

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL by the OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on
APRIL 20, 2010

THIS DOCUMENT RELATES TO:

ALL ACTIONS

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MDL NO. 2179
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SECTION: J
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JUDGE BARBIER
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MAG. JUDGE SHUSHAN
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**MOTION FOR ACCESS TO THE *DEEPWATER HORIZON* BLOWOUT PREVENTER
FOR FURTHER FORENSIC INVESTIGATION**

Defendants BP America Inc. (“BPA”), BP Exploration and Production Inc. (“BPXP”), and BP America Production Company (“BPAPC”) (collectively, “BP”) hereby move this Court for entry of an order that grants BP access to the *Deepwater Horizon* blowout preventer to perform further forensic activities following completion of the forensic examination currently being conducted by the BOEMRE/USCG Joint Investigation Team (“JIT”). This is more fully explained in the accompanying Memorandum.

Respectfully submitted,

/s/ Don K. Haycraft
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Attorneys for BP America, Inc., BP America
Production Company, and BP Exploration &
Production Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 8, 2011, a copy of the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record registered to receive electronic service by operation of the court's electronic filing system. I also certify that I have mailed this filing by United States Postal Service to all counsel of record who are not registered to receive electronic service by operation of the court's electronic filing system.

s/ Don K. Haycraft
Don K. Haycraft

UNITED STATES DISTRICT COURT
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MAG. JUDGE SHUSHAN

MEMORANDUM IN SUPPORT OF MOTION FOR ACCESS TO THE *DEEPWATER HORIZON* BLOWOUT PREVENTER FOR FURTHER FORENSIC INVESTIGATION

Defendants BP America Inc. (“BPA”), BP Exploration and Production Inc. (“BPXP”), and BP America Production Company (“BPAPC”) (collectively, “BP”) hereby move this Court for entry of an order that grants BP access to the *Deepwater Horizon* blowout preventer to perform further forensic activities following completion of the forensic examination currently being conducted by the BOEMRE/USCG Joint Investigation Team (“JIT”).

I. The Court Has Jurisdiction Over the *Deepwater Horizon* Blowout Preventer.

In Paragraph 14 of Pretrial Order No. 1 (Docket Entry No. 2, Aug. 10, 2010), this Court established that any tangible evidence relevant to this matter was subject to this Court’s jurisdiction and further orders. By further order on August 26, 2010 (Record Doc. No.. 99), this Court approved the transfer of the *Deepwater Horizon* blowout preventer (“BOP”) to the NASA facility at Port Michoud and the subsequent inspection of the BOP for purposes of collecting evidence relevant to this matter. Accordingly, this Court retains jurisdiction to determine the disposition of the BOP following the completion of the approved evidence collection.

II. The JIT Will Shortly Conclude Its Forensic Examination of the *Deepwater Horizon* Blowout Preventer.

Consistent with this Court's earlier orders, the JIT has retained *Det Norske Veritas* ("DNV") to conduct a forensic examination of the BOP according to protocols developed by the JIT. The JIT has offered the parties-in-interest opportunities to provide comments, suggest changes, and suggest additions to those examination protocols. Not all of the additions or changes suggested by the parties-in-interest were accepted or adopted by the JIT and performed by DNV.

Recently, the JIT informed the representatives of the parties-in-interest at the BOP inspection site that DNV would complete shortly the forensic examination, and invited recommendations on what forensic activities to conduct and their priority. Representatives of the parties-in-interest met and provided DNV comments on the remaining forensic activities, which DNV conveyed to the JIT. The JIT then provided an approved list of the remaining forensic tests that DNV would conduct—the approved list, however, did not include several of the forensic activities that BP and other parties-in-interest had requested. (*See* 2/17/11 Letter from R. Gasaway to LCDR Bray, Exh. A). After publishing the approved list, the JIT has been informed that certain parties-in-interest, including BP, would seek permission to pursue these additional activities through alternative, court-supervised means. The JIT therefore understands that further forensic testing may be appropriate even after it completes its own examination.

III. BP Recommends Conducting Further Forensic Investigation of the *Deepwater Horizon* Blowout Preventer After the JIT's Forensic Examination Concludes.

At present, and subject to further evaluation of the BOP forensic examination to date, BP recommends that the following inspection tasks be undertaken after DNV concludes its forensic examination of the BOP:

- Removal and forensic analysis of each annular element;
- Hydraulic signature testing of the annular preventer operator and ram preventers operators;
- Disassembly and inspection of the annular preventer and ram preventer bonnets;
- Laser scanning of (i) the entire BOP wellbore; (ii) the upper annular packer and upper annular cap; (iii) the inside of the riser kink; and (iv) the wellbore-facing surfaces of the casing shear ram bonnets;
- Hydraulic circuitry pressure test;
- ST lock circuit confirmation; and
- Solenoid pie connector pin measurement and corresponding female receptacle analysis.

The attached declaration of Ralph L. Linenberger, a technical consultant with over 40 years of BOP-related experience, provides more information regarding these activities and their significance. (*See* Exh. B, Declaration of R. Linenberger).

IV. BP Requests Access to the BOP To Conduct Certain Additional Forensic Activities Once the JIT's Forensic Examination Is Complete.

The JIT has informed BP that DNV will not complete these forensic activities under the current scope of the BOP forensic examination. BP, however, believes that performance of these forensic activities will add value to an analysis of why the BOP did not work as intended on April 20, and recommends that they be completed. (*See* Exh. B, Declaration of R. Linenberger). BP, therefore, is willing to complete these forensic activities by conducting its own examination of the BOP after the JIT concludes its forensic examination, and requests access to the BOP to conduct such activities. BP is willing to share its examination protocols and results with the other parties-in-interest in this matter, to allow for their input and guidance and to provide an opportunity to observe the planned forensic activities. BP notes that to ensure that such forensic activities are conducted efficiently and correctly, Cameron, as the original equipment

manufacturer, and Transocean, as the owner and entity responsible for its maintenance, may need to provide engineering drawings and specifications for the *Deepwater Horizon* BOP.

To conclude, BP respectfully requests that this Court enter an order:

- Providing that BP and any necessary technical consultants shall have access to the BOP for the purpose of conducting the BOP forensic activities identified above after the JIT informs the Court that it has concluded its forensic examination;
- Providing that no party, person, organization, or governmental entity with control over the BOP after the JIT informs the Court it has concluded its forensic examination shall restrict BP's access to the BOP for the purpose of conducting the BOP forensic activities identified above;
- Confirming that, by completing the BOP forensic activities identified above, BP will not be violating the evidence preservation obligations of BP or any other party;
- Requiring that all persons or entities with access to the BOP after the JIT's forensic examination concludes shall act to preserve the BOP (other than as required to complete the BOP forensic activities identified above);
- Providing that all parties to this proceeding may give input to BP in conducting these forensic activities and shall cooperate with BP in carrying them out, including that Cameron and Transocean shall supply engineering drawings and specifications as required for the inspection; and
- Providing that BP shall share with all parties to this proceeding any results, data, and/or conclusions generated by or during these forensic testing activities and that BP shall permit all parties to this proceeding to observe the conduct of these forensic testing activities.

Respectfully submitted,

/s/ Don K. Haycraft

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s/ Don K. Haycraft
Don K. Haycraft

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February 17, 2011

By Electronic Mail
By Federal Express

Silvia Murphy, Esq.
Attorney-Advisor
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Lt. Cmdr. Jeff R. Bray
United States Coast Guard
Marine Board of Investigation
1201 Elmwood Park Blvd.
New Orleans, LA 70123

Re: Deepwater Horizon Blowout Preventer Forensic Testing

Dear Ms. Murphy and LCDR Bray:

I write on behalf of BP Exploration and Production Inc. ("BP") to make a request regarding the scope of work for the forensic investigation of the *Deepwater Horizon* blowout preventer ("BOP") currently ongoing at the Michoud Assembly Facility.

Both Det Norske Veritas ("DNV") and United States Coast Guard on-site personnel recently advised BP and other parties-in-interest as to the scope of work expected to be completed before the forensic investigation concludes, which we understand may be as early as the first week of March. *See, e.g.*, Transcript of Jan. 28, 2011 MDL-2179 Status Hearing at 31 ("projecting the end of the first week of March") (corrected copy).

In that connection, we received yesterday DNV's draft document entitled *BOP Forensic Investigation: Remaining Function Tests*, *see* Attachment A, which we much appreciate and are very grateful to have. Furthermore, DNV and the USCG have orally advised BP and other parties-in-interest that concerns regarding the scope of work envisioned before the conclusion of the investigation, or requests for additional forensic testing activities, should be directed to the Joint Investigation Team before the forensic investigation concludes. In light of this directive, BP would respectfully request that the JIT take the following steps:

- Grant our long-pending request and direct that the Technical Working Group be provided full access to the video, images, and other data obtained during the forensic inspection to ensure that the investigation has been fully and properly documented before it concludes;

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- Direct that Technical Working Group members be provided with the protocols that DNV will use to conduct the remaining forensic activities, in order to enable the TWG to provide meaningful input for potential additions or improvements to those remaining investigative tasks; and
- Direct that certain forensic activities be performed before the conclusion of the forensic investigation to allow a more comprehensive and authoritative forensic inspection report to be prepared.

As always, BP personnel and our counsel team are available at your convenience to discuss these issues.

I. FULL ACCESS TO VIDEO AND STILL BOP IMAGES

As an initial matter, we would renew our pending request that the JIT instruct that immediate and full access be provided to all video and still images acquired during the inspection. (*See*, December 23, 2010 Letter by R. Gasaway to Lt. Cmdr. Jeff R. Bray.)

As you know only a limited set of images from the BOP inspection are currently available through one-image-at-a-time “read only” access to a SharePoint site. Those persons allowed to access the “view only” images are not allowed to share or use them, which effectively prevents BP (and other parties) from gaining the full benefit of even this limited set of images.

Sharing the full set of video and images will permit Technical Working Group members to have a more meaningful dialog regarding potential additional forensic activities, such as those BP respectfully requests below. At a bare minimum, however, full access to all images created to date would permit the TWG to evaluate whether the inspection has been, and is being, adequately documented.

II. DISCLOSURE OF PROTOCOLS FOR REMAINING FORENSIC ACTIVITIES

As noted above, BP and other parties-in-interest recently received a “punch-list” of remaining activities that identifies generally the forensic activities that DNV expects to conduct before concluding the inspection. *See BOP Forensic Investigation: Remaining Function Tests* (Attachment A). For many of these remaining activities, neither BP nor other parties-in-interest (at least to our knowledge) have received written descriptions that specify precisely how the contemplated activity will be conducted.

Accordingly, we respectfully request that JIT direct that the Technical Working Group be provided formal protocols for all the forensic activities that DNV intends to complete as part of its current scope of work. For example, BP submitted a proposed testing procedure for Solenoid 103Y on September 29, 2010, *see Deepwater Horizon* Preservation and Testing of Solenoid

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Valves Removed from BOP Control Pods, Parameters, Protocols & Procedures (Sept. 29, 2010), but has not seen what protocol that DNV intends to use for further testing of this solenoid. Nonetheless, we understand that further testing of yellow pod solenoid 103 according to BP's protocol is *not* within DNV's currently projected scope of work for the inspection.

Similarly, BP has been unable to verify what protocol that DNV would currently propose for additional testing of the batteries from each control pod. As you know, Transocean and Cameron examined the BOP control pods when the pods were retrieved after the accident, and they found battery deficiencies in both pods. (*See Deepwater Horizon Accident Investigation Report* at 153-54 (BP Internal Investigation Team, Sept. 8, 2010).) BP responded by submitting a proposed procedure for additional control pod battery testing on September 24, 2010. (*See Deepwater Horizon In Response to Submissions by Transocean Regarding BOP and LMRP Preservation, Parameters, Protocols & Procedures*, at Section III (Sept. 24, 2010).) Nonetheless, although we understand from the recent "punch-list" that DNV intends to perform additional testing of batteries, we are uncertain as to what this testing will entail and the extent to which it will align with BP's previously submitted testing suggestions.

Once parties have the opportunity to analyze the protocols that will be used with the "punch-list" activities, they will be well positioned to make recommendations — either for improving those activities or for additional forensic activities to be conducted before the investigation's conclusion. Given that the inspection is quickly drawing to a close, we respectfully request that the TWG be provided these protocols right away.

III. ADDITIONAL FORENSIC ACTIVITIES

As emphasized above, based on discussions with on-site DNV and United States Coast Guard personnel, we understand that the BOP inspection is near its close. Nonetheless, many potentially meaningful forensic activities remain to be conducted and, moreover, BP is concerned that many of these activities might well be omitted from the investigation unless the JIT acts promptly to expand the scope of work currently in contemplation.

Specifically, BP believes that the following forensic investigation activities should be conducted, but we presently understand all of these activities are *not* within DNV's currently projected scope of remaining work:

- **Hydraulic Signature Testing of Each Annular and Each Ram Preventer.** Hydraulic signature testing would greatly assist the JIT in determining the overall condition of each preventer and its internal components, and it could also determine the minimum hydraulic pressure necessary to close each preventer in its current condition. This information in turn could shed light on how each preventer could be expected to perform with the hydraulic pressure available to it during the incident.

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We nonetheless understand that such testing currently is *not* within the projected scope of work for this forensic inspection.

- **Disassembly and Forensic Inspection of the Bonnets of Each Annular and Ram Preventer.** Disassembly and inspection of each BOP bonnet would assist in the evaluation of the condition of individual preventer components and may reveal how effectively each bonnet could be expected to operate when called upon to do so. Nonetheless, we understand that this disassembly and inspection work is *not* currently projected as within the scope of this forensic inspection.
- **Additional Laser Scanning.** Additional laser scanning of certain specific BOP areas also could be performed, including most importantly, (i) the entire BOP wellbore; (ii) the inside of the riser kink; and (iii) the wellbore-facing surfaces of the casing shear ram bonnets. (For images of the specific areas of interest, *see Protocol for Metallurgical Examination and Testing of Drill Pipe (Modification 4 of Contract M10PX00335)* at Appendix A, Fig. 4 (Det Norske Veritas Feb. 3. 2011).) Laser scanning of these areas might greatly assist with analysis of the flow volume and flow path of hydrocarbons up through the BOP, riser, and drill pipe. We nonetheless understand that DNV does *not* currently expect to perform such scanning.
- **Forensic Analysis of each Ram Packer and Annular Element.** We further understand that analysis of individual ram packer and annular elements is not currently being contemplated. Analyses of these elastomeric components, too, might well assist in determining both the flow volume and flow path of hydrocarbons up through the BOP and how each preventer performed during the incident.

While certainly not an exhaustive list, the above roster indicates the types and general significance of the many activities that lie outside the scope of work currently contemplated by DNV. For the benefit the BOP forensic investigation, all of these activities should be undertaken.

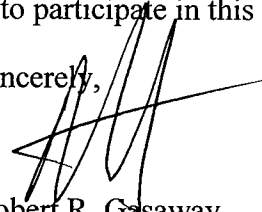
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In closing, please allow me to repeat BP's appreciation for its active and ongoing collaborations with the Department, the MBI, and DNV, and BP's sincere interest in helping to achieve a comprehensive and technically appropriate forensic evaluation of the *Deepwater Horizon* BOP. BP greatly appreciates the opportunity to participate in this important endeavor.

Sincerely,



Robert R. Gasaway

Attachment

cc: Richard C. Godfrey, P.C.
J. Andrew Langan, P.C.
Hariklia Karis
Antonio J. Rodriguez
Michael Underhill, United States Department of Justice



DET NORSKE VERITAS
DNV

REMAINING FUNCTION TESTS
DRAFT

BOP
FORENSIC INVESTIGATION

Remaining Function Tests

Summary of Remaining Function Tests:

1. ROV Panel
2. Battery Test
3. LMRP – Emergency Disconnect Sequence (EDS)
4. Control Pods – AMF/Deadman
5. Examine/test Solenoid 103
6. Examine H.P. Casing Shear Regulator

1. ROV Panel

- Confirm functioning of Blind Shear Rams by supplying hydraulic fluid through *Shear Ram Close*
 - o Flow rate to simulate subsea conditions
 - o Pressurize through *Shear Ram Close* (5,500 psig) and check for system leaks
- Functioning of Lower Pipe and Middle Pipe Rams - low priority

2. Battery Test

- Measure battery voltage prior to performing AMF/Deadman simulation through Control Pods.

3. LMRP – Emergency Disconnect Sequence

- Function test of Blue and Yellow Pods in “As-Is” and “Simulated Subsea” pre-charge conditions
 - o Position Pods on LMRP
 - o Configure high pressure hoses as-needed
 - o Run and test LMRP related EDS functions
 - Wellbore Pressure/Temperature Sensor – RETRACT
 - Choke & Kill Line Connectors (Primary/Secondary) – UNLATCH
 - Stack Stingers – DENERGIZE AND UNLATCH
 - LMRP Connector - UNLATCH
 - o Four tests total to be run
 - (i.e. Blue Pod “As-Is” and “subsea” and Yellow Pod “As-Is and “subsea”)

4. Control Pods – AMF/Deadman

- Pods positioned on LMRP
- Connect block & bleed valve and pressure gauge to Function 103
- Connect block & bleed valve and pressure gauge to Function 121
- Simulate AMF/Deadman activation
- Confirm pressures to Solenoids 103 and 121



DET NORSKE VERITAS
DNV

REMAINING FUNCTION TESTS
DRAFT

BOP
FORENSIC INVESTIGATION

5. Bench Test Solenoid 103 (previously removed from Yellow Pod)

- Visual examination
- Measurements of dimensions of various components
- Electrical measurements (Megger and Coil A&B measurements)
- Function testing
- Hydrostatic testing (if possible)

6. Examine H.P. Casing Shear Regulator

- Determine Drip and Decay Rate
- Determine discharge side pressure
- Establish cause of leak.

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MAG. JUDGE SHUSHAN

DECLARATION OF RALPH A. LINENBERGER

I, Ralph A. Linenberger, hereby declare and state:

1. I provide this declaration regarding additional forensic inspection activities of the *Deepwater Horizon* Blowout Preventer (“BOP”), and could testify to the matters contained herein if called upon to do so.

2. I have over 40-years experience working with subsea well control systems, including subsea blowout preventers. In various positions, I have been responsible for the design, specification, selection, manufacturing, testing, installation, repair, and commissioning of subsea well control systems, including subsea blowout preventers.

3. I have also chaired or participated in several committees or subcommittees of the American Petroleum Institute (“API”) related to blowout preventers, including the First Chairman of API Committee 16, “Drilling Well Control Systems,” member of subcommittee API 16D, “Control Systems for Drilling Well Control Equipment,” and member of subcommittee API Spec. 6A, “Specification for Wellhead and Christmas Tree Equipment.”

4. I believe the following additional forensic inspection activities will provide a more complete picture of the state and condition of the BOP both during and after the incident involving the *Deepwater Horizon* on April 20, 2010. These activities are as follows:

(a) **Removal and forensic analysis of each annular element.** Analysis of each annular element may provide guidance for evaluating both the flow volume and flow path of hydrocarbons through the LMRP, as well as providing insight as to how each annular preventer performed during the Incident. DNV has conducted a similar forensic inspection of each ram preventer of the BOP stack.

(b) **Hydraulic signature testing of the annular preventer operator and ram preventers operators.** This hydraulic signature testing may provide guidance as to the overall condition of each preventer and its internal components, as to whether the ram and annular operators are functioning as designed, and as to the minimum hydraulic pressure necessary to close each preventer in its current condition.

(c) **Disassembly and inspection of the annular preventer and ram preventer bonnets.** The results of the hydraulic signature testing that is discussed above will allow assessment of whether disassembly and inspection of the bonnets is appropriate. If appropriate, the disassembly and inspection of the annular preventer and ram bonnets may provide guidance as to the condition of each individual preventer operators and may reveal how effectively each bonnet could be expected to operate.

(d) **Laser scanning of (i) the entire BOP wellbore; (ii) the upper annular packer and upper annular cap; (iii) the inside of the riser kink; and (iv) the wellbore-facing surfaces of the casing shear ram bonnets.** Laser scanning of these

areas may provide guidance as to the analysis of the flow volume and flow path of hydrocarbons up through the BOP, riser, and drill pipe, and may provide guidance in determining the sequence of events during the Incident.

(e) **Hydraulic circuitry pressure test.** Hydraulic circuitry pressure testing will allow assessment of the configuration of the hydraulic circuits for the BOP preventers, and may provide guidance as to any potential leaks that could have interfered with the operation of the preventers.

(f) **ST-lock circuit confirmation.** In the absence of updated drawings of hydraulic circuits for the ST-locks, this testing will allow for evaluation of the actuation and configuration of the ST-lock circuits for the ram preventers.

(g) **Solenoid pie connector pin measurement and corresponding female receptacle analysis.** This procedure may provide guidance as to the electrical connection between Solenoid 103 and the Subsea Electronic Module (“SEM”) of the yellow control pod, and as to whether a sufficient electrical connection was available to allow for Solenoid 103 to activate the AMF deadman system.

Dated: March 7, 2011



RALPH A. LINENBERGER

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

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MAG. JUDGE SHUSHAN

NOTICE OF SUBMISSION

Please take notice that the undersigned parties shall bring on their Motion for Access to the Deepwater Horizon Blowout Preventer for Further Forensic Investigation before the Honorable Carl J. Barbier, United States District Court, Eastern District of Louisiana, 500 Poydras Street, New Orleans, Louisiana, 70130 at 9:30 a.m. on the 23rd day of March 2011, or as soon thereafter as counsel may be heard.

Respectfully submitted,

/s/ Don K. Haycraft
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Attorneys for BP America, Inc., BP America
Production Company, and BP Exploration &
Production Inc.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing pleading has been served on All Counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF System, which will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on this 8th day of March, 2011.

s/ Don K. Haycraft