

Transcript of the Testimony of
**The Joint United States Coast
Guard/Bureau of Ocean Energy
Management Investigation**

**Date taken: October 6, 2010
PM Session**

**USCG/BOEM Board of Investigation (Re: Deepwater
Horizon)**

*****Note*****

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USCG/BOEM BOARD OF INVESTIGATION
INTO THE MARINE CASUALTY, EXPLOSION, FIRE,
POLLUTION AND SINKING
OF MOBILE OFFSHORE DRILLING UNIT
DEEPWATER HORIZON, WITH LOSS OF LIFE
IN THE GULF OF MEXICO, 21-22 APRIL 2010
WEDNESDAY, October 6, 2010 P.M. SESSION

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The Transcript of the Joint United
States Coast Guard/Bureau of Ocean Energy
Management Investigation of the above
entitled cause before Pat Kennedy Quintini,
a certified court reporter authorized to
administer oaths of witnesses pursuant to
Section 961.1 of Title 13 of the Louisiana
Revised Statute of 1950, as amended,
reported at the Holiday Inn, 2261 North
Causeway Boulevard, Metairie, Louisiana
70001, on Wednesday, October 6, 2010,
beginning at 1:00 p.m.

1 APPEARANCES:

2

MEMBERS OF THE BOARD:

3

4 CAPTAIN HUNG M. NGUYEN
CO-CHAIR UNITED STATES COAST GUARD

5

6 JUDGE WAYNE R. ANDERSEN
UNITED STATES DISTRICT JUDGE (RET.)

7

8 CAPTAIN MARK R. HIGGINS
STAFF JUDGE ADVOCATE
9 COAST GUARD ATLANTIC AREA

10

DAVID DYKES
11 CO-CHAIR MINERALS MANAGEMENT SERVICE

12

JASON MATHEWS
13 MINERALS MANAGEMENT SERVICE

14

JOHN MCCARROLL
15 MINERALS MANAGEMENT SERVICE

16

LT. R. BUTTS, COURT RECORDER
17 UNITED STATES COAST GUARD

18

19 REPORTED BY:

20 PAT KENNEDY QUINTINI
CERTIFIED COURT REPORTER

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WITNESS - MICHAEL BEIRNE
(With his counsel - MICHAEL MONICO)

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1 P R O C E E D I N G S

2 JUDGE ANDERSEN:

3 The next witness is Mr. Michael
4 Beirne.

5 Is that how your name is
6 pronounced?

7 THE WITNESS:

8 Yes, sir.

9 JUDGE ANDERSEN:

10 Counsel, would you state your name
11 for the record, please?

12 MR. MONICO:

13 Michael Monico, M-O-N-I-C-O, of
14 Chicago, Illinois.

15 JUDGE ANDERSEN:

16 Mr. Beirne, the statements you
17 will be making to the Board are statements
18 to a federal agency and so false statements
19 to a federal agency, as I have said to every
20 witness, is punishable as a crime by fine or
21 imprisonment.

22 If you will stand I will swear you
23 in.

24 (Oath administered to Michael Beirne)

25 JUDGE ANDERSEN:

1 Thanks very much for appearing
2 here today. Board questions?

3 EXAMINATION BY MR. MATHEWS:

4 Q. For the record, could you please
5 state your full name and spell your last,
6 sir?

7 A. It's Michael Beirne, B-E-I-R-N-E.

8 Q. Thank you. By whom are you
9 employed, sir?

10 A. BP.

11 Q. And what is currently your
12 position at BP?

13 A. Offshore land negotiator.

14 Q. And how long have you held that
15 position, sir?

16 A. In the offshore for two and a half
17 years.

18 Q. And have you had any other
19 positions within BP, sir?

20 A. Yes, sir. I was an onshore land
21 negotiator for two years prior.

22 Q. Any other oil and gas experience?

23 A. Yes, sir. With Chevron from 2002
24 to 2006 as an onshore land negotiator.

25 Q. And currently within your position

1 as offshore land negotiator, what are some
2 of your roles and responsibilities?

3 A. I'm part of a team that negotiates
4 and puts together agreements associated with
5 our exploration and production activities in
6 the Gulf of Mexico. I also provide
7 commercial support to our technical teams.
8 That is, I'm a business -- my education is
9 in business. I do not have an engineering
10 or geologic degree. I also assist in
11 facilitating communication between co-owners
12 and regulatory agencies.

13 Q. On your education, what is your
14 educational background, sir?

15 A. I have a Bachelor of Business
16 Administration from the University of
17 Kentucky.

18 Q. I won't hold that against you.

19 A. Thank you.

20 Q. With your responsibilities in this
21 position, who were the partners you were in
22 communication with, sir?

23 A. It would be MOEX and Anadarko.

24 Q. Did you have a day-to-day contact
25 with them an individual, sir?

1 A. Yes, sir. With Anadarko it would
2 be Nick Huch and with MOEX it would be Naoki
3 Ishii.

4 Q. Do you have any idea how to spell
5 that?

6 A. It is N-A-O-K-I and Ishii is
7 I-S-H-I-I.

8 Q. For the current position you have
9 as offshore land negotiator, did you have
10 any special training for that job, sir?

11 A. In addition to my education
12 onshore, nothing special, training, no, sir.

13 Q. And who did you directly report
14 to?

15 A. Our Gulf of Mexico land manager,
16 Mr. Kemper Howe.

17 Q. And for my knowledge, who did
18 Mr. Kemper Howe report to?

19 A. To our vice president, Mr. Dave
20 Rainey, vice president of exploration,
21 pardon me.

22 Q. In any facet did you have any role
23 in reporting to anyone within the financial
24 department?

25 A. While I was onshore I did, but in

1 my role in offshore, no, sir, I did not.

2 Q. Do you know who handles the
3 reporting of finance for offshore
4 operations?

5 A. It would be within our CFO's
6 organization. Mr. Pete Zwart is our CFO in
7 the Gulf of Mexico.

8 Q. Do you know a person by the name
9 of Xue Lui?

10 A. Yes, sir. Xue May Lui. She is
11 our head of finance of exploration.

12 Q. Your office reports to her at no
13 time?

14 A. My supervisor, Mr. Howe, reports
15 directly to Dave, so no.

16 Q. I'm going to move on to the AFE.
17 Can you please tell me what the acronym AFE
18 stands for?

19 A. It stands for authorization for
20 expenditure.

21 Q. Specifically for the Macondo well,
22 what was your role in the AFE process?

23 A. After they were prepared by our
24 drilling engineer and sent, I would review
25 to insure that they had the proper

1 information that would be required in the
2 operating agreement.

3 Q. Were you familiar with the
4 operating agreements that you had in place
5 with Anadarko and MOEX?

6 A. Yes, sir.

7 Q. We're going to remove a question
8 until further request, because there is a
9 document that we haven't determined that it
10 was proprietary data, so we can throw that
11 one to the side for now.

12 The question I have is for MOEX
13 and Anadarko with respect to their operating
14 agreements. What were their
15 responsibilities in this well?

16 A. They were non-operators and their
17 responsibilities were to execute AFEs that
18 were sent or make elections as appropriate
19 and as non-operators communicate with us as
20 needed.

21 Q. And both of them had the same role
22 with an operating agreement as a
23 non-operator that could make elections?

24 A. Yes, sir.

25 Q. What was the original authorized

1 cost for the Macondo well?

2 A. The original AFE the estimate was
3 \$96.1 million.

4 Q. And when was that initial AFE
5 prepared, sir? I have some documents if you
6 could take them out so you don't have to
7 guess.

8 A. Yes, sir. It would be August 28,
9 2009.

10 Q. And when did MOEX and Anadarko
11 approve those, sir?

12 A. MOEX approved it on November 18,
13 2009 and Anadarko on December 17, 2009.

14 Q. And when was the first
15 supplemental AFE? And what is actually a
16 supplemental AFE before I go into that?

17 A. In the operating agreement a
18 supplemental AFE is required when you go
19 over a certain percentage. In this
20 operating agreement it would be 10 percent
21 of the estimated cost in the approved AFE.
22 So once we would go 10 percent of the 96.1
23 it would be required.

24 Q. When was the first supplemental
25 AFE prepared by your office or you?

1 A. On January 27, 2010.

2 Q. And when did MOEX and Anadarko
3 approve these AFEs?

4 A. MOEX approved the first
5 supplemental on February 17, 2010 and
6 Anadarko on February 18, 2010.

7 Q. Were you aware that at the time of
8 the first supplemental if there was any
9 particular reason why you had to get an
10 initial supplemental AFE?

11 A. Other than -- there were reasons
12 such as the MARIANAS rig had hurricane
13 damage and we no longer were going to use
14 that. And that increased that, along with
15 the hurricane increased the cost, so that's
16 what triggered my involvement in sending the
17 first supplemental AFE.

18 Q. In response to creating the
19 supplemental AFE, did you have to get any
20 request or permission from the finance
21 department?

22 A. The way the relationship works is
23 I keep in touch with our finance group just
24 to have an idea of where the gross costs are
25 so I can inform them when a supplemental AFE

1 would be needed, so that would be the
2 communication.

3 Q. And who would that person be?

4 A. I think in this case, I believe it
5 was -- it was not -- it was either Xue May
6 or Samena Suwanee (phonetic) who worked
7 for -- a financial analyst that worked for
8 Xue May.

9 Q. And when was the second
10 supplemental AFE prepared, sir?

11 A. March 22, 2010.

12 Q. And when was the approval
13 submitted back to you by MOEX and Anadarko?

14 A. For MOEX it was March 30, 2010 and
15 for Anadarko the same day, March 30, 2010.

16 Q. Specifically for that supplemental
17 AFE, I know the original from, and I think
18 you reference was the MARIANAS rig and the
19 hurricane damage, what was the reason for
20 this supplemental AFE, to your knowledge?

21 A. To the best of my knowledge, it
22 was due to unexpected loss circulation in
23 well control events.

24 Q. And I'm going to move on to the
25 final AFE or the third supplemental. When

1 was that one prepared?

2 A. This would be a stand-alone AFE.
3 It would not be a third supplemental. Are
4 you referring to the April 14?

5 Q. Yes, sir. So that's a stand-alone
6 AFE?

7 A. Yes, sir.

8 Q. It's not associated with the
9 original AFE?

10 A. No, sir.

11 Q. Sorry, go ahead.

12 A. This AFE is dated April 14, 2010
13 and it was to fund the nine and
14 seven-eighths by seven-inch production
15 casing, casing hanger, cement casing
16 accessories and set the lockdown sleeve.

17 Q. And when did that approval come in
18 from MOEX and Anadarko on that AFE request?

19 A. For Anadarko it was April 15, 2010
20 and for MOEX April 15.

21 Q. And I'm going to subtract that
22 last one, because you said that was a
23 stand-alone AFE. So is it accurate that the
24 total AFE for the Macondo well, including
25 the supplementals minus that 3 million,

1 stood around \$150 million?

2 A. Being that the initial of 96, 27,9
3 and 27, yes, sir, that would be correct.

4 Q. And the difference from the
5 original cost of the AFE was roughly around
6 55 million total?

7 A. That would be from the original
8 estimate, yes, sir.

9 Q. At any time in BP did you report
10 that there was an AFE difference of
11 \$55 million from the original cost and have
12 any concerns from anyone within the finance
13 or your department?

14 A. No, sir.

15 Q. Is it typical in a well to have
16 multiple AFEs and to be almost 60 percent
17 above the original cost?

18 A. It certainly is not uncommon, sir,
19 especially in exploration drilling.

20 Q. At any time during the duration of
21 any of the AFE reviews, did anyone from
22 Anadarko or MOEX contact you about any
23 concerns that they had with the well?

24 A. No, sir.

25 Q. And how many wells have you done

1 total AFEs for in the two years you had of
2 offshore experience?

3 A. I personally was involved in one
4 other exploration well prior to this one.

5 Q. And was it similar? It had
6 multiple AFEs like this one and the cost was
7 almost 55 million?

8 A. Yes, sir. In fact, it was more.

9 Q. Which well was that, sir?

10 MR. MONICO:

11 We are not sure if this is a
12 matter of public knowledge or not regarding
13 the cost of the other well. Without
14 identifying it, how much over did that well
15 go above the initial estimate?

16 THE WITNESS:

17 Almost \$100,000,000.

18 MR. MONICO:

19 Was that a dry hole?

20 THE WITNESS:

21 Yes, sir.

22 EXAMINATION BY MR. MATHEWS:

23 Q. I'm going to move on to contractor
24 agreements now that you had with MOEX and
25 Anadarko, specifically Articles 6.1 and 6.2

1 and I'm going to give you a definition that
2 I took out and I want to see if you agree
3 with it. This is the cost defined to
4 include cost of control and cleanup and
5 resulting responsibilities of oil and other
6 spills.

7 A. Do you mind if I refer to the
8 operating --

9 Q. Sure. Articles 6.1 and 6.2.

10 A. Are you referring to the
11 definition of costs?

12 Q. Yes, sir, throughout those two.

13 A. Would you repeat the question?

14 Q. No problem. Is cost defined to
15 include cost of control and cleanup and
16 resulting responsibilities of oil and other
17 spills?

18 A. I'm trying to find the exact
19 words. I can read here that: In an
20 emergency or if at the sole discretion of
21 the operator a perceived emergency exists
22 that poses an imminent threat to life,
23 safety, property or the environment, the
24 operator may immediately make those
25 expenditures for the joint account as, in

1 his opinion, as a reasonable and prudent
2 operator are necessary to deal with the
3 emergency, but only to the extent necessary
4 to stabilize the situation and alleviate the
5 imminent threat. And the operator shall
6 report to the participating parties as
7 promptly as possible the nature of the
8 emergency, the action taken, and the costs
9 incurred.

10 Q. Thank you. Also in Article 6.2.2,
11 in accordance with that and the operating
12 agreement, did the partners that you had on
13 this well have the rights to elect to not
14 further participate in this well?

15 A. Yes, sir.

16 Q. Did they?

17 A. They participated in each of the
18 supplemental AFEs as well as the
19 \$3.5 million AFE.

20 Q. In the final AFE, the \$3 million
21 one, when it was issued, were the partners
22 allowed an opportunity to propose an
23 alternative procedure or plans?

24 A. Yes, sir.

25 Q. Did they?

1 A. They did not.

2 Q. I will move on to your
3 relationship with Anadarko and MOEX. At any
4 time, to your knowledge, with negotiations
5 with them, was there any agreement where you
6 allowed Anadarko and MOEX to visit the rig
7 at their discretion?

8 A. The operating agreement provides
9 the opportunity for them to visit the rig.
10 Whether they did or did not, I'm not aware.

11 Q. Are you familiar with INSITE
12 Anywhere?

13 A. Yes, sir.

14 Q. And what is that, sir?

15 A. It's a web-based system that
16 provides realtime drilling data.

17 Q. And do you know what type of data
18 you are referring to specifically?

19 A. I do. I did not have access to
20 it, nor do I now, but I have seen what type
21 of data and it is realtime data on drilling
22 depth, torque, rate of RPMs.

23 Q. Is it also rig data that includes
24 such things as flow in, flow out, pressure
25 readings?

1 A. I can't definitively say.

2 Q. Did the partners have access to
3 this program?

4 A. Yes, sir.

5 Q. Do know how many people from
6 Anadarko had access to it?

7 A. Without naming the exact, I'm
8 thinking five to six perhaps.

9 Q. And MOEX?

10 A. Maybe four to five perhaps.

11 Q. Is this service available 24/7,
12 365?

13 A. During drilling, yes, sir.

14 Q. And who is it provided by?

15 A. Halliburton manages the program.

16 Q. At any time during the drilling of
17 the well, did you or anybody at BP receive
18 any confirmation that anyone from MOEX or
19 Anadarko had actually accessed any files
20 within INSITE Anywhere?

21 A. Yes, sir. There were numerous
22 emails that I have seen and some that I was
23 copied on that indicated that they had
24 viewed.

25 Q. Who is Mr. Bobby Bodek?

1 A. He is our operations, BP's
2 operations geologist.

3 Q. How does he work in relation to
4 you, sir?

5 A. He is, I would say, my primary
6 contact with the technical team. The
7 technical team being the subsurface and the
8 drilling team.

9 Q. I'm going to refer to Bates number
10 BP-HZN-MBI00175806. Do you have that in
11 front of you?

12 A. Yes, sir. I have that in front of
13 me.

14 Q. According to that email, did a
15 drilling engineer from Anadarko, Mr. Josh
16 Nichols -- do you have it in front of you,
17 sir?

18 A. Yes, sir.

19 Q. Did Mr. Josh Nichols, who is a
20 deepwater drilling engineer for Anadarko,
21 request contact information for one of the
22 engineers on the Macondo well to receive
23 information?

24 A. Yes, sir.

25 Q. I'm going to go now to Bates

1 No. 175868.

2 A. I have it, sir.

3 Q. And this goes back to who had
4 access to the information. There is an
5 email in the beginning, a second email I
6 want you to refer to, from Mr. John Kamm at
7 Anadarko to Mr. Bobby Bodek. Is that the
8 one you're looking at?

9 A. Yes, sir.

10 Q. Can you determine from this email
11 that Mr. Bob Kioto (phonetic) was monitoring
12 the well from a drilling standpoint?

13 A. Yes, sir. That's what the
14 email --

15 Q. And Mr. Josh Nichols was now going
16 to be replacing Mr. Kitzu (phonetic)? Can
17 you switch Mr. Bob Kitzu in for Josh
18 Nichols?

19 A. Yes, sir.

20 Q. And that's from INSITE Anywhere?

21 A. Yes, sir.

22 Q. What is the date of that email,
23 sir?

24 A. Monday, April 5, 2010.

25 Q. What is Well Space, sir?

1 A. Well Space, it's another online
2 tool that's a database that contains
3 drilling data. It would include things such
4 as all the daily drilling reports, logs,
5 geologic reports, things of that nature.

6 Q. And who is that provided by?

7 A. Halliburton.

8 Q. Did your partners have access to
9 this data?

10 A. Yes, sir.

11 Q. How many people from Anadarko had
12 access to this program, sir?

13 A. It was several. It was, I believe
14 more than the INSITE Anywhere. It was for
15 operations critical personnel I'm told, so
16 it would be, I believe more than the five or
17 six.

18 Q. And how about MOEX?

19 A. I believe it was probably the same
20 folks that perhaps had access, four or five
21 from my memory.

22 Q. I know it's not an exact number.
23 And also, like the other program, INSITE
24 Anywhere, is this a program that's available
25 24/73, 365 during drilling operations?

1 A. Yes, sir. That is my
2 understanding.

3 Q. I want to refer to Bates 175822,
4 BP-HZN-MBI00175822. I would like you to
5 refer to the bottom where it says: Hey,
6 Bobby, and it's from a Mr. Derek Folger, who
7 is an Anadarko Petroleum Corporation
8 geophysicist?

9 A. Yes, sir.

10 Q. Can you confirm that he is asking
11 for a geo report from March 24 that was to
12 be included in the Well Space program?

13 A. Yes, sir.

14 Q. And what was the date of that
15 email?

16 A. March 30, 2010.

17 Q. Thank you. I'm going to refer to
18 Bates number BP-HZN-MBI00173607.

19 A. Yes, sir.

20 Q. I'm assuming that this email went
21 out with the last AFE request for the
22 3 million? It appears that Mr. Bodek was
23 giving the opportunity to all the Macondo
24 partners to look over the posted data and
25 let him know if there was any additional

1 questions, comments, concerns or requests
2 about what was proposed in the nine and
3 seven-eighths and seven inch casing
4 proposal?

5 A. Yes, sir.

6 Q. What was the date of that email
7 and time?

8 A. This is Thursday, April 15, and I
9 think the time is -- minus five hours.
10 8:19 in the morning, I believe.

11 Q. Do you know what time you received
12 approval for the AFE from Anadarko and MOEX,
13 or if they even looked at this email?

14 A. I was actually out of the office
15 on April 15, and it was sent by one of my
16 colleagues, so I don't know exactly. I
17 believe it was back on the same day.

18 Q. But the data that you were trying
19 to give them for the final AFE was attached
20 in this email to have them review it for the
21 procedures and everything?

22 A. I'm not sure if it was in this
23 email. It was in an email I recall sending.
24 It was a draft version of an internal one we
25 had that was going to be very similar.

1 Q. Do you think you gave Anadarko and
2 MOEX adequate time to review it to get back
3 with you by April 15?

4 A. Yeah. The way we tried to do it
5 when the rig is on location is it has -- the
6 operating agreement has a 48-hour election
7 period. And we try to keep in verbal
8 communication ahead of time so there is no
9 surprises, where they just don't get a
10 formal AFE. And we were doing that with the
11 counterparts, my counterparts. We have an
12 AFE that will be coming, so they can be
13 ready to make a timely election.

14 Q. In the Well Space and INSITE
15 Anywhere, there were a few things that we
16 didn't touch on that I want to know if they
17 were actually carried over into these
18 programs, such as, are you familiar with the
19 BP RAT, Risk Assessment Tool?

20 A. No, sir.

21 Q. Are you familiar with the OptiCem
22 report that was done concerning the cement
23 job on the production casing?

24 A. No, sir.

25 Q. Do you know if any type of risk

1 information is ever shared with them? I
2 know you are giving them realtime rig data
3 and geological data. Are you actually
4 giving them tools to assess the risks that
5 you are doing internally within BP?

6 A. I can say that I did not provide
7 them any risk information. I'm not sure
8 whether that information is provided in Well
9 Space or not.

10 Q. I'm now going to refer to a Bates
11 number BP-HZN-MBI00126338.

12 A. Yes, sir.

13 Q. And are you on the To line of this
14 email, sir?

15 A. Yes, sir.

16 Q. Who is this from?

17 A. This is from our operations
18 geologist, Bobby Bodek.

19 Q. I want you to flip the page to the
20 second page. You have that in front of you.
21 What was this email in response to?

22 A. The email was in response to an
23 email I sent to Mr. Bryan Ritchie, Bobby
24 Bodek and Mark Hafle. Brian is our
25 exploration manager and Mark is our drilling

1 engineer. Paraphrasing, MOEX is requesting
2 an explanation of why we were not -- did not
3 seek approval to call objective depth and
4 needed to provide them a reason.

5 Q. And in that email I think you said
6 you had the term, and I don't have the email
7 in front of me, but there was three criteria
8 referenced on April 12.

9 A. My email?

10 Q. Yes, sir.

11 A. Due to safety and wellbore
12 stability issues, is that what you are
13 referring to?

14 Q. I think there was an email --

15 A. Oh, oh, oh, I'm sorry. In the
16 original AFE the objective data was a
17 three-part criteria. It was the earlier
18 of -- I can read it. The objective depth in
19 the original AFE is defined as the first of
20 the following to occur: 19,561 feet total
21 vertical depth subsea, or a depth sufficient
22 to encounter the first in situ occurrence of
23 the forma ferrous Robles L (phonetic) or its
24 stratigraphic equivalent as encountered at
25 24,200 feet measured depth in the MC696

1 No. 1 well, it references the lease number,
2 or an onset of pressure beyond 18,561 feet
3 total vertical depth subsea that requires a
4 new casing string to continue drilling.

5 Q. From that email string or our
6 earlier discussion, it appears that MOEX was
7 questioning why you called TD when you did?

8 A. Yes, sir.

9 Q. Before you called TD, was any
10 information provided to Anadarko or MOEX to
11 make them involved in the conversation to
12 elect to go further or stay where they were?

13 A. What would be in Well Space and
14 INSITE Anywhere.

15 Q. But the question I'm asking is,
16 the determination of where TD was set, I
17 think you used the term earlier as there
18 were non-operations which could make
19 elections. And I was under the impression
20 that if you would make a decision as you did
21 at TD that they were involved in that
22 decision or make an election in that
23 decision?

24 A. To stop?

25 Q. Yes, sir.

1 A. No, sir. That was BP's decision.

2 Q. And I have an email that I guess
3 Mr. Bodek sent to you, which was the first
4 page of that. Can you read what I think I
5 have highlighted in orange? Was this the
6 explanation you gave back to MOEX?

7 A. A shortened, yes, and Anadarko as
8 well.

9 Q. Can you confirm what I have
10 highlighted, if you read it out loud,
11 confirm that's what you relayed back to
12 them?

13 A. Certainly. This is from Mr. Bobby
14 Bodek. Drilling ahead any further would
15 unnecessarily jeopardize the wellbore.
16 Having a 14.15-pound-per-gallon exposed sand
17 and taking losses in a 12.6-pound-per-gallon
18 reservoir in the same hole section at four
19 star hand we had simply run out of drilling
20 margin. At this point it became a well
21 integrity and safety issue.

22 Q. After this email or the email that
23 you sent to MOEX and Anadarko, was there any
24 objection to calling TD at this depth?

25 A. No, sir.

1 Q. And I assume that their
2 response -- was there a response back to you
3 at all in the affirmative or did they not
4 respond at all?

5 A. Yes. Anadarko had responded that
6 they agreed with our calling an objective
7 depth, and in the event it was safe and
8 prudent to do so, they would not oppose us
9 drilling deeper.

10 Q. Did the partners MOEX and Anadarko
11 forego their rights to finding the operating
12 arrangements to make an alternative proposal
13 at that time, or have the option to opt out
14 from the AFE that you had on the last one
15 with the TA and everything else that was
16 going on with the well?

17 A. Is the question did they have an
18 option on the 3.5 million AFE?

19 Q. Yes.

20 A. They would have had an option to
21 non-consent or not participate, right.

22 Q. And they did send in their
23 approval --

24 A. Yes, sir.

25 Q. -- which they accepted the

1 procedures that you were going forward with
2 after April 15?

3 A. Yes, sir.

4 Q. I'm going to go on to financial
5 reporting and I don't know how much you are
6 going to know about this, because it didn't
7 seem like you were actually part of the
8 finance crew. But we had some earlier
9 testimony from Mr. Hafle that he was never
10 involved in the economics side of it. Were
11 you ever involved with Mr. Hafle in the AFE
12 process?

13 A. Yes, sir.

14 Q. And can you please tell me what
15 his roles and responsibilities were?

16 A. His roles would be, I would go to
17 Mark and he would be the one that would
18 draft the AFE and provide all the
19 information and the costs.

20 Q. At any time did you prepare any
21 financial reports for this well with
22 Mr. Hafle?

23 A. No, sir.

24 Q. Do you know what a GFO report is?

25 A. Yes, sir. In internal BP it's

1 called a group financial outlook.

2 Q. And were you involved in
3 generating any GFO reports --

4 A. No, sir.

5 Q. -- for the Macondo well?

6 Do you know what a D&C monthly
7 forecast is?

8 A. No, sir.

9 Q. You never at any time provided any
10 information to the vice president of
11 drilling completions on the costs of
12 projects ongoing?

13 A. No, sir.

14 Q. I'm going to move on to
15 postincident. Since April 20, had you ever
16 invited MOEX or Anadarko in the relief wells
17 or were they ever brought into the process
18 for the relief wells?

19 A. On April 20, after the incident, I
20 have been instru -- I have had no contact
21 with either Anadarko or MOEX.

22 Q. And with that statement I can only
23 assume that BP never invited MOEX or
24 Anadarko into their investigation of what
25 happened on the DEEPWATER HORIZON through

1 you?

2 A. Through me, yes, sir. I have not
3 had any contact.

4 MR. MATHEWS:

5 At this time I have no further
6 questions.

7 JUDGE ANDERSEN:

8 Other Board questions?

9 Marshall Islands?

10 COUNSEL REPRESENTING MARSHALL ISLANDS:

11 No questions.

12 JUDGE ANDERSEN:

13 BP?

14 COUNSEL REPRESENTING BP:

15 No questions at this time, Your
16 Honor.

17 JUDGE ANDERSEN:

18 Transocean?

19 MR. CLEMENTS:

20 Yes, please.

21 EXAMINATION BY MR. CLEMENTS:

22 Q. Mr. Beirne, my names is Miles
23 Clements. I represent Transocean. Good
24 afternoon.

25 A. Good afternoon.

1 Q. You were asked several questions
2 by Mr. Mathews about the room where the
3 equipment -- I think what you called the
4 INSITE program?

5 A. INSITE Anywhere.

6 Q. Okay. All right. And this was
7 data that -- this was realtime data that was
8 received by BP in Houston?

9 A. Yes, sir.

10 Q. And this gave in realtime the data
11 that was generated on the DEEPWATER HORIZON
12 as operations proceeded?

13 A. Yes, sir. That is my
14 understanding. Again, I did not have
15 personal access to it.

16 Q. But you know of it?

17 A. That's my understanding of it,
18 yes, sir.

19 Q. You, sir, as I understand, one of
20 the roles you played with respect to this
21 well was in some respects a go-between,
22 between BP and the non-operators?

23 A. Yes, sir.

24 Q. They were occasionally requesting
25 information and often those requests came to

1 you, and you would get the answers at BP and
2 respond to Anadarko and MOEX, the
3 non-operators?

4 A. Yes, sir. And they would -- the
5 non-operators as well, the technical folks
6 would directly contact on occasion as well.

7 Q. BP was the operator of this well?

8 A. Yes, sir.

9 Q. Was there a room that this
10 facility operated 24 and 7, 365 in Houston
11 that was known at BP?

12 A. I'm not aware whether there is or
13 there is not.

14 Q. Well, for the sake of our visit
15 today I will call it the operations room.
16 This was a room equipped with screens to
17 receive the realtime data?

18 A. I'm not sure whether there is or
19 there is not. I wouldn't be involved in if
20 there was an operations room or there is
21 not.

22 Q. Well, you know that Anadarko and
23 MOEX had a right to the same data?

24 A. Which data?

25 Q. The realtime data.

1 A. Yes, sir.

2 Q. I think it's specifically covered
3 in the operating agreement, is it not?

4 A. Yes, sir.

5 Q. Well, do you know if they had an
6 ops room set up 24 and 7, 365 days a year to
7 receive the same realtime data?

8 A. Anadarko and MOEX?

9 Q. Yes.

10 A. No, sir. I do not know.

11 Q. One way or the other?

12 A. One way or the other.

13 Q. But as far as BP was concerned,
14 the engineers at BP could see the same data
15 in realtime that Mr. Kaluza, the BP company
16 man could see on the DEEPWATER HORIZON?

17 A. I can't answer. I'm not sure what
18 data Mr. Kaluza sees. I understand what
19 INSITE Anywhere is.

20 Q. Well, do you know what BP did with
21 this realtime data that it received on a
22 contemporaneous basis as it was generated on
23 the DEEPWATER HORIZON?

24 A. No, sir.

25 Q. But they presumably received it so

1 they could evaluate it, did they not?

2 A. Presumably.

3 MS. KARIS:

4 Object to the foundation.

5 JUDGE ANDERSEN:

6 If the witness doesn't have
7 specific knowledge but you want to make a
8 representation to him that certain things
9 that are true, that you know are true, then
10 maybe he can answer some questions based on
11 that representation.

12 Obviously if you are ever asked a
13 question and you don't know the answer you
14 don't need to make up an answer.

15 THE WITNESS:

16 Yes, sir.

17 JUDGE ANDERSEN:

18 I'm gathering that even though he
19 might not have some firsthand information,
20 he might know the consequence of that
21 information existing. And so if he makes a
22 representation, if BP feels that it's
23 inaccurate or needs to be supplemented, let
24 us know. Okay?

25 MR. CLEMENTS:

1 And I have no pending question.

2 The witness did seem able to answer my last
3 question. I will move on to another area.

4 EXAMINATION BY MR. CLEMENTS:

5 Q. Mr. Beirne, in general terms at
6 least, the Macondo well became a problem
7 well, did it not?

8 A. At what point in time?

9 Q. Well, at least as of the date that
10 you received from Mr. Bodek this April 13
11 email which stated that: At this point it
12 became a well integrity and safety issue. I
13 think that's when you were calling TD at
14 18,000 some-odd feet rather than the 19,000
15 that had originally been targeted.

16 A. Yes, sir. In the conversations
17 there, that was -- at that point what Mr.
18 Bodek was stating is to go deeper. It was a
19 wellbore integrity issue.

20 Q. You had suffered loss returns at
21 that point?

22 A. I believe that had -- I'm not sure
23 exactly at that point.

24 Q. It's also outlined in the email
25 Mr. Mathews identified and from which you

1 read. And to quote: At that point the team
2 was faced with a tough decision. It's fair
3 to say it was a tough decision because there
4 were some problems with this well?

5 A. Is this Mr. Bodek's email?

6 Q. The same email.

7 A. The long one? Okay. Can you
8 repeat the question, sir?

9 Q. Yes. If you look at the
10 statements which were made to you in this
11 email, clearly this had become as of
12 April 13 -- maybe before, but at least as of
13 that date, this had become a problem well?

14 A. That's not a question I can
15 answer. I'm not a technical background on
16 determining what would or would not be a
17 problem.

18 Q. Sure. And I'm not going to go
19 through all the engineering data in this
20 email with you. I understand your
21 background is in business. And with respect
22 to the business of this well, by the time
23 you were \$60 million over budget this had
24 become an expensive well, had it not?

25 A. I'm not sure I can define what

1 expensive is, sir.

2 Q. Well, 55 percent over budget is
3 more expensive than hitting budget?

4 A. In my understanding and my role in
5 the operating agreement, AFEs are estimates
6 and especially in exploratory wells
7 exceeding the AFEs, it's not uncommon.

8 Q. Sure. On this well when you
9 passed the hat to the non-operators the last
10 time, it was three and a half million
11 dollars to spend what would be over a
12 five-day period from April 16 to April 20;
13 is that right?

14 A. The AFE, the April 14 AFE?

15 Q. Yes, sir.

16 A. I'm sorry. I didn't -- can you
17 repeat that question about the AFE?

18 Q. Sure. The last AFE which required
19 you to go to the non-operators, I have it
20 here in front of me BP-HZN-MBI00192560. And
21 I will be happy to show it to you.

22 A. Yes, sir, I have it.

23 Q. Okay. This was the three and a
24 half million dollar AFE, was it not?

25 A. Yes, sir.

1 Q. And it is for a start date of
2 April 16, 2010?

3 A. That's the estimated start date.

4 Q. And the end date April 21, 2010?

5 A. That is the estimated end date.

6 Q. It's been estimated by other
7 witnesses that this well was costing
8 approximately a million dollars a day.
9 Would you agree or disagree with that?

10 A. I can't -- I don't know. I can't
11 agree or disagree.

12 Q. But you do know whatever the cost
13 was it's gone up three and a half million
14 dollars to perform what this AFE says:
15 Casing, casing hanger, cement casing
16 accessories, lockdown sleeve and
17 installation of lockdown sleeve?

18 A. In my role what I can say is this
19 AFE was estimated to cost three and a half
20 million dollars to set the production
21 casing. It's further described in the
22 comment section.

23 Q. And that was an AFE in which
24 Anadarko or two Anadarko companies would
25 collectively participate in to, I believe,

1 25 percent and MOEX 10 percent?

2 A. Yes, sir.

3 Q. Is it fair to say that BP did not
4 want to have to pass the hat around one more
5 time to those non-operators in the event
6 this AFE was not sufficient?

7 A. I'm not sure I understand the --

8 Q. Sure. I will state it otherwise.
9 To exercise BP's rights under the operating
10 agreement to ask for Anadarko and MOEX's
11 continued participation in the AFEs and the
12 well?

13 A. Well, in the operating agreement
14 the reason for this was because it was
15 outside -- this operation was outside the
16 scope of the original AFE to drill to the
17 objective depth, so the only reason this was
18 issued was because it was required under the
19 operating agreement.

20 Q. Sure. And I take it you did not
21 want to have to exceed that budget again and
22 exercise those rights for further
23 participation from your non-operating
24 partners?

25 A. I'm not sure I can answer.

1 Q. Fair enough. This is what I want
2 to know, sir. Did this lead to a concern,
3 perhaps a culture of seeking to cut costs
4 going forward on the Macondo well?

5 A. In my capacity I don't have any
6 information to address that question.

7 Q. You gave some testimony on what
8 Anadarko -- what information was passed to
9 them and I think to some extent what their
10 rights were under the operating agreement to
11 information. Did, to your knowledge,
12 Anadarko and/or MOEX participate in such
13 decisions as running a long string into the
14 well as opposed to a liner with tiebacks?

15 A. I can't answer whether they
16 participated. I can say that that
17 information was very likely in the
18 information in Well Space or on INSITE
19 Anywhere.

20 Q. Do you know for sure?

21 A. I believe I saw some communication
22 in an email.

23 Q. Who would make the decision with
24 respect to running a long string versus a
25 liner with tiebacks?

1 A. It would come out of our technical
2 team, likely the drilling group.

3 Q. At BP?

4 A. Yes, sir.

5 Q. Would BP similarly make the
6 decision whether or not to run a casing bond
7 log?

8 A. Yes, sir.

9 Q. And the number and type of
10 centralizers would be run for purposes of
11 the cement job?

12 MS. KARIS:

13 Objection --

14 THE WITNESS:

15 Yes. I believe -- I believe --

16 MS. KARIS:

17 I want to pose an objection on
18 foundation as to whether this witness knows
19 who makes those decisions, whether it's BP,
20 BP collectively with others, because I think
21 he's already indicated he has no knowledge
22 on the drilling side.

23 JUDGE ANDERSEN:

24 She is objecting on the grounds
25 that this witness doesn't have knowledge as

1 to who makes the drilling side decisions.

2 Could you repeat the question?

3 MR. CLEMENTS:

4 I think we have laid a foundation
5 that this witness served as a go-between
6 between the operator and the non-operator
7 and certainly if he doesn't know the answer
8 to some of these questions, he can say, so
9 but I think there is a foundation.

10 JUDGE ANDERSEN:

11 Okay. Well, let's hear the
12 question rather than argue about the
13 foundation.

14 EXAMINATION BY MR. CLEMENTS:

15 Q. Sure. The last question was: Who
16 would make the decision whether or not to
17 run the CBL?

18 JUDGE ANDERSEN:

19 If you know the answer.

20 THE WITNESS:

21 I do not know the answer.

22 EXAMINATION BY MR. CLEMENTS:

23 Q. And who would make the decision as
24 between BP and the non-operators with regard
25 to the type and number of centralizers?

1 A. In my reading of the operating
2 agreement, it would be BP's.

3 Q. Would BP similarly decide how much
4 drilling mud to use, what kind of fluids to
5 use?

6 A. Again, I don't know the technical,
7 but my assumption in reading of the
8 operating agreement is yes.

9 Q. And the content and type of the
10 spacer material used in the well?

11 A. Sir, I'm actually not sure what
12 spacer material is.

13 Q. Fair enough. Would it be BP as
14 operator who would design the temporary
15 abandonment plan?

16 A. Yes. That would be -- that was in
17 the original AFE, yes, sir.

18 Q. To your knowledge, did Anadarko or
19 MOEX seek to amend or modify the temporary
20 abandonment plan formulated by BP?

21 A. Not that I'm aware. I know that
22 that was part of the marketing presentation
23 that we provided to both of them prior to
24 them signing in and also it was part of the
25 well plan in the original AFE.

1 Q. The BP well plan?

2 A. Yes, sir.

3 Q. Okay. And the sequence of the
4 temporary abandonment plan, for instance
5 when to install the lockdown sleeve, would
6 that be a BP decision and design?

7 A. That's my understanding, but I
8 don't know how things work out on a rig.
9 For instance, I don't know who exactly makes
10 those decisions.

11 Q. I'm asking you as between BP and
12 the non-operators.

13 A. Between BP and the non-operators,
14 in my understanding of the operating
15 agreement, it would be BP.

16 Q. Did you also report the progress
17 from time to time as requested on the
18 project, the progress that was being made on
19 the DEEPWATER HORIZON?

20 A. To the non-operators?

21 Q. Yes.

22 A. Yes, sir.

23 Q. Did you have information with
24 regard to the Transocean safety program or
25 safety culture or safety practices or

1 results? Was that something that the
2 non-operators were ever interested in?

3 A. Not in my communications. I'm not
4 familiar with Transocean.

5 Q. Were you aware that there was a
6 trip made by certain BP VIPs out to the
7 DEEPWATER HORIZON on April 20?

8 A. Yes. I learned after the incident
9 that there were two of our management folks
10 out there. That's the extent that I know.

11 Q. Were you aware that their talking
12 points for the HORIZON rig visit included
13 the hallmarks of the HORIZON team, such as
14 genuine concern for health, safety and
15 environment?

16 A. No, sir. I wasn't aware of any
17 part of their trip or what the purpose of
18 their trip was to that degree.

19 Q. Did anyone ever tell you that BP
20 felt that the Transocean DEEPWATER HORIZON
21 crew demonstrated tremendous rigor put into
22 risk awareness, mitigation reporting,
23 investigations and lessons learned?

24 A. Was the question who?

25 Q. Were you ever made aware of that,

1 sir?

2 A. No, sir. I would not be involved
3 in that.

4 Q. The DEEPWATER HORIZON crew had an
5 absolute focus on the same goal, there was
6 no conflict between operator and contractor?

7 A. No. I'm not aware one way or the
8 other.

9 Q. And were you ever made aware that
10 one of the talking points for the HORIZON
11 rig visit by the BP VIPs was that there was
12 excellent communication on the rig and
13 between office and rig site?

14 A. No, sir. I'm not aware of any of
15 their bullet points or anything on the rig.

16 JUDGE ANDERSEN:

17 Counsel, I can appreciate how you
18 might --

19 MR. CLEMENTS:

20 You want me to move on, don't you?

21 JUDGE ANDERSEN:

22 Yes. The questions we ask are not
23 evidence, so obviously this witness doesn't
24 know those things. I can appreciate why
25 Transocean would want the world to know it,

1 but there is a number of ways to do it. But
2 I would say let's focus on the information
3 this witness has and that's the best use of
4 our time with him.

5 MR. CLEMENTS:

6 Yes, sir.

7 JUDGE ANDERSEN:

8 Thank you.

9 EXAMINATION BY MR. CLEMENTS:

10 Q. You are familiar, you said, with
11 the operating agreement for this well?

12 A. Yes, sir.

13 Q. And does that -- would you say
14 that that operating agreement is a somewhat
15 sophisticated document?

16 A. Yes, sir. It's about 140 pages, I
17 believe.

18 Q. And it's thick?

19 A. Yes, sir.

20 Q. And it's entered into between
21 sophisticated parties, at least in this area
22 of technology and operations?

23 A. Yes, sir. I think that's a fair
24 assessment.

25 Q. Parties of equal bargaining

1 position? This is not a situation that
2 Anadarko or MOEX were forced into?

3 A. No, sir.

4 Q. And this was a negotiated
5 contract?

6 A. Yes, sir.

7 Q. And it contained an allocation of
8 risks and responsibilities, did it not?

9 A. Are you referring to a specific
10 section, sir?

11 Q. Well, I'm referring to
12 Section 22.5.

13 A. It does. But I would like to say
14 I'm not a lawyer and I'm certainly not in a
15 position to discuss --

16 Q. We are not going to debate the
17 law, I promise you.

18 A. Thank you.

19 Q. But what I do want to delve into
20 is that in this negotiation liability for
21 any damages or losses were to be divided
22 proportionally according to the extent of
23 the participation of each party?

24 MS. KIRBY:

25 I object to that question as

1 misrepresenting what the document says.

2 MR. CLEMENTS:

3 I'm not finished.

4 MS. KIRBY:

5 It speaks for itself.

6 MR. CLEMENTS:

7 Sure.

8 JUDGE ANDERSEN:

9 If you would like him to read a
10 paragraph or a sentence or two in the
11 document, you are welcome to do that.

12 She is objecting that that wasn't
13 really a complete statement of what
14 Mr. Clement seemed to be getting at. Is
15 there something you would like --

16 MR. CLEMENTS:

17 If it will overcome the objection,
18 we can read one sentence.

19 JUDGE ANDERSEN:

20 It speaks for itself, but let's
21 read it. And then obviously both MOEX and
22 Anadarko are going to have a chance,
23 probably after a recess, to question the
24 witness and you can plan what you want to
25 supplement things with accordingly.

1 Okay. What is the sentence?

2 EXAMINATION BY MR. CLEMENTS:

3 Q. Would you read the first sentence
4 of 22.5, sir?

5 A. Liability for Damages, that's the
6 heading. "Unless specifically provided
7 otherwise in this agreement, liability for
8 losses, damages, costs, expenses or claims
9 involving activities or operations under
10 this agreement or affecting the leases or
11 the contract area which are not covered by
12 or in excess of the insurance carried by the
13 joint account shall be borne by each party
14 in proportion to its participating interest
15 share in the activity or operation out of
16 which that liability arises, except that
17 when liability results from the gross
18 negligence or willful misconduct of a party,
19 that party shall be solely responsible for
20 liability resulting from its gross
21 negligence or willful misconduct."

22 Q. Thank you, sir. So unless BP was
23 guilty in the circumstances of gross
24 negligence or willful misconduct, then the
25 non-operators would be required under this

1 provision to share proportionally in any
2 losses?

3 A. Again, I'm not a lawyer and I'm
4 not in a position to interpret the
5 consequences of that paragraph.

6 Q. Based on your appreciation of what
7 you have read.

8 A. I don't think my appreciation or
9 my expertise is relevant.

10 JUDGE ANDERSEN:

11 If you don't want to comment
12 beyond the words, you are welcome to do
13 that. I mean, you don't need to.

14 EXAMINATION BY MR. CLEMENTS:

15 Q. One thing is clear, sir, MOEX and
16 Anadarko had an interest in there not being
17 any losses or damages on this well, did they
18 not?

19 A. I would say that's a fair
20 statement for any party.

21 Q. In your experience in your
22 handling of this project and your role as a
23 go-between between BP and its non-operators,
24 did Anadarko or MOEX ever express any
25 concern whatsoever about Transocean's safety

1 record, ISM compliance, maintenance or
2 anything that might result in damages or
3 losses?

4 A. Not that I'm aware of.

5 Q. Did they indicate that they were
6 satisfied that Transocean was up to handling
7 this task?

8 A. I did not receive any
9 communication with regard to Transocean in
10 my dealings.

11 Q. No concerns expressed?

12 A. No communication at all with
13 regard to Transocean.

14 MR. CLEMENTS:

15 Thank you, sir. That's all I
16 have.

17 JUDGE ANDERSEN:

18 Halliburton?

19 COUNSEL REPRESENTING HALLIBURTON:

20 No questions, Your Honor.

21 JUDGE ANDERSEN:

22 Cameron?

23 COUNSEL REPRESENTING CAMERON:

24 No questions.

25 JUDGE ANDERSEN:

1 Weatherford?

2 COUNSEL REPRESENTING WEATHERFORD:

3 No questions.

4 JUDGE ANDERSEN:

5 M-I SWACO?

6 COUNSEL REPRESENTING M-I SWACO:

7 No questions, Your Honor.

8 JUDGE ANDERSEN:

9 Douglas Brown?

10 COUNSEL REPRESENTING DOUGLAS BROWN:

11 No questions, Your Honor.

12 JUDGE ANDERSEN:

13 Dril-Quip?

14 COUNSEL REPRESENTING DRIL-QUIP:

15 No questions.

16 JUDGE ANDERSEN:

17 Curt Kuchta?

18 COUNSEL REPRESENTING MR. KUCHTA:

19 No questions.

20 JUDGE ANDERSEN:

21 Jimmy Harrell?

22 COUNSEL REPRESENTING MR. HARRELL:

23 No questions.

24 JUDGE ANDERSEN:

25 Steve Bertone?

1 COUNSEL REPRESENTING MR. BERTONE:

2 No questions.

3 JUDGE ANDERSEN:

4 Mike Williams? He is not here.

5 Okay. We will take that as a no.

6 Pat O'Bryan?

7 COUNSEL REPRESENTING MR. O'BRYAN:

8 No questions.

9 JUDGE ANDERSEN:

10 Robert Kaluza?

11 COUNSEL REPRESENTING MR. KALUZA:

12 No questions.

13 JUDGE ANDERSEN:

14 We will take a recess and then
15 come back to Anadarko and MOEX and you can
16 have a choice as to which of you goes first.

17 CAPTAIN NGUYEN:

18 We will take ten minutes and
19 reconvene at 2:10.

20 (Whereupon, a brief recess was taken.)

21 JUDGE ANDERSEN:

22 Who would like to proceed first
23 MOEX or one of the Anadarko entities?

24 MS. KIRBY:

25 Actually all three of them were

1 thinking about going together.

2 EXAMINATION BY MS. KIRBY:

3 Q. Good afternoon, Mr. Beirne. My
4 name is Ky Kirby and as you possibly just
5 figured out, I represent Anadarko and MOEX.

6 Now, MOEX signed the operating
7 agreement and the lease agreement on what
8 date; do you recall?

9 A. MOEX, ma'am?

10 Q. Yes.

11 A. I believe MOEX signed it on
12 November 18.

13 Q. Of 2009, correct?

14 A. 2009. In the operating agreement
15 the effective date was October 1.

16 Q. And Anadarko signed it
17 approximately a month later; is that right?

18 A. Yes, ma'am.

19 Q. And the drilling of the well had
20 begun when?

21 A. I believe it was October 6, 2009.

22 Q. So drilling had been going on for
23 more than a month before MOEX signed and
24 more than two months before Anadarko signed,
25 right?

1 A. Well, I don't know the exact date,
2 but when the hurricane came through it would
3 have been early November. That's when they
4 stopped drilling from that original
5 October 6 date. And then there was this
6 hurricane damage so they did not drill after
7 that.

8 Q. So do you know what day the well
9 was spud?

10 A. October 6.

11 Q. So if there was hurricane damage
12 that occurred in early November we can say
13 drilling had been going on for about a
14 month, right?

15 A. Yes, ma'am.

16 Q. The first AFE that you testified
17 Anadarko and MOEX approved was dated
18 August 28, 2009; is that right?

19 A. Yes, ma'am.

20 Q. So that AFE preceded even their
21 contractual involvement in this project,
22 correct?

23 A. Yes, ma'am.

24 Q. So effectively what you did was
25 you gave them a document that was backdated

1 and had them -- and presented it to them so
2 that they could essentially fund the
3 operations, right?

4 A. Well, we had presented -- we had
5 marketed the prospect to them beginning in
6 the summer of 2009 and that included the
7 well plan and the estimated costs. And
8 throughout the negotiation process they were
9 provided that well plan and AFE and it was
10 not -- they were well aware of what they
11 signed at that point.

12 Q. Let's stop right there. My job is
13 to make sure I know exactly what you are
14 talking about. Well plan. What was the
15 well plan that you gave to them?

16 A. The well plan is the original AFE
17 dated August 28, 2009. It's a three-page.
18 There is a Page 2 and a Page 3.

19 Q. So you are looking, at least my --
20 well, can you read the Bates number for your
21 copy? Lower right-hand corner.

22 A. This one is missing.

23 MR. MATHEWS:

24 We had problems with our printers.

25 MS. KIRBY:

1 I have a document that Bates
2 stamped BP-HZN-MBI00192549 through 551 and
3 it is dated August 28, 2009 and it appears
4 to be the first AFE.

5 A. I have it, yes, ma'am.

6 Q. And this document consists of a
7 first page that asks for authorization for
8 the project cost of \$96,100,000, right?

9 A. The estimated costs, yes, ma'am.

10 Q. And then the second page is a
11 high-level diagram or schematic, if you
12 will, of what is called the Macondo prospect
13 basis of design, right?

14 A. It is the Macondo prospect basis
15 of design, yes, ma'am.

16 Q. And that shows a well total depth
17 of 19,650, is that true, feet?

18 A. It appears so, yes. The copy is
19 hard to read. Yes, that's correct.

20 Q. And the very last page has Macondo
21 Well Evaluation Plan, right?

22 A. Yes, ma'am.

23 Q. And that also has this high-level
24 schematic on the left side and then a bunch
25 of arrows on the right side that are

1 identified by acronyms like LWD. Do you
2 know what that stands for?

3 A. Well log drilling.

4 Q. And then also, another aggregate
5 of arrows identified as wireline, correct?

6 A. Yes, ma'am.

7 Q. And, in fact, that last arrow on
8 the far right says CBL, doesn't it?

9 A. Yes, ma'am.

10 Q. Do you know what a CBL is?

11 A. I believe it is a cement bond log.

12 Q. When you tell us that you gave to
13 Anadarko and MOEX a well plan, that's the
14 sum total of what you are talking about?

15 A. Yes, ma'am.

16 Q. Is there any other time when you
17 gave them any detailed well plan, more
18 detailed well schematic, anything of that
19 nature?

20 A. I did not personally.

21 Q. The operating agreement, you were
22 asked some questions by Transocean's lawyer
23 about how it was negotiated. Who drafted
24 the agreement?

25 A. It's a model form operating

1 agreement by the AAPL, which is the American
2 Association of Professional Landmen.

3 Q. And who put the agreement
4 together?

5 A. It would have been along with
6 myself or one of our management Curt Wordlaw
7 and our in-house counsel.

8 Q. So BP took this aggregate of model
9 provisions and put them all together into
10 this operating agreement, right?

11 A. I believe it was based off a form
12 we had with MOEX in another prospect in the
13 Gulf of Mexico.

14 Q. And then you presented that form
15 to MOEX to sign if it wanted to participate
16 in the well, right?

17 A. We put it up as our basis to
18 negotiate the JOA.

19 Q. And the form that you presented to
20 Anadarko was the same form that already had
21 been signed by MOEX and BP, correct?

22 A. It was an existing -- yeah, it was
23 an existing operating agreement at that
24 point, yes, ma'am.

25 Q. There was no negotiating by

1 Anadarko; it was what it was already, right?

2 A. Yes, ma'am. And they reviewed it
3 prior to signing their participation
4 agreement.

5 Q. Now, in the operating agreement BP
6 is clearly designated as the operator,
7 right?

8 A. Yes, ma'am.

9 Q. And Anadarko and MOEX, are the --
10 they are actually defined as the
11 non-operating parties or NOPs, right?

12 A. They are defined in the recital as
13 the parties.

14 Q. And if you look at 2.43, NOP
15 stands for non-operating parties, correct?

16 A. Yes, ma'am.

17 Q. And you understand those
18 non-operating parties to be who?

19 A. MOEX and Anadarko.

20 Q. Now, for the sake of simplicity so
21 I can stop saying Anadarko and MOEX, I'm
22 just going to say NOPs; is that fair?

23 A. Yes, ma'am.

24 Q. Under the agreement with the NOPs,
25 BP had the exclusive right and duty to

1 perform all of the activities and operations
2 with respect to the well and the drilling of
3 the well, didn't it?

4 A. Yes, ma'am. Subject to certain
5 checks and balances within the operating
6 agreement.

7 Q. But it was BP who could do the
8 drilling, who could decide the well design,
9 who could decide the drilling plan, correct?

10 A. Yes, ma'am. And that's very
11 standard in the model form operating
12 agreement.

13 Q. And the agreement expressly states
14 with respect to those activities and
15 operations that BP is not under the control
16 or the direction of the NOPs; is that true?

17 A. Yes, ma'am. Can you point me to
18 that? I believe it's Article 5.

19 Q. Yes, 5.1.

20 A. Yes, ma'am, that's correct.

21 Q. And, in fact, in the agreement BP
22 alone got to decide which of its employees
23 it used with respect to well design or well
24 operations, right?

25 A. Yes, ma'am.

1 Q. And it got to choose the drilling
2 company alone, right?

3 A. Yes, ma'am. In Transocean?

4 Q. Any drilling company, right?

5 A. Yes, ma'am.

6 Q. And it got to decide how it wanted
7 to design the well, true?

8 A. Yes, ma'am.

9 Q. And how to drill the well, true?

10 A. They would drill it based on the
11 design that would be approved in the AFE.

12 Q. And in your experience, is that
13 pretty typical for a situation where there
14 are non-operating investors in a well?

15 A. Yes, that's very typical.

16 Q. You don't drill a well by
17 committee, right?

18 A. I'm not sure. That could be a
19 characterization.

20 Q. And with respect to all of these
21 activities and operations, the agreement was
22 very clear that BP was not acting as an
23 agent of the NOPs, true?

24 A. Yes, that's correct.

25 Q. Now, we talked a little bit

1 earlier about Section 5.7 of the operating
2 agreement which discusses the types of
3 information that the NOPs could be given,
4 and you mentioned, I believe, some
5 information that is on INSITE; is that
6 right?

7 A. INSITE Anywhere, yes, ma'am.

8 Q. And those include the daily
9 operations reports; is that your
10 understanding?

11 A. No, ma'am. That would be in Well
12 Space.

13 Q. So Well Space also was another
14 source of information?

15 A. Yes, ma'am.

16 Q. And the daily operations reports
17 were reports that were always up the day
18 before, assuming they were posted right
19 away? In other words, you can't get a daily
20 operation report until everything that it
21 records has been finished?

22 A. I'm not familiar with -- I review
23 daily operations reports, but I can't tell
24 you when they are exactly drafted and the
25 procedure of how it's done.

1 Q. Do you understand that they are
2 actually reflecting past activities?

3 A. Right, yes, it has -- what was --
4 in my reading of it it has what was done in
5 the previous 24-hour period and a forecast.

6 Q. There is a forecast?

7 A. Forecast of the expected
8 operations in the next 24 hours.

9 Q. And the forecast -- where are you
10 finding a forecast?

11 A. If you don't mind, I would like to
12 look at a daily drilling report.

13 Q. If you don't mind, can you read us
14 the numbers are in the right-hand corner so
15 we know what you are looking at?

16 A. I'm looking at BP-HZN-MBI00013897
17 and this is the daily operations report
18 dated April 3, 2010.

19 Q. And you are looking to see if you
20 can find a section that's entitled forecast
21 and what kind of information it provides?

22 A. Yes, ma'am. Here I see 24-hour
23 forecast, and on this specific report it
24 says: Drill ahead to TD.

25 Q. Okay. So you got a pretty high

1 level: Forecast drill ahead to TD, right?

2 A. Yes, ma'am.

3 Q. It doesn't say: Tomorrow I'm
4 going to set this kind of casing and use
5 this many centralizers and pour this amount
6 of cement, does it?

7 A. There are more detailed parts of
8 the daily operations report. I have been
9 handed -- this is BP-HZN-MBI00013986. In
10 this 24-hour forecast, this one is a little
11 more detailed, it has: Run in hole with
12 seven-inch, 32.0, number sign, HCQ125,
13 HYD513 by nine and seven-eighths, 62.8
14 number Q-125HYD, 523, abbreviation CSG
15 casing, RT nine and seven-eighths casing
16 tools, PU, pull up hanger, continue to run
17 in hole.

18 JUDGE ANDERSEN:

19 Okay. That's enough.

20 THE WITNESS:

21 It's very technical.

22 EXAMINATION BY MS. KIRBY:

23 Q. So basically do you understand
24 what you just read?

25 A. Very limited pieces.

1 Q. You understood it was talking
2 about running casing for the next day?

3 A. I don't want to say that I
4 understand for sure.

5 Q. Did you sort of get that out of
6 what you read?

7 A. I don't think I should provide
8 with my background what I believe that is.

9 Q. Okay. On Well Space, anything
10 else on Well Space besides the daily
11 operations report that you know of?

12 A. Yes. There is LWD data, the NWD
13 data, all the mud logs, geologic reports, as
14 well as other things. I'm not certain of
15 all the other things but there are other --

16 Q. And then on the INSITE, the
17 realtime data, what do you understand that
18 it shows?

19 A. As I noted earlier in my
20 testimony, I have only seen screen shots. I
21 haven't had access. But what I've seen is
22 it has realtime data, such as the drilling
23 depth, rate of penetration, torque. That's
24 all that I can remember at this point.

25 Q. Now, you were the primary contact

1 between the non-operating partners and BP,
2 true?

3 A. Yes, ma'am.

4 Q. Now, in the course of your
5 communications with them -- first let me
6 back up. You didn't communicate with them
7 every day, did you?

8 A. No, ma'am.

9 Q. How frequently would you say you
10 communicated with them?

11 A. Frequently when we would have, be
12 coming to an AFE event where we would have
13 to supplement, or another AFE for the
14 running of the production casings. Other
15 than that, during a normal drilling, maybe
16 once a week, if that.

17 Q. So you weren't being asked to give
18 them sort of a day-by-day update on issues
19 that were arising and decisions that were
20 being made internally, were you?

21 A. No, ma'am, I did not. But that
22 would all have been provided in Well Space
23 and INSITE Anywhere. And I am aware of
24 numerous communications between the
25 technical folks.

1 Q. Let's stop.

2 MR. MONICO:

3 Hold on. Were you finished with
4 your answer?

5 JUDGE ANDERSEN:

6 In her defense, he did go
7 beyond -- she asked him what communications
8 he had. And later on, as you know, he's
9 going to be allowed and you're going to be
10 allowed to ask follow-up questions, so next
11 question.

12 EXAMINATION BY MS. KIRBY:

13 Q. What specifically are you telling
14 me was being provided to the non-operating
15 parties in Well Space or INSITE that told
16 them about issues that were being discussed
17 internally with regard to the well?

18 A. I cannot specifically tell you the
19 detailed information of what is in there. I
20 can just provide you what type of
21 information was in there.

22 Q. But did you not just say to me
23 that all of that information was available
24 and being made available to them on Well
25 Site?

1 A. I did not say that exact
2 information.

3 Q. Or on INSITE?

4 A. I said that type information.

5 Q. My job is to make sure that I
6 understand exactly what your testimony is.

7 A. Yes, ma'am.

8 Q. So are you not saying, then, that
9 there was information being made available
10 to the non-operating parties on a daily
11 basis? It wasn't being made available about
12 the internal discussions going on with
13 regard to issues with the well?

14 MR. MONICO:

15 I object to that question. It's
16 impossible to answer that question. Nobody
17 could answer that question.

18 JUDGE ANDERSEN:

19 Maybe they could, but remember, we
20 talked about negatives. There were three in
21 that sentence.

22 MS. KIRBY:

23 Let me do it the other way,
24 because when I asked it the other way I got
25 a different answer.

1 MR. MONICO:

2 Object to the statement made in
3 the question.

4 JUDGE ANDERSEN:

5 Next question.

6 EXAMINATION BY MS. KIRBY:

7 Q. Mr. Beirne.

8 A. Yes, ma'am.

9 Q. To your knowledge, was there
10 anything on Well Space or INSITE that was
11 given to the NOPs that told them about the
12 issues that were being discussed internally
13 at BP on a daily basis with regard to the
14 well?

15 A. To the extent that it would be in
16 a daily drilling report or one of the
17 reports in Well Space, I cannot say yes or
18 no. I can't say.

19 Q. So you don't know?

20 A. I do not know.

21 Q. So you started to tell me that you
22 were aware of discussions between someone at
23 BP and the NOPs; is that right?

24 A. I'm aware of email communications,
25 yes, ma'am.

1 Q. Tell me specifically who at BP you
2 are referring to.

3 A. There is numerous. Would you like
4 me to go through all the emails I'm aware
5 of?

6 Q. I would like you to tell me
7 specifically at BP whom you are talking
8 about.

9 JUDGE ANDERSEN:

10 Perhaps by department or category?

11 THE WITNESS:

12 It would be from our drilling
13 technical department, drilling, engineering,
14 or mostly with our operations geologists.

15 EXAMINATION BY MS. KIRBY:

16 Q. When you say mostly with your
17 operations geologists, what kind of
18 information did those folks provide?

19 A. Highly technical information about
20 the well.

21 Q. About the reservoir?

22 A. Yes.

23 Q. Were they providing information
24 about some concerns they had about
25 Halliburton OptiCems showing channeling?

1 A. I'm not aware of whether there was
2 or was not. I'm not familiar with that.

3 Q. Did you ever see a communication
4 between anyone at BP and the non-operating
5 parties, either one of them, that talked
6 about anything having to do with the
7 Halliburton OptiCem simulation?

8 A. I personally have not, no, ma'am.

9 Q. Have you ever, ever, ever seen any
10 communication from anyone at BP to either of
11 the non-operating parties about how there
12 was a plan to use only six centralizers?

13 A. I have seen a daily drilling
14 report that lists that number, but other
15 than that, I have not seen that.

16 Q. So you saw the Daily Drilling
17 Report that said: Yesterday we used six
18 centralizers?

19 A. I don't know when. I just saw it
20 in a daily drilling report.

21 Q. Did you ever see any communication
22 with the non-operating parties from you or
23 anyone else that said: By the way, we chose
24 to use six centralizers even though we
25 received a Halliburton OptiCem which said

1 there would be severe gas potential if we
2 did it?

3 MR. MONICO:

4 Objection to the form of the
5 question.

6 JUDGE ANDERSEN:

7 Overruled. If you saw such a
8 communication, let us know.

9 THE WITNESS:

10 No. I was not involved or have
11 seen any communications on that subject.

12 EXAMINATION BY MS. KIRBY:

13 Q. Did you ever see a communication
14 with either of the non-operating parties
15 about the way that the negative test was
16 going to be conducted on the Macondo well?

17 A. No, ma'am. I'm not aware of those
18 communications.

19 Q. How about any communication with
20 non-operating parties about how far down
21 displacement to seawater would occur before
22 the negative test was conducted?

23 A. No, ma'am. Again, most of my
24 communications were with my counterpart,
25 which would be at a nontechnical level.

1 Q. But I'm now expanding because you
2 said that you were aware of other
3 communications and you had seen emails, so
4 now I want you to tell me if anything you
5 are aware of with anybody else at BP
6 included any of that information?

7 A. I can't say whether I did or did
8 not. I don't recall.

9 Q. You don't recall seeing anything
10 like that?

11 A. No, ma'am.

12 Q. I think I heard you earlier saying
13 something about the non-operating parties
14 receiving the temporary abandonment
15 procedure, or did I misunderstand?

16 A. It was included in the original
17 AFE.

18 Q. The original AFE in August of
19 2009?

20 A. Yes, ma'am.

21 Q. And that is what we were looking
22 at earlier, which was Bates stamped
23 BP-HZN-MBI00192519, true?

24 A. Ends in 5491?

25 Q. Yes.

1 A. Yes, I have that here.

2 Q. Now, where is the temporary
3 abandonment procedure found in August 28,
4 2009?

5 A. It says in the AFE that temporary
6 abandonment is included, the estimated costs
7 for that are included in the AFE.

8 Q. So what you meant is that the cost
9 was included, but not the procedure. Is
10 that what you meant?

11 A. Yes, ma'am. I don't know whether
12 or not that procedure is in this based on my
13 expertise.

14 Q. The document says what it says,
15 right?

16 A. Yes, ma'am.

17 Q. Setting aside that document, have
18 you ever seen -- have you ever transmitted
19 to any of the NOPs or have you seen anyone
20 else do it, a temporary abandonment
21 procedure that was approved by the MMS in
22 April of 2010?

23 A. No, ma'am.

24 Q. Have you, or anyone that you know
25 of at BP, transmitted to the NOPs the

1 temporary abandonment procedure that was
2 distributed to the rig and the well site
3 leaders by Brian Morel on April 20 of 2010?

4 A. I have not, but that's not to say
5 it wasn't included in Well Space or
6 something like that. But I did not.

7 Q. And just to be clear, because you
8 want to leave everything open, you just
9 don't know whether it was in Well Space, did
10 you?

11 A. No, ma'am.

12 Q. Did you ever communicate to the
13 NOPs, or did anyone else at BP, that BP
14 planned to use a very heavy LCM called
15 Form-A-Squeeze and Form-A-Set combination as
16 a spacer before displacement to seawater?

17 A. I wouldn't know whether we
18 provided that or not. I know I didn't.
19 Perhaps it was in Well Space or INSITE
20 Anywhere, but I did not send anything out.

21 Q. And because you said that, I have
22 to say, and that's again, you don't know
23 what was in there, right?

24 A. Specifically in Well Space, no,
25 ma'am.

1 Q. Did you or anyone at BP ever
2 communicate to the NOPs the decision that BP
3 had made to set the lockdown sleeve in
4 seawater, and therefore, to displace all the
5 way down to 3,367 feet below mud level
6 before either conducting a negative test or
7 setting down a lockdown sleeve?

8 A. Again, it's the same answer I have
9 had. I can't say whether perhaps it was in
10 Well Space or INSITE Anywhere, but it was
11 not in a communication that I sent.

12 Q. So is it just fair to say you
13 don't know about any of these -- you didn't
14 have these communications with them and you
15 sure don't know if that information was out
16 there anywhere else for them to pick up,
17 right?

18 A. No, ma'am. I handled the JOA
19 issues on a nontechnical, so I would not
20 know whether it was out there or not.

21 Q. You said that under in the
22 operating agreement the partners, so to
23 speak, the non-operating parties had the
24 ability to provide input, I think you said,
25 for alternatives, do you recall that, or

1 offer -- suggest different arrangements?

2 A. I said that, ma'am?

3 Q. Let me just pose this to you since
4 I can't remember exactly how you said it and
5 you don't remember saying it. When BP had
6 submitted, say, a supplemental AFE or even
7 the final new AFE and had settled internally
8 on a well plan, it wasn't asking for input
9 from the NOPs about well design, was it?

10 A. From my perspective, no, ma'am.
11 It was to seek input on whether they would
12 want to do another operation that would be a
13 higher priority in the operating agreement.

14 Q. Meaning fund it, right?

15 A. No, ma'am. In Article -- let me
16 put a little context in that, in Article
17 10.2.

18 Q. We are talking about the final AFE
19 now?

20 A. Yes, ma'am. When I sent that out
21 it was under 10.2. And what that provides
22 is that there is a list of operations and
23 there is higher priority operations listed
24 in here that would -- that could be done
25 before the setting of the production casing.

1 For example, further deepen. If a
2 non-operating party wanted to deepen, they
3 had that right as a higher priority to do
4 that before setting the production casing,
5 strictly looking at the operating agreement.

6 Q. So we discussed before that BP
7 said: We don't think that's a good idea.
8 And the NOPs said: We are with you,
9 whatever you think, on that particular
10 issue, deepening further?

11 A. Are you referring to when we
12 called objective depth?

13 Q. Yes.

14 A. Yes, ma'am.

15 Q. Just one thing, too, I need to
16 clear up. Maybe this is my own confusion.
17 Mr. Mathews showed you a long email and
18 maybe you have it in front of you
19 BP-HZN-MBI00126338?

20 A. Yes, ma'am.

21 Q. And this was an email from
22 Mr. Bodek to you, cc Bryan Ritchie and Mark
23 Hafle on April 13 at about 1:43 in the
24 afternoon, right?

25 A. Yes, ma'am.

1 Q. And you explained, as I recall to
2 Mr. Mathews, that this explanation was being
3 given to you because MOEX Offshore had asked
4 why you were not going to drill to what was
5 originally TD; is that right?

6 A. Yes, ma'am.

7 Q. And then Mr. Mathews asked you if
8 you provided this explanation to MOEX; is
9 that right?

10 A. I don't recall. Probably.

11 Q. What I recall is that you said
12 yes, but that I provided a much shorter
13 explanation. Does that sound right?

14 A. Yes, ma'am.

15 Q. And then Mr. Mathews asked you to
16 read the last four sentences. Do you
17 remember that?

18 A. Yes, ma'am.

19 Q. And he asked you: Is that what
20 you told them? Do you remember that?

21 A. Yes, ma'am.

22 Q. And you said: Yes; is that right?

23 A. I assume I did, yes, ma'am. It's
24 a shortened version of that.

25 Q. Do you happen to have

1 BP-HZN-MBI00178344.

2 A. What is the date, ma'am?

3 Q. It is April 13 from you to
4 Mr. Huch and Mr. Ishii.

5 A. Yes, ma'am.

6 Q. Now, this is a response, that is,
7 to that question that Mr. Ishii asked,
8 right, why are we not drilling any further
9 down, right?

10 A. I don't see that on there. This
11 is 1783444?

12 Q. Right. And you say: Gentlemen,
13 due to safety concerns and well bore
14 integrity issues, BP has operator has deemed
15 the Macondo exploratory well as achieving
16 objective depth at 18360 MB, right?

17 A. Yes, ma'am.

18 Q. What you did not say is having a
19 14.15 PPG exposed sand and taking losses in
20 a 12.6 PPG reservoir in the same hole
21 section had four star hand? You didn't use
22 those words from the email we looked at a
23 moment ago, did you?

24 A. No, ma'am. I shortened down that
25 to -- because it was being sent to my

1 counterpart, to Nick and Ishii who are both
2 nontechnical folks. So I did not put -- I
3 did put Bobby's exact words having both loss
4 zones and comparatively overpressured sands
5 in the open hole provided for little to no
6 margin to continue drilling. So I shortened
7 it to a nontechnical explanation because
8 that's who it was being sent to.

9 Q. I just want to be sure because I
10 thought I heard earlier when you read it you
11 said this is the little part I sent them.

12 A. In essence, it was.

13 Q. This is a paraphrase and it's not
14 really as technical as what you told them,
15 what you initially were told by Mr. Bodek?

16 A. No, ma'am.

17 Q. Now, I believe that you said the
18 AFEs are prepared by drilling engineers,
19 right?

20 A. Yes, ma'am.

21 Q. Those are, as we can see, just
22 very high level, this is the kind of
23 equipment we are going to use and then a
24 very high level kind of operation we are
25 going to perform, right?

1 A. I'm not sure exactly the
2 characteristic high level, but it's a
3 technical -- has the technical details to a
4 certain level, yes, ma'am.

5 Q. It doesn't say things like: We
6 are going to use 209 sacks of nitrified
7 cement of three different densities? It
8 doesn't get into things like that, does it?

9 A. No, ma'am.

10 Q. And you were never a party and
11 never saw any communications to the
12 non-operating parties that go into that
13 level of detail about what the operations
14 would be in the future, were you?

15 A. The expected operations in the
16 future?

17 Q. Yes.

18 A. In my role where I had
19 communication on expected operations would
20 be ahead of time, knowing, for instance,
21 when we were going to set that production
22 casing, so that would be the extent that I
23 can speak to.

24 Q. So you knew it was time to set the
25 production casing, but precisely exactly

1 what was going to be done was not something
2 that you were trying to convey to the
3 non-operating parties, right?

4 A. It knew what the procedure was
5 going to be. I didn't know the technical
6 details of the procedure.

7 Q. And the procedure, when you say
8 that, you mean put down the nine and
9 seven-eighths by seven-inch production
10 casing, do the cementing?

11 A. The procedure to set the
12 production casing.

13 Q. And you weren't conveying all the
14 details by any stretch to the non-operating
15 parties, were you?

16 A. I was conveying what was in the
17 AFE.

18 Q. And you don't know if anyone else
19 was conveying anything more technical than
20 that, do you?

21 A. I can't say whether it was or was
22 not.

23 MS. KIRBY:

24 I have no further questions.

25 JUDGE ANDERSEN:

1 Does BP have any questions?

2 MS. KARIS:

3 We do, Your Honor.

4 MS. KARIS:

5 Good afternoon. Hariklia,

6 H-A-R-I-K-L-I-A, Karis, K-A-R-I-S, counsel

7 for BP. May I proceed?

8 JUDGE ANDERSEN:

9 Sure.

10 EXAMINATION BY MS. KARIS:

11 Q. I want to follow up on some of the

12 topics that were just covered both by the

13 Panel and then by counsel for Anadarko. And

14 I want to start with the discussion to the

15 various types of information that the

16 operating agreement made available to

17 Anadarko. And to make this simpler I have

18 put up there a binder with some documents.

19 Do you have it there, Mr. Beirne?

20 A. Yes, ma'am.

21 Q. And behind Tab 1 is the operating

22 agreement, which begins with Bates numbers

23 BP-HZN-MBI00173449. Are you there?

24 A. Yes, ma'am.

25 Q. And would you turn, if you will,

1 to the page ending 3481, Section 5.7.

2 A. I'm on Page 22 under Article 5.7

3 I'm not sure of that HZN number. It's 49.

4 Q. We may have slightly different
5 numbered, but if you are at Section 5.7 of
6 the operating agreement --

7 MR. MONICO:

8 Here is a copy with that number.

9 EXAMINATION BY MS. KARIS:

10 Q. Thank you. And is this a section
11 of the operating agreement with Anadarko
12 that you were involved in putting together?

13 A. Yes, ma'am.

14 Q. Could you tell us what Section 5.7
15 is titled first?

16 A. Information to Participating
17 Parties.

18 Q. And would you read into the record
19 the first sentence below Information to
20 Participating Parties?

21 A. "The operator shall, as soon as
22 reasonably practicable and to the extent
23 that the information has been obtained or
24 received by the operator, furnish each
25 participating party the following

1 information about well operations."

2 Q. And to be clear here, the
3 participating parties would be Anadarko and
4 MOEX?

5 A. Yes, ma'am.

6 Q. And then it has, and we don't have
7 to spend all of our time reading all of
8 them, but letters A through K of the type of
9 information that shall be made available to
10 the participating parties; is that right?

11 A. Yes, ma'am.

12 Q. And can you read us some examples
13 of the type of information the operating
14 agreement says shall be made available to
15 the participating parties?

16 A. Complete report of all core data
17 and analysis; copy of logs and surveys as
18 run, including all digitally recorded data;
19 drilling and workover reports, which shall
20 include, but not be limited to, the current
21 depth, the corresponding lithological
22 information, data on drilling fluid
23 characteristics --

24 JUDGE ANDERSEN:

25 Okay. When you have A through K,

1 four is an adequate sample.

2 EXAMINATION BY MS. KARIS:

3 Q. Does it also require, for example,
4 a complete report of core data and analyses
5 under C?

6 A. Yes, ma'am.

7 Q. Did Anadarko ever complain to you
8 that they were not receiving access to the
9 information that the operating agreement
10 entitled them to have?

11 A. No, ma'am.

12 Q. Did MOEX ever complain to you that
13 they were not receiving information of the
14 type that the operating agreement entitled
15 them to have?

16 A. No, ma'am.

17 Q. Okay. I want to talk briefly
18 about some of the information that you said
19 had been made available under INSITE and
20 under Well Space. And first, if you will
21 turn to Tab 17.

22 Tab 17, for the record, is an
23 email that has Bates numbers
24 BP-HZN-MBI00175774, and it's an email from
25 Mr. Bodek to a number of individuals dated

1 February 2nd of 2010. Are you familiar with
2 this email?

3 A. Yes, ma'am.

4 Q. And does this email list the
5 individuals at Anadarko that would have
6 access to realtime INSITE data, that is, the
7 data that's generated from the rig on the
8 Halliburton system?

9 A. Yes, ma'am.

10 Q. Who are the individuals at
11 Anadarko that had access to realtime data
12 coming from the rig?

13 A. John Kamm, Paul Chandler, Dawn
14 Peyton, Brian O'Neill, Rebecca Isabel and
15 Alan O'Donnell.

16 Q. And who are the individuals from
17 Mitsui that had access to that realtime data
18 coming from the rig?

19 A. Shinjiro Naito.

20 MS. KIRBY:

21 I need to object to the
22 characterization. I know what the email
23 says, but the question doesn't say: What
24 does this email say regarding Mitsui?

25 JUDGE ANDERSEN:

1 In looking at that email, do you
2 feel you could tell who had access to the
3 data? Is that what you are really trying to
4 show?

5 MS. KARIS:

6 Yes, fair enough.

7 JUDGE ANDERSEN:

8 Why is that?

9 THE WITNESS:

10 This was from our operations
11 geologist to Halliburton who managed the
12 service, telling them to set these folks up
13 for access to INSITE Anywhere.

14 JUDGE ANDERSEN:

15 So based on that, why don't you
16 proceed?

17 EXAMINATION BY MS. KARIS:

18 Q. Sure. Can you tell us who the
19 individuals at Mitsui were that Bobby Bodek
20 asked to be provided with access to INSITE?

21 MS. KIRBY:

22 I am going to object to the
23 question again, Your Honor, because the
24 question is: Can you tell us who at Mitsui
25 had access? That may be what is written in

1 the email, but that doesn't make it so.

2 MS. KARIS:

3 I believe my question was: Who
4 does the email ask to be made -- INSITE to
5 be made available to.

6 JUDGE ANDERSEN:

7 Obviously, though, too, we could
8 do this through the witness. If you want to
9 stipulate that certain people had access to
10 the data, then we would know. It might not
11 be these people.

12 MS. KIRBY:

13 It's not Mitsui. It's just what
14 somebody wrote in email. That's why I'm
15 objecting. She is saying who are the people
16 at Mitsui.

17 JUDGE ANDERSEN:

18 You can name the people, but let's
19 not guess at what their affiliation is.
20 They might not be there anymore. They might
21 not be affiliated with who you think they
22 are affiliated with just looking at the
23 email. But you can name the people to whom
24 the email is directed. Does that meet your
25 objection?

1 MS. KIRBY:

2 Yes, thank you.

3 THE WITNESS:

4 This is to add individuals to
5 INSITE Anywhere. Shinjiro Naito, Hiroto
6 Kanno, Kyoko Yamamoto, Yutaka Tsuji, and
7 Naoki Ishii.

8 EXAMINATION BY MS. KARIS:

9 Q. Based on their email addresses
10 which are provided in this document, can you
11 tell whether those are email addresses at
12 MOEX?

13 A. Yes. I know Naoki Ishii's email
14 address is at MOEX. The other ones appear
15 to be MOECO. It might be Mitsui Oil
16 Exploration Company.

17 Q. And to your knowledge, are you
18 aware of access to any of the individuals
19 listed here either from Anadarko or Mitsui
20 having been withdrawn as of April 20?

21 MS. KIRBY:

22 I am going to make the same
23 objection.

24 JUDGE ANDERSEN:

25 Without expressing an opinion as

1 to who they might have been employed by, as
2 far as you know, are all these people
3 getting access to this information on
4 April 20, 2010?

5 THE WITNESS:

6 I'm sorry.

7 JUDGE ANDERSEN:

8 As far as you know, were all those
9 people getting access to the data provided
10 through Halliburton on April 20, 2010?

11 THE WITNESS:

12 Yes, Your Honor.

13 EXAMINATION BY MS. KARIS:

14 Q. I would like now to turn, if you
15 will, to Tab 6 of the binder that we put
16 together of the documents that had been
17 listed by the Panel last night as potential
18 documents to use. Do you have it in front
19 of you, Mr. Beirne?

20 A. Confirm which email it is.

21 Q. It would be at Tab 6, and it's a
22 document ending in Bates number
23 BP-HZN-MBI00175868. And I believe this may
24 be one of the emails Mr. Mathews asked you
25 about earlier today.

1 A. Yes, ma'am. That's the number I
2 have.

3 Q. Look, if you will, at the email on
4 the first Page 2, email from John Kamm, do
5 you see that, to Bobby Bodek?

6 A. Yes, ma'am.

7 Q. And it's titled Realtime Access?

8 A. Yes, ma'am.

9 Q. Who is John Kamm, if you know?

10 A. I'm not familiar with his title,
11 but I believe in the email, I just saw it, I
12 believe he was set up with INSITE Anywhere.

13 Q. Is Mr. Kamm's email address at
14 Anadarko?

15 A. Yes, ma'am.

16 Q. Can you tell us what Mr. Kamm says
17 to Mr. Bodek on April 5?

18 A. "Bobby, I guess by now you realize
19 that Bob Quitzao is monitoring well from a
20 drilling standpoint. Can you switch Bob
21 Quitzao in for Josh Nichols in realtime data
22 on INSITE Anywhere? Sorry about all the
23 changes."

24 Q. As of April 5, Mr. Quitzao was
25 monitoring the well from a drilling

1 standpoint; that's what was told to

2 Mr. Bodek?

3 A. Yes, ma'am.

4 Q. And did Mr. Bodek respond back, or
5 did he respond, I should say, take action to
6 that email?

7 A. He wrote to -- I believe his
8 contact at Halliburton Jose Ortiz. "Jose,
9 could you please add Bob Quitzao, who is
10 cc'd on the email, to the INSITE access list
11 for Macondo? Thanks, Bobby."

12 Q. Did Mr. Bodek ask for Mr. Quitzao
13 to be provided access to INSITE in response
14 to Anadarko's request for Mr. Quitzao to
15 monitor the well from a drilling standpoint?

16 A. Yes, ma'am.

17 Q. To be clear, that would be the
18 realtime data that was coming from the rig?

19 A. Yes, ma'am.

20 Q. Now, you were also asked whether
21 from time to time Anadarko had requested
22 information regarding the operations. Do
23 you recall those questions generally?

24 A. I'm sorry. Can you repeat that?

25 Q. Let me rephrase. From time to

1 time in your experience did Anadarko request
2 from the technical folks, Bobby Bodek in
3 particular, information specific to the
4 drilling of the well?

5 A. Yes, ma'am.

6 Q. And if you could turn to Tab 9 of
7 that binder, and that would be the document
8 bearing Bates stamp BP-HZN-MBI00173605?

9 A. Yes, ma'am.

10 Q. And if you look at the second
11 email in that string, the one from
12 Mr. Quitzao who was monitoring the well
13 according to the other email, to Mr. Bodek,
14 could you read us what Mr. Quitzao wrote to
15 Mr. Bodek on March 24 of 2010?

16 A. "Good morning, Robert. I'm an
17 Anadarko drilling engineer and taking over
18 from your previous contact, Josh Nichols. I
19 just started following the Macondo drilling
20 progress. It looks like operations are
21 starting to go well. Give me an update on
22 the following: Is the core pressure
23 expected to come in higher than planned?
24 Are you still planning to set the 11 and
25 three-quarter inch liner near 17,000 feet?

1 Are you still planning to case productive
2 objectives with nine and seven-eighths inch
3 casing? Thanks, Bob Quitzao."

4 Q. Did Mr. Bodek respond to each of
5 those requests?

6 A. Yes, ma'am, he responded.

7 Q. And is that also part of the same
8 document?

9 A. Yes, ma'am.

10 Q. And we won't read the entire
11 answer, but fair to say it provides a
12 one-paragraph description responding to each
13 of the questions that Anadarko posed to
14 Mr. Bodek?

15 A. Yes, ma'am.

16 Q. To your knowledge, did Anadarko
17 have access to INSITE from the time that
18 they were asked -- let me start over again.
19 To your knowledge, did Anadarko have access
20 to INSITE from at least February 7 through
21 the time of this incident?

22 A. Yes, ma'am.

23 Q. And to your knowledge, did MOEX
24 have access to INSITE from February 2
25 through the time of this incident?

1 A. Yes, ma'am.

2 Q. You testified about some of the
3 information contained in Well Space, and we
4 won't go through all of the information
5 because I know it's been pretty thoroughly
6 covered. But I want to ask you those same
7 questions regarding Well Space. To your
8 knowledge, did Anadarko have access to all
9 of the information that is contained in Well
10 Space from at least February of 2010 through
11 the time of the incident?

12 A. Yes, ma'am. In fact, I believe we
13 set them up in Well Space around
14 December 30.

15 Q. And so from December 30 through
16 April 20, the time of the incident, did
17 Anadarko have access to all of the
18 information contained in Well Space?

19 A. Yes, ma'am.

20 Q. And MOEX, do you recall when they
21 got access to Well Space?

22 A. Not the date, ma'am.

23 Q. Fair enough. General time frame?

24 A. I would assume around the same
25 time, perhaps earlier since they had signed

1 the agreement earlier, their agreement
2 earlier.

3 Q. And to your knowledge, did MOEX
4 have continued access to the information on
5 Well Space from sometime in 2009 through the
6 date of the incident?

7 A. Yes, ma'am.

8 Q. Let's switch gears to the AFEs.
9 You were asked some questions about the
10 various AFEs that Anadarko and MOEX signed
11 and I want to focus on a couple of them.
12 And I'm sorry for making you switch binders,
13 but if you could back to the binder that has
14 the documents that I had assembled for you.

15 A. Which tab?

16 Q. I'm sorry. Tab 9, which would be
17 the AFE dated March 22, 2010.

18 A. Yes, ma'am. I have the MOEX one.

19 Q. That's fair enough. That's the
20 one signed by MOEX, and then a similar one
21 was signed by Anadarko?

22 A. Yes, ma'am.

23 Q. Could you tell us what the
24 description is -- let me start over. Can
25 you read to us the information provided in

1 the description and comments of the second
2 supplemental AFE that Anadarko and MOEX both
3 signed?

4 A. This second supplemental AFE
5 includes additional funds to finish the
6 drilling evaluation and abandonment of the
7 Macondo exploration well as provided in the
8 original AFE, No. X2-008X, dated August 28,
9 2009, and the first supplemental AFE
10 No. X2-008X, dated January 27, 2010. First
11 supplemental AFE was exceeded due to
12 unexpected lost circulation and well control
13 events resulting in earlier-than-planned
14 setting of the 16-inch and 13 and
15 five-eighths inch casing strings. The well
16 will now require both risk contingency liner
17 and one additional contingency liner, nine
18 and seven-eighths, to reach planned TD.
19 Anticipated completion date is May 1, 2010.

20 Q. After you sent this AFE to MOEX
21 and Anadarko, did either one of them come
22 back and ask any information about the
23 reference to the unexpected lost circulation
24 and well control events?

25 A. Not to me.

1 Q. During that time period, did they
2 continue to have access to information
3 through Well Space and INSITE that
4 referenced those individual events?

5 A. Yes, ma'am.

6 Q. Turn, if you will, to Tab 11, and
7 that would be document bearing Bates stamp
8 BP-HZN-MBI00192559. And this is the
9 authorization for expenditure, AFE, dated
10 April 14, 2010?

11 A. Yes, ma'am.

12 Q. And this is the one signed by
13 Anadarko?

14 A. Yes, ma'am.

15 Q. Now, you were asked whether
16 Anadarko or MOEX had any information
17 regarding the centralizers. Is there
18 reference in this email under Description to
19 centralizer subs?

20 A. Yes, ma'am.

21 Q. Did Anadarko or MOEX come back and
22 ask you any information about the
23 centralizers or centralizer subs that were
24 going to be used on this well?

25 A. No, ma'am. I do not believe so.

1 Q. And is there also reference in
2 here to what the production casing was going
3 to be that was going to be used, nine and
4 seven-eighths by seven-inch?

5 A. Yes, ma'am.

6 Q. Was that information provided to
7 Anadarko through this AFE?

8 A. Yes, ma'am.

9 Q. You testified earlier this morning
10 that these AFEs are estimates, is what I
11 think I heard you say; is that fair?

12 A. Yes, ma'am.

13 Q. Is there anything on the AFEs and
14 turn, if you will, to Tab 5, if that helps
15 you, that specifically notifies your partners
16 that these are merely estimates?

17 A. I'm reading part of what is on the
18 AFE: Notice to non-operator, costs shown
19 are estimates only. Non-operator should not
20 consider these estimates as establishing any
21 limit on the monies which will be required
22 to perform the proposed operation. Overhead
23 will be charged in accordance with the joint
24 operating agreement.

25 Q. Was that pretty standard language

1 on the AFEs?

2 A. On all the BP AFEs for sure.

3 That's the ones I'm familiar with.

4 Q. Different topic. You were asked
5 some questions about different -- and last,
6 I should say, topic. You were asked some
7 questions about the notification to MOEX and
8 Anadarko regarding calling total depth at
9 18,360 feet. Do you recall that generally?

10 A. Yes, ma'am.

11 Q. Were you the one that notified
12 Anadarko and MOEX that total depth would be
13 called at 18,360 feet?

14 A. Yes, ma'am, through an email.

15 Q. And do you recall approximately
16 when you sent that email?

17 A. I believe it was April 13.

18 Q. Do you know whether Mr. Bodek had
19 had some discussions about Paul Chandler at
20 Anadarko prior to your sending your email?

21 A. I have seen email communications,
22 yes, ma'am.

23 Q. And if you turn to Tab 18 and that
24 would be document bearing Bates stamp
25 BP-HZN-MBI00175895. And this is an email

1 dated April 12 from Mr. Chandler to Bobby

2 Bodek, cc Alan O'Donnell and Tim Trotman.

3 Do you see that?

4 A. Yes, ma'am.

5 Q. Do you know who Mr. O'Donnell and

6 Mr. Trotman work for?

7 A. I know Mr. O'Donnell works for

8 Anadarko. I'm not certain who Mr. Trotman

9 works for.

10 Q. Can you read to us at least the

11 first sentence of what Mr. Chandler tells

12 Mr. Bodek?

13 A. "Bobby, I wanted to follow up with

14 you to see if BP has entertained the idea of

15 drilling deeper below our current TD after

16 the seven-inch casing has been set."

17 Would you like me to read further?

18 Q. Yes, please.

19 A. "We discussed this briefly over

20 the weekend and you were going to visit with

21 your exploration manager about the proposal.

22 We would support this if BP was in agreement

23 to proceed."

24 Q. Let me stop you there for a

25 second. Were you aware that after Mr. Bodek

1 told Mr. Chandler that they were calling
2 total depth, Anadarko wrote back and said
3 they would support the position of drilling
4 deeper if BP was in agreement to proceed?

5 A. Yes, ma'am, in the email.

6 Q. And do you know whether this was
7 after Mr. Bodek had communicated to
8 Mr. Chandler what some of the reasons were
9 why BP was calling total depth at 18,360
10 feet?

11 A. Yes, ma'am, it was after.

12 Q. And you were asked by counsel for
13 Anadarko whether you provided a more
14 condensed version of Mr. Bodek's long email
15 regarding the reasons why BP was calling
16 depth at 18,360 feet?

17 A. Yes, ma'am.

18 Q. Had BP's technical person,
19 Mr. Bodek, had communications with Anadarko
20 explaining to them the technical reasons why
21 total depth was being called at 18,360
22 rather than continuing to go deeper based on
23 this email that we just read?

24 A. The Paul Chandler email?

25 Q. Yes.

1 A. Yes.

2 Q. Now, after those communications
3 with Anadarko -- first of all, did you also
4 provide MOEX with an explanation for why
5 total depth was being called at 18,360 feet?

6 A. Yes, ma'am. They were on the
7 email -- my email of April 13 was sent to
8 both MOEX and Anadarko.

9 Q. And did MOEX respond to your
10 request -- I'm sorry, to your email, I
11 should say?

12 A. I believe they did. I believe
13 they requested more information.

14 Q. And turn to Tab 21, if you will.
15 And that's a document bearing Bates stamp
16 BP-HZN-MBI00178364 through 367.

17 A. Yes, ma'am.

18 Q. Does this contain the email that
19 counsel for Anadarko asked you about
20 previously, where you say: Due to safety
21 concerns and wellbore integrity issues, BP
22 has deemed the Macondo well as achieving
23 objective depth at 18,360. Having both loss
24 zones and comparative overpressured sands in
25 the open hole provided for little or no

1 margin to continue drilling. Is this the
2 email that had you sent to MOEX?

3 A. Yes, ma'am.

4 Q. And you said MOEX responded with
5 some questions. Is this the email that
6 contains those questions?

7 A. Yes, ma'am.

8 Q. And after you had sent that
9 information to MOEX, what are the kind of
10 questions that MOEX came back to you with?

11 A. They came back with several highly
12 technical questions. It was from their
13 general manager, and MOECO, which is Mitsui
14 Oil Exploration Company in Tokyo, the Tokyo
15 head office according to this email.

16 Q. Is one of those questions, in
17 fact, the first question, a question
18 regarding the production casing size that is
19 going to be used?

20 A. Yes, ma'am.

21 Q. And we won't go through each of
22 them, but is it fair to say it's a few pages
23 of questions and answers here?

24 A. Yes, ma'am.

25 Q. And did you respond to each of the

1 questions that MOEX posed to you in response
2 to your email notifying them the total depth
3 was going be to called at 18,360 feet?

4 A. Yes. I had forwarded this to our
5 drilling engineer, Mark Hafle, and he had
6 addressed all these technical questions and
7 I had forwarded the email back to Mitsui.

8 Q. Did Mitsui or Anadarko ever ask
9 you for any information after you sent your
10 email that you did not provide them with?

11 A. No, ma'am. The next day was the
12 day that we had sent the production casing
13 AFE, which they approved the same day.

14 Q. And if you would turn to Tab 23,
15 please. For the record, Tab 23 contains an
16 email BP-HZN-MBI00129072 through 073.

17 A. Yes, ma'am.

18 Q. Is this -- first of all, is this a
19 string of emails between you and various
20 individuals regarding Anadarko's requests
21 and questions in response to the email that
22 you had sent?

23 A. Yes, ma'am.

24 Q. And can you read to us into the
25 record on April 20 at 8:13 a.m. what it was

1 Anadarko was asking about after you told
2 them the total depth had been called at
3 18,360 feet? And that's the email at 8:13.

4 A. In response to Bryan Ritchie, our
5 exploration manager, this was my email, I
6 said: Thanks, Brian. Just talked with
7 Anadarko and they are on board with
8 proceeding to temporarily abandon the well.
9 Awaiting a phone call from MOEX this
10 morning. Do not expect any surprises.

11 Doris is, who also on this email,
12 is our Pompano platform, one of the managers
13 there. "Anadarko asked what our timing was
14 to come back and complete the well. They
15 are looking for a ball park estimate for
16 budgeting purpose."

17 JUDGE ANDERSEN:

18 Are you just about finished?

19 MS. KARIS:

20 I am.

21 EXAMINATION BY MS. KARIS:

22 Q. Was Anadarko's question back when
23 BP would be returning to the well, to
24 complete the well and turn this into a
25 production well?

1 A. Yes, ma'am.

2 Q. Did Anadarko ask for any other
3 information other than when BP would be
4 turning this well into a production well?

5 A. I'm sorry. Could you repeat that?

6 Q. Sure. Did Anadarko ask you for
7 any other information, other than when BP
8 would be coming back to turn this into a
9 production well?

10 A. No, ma'am, they did not.

11 MS. KARIS:

12 I have nothing further.

13 JUDGE ANDERSEN:

14 Mr. Monico?

15 MS. KIRBY:

16 Can I --

17 JUDGE ANDERSEN:

18 Here is the difficulty with that.

19 The Board is interested, and I don't want to
20 speak for the engineers, but to summarize
21 their position, the Board is interested in
22 the nature of the information that might
23 have flowed between these parties. It's way
24 beyond the scope of the Board to determine
25 what, if any, responsibility there is under

1 the agreement between the parties. And if
2 you think there is additional kinds of
3 information that passed between them that we
4 are not aware of, that might be helpful to
5 the Board, but as to whether or not --
6 drawing a conclusion as to whether or not
7 the non-operating parties approved of the
8 procedure, et cetera, I think that's beyond
9 the scope of the interest of the engineers
10 on the Board.

11 MS. KIRBY:

12 My concern, Your Honor, is that
13 there have been impressions left here that,
14 for instance, people were asking highly
15 technical questions, but the questions that
16 were actually asked were not actually read
17 into the record and they are not highly
18 technical. And I think that when you are
19 assessing the kind of information that was
20 flowing, for instance, the AFE, does it
21 mention centralizers? Yes. Did they come
22 back and ask you? No. Well, it says the
23 word centralizers. It doesn't say anything
24 else like warned against using just six and
25 that's all we are going to use. I want to

1 be able to follow up with those questions.

2 MR. MONICO:

3 Those were already asked.

4 JUDGE ANDERSEN:

5 Right. But it's really --

6 Mr. Mathews is the lead on this and I'm
7 wondering if you got the information you
8 need or if you think that would be helpful
9 in your inquiry?

10 MR. MATHEWS:

11 In the original line of questions
12 we had asked if you had received any
13 information concerning the risk through BP
14 RAT OptiCem reports or anything and he
15 indicated that no, he wasn't aware of that.
16 And any records that we have had that were
17 submitted to the Board indicate the same.

18 JUDGE ANDERSEN:

19 All right. Thank you very much.

20 Mr. Monico, do you have any
21 questions of your client?

22 MR. MONICO:

23 No, Your Honor. Thank you.

24 JUDGE ANDERSEN:

25 We give people a chance.

1 MR. MONICO:

2 I appreciate that.

3 JUDGE ANDERSEN:

4 Any Board questions? None.

5 Mr. Beirne, would you like to add
6 anything that you haven't been able to say?

7 THE WITNESS:

8 No, thank you.

9 JUDGE ANDERSEN:

10 Thank you for your courtesy. If
11 we need him at further proceedings,
12 Mr. Monico, would he be available?

13 JUDGE ANDERSEN:

14 Yes, Your Honor.

15 CAPTAIN NGUYEN:

16 We will adjourn for today and
17 convene at 0800 tomorrow morning with three
18 witnesses: Mr. Oldfather with Weatherford,
19 Mr. Greg Walz with BP and Mr. John Guide
20 with BP. Thank you. Have a good night to
21 you.

22 JUDGE ANDERSEN:

23 She asked whether or not there is
24 a deadline to submit our exhibits and
25 Commander Brie indicated really as soon as

1 possible. Ideally, maybe since we are
2 adjourning a little early, before you retire
3 this evening would be helpful to other
4 attorneys. Thank you.

5 MR. CLARKE:

6 John Guide appeared for a lengthy
7 period last time. Will there be limitations
8 on the scope of his exam?

9 JUDGE ANDERSEN:

10 Yes. I think we mentioned this
11 before. Our intention is to limit the scope
12 of our exam and your exam to subjects
13 covered just tomorrow and not to go back
14 into his previous nine hours of testimony.

15 (Which recessed the proceedings at
16 3:20 p.m. for the day)

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REPORTER'S CERTIFICATE

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