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July 14, 2010

Mr. Lamar McKay
President and CEO,
BP America, Inc.
501 Westlake Park Boulevard
Houston, Texas, 70779

Dear Mr. McKay:

I am hopeful that BP will soon be able to control the flow of oil from the Deepwater Horizon/Macondo well bore and end the discharge of oil and methane into the Gulf of Mexico. BP has now installed the three ram capping stack on the Deepwater Horizon Lower Marine Riser Package and has begun to conduct pressure testing to determine if the well can safely be shut in. Pressure readings will be used to determine if sufficient well integrity exists and a determination will be made whether it is safe to completely shut in the well or whether additional oil collection should continue in order to relieve pressure on the well.

The new three ram capping stack will provide BP with the capability to collect 100 percent of the oil flowing from the well. That will provide us with the chance to know with certainty the true amount of oil and methane that has been spilling into the Gulf. Accordingly, in the event that additional oil collection should prove necessary, BP must collect and measure 100 percent of the hydrocarbons flowing from the well so that we can determine the actual flow rate once and for all.

I am concerned that without such a monitored collection effort, which must be conducted under supervision of the Flow Rate Technical Group, we may never be able to provide a definitive answer to the question of how much oil has actually been released. Although there have been numerous estimates and projections for flow rate, nothing will

be more conclusive than actual collection of 100 percent of the oil and methane that is now flowing from the well. In this regard, BP's initial estimates of 1000 and 5000 barrels per day have proven to be far too low and BP has also not allowed more definitive testing to occur, as I have mentioned in previous letters to BP.

Accordingly, I am requesting that BP prepare to collect 100 percent of the oil and methane from the well for a representative time frame and to provide the Flow Rate Technical Group with sufficient information and access, so that a definitive flow rate determination can be made. I am forwarding this letter to Dr. Marcia McNutt, Director of the United States Geological Survey, as the Chair of the Flow Rate Technical Group.

Of course if BP determines that the appropriate path is to fully shut in the well, until the relief well is completed, then we would not want to delay such a process in any way. However, even in that situation there may still be circumstances in which all vents on the caps are closed and full collection of oil and methane could take place for an appropriate amount of time. If so, such collection should take place at an appropriate point.

In order to understand whether or not BP will agree to collect 100 percent of the oil and methane, for at least a limited period of time, I am asking that you respond to the following questions:

- 1) In the event that BP does not shut in the well completely, will BP agree to collect, under the supervision of the Flow Rate Technical Group, the full volume of oil and methane being released from the well for a period of time sufficient to make a reliable determination of the 24 hour flow rate? If not, why not?
- 2) Is the three ram capping stack exerting backpressure on the well? If so, please provide the pressure readings necessary to determine the full unimpeded flow rate.
- 3) Does BP at present have in place at the surface sufficient collection capability to collect 100 percent of the oil from the well and to measure and determine the volume of that oil?
- 4) If not, what is the current collection capacity and when will sufficient collection capacity be available?

Please respond to these questions by close of business on July 16th 2010.

Lamar McKay
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Thank you very much for your attention to this important matter. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of the Energy and Environment Subcommittee staff at 202-225-2836.

Sincerely,



Edward J. Markey
Chairman
Subcommittee on Energy and Environment

Cc: Honorable Henry Waxman, Chairman,
Committee on Energy and Commerce
Honorable Joe Barton, Ranking Member
Honorable Fred Upton, Ranking Member
Dr. Marcia McNutt, United States Geological Survey and Chair, Flow Rate
Technical Committee