BP Seeks Judge's Ruling on Size of Gulf Oil Spill

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NEW ORLEANS (AP) — BP urged a federal judge Friday to rule the company can't be penalized for millions of gallons (liters) of oil that spewed from its blown-out well but was captured before it could spill into the Gulf of Mexico in 2010.

A court filing by London-based BP PLC says workers captured more than 810,000 barrels of crude and either burned it or shipped it to shore before it could enter the Gulf waters.

The company asked U.S. District Judge Carl Barbier to rule that the collected oil can't be counted in calculating the company's Clean Water Act penalties, which could amount to billions of dollars.

A criminal settlement with the Justice Department in November didn't resolve the government's civil claims against BP.

In Friday's filing, BP lawyers also vowed to prove at trial that the federal government overestimated the size of the spill.

"Today's motion is the first step for BP in making that case," BP spokesman Scott Dean said in a statement.

A team of scientists working for the government estimated that more than 200 million gallons (757 million liters) of oil spewed from BP's blown-out Macondo well. That estimate included oil that was collected.

Justice Department spokesman Wyn Hornbuckle declined to comment on BP's filing, which says the government already has admitted that roughly 833,000 barrels of oil were "recovered" during the spill response.

The first phase of a trial scheduled to start Feb. 25 is designed to determine the causes of BP's blowout and assign percentages of fault to the companies involved in the Deepwater Horizon drilling project. The second phase will address efforts to stop the flow of oil from the well.

Also on Friday, Barbier gave his final approval to the portion of a class-action settlement that calls for BP to pay medical claims by cleanup workers and others who say they suffered illnesses from exposure to oil or chemicals used to disperse it. BP also agreed to spend $105 million over five years to set up a Gulf Coast health outreach program and pay for medical examinations.

Last month, Barbier gave final approval to a separate but related economic settlement between BP and a team of lawyers for businesses and individuals who claim the spill cost them money.

BP, which has estimated it will pay $7.8 billion to resolve both the economic and medical claims, said the settlements are "historic resolutions that avoid years of lengthy litigation."

Steve Herman and Jim Roy, two of the lead plaintiffs' attorneys, said in a statement that Gulf Coast residents who become sick will have the opportunity to be diagnosed early, while the region's health care infrastructure "will be made stronger for years to come."

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