

Congress of the United States

Washington, DC 20515

June 11, 2010

Admiral Thad Allen
National Incident Commander
Deepwater Horizon Response
2100 Second Street, S.W.
Washington, DC 20593-0001

Dear Admiral Allen:

As Congress continues its investigation into the *Deepwater Horizon* casualty and oil spill, questions have arisen related to the inspection, operation, and maintenance of the failed blowout preventer system. Analysis by the House Committee on Natural Resources of documents regarding the blowout preventer makes clear that there are many outstanding questions regarding the failure that cannot be answered until the blowout preventer is recovered from the wellhead and undergoes comprehensive forensic analysis.

Investigations are proceeding to determine what civil and criminal charges may be appropriate under various United States laws including the Oil Pollution Act (OPA), Outer Continental Shelf Lands Act, Endangered Species Act, Migratory Bird Treaty Act and others. The application of the various laws has serious implications with respect to the limitation of liabilities and the assessment of penalties and fines. For instance, under OPA, findings of gross negligence, willful misconduct or the violation of an applicable Federal regulation would result in a waiver of liability limits for the responsible parties. Clearly, answers to questions regarding the inspection, maintenance and operation of the blowout preventer will be key factors in investigation and subsequent legal action.

We are aware that a subpoena has been sent to Transocean, the rig's owner and the owner of the blowout preventer, which instructs Transocean to maintain the blowout preventer and not to allow access to it. We seek your assurance, as the National Incident Commander, that you will establish a process, using the Coast Guard Criminal Investigative Service or other appropriate investigative officers, to secure the chain of custody of the blowout preventer from the moment it is lifted from the well until it reaches port and can be turned over to Federal investigators as evidence. Such a procedure is critical to ensuring a proper, thorough, and untainted forensic analysis of the equipment.

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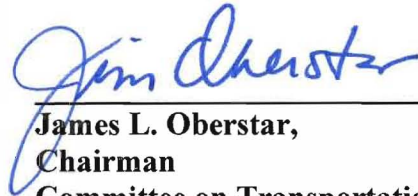
We also request that you keep us apprised of your discussions on this matter with Transocean and others as part of your regular briefings to Congress.

We thank you in advance for your attention to this very important matter. If you have any questions regarding this request, please contact Jean Flemma, Staff Director, Subcommittee on Insular Affairs, Oceans and Wildlife at 202-226-0200 or John Cullather, Staff Director, Subcommittee on Coast Guard and Maritime Transportation at 202-226-3587.

Sincerely,



NICK J. RAHALL, II,
Chairman
Committee on Natural Resources



James L. Oberstar,
Chairman
Committee on Transportation and
Infrastructure

cc: Attorney General Eric Holder