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Description of document: Report of Investigation for Department of the Interior Office of Inspector General (OIG) Investigation PI-PI-11-0312-I regarding alleged improprieties regarding report on the Deep Water Horizon (DWH) Blowout Preventer (BOP), 2011

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Department of the Interior  
Office of Inspector General  
MS-4428, MIB  
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OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

VIA EMAIL

December 23, 2014

Re: OIG-2015-00038

This is in response to your FOIA request dated November 22, 2014, which was received by the Office of Inspector General (OIG) on December 3, 2014. You requested the following information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552: copies of the final report, report of investigation, the referral memo and the referral letter as applicable for PI-PI-11-0312-I.

A search was conducted and enclosed is a copy of the requested report of investigation. There are three pages responsive to your request. Two pages contain some information that is being withheld and one page is being released in its entirety.

Deletions have been made of information that is exempt from release under the provisions of 5 U.S.C. §§ 552(b)(6) and (b)(7)(C). These sections exempt from disclosure are items that pertain to: (1) personnel and other similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy and (2) records of information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemptions (b)(6) and (b)(7)(C) were used to protect the personal privacy interests of witnesses, interviewees, middle and low ranking federal employees and investigators, and other individuals named in the investigatory file.

If you disagree with this response, you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 30 workdays** from the date of this letter if Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the OIG's response is in error. You must also include with your appeal copies of all correspondence

between you and the OIG concerning your FOIA request, including your original FOIA request and the OIG's response. Failure to include with your appeal all correspondence between you and the OIG will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal. The DOI FOIA/Privacy Act Appeals Office Contact Information is the following:

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240  
Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

However, should you need to contact me, my telephone number is 202-208-1644, and the email is [foia@doioig.gov](mailto:foia@doioig.gov).

Sincerely,



For Ofelia C. Perez  
Government Information Specialist

Enclosure



**OFFICE OF  
INSPECTOR GENERAL  
U.S. DEPARTMENT OF THE INTERIOR**

**REPORT OF INVESTIGATION**

<b>Case Title</b> [REDACTED]	<b>Case Number</b> PI-PI-11-0312-I
<b>Reporting Office</b> Office of Program Integrity	<b>Report Date</b> May 17, 2011
<b>Report Subject</b> Closing Report of Investigation	

**SYNOPSIS**

We initiated this investigation based on a Confidential Source (CS) reporting that [REDACTED] Bureau of Ocean Energy, Management, Regulation, and Enforcement (BOEMRE) and members [REDACTED] Investigations and Review Unit (IRU), [REDACTED], ordered the Joint Investigative Team (JIT) to draft a report on the Deep Water Horizon (DWH) Blowout Preventer (BOP). The CS said that [REDACTED] directed the report be completed and published by April 20, 2011, on the anniversary of the DWH incident. A draft was completed by members of the JIT and emailed to the IRU in early March 2011. Approximately two weeks later, the draft was returned with significant edits which the CS claimed jeopardized the safety of BOEMRE employees and was factually and scientifically inaccurate. Over the course of several weeks, the CS said that members of the JIT attempted to convince [REDACTED] and the IRU that the edits were incorrect, but all efforts were unsuccessful. Only after a final draft version of the report which contained track changes was shared by the OIG to senior members of the Department, was a decision made not to release the report.

**DETAILS OF INVESTIGATION**

On March 21, 2011, we received a complaint from a CS alleging that the JIT, investigating the DWH incident were being forced to draft and sign a BOP report, against their objections and despite the report being heavily edited and re-written by members of the IRU.

The CS said that sometime in January 2011, [REDACTED] and the IRU requested the JIT produce a draft report on the BOP. This was not the overall report mandated by a "Convening Order" on April 27, 2010, and signed by [REDACTED], Admiral, U.S. Coast Guard (USCG), [REDACTED], [REDACTED],

<b>Reporting Official/Title</b> [REDACTED]/Investigator	[REDACTED]
<b>Approving Official/Title</b> [REDACTED]/Director, Program Integrity Division	[REDACTED]
<b>Authentication Number:</b> F7CE98BE8013860AB9813C [REDACTED]	

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**OI-002 (04/10 rev. 2)**

Department of Homeland Security (DHS), [REDACTED], Minerals Management Service (MMS), and [REDACTED], Department of the Interior (DOI). The convening order stated that the JIT, comprised of MMS and USCG investigators would thoroughly investigate the DWH incident and produce an overall report within nine months of the convening order date (April 27, 2010). Because the DWH/BOP was not recovered from the Gulf of Mexico until late September 2010, the overall report was delayed to June or July 2011 (**Attachment 1**).

The CS said that the JIT disagreed with [REDACTED] and the IRU in producing a BOP report because the investigation was not complete, all witnesses had not been deposed, and at the time, the Det Norske Veritas (DNV) forensic report was not complete (**Attachment 2**). The JIT told the IRU that releasing a report on just the BOP without the DNV forensic examination was premature. Disregarding their objections, the JIT was ordered by [REDACTED] and the IRU to complete the draft report to be publicly released on the anniversary of the DWH incident.

The CS said that from the time [REDACTED] took over MMS and changed the name to BOEMRE the relationship between the Director and the JIT had been strained. In February 2011, [REDACTED] told the JIT that [REDACTED] wanted the BOP report to be critical of BOEMRE if necessary. CS said that members of the JIT attempted to convince [REDACTED] and the IRU that the DWH was still an active investigation and had several outstanding subpoenas with a critical hearing set for April 4, 2011. The CS said that additionally, the JIT told [REDACTED] that the DNV forensic examination was not complete and that to release a report of this type would be insensitive to the victims and their families; criticizing the 11 that died. The CS said that [REDACTED] insisted that they complete the report even though the forensics was not yet complete. The CS opined that this was politically motivated to justify the 2010 Moratorium and to defend upcoming litigation against it.

Against objections, a draft BOP report was emailed to the IRU on March 4, 2011. The CS said that the draft did not include an executive summary, conclusion, and recommendations because the investigation was not complete and the DNV forensic analysis was not finished. Two weeks later, the IRU returned the draft which then contained an executive summary and conclusions. The CS said after closely reviewing the IRU edits, the JIT noticed that anything critical of BOEMRE had been removed. The CS said that the IRU revisions contained several scientific findings that were inaccurate and undercut the findings of the JIT's overall investigation. The CS said this could affect all Outer Continental Shelf (OCS) personnel and jeopardize the JIT's recommendations to industry and their efforts to prevent a future DWH incident from occurring (**Attachment 3**).

The CS said that of the many edits and scientific findings the JIT objected to, several stood out. The IRU wrote in their draft that, "On April 20, 2010, when the well blew out, the Deepwater Horizon's BOP utterly failed," and "What's more, the DWH BOP's failures serve as a reality-check-perhaps there is no one piece of equipment, no matter how large, sophisticated or redundant, that can contain the forces that accompany some blowouts." The CS said these statements are scientifically untrue. The CS said that post DWH, BOEMRE conducted a "blitz" inspection of 32 BOP's and found all to be in compliance, but the IRU deleted this from the report.

When the DNV final report was issued in late March 2011, the CS said that DNV's findings confirmed the JIT's data that the DWH BOP functioned as it was designed. The DNV report identified at least six contributing factors that caused the DWH incident, none of which to include the BOEMRE 30-day report or the moratorium would have prevented the DWH incident from occurring (**Attachment 4**).

On April 5, 2011, the CS provided a copy of a draft report produced by the IRU that still contained the objectionable edits (**Attachment 5**). On April 7, 2011, the Acting Inspector General (IG) was provided with a copy of the draft report including the track changes, which was subsequently shared with senior members of the Department. On April 14, 2011, the CS reported that the IRU decided against releasing the BOP report.

### **DISPOSITION**

This investigation is closed within the files of this office.

### **ATTACHMENTS**

1. Copy of DHS, DOI, and USCG Convening Order dated April 27, 2010.
2. Copy of the Det Norske Veritas (DNV) forensic report dated March 20, 2011.
3. Copy of the JIT draft report on the Deepwater Horizon (DWH) Blowout Preventer (BOP) dated March 4, 2011.
4. Copy of the Investigations and Review Unit (IRU) edits dated March 22, 2011.
5. Copy of the Investigations and Review Unit (IRU) edits with JIT track changes dated April 5, 2011.