with respect to APRs and APMs -- excuse me,  
14 APDs and APMs? If the operator finds out that  
15 information in those submissions is incorrect,  
16 does MMS expect that operator to correct that and  
17 give accurate information?

Page 369:19 to 369:25

00369:19 A. Yes.  
20 Q. (BY MR. SAUNDERS) Let me ask you to turn,  
21 please, to Tab 37 in your binder. I think this is  
22 actually another copy of a document that was  
23 earlier today marked by Halliburton. But because  
24 it has different Bates numbers, we'll go ahead and  
25 mark it again as Exhibit 4765.

Page 370:11 to 370:20

00370:11 Q. (BY MR. SAUNDERS) Have you seen this  
12 before today or before you saw it earlier in your  
13 deposition today?  
14 A. No.  
15 Q. This appears to be a BP-prepared  
16 PowerPoint presentation from August 2009 titled  
17 "MMS Requirements Overview, Wellsite Leaders."  
18 And it has the name "Scherie Douglas."  
19 You know who Scherie Douglas is,  
20 correct?

Page 370:22 to 371:17

00370:22 A. Yes.  
23 Q. (BY MR. SAUNDERS) That's a BP employee  
24 involved in regulation -- regulatory?  
25 A. Yes.  
00371:01 Q. Can you turn to the page that ends with  
02 Bates No. 154, please.  
03 This states, with respect to Section  
04 250.401, that: "Operators must take necessary  
05 precautions to keep wells under control at all  
06 times."  
07 And "operators" in the case of this  
08 well that we're talking about would refer to BP,  
09 correct?  
10 A. Correct.  
11 Q. And that: Operators must further "Use the  
12 best available and safest drilling technology to  
13 monitor and evaluate well conditions and to  
14 minimize the potential for the well to flow or  
15 kick."  
16 Under the regs, under 250.401, is  
17 that the operator's responsibility to do that?

Page 371:19 to 372:01

00371:19 A. That's what it states.  
20 Q. (BY MR. SAUNDERS) Now, if you could turn  
21 back, please, to -- in this same exhibit, the page  
22 ending with 138. Under "Incidents that require  
23 immediate oral notification to MMS," this BP  
24 PowerPoint lists: "Loss of well control (except  
25 shallow water flows)."  
00372:01 Do you see that?

Page 372:03 to 372:06

00372:03 A. Yes.  
04 Q. (BY MR. SAUNDERS) And is that accurate,  
05 that loss of well control requires immediate oral  
06 notification to MMS?

Page 372:08 to 372:13

00372:08 A. In the context that -- of a blowout. Not  
 09 just sustaining a kick, but in a blowout  
 10 perspective.  
 11 Q. (BY MR. SAUNDERS) Okay. So loss of well  
 12 control there refers to a blowout rather than a  
 13 kick; is that right?

Page 372:15 to 372:21

00372:15 A. Yes.  
 16 Q. (BY MR. SAUNDERS) Okay. Let me ask more  
 17 correctly.  
 18 The MMS regulations, as you  
 19 understand them, require immediate not -- oral  
 20 notification in the case of a blowout, not of a  
 21 kick; is that correct?

Page 372:23 to 373:06

00372:23 A. Let me clarify on that. If it's a  
 24 situation -- if you get a kick and you bring it  
 25 right back under control, we don't necessarily  
 00373:01 expect notification. But if they have problems  
 02 with it, we should be notified.  
 03 Q. (BY MR. SAUNDERS) If there is a kick, do  
 04 you expect that to be included by the operator in  
 05 the Weekly Activity Report?  
 06 A. Yes.

Page 373:08 to 373:14

00373:08 The Weekly Activity Report has a  
 09 section for significant events narrative; is that  
 10 correct?  
 11 A. I'm not that familiar with it.  
 12 Q. Okay. Would you consider a kick a  
 13 significant event -- or to be reported as a  
 14 significant event in a Weekly Activity Report?

Page 373:16 to 373:25

00373:16 A. I would.  
 17 Q. (BY MR. SAUNDERS) Now, BP's counsel,  
 18 Mr. Keegan, I think, had you agree with him  
 19 yesterday that it's not a surprise or an anomaly  
 20 when a kick occurs on an exploration well. Do you  
 21 recall that?  
 22 A. Yes.  
 23 Q. That doesn't mean that an operator isn't  
 24 required to give MMS notification that a kick has



25 occurred, correct?

Page 374:02 to 374:19

00374:02 A. Correct.  
03 Q. (BY MR. SAUNDERS) By the way, you  
04 testified yesterday that if you had indications  
05 that your formation strength is different from  
06 what you're using as a standard to calculate your  
07 drilling margin, you suspect that that would be  
08 documented in the IADC report. Do you recall that  
09 testimony?  
10 A. Yes.  
11 Q. Would you expect that that would also be  
12 included by the operator in a Weekly Activity  
13 Report?  
14 A. Yes.  
15 Q. Let me ask you to please turn to Tab 40.  
16 And this has been previously marked as  
17 Exhibit 1443. This appears to be a BP Daily  
18 Operations Report for March 10th, 2010; is that  
19 correct?

Page 374:21 to 375:18

00374:21 A. Yes.  
22 Q. (BY MR. SAUNDERS) Okay. Could you turn  
23 to the fourth page of this document, please.  
24 About two-thirds of the way down, there's a  
25 section, "Remarks." And under that, No. 8 states:  
00375:01 "Pilot leak on BOPs on yellow pod at one GPM.  
02 Switched to blue" -- "blue pod and leak slowed."  
03 The MMS regulations and specifically  
04 30 CFR 250 --  
05 A. Wait. I don't see that. What page are  
06 you referring to?  
07 Q. This is on Page 4 of 6. It has the Bates  
08 number that ends 767.  
09 A. Okay.  
10 Q. Do you see the Remark No. 8 regarding the  
11 pilot leak on the yellow pod?  
12 A. Yes.  
13 Q. Now, the MMS regs require that if an  
14 operator encounters a BOP pod that does not  
15 function properly or does not hold required  
16 pressure during a test, it must suspend further  
17 drilling operations until that pod is operable,  
18 correct?

Page 375:20 to 375:24

00375:20 A. Correct.  
21 Q. (BY MR. SAUNDERS) If an operator becomes

22 aware of a leak in the hydraulic system for a pod,  
23 is that something that should be reported in a  
24 Weekly Activity Report?

Page 376:01 to 376:18

00376:01 A. Yes.  
02 Q. (BY MR. SAUNDERS) Could you please turn  
03 to Tab 1, which I'll mark as Exhibit 4766.  
04 (Marked Exhibit No. 4766.)  
05 Q. (BY MR. SAUNDERS) And it printed out a  
06 little oddly, but do you recognize this as a  
07 Weekly Activity Report form?  
08 A. Actually, I don't review Weekly Activity  
09 Reports. So, no, I don't.  
10 Q. Okay. If you look on the top right, it  
11 says "WAR End Date," and that's Weekly Activity  
12 Report, correct?  
13 A. Yes.  
14 Q. And that's March 13th, 2010. And so that  
15 start date is March 7th, 2010. So that would  
16 include the pilot leak on the BOP that we just  
17 looked at on the Daily Operations Report for  
18 March 10th, correct?

Page 376:20 to 377:03

00376:20 A. Where is that again, that the pilot  
21 leaked?  
22 Q. (BY MR. SAUNDERS) That was back at Tab  
23 40.  
24 A. Yes, it's in that time frame.  
25 Q. And is there anything on this report for  
00377:01 March 7th through March 13th that would inform MMS  
02 that BP had encountered a leak on the BOP yellow  
03 pod?

Page 377:05 to 378:08

00377:05 A. No.  
06 Q. (BY MR. SAUNDERS) Could you please turn  
07 to Tab 47, which has previously been marked as  
08 Exhibit 570. I believe you looked at this earlier  
09 in the deposition.  
10 This is the Application for Permit to  
11 Modify submitted and approved by Frank Patton on  
12 April 16th, 2010, correct?  
13 A. Yes.  
14 Q. And this is a -- a permit regarding  
15 temporary abandonment of the Macondo Well,  
16 correct?  
17 A. Yes.  
18 Q. Could you please turn to the third page of

19 this document that begins "Temporary Abandonment  
 20 Procedure"?  
 21 A. (Witness Complies.)  
 22 Q. And let me point you to Steps No. 1 and  
 23 No. 3 under "Temporary Abandonment Procedure,"  
 24 No. 1 being: "Negative test casing to seawater  
 25 gradient equivalent for 30 minutes with kill  
 00378:01 line"; and then No. 3: "Displaced to seawater,  
 02 monitor well for 30 minutes."  
 03 Do you understand that procedure as  
 04 set forth in this Application for Permit to Modify  
 05 to be first displacing to seawater at the mud  
 06 line, then displacing -- I'm sorry, then doing a  
 07 test and doing a second test after full  
 08 displacement?

Page 378:10 to 379:02

00378:10 A. Yes.  
 11 Q. (BY MR. SAUNDERS) And that's the  
 12 procedure that MMS approved -- correct? -- that  
 13 Frank Patton approved?  
 14 A. Yes.  
 15 Q. You can keep your finger in there and turn  
 16 to the next tab, please, which is Tab 48  
 17 previously marked as Exhibit 793. And this is an  
 18 E-mail from Brian Morel to Cynthia Holik dated  
 19 April 26, 2010, that says: "Here is the negative  
 20 test procedure"; and it attaches an E-mail from  
 21 Mr. Morel from April 20th, 2010.  
 22 Let me direct your attention to the  
 23 procedure as set forth on that E-mail starting  
 24 with No. 3: "Displace to seawater, from there to  
 25 above the wellhead"; No. 4: "With seawater in the  
 00379:01 kill, close annular and do a negative test"; 5:  
 02 "Open annular and continue displacement."

Page 379:04 to 379:18

00379:04 Q. (BY MR. SAUNDERS) This is a different  
 05 procedure from the one that was approved in  
 06 Exhibit 570, correct?  
 07 A. It describes the first part of the  
 08 procedure --  
 09 Q. But it doesn't include --  
 10 A. -- as approved for No. 1.  
 11 Q. I'm sorry?  
 12 A. It describes what they're going to do for  
 13 No. 1 in the procedure.  
 14 Q. And it doesn't -- it includes a single  
 15 test during displacement, midway through  
 16 displacement, as opposed to a test before  
 17 displacement and a test after displacement; is  
 18 that correct?

Page 379:20 to 380:03

00379:20 A. That's doing a negative test with seawater  
21 at the wellhead. What I'm seeing here, they're  
22 doing a negative test at the wellhead and then  
23 opening the annular and continuing displacement,  
24 which I'm assuming is the displacing seawater, and  
25 then set a cement plug.

00380:01 Q. So, they're doing a single test, according  
02 to this Exhibit 793, midway through the  
03 displacement; is that correct?

Page 380:05 to 380:12

00380:05 Q. (BY MR. SAUNDERS) Displaced, test and  
06 then continue displacement; is that right?

07 A. Displaced the well test and then continued  
08 displacement, correct.

09 Q. And the procedure outlined in the  
10 submission to MMS, as we discussed a few moments  
11 ago, includes a test, then full displacement, and  
12 then another test; is that correct?

Page 380:14 to 380:24

00380:14 A. Yes.

15 Q. (BY MR. SAUNDERS) So, this procedure that  
16 we're looking at in 793 with a single test midway  
17 through displacement is different from the  
18 procedure approved by Mr. Patton in Exhibit 570;  
19 is that correct?

20 A. From what I'm seeing, they're only doing  
21 that first test.

22 Q. And to do one test, to do only the first  
23 test takes less time than the procedure submitted  
24 to Mr. Patton that he approved; is that correct?

Page 381:01 to 381:06

00381:01 A. Yes.

02 Q. (BY MR. SAUNDERS) After BP had submitted  
03 its temporary abandonment procedure to Mr. Patton  
04 and gotten it approved, did BP ever tell MMS that  
05 it had decided to change the procedure from what  
06 was described in that submission?

Page 381:08 to 381:12

00381:08 A. I don't know they did.

09 Q. (BY MR. SAUNDERS) Is this the sort of  
10 change to a previously approved plan that the

11 operator is expected to notify MMS about before  
12 proceeding?

Page 381:14 to 381:17

00381:14 A. Any -- any change to the approved plan,  
15 MMS should be notified.  
16 Q. (BY MR. SAUNDERS) And this is a change to  
17 the approved plan, correct?

Page 381:19 to 381:19

00381:19 A. From what I'm seeing, yes.

Page 383:01 to 383:22

00383:01 Q. You testified a bit yesterday about  
02 Subpart O of the MMS regulations. Let me just  
03 follow up on that briefly.  
04 Subpart O requires an operator such  
05 as BP to have procedures for evaluating the  
06 training programs of their contractors; is that  
07 correct?  
08 A. From what I recall, yes.  
09 Q. And for verifying that those contractors  
10 have effective training programs for well control  
11 and production safety operations, correct?  
12 A. I'm not intimately involved in it exactly,  
13 so -- everything of Subpart O, so...  
14 Q. Well, I believe in your testimony before  
15 the Marine Board, you did testify that the  
16 operator was responsible for ensuring that people  
17 involved in drilling operations are qualified.  
18 Is that an accurate statement?  
19 A. Yes.  
20 Q. Your testimony in that regard was  
21 accurate?  
22 A. Yes.

Page 384:07 to 384:11

00384:07 Q. (BY MR. SAUNDERS) Sure. I believe you  
08 testified in your Marine Board testimony that the  
09 operator, under Subpart O, determines what  
10 training is needed for each person to perform  
11 their specific duty.

Page 384:13 to 384:14

00384:13 Q. (BY MR. SAUNDERS) Would that testimony be  
14 accurate?

Page 384:16 to 384:23

00384:16 A. I would say, in conjunction with the  
17 contractor, they determine what's needed.  
18 Q. (BY MR. SAUNDERS) Okay. And ultimately,  
19 under Subpart O, it's the operator's  
20 responsibility to determine whether the  
21 contractor's training complies with Subpart O; is  
22 that right?  
23 A. With their Subpart O planning, correct.

Page 388:25 to 389:11

00388:25 On Tab 48, Exhibit 793, when I was  
00389:01 looking at the procedure, I made the statement  
02 that this was actually the first test in the  
03 approved MMS procedure; but after looking at the  
04 procedure again, it's actually -- they performed  
05 the second test and not the first test.  
06 Q. Okay. But it's still --  
07 A. Or proposed to perform.  
08 Q. It's still a variance from the procedure  
09 that was proposed and approved by Mr. Patton; is  
10 that correct?  
11 A. Yes.

Page 391:14 to 391:18

00391:14 Q. Prior to the capping stack being placed,  
15 did anyone voice concerns to you that pressure in  
16 the sealed well could burst the rupture disks in  
17 the casing and lead to a subsurface blowout?  
18 A. Yes.

Page 391:20 to 392:05

00391:20 Q. (BY MR. SAUNDERS) Did MMS share those  
21 concerns?  
22 A. Yes.  
23 Q. Who expressed that to you? Who expressed  
24 those concerns to you?  
25 A. With -- with MMS?  
00392:01 Q. No. Within or outside MMS.  
02 A. It was discussed between MMS and BP.  
03 Q. And did MMS view the possibility of a  
04 subsurface blowout as a significant risk?  
05 A. Yes.

Page 406:14 to 407:08

00406:14 THE VIDEOGRAPHER: We're off the  
15 record. It is 12:21 p.m.  
16 (Break from 12:21 p.m. to 12:25 p.m.)

17 THE VIDEOGRAPHER: We are back on the  
18 record. It is 12:25 p.m., and this is the  
19 beginning of Tape 11.

20 FURTHER EXAMINATION

21 BY MR. LEGER:

22 Q. Mr. Saucier, we spoke a little bit  
23 yesterday. I'm -- I'm going to ask you a few more  
24 questions to try to clarify a few things --

25 A. Okay.

00407:01 Q. -- if that's all right with you, and  
02 we'll -- we'll get through this, and we'll be  
03 done.

04 In the context of post explosion, you  
05 were actually, obviously, on the scene -- not on  
06 the scene, but engaged in the -- the recovery  
07 operation, correct?

08 A. We were monitoring the -- the well and

Page 412:08 to 412:10

00412:08 Q. In fact, in your experience, BP was the  
09 company that you dealt with in response to this  
10 environmental disaster, correct?

Page 412:12 to 413:01

00412:12 A. Yes.

13 Q. (BY MR. LEGER) In fact, in the context of  
14 the Application for Permits to Drill, those came  
15 from BP, correct?

16 A. Yes.

17 Q. The Macondo Well was BP's well, correct?

18 A. That operated the well, yes.

19 Q. TransOcean and other companies provided  
20 personnel that did certain functions on the rig;  
21 is that correct?

22 A. Yes.

23 Q. BP provided the people back on the land  
24 that made the critical decisions in the context of  
25 how that well was drilled, when it was drilled,  
00413:01 when it was stopped, and otherwise, correct?

Page 413:03 to 414:04

00413:03 A. Yes.

04 Q. (BY MR. LEGER) In fact, the Application  
05 for Permit to Drill was made to your agency by the  
06 lessee and the operator BP, correct?

07 A. Yes.

08 Q. And we've talked about several revisions  
09 that were made, modifications, and even an  
10 application for a revision in the context of a  
11 well after a stuck pipe. That was done by BP to

12 your office, correct?  
13 A. Yes.  
14 Q. And your communications were to BP,  
15 correct? With -- with -- with BP, right?  
16 A. MMS's communications, yes.  
17 Q. Now, BP, as a matter of fact, they have --  
18 they were involved -- they purchased the lease,  
19 correct? Not any other company? And they may  
20 have partners, but they -- it was their lease. It  
21 wasn't TransOcean's lease, right?  
22 A. They were one of the lessees of the lease,  
23 correct.  
24 Q. Okay. And this was B -- BP's well,  
25 Macondo, right?  
00414:01 A. They were the designated operator for the  
02 well, yes.  
03 Q. And this was their project, right?  
04 A. Yes.

Page 414:08 to 414:14

00414:08 A. In conjunction with the other lessees,  
09 yes.  
10 Q. They designed the well, didn't they? BP  
11 did, right?  
12 A. As far as I know.  
13 Q. They provided -- they have en -- they have  
14 engineers that worked on this well, correct?

Page 414:16 to 414:19

00414:16 A. Yes.  
17 Q. (BY MR. LEGER) You -- you know that they  
18 had engineers working on this well, right?  
19 A. Yes.

Page 415:01 to 415:12

00415:01 Q. (BY MR. LEGER) Now, you know -- for  
02 example, in Exhibit 4000 we looked at extensively  
03 yesterday, there -- there is a name of a BP  
04 person, Scherie Douglas, correct?  
05 A. Yes.  
06 Q. She's in Regulatory at BP, right?  
07 A. Yes.  
08 Q. Now, in -- BP has -- you know that BP has  
09 geophysicists back in Houston, right?  
10 A. Yes.  
11 Q. That work on this -- that worked on the  
12 Macondo Well, right?

Page 415:14 to 415:17



00415:14 A. Correct.  
15 Q. (BY MR. LEGER) You know that they have  
16 geologists, correct?  
17 A. Yes.

Page 415:21 to 416:20

00415:21 Q. You know that they have scientists and  
22 engineers in Houston that work on this well,  
23 right?  
24 A. Yes.  
25 Q. You -- you're aware of the fact that in  
00416:01 the context of this well and this day and age,  
02 the -- there was realtime data that was sent back  
03 to BP personnel in -- in their offices in Houston,  
04 correct?  
05 A. Yes.  
06 Q. So that they were in a position to  
07 monitor -- have you seen those, the T.V. monitors  
08 of that realtime data coming in from offshore?  
09 A. Not specific for this well, but I have  
10 seen what it does -- systems.  
11 Q. You've seen the systems at BP, right?  
12 A. I couldn't say for sure.  
13 Q. Okay. But -- or at oil companies, in  
14 general, right?  
15 A. Yes.  
16 Q. At operators' -- at lessees' offices,  
17 correct?  
18 A. Yes.  
19 Q. Very common these days, right?  
20 A. Yes.

Page 417:10 to 417:22

00417:10 Q. (BY MR. LEGER) You don't know -- drillers  
11 and tool pushers and assistant tool pushers and  
12 derrickhands like the type the MMS might test are  
13 not required to have engineering degrees, correct?  
14 A. Correct.  
15 Q. In fact, while MMS may test those people,  
16 MMS does not test the drilling engineers back in  
17 the offices at Houston, correct?  
18 A. Correct.  
19 Q. MMS doesn't test the -- the geophysicists  
20 or the geologists or the operations engineers back  
21 in the air conditioned offices in Houston, do  
22 they?

Page 417:24 to 418:04

00417:24 A. No.  
25 Q. (BY MR. LEGER) But those are the people

00418:01 back in Houston that make the critical decisions  
 02 in terms -- in the context of the -- of drilling  
 03 and in the context of mud weights, fracture  
 04 gradients, pore pressure, when to stop, when to

Page 418:07 to 418:19

00418:07 A. In conjunction with the people offshore.  
 08 Q. (BY MR. LEGER) And on the rig, the person  
 09 in charge is what we used to call the company man,  
 10 right?  
 11 A. Correct.  
 12 Q. They now call them the well site leader,  
 13 correct?  
 14 A. That's what they're referred to by some  
 15 companies.  
 16 Q. And there's a guy back in Houston who --  
 17 who is called a wells team leader, correct? Or do  
 18 you know about that, that term?  
 19 A. I've seen the term.

Page 418:25 to 419:14

00418:25 Q. (BY MR. LEGER) The well team leader is  
 00419:01 the guy on the land who the well site leader, as  
 02 the company man on the rig, report to, correct?  
 03 A. That's my understanding.  
 04 Q. Now, you also were involved in -- or at  
 05 least there was tes -- there was some testimony  
 06 about BP's oil spill response plan; is that  
 07 correct?  
 08 A. Yes.  
 09 Q. That's a plan that was provided to MMS and  
 10 reviewed by MMS, correct?  
 11 A. Yes.  
 12 Q. Did -- did MMS have the opportunity to  
 13 review the Well Control Response Guide prepared by  
 14 BP in connection with the Macondo Well?

Page 419:16 to 420:04

00419:16 A. Not that I know of.  
 17 Q. (BY MR. LEGER) Is that something that  
 18 would ordinarily be provided by the operator, an  
 19 Oil Spill Response Guide?  
 20 A. Oil spill --  
 21 Q. I'm sorry, a Well Control Response Guide?  
 22 A. Typically, no.  
 23 Q. Now -- and that's because it's not  
 24 required in the regulations, right?  
 25 A. Correct.  
 00420:01 Q. Did you know that an Oil Spill Response  
 02 Guide -- I'm sorry, a Well Control Response Guide

03 had not been issued in the year 2010 by BP at the  
04 time of this explosion?

Page 420:06 to 420:09

00420:06 A. I was not aware of it.  
07 Q. (BY MR. LEGER) And did you also know that  
08 BP had determined that -- a well control event,  
09 for -- comes before an oil spill, right?

Page 420:11 to 420:16

00420:11 A. If you're talking about while drilling a  
12 well, an oil spill from that well?  
13 Q. (BY MR. LEGER) Yes, sir. I'm talking  
14 about in a drilling operation. It's -- one of the  
15 greatest concerns or fears of drilling engineers  
16 is a well control event, correct?

Page 420:18 to 420:18

00420:18 A. That's one of them, correct.

Page 420:25 to 421:20

00420:25 I'm going to show you an exhibit that  
00421:01 had been previously identified as Exhibit No.  
02 2520, and this is attached to an E-mail from a  
03 Mr. John Shaughnessy dated June 26th, 2010 --  
04 that's after this explosion -- and to a number of  
05 people: Murray Sepulvado, Tim Spears, Dwight  
06 Nunley, Ernest Tate, Wayne Purvis, and Ronald  
07 Sepulvado. And it ba -- and it says and I'm going  
08 to ask you to read -- if that's correct. "Guys,  
09 Robert has referred to the attached guide. It was  
10 never issued by the DW well control TA (me)  
11 because we were waiting for the reorg to be  
12 finished. Never got there. Robert's main point  
13 in this referral is that the WSL is leader of the  
14 wild well kill operation."  
15 Let me show you that, sir.  
16 Now, of course, that indication is  
17 that, according to their Well Control Response  
18 Guide, the well site leader, the company man, is  
19 in control of the wild well kill operation in the  
20 eyes of BP, correct?

Page 421:22 to 423:01

00421:22 A. Correct.  
23 Q. (BY MR. LEGER) And if you will turn to  
24 the page two pages after the blank page after the

25 cover page -- well, first of all, you see the  
00422:01 cover page?  
02 A. Yes.  
03 Q. Is there a date on there on the right-hand  
04 corner?  
05 A. Upper right-hand corner?  
06 Q. January 2010, is that what it says?  
07 A. Correct.  
08 Q. And Mr. Shaughnessy is saying this  
09 document was never issued?  
10 A. That's what the E-mail says.  
11 Q. Now, two pages later, if you see down in  
12 the middle, it says -- under 1.2, it says  
13 "Custodian," correct? In the box?  
14 A. Yes.  
15 Q. "John Sprague, drilling engineer in  
16 authority/John Shaughnessy, well control TA."  
17 Correct?  
18 A. Yes.  
19 Q. Now, if you will look at Page 15, "Well  
20 Control Incident Classification" -- or rather than  
21 that, rather than go there, if you would go to  
22 Page 5 of 127. See the little box in the corner  
23 as you open it up? As you keep flipping over, the  
24 little boxes will start appearing in the -- in the  
25 bottom. If you turn to 5, it's got -- it's a  
00423:01 table of contents.

Page 423:14 to 423:22

00423:14 Q. (BY MR. LEGER) This Well Control Response  
15 Guide outlines three types of well control  
16 incidents: A Level 1, a Level 2, and a Level 3.  
17 A Level 3 being a release or impending loss of  
18 well control. And a Level 1 being a minor well  
19 control event.  
20 Are those terms that are normally  
21 used, in your view? Or is that unique to BP, as  
22 far as you --

Page 423:24 to 425:03

00423:24 Q. -- you can tell?  
25 A. I'm not familiar with those.  
00424:01 Q. Okay. Now, have you ever seen BP's  
02 "Golden Rules of Safety"?  
03 A. I may have.  
04 Q. I'll just show you a copy of that. It's  
05 been previously marked as Exhibit 508.  
06 There are eight rules listed. In the  
07 right-hand corner, it says "BP" -- it says "BP's  
08 Golden Rules." You see that?  
09 A. Yes.  
10 Q. It doesn't say "BP America"; it doesn't

11 say "BP Europe"; it doesn't say "BP Exploration."  
 12 It says "BP," correct?  
 13 A. Yes.  
 14 Q. Do you see -- and these are the major  
 15 areas. You don't see anything about not blowing  
 16 up drilling vessels, do you?  
 17 A. Not from what I can read.  
 18 Q. In fact, these -- you know one of their --  
 19 one of their eight golden rules of safety has to  
 20 do with driving safety, correct?  
 21 A. Yes.  
 22 Q. We don't drive automobiles on MODUs, do  
 23 we?  
 24 A. No.  
 25 Q. Would you agree that these golden rules of  
 00425:01 safety suggest that the golden rules to BP involve  
 02 individuals' per -- safety with respect to  
 03 personal injury?

Page 425:05 to 425:06

00425:05 Q. (BY MR. LEGER) As opposed to process  
 06 safety?

Page 425:08 to 425:16

00425:08 A. I'm not sure what their thought process  
 09 was in that.  
 10 Q. (BY MR. LEGER) Well, they -- they talk  
 11 about lifting operations, confined space entry,  
 12 energy isolation, permit to work, ground  
 13 disturbance, and working at heights. They --  
 14 indicating that they're very interested -- or at  
 15 least, they're showing an interest in avoiding  
 16 individual personal injury, correct?

Page 425:18 to 425:18

00425:18 A. Seems to be.

Page 426:01 to 426:04

00426:01 Q. In an isolated situ -- there are also no  
 02 MMS regulation that requires a negative pressure  
 03 test; is that correct?  
 04 A. Yes.

Page 426:06 to 426:06

00426:06 A. At the time of the incident.

Page 426:14 to 427:17

00426:14 Q. (BY MR. LEGER) Let's re -- let's make  
15 that very clear: As of April 20th of 2010, there  
16 was no CFR, no federal regulation, that required a  
17 cement bond log, correct?  
18 A. I guess it did require it as one of the  
19 four options if you had a problem.  
20 Q. As a potential, correct?  
21 A. Yes.  
22 Q. Suggesting that that is a -- that is  
23 something you might do in order -- one of several  
24 options that you might do in order to assure  
25 safety with respect to assuring that the cement  
00427:01 job is done correctly, correct?  
02 A. If there's an indication of a problem,  
03 yes.  
04 Q. Okay. There was also not, on April 20th  
05 of 2010, a CFR, federal regulation, that required  
06 that a negative pressure test be performed,  
07 correct?  
08 A. Correct.  
09 Q. There was also no federal regulation that  
10 suggested a specific procedure for a negative  
11 pressure test, correct?  
12 A. That's correct.  
13 Q. Now, the fact that no regulation existed  
14 does not suggest that those are not good ideas  
15 in -- in the context of making sure that you avoid  
16 a well control event while you're temporarily  
17 abandoning a well, correct?

Page 427:19 to 428:03

00427:19 A. Correct. Any operator can go above and  
20 beyond.  
21 Q. (BY MR. LEGER) In fact, the federal  
22 regulations are just what they are: They're  
23 specific regulations. And your job is to enforce  
24 the regulations, right?  
25 A. Correct.  
00428:01 Q. And I say "your," the MMS as of  
02 April 20th, 2010; and today, BOEMRE, right?  
03 A. And before April 20, 2010.

Page 428:05 to 428:10

00428:05 And that's not to say that -- and the  
06 fact that you haven't issued a ticket or an  
07 incident of noncompliance notification does not  
08 mean that a company has not violated the  
09 regulations; it means they haven't been caught,  
10 right?

Page 428:12 to 428:19

00428:12 A. Correct.

13 Q. (BY MR. LEGER) In fact, you know, to  
14 suggest that because there are no noted safety  
15 violations and -- but there were safety violations  
16 would be -- and -- and to suggest that MMS is at  
17 fault would be like blaming a police officer for  
18 the commission of a crime because he hadn't caught  
19 it, right?

Page 428:21 to 429:17

00428:21 A. Correct.

22 Q. (BY MR. LEGER) Now, you would also agree,  
23 would you not, that the fact that there's no  
24 regulation requiring, for example, a negative  
25 pressure test does not say that -- under -- under  
00429:01 circumstances, a negative pressure test should  
02 have been performed?

03 A. Correct.

04 Q. And it also doesn't speak to the issue  
05 that -- the fact that there's no regulation does  
06 not suggest that when a negative pressure test is  
07 performed, it ought to be done right, correct?

08 A. Correct.

09 Q. It also doesn't suggest -- the fact that  
10 there's no regulation doesn't suggest that -- that  
11 when it's done, it ought to be interpreted  
12 correctly, correct?

13 A. Correct.

14 Q. And -- and the fact that there's no  
15 regula -- in fact, the regulations don't establish  
16 a standard of safety or a minimum standard of  
17 safety or care, do they?

Page 429:19 to 429:23

00429:19 A. A company can go above and beyond what the  
20 regulations require to assure safety.

21 Q. (BY MR. LEGER) In fact, they should go  
22 above and beyond, correct?

23 A. Yes.

Page 430:11 to 430:16

00430:11 Q. (BY MR. LEGER) The fact that they  
12 improperly performed a negative pressure test, for  
13 example, doesn't mean that, well, it's okay to  
14 improperly perform a negative pressure test,  
15 correct?

16 A. Correct.

Page 431:08 to 433:21

00431:08 MR. LEGER: This will be marked for  
09 identification as Exhibit No. 4771.  
10 (Marked Exhibit No. 4771.)  
11 Q. (BY MR. LEGER) And you -- you will see  
12 the cover page is suggesting an E-mail from a  
13 Steve Flynn on July 22, 2010, to a number of  
14 people --  
15 MR. FLYNN: Not me.  
16 Q. (BY MR. LEGER) -- to a number of people,  
17 "RE: Link to hearing on website." "Attachments:  
18 BP America - Dr. Steven Flynn testimony,"  
19 et cetera, et cetera. Do you see that, sir?  
20 A. Yes.  
21 Q. And then if you go to the next page,  
22 there's a copy -- there is a document which is  
23 entitled "United States Senate Subcommittee on  
24 Employment and Workplace Safety, Committee on  
25 Health, Education, Labor and Pensions. Dr. Steven  
00432:01 A. Flynn, Vice President, Health, Safety, Security  
02 and Environment, BP plc, July 22, 2010," correct?  
03 A. I see that.  
04 Q. Now, I'm going to go through this quickly.  
05 There are a couple of observations I'd ask you to  
06 make with me. And actually, he states at the  
07 second -- the third paragraph: "I joined BP more  
08 than 25 years ago and have served in a variety of  
09 health, safety, and environmental roles."  
10 Correct?  
11 A. That's what he states, yes.  
12 Q. He then talks about the incident in Texas  
13 City in 2005, correct?  
14 A. Yes.  
15 Q. If you go down the page, there's a bold  
16 heading "Texas City and Prudhoe Bay - A Turning  
17 Point" and states: "The fire and explosion at  
18 BP's Texas City Refinery Isomerization" --  
19 "Isomerization Unit on March 23, 2005, was a  
20 devastating tragedy. 15 people died, and at least  
21 170 people were injured."  
22 Correct?  
23 A. That's what it states.  
24 Q. And he refers to it as "BP's Texas City  
25 Refinery," correct?  
00433:01 A. Yes.  
02 Q. He doesn't make any distinction of any  
03 other corporate entity there, right?  
04 A. Right.  
05 Q. And then it -- he goes on to say: "It  
06 shook us to the core. A year later, the Prudhoe  
07 Bay spills occurred."  
08 Correct?  
09 A. Yes.  
10 Q. And then he talks -- then I'm going to ask



11 you to go to Page 153 -- Bates No. 153, under the  
 12 general category of "Leadership and Management  
 13 Oversight." In the second paragraph, he says:  
 14 "First, in October 2006, BC formed" -- "BP formed  
 15 the Group Operations Risk Committee ("GORC"),  
 16 which is comprised of the company's most senior  
 17 executives." Correct?  
 18 A. That's what it states, yes.  
 19 Q. Suggests -- does that suggest to you, as  
 20 was suggested to the United States Congress, that  
 21 these are the most senior executives in all of BP?

Page 433:23 to 434:17

00433:23 A. Seems to be that way.  
 24 Q. (BY MR. LEGER) It doesn't say "BP  
 25 America," BP and exploration, or anything else,  
 00434:01 correct?  
 02 A. Correct.  
 03 Q. "The GORC is chaired by the group chief  
 04 executive" and include the group chief executive,  
 05 "and includes the chief executives of the upstream  
 06 and downstream businesses, as well as safety and  
 07 engineering functional leaders." Correct?  
 08 A. Yes.  
 09 Q. And "GORC provides the foundation for  
 10 consistent, safe and reliable operations."  
 11 Correct?  
 12 A. Yes.  
 13 Q. And then it goes on to list the number of  
 14 things in its regular meetings GORC focuses on.  
 15 One of them is the fourth dot: "Oversight of  
 16 development and implementation of BP's" operation  
 17 "management system (OMS)." Correct?

Page 434:19 to 435:14

00434:19 Q. (BY MR. LEGER) "Operating management  
 20 system."  
 21 Now, I ask you to go to Page 154  
 22 under the Subheading No. 2, "Management System  
 23 Improvements." It states the following:  
 24 "Following the 2005-06 events, we finalized  
 25 development of a single, new, comprehensive  
 00435:01 operating management system (OMS) framework, based  
 02 on global best practices, to drive a  
 03 standardization in BP's businesses worldwide."  
 04 Correct?  
 05 A. Yes.  
 06 Q. And OMS -- I'm now quoting: "OMS  
 07 represents a sustainable approach to managing risk  
 08 and continuously improving through a management  
 09 system that includes consistent standards and  
 10 practices across all our operating businesses."

11 Is that what it says?  
 12 A. Yes.  
 13 Q. And that's the testimony that was  
 14 presented to the United States Senate, correct?

Page 435:17 to 436:18

00435:17 Q. (BY MR. LEGER) Or at least that he  
 18 represents was presented to the Senate, correct?  
 19 A. That's what it seems like, yes.  
 20 Q. And the -- on that Page 4, on Page 154,  
 21 Bates number, the last paragraph begins: "The OMS  
 22 framework is anchored by a series of 'elements of  
 23 operating' that apply to all business entities in  
 24 our company."  
 25 Correct?  
 00436:01 A. That's what it states, yes.  
 02 Q. And then on to the next page, Page 155,  
 03 Bates number, below the -- the bullet points, it  
 04 begins: "A key feature of OMS is its foundation  
 05 and the principles for continuous improvement."  
 06 Correct?  
 07 A. Yes.  
 08 Q. And then it goes on -- two paragraphs  
 09 later: "BP businesses began transitioning to new  
 10 OMS framework in 2008; and at the end of 2009,"  
 11 all upstream U.S. -- all" -- I'm sorry, "all U.S.  
 12 upstream refinery and chemical manufacturing  
 13 locations had completed the transition."  
 14 Correct?  
 15 A. Yes.  
 16 Q. Doesn't mention anything about OMS being  
 17 installed or completed in the Gulf of Mexico or in  
 18 exploration and production, correct?

Page 436:20 to 437:16

00436:20 A. Not in what we've read, no.  
 21 Q. (BY MR. LEGER) Now, I ask you to turn to  
 22 the next document, the farthest summary of --  
 23 would be the last page, Page 159, summary of  
 24 Dr. Steven A. Flynn's testimony. And I take you  
 25 to the third paragraph, middle of the paragraph  
 00437:01 where, once again, in the summary he suggests:  
 02 "Second, BP finalized development of a single new  
 03 comprehensive Operating Management System (OMS)  
 04 framework. This is based on global-best practices  
 05 and provides consistent standards and practices  
 06 across all operating businesses to manage risk and  
 07 continuously improve."  
 08 Correct?  
 09 A. Yes.  
 10 Q. Would that language suggest to you, as he  
 11 suggested to the United States Senate, that, as

12 he's testifying within months of the DEEPWATER  
 13 HORIZON Macondo Well disaster, that they had  
 14 implemented this new state-of-the-art Operating  
 15 Management System in the Gulf of Mexico in order  
 16 to improve safety at BP?

Page 437:19 to 437:22

00437:19 A. It indicates, yeah, that they  
 20 did implement this system, yes.  
 21 Q. (BY MR. LEGER) All systems -- the system  
 22 in all operations of the company, correct?

Page 437:24 to 438:03

00437:24 A. That's what it indicates.  
 25 Q. (BY MR. LEGER) You rely in your work with  
 00438:01 BP, in your regulatory work with BP, and your  
 02 staff relies on BP telling you the full story and  
 03 the truth, correct?

Page 438:05 to 438:08

00438:05 A. Yes.  
 06 Q. (BY MR. LEGER) Would it surprise you to  
 07 know that BP never installed the Operating  
 08 Management System in the Gulf of Mexico?

Page 438:10 to 438:15

00438:10 A. Based on this, yes.  
 11 Q. (BY MR. LEGER) Would it surprise you to  
 12 know that they claim today -- now they claim in  
 13 recent testimony that they decided not to install  
 14 the Operating Management System on MODUs operated  
 15 by companies like TransOcean?

Page 438:17 to 439:08

00438:17 A. Yes.  
 18 Q. (BY MR. LEGER) Now, in the context --  
 19 back to Exhibit No. 98 on Page 12, which is  
 20 actually the first page. You see a little No. 12  
 21 in the left-hand corner?  
 22 A. Yes, sir.  
 23 Q. The paragraph near the bottom: "As  
 24 John" -- it says: As John Mogford, Global Head of  
 25 Safety and Operations (S&O) puts it, quote: "You  
 00439:01 might set out to drive safely; but if you do not  
 02 know the highway code or do not have a safe car,  
 03 you're not a safe driver."  
 04 Is that what it says?

05 A. Yes.  
 06 Q. And he's indicated as the Global Head of  
 07 Safety and Operations, correct?  
 08 A. Yes.

Page 439:20 to 440:10

00439:20 Q. (BY MR. LEGER) What does that mean to  
 21 you, sir, when he says "the global"? Does that  
 22 mean he's the Global Head of Safety and  
 23 Operations?  
 24 A. That's what it indicates.  
 25 Q. Now, I ask you to go to Page 14, which  
 00440:01 should look like this (indicating). On the left,  
 02 in the second complete paragraph, she continues:  
 03 "We are committed to the OMS concept and have made  
 04 it the cornerstone of a major project to improve  
 05 process safety through implementation of OMS  
 06 beginning with our five U.S. refineries."  
 07 Is that what it says?  
 08 A. That's what it says.  
 09 Q. It doesn't mention that they put them in  
 10 offshore, put OMS in offshore; is that correct?

Page 440:12 to 441:07

00440:12 A. Not in that paragraph.  
 13 Q. (BY MR. LEGER) But let's look in the  
 14 third column. The paragraph begins: "Texas City  
 15 had a big impact on us." In quotes, it says:  
 16 "Ellis Armstrong, group vice president of  
 17 technology and decentralized functions in  
 18 Exploration and Production (E&P). 'One of the  
 19 first things we did was realize that it could  
 20 happen to us. We immediately analyzed high  
 21 potential incidents in E&P and realized we had  
 22 experienced a number of near-misses that could  
 23 have had a similar consequence to Texas City. As  
 24 a result, we have fundamentally changed our  
 25 approach to safety and operations, and that change  
 00441:01 is ongoing.'"  
 02 Is that what it says?  
 03 A. That's what it says in that paragraph.  
 04 Q. Now, do you understand that E&P,  
 05 Exploration and Production, involves projects like  
 06 the drilling of the Macondo Well in the Gulf of  
 07 Mexico?

Page 441:09 to 441:21

00441:09 A. Yes.  
 10 Q. (BY MR. LEGER) Now I ask you to turn to  
 11 Page 17. The second paragraph from the bottom on

12 the right-hand side, the third column, it says:  
 13 "Mogford says that while BP's previous focus on  
 14 increased personal safety and reducing injury  
 15 numbers across the group -- in a plant, on a rig,  
 16 in a service station, or an office stairwell --  
 17 has been vital. Focus on safety at the core of  
 18 BP's business, the production and processing of  
 19 hydrocarbons, was less satisfactory."

20 Is that what it says?

21 A. That's what it states.

Page 446:18 to 447:10

00446:18 Q. (BY MR. LEGER) Now, with respect to this  
 19 document, I refer you to -- and that is 4736. It  
 20 appears to have attached to a PowerPoint, correct?

21 A. Yes.

22 Q. And at Page 1 of the PowerPoint, or 811  
 23 Bates number at the bottom, is the title page,  
 24 correct?

25 A. Yes.

00447:01 Q. And in the upper right-hand corner of  
 02 that -- that -- that PowerPoint page are the  
 03 letters "BP," correct?

04 A. Yes.

05 Q. And it's entitled "Drilling Doghouse, GoM  
 06 Standard Operating Practice, Formation Pressure  
 07 Integrity Tests," correct?

08 A. Yes.

09 Q. And it's got two names associated with  
 10 it -- Terry Jordan and Mike Alberty -- correct?

Page 447:12 to 448:12

00447:12 A. Yes.

13 Q. (BY MR. LEGER) In fact, the names Terry  
 14 Jordan and Mark Alberty are on that page, correct?

15 A. Yes.

16 Q. And what does that suggest to you?

17 A. That they made the presentation.

18 Q. Now, I'll refer you to Page 12; and the  
 19 question posed in the PowerPoint is: "What does  
 20 the MMS say."

21 Correct?

22 A. Yes.

23 Q. And the second bullet point is: "While  
 24 drilling, you must maintain the safe drilling  
 25 margin identified in the approved APR (generally  
 00448:01 interpreted as less than 0.5 ppg, with special  
 02 permission to 0.3 ppg)."

03 Correct?

04 A. That's what it states.

05 Q. And you and I were talking about this  
 06 yesterday, and I asked you: How do you know that

07 everyone knows that you're -- that the normal,  
08 safe margin is 0.5 ppg, correct?  
09 A. Yes.  
10 Q. And what we know now is that BP knows  
11 and/or knew, at least in September of 2007,  
12 correct?

Page 448:14 to 448:15

00448:14 A. That's what's indicated in this  
15 PowerPoint.

Page 449:01 to 449:09

00449:01 Q. (BY MR. LEGER) Okay. Did you -- have you  
02 ever heard of the "Tiger Team"?  
03 A. I've heard of the term, yes.  
04 Q. And you understand the Tiger Team is a  
05 time of geologists and geophysicists and others  
06 that are involved in the technical aspects of the  
07 well?  
08 A. I wasn't aware of the function of the  
09 team.

Page 449:25 to 450:08

00449:25 Q. Would the fact that the well site leader  
00450:01 on the Macondo Well wrote to his boss three days  
02 before the explosion and said that the well -- I'm  
03 sorry, the well team leader, a guy by the name of  
04 John Guide, wrote to his boss three days before  
05 the explosion and said that the well site leaders  
06 are "flying by the seat of (their) pants."  
07 Is that something you would like to  
08 know as a safety regulator?

Page 450:10 to 450:14

00450:10 A. Yes.  
11 Q. (BY MR. LEGER) Would it be of concern to  
12 you to learn that the well site leaders were being  
13 driven crazy and there was chaos aboard this rig  
14 because of the inexperience and engineers?

Page 450:16 to 450:20

00450:16 A. Based on what you said, it would be of  
17 concern.  
18 Q. (BY MR. LEGER) It -- it -- that would be  
19 a grave concern to you, would it not?  
20 A. Yes.

Page 450:22 to 450:25

00450:22 Q. (BY MR. LEGER) Would it be of grave  
23 concern for you to learn that others -- that --  
24 that people inside of BP considered the Macondo  
25 Well "the well from Hell"?

Page 451:02 to 451:06

00451:02 A. Yes.  
03 Q. (BY MR. LEGER) Those things -- those  
04 type -- that type of stuff wasn't known by MMS  
05 when it nominated BP for a safety award, were  
06 they?

Page 451:08 to 451:11

00451:08 A. No.  
09 Q. (BY MR. LEGER) Is that the kind of  
10 information you would want to look into if you had  
11 known about it?

Page 451:13 to 452:08

00451:13 A. Yes.  
14 Q. (BY MR. LEGER) And, of course, would it  
15 cause you -- were you aware before the explosion  
16 of April 20th of 2010 that there was an issue  
17 regarding the number of centralizers that should  
18 be used on this well?  
19 A. No.  
20 Q. You were not aware of the issue of  
21 interpretation of the negative pressure test,  
22 either, were you?  
23 A. No.  
24 Q. You were not aware of the issue of the  
25 nature of the cement foam slurry that was to be  
00452:01 used in connection with the temporary abandonment  
02 of this well, were you, sir?  
03 A. No.  
04 Q. If you had known that there was grave --  
05 that there were -- there were disputes and  
06 concerns and debates regarding all of those  
07 issues, would that have presented concern to you  
08 from a safety perspective as a regulator?

Page 452:10 to 452:15

00452:10 A. Yes.  
11 Q. (BY MR. LEGER) Do you think that that --  
12 that kind of information is the kind of  
13 information that the -- that -- that TransOcean  
14 people would like to have known about that was

15 going on inside of BP?

Page 452:17 to 452:17

00452:17 A. I would suspect so.



## WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper,  
giving the change, page number, line number and  
reason for the change. Please sign each page of  
changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
283/22	Replace "correct" with	
	"Went to work for Saucier's Auto	
	Repair for approximately 3 months	Correction/
	then went to work for Welex for	clarification
	approximately 2 weeks then	
	went to work for MMS."	
289/8	add "without" after "pound."	clarification
322/3	Replace "IAG" with "IG."	corrective
334/1	Replace "issued A report" with	
	"will issue A report with conclusions."	clarification
341/21	Replace "--our first test" with	clarification
	"on bottom."	

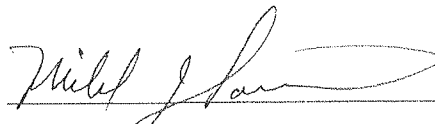
  
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PURSUANT TO CONFIDENTIALITY ORDER

## WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
352/18	replace "we" with "they."	1 correction
354/23	Replace "using the ALC" with "being used in the North Sea,"	1 correction
379/23	Delete "opening the annular and"	1 correction
380/21	Replace "first" with "second."	1 correction
381/1	Add after "Yes" the words "Second test of procedure."	1 correction
385/9	Replace "tatto" with "review."	1 correction
398/5	Replace "NCL" with "Justice"	1 correction
399/8	Replace "NCL" with "Justice"	1 correction
399/11	Delete "in that, Brans."	1 correction



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PAGE/LINE	CORRECTION	REASON FOR CHANGE
399/4	Replace "NCL" w/ "Instia"	/ correction
399/11	Replace "DAE" w/ "UAE"	/ correction
399/16	Replace "NCL" w/ "Instia"	/ correction
344/18	Replace "Yes" with "No"	/ Mistakenly was thinking of a person I know by the name of Grey Walter.
344/22-23	Delete sentence and replace with "I do not know Grey Walter."	/ See comment above.



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