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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 3:06CR712
Plaintiffs,) Toledo, Ohio
v.) October 19, 2007
DAVID GEISEN, ET AL.) Jury Trial
Defendants.)

TRANSCRIPT OF JURY TRIAL VOLUME 12 OF 15
BEFORE THE HONORABLE DAVID A. KATZ
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by mechanical stenography, transcript
produced by notereading.

1 MR. CONROY: Defense will call Rod Cook.

2 RODNEY COOK,

3 was herein, called as if upon examination, was first duly
4 sworn, as hereinafter certified, and said as follows:

5 DIRECT EXAMINATION

6 BY MR. CONROY:

7 Q. Mr. Cook, good afternoon.

8 A. Good afternoon.

9 Q. Will you state your full name for the ladies and
10 gentlemen of the jury and His Honor, please.

11 A. Yes, Rodney Cook.

12 Q. And how old are you, sir?

13 A. 56.

14 Q. Where do you live?

15 A. Millington, Tennessee.

16 Q. And how long have you lived there?

17 A. A long time. Gosh, I guess -- well, I graduated
18 from high school from Millington, I moved out of there for
19 about nine years and I moved back in '81. So since 1981.

20 Q. You mentioned you graduated from high school.
21 What's your educational background?

22 A. I -- well, I -- I have a bachelor of science
23 degree in nuclear engineering from the University of
24 Tennessee, and that I got in 1973.

25 Q. And do you have a family, sir?

1 A. Yes, I do.

2 Q. And what does that family consist of?

3 A. I have a wife Gwen. I have two step children
4 with five grandchildren.

5 Q. And is this your wife, Gwen, in the back row at
6 the right?

7 A. She's waving at everyone.

8 Q. All right. Are you presently employed, sir?

9 A. No, sir.

10 Q. Have you been employed in the nuclear power
11 industry over the years?

12 A. Yes, sir, I have.

13 Q. Would you, for the ladies and gentlemen of the
14 jury, please review where you have worked and when? Take
15 your time.

16 A. Okay. When I graduated from college in 1973, I
17 started working at the Arkansas Power and Light Company in
18 Little Rock, working on the Arkansas Nuclear One Generator
19 Station, unit one. That plant was just finishing up
20 construction, and unit two was just coming above ground.
21 All the other ground facilities were in there and they were
22 just bringing the buildings up above the ground.

23 Q. What were you doing?

24 A. I was in the licensing area, getting unit one
25 licensed for operation. And after that, I was working on

1 the two for licensing.

2 Q. Just so we can get our terms clear at the outset,
3 tell us what licensing is.

4 A. Licensing is dealing with the NRC. And
5 licensing -- well, there are two areas.

6 Q. Slow down now.

7 A. Excuse me, okay. In licensing -- in licensing,
8 there are two areas. Licensing deals with the headquarters
9 unit in Washington D.C. Nuclear Reactor Regulation, and
10 that capacity when I was in Arkansas, we were dealing with
11 NRR to get the operating license for that unit.

12 Q. Now, we've heard about a regulatory affairs
13 group.

14 A. Yes, sir.

15 Q. Does licensing fall within the regulatory affairs
16 group?

17 A. It is one house of regulatory affairs, yes.

18 Q. What are the other houses of regulatory affairs?

19 A. Compliance.

20 Q. And the house of regulatory affairs?

21 A. Yes.

22 Q. And what does compliance do?

23 A. Compliance is the unit that deals with the
24 regional offices within the United States. There are four
25 regions that cover various power plants within those

1 regions. It's them that they -- office inspection
2 enforcement. It's them that provide the resident
3 inspectors at each one of the sites -- that's them that
4 provides inspectors for all the inspections at the sites
5 during the operating cycle.

6 THE COURT: Mr. Cook, excuse me. I don't want to
7 interrupt, but push that over, push your chair over to your
8 right.

9 THE WITNESS: All right.

10 THE COURT: Thank you.

11 THE WITNESS: Sure.

12 BY MR. CONROY:

13 Q. With that background --

14 A. Yes, sir.

15 Q. And you're now working at AN01, I'm sorry,
16 Arkansas Nuclear 1?

17 A. That is correct.

18 Q. Near Little Rock, near Little Rock?

19 A. Well, it's 90 miles Northwest of Little Rock.

20 Q. And you went there in 1973?

21 A. Yes, sir.

22 Q. All right. If you would, how long did you stay
23 there?

24 A. Stayed there until 1981.

25 Q. And what did you do then?

1 A. I accepted another position, Florida Power
2 Corporation working on Crystal River, so I was working out
3 of the general office in St. Petersburg.

4 Q. Crystal River is another nuclear power?

5 A. It's another Babcock and Wilcox nuclear power
6 plant.

7 Q. Is most of your background in Babcock and Wilcox
8 plants?

9 A. No, I have a background in Babcock and Wilcox,
10 Westinghouse, GE, BWOR, CE units, but it's just I started
11 off with Babcock and Wilcox.

12 Q. And that pretty much, what you've just described,
13 covers the water front, does it?

14 A. Correct.

15 Q. It's all the -- it's all the plants?

16 A. Yes, that's correct.

17 Q. All right. Now, when you left Crystal River --
18 how long were you at Crystal River?

19 A. I was at Crystal River for about 18 months.

20 Q. What did you do at Crystal River?

21 A. I was in the engineering unit working on Crystal
22 River 30 and just engineering aspects of keeping the
23 plant --

24 Q. Where did you go then?

25 A. After Crystal River -- in 1982, I left and I

1 started -- started consulting contracting. I was working
2 for a company that was outside of Atlanta, and from --
3 while I was working for them, I worked at several power
4 plants.

5 Q. What caused you to decide to stop being an
6 employee and become a contractor?

7 A. There was more money to be made as a contractor.

8 Q. Okay. And then what did you do when you began
9 contracting?

10 A. Well, the first contracting job I had -- well, I
11 was out at Waterford for two weeks and helping them with
12 their -- Waterford is outside of New Orleans. Helping them
13 in their licensing area, the licensing of their unit. I
14 then went for a year to Brunswick Nuclear Station in South
15 Port, North Carolina as a BWR that I was just helping them
16 out.

17 Q. And the BWR is?

18 A. Boiling water reactor.

19 Q. Which is like a pressurized water reactor but
20 different?

21 A. It's -- it's a nuclear power plant with, like,
22 pressurized water reactor, but in a boiling water reactor
23 there is no steam generator. You boil the water inside the
24 core versus making the steam, the steam generator on the
25 pressurized water reactor.

1 Q. And how long did you stay there?

2 A. I was there for a year working in the engineering
3 and the compliance unit. I was helping them write some of
4 their instructions that they needed to -- plus I was
5 helping them write their instructions for them to operate
6 their --

7 Q. And there came a time when you left?

8 A. I left there and went to Calvert Cliffs, which is
9 just south of Washington D.C.

10 Q. And how long did you remain there? What did you
11 do there?

12 A. I was there for about eight months and then left
13 and went to the Palo Verde Nuclear Station outside of
14 Phoenix, Arizona.

15 Q. What did you do there?

16 A. I worked in the engineering section, and I also
17 worked in the licensing section. In fact, I was the
18 assistant to the licensing manager there, and I was there
19 until November 1, 1985.

20 Q. And what happened then?

21 A. That's when I went to the Davis-Besse Nuclear
22 Power Station.

23 Q. For the first time?

24 A. For the first time. This was during their
25 recovery efforts from their axillary feed water pump.

1 Q. What caused you to be there? What was the feed
2 water problem?

3 A. In June of 1985. Davis-Besse had an incident
4 where they -- their -- the unit had tripped, and when it
5 tripped, everything on the secondary side went away. The
6 auxiliary feed water pumps were supposed to be coming up to
7 provide water steam generator. They did not. It was an
8 issue that they had to deal with. It was a culture issue,
9 a design issue and other things.

10 Q. It was a problem?

11 A. It was a problem. They were down for 18 months.

12 Q. And what was your role when you got there?

13 A. I went in -- I served as the acting compliance
14 supervisor for a period -- well, from '85 -- from November
15 of '85 until April of 1987, until they hired a permanent
16 plant supervisor.

17 Q. Did you stay there after --

18 A. I left for four months and went to the Sequoia
19 Nuclear Power Plant in Chattanooga, Tennessee to help them
20 out a little bit, but then I got called from Davis-Besse
21 asking me to come back up, and at that point, I was working
22 in the licensing unit.

23 Q. And how long did you remain?

24 A. I stayed there until the end of 1990.

25 Q. Then what did you do?

1 A. I left there and went to Zion Nuclear Station up
2 north of Chicago.

3 Q. How long did you stay there?

4 A. I was there for about six months. And then after
5 I left there, I went to the Bellefonte Nuclear Plant in
6 Alabama. That was a plant that had been shut down.
7 Construction had been altered and they were looking at
8 reactivating construction on that unit. So I worked there
9 on that for about 18 months.

10 Q. You -- if you can bring us forward.

11 A. From there, I left, from there, I left and went
12 to River Bend down to Louisiana, went to the Perry -- after
13 that, went to the Perry Station just east of Cleveland for
14 about two years, went to the LaSalle Station west of
15 Chicago for about a year-and-a-half, went back -- went to
16 Fermi Station for about two years, went back to
17 Davis-Besse.

18 Q. Is Fermi just north of us here?

19 A. It's in between Toledo and Detroit.

20 Q. Go ahead.

21 A. I was there for about two years and then came
22 back down to Davis-Besse for about ten months, went to DC
23 Cook for about six months, Arkansas for about -- back to
24 Arkansas for about nine months, back to DC Cook for three
25 months, back to Davis-Besse for --

1 Q. When was that?

2 A. That would -- I came back to Davis-Besse on
3 March 6th, 2001.

4 Q. Actually, that was -- 2001 was your third time at
5 Davis-Besse, wasn't it?

6 A. Yes, 1999 I was at Davis-Besse. I started here
7 January 1 of 1999.

8 Q. Are you familiar with an organization called
9 NTES?

10 A. NTES, New Tennessee Energy Services.

11 Q. And what is that, sir?

12 A. That was my company.

13 Q. And tell us how your company operated.

14 A. My company was a corporation that I had formed to
15 be able to take care of my -- my activities in consulting.
16 Also I had employed an office manager in Memphis that took
17 care of the things in the office. I also brought in
18 subcontractors under my company that would be working.

19 Q. But basically, it was a provision of services --

20 A. That is correct.

21 Q. -- to nuclear power plants?

22 A. It was a service company, yes.

23 Q. Now, when you first came to Davis-Besse in 1985,
24 who did you work with?

25 A. I was compliance supervisor. The regulatory

1 affairs supervisor was Dale Wuokko.

2 Q. So you've known Mr. Wuokko since 1985?

3 A. Yes, I have.

4 Q. And at that time, were you working as a contract
5 employee?

6 A. Yes, I was.

7 Q. At the time that you began working in the nuclear
8 power business from 1973 forward, were you familiar while
9 you worked in the licensing and regulatory affairs area
10 with the requirements of 10 CFR 50.9?

11 A. 50.9 accuracy and completeness truth and honesty.
12 That has always been something that's been within the
13 industry, every -- when you go on site, at any site that
14 I've ever been at going through the general employee
15 training, that is always -- you're always -- you never lie
16 to the NRC. You always make sure you give them accurate
17 information.

18 Q. Was that also true at Davis-Besse?

19 A. Yes, it was.

20 Q. And that requirement applies to all
21 correspondence from the utility to the regulators at the
22 NRC?

23 A. Oh, yes.

24 Q. Is that requirement based, on your experience,
25 common knowledge in the industry?

1 A. Pretty much, yes, it is.

2 Q. Let me, if I may, introduce what is marked as
3 Government's Exhibit Number 21 which is a -- Defendant's
4 Exhibit Number 21.

5 MR. CONROY: Your Honor, in order to endeavor to
6 avoid difficulties with the world of electronics, I was
7 going to ask Ms. Robinson to help me out with this. So if
8 we can get up the Exhibit 21, Defendant's Exhibit 21.

9 BY MR. CONROY:

10 Q. Do you see it now?

11 A. Yes, I do.

12 Q. All right, sir. What is that?

13 A. That's a copy of the purchase order that I had
14 from Davis-Besse for my services back in 2001.

15 Q. And is this the kind of contract that you were
16 used to signing as a contractor?

17 A. Yes, it is.

18 MR. CONROY: Now, with this contract -- and I
19 would, at this point, move Defendant's Exhibit 21, Your
20 Honor, and ask that the jury be allowed to view it.

21 MR. BALLANTINE: No objection, Your Honor.

22 THE COURT: It will be admitted without
23 objection. Jury may view it.

24 BY MR. CONROY:

25 Q. How many pages is that contract, do you know?

- 1 A. Fifty.
- 2 Q. What is the term of the contract?
- 3 A. The original term of the contract was from
4 March 6th until August 30th of 2001.
- 5 Q. Was that contract extended?
- 6 A. It was extended until sometime toward the end of
7 2001, yes.
- 8 Q. Was that extended beyond 2001?
- 9 A. Yes, it was extended again until the end of 2002.
- 10 Q. And is that done by further documentation on
11 that?
- 12 A. Further document for the task authorization, yes.
- 13 Q. Does that contract guaranty you a rate of hourly
14 pay?
- 15 A. It provides to me an hourly rate that they will
16 pay me, yes.
- 17 Q. Does it provide for you any bonuses?
- 18 A. No, it does not.
- 19 Q. Does it provide for you to gain a raise at any
20 time?
- 21 A. No, it does not.
- 22 Q. Does it provide for you any fringe benefits?
- 23 A. No, it does not.
- 24 Q. Does it provide for you to get a promotion?
- 25 A. No, it does not.

1 Q. So none of that is available to you under this
2 purchase order?

3 A. None whatsoever.

4 Q. Just for the information for the jury, where
5 the -- this purchase order has rate of pay information on
6 it, it's blacked out. Can you tell us what happened there?

7 A. Yes.

8 Q. What happened?

9 A. Back in October of 2002 when the office of
10 investigation asked for this document from me, I just
11 decided it wasn't any of their business to see how much
12 money I was making.

13 Q. So you crossed it out?

14 A. So I crossed it out.

15 Q. And that's how it's remained?

16 A. That's why it's blacked out.

17 Q. Now, the case has been made with repeated
18 reference to refueling outages at Davis-Besse in 1996, 1998
19 and 2000, the 10th, the 11th and the 12th regular refueling
20 outages at the plant. Were you at Davis-Besse for any of
21 those events?

22 A. No, I was not.

23 Q. When you went to work for Davis-Besse in 2001,
24 where did you start?

25 A. I started working in the compliance unit. I was

1 in a staff augmentation function. One of the individuals
2 in compliance was -- had been assigned to the Institute of
3 Nuclear Power Operations for a six-month period, so I was
4 filling in while he was out of the office.

5 Q. And is that what this purchase order expressly
6 states?

7 A. Yes, it does.

8 Q. Who hired you?

9 A. Dale Miller is the one that called me.

10 Q. Did he tell you what particular functions you
11 would perform?

12 A. He told me that I was coming in for staff
13 augmentation.

14 Q. Does that mean just adding to the staff?

15 A. Just to help his staff out, yes.

16 Q. And so your job within regulatory affairs could
17 be what?

18 A. Whatever he asked me to do.

19 Q. Why does the job of regulatory affairs require a
20 separate organization within the company?

21 A. The regulatory affairs organization deals --
22 licensing deals on a daily basis with NRR, with activities
23 on NRR, with submittals that are there that the NRC is
24 reviewing, things that the NRR is looking from Davis-Besse
25 or particular licensing to do. In compliance, you're

1 always dealing with the resident inspectors. You can be
2 dealing with OI every day, whatever. There's always
3 activities, a range of inspectors coming in, setting up the
4 inspection, bringing people on site, whatever.

5 Q. There is a full plate for people in regulatory
6 affairs?

7 A. Yes, there is.

8 Q. Why does it require engineers to carry out the
9 function?

10 A. Well, it just makes it easier in carrying out
11 that function because you have engineers that are providing
12 information to you, and it's -- and it's easy -- it's -- it
13 makes it easier to go ahead and be able to review that and
14 make it logical for the submittals and everything that you
15 send in.

16 Q. Is there communication at the other end with the
17 NRR that involves engineers?

18 A. Yes, it does.

19 Q. So there are engineers at both ends talking to
20 each other?

21 A. That is correct.

22 Q. And you are the middle man?

23 A. I am the middle man.

24 Q. All right. Were you told when you went to work
25 for Davis-Besse in 2001 anything about an anticipated NRC

1 bulletin regarding circumferential cracking?

2 A. No, I was not told anything about that. I may
3 have heard something while I was there, I didn't know
4 anything about it.

5 Q. When you began working at Davis-Besse, did you
6 know who Andrew Siemaszko or Prason Goyal were?

7 A. No, I didn't.

8 Q. Were they in your operating group?

9 A. No, they weren't.

10 Q. When did you first become aware of bulletin
11 2001-01?

12 A. It may have been -- it was probably in August,
13 whenever it was issued, on the 3rd. I heard there was a
14 bulletin that was issued on August 3rd.

15 Q. How did you become aware?

16 A. I became very much aware on August 8th when Dale
17 Wuokko and Dale Miller came and asked me if I would start
18 working on that because the individual that should be
19 working on it was working on other things and didn't have
20 time.

21 Q. And who was that individual?

22 A. Frank Kennedy.

23 Q. And was he a regular member of regulatory
24 affairs?

25 A. Yes, he worked for Dale Wuokko.

1 Q. Did you have a background in the subject matter
2 area of the bulletin?

3 A. No, I did not.

4 Q. Had you had any experience with issues relating
5 to boric acid deposits on reactor pressure vessel heads in
6 2001?

7 A. No, I did not.

8 Q. Had you had any prior training in boric acid
9 corrosion issues at nuclear plants?

10 A. No, I had not.

11 Q. Nonetheless, you became the person assigned to
12 coordinate the response to the NRC board?

13 A. Yes, I did.

14 Q. Is an NRC bulletin, sir, excuse me, a big deal?

15 A. There aren't very many of those issued.
16 Bulletins are usually issued when the NRC is looking for
17 information that they require to be responded to under oath
18 and affirmation, which means there's going to be an offer
19 that the company gets to swear that, yeah, this is right.

20 Q. Were you given any training to do this job?

21 A. Through my years, I've had training on how to do
22 this, yes.

23 Q. Any at Davis-Besse in anticipation of this
24 bulletin?

25 A. No.

1 Q. Did you get any background or details in what you
2 were to be doing?

3 A. No, I was just gathering that as I was going
4 along after I got the assignment.

5 Q. How much time were you given to respond to the
6 bulletin?

7 A. The response to the bulletin was due within 30
8 days, which meant that it was due the day after Labor Day,
9 September 4th, so I -- and I started working on it on
10 August 9th.

11 Q. Did you collect background information of any
12 kind to begin working on the bulletin?

13 A. The information that I was receiving was from
14 other organizations within the Davis-Besse organization
15 providing me information.

16 Q. How many questions did bulletin 2001-01 ask?

17 A. It asked six questions.

18 Q. Did each question have subparts? Well, I take
19 that back. Were there subparts to questions?

20 A. Yes, there were subparts, and in fact, in the
21 response to 2001-01, there were ten subparts that were
22 responded to.

23 Q. How long did the response wind up being?

24 A. Twenty-five pages.

25 Q. And how much of that 25 pages was dedicated to

1 subparagraph 1.D?

2 A. It was probably one page, maybe just a little
3 over one page dedicated to 1.D. The other 24 pages were to
4 the other questions.

5 Q. Were there any other items that took up much more
6 space?

7 A. Oh, yes. The regulatory requirements and
8 operating requirements area took up several -- several
9 pages.

10 Q. And was -- was section 1.D the section that was
11 related to past inspections?

12 A. Yes, it was.

13 Q. What did you understand, as you were beginning to
14 put it together, the purpose of the bulletin to be?

15 A. The purpose of the bulletin was to provide
16 response to the NRC's request and to give them information
17 on condition -- the condition of the power plant and also
18 to provide their plants for inspecting their vessel heads.

19 Q. And this all had to do with this phenomenon that
20 had developed or that they had found regarding
21 circumferential cracking?

22 A. That is correct.

23 Q. What was the interest in past inspections?

24 A. I'm -- I'm going to surmise, and I think that the
25 reason for the past inspection information was to see,

1 okay, what is the condition of the head that you have now
2 so that -- do you have any -- do you have any incident
3 right now where it may be cracking.

4 Q. How is the answer to the question about past
5 inspections going to be developed?

6 A. That information was being provided by the
7 engineers who had performed the past inspections or
8 engineering personnel for providing that information to me
9 on past inspections.

10 Q. And why would engineering be doing that?

11 A. Because they had done past inspections.

12 Q. What responsibility did regulatory affairs have
13 for referencing the accuracy of the description of past RPV
14 head inspections?

15 A. Our responsibility was to take what they had
16 given me and ensure that it was incorporated into --
17 into -- into the response as they had given it to me or per
18 what -- and revise whatever comments may have come about
19 during that review process.

20 Q. Is there a written Davis-Besse procedure that
21 governed how regulatory affairs was to conduct itself in
22 the course of communicating back to the NRC with regard to
23 bulletin 2001-01?

24 A. Yes, there is.

25 Q. And is that the NRC communications procedure?

1 A. Yes, it is.

2 Q. I'd like to show you now what is marked as
3 Defendant's Exhibit Number 6, which is Davis-Besse NRC
4 communications procedure.

5 A. Yes, sir.

6 Q. And I would ask you, if you would, to take a
7 look -- well, you will be allowed to take a look, I hope,
8 at section 6.2.1, which has the title -- section 6.2 has
9 the title, and you will see it on page 9 of the document.

10 THE COURT: It has not been admitted.

11 MR. CONROY: I'm sorry. At this point, I'd like
12 to admit the NRC communications procedure.

13 MR. BALLANTINE: No objection, Your Honor.

14 THE COURT: It will be admitted without
15 objection.

16 BY MR. CONROY:

17 Q. And now, if we may, I would like you to take a
18 look at page number 9. All right. Section 6.2 --

19 A. Yes, sir.

20 Q. -- indicates that it deals with docket
21 correspondence to the NRC?

22 A. Yes, sir.

23 Q. Section 6.2.1, do you see it there?

24 A. Yes.

25 Q. What do you understand it to mean?

1 A. It states that the lead department will provide
2 the draft information to regular affairs or corporation --

3 Q. Does it indicate who was to verify completeness
4 or accuracy of the information?

5 A. Lead department directors concurrence.

6 Q. I'm sorry, I'm looking at 6.2.1.

7 A. Yes, I'm sorry. Oh, the lead department is
8 responsible for verifying the --

9 Q. And with regard to bulletin 2001-01, which was
10 the lead department in providing information?

11 A. Engineering.

12 Q. And looking at 6.2.2, what does it indicate, sir?

13 A. It says that regular affairs -- regulatory
14 affairs shall review the draft correspondence for content
15 completeness, clarity and general acceptability and prepare
16 a proposed submittal to the NRC.

17 Q. Is that the instruction that you understood that
18 you were to follow in developing the bulletin response?

19 A. Oh, yes, sir.

20 Q. And did you do that?

21 A. Yes, sir.

22 Q. Now, did that mean to you that it was not your
23 job to verify the accuracy and completeness of the
24 information that engineering was providing?

25 A. It was up to me to assure that it looked complete

1 for me to go out and verify all the information. I wasn't
2 responsible for doing that.

3 Q. Would that have been a practical solution?

4 A. No, it would not.

5 Q. You did have a role under 6.2.6, however, with
6 regard to conflicts, did you not, and I'd like to go over
7 to 6.2.6. Do you see that?

8 A. Yes.

9 Q. What is that about?

10 A. It states that if I -- comments on drafts, I will
11 assure that the comments are resolved before the letter
12 goes out. If I can't get resolution among the lowest
13 chance of people that I'm dealing with, I elevate it up so
14 I can get resolution.

15 Q. And did you do that in the course of drafting
16 2001-01?

17 A. Yes, I did.

18 Q: All right, sir. Let's move on from there. How
19 did you go about starting to get the ball rolling, if you
20 will, on getting this document together?

21 A. Well, I started receiving information that was
22 forwarded to me from Frank Kennedy. Since that point in
23 time, I believe everybody still believed that he was the
24 individual responsible. So he would forward what input he
25 was getting from information -- he would forward me the

1 information he was getting from the other groups to respond
2 to -- to provide the draft of the letter.

3 Q. So when we see, as we do in some e-mails, Frank
4 Kennedy forwarding information to you, that's because he's
5 out of the loop now and you're in?

6 A. That's correct.

7 Q. All right. Once responses to the bulletin
8 questions began to come in, explain how you intended to go
9 about completing the document.

10 A. The original format for the document was to come
11 from the EPRI, Electric Power Research Institute material
12 liability program document. There was a generic format
13 that was -- that 2001-01 was going to be followed by all
14 the utilities.

15 Q. And why would that be?

16 A. At that point in time, EPRI had provided a lot of
17 help to the utilities on resolving -- or on dealing with
18 this, so they figured we can go ahead and take care of --
19 there were several documents that were putting on the
20 docket with the NRC that you -- that could reference versus
21 them coming up with plant specific responses.

22 Q. Does the NRC approve of utilities getting
23 together and plan responses like that?

24 A. They never said we can't. I think they would
25 expect that.

1 Q. Why?

2 A. I'm not sure that they want to see 16 different
3 responses or 16 different ways of doing things. A
4 commonality among all is what they're looking for.

5 Q. Now, when you got this document from EPRI, what
6 did you do with it?

7 A. I drafted up -- I drafted a response from the
8 information I had and sent it out for comment.

9 Q. When you say send it out, what do you mean?

10 A. I e-mailed it out to several people and said,
11 okay, here it is, help me find the other people that need
12 to look at it, and you guys start looking at it and start
13 giving me some comments.

14 Q. How did you know who to send it to?

15 A. At that point in time, the only people I knew to
16 send it to was Frank Kennedy, Dale Miller and probably
17 Prason and Andrew Siemaszko.

18 Q. How did you know to send it to those --

19 A. Those people had provided me input.

20 Q. By that point?

21 A. By that point, yes.

22 Q. Now, when you got responses back, did they come
23 in the form of comments?

24 A. Comments could come back either by e-mail, by
25 handwritten comments on the document that I sent out, by a

1 phone call or by somebody dropping by my office and giving
2 me a comment.

3 Q. Any way you can think of that information could
4 come in?

5 A. Any way that they can give it to me, any way you
6 can think of.

7 Q. Did you have to pay attention to all that
8 information?

9 A. I took down everything and I addressed it.

10 Q. What did you know of the technical accuracy of
11 the responses being sent to you?

12 A. I knew that the technical accuracy was what
13 engineering gave to me, trusted what engineering was giving
14 to me.

15 Q. Was there any other practical way to proceed?

16 A. No, there wasn't.

17 Q. Did you have access to the RPV head at this time?

18 A. No, I didn't.

19 Q. Why not?

20 A. Plant's running and nobody's going to go in and
21 see the RPV head when the plant's running.

22 Q. Prior to or during the bulletin response period,
23 were you aware of the contents of any condition reports or
24 what we have come to know as PCAQs describing the condition
25 of the head?

1 A. No, I was not.

2 Q. Prior to or during the bulletin response period,
3 did you see any videotape of past RPV head inspections?

4 A. No, I did not.

5 Q. Now, I'd like to show you what is marked for
6 identification as Defendant's Exhibit number 26, which is
7 an e-mail from you to Frank Kennedy dated the 15th of
8 August of 2001. Do you recall sending Frank an e-mail
9 about that time?

10 A. If there was one there, I guess I did.

11 Q. Let's take a quick look at it. Can we magnify
12 that a little bit?

13 THE COURT: Is this Defendant's Exhibit 26?

14 MR. CONROY: This is Defendant's Exhibit 26, Your
15 Honor, which has not been --

16 BY MR. CONROY:

17 Q. Do you see that, sir?

18 A. Yes.

19 Q. Do you recognize it?

20 A. Yes, this is where I have taken the first draft
21 of the letter and told Frank I'd put it on -- I put a copy
22 on his desk. I also gave a copy of it to Prason and asked
23 him tell me who else I need to send this out to so they can
24 review it.

25 MR. CONROY: I would like to move the admission

1 now of Defendant's Exhibit 26, Your Honor.

2 MR. BALLANTINE: No objection, Your Honor.

3 THE COURT: It will be admitted without
4 objection.

5 MR. CONROY: And to display it to the jury.

6 THE COURT: You may do so.

7 BY MR. CONROY:

8 Q. All right. Great. What -- what is the import of
9 this message?

10 A. The import is that I was sending it out, I know
11 other people need to be looking at it, let me know, I
12 expect a lot of comments, this is a first draft.

13 Q. And your last word of advice is, so have at it?

14 A. So have at it.

15 Q. And that's what they did?

16 A. That's what they did.

17 Q. When you got information back from individuals
18 who were commenting on the draft, did any of those comments
19 appear to you to be unclear or confused or confusing?

20 A. Well, there was several of those, yes.

21 Q. How did you deal with that?

22 A. Well, I would take a look at them, and if it was
23 something I could really -- I go over, just talk with them
24 and say this doesn't make sense, this is what's really
25 going on, we don't really need to do anything with this

1 comment. I mean, do you have something else? I try to
2 deal with all of them.

3 Q. Did you --

4 A. Yes.

5 Q. -- ultimately --

6 A. Ultimately every one, every comment got taken
7 care of.

8 Q. And had you been unable to resolve them, you
9 would have had to go to higher authority?

10 A. I would have had to have it taken upstairs to
11 someone.

12 Q. And that's in accordance with the written
13 procedure?

14 A. That's correct.

15 Q. How does the document known as a greensheet
16 relate to the resolution of these issues?

17 A. The greensheet is put on a document when it's
18 very close to being ready to submit so that everyone can
19 start looking at the integrated document and comment and/or
20 approve that document.

21 Q. And what does an individual's initials on a
22 greensheet indicate, as you understand it?

23 A. Technical individuals initials on that greensheet
24 means that they have reviewed that area of responsibility,
25 their area of responsibility and have verified that it has

1 been incorporated and it is accurate and complete.

2 Q. Were there multiple areas of technical
3 information required on 2731?

4 A. Yes, there were.

5 Q. Were there multiple disciplines involved?

6 A. Yes, there were.

7 Q. Were there multiple offices within the plant?

8 A. Yes, there were.

9 Q. And as to each of those, the technical inputter
10 had to sign on the greensheet; is that correct --

11 A. Yes, sir.

12 Q. -- in order to make it complete?

13 A. Yes, sir.

14 Q. And that's a requirement before it can be
15 forwarded on for signature?

16 A. Correct.

17 Q. When -- when a document like bulletin 2001-01 is
18 completed, are you the one who signs it and sends it out?

19 A. No.

20 Q. What do you do with it?

21 A. I -- after all the commenters have commented, the
22 last person to see it before it goes to the vice president
23 would be the manager of regulatory affairs. He would make
24 sure that it was in the proper form to give to the VP for
25 the VP's signature.

1 Q. And when either of those individuals, the manager
2 of regulatory affairs or the VP see it, could they change
3 it --

4 A. Yes, they could.

5 Q. -- if they saw anything inaccurate or incomplete?

6 A. Yes, they could.

7 Q. When a draft such as you were drawing up in 2731
8 is circulated, does everyone involved in the review process
9 have to see every change?

10 A. No. There are some changes that do not fall
11 within the purview of some people, and so they would not
12 see a copy of that -- that change. If it didn't fall
13 within their area or their area had not changed, they --
14 they wouldn't see that, no.

15 Q. So that the matter that was to be disposed of by
16 engineering might not be seen by quality assurance; is that
17 correct?

18 A. Probably not. It might not be seen by plant --
19 yeah, you're right.

20 Q. On bulletin response 2731 in the three weeks that
21 you had to assemble the response, how many drafts did you
22 circulate?

23 A. There were 11 drafts that went out on that.

24 Q. How many comments did you get back?

25 A. I got a bunch. I got -- I had a stack of

1 comments that came back.

2 Q. Do you have any idea?

3 A. Well, based on the number of drafts that went out
4 every time that there was a substantial change, a new draft
5 went out. So 11 drafts. There were a bunch of comments
6 that were coming in to require a change and a draft.

7 Q. And when you're talking about comments coming
8 back in, are you including phone calls?

9 A. Yes.

10 Q. Oral suggestions?

11 A. Yes.

12 Q. During the drafting of 2731, what was your
13 understanding of the condition of the reactor pressure
14 vessel head after cleaning in 12 RFO?

15 A. Initially my understanding -- and this is per
16 input from other people at the station -- is that they had
17 cleaned the head in 12 RFO, and they had effectively clean
18 head, that there was no -- no masked boron on top of the
19 head.

20 Q. Where did you get that from?

21 A. Frank Kennedy, whoever. There were -- it was
22 pretty well common knowledge the head was clean after 12
23 RFO.

24 Q. Did you get that from Andrew Siemaszko?

25 A. I don't think Andrew told me that. I think

1 that -- I don't think Andrew told me. I think everybody
2 else out there told me because that was what everybody
3 understood the condition of the head was after 12 RFO.

4 Q. Were you aware of any independent corroboration
5 of that view?

6 A. I heard that there was -- I heard that there was
7 a document that was issued by the station at the end of 12
8 RFO. I heard there was a QA report. I never saw those
9 documents until much, much later.

10 Q. But you were aware of their existence?

11 A. Yes, I knew the people -- the people really
12 believed that the head was cleaned.

13 Q. At any time during the drafting of 2731, did
14 anyone suggest to you in any way that you be less than
15 truthful and complete in your answers to the NRC?

16 A. No, they did not.

17 Q. Or less than complete and accurate in response?

18 A. No, they did not.

19 Q. Did you, at any time during your response period
20 to bulletin 2001-01, believe that anyone was being less
21 than honest with you?

22 A. No, I did not in producing 2731.

23 Q. Were people and organizations outside the company
24 contacted?

25 A. Yes, they were.

1 Q. Tell us about that.

2 A. Framatome was responsible for several areas of
3 the bulletin response and also some of the supplemental
4 bulletin responses. Structural Integrity Associates
5 provided response to a lot of that -- to some of that. It
6 was just companies outside of First Energy that had input
7 into that letter.

8 Q. Did you have to obtain information from those
9 organizations to put in the response?

10 A. I would either be getting it from them directly,
11 or engineering would be getting it from them and providing
12 it to me.

13 Q. Did you circulate drafts to those people?

14 A. Yes, I did.

15 Q. Did they have comments?

16 A. Yes, they did.

17 Q. Each of which was evaluated?

18 A. Each of which was evaluated.

19 Q. Did regulatory affairs personnel also provide
20 comments?

21 A. Yes, they did.

22 Q. Why?

23 A. I sent it to them and I asked them to comment on
24 it. And several of the people I know I knew provided
25 comments, yes.

1 Q. And who were those?

2 A. I knew Dale Wuokko provided comments.

3 Q. What about Dale Miller?

4 A. I knew Dale Miller provided some comments as
5 well, but I knew Dale Wuokko provided a lot of comments.

6 Q. And they were your supervisors?

7 A. They were people that I worked with --

8 Q. That raises a question. Who were you working
9 for --

10 A. I was --

11 Q. -- while you were doing this?

12 A. I was working for Dale Miller during this effort
13 since I was in compliance.

14 Q. Why would Dale -- I'm sorry, go ahead.

15 A. I did ensure that Dale Wuokko was made aware of
16 everything that was going on since this bulletin response
17 was out of his section.

18 Q. And why wasn't his section handling it?

19 A. Because the individual that could -- that would
20 have handled it did not have time to handle it.

21 Q. Why would, to your understanding, Mr. Miller
22 think Mr. Wuokko was in charge and Mr. Wuokko think
23 Mr. Miller was in charge?

24 A. I have no idea.

25 Q. Were either of them actively supervising your

1 efforts?

2 A. Oh, yes.

3 Q. And how do you mean that?

4 A. Well, I know that Dale Miller was actively -- he
5 was coordinating with other utilities. He was ensuring
6 them that I was getting the support that I need.

7 Q. What about Mr. Wuokko?

8 A. Mr. Wuokko would make sure that I had a lot of
9 comments. I'd be talking with him about things to resolve
10 his comments. Yeah, he was giving me a lot -- he was
11 giving -- providing a lot of input to me, and Dale Miller
12 was providing a lot of comments.

13 Q. Did you give full consideration that your
14 comments --

15 A. Yes, I did.

16 Q. Did every comment that each of them made result
17 in a change in the next draft?

18 A. No, it did not.

19 Q. Why not?

20 A. Some of the comments were incorrect. They were
21 commenting on incorrect idea of the letter, or they were
22 providing a comment on something that -- that no, that
23 wasn't right.

24 Q. Let's take a look at this point at some
25 regulatory affairs comments, if I may. And at this point,

1 I'd like to discuss with you what is Government's Exhibit
2 42. What I would like to do --

3 THE COURT: 42 has previously been admitted and
4 may be shown to the jury.

5 BY MR. CONROY:

6 Q. Scroll through this with you and get an idea of
7 what you were receiving here. This is an e-mail from you
8 to a number of people; is that correct?

9 A. Yes.

10 Q. And one of the people who was copied on this
11 e-mail is Mr. Wuokko?

12 A. That's correct.

13 Q. And this is apparently the copy that he received
14 because it is his comments that are attached?

15 A. That is correct.

16 Q. All right. And that's what it says on the first
17 page, comments on attached, and that's his signature?

18 A. Yes.

19 Q. All right. Now, if we might, let's turn over and
20 begin on the first page, which is, Your Honor, 283 on the
21 Bates stamp. And we're going to run through to 298. So if
22 you would, sir, can we raise that up just a little bit and
23 just scroll through, if you would, just to get an idea of
24 what you're dealing with here. All right. Sir, that is
25 one set of comments from one individual --

1 A. Yes, sir.

2 Q. -- in the course of this time period?

3 A. Yes, sir.

4 Q. All of those had to be dealt with?

5 A. Yes, they were.

6 Q. Let's take a look at some of them just to see how
7 that process went. Let's go back, if we might, to
8 Mr. Wuokko's first set of comments here to page -- well,
9 it's going to be 286 on the Bates stamp numbers for
10 everybody that follows me on that. Let me see if I can
11 read, I'm trying to repeat the comments that were called
12 out by the government when they were going through this, so
13 to the extent that I remember --

14 A. Okay.

15 Q. -- this is what you're going to get. On page
16 286, which is two of four of the draft, in the upper
17 right-hand corner, there is an arrow outside of which there
18 is kind of a squiggly circle within which is, these are not
19 answered below. I believe that's what it says. Is that
20 how you read that?

21 A. Yes, sir.

22 Q. Did you receive that comment, and did you deal
23 with it?

24 A. Yes, I did.

25 Q. Tell us how you did that.

1 A. Well, the first comment is -- type, scope,
2 qualification requirements and acceptance criteria. He was
3 asking where is that addressed. Well, to address it. I
4 said that will be an easy one to take care of, I'll give
5 you the procedure that covers this aspect.

6 Q. Is that what you did?

7 A. That's what I did.

8 Q. Does that appear in the next draft?

9 A. I believe it does, yes, sir.

10 Q. All right. Sir, moving on down to the middle of
11 the page on the right, in another squiggly circle, okay,
12 with an arrow pointing into the paragraph it says, was this
13 inspection completed using a qualified inspector VT-2 or
14 VT-3? If yes, was a procedure used, any acceptance
15 criteria?

16 A. And that --

17 Q. Did you deal with that?

18 A. That deals with that first comment from above,
19 and that I gave him the procedure that covered the
20 inspections.

21 Q. Here's an interesting one. On the next paragraph
22 down on the right -- actually, this may not have been
23 raised by the government. Why is the cleaning limits
24 discussed since -- why is the cleaning limits discussed
25 here since not asked for. What do you mean by that?

1 A. I think I had a talk with him about that, and we
2 just kind of left a lot of that information in. I -- I
3 talked to him about that one. I don't know why he put that
4 in there.

5 Q. But the information remained?

6 A. The reinformation remained. I talked to him
7 about it.

8 Q. On the left-hand side in another squiggly circle
9 looking in, was the head viewed after cleaning to verify
10 clean? Again, acceptance criteria. Did you see that one?

11 A. Yes.

12 Q. How did you deal with that?

13 A. I think we ended up -- I -- I know that what we
14 did on the 2000 inspection, we said we had -- the plant had
15 videotaped the clean head for future inspections. I
16 believe that we probably did that in '98, but I'd have to
17 take a look at the file on '98 to see that.

18 Q. In the bottom right-hand corner, somewhat buried
19 under my Bates stamp number, but there's a question and
20 it's about a word that is circled. The circled word is
21 majority?

22 A. Yes.

23 Q. Has reference to a majority of the nozzles.
24 What's a majority, better to be specific, and then I lose
25 it under the --

1 A. Well, it's --

2 Q. Under the number there, and then it comes out on
3 the next page. And he's got language while maintaining the
4 principle of as low as reasonably achievable --
5 regarding -- dose. Do you see that?

6 A. Yes.

7 Q. What's going on?

8 A. It's Dale's wordsmithing on this, so that was
9 fine. I could deal with his wordsmithing.

10 Q. What did you -- how did you react to what's the
11 majority?

12 A. What's the majority, well, whenever he asked what
13 a majority was -- and I understand that comment because a
14 majority can be anywhere from --

15 Q. Why is it a concern?

16 A. It's because it's very imprecise.

17 Q. Does the NRC like precise?

18 A. It would beg a question, yes.

19 Q. We don't like questions coming back from the NRC?

20 A. You don't -- you don't want to beg questions
21 because you try to be as complete as problem.

22 Q. And that was what his concern appeared to be?

23 A. Yes.

24 Q. Was that a concern you had as well?

25 A. Well, he had that concern. I went out and tried

1 to address his concern.

2 Q. And we're going to get to that.

3 A. Yes, sir.

4 Q. But that is -- that is, again, a concern that you
5 addressed?

6 A. Yes.

7 Q. All right. That's -- that's fine for this one.
8 That is the pattern that you followed all the way through
9 that document?

10 A. Yes, sir.

11 Q. I'm going to torture you a little bit. I'm going
12 to do two more. The next document is Defendant's Exhibit
13 Number 27. Do you see that, sir?

14 A. Yes.

15 Q. Do you know what it is?

16 A. Yes, sir.

17 Q. What is it?

18 A. These are comments from Dale Miller.

19 Q. Also on 2731?

20 A. Yes, sir.

21 MR. CONROY: Your Honor, I would move Defendant's
22 Exhibit 27, please.

23 MR. BALLANTINE: No objection, Your Honor.

24 THE COURT: It will be admitted.

25 MR. CONROY: Now, I would like to, if I might,

1 have this scrolled down. We're going to run, Your Honor,
2 from page 42 to 60 on the Bates stamp numbers on the
3 bottom, right?

4 THE COURT: Have them. Thank you.

5 BY MR. CONROY:

6 Q. And they all had to be dealt with; is that
7 correct?

8 A. That is correct.

9 Q. And I want to show you on this one, if we can
10 turn to page what is marked on the draft as 3 of 13, it's
11 048. Upper right-hand corner, further defined could be
12 51 percent?

13 A. Yes, that was concerning the majority as well.

14 Q. Same problem --

15 A. Yes, sir.

16 Q. -- also having to do with precision?

17 A. Correct.

18 Q. All right. And now I'm going to show you
19 Government's Exhibit 50, which is in evidence. And this is
20 Mr. Wuokko's second set of comments?

21 A. Yes.

22 Q. And, well, let's scroll through them quickly just
23 to get a feel. These are pretty faded. Is there a way --
24 again, a comprehensive set of comments?

25 A. Yes, it was on a draft, and the one he commented

1 on first.

2 Q. Now, here he has a comment on the e-mail cover
3 page; is that right?

4 A. That is correct.

5 Q. And what's he talking about?

6 A. I was asking why was deleting the 90 percent that
7 had been originally inserted to take care of his majority
8 comment. And then he was asking about, well, if I take
9 that out and it doesn't meet 50.9 completeness and accuracy
10 blah, blah, blah, blah.

11 Q. Was he right about that?

12 A. No, he wasn't.

13 Q. Going back to page 2 of 19 at 006 in the
14 right-hand side, there is a note, NRC is requiring
15 licensees to inform them of any impediments.

16 A. Yes.

17 Q. Were you aware of that issue?

18 A. I was aware of that issue. I talked to him about
19 that.

20 Q. Did you deal with it?

21 A. Yes, I did.

22 Q. We'll get to it. On page, it says 3 of 19, 007,
23 again on the right-hand side in the middle of the page,
24 approximately 90 percent. Do you read that there?

25 A. Yes, approximately 90 percent of the nozzles were

1 inspected, boric acid crystal deposits. I said I can't say
2 that. That's not accurate.

3 Q. And did you tell him that?

4 A. Yes, I did.

5 Q. And it says -- he says towards the bottom,
6 important to add CR, see NRC request on prior page?

7 A. Yes.

8 Q. Were you prepared to deal with it?

9 A. Yes.

10 Q. Did you deal with it?

11 A. Yes, I dealt with it.

12 Q. Did you discuss it with him?

13 A. I discussed it with him.

14 Q. Okay. We're going to come back in a second here,
15 but that's enough of that. Did you receive comments on
16 2731 from Prason Goyal?

17 A. Yes, I did.

18 Q. Did you receive them from Andrew Siemaszko?

19 A. I don't remember if I had it from Andrew, but
20 maybe.

21 Q. Did you receive them from the vice president at
22 the plant --

23 A. Yes.

24 Q. -- Guy Campbell?

25 A. Yes, I did.

1 Q. Did you get them from the manager of regulatory
2 affairs, Dave Lockwood?

3 A. Yes, I did.

4 Q. Did you get them from engineers like Chuck Daft?

5 A. Yes, I did.

6 Q. Mark McLaughlin?

7 A. Yes, I did.

8 Q. One of the things I want to make sure, as we now
9 step forward, is that everybody is as clear as possible on
10 the concept of that as found and as left as you understood
11 it at the time that you were drafting this document.

12 A. Okay.

13 Q. These two terms come up repeatedly, and I'd like
14 you to explain the significance of them as you understood
15 them.

16 A. Okay. As found is the condition of the head
17 immediately following shutdown to see what is there. The
18 flange leakage and everything that they were finding on the
19 head, that was as found.

20 As left, it is the condition of the head after
21 the cleaning activities and what is left and is the
22 baseline for what you're comparing the next outages as
23 found to.

24 Q. Were both concepts being discussed in 2731?

25 A. Yes.

1 Q. Were the people who were providing comments to
2 2731 clear on the difference the whole time?

3 A. No, they weren't.

4 Q. What's the significance of that?

5 A. It meant that they were confused, and I had -- it
6 was necessary for me to help alleviate their confusion.

7 Q. The bulletin speaks to a qualified visual
8 inspection --

9 A. Yes, sir.

10 Q. -- that is to take place of the RPV head nozzles
11 at the next inspection?

12 A. Yes, sir.

13 Q. What does that term mean to you? Strike that.
14 What did that term mean to you when you got the
15 bulletin?

16 A. Qualified visual inspection is a new inspection
17 that had never been conducted before. It was an inspection
18 of the head to look at the nozzles, CRDM nozzles and the
19 nozzle interface to the reactor vessel head for boric acid
20 deposits, for leakage to determine if, in fact, cracking
21 may be occurring in the J-Groove weld at the bottom part of
22 the head.

23 Q. When did you first hear the term?

24 A. Whenever I first -- first time I ever saw it was
25 whenever I read the bulletin.

1 Q. In response to subsections 1.D in 2731 on past
2 inspections, did you, as part of your response, try to
3 quantify what portion of the RPV head was inspected as
4 found in the last two inspections?

5 A. Yes, I did.

6 Q. Why did you do that?

7 A. I was trying to resolve the majority question.

8 Q. Why was a percentage being looked for at all?

9 A. Because it was a more precise number of the
10 majority.

11 Q. What was the problem that arose? Just take us
12 through it.

13 A. Okay. I -- we were looking at this from the 2000
14 inspection, and so I talked with Andrew Siemaszko. He told
15 me, he said, oh, I saw 90 percent of the nozzles when I
16 went in for my inspection. I said okay, great. I said
17 that's great. I put it in the letter. I sent it on for
18 comment. I started getting comments back from Prason.

19 Q. Was this after the majority issue arose?

20 A. Yes.

21 Q. So now we've gone to 90 percent because you
22 talked to Andrew?

23 A. Yes.

24 Q. All right.

25 A. So that's in there to take care of the majority

1 issue. I get a comment back from Prasoon -- well, a
2 comment from Prasoon to Andrew. Are you sure about this,
3 are you sure about the 90? So I'm sitting there, okay, let
4 me go talk to Andrew again. So I talked to Andrew and he
5 said, well, maybe, you know -- I know what I can see when I
6 look at the videos, but somebody else may not be able to --
7 let's try 80. So I said, okay, are you sure you can
8 justify 80. He said, well, maybe it was 70. I said, I
9 guess we're better off just leaving it at majority.

10 Q. So what did you do?

11 A. I left it at majority.

12 Q. Then what happened?

13 A. For some reason, that sentence got taken out. It
14 had just gotten --

15 Q. Before that happened?

16 A. Yes.

17 Q. Did we get into another bit with the discussions
18 in the comments from Wuokko and Miller?

19 A. Wuokko and Miller asked that question again, so
20 we ended up trying to resolve it again, but it ended up
21 being the majority.

22 Q. What I want to do -- and I understand that you've
23 answered that it got left out at the end. Let's go through
24 that sequence of events.

25 A. Yes, sir.

1 Q. All right. Back in the early part of August, I'm
2 going to ask you to have reference to an E-mail from
3 Praseon Goyal to Andrew Siemaszko on the 9th of August.

4 A. Yes.

5 Q. Now, was this before you became actively involved
6 in the drafting?

7 A. That was right as I was first starting to get
8 into it.

9 Q. Because you are not copied on this document?

10 A. No.

11 Q. But do you recognize the document?

12 MR. CONROY: Can we put Government 33 up, please?
13 Okay. And if we can blow it up. And this -- does the jury
14 have that?

15 THE COURT: Yes.

16 MR. CONROY: Thank you.

17 BY MR. CONROY:

18 Q. Now, these are -- this is a draft of the response
19 to subsections 1.B; is that correct?

20 A. It is. I don't know that I would have ever seen
21 this since it never got sent to anybody in reg affairs.

22 Q. But you will note -- oh, so you're not sure that
23 you saw this?

24 A. I never saw this.

25 Q. But you will note that the reference to the

1 quantification of the inspection of the head at 12 RFO says
2 95 percent was inspected, and there is a comment -- do you
3 recognize who the comment would be from in the bold black
4 lettering?

5 A. That was Prason's.

6 Q. And he said, are you comfortable with 95 percent?

7 A. Yes.

8 Q. So the initial effort to quantify what portion of
9 the head was seen as found at 12 RFO was 95 percent?

10 A. Yes.

11 Q. And then there is a document that comes back from
12 Mr. Siemaszko to, well, Prason, among others, and it said,
13 attached please find response. Is this Mr. Siemaszko's
14 response to Mr. Prason's comments on the preceding e-mail?

15 A. Yes, because this is the one that Frank Kennedy
16 forwarded to me.

17 Q. And that's reflected on the e-mail on the cover
18 of this Government's Exhibit 35?

19 A. Yes.

20 MR. CONROY: Which, Your Honor, I would ask be
21 displayed to the jury.

22 THE COURT: Yes.

23 BY MR. CONROY:

24 Q. And on this document, the language with regard to
25 the percentage of the head that was inspected at 12 RFO now

1 reads majority of nozzles were inspected; is that right?

2 A. That is correct.

3 Q. So that it has now gone from 95 percent to
4 majority?

5 A. That's correct.

6 Q. I would then ask you to have reference to
7 Government's 43. And this is an e-mail from you to Dale
8 Wuokko, among others?

9 A. Yes.

10 Q. Also to Prasoan Goyal?

11 A. Yes, that was -- that was an original that I was
12 sending out a new draft, and then there was -- Prasoan
13 forwarded it back to me, Andrew, a copy to Frank and Mark
14 McLaughlin, I think.

15 Q. All right. Let me hold you --

16 MR. CONROY: I'd like to, Your Honor, to have
17 this if it has not been exhibited to the jury.

18 THE COURT: It is.

19 BY MR. CONROY:

20 Q. Okay. What point are you making to Mr. Wuokko
21 and others?

22 A. Okay. I sent out the new draft saying, okay,
23 resolve the comment on the emergency or the -- I've talked
24 with Andrew and he's told me he could see 90 percent of the
25 nozzles, and I said that's what I put in the draft.

1 Q. Then what happened?

2 A. Well, then Prasoon sends a comment back to me and
3 Andrew, are we sure that we can say 90 percent.

4 Q. And he asks Andrew to clarify?

5 A. He asked Andrew to clarify it.

6 Q. And now I'm going to ask you to have reference to
7 Government's Exhibit 53.

8 MR. CONROY: And I'd like to exhibit to the jury
9 as well, Your Honor.

10 THE COURT: It is.

11 BY MR. CONROY:

12 Q. What's happening here now on the 27th of August?

13 A. This is after I talked with Andrew and he
14 couldn't substantiate the 90, and I said, I'm going back to
15 majority. I said, I'm deleting the reference to 90 percent
16 of the nozzles inspected.

17 Q. And the next sentence -- I'm sorry, it may be the
18 second clause of the same sentence. Read that second
19 sentence in that paragraph, if you would, for the jury,
20 please.

21 A. It revises the first paragraph of the response to
22 1.D concerning the scope of the inspections as the scope of
23 the visual inspection was to inspect the bare metal RPV
24 head area that was accessible through the weep holes to
25 identify any boric acid leaks, slash, deposits.

1 Q. And the next sentence?

2 A. This is to ensure that we state that not all of
3 the head was accessible or inspected for inspection for
4 whatever reason. Also, it incorporates the currently
5 planned 10 percent expansion --

6 Q. If you may, sir, that's a different issue?

7 A. Yes, it is.

8 Q. So with regard to past inspections, this document
9 is trying to tell people that we want to ensure that they
10 don't think we inspected all of head?

11 A. Exactly.

12 Q. And the quantification of how much of the head
13 was inspected, whether it be a percentage or a majority,
14 ultimately did not appear in the final of 2731?

15 A. Yes.

16 Q. What happened?

17 A. Whatever happened, I don't know, it just -- it --
18 it went back to majority. I know I was taken it back to
19 emergency or the -- it just didn't show up.

20 Q. But it was clear from your e-mail of 8-27 that
21 you understood that the NRC was to take from the answer
22 that not all of the head was inspected?

23 A. Yes.

24 Q. In 2731, did you describe the as-left condition
25 of the reactor pressure vessel head?

1 A. Yes, I believe in both the '98 and 2000 it was
2 stated that the head was cleaned to the greatest extent
3 possible with regard to dose and method.

4 Q. What did you understand you were communicating
5 with that statement?

6 A. Well, I know that in 1998, they did not complete
7 cleaning of the RPV head because it was a mechanical
8 cleaning. In 2000 I knew that they had cleaned the head
9 effectively because it was -- it was a wet cleaning. They
10 sprayed the -- they sprayed the head down.

11 Q. Were you satisfied that you were telling the NRC
12 that the head was clean as left?

13 A. Yes.

14 Q. And you were satisfied with that language?

15 A. Yes, I was.

16 Q. Does not -- well, was there a problem with regard
17 to the as-left condition of the head with Andrew Siemaszko
18 before 2731 went out?

19 A. Yes. About sometime between the 24th and 29th, I
20 believe, what -- at some point, Andrew came to me and told
21 me I didn't get all the boron off the top of the head
22 around the top nozzles.

23 Q. Now, this was how many days before you had to
24 have the response in?

25 A. It was just a couple days before the letter was

1 due to go out.

2 Q. What was your reaction?

3 A. My reaction to myself was, okay, am I going to
4 need an extension on this response now? I said, okay,
5 Andrew, what are you telling me? What extent is this?
6 Well, it's in between the nozzles up on the top of the
7 head. And I said, okay, can you still see the nozzle head
8 interface? Oh, yes, it's just some boron I couldn't get
9 out from between the nozzles, and I said, I can deal with
10 that.

11 Q. And what did you mean by that?

12 A. Well, met the definition of an effective
13 cleaning, we could still see nozzle head interface on all
14 the nozzles.

15 Q. So you were satisfied with the letter?

16 A. Yes.

17 Q. Did you think that Andrew was being less than
18 truthful with you?

19 A. No, I didn't.

20 Q. Did you think that perhaps Andrew was suffering
21 from a stipules conscious, he wanted to make sure you knew
22 everything?

23 A. I don't think so, no, sir.

24 Q. Why did he tell you?

25 A. I think he was just wanting to make sure that it

1 read the way that it should. I think he was just wanting
2 to make sure that I knew that. And I just made sure that
3 other people knew that.

4 Q. Did you try to keep draft language in 2731 from
5 being reviewed by others within the company?

6 A. No.

7 Q. How about without the company?

8 A. No.

9 Q. Had someone had an objection to any part, how
10 could that individual have responded?

11 A. They could have responded in any number of ways
12 which we've discussed, in writing, by e-mail, by phone, by
13 coming to my office.

14 Q. Do your initials on a greensheet guaranty the
15 accuracy of info about past head inspections?

16 A. It does not. It only guaranties that I have
17 incorporated what has been given to me and to the level.

18 Q. All right. So there's an issue in 2731 with
19 regard to the subject of impediments. Are you aware of
20 that?

21 A. Yes, I am.

22 Q. What did you understand the bulletin to be asking
23 about impediments to inspection of the head in question
24 1.D?

25 A. My understanding was that when it asked if there

1 were any impediments to inspection, that that was are there
2 any impediments at this point in time to inspection, and
3 that question could be answered, no, there are not.

4 Q. What if -- if you will, sir, for you to look at
5 with me Government's Exhibit 60 at question 1.D. And
6 that's going to be on page 2 of 19 of Bates number 480.
7 And I'd ask how you read the second sentence of paragraph
8 1.D in that request regarding 1.D?

9 A. I read that sentence to say are there any
10 limitations for you being able to inspect the head? And
11 that was a forward looking statement.

12 Q. What do you mean by forward looking?

13 A. It's -- is there anything that will keep you from
14 inspecting the head now.

15 Q. What would keep you from -- from taking into
16 account the fact that you understand you have a clean head?
17 What would keep you from being able to inspect the head?
18 What would constitute an impediment?

19 A. Well, boric acid could be an impediment, but
20 it's -- it's an impediment that was removed in 2000
21 inspection.

22 Q. And this, as you understood it, was a question
23 looking to the next inspection?

24 A. Yes.

25 Q. Did others agree with you on that interpretation?

1 A. There were -- there were individuals that --
2 well, there was an individual that thought that the service
3 structure itself was an impediment.

4 Q. And who was that?

5 A. That was Prasoan Goyal.

6 Q. Now, since the first sentence of that paragraph
7 speaks to past inspections, and you're interpreting the
8 second sentence as looking to future inspections -- do you
9 see that?

10 A. Yes.

11 Q. Do you find any inconsistency there?

12 A. I mean, the first sentence is in past tense.
13 The next sentence is in present tense.

14 Q. And in your answer, which is contained in the
15 paragraphs below, there is a response to the question
16 regarding impediments; is that correct?

17 A. Yes.

18 Q. And it's in the second paragraph from the bottom,
19 and it's in the second sentence of that paragraph, and it
20 starts with as stated previously?

21 A. Yes, sir.

22 Q. What was stated previously?

23 A. In a previous question and getting -- giving some
24 design information, we had stated that there was a gap that
25 did not provide any impediments at the top of the head.

1 Q. So anybody reading this, as you understood it,
2 would be referred back up to -- if they had any question of
3 what was being answered, would be referred back up to the
4 previous statement?

5 A. That's correct.

6 Q. And again, this statement indicates that there is
7 a gap of 2 inches which does not impede visual inspection?

8 A. That is correct.

9 Q. Was that answer, as you understood it, a complete
10 and accurate response to what the NRC was trying to find
11 out?

12 A. Yes, it was.

13 Q. Was there any discussion that you had with
14 Prason about his concerns about this response?

15 A. Prason's concerns were that the mouse holes were
16 themselves an impediment. And we discussed this. We
17 discussed what they had done at Arkansas. Arkansas had
18 done their inspections and cleaning of their head through
19 the mouse holes. They did not have the large access areas.
20 The inspection that we had done in 2000 or the beginning of
21 2001 was done through the mouse hole. I asked him, I said,
22 Andrew -- pardon me, Prason, are the mouse holes an
23 impediment, and that you think that you need these access
24 holes to eliminate that, or are the access holes for ease
25 of the inspection and there is none -- do we have a

1 technique issue here or what or a design issue?

2 Q. And what did he say?

3 A. He said, well, it's probably technique, and I
4 said, well, if Arkansas can do it, why can't we. He
5 said -- I said but the access ports would make it easier
6 and he said yes.

7 Q. So what did you do?

8 A. There was no impediment.

9 Q. You were satisfied with that?

10 A. He was satisfied with that as well.

11 Q. Did he sign the 2731?

12 A. He signed 2731.

13 Q. Now, there's been some talk about an e-mail that
14 he sent on the 30th of the month after supposedly he had
15 signed the greensheet?

16 A. Yes.

17 Q. Do you remember that document?

18 A. I know that I -- I went and talked to him about
19 that and said, okay, what is the issue again? His -- we
20 came to the same agreement that we had before, the mouse
21 holes were not an impediment.

22 Q. It -- I'll tell you what, before you get into the
23 full explanation, let me put up Government's Exhibit 57.

24 And this is Prason's e-mail at 8-30-01?

25 A. Yes.

1 Q. Have you got that? All right. Now, is that the
2 e-mail that he wrote after he signed the greensheet?

3 A. Yes.

4 Q. All right. And his problem is, as you understood
5 it, what?

6 A. His problem was -- his biggest problem was that
7 he hadn't -- he had already cut the new ports, engineering
8 work request was for them to put the new ports into the
9 service structure.

10 Q. Those are the things he wanted?

11 A. That's what he wanted.

12 Q. Now, when you saw this and you saw the line even
13 with the crawler, we may not be able to inspect the nozzles
14 at the top of the head because of only the 2-inch gap --

15 A. Yes.

16 Q. What did you do?

17 A. Well, it goes along with the next -- previous
18 then as well, we do not say anywhere in response to the
19 bulletin that inspection through the mouse hole creates an
20 impediment, and I went and talked with him. I said, let's
21 discuss -- I thought we had this resolved, and we discussed
22 it and he agreed. Okay, they aren't the impediment, it's
23 the technique. And so the technique, we were going to
24 resolve during 13 RFO.

25 Q. Did that then end the dispute?

1 A. That ended that as far as I was concerned. He
2 did not have a problem. I walked out of his office and he
3 was satisfied.

4 Q. Did he ask you his name to be taken off the
5 greensheet?

6 A. No, he didn't.

7 Q. All right, sir. Now, I want to talk to you about
8 a couple of specifics that are contained in the indictment
9 in this case. You are charged with participating in a
10 scheme to conceal and misrepresent -- to conceal from and
11 misrepresent information to the NRC. Did you participate
12 in such a scheme?

13 A. No, I did not.

14 Q. Did anyone ever ask you to --

15 A. No, they did not.

16 Q. -- conceal any information from anybody during
17 the bulletin response period?

18 A. No, they did not.

19 Q. Did anyone ask you to --

20 A. No, they did not.

21 Q. Did you intentionally misrepresent any facts?

22 A. No, I did not.

23 Q. Did anyone ask you to?

24 A. No, they did not.

25 Q. Were you aware of anyone else trying to deceive

1 the NRC during the bulletin response period?

2 A. I was not, no.

3 Q. Now, I'd like you to take a look at, because it's
4 come up, 2731 in a different paragraph. This is -- I've
5 got to get it back. This is Government's 60 again and
6 it's -- now we are going to turn to question 3-A, having to
7 do with future inspections.

8 A. Yes, sir.

9 Q. There's a line in here that says, and now I've
10 got to find it. For 13 -- for the 13 RFO. This is on 3-A,
11 I'm sorry. And there we are. Second sentence that first
12 paragraph, for the 13 RFO, qualified visual inspection will
13 be performed. Personnel performing this task will be
14 instructed on the type of unacceptable conditions using
15 ONS3 as the basis.

16 THE COURT: Slow down, please.

17 MR. CONROY: I'm sorry. I'm sorry. It's not the
18 sentence I'm looking for.

19 BY MR. CONROY:

20 Q. The inspections will be performed in accordance
21 with the procedure developed specifically for these
22 examinations that will meet the basic requirements of an
23 ASME VT-2 inspection, and will not be compromised due to
24 any preexisting boric acid crystal deposits.

25 A. Yes, sir.

1 Q. That last clause regarding crystal -- boric acid
2 crystal deposits, who produced that clause?

3 A. I produced that clause to respond to a question
4 from Guy Campbell.

5 Q. Tell us about that.

6 A. Guy Campbell, in one of his comments on the final
7 letter, wanted a stronger statement saying that the head
8 was completely clean in 12 RFO. Andrew's discussion with
9 me said he had left some boron up on top of the head which
10 would not allow me to -- to respond to Guy Campbell's
11 comment saying we had a completely clean head. But I knew
12 that that boron was not any masking boron and we could make
13 that statement and that would satisfy his concern, and it
14 did.

15 Q. Was that construct an effort to be less than
16 complete and accurate with the NRC?

17 A. No, it was not.

18 Q. What was it?

19 A. It was to make sure that we conveyed exactly what
20 was there.

21 Q. Now, I want to talk to you a little bit about
22 2735. The first response to the bulletin, 2731, was sent
23 out on the 4th of September?

24 A. That is correct.

25 Q. And when that response was sent out, what did you

1 do?

2 A. I went back to working on the things that I was
3 working on before I got assigned to bulletin response.

4 Q. How long did that go on?

5 A. It went on until the 28th of September.

6 Q. What happened then?

7 A. That was the date that Dr. Sheron called Bob
8 Saunders and said, you know, your response is not exactly
9 the greatest thing in the world. We think you ought to
10 shut down by the 31st of December.

11 Q. What was the response at Davis-Besse?

12 A. Davis-Besse -- Guy Campbell had instructed us to
13 be sure that we got into a conference call with the NRC to
14 discuss what shortcomings they were seeing in that response
15 so that we could bolster the argument that we did not need
16 to shut down by December 31st.

17 Q. Where was Frank Kennedy at this point?

18 A. He was still working on Impo, I think, I-M-P-O.

19 Q. So you, again, became involved in the bulletin
20 responses?

21 A. Yes, I did.

22 Q. In your -- well, let me ask you this. As a
23 result of -- I'm sorry, did you mention a meeting that took
24 place on the 3rd -- a conference that took place on the 3rd
25 of October?

1 A. We set up a -- regulatory affairs set up a
2 conference call with the NRC to take place on October 3rd,
3 yes.

4 Q. And what was the object of the call?

5 A. The object of the call was to talk with the NRC
6 about what was in our response to find out what they
7 considered to be the additional information they would need
8 and let them know flat out what we needed to do to be able
9 to satisfy that.

10 Q. As a result of that telephone conference, was a
11 plan formulated to get the NRC what it needed?

12 A. Yes.

13 Q. And was that additional needed information going
14 to be provided in writing?

15 A. Yes, it was.

16 Q. And how long did you have now to produce a new
17 document?

18 A. Originally -- the second response was originally
19 due to be submitted by October 24th. However, since that
20 was a date that was going to be -- it was going to be a
21 meeting to discuss this. That got moved back another week
22 to October 17th, so I had 14 days to start getting the
23 letter put together.

24 Q. And when did you actually find yourself able to
25 get started on the project?

1 A. I managed to get started on it around the 8th of
2 October.

3 Q. So effectively, you had nine days?

4 A. Yes.

5 Q. In your experience, was follow-up questioning
6 such as was now being discussed with the NRC an occurrence
7 that you had seen take place before?

8 A. I had seen it take place before, and it was -- it
9 wasn't a necessary normal occurrence.

10 Q. What was the information that you understood was
11 going to be added now to the benefit of the NRC?

12 A. We would further describe past inspections and
13 provide a nozzle-by-nozzle description from the
14 inspections.

15 Q. So that the condition of the head could be better
16 evaluated?

17 A. Yes.

18 Q. Who was to gather the technical information?

19 A. Technical information was being gathered by
20 engineering.

21 Q. Who decided, if you know, to add information
22 regarding a third past inspection going back to 1996?

23 A. I don't know.

24 Q. Do you know why that was of interest now?

25 A. I know now. Back then I -- it was -- it was

1 interesting. I mean, 1996 was decided as a -- as a clean
2 inspection on as found.

3 Q. This was back then?

4 A. Back then.

5 Q. That's something you knew then as opposed to now?

6 A. That's correct.

7 Q. All right. With regard to past inspections in
8 '98 and 2000, and regarding the as-found condition of the
9 head on those two inspection years, 11 and 12 RFO, what did
10 you tell the NRC now?

11 A. When the nozzle-by-nozzle inspection or
12 nozzle-by-nozzle description was given for each of the
13 inspections, then a numerical value to the number of
14 nozzles that could be viewed or not being viewed was
15 included in that letter.

16 Q. And that wasn't included in the first letter
17 because?

18 A. Because we did not do the nozzle-by-nozzle
19 review.

20 Q. Who was in charge of gathering that up, that
21 information?

22 A. Andrew Siemaszko.

23 Q. When did you first see this new information?

24 A. I first saw the table for the nozzle-by-nozzle
25 information on the 17th of October.

1 Q. Did you question its accuracy?

2 A. No, I didn't.

3 Q. Did this additional information that you got from
4 engineering to write up 2735 cause you to question the
5 honesty and completeness of 2731?

6 A. No, it didn't.

7 Q. Why not?

8 A. We were expounding upon the information we gave
9 in 2731 in 2735. There was no different information there.

10 Q. At the time of 2735, what did you understand to
11 be the as-left condition of the head at 12 RFO?

12 A. It was a clean head except for the boron that
13 Andrew left on the head that he told me about at the end of
14 August.

15 Q. Any change from 2731?

16 A. No change. I had the same understanding.

17 Q. Why was the detail on the number of nozzles
18 obscured as found of interest to the NRC at the time of
19 2735 as you understood it?

20 A. Well, it was -- it was readily available because
21 we had the nozzle-by-nozzle data, and it gave a -- it gave
22 a clear -- it gave a much clearer picture on exactly what
23 was obscured during 12 -- 11 RFO and 12 RFO as found.

24 Q. But didn't have anything to do with the baseline
25 going into 13 RFO?

1 A. No, it didn't. Those were as-found results.

2 Q. Did you have trouble getting responses from
3 Mr. Siemaszko in a timely fashion with regard to 2735?

4 A. There was -- we were getting it -- when the
5 letter went back the 17th, we were getting into a time
6 crunch, and I mentioned something to Dale Miller. He sent
7 Jerry Wolf over to help Andrew develop his input into the
8 letter.

9 Q. What was the upshot of that?

10 A. I ended up getting a write-up from them that was
11 incorporated -- was incorporated into the letter that gave
12 me the number values for the number of nozzles that were
13 viewable.

14 Q. Did you use it in its entire -- I mean, did you
15 just lift it and put it into your --

16 A. No, I didn't.

17 Q. Why not?

18 A. Because it was a conglomerate of all kinds of
19 information that some of it was contained in one part of
20 the letter, some was in others. I used it where I could.
21 If it was already stated, I didn't use it. Whatever. But
22 I did -- I did address all of it.

23 Q. And you got it all, as you understood it, dealt
24 with?

25 A. Yes, I did.

1 Q. Now, I want to show you what's Government's
2 Exhibit 105, which is -- which is the serial letter 2735.
3 I've got a couple questions for you on that. There is a
4 cover letter on this document signed by Mr. Worley?

5 A. Yes.

6 Q. Do you see that?

7 A. Yes.

8 Q. And there's also a summary that goes with the
9 response, which is on page 1 of 5, and it's at page 1159 --

10 A. Yeah.

11 Q. -- on the Bates stamp?

12 A. Yes, sir.

13 Q. And it goes over onto page 1160. Do you see
14 that?

15 A. Yes.

16 THE COURT: Excuse me, Mr. Conroy, what exhibit
17 is this?

18 MR. CONROY: I'm sorry, we are at Exhibit 105.

19 THE COURT: Very good. Thank you.

20 BY MR. CONROY:

21 Q. With regard to that cover letter which addresses
22 past inspections, and with regard to the summary in its
23 entirety?

24 A. Yes, sir.

25 Q. Who wrote that?

1 A. Dale Wuokko.

2 Q. So he was actively involved in this process?

3 A. He was active in this, yes.

4 Q. When 2735 went out, were you done with the
5 bulletin responses?

6 A. No.

7 Q. What happened next?

8 A. During the drafting of 2735, we received some
9 requests for additional information from the NRC on 2731.
10 So after 2735 went out and we started working on responding
11 to the request for additional information.

12 Q. When did 2731 -- 2735 go out?

13 A. 17th of October.

14 Q. When did you start on 2741?

15 A. 18th of October.

16 Q. How did you go about getting the ball rolling on
17 2741?

18 A. 2741 involved requests for additional information
19 on the bulletin response, on the SIA -- yeah, the SIA
20 report, Framatome reports that we attached to 27 -- 2731.
21 So those requests went out to SIA, went out to Framatome,
22 and then there were responses, or there were assignments
23 inside. I had one on past inspections that were just
24 pulling from other letters. I had that one respond to. I
25 would address it on BR-3.

1 Q. BR-3 or FRA-4?

2 A. FRA-4 was one that was assigned to Mark
3 McLaughlin.

4 Q. When you realized that you had to get yet another
5 response out, what did you do?

6 A. Mark had given me his first response and draft on
7 FRA-4, and I had drafted up a response on BR-3 and sent it
8 out and said, here's the first crack at this. I need more
9 information, but get started on looking at this.

10 Q. So was this kind of a way to kick it off?

11 A. It was just to get people in the mode, we've got
12 another letter, we need to get something, we need to get it
13 moving.

14 Q. Your draft of 2741, is that Government Exhibit
15 107?

16 A. Yes.

17 Q. I'd like to review it with you now. The e-mail
18 that covers this document is from you to Dale Miller and
19 Mark McLaughlin, right?

20 A. Yes.

21 Q. Do you see that?

22 A. Yes.

23 Q. You've got to answer up or I'm not --

24 A. Yes. Yes, sir.

25 Q. And you're saying that you think that some

1 combination of the draft responses that you're providing
2 will provide the necessary answers?

3 A. Yes.

4 Q. All right. Now, this draft that you did to
5 question BR-1, what happened?

6 A. It is in response to future inspection, the
7 question deals with past inspections. It's an incorrect
8 response.

9 Q. Is it incorrect internally as well?

10 A. Yes, it is.

11 Q. Is it just a bad draft?

12 A. It's a bad draft.

13 Q. All right. Let's go through it. With regard to
14 question BR-1, the question is for the April 2000
15 inspection, provide additional detail regarding the scope
16 of the visual examination and so on. Are you, in your
17 response, providing any information about past inspections?

18 A. As you can see in the very first sentence, as
19 stated in 2731 and 2735, Davis-Besse Nuclear Power Station
20 will perform a detailed or qualified visual inspection.
21 It's for -- it's for future inspections, it's not for past
22 inspections.

23 Q. You're -- you're answering the wrong question.

24 A. I'm answering the wrong question.

25 Q. And now you say internally something about what

1 is stated in serial 2735?

2 A. Yes. It says the scope of the visual inspections
3 will not be compromised by preexisting boric acid crystal
4 deposits. As stated in serial 2735, there are areas of the
5 RPV head that are not viewable due to the presence of
6 preexisting boric acid crystal deposits that have resulted
7 from the CRDM leakage.

8 Q. Is that an accurate statement?

9 A. Well, I mean, Andrew did tell me he had left some
10 boron up on the head, so there are some areas on the head
11 that are not viewable.

12 Q. But the next sentence --

13 A. The next sentence, these nozzles will be examined
14 by supplemental means which may include ultrasonic, eddy
15 current testing or other means. That has no place in
16 there. That, it's -- there's something missing in between.
17 As to say if there are any nozzles that are obscured, then
18 we'll do that. But it's -- it doesn't flow there. It's
19 wrong.

20 Q. Was this -- was the removal of this draft
21 language from the drafts that you were circulating an
22 effort to hide this information from the NRC?

23 A. No, it wasn't.

24 Q. Had you provided this information to the NRC,
25 would this response have been complete and accurate?

1 A. No, it wouldn't have.

2 Q. Was the correct information given to the NRC?

3 A. Yes, it was.

4 Q. And who provided it?

5 A. I provided the information. I had a comment from
6 Dave Lockwood to put a big X to that response and said no
7 good.

8 Q. Hold on a second now. Let me make sure you
9 understand the question.

10 A. I'm sorry.

11 Q. Ultimately, finally, who provided the information
12 regarding future inspections?

13 A. Future inspections was Mark McLaughlin.

14 Q. Did you ultimately provide an answer regarding
15 past inspections?

16 A. Yes, I did.

17 Q. All right. So you got it sorted out?

18 A. Yes, sir.

19 Q. Did you, when you wrote this draft, circulate it?

20 A. Yes, I did.

21 Q. Did you think at the time that you circulated it
22 it was a correct answer?

23 A. Yes, I did.

24 Q. How long had it stayed in circulation?

25 A. A week. I don't know. It went out several

1 different drafts.

2 Q. Did anybody call it to your attention in that
3 week?

4 A. At the end of that time, I believe that Dave
5 Lockwood did.

6 Q. We'll get to Dave Lockwood, but did you circulate
7 that draft with this language in it answering a past
8 inspection question with information about a future
9 inspection throughout the company?

10 A. Yes, I did.

11 Q. Did you circulate it outside the company?

12 A. Yes.

13 Q. And did anybody until Dave Lockwood say anything
14 about it?

15 A. No, they didn't.

16 Q. All right. Was it you who discovered that this
17 paragraph was a mistake?

18 A. No.

19 Q. All right. Let me, if I may, ask you to have
20 reference to another document. And this is Defendant's
21 Exhibit 28. Do you recognize it, sir?

22 A. Yes.

23 Q. What is it?

24 A. It looks like a draft of BR-1.

25 Q. Which was one of the questions --

1 A. Yes.

2 Q. -- in 2741?

3 A. Yes.

4 Q. And is this the one as to which you wrote the
5 draft?

6 A. Yes.

7 Q. And is this that draft language?

8 A. Yes, it is.

9 MR. CONROY: All right. I would, Your Honor, ask
10 that Defendant's Exhibit 28 be accepted into evidence.

11 MR. BALLANTINE: No objection, Your Honor.

12 THE COURT: It will be admitted without
13 objection.

14 BY MR. CONROY:

15 Q. And on the first page, second paragraph, if we
16 can pop it up, there is your draft language again, isn't
17 it?

18 A. Yes, it is.

19 Q. And who's got the NG over there?

20 A. That was Dave Lockwood.

21 Q. What did you understand NG to mean?

22 A. NG means no good.

23 Q. And what happened when you saw the NG?

24 A. I said, oh. I read it again and I said I need to
25 revise this. This doesn't answer that question.

1 Q. Did it then come out?

2 A. Yes.

3 Q. And that removal was in effort to make the letter
4 better?

5 A. It was to make the letter correct.

6 Q. Not deceptive?

7 A. That's correct.

8 Q. Okay. Did that conclude your involvement in the
9 bulletin responses?

10 A. No, it didn't.

11 Q. Now where?

12 A. There were two more letters that went out
13 regarding the bulletin.

14 Q. And were you involved in those?

15 A. I was involved in having those ready for
16 submittal, yes.

17 Q. 2744, let's turn our attention to 2744.

18 A. Yes.

19 Q. Do you recall what the purpose was of submitting
20 that document?

21 A. Yes. It was to submit -- submit some
22 representative pictorial representations of nozzles from
23 previous inspections.

24 Q. Why did they want, if you know, pictorial views
25 of nozzles?

1 A. It was something the NRC had asked for. They
2 wanted to see some pictures.

3 Q. What did you know about the photos that were
4 shown?

5 A. I did not know anything about the photos that
6 were shown.

7 Q. Did you review the document?

8 A. I received the document, put a cover page on it
9 and routed it to people that were responsible for it and to
10 the VP for signature.

11 Q. And is that what your greensheet initials on that
12 document --

13 A. Yes, this --

14 Q. -- indicate?

15 A. -- this was a complete report from engineering.
16 It wasn't anything to change in it. There wasn't anything
17 to change.

18 Q. Any effort to disguise anything here?

19 A. No.

20 Q. Was there yet another response to the bulletin?

21 A. Yes.

22 Q. Why was it submitted? By the way, was that 2745?

23 A. Yes, it was.

24 Q. Why was that submitted?

25 A. That was to submit the probabilistic risk

1 assessment.

2 Q. We're not going to go into it.

3 A. Pardon me?

4 Q. We're not going into the probabilistic -- we're
5 not going to. What did you have to do with it?

6 A. I received that document from engineering,
7 attached it -- attached the cover letter to it, reviewed it
8 just to make sure it was all there, passed the cover letter
9 on, routed it for approval and submitted it.

10 Q. Let me just try and capture this. Was this
11 another way of trying to support Davis-Besse's request to
12 extend beyond the 31st of December to do its next
13 inspection?

14 A. Yes, yes, it was.

15 Q. Another justification?

16 A. Yes, it was.

17 Q. Did you know that any of the factual assumptions
18 on which that probabilistic risk assessment were based were
19 inaccurate?

20 A. No, I did not.

21 Q. Whenever the NRC had questions during the entire
22 response period, did you try to get an honest answer for
23 them?

24 A. Yes, I did.

25 Q. I want to review a couple of further points with

1 you.

2 MR. CONROY: May I have just one moment, Your
3 Honor?

4 THE COURT: Of course.

5 MR. CONROY: I've probably got about another 10
6 to 15 minutes. Do you want to take a break or go?

7 THE COURT: Whatever you wish.

8 MR. CONROY: Let's go. Maybe I spoke too soon.
9 I think maybe we better take a break. I'm hearing things.

10 THE COURT: As long as you're not feeling --
11 Ladies and gentlemen, on an abundance of caution that
12 you're not exhaustive, it's been about two hours. Let's
13 take a break for 15 minutes. Please remember my previous
14 instructions not to discuss this case among yourselves or
15 with anyone else or permit anyone to talk to you about this
16 case. Don't make up your mind on the ultimate issues you
17 will decide at the end of the case. Are you getting this?
18 Is it working?

19 (A brief recess was had.)

20 THE COURT: Please continue, Mr. Conroy.

21 BY MR. CONROY:

22 Q. I want to review a few other points with you
23 before closing. And you've been asked this before, but I
24 just want to go back to it. Did you ever see any videotape
25 or a CD of past head inspections while you were at

1 Davis-Besse this last time?

2 A. Yes, I did.

3 Q. All right. Did you see any of them during the
4 period when the bulletin responses were being sent out?

5 A. No, I did not.

6 Q. All right. Tell us what happened with regard to
7 those.

8 A. Whenever it was -- whenever it was submitted to
9 the NRC that we would take the videos.

10 Q. And we're talking about Davis-Besse?

11 A. We -- yes, when Davis-Besse would take the videos
12 to Washington D.C. to show them, I -- I had heard that
13 those videos were being converted to digital format. I
14 went down to Dave's -- Dave Geisen's office and asked if I
15 could get a copy of those, of the licensing files so that
16 we would have a copy of the licensing file of what we had
17 shown the NRC.

18 Q. And why would you want that?

19 A. It's customary that for any presentation made to
20 the NRC that we maintain a file of what was made at that
21 presentation, that we were shown the videos, probably be a
22 good idea to have those videos in the file as well.

23 Q. When was it that the group from Davis-Besse went
24 to Washington to see the NRC with the tapes?

25 A. November 8th.

1 Q. And it was at or about that time that you saw the
2 CD that you saw?

3 A. I was given a copy of the videos from 10 and 12
4 RFO on November 8th.

5 Q. Was that after the last serial letter that you
6 were involved in went out?

7 A. Yes.

8 Q. Did you show -- did you take a look at what you
9 got?

10 A. I saw -- I took a look at 12 RFO, yes.

11 Q. And what was it, 12 RFO as found or as left?

12 A. As found.

13 Q. What was your reaction?

14 A. I thought that there was probably more boron
15 there than what we had probably conveyed in our letters.

16 Q. Did you show anyone else?

17 A. Dale Miller came by and I showed it to him.

18 Q. Did it cause you any particular concern?

19 A. Not particularly. I knew that the NRC was seeing
20 them the same day that I was.

21 Q. Did you take any action?

22 A. No, I did not.

23 Q. Why not?

24 A. Because the NRC was seeing them the same day that
25 I was.

1 Q. Did the NRC, in fact, see them the same day that
2 you did?

3 A. Yes, they did.

4 Q. Is that what you told NRC investigators when they
5 took an interview of you?

6 A. Yes, I did.

7 Q. We're talking about Agent Ulie and others?

8 A. Yes. I may have had the dates wrong, but it
9 would always characterize the day we went to the NRC and
10 showed the videos.

11 Q. While you were at Davis-Besse this last time you
12 were there, did you review any condition reports or PCAQs?

13 A. Yes, I did.

14 Q. Did you review those during the period when the
15 bulletin responses were being sent out?

16 A. No, I did not.

17 Q. When did you see the PCAQs?

18 A. When we were electing that information for the
19 augmented inspection team that came in in the spring of
20 2002 after the cavity in the head was found.

21 Q. When this cavity in the head was found, were you
22 assigned to assist investigators?

23 A. I was part of a team that was providing the
24 information to the inspection team, yes.

25 Q. Anybody have any complaints about the information

1 you were providing them?

2 A. I don't believe so. I never heard anything.

3 Q. Did you, in the course of looking at these PCAQs
4 and CR's after this cavity was found and in conjunction
5 with the investigative teams, review PCAQ 96-551?

6 A. Yes, I did.

7 Q. Which was the one written by Prason?

8 A. Yes.

9 Q. Now, to your knowledge, did the boric acid
10 corrosion control procedure in effect at Davis-Besse in
11 1996 when Prason wrote that PCAQ require boric acid to be
12 removed from the head of the reactor pressure vessel or any
13 other operational equipment in the plant wherever it was
14 found?

15 A. No, it did not.

16 Q. Can you tell us why not?

17 A. The procedure was written that there was a
18 judgment that could be made that if the boric acid was dry
19 and it would not cause a corrosion, it could be left in
20 place. There was a should in there to state that it would
21 be removed. It should be removed. It was not a
22 requirement that we remove it.

23 Q. Is should a defined term --

24 A. Yes, it is.

25 Q. -- in your business?

1 A. Yes, it is.

2 Q. All right. What I want to do is show you what is
3 marked as Defendant's Exhibit 19. And this is the much
4 talked about but not yet in evidence boric acid corrosion
5 control procedure?

6 A. Yes, sir.

7 MR. CONROY: It's not up yet. Here it comes.
8 There it goes.

9 BY MR. CONROY:

10 Q. Do you recognize this document, sir?

11 A. Yes, I do.

12 Q. Can you see it enough to --

13 A. Yes, I can.

14 MR. CONROY: Your Honor, having recognized this
15 as a boric acid corrosion control procedure, I would move
16 its admission.

17 MR. BALLANTINE: No objection.

18 THE COURT: It will be admitted without
19 objection.

20 MR. CONROY: And I would, of course, ask that it
21 be shown to the jury.

22 BY MR. CONROY:

23 Q. I want you to have reference to, let me get the
24 section right, 6.3.1. Okay. Okay. And in particular, I
25 would ask you to have reference to 6.3.1(e).

1 A. Yes, sir.

2 Q. And the last sentence of 6.3.1(e) reads if
3 corrosion is present, any boric acid deposits should be
4 removed to allow a detailed inspection to be performed.

5 Is that your understanding that you developed
6 when you finally looked at the boric acid corrosion control
7 procedure?

8 A. Yes.

9 Q. And when did you look at the boric acid corrosion
10 control procedure?

11 A. When I was collecting information for the AIT.

12 Q. Did you know about it when you were writing the
13 bulletin responses?

14 A. No, I did not.

15 Q. Does the word should in that sentence have a
16 particular meaning?

17 A. Yes, it does.

18 Q. What does it mean?

19 A. Per ANSI, ANSI 3.2 and regular and 1.33 which
20 endorses the ANSI standard, should is a recommendation.

21 Q. Did you become familiar while working on the
22 investigations subsequent to the cavity being found with
23 the Davis-Besse procedure writers guide?

24 A. Yes.

25 Q. I want you to take a look at Defendant's Exhibit

1 Number 20 and ask if you recognize it.

2 A. Yes, I do.

3 Q. Is this a portion of the NRC -- I'm sorry, of the
4 Davis-Besse procedures writers guide that was in effect
5 during 1996, '98 and 2000?

6 A. Yes, it is.

7 MR. CONROY: And I would -- Your Honor, I would
8 move that Defendant's Exhibit 20 be admitted.

9 THE COURT: Any objection?

10 MR. BALLANTINE: No.

11 BY MR. CONROY:

12 Q. I would ask you to turn, if you would, to section
13 1.0 which is on page 2 of 22, what it says. Do you see
14 style --

15 A. Yes.

16 Q. -- then vocabulary?

17 MR. BALLANTINE: I'm sorry, counsel. We're in
18 Exhibit 20?

19 MR. CONROY: I'm sorry, we're in Exhibit 20 at
20 page 2 of 22 with an effective date of November 1, '98.

21 MR. BALLANTINE: My first page shows -- okay.

22 Now I see. Okay. Thank you.

23 BY MR. CONROY:

24 Q. And we're on section 1.0 style?

25 A. Yes.

1 Q. Can you turn to section 1.1.2?

2 A. Yes, sir.

3 Q. Use of directive terms?

4 A. Yes.

5 Q. Tell us what we're talking about here.

6 A. There are three different terms that are defined
7 there, and these are per the ANSI standard and as endorsed
8 by the regular guide as well 1.33.

9 Q. And that is the particular Davis-Besse
10 instruction?

11 A. This is the Davis-Besse instruction that
12 incorporates those -- those requirements, shall denotes a
13 requirement, should denotes a recommendation and may
14 denotes permission, which is neither a recommendation nor a
15 requirement.

16 Q. With regard to a recommendation, what is the
17 obligation of the utility when there is -- there are action
18 steps which are described in terms of the word should?

19 A. The term should would mean that you may consider
20 it but it doesn't mean you have to take the action.

21 Q. Would it involve an engineering judgment?

22 A. Yes, it can.

23 Q. All right. Sir, with that in mind, let's take a
24 look at 96-551. And this is Government's Exhibit Number 5.
25 And I want you to have reference, if you will, to pages 3

1 and 3-A of this document.

2 Now, this is where Mr. Goyal is recommending
3 that -- I'm sorry, he's indicating that there is flange
4 leakage and that it is his position that the boric acid
5 corrosion control procedure has not been complied with?

6 A. Yes, that's correct.

7 Q. Is he correct about that?

8 A. No, he is not correct.

9 Q. Looking on page 3-A at the remarks at the bottom
10 of the page which is signed by a Robert E. Donnellon. Do
11 you see that?

12 A. Yes.

13 Q. What do those -- first of all, do you know who
14 Mr. Donnellon was?

15 A. Yes, I do.

16 Q. Who?

17 A. He was -- I believe he is plant engineering
18 supervisor or manager back in that period of time. He had
19 several positions at Davis-Besse.

20 Q. Would he have been, for the purposes of this
21 document, Mr. Goyal's boss?

22 A. He may or may not have been, I don't know.

23 Q. Was he the supervisor who would have been
24 responsible for dealing with Mr. Goyal's recommendation?

25 A. Yes, I believe so.

1 Q. All right. Now, what is it that he's saying?

2 A. He said he signed -- he assigned the 4E part of
3 the PCAQ. However --

4 Q. Woah, the 4E meaning what?

5 A. Well, it's just -- it's a justification. The
6 justification part of the CR about why it's a problem and
7 here's the justification for it.

8 Q. Is he, in effect, approving --

9 A. He is saying he'll sign it but he doesn't really
10 agree.

11 Q. All right. And what is it that he's saying?

12 A. He's saying the probability of occurrence is
13 relatively low, which is believing the boric acid on the
14 head and having corrosion take place, we should remove
15 boron from the reactor vessel head as best we can or so as
16 to minimize those, this will enable us to monitor any
17 leakage should a nozzle crack initiate. I believe it is
18 questionable, the boron would enter the nozzle areas from
19 the outside because for the head temperature and the fact
20 that there is an interference fit. I also -- I also do not
21 believe that the vessel head area is nonconforming which
22 means leaving the boric acid on the head is nonconforming.

23 Q. Which means that leaving the boric acid on the
24 head, in Mr. Donnellon's estimation, does not violate the
25 procedure?

1 A. That is correct.

2 Q. Was that position agreed with by others?

3 A. Yes. The code inspector signed off the
4 inspection, and if it's a code requirement or code -- then
5 he would sign that off.

6 Q. Anybody else agree with that?

7 A. I believe QA signed off on this as well.

8 Q. Tell us who QA is.

9 A. I believe that Ted Meyers signed off.

10 Q. Looking at page 5 in answer to 5D, would it be
11 fair to summarize that section as indicating that Mr. Goyal
12 ultimately came around and agreed with that position as
13 well?

14 A. That is correct.

15 Q. All right. All right. So there were -- I just
16 want to make reference to one further thing. There has
17 been reference to a condition report 2782 --

18 A. Yes.

19 Q. -- which had red photos attached to it?

20 A. Yes, sir.

21 Q. Did you ever see that during the period of
22 preparing the bulletin responses?

23 A. No, I did not.

24 Q. Did you know that the NRC was in possession of
25 it?

1 A. No, I did not.

2 Q. Would it have been helpful to you in assessing
3 documentation that was being prepared to send to the NRC if
4 you had known about those photos?

5 A. Yes, I would have.

6 Q. As a result of your involvement in this case,
7 have you been prohibited from working at nuclear utilities?

8 A. I am not -- they will not allow me access to
9 sites, yes.

10 Q. When you left Davis-Besse in 2002, was your
11 contract terminated?

12 A. Yes, it was.

13 Q. Did you find other work in the industry?

14 A. Yes, I did.

15 Q. And did you continue to work there until this
16 case came to court?

17 A. Yes, I did.

18 Q. To your knowledge, sir, could you go back if that
19 prohibition was removed?

20 A. When this case is settled and specter is removed
21 from me, yes, I can.

22 MR. CONROY: No further questions.

23 THE COURT: Mr. Ballantine, cross examination?

24 MR. BALLANTINE: Thank you, Your Honor.

25 CROSS EXAMINATION

1 BY MR. BALLANTINE:

2 Q. Good afternoon, Mr. Cook.

3 A. Hi. How are you?

4 Q. I'm sure you're familiar with the audio visual
5 steps we have to take.

6 A. Yes, sir.

7 Q. Mr. Cook, Mr. Conroy started out by asking you
8 some questions about your background and the work that
9 you've done in the nuclear industry.

10 A. Yes, sir.

11 Q. And I believe you said that you left, I'm not
12 sure which plant it was, but a plant that you've been
13 working at as a salaried employee to form your own company?

14 A. Yes.

15 Q. You did that because the money was better?

16 A. Yes.

17 Q. And you continued to do that for, it looks like,
18 a couple decades?

19 A. Yes.

20 Q. So that was a successful venture for you?

21 A. Yes, it was.

22 Q. You kept getting asked back to different
23 facilities?

24 A. Yes.

25 Q. You didn't spend a lot of time on the beach to --

1 or a lot of free time --

2 A. No, I didn't.

3 Q. -- going begging for clients?

4 A. No.

5 Q. And that was a financial success for you as well?

6 A. It was successful, yes.

7 Q. Just to fill in some blanks that I think the jury
8 may want to know, what was your hourly rate at Davis-Besse?

9 A. If that's important, it was \$85 an hour.

10 Q. And what did that work out to be for you in terms
11 of an annual salary?

12 A. Annual income to the company was anywhere between
13 250 and \$300,000 a year. Income to me from the income was
14 between 110 to 150,000 a year.

15 Q. You had employees that you paid?

16 A. And I had employees and benefits, yes.

17 Q. What was it that -- that facilities looked to you
18 for? Why did they keep asking you back?

19 A. I was -- well, a lot of people have known me and
20 know that I do good work. I know what I'm doing.

21 Q. And Davis-Besse asked you back several times?

22 A. Yes.

23 Q. You testified a little bit about why you thought
24 an engineer was needed in the regulatory affairs area, and
25 that you were a middle man between the site and the NRC?

1 A. Yes.

2 Q. Tell the jurors a little bit more about why you
3 think it's necessary to have an engineering middle man
4 there.

5 A. Well, let's speculate that we have the NRC, NRR,
6 their technical people call Davis-Besse and want to have a
7 discussion. Well, they can talk with the licensing
8 engineer and have him understand what's going on before he
9 ends up bringing the engineers in to discuss it. It's just
10 somebody who understands it versus there not being
11 anything. I mean, there just needs to be somebody that
12 understand -- understands what they're talking about.

13 Q. And then when you go out in the field and get
14 information or go out and talk to other engineers and get
15 information, the NRC has a person they can talk to?

16 A. Usually if it's a lot of information where a
17 discussion is needed, we go out and find those engineers
18 and bring them in, and we'll get on the phone with everyone
19 and talk.

20 Q. And in the written response information, you're
21 collecting information and then transmitting it on to the
22 NRC?

23 A. That's correct.

24 Q. Early on in Mr. Conroy's questions, he asked you
25 whether you had any prior training of the boric acid

1 control program. I'm not sure if it was nuclear power
2 plants in general or at Davis-Besse. What was the answer
3 to that?

4 A. No, I haven't.

5 Q. Did you have experience with Davis-Besse's boric
6 acid corrosion control program in the past?

7 A. I've had experience with Davis-Besse's not --
8 having witnesses in the boric acid corrosion control
9 dealing with the violation they got, not with the boric
10 acid corrosion control program itself.

11 Q. In fact, you prepared something called a
12 licensing event report?

13 A. I prepared a revision to a relicensing event
14 report.

15 Q. And that was in 1999?

16 A. That was in 1999.

17 Q. Dealing with something called the RC-2 events?

18 A. It was the RC-2 event where when they put back
19 together a valve, they got some nuts mixed up -- I mean
20 some bolts mixed up, and they got carbon steel versus
21 stainless and it started corroding out and the integrity of
22 the valve was being challenged, yes.

23 Q. So it was a valve and it had carbon steel, boric
24 acid leaked onto the nuts and they corroded away?

25 A. That's correct.

1 Q. And you worked on Davis-Besse's response to the
2 NRC regarding that event?

3 A. I worked on revision to the licensing events
4 report that transmitted an analysis of that event as a
5 supplement to that license event report to the NRC, yes.

6 Q. So what did you do to prepare that?

7 A. I received the analysis from engineering
8 concerning the safety significance of the loss of those
9 bolts, provided that as a corrective action, prevent -- no,
10 I guess it was an analysis of the event revision to that
11 licensing event report.

12 Q. And what was one -- was there a recommendation
13 about boric acid corrosion control in that revision?

14 A. Well, not -- in that revision licensing event
15 report, I believe that, as was stated in the corrective
16 action report, that was generated for that event, is that a
17 strengthening of the boric acid corrosion control procedure
18 and training of individuals at Davis-Besse to strengthen
19 their understanding or to increase their awareness was
20 going to be done.

21 Q. Now, were you on site on April 28th of 1999?

22 A. Yes, I was.

23 Q. Were you aware that Steven Moffitt, director of
24 nuclear support services, sent a memorandum to the entire
25 site concerning the use of the word should in procedures?

1 A. No, I was not. I may have been on site. I may
2 not have been on the site distribution.

3 Q. Well, did you -- this was in -- specifically in
4 response to the RC-2 event that you worked on?

5 A. I did not see that, no, sir. I seen that
6 document subsequently, but I did not see it in 1999.

7 Q. Maybe I should mark it and show you the document.
8 Can I have an Exhibit Number?

9 MR. BALLANTINE: Your Honor, I think the next
10 number may be 180. I'm not certain of the next government
11 exhibit number. That may be too many. I'm going to mark
12 this for identification.

13 THE COURT: The last number we used was 160.

14 MR. BALLANTINE: All right. Why don't I mark
15 this.

16 THE COURT: Correct?

17 COURTOOM DEPUTY: Yes, Judge.

18 MR. BALLANTINE: I'll mark this as 161.

19 BY MR. BALLANTINE:

20 Q. Just so we're on the same page, Mr. Cook, what --
21 what document is this?

22 A. This is a memorandum from Steve Moffitt to the
23 site on the use of the word should in procedures.

24 Q. And you've seen it before?

25 A. I have seen this, yes.

1 Q. And that deals with the issue that you were
2 testifying about earlier, the should versus shall?

3 A. Yes.

4 MR. BALLANTINE: Your Honor, I'd move to admit
5 Government's Exhibit 161.

6 MR. CONROY: No objection.

7 THE COURT: It will be admitted.

8 BY MR. BALLANTINE:

9 Q. What's your understanding of what this memorandum
10 did?

11 A. One of the issues that came out of the RC-2 event
12 was conformance to the boric acid corrosion control
13 procedure. And my understanding since I've looked at that,
14 and which has been within the past year, is that Steve
15 Moffitt had sent something out. Should in that procedure
16 should have special meaning, and we should -- we should not
17 treat it as other should in other procedures. However, it
18 did not turn it into a shall.

19 Q. All right. You testified that -- I guess, that
20 Mr. Goyal was wrong when he said that he couldn't comply
21 with the boric acid corrosion control procedure at
22 Davis-Besse?

23 A. He could not -- well, yes, he was wrong in saying
24 he could not comply with it because there is no compliance
25 for not doing anything that should tells you. I mean,

1 that's just -- that's what should, may and shall are all
2 about.

3 Q. When you put -- or when language was incorporated
4 in serial letter 2731 that said inspections were done in
5 accordance with the boric acid corrosion control procedure,
6 what did you understand that to mean?

7 A. My understanding of the boric acid corrosion
8 control procedure was that it was a procedure that should
9 be followed. And subsequent to that, I've looked at it,
10 said, well, it's probably not, it's a should procedure. I
11 mean, it's hard -- it's hard to violate.

12 Q. And this is -- well, so what is it that you
13 thought was being conveyed to the NRC?

14 A. Whatever that -- whatever NGEN 324 was used in
15 the response to -- in 2731, 2735, whatever other responses,
16 that was given to me -- that was given to me by -- this is
17 the procedure that we follow. I said, okay, this is the
18 procedure that they follow for their personnel
19 requirements, for their acceptance criteria for whatever
20 they do out there in corrosion control.

21 Q. This is how you answered some of the questions
22 from Mr. Wuokko, you said you'd give him the procedure?

23 A. I would give him that procedure, yes.

24 Q. And you --

25 A. He was asking for acceptance criteria,

1 qualifications of individuals. Those are included in
2 procedures.

3 Q. Those were the questions that Mr. Conroy was
4 asking about, things that were at the top of one of
5 Mr. Wuokko --

6 A. Yes.

7 Q. -- comments. And you said give him the
8 procedure, and this is the procedure you're referring to?

9 A. That's correct.

10 Q. Had you reviewed that procedure?

11 A. I had talked with engineering. I said this is
12 the procedure that we use, this gives us that information.
13 Okay. I'll put it in there.

14 Q. So did you have a conversation with any of the
15 engineers about that, other conversation with them about
16 that procedure?

17 A. No.

18 Q. Did Mr. Goyal indicate to you that he couldn't
19 follow this procedure?

20 A. No, he did not.

21 Q. Did Mr. Siemaszko indicate that he couldn't
22 follow the procedure?

23 A. Not at this time, no.

24 Q. Did you tell Randy Rossomme that both of those
25 men told you they couldn't comply with that procedure?

1 A. I probably -- if I told him that they could not
2 comply with it, it was probably during the recovery time or
3 back when the AIT or whatever. They never told me that
4 during the development of any of these responses.

5 Q. This isn't a transcript, so I'm just going to try
6 to refresh your recollection. Do you remember being
7 interviewed by Randy?

8 MR. CONROY: Woah, objection. Can we come to
9 side bar here?

10 (A side bar conference was had on the
11 record.)

12 MR. CONROY: Counsel is about to start to read
13 from a set of notes by a guy by the name of Randy Rossomme
14 who interviewed my client during the course of one of the
15 many investigations that followed on the finding of this
16 cavity. These notes are not a transcript. They are not a
17 statement for the defendant. They do not constitute an
18 admission against interest. And Rossomme has no active
19 recollection of any of this stuff. So I don't think --
20 believe that this is going to wind up being proper
21 interrogation of this person from this kind of a document.

22 MR. BALLANTINE: These are his notes, and I think
23 it can refresh his recollection of what he told
24 Mr. Rossomme. He didn't tell him according to his notes
25 what he just said on the stand.

1 THE COURT: Why don't you just let him read it to
2 himself rather than read it to the jury because for the
3 jury, it would be hearsay.

4 MR. BALLANTINE: Okay. I can do that, Your
5 Honor.

6 THE COURT: Okay.

7 BY MR. BALLANTINE:

8 Q. Mr. Cook, who is Randy Rossomme?

9 A. I believe he was an individual from QA.

10 Q. And do you remember being interviewed by him?

11 A. He came by and interviewed several people in the
12 aftermath of finding the cavity in the head at Davis-Besse.

13 Q. What was the context of that interview?

14 A. I don't recall a whole lot about that interview.
15 He was talking about things that went on leading up to --
16 leading up to finding the cavity.

17 Q. All right. I'm going to ask you to look at this
18 document and specifically, question 12. See if it
19 refreshes your recollection about your interaction with
20 Mr. Rossomme about this particular procedure. Please don't
21 read it out loud.

22 A. Okay. I've reviewed that.

23 Q. Does it refresh your recollection at all about
24 whether you pulled the procedure?

25 A. It said I pulled the procedure. All I did was

1 pull up a procedure number and verified that there was a
2 procedure.

3 Q. You pulled up a procedure number?

4 A. Yes.

5 Q. Didn't look at it?

6 A. No, I didn't.

7 Q. And this was the procedure that you were using to
8 indicate what the scope --

9 A. That's why I verified.

10 THE COURT: Woah, woah, Mr. Cook. Wait until the
11 question is finished.

12 THE WITNESS: Yes, sir, excuse me.

13 BY MR. BALLANTINE:

14 Q. This was the procedure you were using to indicate
15 to the NRC the scope of the inspections, the acceptance
16 criteria, all of those factors that Mr. Wuokko had been
17 asking you about?

18 A. I told you that I talked with engineering. I
19 said, yes, that was the procedure that they were using.

20 Q. Okay. Let me also show you -- were you also
21 interviewed by Ron Lloyd during this -- around this time
22 period -- well, post discovery of the cavity?

23 A. I don't remember that interview.

24 Q. All right. Well, let me ask you to take a look
25 at this document.

1 MR. CONROY: Objection, foundation.

2 THE COURT: Not before he --

3 MR. BALLANTINE: I asked him if he remembered the
4 purview.

5 THE COURT: Why don't you let him look at it
6 first and then you can object. We don't know what it is
7 yet.

8 MR. CONROY: Yes, Your Honor.

9 BY MR. BALLANTINE:

10 Q. Take a look at that document. I'm going to ask
11 you specifically to look at the highlighted portion. But
12 first, does that refresh your recollection of having been
13 interviewed by Mr. Lloyd?

14 A. No, it does not. I can tell you that the
15 statement you have highlighted is incorrect.

16 Q. Did you hear Mr. Lloyd here in court say that --
17 testify to the statement that's highlighted? Did you --

18 A. I heard him say that.

19 Q. And what is it that we're talking about? Let's
20 get the statement out there.

21 A. Both Prason and Andrew said the plant wasn't in
22 compliance with 0324 B.A.C procedure when Rod Cook was
23 developing the BU 2000-101.

24 Q. And you remember Mr. Lloyd testifying about that
25 here in court?

1 A. I remember him testifying about that.

2 Q. And you're saying here today that that's
3 incorrect?

4 A. I'm saying it's incorrect, yes.

5 Q. All right. Mr. Cook has also testified here in
6 court, you'll recall?

7 A. Mr. Cook?

8 Q. I'm sorry. Mr. Goyal?

9 A. Yes, he has.

10 Q. And you recall that he testified at that point
11 that he couldn't comply with the procedure?

12 A. I understand that.

13 Q. And when you interacted with him during the
14 response, did you talk about the boric acid corrosion
15 control procedure at all?

16 A. No, we didn't.

17 Q. Then -- and why not?

18 A. Well, the only thing that he and I discussed on
19 the boric acid corrosion control procedure was that was the
20 procedure that we should use to conduct the head
21 inspections.

22 Q. And at that time, he didn't tell you --

23 A. He didn't tell me anything then.

24 Q. I'd like to look now at Government Exhibit 60,
25 which is the bulletin response. Do you see that up on your

1 screen, Mr. Cook?

2 A. Yes, I do.

3 Q. And I'm going to drop down to question 1.D, the
4 question that we've been talking about. This is a final.
5 And I direct your attention to the part that I'm going to
6 highlight right here.

7 A. Yes, sir.

8 Q. This is the part that where the NRC asked for a
9 description of the VHP nozzle and RPV head inspections,
10 specifically the type, scope, qualification requirements
11 and acceptance criteria, that have been performed at your
12 plants in the past four years and the findings. Include a
13 description of any limitations, insulation or other
14 impediment to accessibility of the bare metal of the RPV
15 head for visual examinations. It is your testimony today
16 that you thought the first sentence was talking about the
17 past and the second sentence was talking about the future;
18 is that right?

19 A. Yes, I answered that question as a -- as a -- as
20 a in the future question, yes.

21 Q. And actually, why don't I instead start with
22 Government's Exhibit 29, which is the actual bulletin
23 itself, and bring up all the questions. And the
24 highlighted question here is the one we were just looking
25 at in Davis-Besse's bulletin response; is that right?

1 A. Yes.

2 Q. In fact, among all the questions, there was a
3 question about future inspections; is that right --

4 A. Yes.

5 Q. -- Mr. Cook?

6 A. Yes.

7 Q. And that question was set out by susceptibility
8 ranking, but asked -- is it question three?

9 A. Yes.

10 Q. And it asks if the susceptibility ranging for
11 your plant is within five EFPY. It's an acronym. I'm not
12 sure we've seen before, what is that?

13 A. Effective full power years.

14 Q. Effective full power years of -- I think we know
15 this to be Oconee addressees are requested to provide the
16 following information.

17 And the first question is your plans for future
18 inspections for type, scope, qualification requirements and
19 acceptance criteria and the schedule. And the second
20 question is your basis for concluding that the inspections
21 identified in 3-A will assure that regulatory requirements
22 are met. So isn't that the question that's looking at the
23 future, Mr. Cook?

24 A. That question does address future inspections,
25 yes.

1 Q. And so then just going back to the previous page,
2 wouldn't it be redundant for the NRC to be asking in the
3 second part of paragraph 1.D that licensees include a
4 description of any limitations, insulation or other
5 impediments to accessibility of the bare metal head.

6 A. I took that question to be a question of future
7 inspections.

8 Q. Did Mr. Goyal take it to be a question about
9 future inspections?

10 A. He -- I believe he did whenever we came up with
11 the responses in the letter, yes.

12 Q. Let's take a look at that. Sorry to be
13 multi-media. Will I only have some things from -- let's
14 start with Mr. Cook's e-mail of August 27th, 2001. I have
15 highlighted a portion here. It says subsequent review of
16 1998 and 2000 inspection videotape results, sort of setting
17 up the topic there. That's what he's talking about. The
18 discussion here gives an impression to the reader that we
19 were able to look at all the CRDMs. It is very difficult
20 to look at the CRDMs when there is boric acid around it.
21 Do we want to reword this? He's talking here about past
22 inspections, right?

23 A. Yes, he's talking about subsequent review of
24 videotape paragraph that was in the letter, yes.

25 Q. And that ended up in paragraph 1.D, right?

1 A. Yes, it did.

2 Q. And he's saying that boric acid would impede the
3 inspection or did impede the inspections?

4 A. He asked a question that I went back and asked
5 engineering, do we need to reword this was the information
6 that you gave me on the -- on the rereview of those
7 videotapes correct, was that description correct, and they
8 said yes. So I did ask those questions. He asked, do we
9 want to reword this after talking to him. I said nope. So
10 it didn't get changed.

11 Q. Let me go back to the question that I was asking
12 before. He thought that question 1.D was looking towards
13 the past, didn't he?

14 A. His subsequent review of 1998 and 2000 inspection
15 videotape results was looking at past inspections.

16 Q. And he was concerned about impediment -- an
17 impediment that had occurred in the past?

18 A. No, he was concerned about if there's boric acid
19 there then you can't see the nozzles. And how can they say
20 that we have reviewed the nozzles and said that there's no
21 indication of -- no indication of nozzle leakage. That's
22 what he's asking.

23 Q. And he's referring specifically to the 1998 and
24 2000?

25 A. I agree, yes, he is.

1 Q. In the past?

2 A. In the past, I agree.

3 Q. Okay. So how did you reconcile that with him?

4 A. I went back to engineering who gave me the
5 information for that and said is this -- that correct, and
6 they said, yes, it is. The wording in that section is
7 correct, yes.

8 Q. Did you talk to him about it?

9 A. I'm sure I went back and answered his question
10 and said I've already reverified this, this is right.

11 Q. And in fact, did you try to persuade him that the
12 second part of the question 1.D was talking about future
13 inspections?

14 A. No, I didn't.

15 Q. All right. Mr. Cook, I'd like to refer to your
16 interview with the office of investigations at this time.

17 A. Sure.

18 MR. BALLANTINE: Counsel, do you have that handy?

19 MR. GORDON: We have got one.

20 BY MR. BALLANTINE:

21 Q. First of all, you and Mr. Goyal had been talking
22 about past inspections through the weep holes or mouse
23 holes, hadn't you?

24 A. We have been talking about -- yes, he had talked
25 to me about his inspections through the mouse holes, weep

1 holes, yes.

2 Q. And he had said that in the past, he couldn't do
3 it?

4 A. He had told me that in the past that he had
5 difficulty doing it, yes.

6 Q. All right. And I believe Mr. Siemaszko told you
7 that he didn't have that difficulty?

8 A. He didn't indicate to me that he had that
9 problem, no.

10 Q. All right. I'd like you to -- well, when you
11 were interviewed by OI -- And counsel, I'm looking at pages
12 42 of Mr. Cook's transcript.

13 Actually, if you go back to page 41, you'll see
14 that 42 is referring to Mr. Goyal. Mr. Ulie asked you a
15 question: Did he, referring to Mr. Goyal, convey to you
16 past inspection experience that he had.

17 And you said, he conveyed to me that during 1998
18 that they had difficulty getting up to the top of the head,
19 and that there was boron on the head that made it difficult
20 and that he had not been able to clean all that boron off.
21 And I said okay. We didn't really start looking about the
22 modification of the service structure in detail until
23 subsequent. We talked a little bit before the 2731 went
24 out. We got more discussion after 2731 went out and what
25 we needed to do for the service structure.

1 When he sent that e-mail to Andrew saying he
2 didn't see any EWR to cut those openings, he said, oh, I
3 know what they're saying, there's no impediment, but that's
4 an impediment. And he and I talked. And I said, you know,
5 Arkansas has been doing it for a while. Prason, is there
6 really an impediment or are we -- just was a technique
7 issue. He said, you're right, Arkansas has been doing it,
8 maybe it's a technique issue, but the holes would make it a
9 lot easier. I said that's correct, but there's not an
10 impediment to that. I said, no, you're right it's a
11 technique issue.

12 Did you persuade Mr. Goyal that it was a
13 technique issue, that it was a design issue?

14 A. I was giving him some information. He could have
15 said no, you're full of it, but he didn't.

16 Q. In fact, the information he gave you was he had
17 not been able to do the past inspections through the weep
18 holes?

19 A. I understand, and we were looking at -- the
20 impediments that we were talking about were forward-looking
21 issue.

22 Q. You persuaded him of that?

23 A. I -- no. What he and I discussed was that the
24 mouse holes do not create an impediment, that he needed --
25 that he would need those access ports to eliminate that

1 impediment. That's what we were discussing.

2 Q. All right. Now, I'd like to go back and ask you
3 about some things that -- that you talked about with
4 Mr. Conroy. Specifically about the comments from
5 Mr. Wuokko. And I have government's exhibits up here. I'm
6 going to use this document camera because the originals
7 are, I think, a little easier to see with that.

8 THE COURT: These are exhibits from exhibits
9 which have previously been admitted.

10 MR. BALLANTINE: Yes, Your Honor. I have Exhibit
11 42 and Exhibit 50.

12 BY MR. BALLANTINE:

13 Q. Tell the jury a little bit about how Mr. Wuokko
14 ended up reviewing these documents, reviewing serial letter
15 2731.

16 A. They would take the letters and probably go home
17 and then comment on those back to me and lay them in my
18 chair or whatever. He would be down in his office about
19 points in time. I would go down and talk with him about
20 his comments, whatever. He was busy that month. I knew
21 that, but I went down and talked with him whenever I could.
22 He took things home, reviewed them and got back to me. We
23 were discussing them.

24 Q. You specifically asked him to do the review?

25 A. Yes, I did.

1 Q. Why was that?

2 A. The bulletin response was out of his section. He
3 had just asked compliance to do it, but the bulletin
4 response and anything that come out of it in the future
5 would come out of the licensing.

6 Q. So you wanted him to know what was going on?

7 A. I wanted him to know what was going on.

8 Q. Were you familiar with the way that he did
9 reviews?

10 A. Oh, yes.

11 Q. And how was that?

12 A. He's pretty thorough, and he -- he write -- he --
13 people used to say that he just bled all over a document.

14 Q. Are his comments helpful?

15 A. Some of them were very helpful, some of them --
16 some of it -- most of his comments were very helpful.

17 There were some comments that he gave me that I needed to
18 talk with him about because comments were not accurate --
19 were not -- what he was asking me to do was not accurate.

20 Q. And you didn't have to ask him to be on the
21 greensheet or have to ask him to review these, did you?

22 A. I probably didn't have to ask him, but him being
23 on the greensheet, I know that Dave Lockwood would have
24 asked, why didn't Dale look at this.

25 Q. The first one I want to look at, we were talking

1 about I think just now, but to get us back up to speed, is
2 question 1.D, and it's the balloon right here indicating
3 these are not answered below.

4 A. Yes.

5 Q. How was it again that you satisfied --

6 A. The first one -- the first item that he's got
7 pointed to there is that we -- we incorporated 324 boric
8 acid corrosion control procedure in there as the governing
9 procedure that would give you your qualification and your
10 acceptance criteria. The type and scope were there,
11 already in there. I showed them where that was already in
12 there, to inspection scope of what the visual inspection
13 was, and so I gave him the scope and the description
14 already. It's just he needed qualification requirements
15 on --

16 Q. So where are the type and scope in the draft that
17 Mr. Wuokko --

18 A. Take a look at the very first paragraph of the
19 response. The scope of the visual inspection was to
20 inspect the entire head bare metal area accessible through
21 the weep holes.

22 Q. And the qualification requirements, you're
23 saying, came from somewhere else?

24 A. Qualification -- qualification requirements were
25 individuals doing the inspections would be in the

1 procedure, yes.

2 Q. So what were those?

3 A. They were in the procedure. I don't know what
4 they were. I didn't look at the procedure.

5 Q. So you blindly put that in?

6 A. I put them in there because engineering said that
7 was the correct procedure that they used.

8 Q. And you could have looked at it?

9 A. I -- that's not my job to look at that. It's
10 their job. It's -- they're giving me the information. I'm
11 answering the questions.

12 Q. Well, you're answering Mr. Wuokko's question.

13 A. I'm answering Mr. Wuokko's question saying I've
14 done this. He said let me look at the procedure, I'll have
15 engineering bring the procedure over to him.

16 Q. So you're saying you had a conversation with
17 Mr. Wuokko where you said this procedure --

18 A. The procedure will give you the qualification
19 requirements and the acceptance criteria for the
20 inspection.

21 Q. And having looked at the boric acid corrosion
22 control program subsequently, I believe you'll say that it
23 doesn't have those things in it.

24 A. It has qualification requirements for
25 individuals. It does not have acceptance criteria for what

1 you -- to do with the boric acid, no.

2 Q. All right. And then the next one, any
3 limitations. The second question we're talking about, how
4 did you address that with Mr. Wuokko?

5 A. I went and talked to him about what I've been
6 talking with Prason and talking with everybody else about.
7 This was a forward-looking statement. We have no
8 impediment service structure. Weep holes do not -- are not
9 an impediment to the inspection of the head.

10 Q. All right. And then the next one down here,
11 we're talking about you were asking Mr. Conroy about this,
12 I believe, was this inspection completed using a qualified
13 inspector VT-2 or VT-3. If yes, add.

14 Was a procedure used, any acceptance criteria?

15 A. And -- I -- and what I did is I gave him the
16 procedure in the response, which would have had
17 qualification requirements and the acceptance criteria.

18 Q. There's nothing in the bulletin response that
19 says this was the qualification requirement we used, and
20 this was the acceptance criteria that applied?

21 A. No. If you look at it, it says it was boric
22 acid -- the inspections were conducted in accordance with
23 this procedure. And that's what it says.

24 Q. So it doesn't say anywhere in it that these were
25 the qualification requirements and this was the acceptance

1 criteria?

2 A. No, it doesn't.

3 Q. Mr. Conroy asked you about this section over here
4 was the head viewed after cleaning to verify clean. How
5 did you address that?

6 A. I'd have to look at the final on -- I would --
7 would -- anything that we would have done is put another
8 statement in as we would have in 2000 saying after
9 cleaning, we videotaping it for future references.

10 Q. And the acceptance criteria question that he had.
11 How did you answer that?

12 A. I just said, what do you mean acceptance, I don't
13 know. I mean, yeah, I can videotape. What do you mean
14 acceptance criteria. I probably said I can't answer that
15 question.

16 Q. Were you testifying that the reason for doing an
17 as-left inspection is to have a baseline for the next
18 inspection?

19 A. Yes, I agree.

20 Q. So how would you know whether or not you had a
21 baseline?

22 A. Because you had an as-left inspection in the
23 videotape. That was at -- whether the as left was -- was
24 your baseline.

25 Q. And how would you know whether that baseline was

1 acceptable or not?

2 A. I -- I don't -- I don't know. That would -- that
3 would have to have come out of the -- I don't know. I
4 can't answer your question.

5 Q. And you didn't answer his question?

6 A. And I just said, I don't know what acceptance
7 criteria you're asking me.

8 Q. All right. And then the question we spent some
9 time on is the majority question?

10 A. Yes.

11 Q. And I guess this document doesn't have the Bates
12 numbers. That blocked it before. So why don't I go ahead
13 and read that. The question is, what's the majority?
14 Better it be specific than vague. NRC request is for this.
15 Did you agree with that comment?

16 A. I agreed with him that the majority was not a
17 precise number, yes.

18 Q. What about the question as to, you know, NRC
19 request is for this?

20 A. NRC's request is that we give them as much
21 information that was accurate as we could. And that's what
22 we were doing.

23 Q. Accurate and complete?

24 A. That's correct.

25 Q. And what was your understanding of what complete

1 meant in that context of Rule 50 --

2 A. It was complete from what we knew. If there's
3 not information, I can't include information I don't have,
4 or I can't verify -- or, I mean, can't be verified.

5 Q. Well, you knew that there were videos, right?

6 A. I knew there were videos yes.

7 Q. And those are information?

8 A. I agree.

9 Q. And you could get -- you could get the
10 information from the videos?

11 A. I understand what you're saying, and we did -- in
12 2735, we did get that information from the videos. We went
13 nozzle by nozzle on that. This -- 2001-01 did not ask for
14 a nozzle-by-nozzle information.

15 Q. Well, it asked for the --

16 A. It asked for the scope of the inspection and the
17 results, and we gave them the scope of the inspection and
18 the results. We said that there was boric acid left on the
19 head.

20 Q. I'm sorry. Left on the head, we're talking --

21 A. Left on the head in 1998. And in 2000, we had
22 cleaned the head.

23 Q. All right. You're talking about the as-left
24 condition?

25 A. I agree.

1 Q. And when they're asking about the inspections,
2 the results of the inspections, are they asking about how
3 the head was left after the inspection, or are they asking
4 about the as-found condition?

5 A. There's two things. There's an as found that
6 they asked for and as left. We gave them both. We said
7 when we inspected we found -- what engineering told me is
8 that they found boric acid scattered across the head with
9 some lumps. That was the as found. As left was, well, we
10 cleaned the head as best we could mechanically in 1998 and
11 with water in 2000.

12 Q. And they didn't actually ask for the as left; is
13 that right?

14 A. I guess you could -- you could -- you're probably
15 right because the results may not include as left.

16 Q. Let me ask you about this. They didn't ask about
17 control rod drive mechanism flange inspections, did they?

18 A. No, they didn't.

19 Q. And you get very detailed -- the response is very
20 detailed about the CRDM flange inspections?

21 A. Yes, it was.

22 Q. Why was that?

23 A. Engineering gave -- I included what engineering
24 gave me for the response.

25 Q. Did you have an understanding of what the purpose

1 of that information was?

2 A. I know that -- well, my understanding, as I've
3 reviewed this further, is that a flange leakage was what
4 was contributing to the boron on the head.

5 Q. I mean, there's more detail in here about the
6 flange inspection certainly at the very top there than
7 there is talking about the head inspection; is that right?

8 A. It appears that way, yes.

9 Q. Okay. So tell us again what -- what happened
10 when you -- after you got this comment about the majority,
11 what did you do about it?

12 A. I went and talked with Andrew and asked him what
13 number we could use. That's when he gave me the 90 percent
14 number. Then I got the comment from Prasoon that said, are
15 we sure 90 percent's the right number, Andrew? So I saw
16 that, I went back and talked with Andrew, and it was 90,
17 80, 70, whatever. I said, okay, we're just going to go
18 back to majority.

19 Q. What did that conversation with Andrew tell you
20 about his reliability?

21 A. All it told me is that Andrew was trying to give
22 me a value, but he said, I can see this. I know that I can
23 see this. It's just somebody else may question it, but I
24 know what I have for my criteria. I said, we're not going
25 to get into this about he said she said, so I said, we'll

1 just leave it at majority.

2 Q. Did you consider at that time having somebody
3 else look at the video or asking to have somebody else look
4 at the video?

5 A. No, I didn't.

6 Q. Why not?

7 A. Andrew was not the engineer that was responsible
8 for the 2000 inspection. I -- I -- it was not my
9 responsibility to go ask his boss to ask somebody else to
10 do Andrew's job.

11 Q. Who was the engineer who was responsible for the
12 1998 inspection?

13 A. I don't know. Prason gave me the information on
14 that.

15 Q. And he was telling you that he couldn't do an
16 inspection up through the weep holes?

17 A. He was telling me that he had problems getting up
18 through the weep holes with his -- because of some boron
19 and everything. He didn't see all the head.

20 Q. Pardon me?

21 A. He said he didn't see all of the head, yes.

22 Q. And so how did you balance between these two
23 engineers who did these two inspections?

24 A. There are two different inspections. That's how
25 I balanced them.

1 Q. Okay. So how is it -- in the 1998 inspection,
2 does it indicate what the results were? And I can bring up
3 the -- if you like. Does it --

4 A. I'm looking at the 2000. You're asking about
5 1998.

6 Q. Right. I'm sorry, I can bring that down for you.

7 A. Thank you. Yes. The inspection showed an uneven
8 layer of boron scattered over the head, some lumps of boron
9 with the color going from brown to white, outside diameter
10 of the CRDM nozzles showed white streaks proceeding
11 evidence of downward flow attributable to CRDM nozzle
12 leakage -- or CRDM flange leakage, excuse me.

13 Q. And did Mr. Goyal indicate to you what percentage
14 of the head he couldn't see in 1998?

15 A. No, he didn't.

16 Q. But he told you he wouldn't do the inspection?

17 A. He told me that he had some trouble looking at
18 the head.

19 Q. So after you spoke with Mr. Siemaszko and you got
20 these -- the 90, 80, 70 numbers --

21 A. Yes.

22 Q. -- what did you do next?

23 A. We went back. I went back to emergency or the --

24 Q. Okay. And what was the reaction to that?

25 A. I sent it out in an e-mail to let them know that

1 that was happening. The comment I got from Dale is it's
2 not right to take out the 90. Well, I had a talk with him
3 and let him know that it wasn't right that we left the 90
4 in there.

5 Q. This is one of the things I think Mr. Conroy said
6 we'd get back to, and I'm not sure we did, so I'm going to
7 bring that up. This is Government's Exhibit 50. We're
8 talking here about this comment here at the top. I'll read
9 it so we're all on the same page.

10 It says, Rod, see comment on letter. Why is the
11 90 percent being deleted? To me, this letter is not
12 complete and accurate as required by 50.9 without it. We
13 also need to make it clear the top of the dome was not
14 inspected due to boron deposits during -- it says 13 RFO.
15 It must mean 12 RFO. Has the persons making this
16 comment/change been advised of the 50.9 requirement?

17 So you had an interaction with Mr. Wuokko after
18 this?

19 A. Yes, I did.

20 Q. What was that?

21 A. I talked with him, but I said 90 percent is being
22 deleted because we can't justify the 90, or Andrew can't
23 justify. We're going back to majority. As far as complete
24 and accurate, it's not complete and accurate with the 90 in
25 there. As far as other people being advised of 50.9

1 requirements, I thought that was a pretty gratuitous
2 comment only because everybody knows that you try to be
3 complete and accurate. You're not lying to the NRC.

4 Q. All right. So you say it went back to majority.
5 Majority didn't end up in the final, did it?

6 A. No, it didn't.

7 Q. Tell us about that.

8 A. I don't know what happened, but that sentence did
9 not make it in there. That -- to this day, I do not
10 understand what happened.

11 Q. Well, let's look at that. These comments -- I'm
12 sorry, let me just get this sorted out. These comments
13 from Mr. Wuokko are from August 25th, 2001; is that
14 correct?

15 A. Yes.

16 Q. And then I think Mr. Conroy asked you about this
17 as well. This is an e-mail, it's Government's Exhibit 53
18 and it's been admitted, from you, going out to the folks
19 you've been talking to about this; is that right?

20 A. Yes.

21 Q. And I think Mr. Conroy read this language or had
22 you read it that -- but I'll go ahead and put us all on the
23 same page again. Well, here's another version. It deleted
24 the reference to 90 percent of the nozzles being inspected
25 during the 2000 inspection and revises the first paragraph

1 of the response to 1.D concerning the scope of the
2 inspections as, quote, the scope of the visual inspection
3 was to inspect the bare metal RPV head area that was
4 accessible through the weep holes to identify any boric
5 acid leaks, slash, deposits, quote, unquote. And then you
6 indicated, this is to ensure that we state that not all of
7 the head was accessible or inspected for inspection for
8 whatever reason. Why not just state that? Well, first of
9 all, that's where majority disappeared, majority never went
10 back in?

11 A. And I understand that, but it should have.

12 Q. Well, how is it that the language that you put in
13 states that all of the head was accessible -- was not
14 accessible or inspected?

15 A. Excuse me? Say that again, please.

16 Q. You drafted language, you put in language into
17 the bulletin response, it's the quoted language here,
18 right?

19 A. Yes.

20 Q. And you said that that language was put into the
21 bulletin response to state that not all of the head was
22 accessible or inspected; is that right?

23 A. That's correct.

24 Q. Explain to the jury how it is that the language
25 you drafted does what you say -- what you said it did?

1 A. The statement says its scope was to inspect the
2 bare metal RPV head area that is accessible through the
3 weep holes, and if you can't get through it, through the
4 weep holes, then you can't inspect it.

5 Q. Why didn't you just say that?

6 A. Because I thought at this 27th, looking at all
7 this, that made all the sense in the world to me.

8 Q. You're describing here -- you're indicating that
9 there was an impediment to that inspection. That's what
10 you say you're trying to do, right?

11 A. I just said it was -- not all the head was
12 accessible for the inspection for whatever reason.

13 Q. Well --

14 A. Okay.

15 Q. -- what were the reasons?

16 A. I mean, you can't get to the head with the wire
17 on the pole or there's something in the way, maybe some
18 boron in the way, yes.

19 Q. So access to the weep holes or boron surrounding
20 the nozzles?

21 A. Yes.

22 Q. Both impediments?

23 A. One's a technique issue, the other one, boron
24 that's not there after 12 RFO.

25 Q. Well, using the technique that they were using,

1 camera on a stick?

2 A. Remember that the inspection that they were using
3 in 1998, inspections they were reviewing in 1998 and 2000
4 were different than the inspection they would be doing in
5 13 RFO.

6 Q. Right. But you're explaining here in question
7 1.D what the accessibility was in the past, right?

8 A. I said what the scope was of the inspections,
9 yes.

10 Q. And the two things you just mentioned to me,
11 boric acid, you certainly agree is an impediment, right?

12 A. Right.

13 Q. And the other thing you said was camera on a pole
14 up through the weep holes?

15 A. Right.

16 Q. And that's what you knew the past inspections to
17 have been?

18 A. I knew that the past inspections had included
19 that, yes.

20 Q. And the size and shape of the mouse holes, were
21 they an impediment to inspecting with the camera on the
22 pole -- on a pole?

23 A. It may have been, yes.

24 Q. But that's -- I mean, that's what you say you
25 were trying to convey here is the --

1 A. I was just saying no, all the bare metal of
2 the -- I mean, the scope was to look at the bare metal of
3 the RPV head that was visible through the weep holes.

4 Q. And by writing that down, you felt that you
5 conveyed to the NRC what the -- what was asked for in
6 question 1.D?

7 A. Yes, I did.

8 Q. All right. In retrospect, do you think it would
9 have been better to just say not all of the head was
10 accessible or inspected in 2000 or 1998?

11 A. In retrospect, probably, yes.

12 Q. How did Mr. Goyal -- when did Mr. Goyal sign the
13 greensheet for serial letter 2730?

14 A. I don't think I know.

15 Q. Actually, before I get to that, let me ask you
16 this about Government's Exhibit 50. There are more
17 questions in here?

18 A. Oh, yes.

19 Q. When did you get this draft from -- returned from
20 Mr. Wuokko?

21 A. I'd have to see the cover to see when I may have
22 seen it.

23 Q. Okay. I'll just point to a date here.

24 A. Okay. He dated it 8-25. I sent it to him from
25 my home e-mail, which was on a weekend. He said he made

1 his comments on the 25th. I don't know what day of the
2 week the 25th is.

3 Q. Do you recall his testimony here in court when he
4 said that it was, I think, Monday morning, when Senator
5 Voinovich was arriving?

6 A. He may have said that. That -- I didn't have
7 anything to do with Voinovich being there.

8 Q. Okay. Doesn't refresh your recollection at all?

9 A. No, it doesn't.

10 Q. All right. I'd like you to look at -- it's page
11 2 of 19 of this draft and heading of it, and here he's
12 emphasizing another one of these balloons. He said, note,
13 the NRC is requiring licensees to inform them of any
14 impediments?

15 A. And I talked with him.

16 Q. All right. Now, when did you talk with him about
17 this?

18 A. I -- well, I -- at some point in time between
19 whenever he gave me these comments and the time that I
20 called him on the phone to get his authorization to put his
21 signature on the greensheet, I talked with him about these.

22 Q. We should be able to sort that out pretty easily.
23 Pull up the greensheet, and here we have the greensheet
24 indicating per telecom 8-28-01?

25 A. Yes.

1 Q. Was that when you had the telephone call with
2 him?

3 A. I called him. I paged him. He was in training.
4 I paged him, said I needed for him to make sure he looked
5 at it, assigned the greensheet.

6 Q. All right. Let's talk about that in just a
7 second. Going back now to these comments.

8 A. Okay.

9 Q. I take it that with respect to this comment in
10 the bubble here, which is coming -- the second place where
11 he's asking about this your response would be the same --
12 you dealt with this in the same way?

13 A. Yes.

14 Q. You've already talked about this block here where
15 it's saying approximately 90 percent of the nozzles. He's
16 adding it back in. You're saying that you spoke with him
17 about that?

18 A. Yes.

19 Q. Describe that conversation. What did he say you
20 should do if you couldn't use 90 percent?

21 A. I told him that the majority was the best that we
22 could come up with. At this point, I said that's all I can
23 give them. I mean, I had so many days that the letter's
24 supposed to be sent in.

25 Q. You mentioned something that -- about that when

1 Mr. Siemaszko came to you and told you that the head had
2 not been cleaned in 2000, you were wondering whether you
3 needed to get an extension?

4 A. Yes.

5 Q. Was it possible to get extensions?

6 A. What you would end up having to do is call the
7 NRC and see about an extension, yes. What would happen
8 then if Andrew was going to tell me that the head was not
9 clean following the 2000 -- following RFO 12, he had not
10 cleaned the head and said that there was boric acid left on
11 the head and a lot of things, we would have to revise the
12 letter because we could not take credit for anything on
13 having -- being able to see anything on the head after 2000
14 outage.

15 Q. So that's -- that's the down side?

16 A. That was the down side. That's what I was
17 asking.

18 Q. What about an extension? Have you done that
19 before with --

20 A. There have been times when people have had to go
21 for an extension because something has changed. They've
22 got other information that's changed things on them, yes.

23 Q. But you didn't want to do that?

24 A. I didn't want to have to do that if I didn't have
25 to.

1 Q. I mean, it would have accomplished at least two
2 things. You would have been able to sort out the
3 information that Andrew Siemaszko had just given you. You
4 also could have gone back and possibly gotten a better
5 number from Mr. Wuokko?

6 A. Well, yeah, I guess I could have, but that wasn't
7 the reason I would have asked for an extension.

8 Q. Well, so the only reason would have been if Mr --

9 A. Andrew changing the whole basis for the 2000
10 inspection.

11 Q. I'm sorry, you say the whole basis for the
12 2000 --

13 A. Pardon me, the 2000 as left.

14 Q. And what was it exactly that he told you about
15 that?

16 A. He said, I left some boric acid on the head after
17 cleaning at RFO 12. And I said, explain that to me, what
18 did you leave.

19 Q. And his explanation was?

20 A. His explanation, I left a little bit of boron in
21 between the nozzles on the top of the head. And I asked
22 him, you can still see the nozzle head interface on those
23 nozzles. He said, oh, yes. It's just some boric acid I
24 couldn't get off. Okay. That doesn't change anything. I
25 can still do qualified visual inspection.

1 Q. All right. And I'd like to ask you to have a
2 look at Government's Exhibit 89. Has not yet been admitted
3 into evidence. Would you have a look at that, Mr. Cook,
4 and tell The Court what it is.

5 A. This is a draft of 2735.

6 Q. Okay. And are you the person sending it out?

7 A. Yes.

8 MR. BALLANTINE: Your Honor, I'd move to admit
9 Government's Exhibit 89 at this time.

10 MR. CONROY: No objection.

11 THE COURT: Be admitted without objection. The
12 jury may view it.

13 BY MR. BALLANTINE:

14 Q. Mr. Cook, if you don't mind, that's the best copy
15 of that that I have. I can show it to you on the screen --

16 A. Sure.

17 Q. -- just to get you oriented. I want to bring up
18 attachment one, page -- at this page, it says 1 of 1,
19 although we'll see in a second it carries over to a second
20 page. Can you give the jury an idea of what we're looking
21 at here?

22 A. Yes, it looks like it's the beginning of
23 attachment one for the introduction to -- to attachment one
24 for 2735.

25 Q. Okay. And who is -- who is drafting this? Who

1 was writing it down?

2 A. Okay. Dale had sent me a copy of what he wanted
3 in there, and I had pasted that into this and sent it back
4 to him.

5 Q. Okay. And if we get down here towards the
6 bottom, I want to draw your attention to the sentence that
7 begins as stated in the telephone conversation. He's
8 talking about --

9 A. That was the October 3rd telephone conversation.

10 Q. It says no leakage attributable to
11 circumferential cracks has been observed in this area from
12 any of the inspections conducted by other utilities. And I
13 take it it's referring to the top center of the head?

14 A. That's correct.

15 Q. And it is not considered to be in the most
16 likely, turning to the next page, source for leakage at the
17 Davis-Besse Nuclear Power Station?

18 A. That is correct.

19 Q. In addition, these particular nozzles had been
20 planned to be examined by supplemental examination during
21 13 RFO because of the masking boric acid crystal deposits
22 which are present around the nozzle, slash, penetration
23 interface. Does that mean that you couldn't do a qualified
24 visual examination?

25 A. I guess that's what he was telling me, yes.

1 Q. And what did you do with that information?

2 A. He gave that to me. I don't know that I
3 incorporated that into that letter. This was the -- this
4 was the nine-day letter that I was working on.

5 Q. Did you go back and talk to Mr. Siemaszko about
6 it since you had had an earlier conversation about this
7 exact topic?

8 A. No, I didn't.

9 Q. All right. Going back to Mr. Wuokko's edits.
10 When you got them back from him, what did you do, talking
11 here about Exhibit 50?

12 A. If I -- comments that I got from Dale, I would go
13 back and address with him. It may be that I go back and
14 say, here's what I did with your comments. There's some
15 comments that I didn't address at all because there's no
16 way to address a comment where it doesn't make sense. And
17 it could be just a general statement like that and give it
18 back to him. I -- I know I talked with him about his
19 comments. I addressed his comments and he knew that I
20 addressed his comments.

21 Q. And then you had a telephone conversation with
22 him about a subsequent version of the bulletin response?

23 A. This was the greensheet that we were sending
24 around to be signed off. This was the greensheet version
25 that he had had a copy of.

1 Q. Was there a greensheet on the top of it when you
2 gave it to him?

3 A. Yes, I believe so. I think there was a copy --
4 well, I sent it out and said, this is the greensheet I need
5 for you to get -- I -- I know that the greensheet I
6 probably -- I probably let him know -- I'd have to go back
7 to the e-mail that I sent to him, but I know I told him
8 that I needed for him to get back to me so we can get the
9 greensheet signed.

10 Q. Do you recall his testimony here in court about
11 this issue?

12 A. Yes, I do.

13 Q. That you'd come and asked him to do an edit of
14 the final look-through of the bulletin response?

15 A. Yes. And what I did is I paged him, I paged him
16 on the 28th and said you've seen this, I need -- I need for
17 you to give me authorization to sign the greensheet for
18 you.

19 Q. Do you recall him saying that I don't have time
20 to do this, I'm in training all day tomorrow, and basically
21 telling you that he wasn't going to be able to do a review
22 of it?

23 A. I had talked with him. I said you've been
24 reviewing it all along, Dale, I want to understand. You've
25 taken a look at it, why can't you take some time and read

1 it and let -- and get the greensheet signed.

2 Q. In the end, he agreed to review it for typos,
3 right?

4 A. In the end, he told me that I can go ahead and
5 sign the greensheet for him.

6 Q. In the end, he told you he'd review it for typos,
7 right?

8 A. No, in the end he said he was going to review it
9 and he would authorize me to sign the greensheet.

10 Q. Review it for typos?

11 A. That was the only way he was going to end up
12 on -- he was reviewing it for format, content and whatever.
13 Because I talked to him about his typos. I said, if you're
14 reviewing it for typos and edits and you're looking at the
15 letter, you've seen everything in it, Dale, and he said
16 sign the greensheet. And I did.

17 Q. And you knew that he was going to be at training
18 during that day when he was doing this review?

19 A. There were people all over the place at that
20 time. I mean, yes, I called him and asked him to sign it
21 to make sure he signed the greensheet. He said, take my
22 name off. I said, Dale, Dave Lockwood would not let me do
23 that.

24 Q. He asked you to take his name off?

25 A. He said, take my name off. And I said, Dale, you

1 know Dave wouldn't let me do that.

2 Q. So having asked you to take his --

3 A. He had some -- he had -- Mr. Ballantine, he had
4 so many comments during the development on this letter, it
5 would not have made sense. He had been looking at the
6 letter.

7 Q. Well, he had done a lot of reviews over the
8 weekend?

9 A. Then -- an -- I've done an awful lot of writing
10 over the weekends.

11 Q. Did you consider asking him to do this review
12 over the Labor Day weekend?

13 A. I asked him -- I asked him to get me a review
14 back, yes.

15 Q. Did you ever put the greensheet in front of him
16 and ask him to sign it?

17 A. I don't know that I saw him between then and
18 whenever. No, I don't --

19 Q. Well, the date that you signed off for him on is
20 September 28th, right?

21 A. Yes.

22 Q. And the date that it went out was?

23 A. 4th.

24 Q. I'm sorry. August 28th, and it went out on the
25 4th?

1 A. Yes.

2 Q. So there was time to get him a copy of the
3 greensheet and have him initial it himself, wasn't there?

4 A. If he would have made it back to the office, yes,
5 I guess I could have. He didn't offer that to me at that
6 time.

7 Q. But it's your testimony that he agreed that you
8 could sign off on the greensheet for him?

9 A. Yes. I wouldn't have signed that if he told me I
10 couldn't.

11 Q. There was another interaction -- yes, Your Honor.

12 THE COURT: Ladies and gentlemen, we've taken
13 pity on all of us. I'm coming down with what you've got,
14 and my wife. So hopefully next week, I'll be here so
15 hopefully all of you will be here. This is that time when
16 we leave for an extended period of time until Tuesday
17 morning.

18 (A side bar conference was had off the
19 record.)

20 THE COURT: 9:00. Let's make it 9:15. She
21 reminded me I have a doctor's appointment at 8:15.

22 Remember, ladies and gentlemen, even though it's
23 difficult not to tell everybody, you cannot discuss this
24 case among yourselves or with anyone else, nor permit
25 anyone else to discuss it with you. Please do not read,

1 watch or listen to anything touching on this case in any
2 way. And do not make up your mind on the ultimate issues
3 which are yours to decide at the end of the case. We'll
4 see you at 9:15 Monday morning -- Tuesday morning.

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

Angela D. Nixon, RPR, CRR

Date

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'81 [1] 2030/19 '85 [2] 2037/14 2037/15 '98 [6] 2070/16 2070/17 2085/1 2099/8 2120/5 2120/20	2 2-inch [1] 2092/14 20 [4] 2120/1 2120/8 2120/18 2120/19 2000 [27] 2043/19 2070/14 2078/13 2085/1 2085/8 2088/20 2090/20 2099/8 2105/14 2120/5 2142/16 2143/14 2143/24 2152/8 2154/21 2155/11 2157/8 2158/4 2160/25 2163/3 2164/10 2167/2 2167/9 2167/13 2168/9 2168/12 2168/13 2000-101 [1] 2138/23 20005 [2] 2028/19 2029/1 2001 [13] 2039/3 2039/4 2041/14 2042/4 2042/7 2042/8 2043/23 2045/25 2047/6 2057/8 2090/21 2142/14 2160/13 2001-01 [10] 2046/11 2048/16 2048/21 2050/23 2052/9 2053/16 2054/13 2060/17 2063/20 2154/13 2002 [4] 2042/9 2043/9 2116/20 2125/10 20036 [1] 2029/6 2007 [1] 2028/5 202 [3] 2028/20 2029/1 2029/7 21 [5] 2041/3 2041/4 2041/8 2041/8 2041/19 216 [1] 2028/15 22 [2] 2120/13 2120/20 24 [1] 2049/3 24th [2] 2085/19 2097/19 25 [2] 2048/25 2164/24 250 [1] 2127/13 25th [3] 2160/13 2165/1 2165/2 26 [4] 2057/6 2057/13 2057/14 2058/1 260-5259 [1] 2029/10 27 [4] 2072/13 2072/22 2084/20 2103/20 2730 [1] 2164/13 2731 [32] 2060/3 2061/7 2061/20 2062/12 2063/13 2063/22 2072/19 2075/16 2076/24 2077/2 2078/1 2084/14 2084/24 2085/18 2087/4 2087/18 2091/11 2091/12 2094/4 2095/22 2100/5 2100/9 2100/15 2103/9 2103/12 2103/20 2105/19 2133/4 2133/15 2145/23 2145/24 2147/15 2735 [18] 2095/22 2100/4 2100/9 2100/10 2100/19 2101/3 2102/2 2103/4 2103/8 2103/10 2103/12 2105/19 2106/1 2106/4 2133/15 2154/12 2169/5 2169/24 2741 [5] 2103/14 2103/17 2103/18 2104/14 2109/2 2744 [2] 2110/17 2110/17 2745 [1] 2111/22 2782 [1] 2124/17 27th [3] 2083/12 2142/14 2162/6 28 [2] 2108/21 2109/10 283 [1] 2067/20 286 [2] 2068/9 2068/16 28th [5] 2096/5 2130/21 2172/16 2174/20 2174/24 29 [1] 2140/22 298 [1] 2067/21 29th [1] 2085/19	4 400 [1] 2028/14 41 [1] 2145/13 419 [1] 2029/10 42 [6] 2067/2 2067/3 2073/2 2145/12 2145/14 2147/11 43 [1] 2082/7 43624 [1] 2029/10 44113 [1] 2028/15 480 [1] 2088/6 4E [2] 2123/2 2123/4 4th [3] 2048/9 2174/23 2174/25 4th of [1] 2095/23
0 006 [1] 2074/13 007 [1] 2074/22 01 [12] 2046/11 2048/16 2048/21 2050/23 2052/9 2053/16 2054/13 2060/17 2063/20 2091/24 2154/13 2165/24 0324 [1] 2138/22 048 [1] 2073/11 0838 [1] 2028/20		4 400 [1] 2028/14 41 [1] 2145/13 419 [1] 2029/10 42 [6] 2067/2 2067/3 2073/2 2145/12 2145/14 2147/11 43 [1] 2082/7 43624 [1] 2029/10 44113 [1] 2028/15 480 [1] 2088/6 4E [2] 2123/2 2123/4 4th [3] 2048/9 2174/23 2174/25 4th of [1] 2095/23
1 1.0 [2] 2120/13 2120/24 1.1.2 [1] 2121/1 1.33 [2] 2119/19 2121/8 1.B [1] 2080/19 1.D [18] 2049/1 2049/3 2049/10 2078/1 2083/22 2087/24 2088/5 2088/8 2088/8 2140/3 2142/3 2142/25 2143/12 2144/12 2149/2 2161/1 2163/7 2164/6 10 [3] 2040/10 2113/5 2115/3 10 percent [1] 2084/5 101 [1] 2138/23 105 [2] 2102/2 2102/18 107 [1] 2104/15 10th [1] 2043/19 11 [4] 2061/23 2062/5 2099/9 2100/23 110 [1] 2127/14 1159 [1] 2102/9 1160 [1] 2102/13 11th [1] 2043/19 12 [22] 2028/9 2062/14 2062/17 2062/22 2063/3 2063/7 2081/1 2081/9 2081/25 2095/8 2099/9 2100/11 2100/23 2100/23 2115/3 2115/10 2115/11 2136/18 2159/15 2162/24 2167/9 2168/17 12th [1] 2043/19 13 [9] 2073/10 2092/24 2094/10 2094/10 2094/12 2100/25 2159/14 2163/5 2170/21 14 [1] 2097/22 1400 [1] 2028/19 15 [3] 2028/9 2113/6 2113/13 150,000 [1] 2127/14 15th [1] 2057/7 16 [2] 2055/2 2055/3 160 [1] 2131/13 161 [2] 2131/18 2132/5 1716 [1] 2029/9 17th [4] 2097/22 2099/25 2101/5 2103/13 18 [3] 2034/19 2037/11 2038/9 180 [1] 2131/10 1828 [1] 2029/6 18th [1] 2103/15 19 [6] 2028/5 2074/13 2074/22 2088/6 2118/3 2165/11 1973 [4] 2030/24 2031/16 2033/20 2040/8 1981 [2] 2030/19 2033/24 1982 [1] 2034/25 1985 [4] 2036/19 2037/3 2039/23 2040/2 1987 [1] 2037/15 1990 [1] 2037/24 1996 [5] 2043/18 2098/22 2099/1 2117/11 2120/5 1998 [15] 2043/18 2085/6 2142/16	2 2-inch [1] 2092/14 20 [4] 2120/1 2120/8 2120/18 2120/19 2000 [27] 2043/19 2070/14 2078/13 2085/1 2085/8 2088/20 2090/20 2099/8 2105/14 2120/5 2142/16 2143/14 2143/24 2152/8 2154/21 2155/11 2157/8 2158/4 2160/25 2163/3 2164/10 2167/2 2167/9 2167/13 2168/9 2168/12 2168/13 2000-101 [1] 2138/23 20005 [2] 2028/19 2029/1 2001 [13] 2039/3 2039/4 2041/14 2042/4 2042/7 2042/8 2043/23 2045/25 2047/6 2057/8 2090/21 2142/14 2160/13 2001-01 [10] 2046/11 2048/16 2048/21 2050/23 2052/9 2053/16 2054/13 2060/17 2063/20 2154/13 2002 [4] 2042/9 2043/9 2116/20 2125/10 20036 [1] 2029/6 2007 [1] 2028/5 202 [3] 2028/20 2029/1 2029/7 21 [5] 2041/3 2041/4 2041/8 2041/8 2041/19 216 [1] 2028/15 22 [2] 2120/13 2120/20 24 [1] 2049/3 24th [2] 2085/19 2097/19 25 [2] 2048/25 2164/24 250 [1] 2127/13 25th [3] 2160/13 2165/1 2165/2 26 [4] 2057/6 2057/13 2057/14 2058/1 260-5259 [1] 2029/10 27 [4] 2072/13 2072/22 2084/20 2103/20 2730 [1] 2164/13 2731 [32] 2060/3 2061/7 2061/20 2062/12 2063/13 2063/22 2072/19 2075/16 2076/24 2077/2 2078/1 2084/14 2084/24 2085/18 2087/4 2087/18 2091/11 2091/12 2094/4 2095/22 2100/5 2100/9 2100/15 2103/9 2103/12 2103/20 2105/19 2133/4 2133/15 2145/23 2145/24 2147/15 2735 [18] 2095/22 2100/4 2100/9 2100/10 2100/19 2101/3 2102/2 2103/4 2103/8 2103/10 2103/12 2105/19 2106/1 2106/4 2133/15 2154/12 2169/5 2169/24 2741 [5] 2103/14 2103/17 2103/18 2104/14 2109/2 2744 [2] 2110/17 2110/17 2745 [1] 2111/22 2782 [1] 2124/17 27th [3] 2083/12 2142/14 2162/6 28 [2] 2108/21 2109/10 283 [1] 2067/20 286 [2] 2068/9 2068/16 28th [5] 2096/5 2130/21 2172/16 2174/20 2174/24 29 [1] 2140/22 298 [1] 2067/21 29th [1] 2085/19	5 50 [6] 2073/19 2147/11 2154/1 2159/7 2164/16 2171/11 50.9 [6] 2040/10 2040/11 2074/9 2159/12 2159/16 2159/25 51 percent [1] 2073/12 514-0838 [1] 2028/20 5259 [1] 2029/10 53 [2] 2083/7 2160/17 551 [2] 2117/5 2121/24 56 [1] 2030/13 57 [1] 2091/23 5818 [1] 2029/1 5D [1] 2124/10
		5 50 [6] 2073/19 2147/11 2154/1 2159/7 2164/16 2171/11 50.9 [6] 2040/10 2040/11 2074/9 2159/12 2159/16 2159/25 51 percent [1] 2073/12 514-0838 [1] 2028/20 5259 [1] 2029/10 53 [2] 2083/7 2160/17 551 [2] 2117/5 2121/24 56 [1] 2030/13 57 [1] 2091/23 5818 [1] 2029/1 5D [1] 2124/10
		6 6.2 [2] 2051/8 2051/18 6.2.1 [3] 2051/8 2051/23 2052/6 6.2.2 [1] 2052/12 6.2.6 [2] 2053/5 2053/7 6.3.1 [3] 2118/24 2118/25 2119/2 60 [4] 2073/2 2088/5 2094/5 2139/24 622-3818 [1] 2028/15 626-5818 [1] 2029/1 640 [1] 2029/5 655 [1] 2028/25 6th [1] 2039/3
		6 6.2 [2] 2051/8 2051/18 6.2.1 [3] 2051/8 2051/23 2052/6 6.2.2 [1] 2052/12 6.2.6 [2] 2053/5 2053/7 6.3.1 [3] 2118/24 2118/25 2119/2 60 [4] 2073/2 2088/5 2094/5 2139/24 622-3818 [1] 2028/15 626-5818 [1] 2029/1 640 [1] 2029/5 655 [1] 2028/25 6th [1] 2039/3
		7 70 [3] 2079/8 2156/17 2158/20
		8 8-25 [1] 2164/24 8-27 [1] 2084/20 8-28-01 [1] 2165/24 8-30-01 [1] 2091/24 80 [4] 2079/7 2079/8 2156/17 2158/20 801 [1] 2028/14 833-3400 [1] 2029/7 89 [2] 2169/2 2169/9 8:15 [1] 2175/21 8th [2] 2114/25 2115/4 8th of [1] 2098/1
		8 8-25 [1] 2164/24 8-27 [1] 2084/20 8-28-01 [1] 2165/24 8-30-01 [1] 2091/24 80 [4] 2079/7 2079/8 2156/17 2158/20 801 [1] 2028/14 833-3400 [1] 2029/7 89 [2] 2169/2 2169/9 8:15 [1] 2175/21 8th [2] 2114/25 2115/4 8th of [1] 2098/1
		9 90 [9] 2074/24 2079/3 2083/14 2156/16 2158/20 2159/2 2159/3 2159/22 2159/24 90 miles [1] 2033/19 90 percent [13] 2074/6 2074/25 2078/15 2078/21 2082/24 2083/3 2083/15 2156/13 2159/11 2159/21 2160/24 2166/15 2166/20
		9 90 [9] 2074/24 2079/3 2083/14 2156/16 2158/20 2159/2 2159/3 2159/22 2159/24 90 miles [1] 2033/19 90 percent [13] 2074/6 2074/25 2078/15 2078/21 2082/24 2083/3 2083/15 2156/13 2159/11 2159/21 2160/24 2166/15 2166/20
	3 3-A [5] 2094/6 2094/10 2122/1 2122/9 2141/21 3.2 [1] 2119/19 30 [2] 2034/22 2048/7 30th [2] 2042/4 2091/14 31st [1] 2096/16 31st of [2] 2096/10 2112/12	
	3 3-A [5] 2094/6 2094/10 2122/1 2122/9 2141/21 3.2 [1] 2119/19 30 [2] 2034/22 2048/7 30th [2] 2042/4 2091/14 31st [1] 2096/16 31st of [2] 2096/10 2112/12	

<p>9</p> <p>90 percent's [1] 2156/15</p> <p>900 [1] 2028/25</p> <p>95 percent [4] 2081/2 2081/6 2081/9 2082/3</p> <p>96-551 [2] 2117/5 2121/24</p> <p>9:00 [1] 2175/20</p> <p>9:15 [1] 2175/20</p> <p>9:15 Monday [1] 2176/4</p> <p>9th [1] 2048/10</p> <p>9th of [1] 2080/3</p>	<p>added [1] 2098/11</p> <p>adding [2] 2044/14 2166/16</p> <p>addition [1] 2170/19</p> <p>additional [7] 2097/7 2097/13 2100/3 2103/9 2103/11 2103/18 2105/15</p> <p>address [10] 2069/3 2072/1 2101/22 2103/25 2141/24 2151/4 2152/5 2171/13 2171/15 2171/16</p> <p>addressed [5] 2056/9 2069/3 2072/5 2171/19 2171/20</p> <p>addressees [1] 2141/15</p> <p>addresses [1] 2102/21</p> <p>admission [3] 2057/25 2118/16 2135/18</p> <p>admit [3] 2051/12 2132/4 2169/8</p> <p>admitted [14] 2041/22 2051/10 2051/14 2058/3 2067/3 2072/24 2109/12 2118/18 2120/8 2132/7 2147/9 2160/18 2169/2 2169/11</p> <p>advice [1] 2058/13</p> <p>advised [2] 2159/16 2159/25</p> <p>affairs [25] 2032/12 2032/15 2032/17 2032/18 2032/20 2040/1 2040/9 2044/16 2044/19 2044/21 2045/6 2046/24 2050/12 2050/21 2052/2 2052/13 2052/14 2060/23 2061/2 2064/19 2066/25 2076/2 2080/21 2097/1 2127/24</p> <p>affirmation [1] 2047/18</p> <p>after [32] 2031/25 2034/25 2037/17 2038/4 2038/12 2048/4 2048/8 2060/21 2062/14 2062/22 2063/3 2070/9 2076/20 2078/19 2083/13 2091/14 2092/2 2103/10 2115/5 2116/20 2117/4 2143/9 2145/24 2152/4 2152/8 2155/3 2156/10 2158/19 2159/17 2162/24 2167/13 2168/16</p> <p>aftermath [1] 2136/12</p> <p>afternoon [3] 2030/7 2030/8 2126/2</p> <p>again [18] 2042/9 2070/10 2072/4 2073/24 2074/23 2079/4 2079/19 2079/20 2090/6 2091/19 2094/5 2096/19 2109/16 2109/24 2149/5 2156/9 2160/23 2161/15</p> <p>against [1] 2135/18</p> <p>Agent [1] 2116/7</p> <p>agree [10] 2088/25 2123/10 2124/6 2143/25 2144/2 2152/19 2153/15 2154/8 2154/25 2163/11</p> <p>agreed [6] 2092/22 2124/2 2124/12 2153/16 2173/2 2175/7</p> <p>agreement [1] 2091/20</p> <p>ahead [7] 2038/20 2045/13 2054/18 2065/14 2153/12 2160/22 2173/4</p> <p>AIT [2] 2119/11 2135/3</p> <p>AL [1] 2028/6</p> <p>Alabama [1] 2038/6</p> <p>all [117] 2031/8 2031/21 2033/4 2033/9 2033/22 2034/15 2034/15 2034/17 2040/20 2041/12 2045/24 2049/19 2051/18 2053/1 2053/18 2054/7 2054/13 2055/4 2056/7 2058/8 2059/2 2060/21 2067/16 2067/19 2067/24 2068/4 2069/10 2072/7 2072/8 2073/6 2073/18 2078/8 2078/24 2080/1 2082/15 2084/2 2084/10 2084/22 2085/21 2086/13 2087/18 2092/1 2092/4 2093/7 2099/7 2101/18 2101/22 2101/23 2105/4 2105/13 2107/17 2108/16 2108/19 2109/9 2112/8 2114/3 2114/6 2118/2 2121/23 2122/13 2123/1 2123/11 2124/15 2124/15 2131/14 2132/19 2133/1 2136/17 2136/23 2136/25 2137/16 2137/24 2139/5 2139/15 2140/23 2141/2 2142/19 2144/15 2144/21 2145/6 2145/10 2145/20 2147/2 2148/13 2151/2 2151/10 2153/8 2154/23 2156/21 2157/19 2157/21 2159/9 2160/4 2160/22 2161/6 2161/9 2161/13 2161/21 2162/6 2162/7 2162/11 2164/1 2164/8 2164/9</p>	<p>2165/8 2165/10 2165/16 2166/6 2166/22 2169/1 2171/9 2171/15 2172/20 2172/24 2173/19 2175/13 2175/15</p> <p>alleviate [1] 2077/6</p> <p>allow [3] 2095/10 2119/4 2125/8</p> <p>allowed [2] 2041/20 2051/7</p> <p>along [3] 2048/4 2092/17 2172/24</p> <p>already [7] 2092/7 2101/21 2144/10 2149/11 2149/11 2149/14 2166/14</p> <p>also [20] 2036/16 2039/16 2039/17 2040/18 2049/17 2057/22 2064/3 2064/19 2072/19 2073/16 2082/10 2084/4 2102/8 2123/20 2123/20 2137/20 2137/20 2139/5 2159/13 2168/4</p> <p>altered [1] 2038/7</p> <p>although [1] 2169/19</p> <p>always [7] 2040/12 2040/15 2040/15 2040/16 2045/1 2045/2 2116/9</p> <p>am [4] 2045/23 2086/3 2087/21 2125/8</p> <p>AMERICA [1] 2028/3</p> <p>among [7] 2053/12 2055/4 2081/12 2082/8 2113/14 2141/2 2175/24</p> <p>AN01 [1] 2033/15</p> <p>analysis [3] 2130/4 2130/7 2130/10</p> <p>and/or [1] 2059/19</p> <p>Andrew [42] 2028/24 2046/6 2055/17 2062/24 2062/25 2063/1 2075/18 2075/19 2078/14 2078/22 2079/2 2079/4 2079/4 2080/3 2082/13 2082/24 2083/3 2083/4 2083/5 2083/13 2085/17 2085/20 2086/5 2086/17 2086/20 2090/22 2099/22 2100/13 2101/7 2106/9 2138/21 2146/1 2156/12 2156/15 2156/16 2156/19 2156/21 2157/7 2159/22 2167/8 2168/3 2168/9</p> <p>Andrew's [2] 2095/8 2157/10</p> <p>Angela [2] 2029/9 2177/8</p> <p>annual [2] 2127/11 2127/12</p> <p>another [18] 2034/1 2034/4 2034/5 2069/11 2070/8 2079/17 2097/21 2104/4 2104/12 2108/20 2111/20 2112/11 2112/15 2113/5 2152/7 2160/23 2165/12 2175/11</p> <p>another bit [1] 2079/17</p> <p>ANSI [4] 2119/19 2119/19 2119/20 2121/7 2121/7</p> <p>answer [15] 2050/4 2084/21 2089/14 2090/9 2104/23 2107/14 2107/22 2109/25 2112/22 2124/10 2129/2 2152/11 2152/14 2153/4 2153/5</p> <p>answered [8] 2068/19 2079/23 2088/3 2090/3 2133/21 2140/19 2144/9 2149/3</p> <p>answering [6] 2105/23 2105/24 2108/7 2150/11 2150/12 2150/13</p> <p>answers [2] 2063/15 2105/2</p> <p>anticipated [1] 2045/25</p> <p>anticipation [1] 2047/23</p> <p>any [72] 2040/13 2042/17 2042/19 2042/22 2043/11 2043/20 2047/4 2047/8 2047/20 2047/23 2048/1 2048/11 2049/5 2050/2 2050/2 2056/3 2056/5 2056/5 2056/15 2056/23 2057/3 2058/18 2062/2 2063/4 2063/13 2063/14 2063/19 2069/14 2074/15 2083/25 2087/9 2087/11 2088/1 2088/2 2088/9 2089/11 2089/25 2090/2 2090/13 2093/16 2093/21 2094/24 2095/12 2100/15 2105/17 2106/17 2111/18 2112/17 2113/24 2114/3 2114/19 2115/18 2115/21 2116/12 2116/25 2117/12 2119/3 2120/9 2123/16 2128/25 2134/14 2135/4 2135/19 2140/13 2142/4 2146/2 2151/2 2151/14 2161/4 2165/13 2170/12 2176/1</p> <p>anybody [7] 2080/21 2090/1 2093/16 2108/2 2108/13 2116/25 2124/6</p> <p>anyone [11] 2063/14 2063/20 2093/14 2093/19 2093/23 2093/25 2113/15 2113/15 2115/16 2175/24 2175/25</p>
<p>A</p> <p>able [15] 2039/15 2045/13 2079/6 2088/10 2088/17 2092/13 2097/8 2097/24 2142/19 2145/20 2146/17 2165/22 2167/13 2168/2 2172/21</p> <p>about [161]</p> <p>above [4] 2031/20 2031/22 2069/18 2177/4</p> <p>above-entitled [1] 2177/4</p> <p>abundance [1] 2113/11</p> <p>acceptability [1] 2052/15</p> <p>acceptable [1] 2153/1</p> <p>acceptance [19] 2069/2 2069/14 2070/10 2133/19 2133/25 2137/15 2140/11 2141/19 2149/10 2150/19 2150/25 2151/14 2151/17 2151/20 2151/25 2152/10 2152/12 2152/14 2153/6</p> <p>accepted [2] 2034/1 2109/10</p> <p>access [8] 2056/17 2090/19 2090/23 2090/24 2091/5 2125/8 2146/25 2162/19</p> <p>accessibility [3] 2140/14 2142/5 2163/7</p> <p>accessible [11] 2083/24 2084/3 2149/20 2161/4 2161/7 2161/13 2161/14 2161/22 2162/2 2162/12 2164/10</p> <p>accomplished [1] 2168/1</p> <p>accordance [4] 2059/12 2094/20 2133/5 2151/22</p> <p>according [1] 2135/24</p> <p>account [1] 2088/16</p> <p>accuracy [9] 2040/11 2050/13 2052/4 2052/23 2056/10 2056/12 2074/9 2087/15 2100/1</p> <p>accurate [16] 2040/16 2060/1 2063/17 2075/2 2090/10 2095/16 2106/8 2106/25 2148/18 2148/19 2153/21 2153/23 2159/12 2159/24 2159/24 2160/3</p> <p>achievable [1] 2071/4</p> <p>acid [50] 2047/5 2047/8 2075/1 2077/19 2083/25 2088/19 2094/24 2095/1 2106/3 2106/6 2117/9 2117/11 2117/18 2118/4 2118/15 2119/3 2119/6 2119/9 2122/4 2123/13 2123/22 2123/23 2128/25 2129/6 2129/8 2129/10 2129/24 2130/13 2130/17 2132/12 2132/21 2133/5 2133/7 2139/14 2139/19 2142/20 2143/2 2143/18 2149/8 2150/21 2151/1 2151/22 2154/18 2155/8 2161/5 2163/11 2167/10 2168/16 2168/23 2170/21</p> <p>acronym [1] 2141/11</p> <p>across [1] 2155/8</p> <p>acting [1] 2037/13</p> <p>action [5] 2115/21 2121/17 2121/20 2130/9 2130/16</p> <p>active [2] 2103/3 2135/18</p> <p>actively [4] 2065/25 2066/4 2080/5 2103/2</p> <p>activities [4] 2039/15 2044/22 2045/3 2076/21</p> <p>actual [1] 2140/22</p> <p>actually [7] 2039/4 2069/22 2097/24 2140/21 2145/13 2155/12 2164/15</p> <p>add [3] 2075/6 2098/21 2151/13</p>	<p>added [1] 2098/11</p> <p>adding [2] 2044/14 2166/16</p> <p>addition [1] 2170/19</p> <p>additional [7] 2097/7 2097/13 2100/3 2103/9 2103/11 2103/18 2105/15</p> <p>address [10] 2069/3 2072/1 2101/22 2103/25 2141/24 2151/4 2152/5 2171/13 2171/15 2171/16</p> <p>addressed [5] 2056/9 2069/3 2072/5 2171/19 2171/20</p> <p>addressees [1] 2141/15</p> <p>addresses [1] 2102/21</p> <p>admission [3] 2057/25 2118/16 2135/18</p> <p>admit [3] 2051/12 2132/4 2169/8</p> <p>admitted [14] 2041/22 2051/10 2051/14 2058/3 2067/3 2072/24 2109/12 2118/18 2120/8 2132/7 2147/9 2160/18 2169/2 2169/11</p> <p>advice [1] 2058/13</p> <p>advised [2] 2159/16 2159/25</p> <p>affairs [25] 2032/12 2032/15 2032/17 2032/18 2032/20 2040/1 2040/9 2044/16 2044/19 2044/21 2045/6 2046/24 2050/12 2050/21 2052/2 2052/13 2052/14 2060/23 2061/2 2064/19 2066/25 2076/2 2080/21 2097/1 2127/24</p> <p>affirmation [1] 2047/18</p> <p>after [32] 2031/25 2034/25 2037/17 2038/4 2038/12 2048/4 2048/8 2060/21 2062/14 2062/22 2063/3 2070/9 2076/20 2078/19 2083/13 2091/14 2092/2 2103/10 2115/5 2116/20 2117/4 2143/9 2145/24 2152/4 2152/8 2155/3 2156/10 2158/19 2159/17 2162/24 2167/13 2168/16</p> <p>aftermath [1] 2136/12</p> <p>afternoon [3] 2030/7 2030/8 2126/2</p> <p>again [18] 2042/9 2070/10 2072/4 2073/24 2074/23 2079/4 2079/19 2079/20 2090/6 2091/19 2094/5 2096/19 2109/16 2109/24 2149/5 2156/9 2160/23 2161/15</p> <p>against [1] 2135/18</p> <p>Agent [1] 2116/7</p> <p>agree [10] 2088/25 2123/10 2124/6 2143/25 2144/2 2152/19 2153/15 2154/8 2154/25 2163/11</p> <p>agreed [6] 2092/22 2124/2 2124/12 2153/16 2173/2 2175/7</p> <p>agreement [1] 2091/20</p> <p>ahead [7] 2038/20 2045/13 2054/18 2065/14 2153/12 2160/22 2173/4</p> <p>AIT [2] 2119/11 2135/3</p> <p>AL [1] 2028/6</p> <p>Alabama [1] 2038/6</p> <p>all [117] 2031/8 2031/21 2033/4 2033/9 2033/22 2034/15 2034/15 2034/17 2040/20 2041/12 2045/24 2049/19 2051/18 2053/1 2053/18 2054/7 2054/13 2055/4 2056/7 2058/8 2059/2 2060/21 2067/16 2067/19 2067/24 2068/4 2069/10 2072/7 2072/8 2073/6 2073/18 2078/8 2078/24 2080/1 2082/15 2084/2 2084/10 2084/22 2085/21 2086/13 2087/18 2092/1 2092/4 2093/7 2099/7 2101/18 2101/22 2101/23 2105/4 2105/13 2107/17 2108/16 2108/19 2109/9 2112/8 2114/3 2114/6 2118/2 2121/23 2122/13 2123/1 2123/11 2124/15 2124/15 2131/14 2132/19 2133/1 2136/17 2136/23 2136/25 2137/16 2137/24 2139/5 2139/15 2140/23 2141/2 2142/19 2144/15 2144/21 2145/6 2145/10 2145/20 2147/2 2148/13 2151/2 2151/10 2153/8 2154/23 2156/21 2157/19 2157/21 2159/9 2160/4 2160/22 2161/6 2161/9 2161/13 2161/21 2162/6 2162/7 2162/11 2164/1 2164/8 2164/9</p>	<p>2165/8 2165/10 2165/16 2166/6 2166/22 2169/1 2171/9 2171/15 2172/20 2172/24 2173/19 2175/13 2175/15</p> <p>alleviate [1] 2077/6</p> <p>allow [3] 2095/10 2119/4 2125/8</p> <p>allowed [2] 2041/20 2051/7</p> <p>along [3] 2048/4 2092/17 2172/24</p> <p>already [7] 2092/7 2101/21 2144/10 2149/11 2149/11 2149/14 2166/14</p> <p>also [20] 2036/16 2039/16 2039/17 2040/18 2049/17 2057/22 2064/3 2064/19 2072/19 2073/16 2082/10 2084/4 2102/8 2123/20 2123/20 2137/20 2137/20 2139/5 2159/13 2168/4</p> <p>altered [1] 2038/7</p> <p>although [1] 2169/19</p> <p>always [7] 2040/12 2040/15 2040/15 2040/16 2045/1 2045/2 2116/9</p> <p>am [4] 2045/23 2086/3 2087/21 2125/8</p> <p>AMERICA [1] 2028/3</p> <p>among [7] 2053/12 2055/4 2081/12 2082/8 2113/14 2141/2 2175/24</p> <p>AN01 [1] 2033/15</p> <p>analysis [3] 2130/4 2130/7 2130/10</p> <p>and/or [1] 2059/19</p> <p>Andrew [42] 2028/24 2046/6 2055/17 2062/24 2062/25 2063/1 2075/18 2075/19 2078/14 2078/22 2079/2 2079/4 2079/4 2080/3 2082/13 2082/24 2083/3 2083/4 2083/5 2083/13 2085/17 2085/20 2086/5 2086/17 2086/20 2090/22 2099/22 2100/13 2101/7 2106/9 2138/21 2146/1 2156/12 2156/15 2156/16 2156/19 2156/21 2157/7 2159/22 2167/8 2168/3 2168/9</p> <p>Andrew's [2] 2095/8 2157/10</p> <p>Angela [2] 2029/9 2177/8</p> <p>annual [2] 2127/11 2127/12</p> <p>another [18] 2034/1 2034/4 2034/5 2069/11 2070/8 2079/17 2097/21 2104/4 2104/12 2108/20 2111/20 2112/11 2112/15 2113/5 2152/7 2160/23 2165/12 2175/11</p> <p>another bit [1] 2079/17</p> <p>ANSI [4] 2119/19 2119/19 2119/20 2121/7 2121/7</p> <p>answer [15] 2050/4 2084/21 2089/14 2090/9 2104/23 2107/14 2107/22 2109/25 2112/22 2124/10 2129/2 2152/11 2152/14 2153/4 2153/5</p> <p>answered [8] 2068/19 2079/23 2088/3 2090/3 2133/21 2140/19 2144/9 2149/3</p> <p>answering [6] 2105/23 2105/24 2108/7 2150/11 2150/12 2150/13</p> <p>answers [2] 2063/15 2105/2</p> <p>anticipated [1] 2045/25</p> <p>anticipation [1] 2047/23</p> <p>any [72] 2040/13 2042/17 2042/19 2042/22 2043/11 2043/20 2047/4 2047/8 2047/20 2047/23 2048/1 2048/11 2049/5 2050/2 2050/2 2056/3 2056/5 2056/5 2056/15 2056/23 2057/3 2058/18 2062/2 2063/4 2063/13 2063/14 2063/19 2069/14 2074/15 2083/25 2087/9 2087/11 2088/1 2088/2 2088/9 2089/11 2089/25 2090/2 2090/13 2093/16 2093/21 2094/24 2095/12 2100/15 2105/17 2106/17 2111/18 2112/17 2113/24 2114/3 2114/19 2115/18 2115/21 2116/12 2116/25 2117/12 2119/3 2120/9 2123/16 2128/25 2134/14 2135/4 2135/19 2140/13 2142/4 2146/2 2151/2 2151/14 2161/4 2165/13 2170/12 2176/1</p> <p>anybody [7] 2080/21 2090/1 2093/16 2108/2 2108/13 2116/25 2124/6</p> <p>anyone [11] 2063/14 2063/20 2093/14 2093/19 2093/23 2093/25 2113/15 2113/15 2115/16 2175/24 2175/25</p>

<p>A</p> <p>anything [23] 2045/25 2046/2 2046/4 2058/25 2061/5 2088/13 2100/24 2108/13 2111/5 2111/16 2111/16 2111/18 2117/2 2128/11 2132/25 2139/23 2148/4 2152/7 2165/7 2167/12 2167/13 2168/24 2176/1 anywhere [4] 2071/14 2092/18 2127/12 2151/24 apparently [1] 2067/13 appear [3] 2058/19 2069/8 2084/14 APPEARANCES [1] 2028/12 appeared [1] 2071/22 appears [1] 2156/8 applied [1] 2151/20 applies [1] 2040/20 appointment [1] 2175/21 approval [1] 2112/9 approve [2] 2054/22 2059/20 approving [1] 2123/8 approximately [3] 2074/24 2074/25 2166/15 April [3] 2037/15 2105/14 2130/21 April 2000 [1] 2105/14 April 28th [1] 2130/21 are [79] 2030/12 2031/8 2032/5 2032/8 2032/18 2032/24 2039/8 2044/23 2045/11 2045/19 2045/22 2047/16 2053/11 2060/18 2061/10 2062/8 2067/14 2068/18 2072/18 2073/23 2079/2 2079/3 2079/7 2080/9 2080/18 2081/6 2082/20 2083/3 2086/5 2087/19 2088/1 2088/3 2088/9 2090/22 2090/24 2092/10 2093/8 2093/9 2094/6 2094/11 2102/18 2105/16 2106/4 2106/5 2106/10 2106/11 2106/17 2106/17 2113/17 2121/6 2121/6 2121/7 2121/17 2121/18 2126/3 2133/1 2134/1 2135/16 2135/16 2135/22 2141/15 2141/22 2146/6 2147/7 2147/8 2148/14 2149/3 2149/16 2151/8 2154/7 2155/2 2155/3 2156/14 2157/24 2160/13 2164/16 2169/6 2170/22 2176/3 area [16] 2031/24 2035/13 2040/9 2047/2 2049/8 2059/24 2059/25 2061/13 2061/13 2083/24 2123/21 2127/24 2149/20 2161/3 2162/2 2170/11 areas [8] 2032/5 2032/8 2060/2 2064/2 2090/19 2106/4 2106/10 2123/18 aren't [2] 2047/15 2092/22 argument [1] 2096/15 Arizona [1] 2036/14 Arkansas [11] 2031/17 2031/18 2032/10 2033/16 2038/23 2038/24 2090/17 2090/17 2091/4 2146/5 2146/7 arose [2] 2078/11 2078/19 around [7] 2085/22 2098/1 2124/12 2137/21 2142/20 2170/22 2171/24 arriving [1] 2165/5 arrow [2] 2068/17 2069/12 as [132] 2030/3 2030/4 2030/4 2035/7 2035/15 2037/13 2040/4 2041/2 2041/16 2048/3 2049/13 2050/17 2051/2 2054/3 2056/24 2057/6 2059/15 2059/22 2060/9 2061/7 2065/4 2071/4 2071/4 2071/21 2071/21 2071/24 2073/10 2073/13 2076/8 2076/9 2076/9 2076/10 2076/10 2076/10 2076/14 2076/16 2076/19 2076/20 2076/22 2078/2 2078/3 2080/7 2081/9 2083/9 2083/22 2084/24 2085/12 2085/17 2088/22 2089/8 2089/20 2090/1 2090/9 2091/10 2092/4 2092/18 2093/1 2093/1 2094/15 2096/22 2097/10 2098/6 2099/1 2099/1 2099/2 2099/5 2099/8 2100/11 2100/18 2100/19 2100/23 2101/1 2101/23 2105/9 2105/18 2105/18 2106/4 2106/17 2109/4</p>	<p>2113/10 2113/10 2114/22 2115/11 2115/11 2115/12 2118/3 2118/15 2121/7 2121/8 2123/15 2123/15 2124/7 2124/11 2124/12 2125/6 2126/13 2127/5 2130/4 2130/9 2130/15 2131/18 2132/17 2140/19 2140/19 2140/19 2149/8 2152/8 2152/17 2152/22 2152/23 2153/18 2153/20 2153/21 2154/23 2155/4 2155/5 2155/6 2155/9 2155/9 2155/10 2155/12 2155/15 2156/2 2159/12 2159/23 2159/23 2159/25 2159/25 2160/17 2161/2 2168/13 2170/7 as-found [3] 2099/8 2101/1 2155/4 as-left [6] 2084/24 2085/17 2100/11 2152/17 2152/22 2154/23 ask [37] 2041/7 2041/20 2048/16 2051/6 2080/2 2081/20 2082/6 2083/6 2088/7 2093/4 2093/14 2093/19 2093/23 2096/22 2108/19 2109/9 2118/20 2118/25 2120/1 2120/12 2136/17 2137/24 2138/10 2143/8 2147/2 2148/20 2148/21 2148/22 2154/13 2155/12 2155/16 2155/16 2157/9 2157/9 2164/15 2169/1 2174/16 asked [43] 2043/10 2044/18 2046/17 2048/17 2057/22 2064/23 2069/25 2071/12 2079/19 2083/5 2087/25 2090/21 2111/1 2113/23 2114/14 2126/22 2127/21 2128/24 2138/3 2140/8 2141/8 2143/4 2143/4 2143/8 2145/14 2147/24 2148/3 2148/24 2152/3 2154/15 2154/16 2155/6 2156/12 2160/16 2164/5 2168/7 2168/21 2172/13 2173/20 2173/24 2174/2 2174/13 2174/13 asking [24] 2037/21 2069/3 2074/6 2074/8 2087/22 2126/7 2127/18 2133/25 2134/4 2137/17 2142/2 2143/11 2143/22 2148/19 2151/11 2153/7 2155/1 2155/2 2155/3 2157/3 2158/4 2166/11 2167/17 2174/11 asks [2] 2083/4 2141/10 ASME [1] 2094/23 aspect [1] 2069/5 aspects [1] 2034/22 assemble [1] 2061/21 assessing [1] 2125/2 assessment [2] 2112/1 2112/18 assigned [7] 2044/2 2047/11 2096/3 2104/2 2116/22 2123/2 2166/5 assignment [1] 2048/4 assignments [1] 2103/22 assist [1] 2116/22 assistant [1] 2036/18 Associates [1] 2064/4 assumptions [1] 2112/17 assurance [1] 2061/16 assure [3] 2052/25 2053/11 2141/21 at [189] Atlanta [1] 2035/2 attached [7] 2067/14 2067/17 2081/13 2103/20 2112/7 2112/7 2124/19 attachment [3] 2169/18 2169/23 2169/23 attention [5] 2056/7 2108/2 2110/17 2140/5 2170/6 Attorney [1] 2028/13 Attorney-Cleveland [1] 2028/13 attributable [2] 2158/11 2170/10 audio [1] 2126/4 augmentation [2] 2044/1 2044/13 augmented [1] 2116/19 August [13] 2042/4 2046/12 2046/14 2046/16 2048/10 2057/8 2080/1 2080/3 2083/12 2100/14 2142/14 2160/13 2174/24 August 25th [1] 2160/13 August 27th [1] 2142/14 August 28th [1] 2174/24 August 30th [1] 2042/4 August 3rd [1] 2046/14</p>	<p>August 8th when [1] 2046/16 August 9th [1] 2048/10 authority [1] 2059/9 authorization [3] 2042/12 2165/20 2172/17 authorize [1] 2173/9 auxiliary [1] 2037/6 available [2] 2043/1 2100/20 Avenue [3] 2028/14 2028/19 2029/9 avoid [1] 2041/6 aware [12] 2046/10 2046/15 2046/16 2056/23 2063/4 2063/10 2065/15 2074/17 2074/18 2087/19 2093/25 2130/23 awareness [1] 2130/19 away [2] 2037/5 2129/24 awful [1] 2174/9 axillary [1] 2036/25</p> <p>B</p> <p>B.A.C [1] 2138/22 Babcock [4] 2034/5 2034/7 2034/9 2034/11 bachelor [1] 2030/22 back [83] 2030/19 2031/5 2037/21 2038/15 2038/16 2038/22 2038/23 2038/24 2038/25 2039/2 2041/14 2043/9 2048/19 2050/22 2055/22 2055/24 2058/17 2061/24 2062/1 2062/8 2068/7 2071/19 2074/13 2075/14 2078/18 2079/1 2080/1 2081/11 2082/13 2083/2 2083/14 2084/18 2084/18 2090/2 2090/3 2094/5 2096/2 2097/21 2098/22 2098/25 2099/3 2099/4 2101/5 2113/24 2122/18 2125/18 2126/22 2127/18 2127/21 2129/18 2135/3 2142/1 2143/4 2143/11 2144/4 2144/9 2145/13 2147/2 2147/17 2147/22 2149/1 2156/16 2156/18 2158/23 2158/23 2159/6 2159/23 2160/4 2161/10 2166/7 2166/16 2168/4 2170/3 2171/5 2171/9 2171/10 2171/13 2171/13 2171/18 2172/6 2172/8 2174/14 2175/4 background [8] 2030/21 2033/13 2034/7 2034/9 2047/1 2048/1 2048/11 2126/8 bad [2] 2105/11 2105/12 balance [1] 2157/22 balanced [1] 2157/25 ball [2] 2053/19 2103/16 Ballantine [7] 2028/18 2125/23 2131/19 2136/7 2137/13 2169/13 2174/3 balloon [1] 2149/2 balloons [1] 2165/12 bar [3] 2135/9 2135/10 2175/18 bare [8] 2083/23 2140/14 2142/5 2149/20 2161/3 2162/2 2164/1 2164/2 based [3] 2040/24 2062/3 2112/18 baseline [6] 2076/22 2100/24 2152/17 2152/21 2152/24 2152/25 basic [1] 2094/22 basically [2] 2039/19 2172/20 basis [5] 2044/22 2094/15 2141/20 2168/9 2168/11 Bates [7] 2067/21 2068/9 2070/19 2073/2 2088/6 2102/11 2153/11 be [125] 2035/7 2037/1 2037/6 2039/15 2039/18 2041/20 2041/22 2044/17 2045/1 2045/13 2046/18 2047/17 2047/18 2048/2 2049/14 2050/3 2050/5 2050/10 2051/7 2051/14 2054/13 2054/15 2058/3 2058/11 2058/19 2060/14 2060/23 2061/15 2061/16 2061/18 2063/14 2064/10 2064/11 2066/9 2067/4 2068/4 2068/9 2069/4 2070/24 2071/14 2071/21 2071/22 2072/24 2073/6 2073/11 2077/21 2079/6 2081/3 2081/20 2083/17 2084/13 2087/22 2088/3 2088/6 2088/19 2090/2 2090/3 2092/13 2093/4</p>
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<p>B</p> <p>be... [66] 2094/13 2094/13 2094/20 2094/23 2095/15 2096/13 2097/7 2097/8 2097/14 2097/19 2097/20 2097/20 2098/11 2098/15 2099/14 2100/11 2106/3 2106/13 2109/10 2109/12 2114/21 2117/11 2117/18 2117/19 2117/21 2117/21 2118/18 2118/21 2119/3 2119/4 2120/8 2124/10 2127/10 2128/11 2130/20 2131/10 2131/11 2132/7 2133/9 2136/3 2141/15 2142/2 2142/2 2142/6 2142/8 2142/12 2147/18 2148/20 2149/25 2153/14 2154/4 2160/2 2163/4 2165/22 2166/11 2166/24 2169/11 2170/15 2170/20 2171/13 2171/17 2171/24 2172/21 2173/17 2175/14 2175/15</p> <p>beach [1] 2126/25</p> <p>became [4] 2046/16 2047/11 2080/5 2096/19</p> <p>because [41] 2045/11 2046/18 2050/11 2054/4 2063/2 2065/19 2067/14 2071/13 2071/16 2071/21 2078/9 2078/21 2080/9 2081/15 2085/7 2085/9 2092/14 2094/3 2099/17 2099/18 2100/20 2101/18 2115/24 2123/19 2126/15 2132/24 2136/2 2147/6 2148/18 2150/6 2152/22 2155/15 2157/18 2159/22 2160/2 2162/6 2167/12 2167/21 2170/21 2171/15 2173/13</p> <p>become [4] 2035/6 2046/10 2046/15 2119/21</p> <p>been [62] 2031/10 2038/6 2038/7 2040/12 2040/12 2040/14 2043/17 2044/2 2046/12 2051/10 2053/3 2057/15 2059/8 2060/1 2067/3 2069/22 2074/7 2077/17 2082/17 2087/17 2091/13 2106/25 2113/12 2113/23 2122/5 2122/20 2122/22 2122/23 2124/17 2125/2 2125/7 2126/12 2131/1 2131/2 2132/14 2137/16 2138/12 2140/4 2140/11 2144/21 2144/24 2145/20 2146/5 2146/7 2146/17 2147/9 2151/5 2159/16 2160/18 2160/19 2163/17 2163/23 2164/9 2167/2 2167/20 2168/2 2168/8 2169/2 2170/11 2170/19 2172/23 2174/5</p> <p>before [26] 2028/9 2053/11 2060/14 2060/22 2077/17 2079/15 2080/5 2085/18 2085/23 2085/25 2091/20 2091/22 2096/3 2098/7 2098/8 2113/23 2113/23 2128/8 2131/24 2138/2 2141/12 2143/12 2145/23 2153/12 2164/15 2167/19</p> <p>beg [2] 2071/18 2071/20</p> <p>began [4] 2035/8 2040/7 2046/5 2054/8</p> <p>begging [1] 2127/3</p> <p>begin [2] 2048/12 2067/20</p> <p>beginning [3] 2049/13 2090/20 2169/22</p> <p>begins [1] 2170/7</p> <p>behalf [2] 2028/23 2029/3</p> <p>being [35] 2035/5 2048/23 2050/6 2056/11 2059/18 2063/20 2076/24 2078/8 2079/21 2086/17 2087/5 2088/10 2088/17 2090/3 2098/6 2098/19 2099/14 2114/4 2114/13 2116/15 2119/22 2125/3 2128/10 2129/22 2133/13 2135/6 2135/20 2136/10 2148/22 2159/11 2159/21 2159/25 2160/24 2165/7 2167/13</p> <p>believe [24] 2053/23 2063/20 2068/19 2069/9 2070/16 2085/1 2085/20 2108/4 2117/2 2122/17 2122/25 2123/17 2123/21 2124/7 2124/9 2126/11 2130/15 2135/20 2136/9 2142/10 2145/6 2150/22 2151/12 2172/3</p> <p>believed [2] 2053/23 2063/12</p> <p>believing [1] 2123/13</p> <p>Bellefonte [1] 2038/5</p> <p>below [3] 2068/19 2089/15 2149/3</p>	<p>Bend [1] 2038/12</p> <p>benefit [1] 2098/11</p> <p>benefits [2] 2042/22 2127/16</p> <p>Besse [45] 2036/21 2037/3 2037/20 2038/17 2038/22 2038/25 2039/2 2039/5 2039/6 2039/23 2040/18 2041/14 2043/18 2043/20 2043/23 2044/24 2045/25 2046/5 2047/23 2048/14 2050/20 2051/3 2096/11 2096/12 2105/19 2114/1 2114/10 2114/11 2114/23 2116/11 2117/10 2119/23 2120/4 2121/9 2121/11 2122/19 2125/10 2127/8 2127/21 2128/6 2129/2 2130/18 2132/22 2136/12 2170/17</p> <p>Besse's [5] 2112/11 2129/5 2129/7 2130/1 2140/25</p> <p>best [4] 2123/15 2155/10 2166/21 2169/14</p> <p>better [9] 2070/24 2079/9 2098/15 2110/4 2113/9 2126/15 2153/14 2164/9 2168/4</p> <p>between [12] 2038/19 2085/19 2086/6 2086/9 2106/16 2127/12 2127/14 2127/25 2157/22 2165/18 2168/21 2174/17</p> <p>beyond [2] 2042/8 2112/12</p> <p>big [2] 2047/14 2107/6</p> <p>biggest [1] 2092/6</p> <p>bit [11] 2037/20 2057/12 2067/22 2072/11 2079/17 2095/21 2127/23 2128/2 2145/23 2147/13 2168/20</p> <p>black [1] 2081/3</p> <p>blacked [2] 2043/6 2043/16</p> <p>blah [4] 2074/10 2074/10 2074/10 2074/10</p> <p>blanks [1] 2127/7</p> <p>bled [1] 2148/13</p> <p>blindly [1] 2150/5</p> <p>block [1] 2166/14</p> <p>blocked [1] 2153/12</p> <p>blow [1] 2080/13</p> <p>board [1] 2047/12</p> <p>Bob [1] 2096/7</p> <p>boil [1] 2035/23</p> <p>boiling [2] 2035/18 2035/22</p> <p>bold [1] 2081/3</p> <p>bolster [1] 2096/15</p> <p>bolts [2] 2129/20 2130/9</p> <p>bonuses [1] 2042/17</p> <p>boric [50] 2047/5 2047/8 2075/1 2077/19 2083/25 2088/19 2094/24 2095/1 2106/3 2106/6 2117/9 2117/11 2117/18 2118/4 2118/15 2119/3 2119/6 2119/9 2122/4 2123/13 2123/22 2123/23 2128/25 2129/5 2129/8 2129/9 2129/23 2130/13 2130/17 2132/12 2132/21 2133/5 2133/7 2139/14 2139/19 2142/20 2143/2 2143/18 2149/7 2150/21 2151/1 2151/21 2154/18 2155/8 2161/4 2163/11 2167/10 2168/16 2168/23 2170/21</p> <p>boron [22] 2062/18 2085/21 2086/8 2095/9 2095/12 2095/12 2100/12 2106/10 2115/14 2123/15 2123/18 2145/19 2145/20 2156/4 2157/18 2158/8 2158/8 2159/14 2162/18 2162/19 2162/23 2168/20</p> <p>boss [2] 2122/21 2157/9</p> <p>both [7] 2045/19 2076/24 2085/1 2134/24 2138/21 2155/6 2162/22</p> <p>bottom [7] 2070/18 2073/3 2075/5 2077/21 2089/18 2122/9 2170/6</p> <p>BR [6] 2103/25 2104/1 2104/7 2105/5 2105/14 2108/24</p> <p>BR-1 [3] 2105/5 2105/14 2108/24</p> <p>BR-3 [3] 2103/25 2104/1 2104/7</p> <p>break [3] 2113/6 2113/9 2113/13</p> <p>brief [1] 2113/19</p> <p>bring [8] 2038/10 2128/18 2140/23 2150/15 2158/2 2158/6 2159/7 2169/17</p> <p>bringing [3] 2031/22 2045/4 2128/9</p>	<p>brought [1] 2039/17</p> <p>brown [1] 2158/9</p> <p>Brunswick [1] 2035/14</p> <p>BU [1] 2138/23</p> <p>bubble [1] 2166/10</p> <p>buildings [1] 2031/22</p> <p>bulletin [53] 2046/1 2046/10 2046/14 2047/2 2047/14 2047/24 2048/6 2048/7 2048/12 2048/16 2049/14 2049/15 2050/23 2052/9 2052/18 2054/7 2056/22 2057/2 2060/17 2061/20 2063/20 2064/3 2064/4 2065/16 2077/7 2077/15 2077/25 2087/22 2092/19 2093/17 2094/1 2095/22 2096/3 2096/19 2103/5 2103/19 2110/9 2110/13 2111/20 2114/4 2116/15 2119/13 2124/22 2139/25 2140/22 2140/25 2148/2 2148/3 2151/18 2161/17 2161/21 2171/22 2172/14</p> <p>Bulletins [1] 2047/16</p> <p>bunch [2] 2061/25 2062/5</p> <p>buried [1] 2070/18</p> <p>business [3] 2040/8 2043/11 2117/25</p> <p>busy [1] 2147/20</p> <p>but [59] 2033/7 2034/10 2035/19 2035/22 2037/20 2039/19 2063/10 2065/5 2070/5 2070/16 2070/19 2072/4 2075/15 2075/19 2079/6 2079/20 2080/11 2080/22 2080/25 2084/20 2088/19 2091/5 2095/11 2100/24 2101/21 2104/9 2106/12 2106/18 2108/6 2113/23 2116/8 2118/4 2121/20 2123/9 2126/12 2131/6 2138/11 2141/8 2146/3 2146/8 2146/9 2146/15 2147/21 2148/3 2148/22 2149/1 2156/22 2156/23 2158/16 2159/21 2160/8 2160/22 2161/11 2163/6 2163/24 2167/23 2168/6 2172/7 2175/7</p> <p>BWOR [1] 2034/10</p> <p>BWR [2] 2035/15 2035/17</p> <p>C</p> <p>call [10] 2030/1 2056/1 2096/13 2097/2 2097/4 2097/5 2108/2 2128/6 2166/1 2167/6</p> <p>called [11] 2030/3 2037/20 2039/8 2044/9 2068/11 2096/7 2129/11 2129/17 2165/20 2166/3 2173/20</p> <p>calls [1] 2062/8</p> <p>Calvert [1] 2036/8</p> <p>came [17] 2036/7 2038/21 2039/2 2039/23 2046/17 2062/1 2085/20 2091/20 2115/17 2116/19 2124/12 2125/16 2132/11 2136/11 2142/10 2149/23 2167/1</p> <p>camera [4] 2147/6 2163/1 2163/13 2163/21</p> <p>Campbell [4] 2075/24 2095/4 2095/6 2096/12</p> <p>Campbell's [1] 2095/10</p> <p>can [56] 2032/2 2038/10 2041/8 2043/6 2045/1 2053/14 2054/18 2056/3 2056/5 2056/6 2057/11 2057/23 2059/18 2060/14 2067/22 2068/10 2071/14 2073/9 2079/5 2079/7 2080/12 2080/13 2083/3 2086/7 2086/9 2091/4 2105/18 2109/16 2117/16 2118/12 2118/13 2121/1 2121/22 2123/15 2125/21 2128/7 2128/15 2131/8 2135/8 2135/23 2136/4 2138/6 2138/14 2143/19 2152/13 2156/22 2156/22 2158/2 2158/6 2166/22 2168/22 2168/25 2169/15 2169/20 2172/8 2173/4</p> <p>can't [16] 2053/12 2054/24 2075/1 2091/4 2143/19 2152/14 2153/4 2154/3 2154/4 2154/4 2159/22 2159/22 2162/3 2162/4 2162/16 2172/25</p> <p>cannot [1] 2175/23</p> <p>capacity [1] 2032/10</p> <p>capture [1] 2112/10</p>
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<p>C</p> <p>carbon [2] 2129/20 2129/23 care [7] 2039/15 2039/17 2054/18 2059/7 2069/4 2074/7 2078/25 Carolina [1] 2035/15 carries [1] 2169/19 carry [1] 2045/8 carrying [1] 2045/10 case [11] 2043/17 2093/9 2113/14 2113/16 2113/17 2125/6 2125/16 2125/20 2175/24 2176/1 2176/3 cause [3] 2100/4 2115/18 2117/19 caused [2] 2035/5 2037/1 caution [1] 2113/11 cavity [8] 2116/20 2116/21 2117/4 2119/22 2135/16 2136/12 2136/16 2137/22 CD [2] 2113/25 2115/2 CE [1] 2034/10 center [1] 2170/13 certain [1] 2131/10 certainly [2] 2156/6 2163/11 certified [1] 2030/4 certify [1] 2177/3 CFR [1] 2040/10 chair [2] 2033/7 2147/18 challenged [1] 2129/22 chance [1] 2053/13 change [12] 2061/2 2061/9 2061/12 2062/4 2062/6 2066/17 2100/15 2100/16 2111/16 2111/17 2159/16 2168/24 changed [4] 2061/13 2143/10 2167/21 2167/22 changes [1] 2061/10 changing [1] 2168/9 characterize [1] 2116/9 charge [3] 2065/22 2065/23 2099/20 charged [1] 2093/9 Chattanooga [1] 2037/19 Chevalier [1] 2028/23 Chicago [2] 2038/2 2038/15 children [1] 2031/3 Christian [1] 2028/13 Chuck [1] 2076/4 circle [3] 2068/18 2069/11 2070/8 circled [2] 2070/20 2070/20 circulate [5] 2061/22 2064/13 2107/19 2108/6 2108/11 circulated [2] 2061/8 2107/21 circulating [1] 2106/21 circulation [1] 2107/24 circumferential [3] 2046/1 2049/21 2170/11 clarify [2] 2083/4 2083/5 clarity [1] 2052/15 clause [4] 2083/18 2095/1 2095/2 2095/3 clean [13] 2062/17 2062/22 2070/10 2070/15 2085/12 2088/16 2095/8 2095/11 2099/1 2100/12 2145/20 2152/4 2167/9 cleaned [8] 2062/17 2063/12 2085/2 2085/8 2154/22 2155/10 2167/2 2167/10 cleaning [13] 2062/14 2069/23 2069/24 2070/9 2076/21 2085/7 2085/8 2085/9 2086/13 2090/18 2152/4 2152/9 2168/17 clear [6] 2032/2 2076/9 2077/2 2084/20 2100/22 2159/13 clearer [1] 2100/22 Cleveland [3] 2028/13 2028/15 2038/13 client [1] 2135/14 clients [1] 2127/3 Cliffs [1] 2036/8 close [1] 2059/18 closing [1] 2113/23 code [3] 2124/3 2124/4 2124/4</p>	<p>collect [1] 2048/11 collecting [2] 2119/11 2128/21 college [1] 2031/16 color [1] 2158/9 combination [1] 2105/1 come [18] 2037/21 2050/18 2054/8 2054/10 2055/22 2055/24 2056/4 2056/24 2075/14 2076/13 2094/4 2110/1 2135/8 2148/4 2148/5 2153/3 2166/22 2172/13 comes [3] 2071/2 2081/11 2118/7 comfortable [1] 2081/6 coming [11] 2031/20 2037/6 2044/12 2045/3 2054/21 2062/6 2062/7 2071/19 2087/13 2166/10 2175/13 comment [34] 2055/8 2056/2 2059/1 2059/6 2059/19 2064/23 2066/16 2066/22 2068/22 2069/1 2069/18 2071/13 2074/2 2074/8 2078/18 2079/1 2079/2 2081/2 2081/3-2082/23 2083/2 2095/11 2107/5 2147/17 2153/15 2156/10 2156/14 2159/1 2159/8 2159/10 2159/16 2160/2 2166/9 2171/16 comment/change [1] 2159/16 commented [2] 2060/21 2073/25 commenters [1] 2060/21 commenting [2] 2058/18 2066/21 comments [58] 2050/18 2053/10 2053/11 2055/13 2055/23 2055/24 2055/25 2058/12 2058/18 2061/24 2062/1 2062/5 2062/7 2064/15 2064/20 2064/25 2065/2 2065/4 2065/5 2066/9 2066/10 2066/12 2066/14 2066/20 2066/25 2067/14 2067/17 2067/25 2068/8 2068/11 2072/18 2073/20 2073/24 2075/15 2077/1 2078/18 2079/18 2081/14 2095/6 2134/7 2147/4 2147/20 2148/14 2148/16 2148/17 2148/18 2160/11 2160/12 2165/1 2165/19 2166/7 2171/12 2171/14 2171/15 2171/19 2171/19 2171/20 2174/4 common [2] 2040/25 2062/22 commonality [1] 2055/4 communicating [2] 2050/22 2085/4 communication [1] 2045/16 communications [3] 2050/25 2051/4 2051/12 companies [1] 2064/6 company [16] 2031/17 2035/2 2039/12 2039/13 2039/14 2039/18 2039/22 2044/20 2047/19 2063/23 2087/5 2087/7 2108/9 2108/11 2126/13 2127/12 comparing [1] 2076/22 complaints [1] 2116/25 complete [18] 2052/25 2060/1 2060/12 2063/15 2063/17 2071/21 2085/6 2090/9 2095/16 2106/25 2111/15 2153/23 2153/25 2154/2 2159/12 2159/23 2159/24 2160/3 completed [3] 2060/18 2069/13 2151/12 completely [2] 2095/8 2095/11 completeness [6] 2040/11 2052/3 2052/15 2052/23 2074/9 2100/5 completing [1] 2054/9 compliance [13] 2032/19 2032/22 2032/23 2036/3 2037/13 2039/25 2043/25 2044/2 2044/25 2065/13 2132/24 2138/22 2148/3 complied [1] 2122/5 comply [5] 2132/20 2132/24 2134/25 2135/2 2139/11 comprehensive [1] 2073/24 compromised [2] 2094/23 2106/3 conceal [3] 2093/10 2093/10 2093/16 concept [1] 2076/10 concepts [1] 2076/24 concern [8] 2071/15 2071/22 2071/24 2071/25 2072/1 2072/4 2095/13 2115/18</p>	<p>concerned [3] 2093/1 2143/16 2143/18 concerning [5] 2073/13 2083/22 2130/8 2130/25 2161/1 concerns [2] 2090/14 2090/15 conclude [1] 2110/8 concluding [1] 2141/20 concurrence [1] 2052/5 condition [18] 2049/17 2049/17 2050/1 2056/23 2056/24 2062/13 2063/3 2076/16 2076/20 2084/24 2085/17 2098/15 2099/8 2100/11 2116/12 2124/17 2154/24 2155/4 conditions [1] 2094/14 conduct [2] 2050/21 2139/20 conducted [3] 2077/17 2151/22 2170/12 conference [6] 2096/13 2096/24 2097/2 2097/10 2135/10 2175/18 conflicts [1] 2053/6 conformance [1] 2132/12 confused [2] 2058/19 2077/5 confusing [1] 2058/19 confusion [1] 2077/6 conglomerate [1] 2101/18 conjunction [1] 2117/4 Conroy [22] 2029/5 2030/6 2041/9 2041/24 2051/16 2057/16 2058/7 2067/5, 2080/17 2094/19 2102/16 2113/20 2118/9 2118/22 2126/7 2134/3 2147/4 2151/11 2152/3 2159/5 2160/16 2160/21 Conroy's [1] 2128/24 conscious [1] 2086/21 consider [3] 2121/19 2157/2 2174/11 consideration [1] 2066/13 considered [2] 2097/7 2170/15 consist [1] 2031/2 constitute [2] 2088/18 2135/17 construct [1] 2095/15 construction [3] 2031/20 2038/7 2038/8 consulting [2] 2035/1 2039/15 contacted [1] 2063/24 contained [3] 2089/14 2093/8 2101/19 content [2] 2052/14 2173/12 contents [1] 2056/23 context [2] 2136/13 2154/1 continue [2] 2113/20 2125/15 continued [1] 2126/17 contract [9] 2040/4 2041/15 2041/18 2041/25 2042/2 2042/3 2042/5 2042/13 2125/11 contracting [3] 2035/1 2035/9 2035/10 contractor [3] 2035/6 2035/7 2041/16 contributing [1] 2156/4 control [22] 2117/10 2118/5 2118/15 2119/6 2119/10 2122/5 2129/1 2129/6 2129/8 2129/10 2130/13 2130/17 2132/12 2132/21 2133/5 2133/8 2133/20 2139/15 2139/19 2149/8 2150/22 2155/17 conversation [9] 2134/14 2134/15 2150/16 2156/19 2166/19 2170/7 2170/9 2171/6 2171/21 converted [1] 2114/13 convey [2] 2145/15 2163/25 conveyed [5] 2095/19 2115/15 2133/13 2145/17 2164/5 Cook [22] 2029/3 2030/1 2030/2 2030/7 2030/11 2033/6 2038/23 2038/24 2126/2, 2126/7 2131/20 2136/8 2137/10 2138/22 2139/5 2139/7 2140/1 2141/5 2141/23 2144/15 2169/3 2169/14 Cook's [2] 2142/14 2145/12 coordinate [1] 2047/12 coordinating [1] 2066/5 copied [2] 2067/10 2080/9 copy [14] 2041/13 2057/21 2057/22 2061/12 2067/13 2082/13 2114/15 2114/16</p>
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<p>D</p> <p>disciplines [1] 2060/5 discovered [1] 2108/16 discovery [1] 2137/22 discuss [9] 2067/1 2075/12 2092/21 2096/14 2097/21 2113/14 2128/9 2175/23 2175/25 discussed [11] 2069/24 2069/24 2075/13 2076/24 2087/12 2090/16 2090/17 2092/21 2098/6 2139/18 2146/23 discussing [2] 2147/1 2147/23 discussion [6] 2090/13 2095/8 2128/7 2128/17 2142/18 2145/24 discussions [1] 2079/17 disguise [1] 2111/18 display [1] 2058/5 displayed [1] 2081/21 disposed [1] 2061/15 dispute [1] 2092/25 distribution [1] 2131/2 DISTRICT [3] 2028/1 2028/1 2028/10 DIVISION [1] 2028/2 do [142] 2030/14 2030/25 2031/1 2032/22 2033/25 2034/20 2035/8 2036/11 2036/15 2037/25 2041/10 2041/11 2041/25 2044/18 2044/25 2047/20 2047/21 2049/19 2050/2 2050/2 2051/23 2051/25 2052/20 2053/7 2053/15 2054/3 2055/6 2055/9 2057/8 2057/17 2057/19 2058/6 2058/25 2059/1 2060/20 2060/20 2061/10 2062/2 2066/3 2067/2 2069/25 2071/5 2072/12 2072/13 2072/15 2073/16 2074/24 2078/6 2079/10 2079/22 2080/11 2081/2 2087/14 2088/12 2089/8 2089/11 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2122/21 2131/6 2131/7 2131/21 2135/21 2136/18 2137/25 2138/10 2147/6 2148/13 2153/11 documentation [2] 2042/10 2125/3 documents [3] 2054/19 2063/9 2147/14 does [45] 2031/2 2032/15 2032/22 2034/13 2042/13 2042/17 2042/18 2042/19 2042/21 2042/22 2042/23 2042/24 2042/25 2044/7 2044/14 2044/19 2045/8 2045/18 2052/3 2052/12 2054/22 2059/15 2059/21 2061/8 2069/8 2069/9 2071/17 2077/13 2080/13 2085/16 2087/16 2090/7 2119/15 2119/17 2119/18 2123/24 2136/23 2138/12</p>	<p>2138/14 2141/24 2150/25 2158/2 2158/3 2161/25 2170/23 doesn't [14] 2058/24 2074/9 2106/18 2109/25 2121/20 2123/9 2150/23 2151/24 2152/2 2153/11 2165/8 2165/9 2168/24 2171/16 doing [16] 2031/23 2048/2 2050/10 2053/2 2055/3 2065/11 2127/20 2132/25 2145/5 2146/5 2146/7 2149/25 2152/16 2153/22 2163/4 2173/18 dome [1] 2159/13 don't [44] 2033/6 2058/25 2062/25 2063/1 2070/3 2071/19 2071/20 2071/20 2075/19 2080/20 2084/10 2084/17 2086/23 2098/23 2107/25 2113/16 2117/2 2122/22 2131/14 2135/19 2136/1 2136/14 2136/20 2137/23 2138/5 2138/6 2140/21 2150/3 2152/12 2153/2 2153/2 2153/3 2153/6 2153/12 2154/3 2157/13 2160/8 2164/14 2165/1 2169/14 2171/2 2172/19 2174/17 2174/18 done [15] 2042/10 2050/11 2090/17 2090/18 2090/20 2090/21 2103/4 2126/9 2130/20 2133/4 2150/14 2152/7 2167/18 2174/7 2174/9 Donnellon [2] 2122/10 2122/14 Donnellon's [1] 2123/24 dose [2] 2071/5 2085/3 down [26] 2032/6 2037/11 2038/6 2038/12 2038/22 2056/9 2069/10 2069/22 2073/1 2085/10 2094/16 2096/10 2096/16 2114/14 2140/3 2147/18 2147/19 2147/21 2151/10 2158/6 2164/4 2167/15 2167/16 2170/1 2170/5 2175/13 downward [1] 2158/11 Dr. [1] 2096/7 Dr. Sheron [1] 2096/7 draft [36] 2052/2 2052/14 2054/2 2057/20 2058/12 2058/18 2061/7 2062/4 2062/6 2066/17 2068/16 2069/8 2073/10 2073/25 2080/18 2082/12 2082/22 2082/25 2087/4 2104/6 2104/14 2105/1 2105/4 2105/11 2105/12 2106/20 2107/19 2108/7 2108/24 2109/5 2109/7 2109/16 2149/16 2164/19 2165/11 2169/5 drafted [5] 2055/7 2055/7 2104/7 2161/16 2161/25 drafting [7] 2053/15 2062/12 2063/13 2076/11 2080/6 2103/8 2169/25 drafts [8] 2053/10 2061/21 2061/23 2062/3 2062/5 2064/13 2106/21 2108/1 draw [1] 2170/6 drawing [1] 2061/7 drive [1] 2155/17 drop [1] 2140/3 dropping [1] 2056/1 dry [1] 2117/18 due [7] 2048/7 2048/8 2086/1 2094/23 2097/19 2106/5 2159/14 duly [1] 2030/3 during [30] 2033/5 2036/24 2050/19 2056/22 2057/2 2062/12 2063/13 2063/19 2065/12 2092/24 2093/16 2094/1 2100/23 2103/8 2112/21 2114/3 2116/14 2120/5 2124/21 2135/2 2135/4 2135/14 2137/21 2139/13 2145/17 2159/14 2160/25 2170/20 2173/18 2174/4</p> <p>E</p> <p>e-mail [22] 2055/24 2057/7 2057/8 2067/7 2067/11 2074/2 2080/2 2081/14 2081/17 2082/7 2084/20 2087/12 2091/13 2091/24 2092/2 2104/17 2142/14 2146/1 2158/25 2160/17 2164/25 2172/7 e-mailed [1] 2055/10</p>	<p>e-mails [1] 2054/3 each [8] 2033/3 2045/20 2048/18 2060/9 2064/17 2064/18 2066/16 2099/12 earlier [2] 2132/2 2171/6 early [2] 2080/1 2128/24 ease [1] 2090/24 easier [5] 2045/10 2045/13 2091/5 2146/9 2147/7 easily [1] 2165/22 east [1] 2038/13 easy [2] 2045/12 2069/4 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2101/10 2142/25 2147/14 endorsed [1] 2121/7 endorses [1] 2119/20 ends [2] 2045/19 2128/9 Energy [2] 2039/10 2064/6 enforcement [1] 2033/2 engineer [4] 2127/24 2128/8 2157/7 2157/11 engineering [31] 2030/23 2034/21 2034/22 2036/2 2036/16 2050/8 2050/10 2052/11 2052/24 2056/13 2056/13 2061/16 2064/11 2092/7 2098/20 2100/4 2111/15 2112/6 2121/21 2122/17 2128/3 2130/7 2134/11 2137/18 2143/5 2144/4 2150/6 2150/15 2155/7 2155/23 2155/23 engineers [11] 2045/8 2045/11 2045/17 2045/19 2050/7 2076/4 2128/9 2128/14 2128/17 2134/15 2157/23 enough [2] 2075/15 2118/12 ensure [5] 2050/16 2065/15 2084/2 2084/9 2161/6 ensuring [1] 2066/5 enter [1] 2123/18 entire [4] 2101/14 2112/21 2130/24 2149/20 entirety [1] 2102/23</p>
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<p>E</p> <p>entitled [1] 2177/4 EPRI [3] 2054/11 2054/16 2055/5 equipment [1] 2117/13 Ermer [1] 2029/4 estimation [1] 2123/24 ET [1] 2028/6 evaluated [3] 2064/17 2064/18 2098/16 even [2] 2092/12 2175/22 event [12] 2129/12 2129/13 2129/18 2130/2 2130/4 2130/5 2130/10 2130/11 2130/14 2130/16 2131/4 2132/11 events [4] 2043/21 2079/24 2129/17 2130/3 ever [7] 2040/14 2077/24 2080/20 2093/14 2113/24 2124/21 2174/15 every [7] 2040/13 2045/2 2059/6 2059/6 2061/9 2062/4 2066/16 everybody [8] 2053/23 2063/1 2063/2 2068/10 2076/9 2151/6 2160/2 2175/23 everyone [4] 2031/7 2059/18 2061/8 2128/18 everything [8] 2037/5 2045/14 2056/9 2065/16 2076/18 2086/22 2157/19 2173/15 evidence [5] 2073/19 2109/10 2118/4 2158/11 2169/3 EWR [1] 2146/2 exact [1] 2171/7 exactly [5] 2084/11 2095/19 2096/8 2100/22 2168/14 examination [7] 2030/3 2030/5 2105/16 2125/23 2125/25 2170/20 2170/24 examinations [2] 2094/22 2140/15 examined [2] 2106/13 2170/20 except [1] 2100/12 excuse [7] 2032/7 2033/6 2047/14 2102/16 2137/12 2158/12 2161/15 exhaustive [1] 2113/12 exhibit [44] 2041/3 2041/4 2041/8 2041/8 2041/19 2051/3 2057/6 2057/13 2057/14 2058/1 2067/1 2072/12 2072/22 2073/19 2081/18 2083/7 2083/8 2088/5 2091/23 2102/2 2102/16 2102/18 2104/14 2108/21 2109/10 2118/3 2119/25 2120/8 2120/18 2120/19 2121/24 2131/8 2131/11 2132/5 2139/24 2140/22 2147/10 2147/11 2159/7 2160/17 2164/16 2169/2 2169/9 2171/11 exhibited [1] 2082/17 exhibits [3] 2147/5 2147/8 2147/8 existence [1] 2063/10 expansion [1] 2084/5 expect [2] 2054/25 2058/12 experience [6] 2040/24 2047/4 2098/5 2129/5 2129/7 2145/16 explain [4] 2054/8 2076/14 2161/24 2168/17 explaining [1] 2163/6 explanation [3] 2091/23 2168/19 2168/20 expounding [1] 2100/8 expressly [1] 2044/5 extend [1] 2112/12 extended [5] 2042/5 2042/6 2042/8 2042/9 2175/16 extension [6] 2086/4 2167/3 2167/7 2167/18 2167/21 2168/7 extensions [1] 2167/5 extent [3] 2068/13 2085/2 2086/5</p>	<p>factors [1] 2137/16 facts [1] 2093/21 factual [1] 2112/17 faded [1] 2073/23 fair [1] 2124/11 fall [3] 2032/15 2061/10 2061/12 familiar [5] 2039/8 2040/8 2119/21 2126/4 2148/8 family [2] 2030/25 2031/2 far [3] 2093/1 2159/23 2159/25 fashion [1] 2101/3 feed [3] 2036/25 2037/1 2037/6 feel [1] 2073/23 feeling [1] 2113/10 felt [1] 2164/4 Fermi [2] 2038/16 2038/18 few [1] 2113/22 field [1] 2128/13 Fifteenth [1] 2028/25 Fifty [1] 2042/1 figured [1] 2054/18 file [4] 2070/17 2114/16 2114/20 2114/22 files [1] 2114/15 fill [1] 2127/7 filling [1] 2044/4 final [6] 2084/14 2095/6 2140/4 2152/6 2160/5 2172/14 finally [2] 2107/11 2119/6 financial [1] 2127/5 find [9] 2055/11 2081/13 2089/11 2090/10 2094/10 2097/6 2097/24 2125/13 2128/17 find response [1] 2081/13 finding [4] 2076/18 2135/15 2136/12 2136/16 findings [1] 2140/12 fine [2] 2071/9 2072/7 finished [1] 2137/11 finishing [1] 2031/19 first [44] 2030/3 2035/10 2036/23 2036/24 2039/23 2046/10 2057/20 2058/12 2064/6 2067/16 2067/20 2068/8 2069/1 2069/18 2074/1 2077/23 2077/24 2077/24 2080/7 2083/21 2089/6 2089/12 2094/11 2095/22 2099/16 2099/23 2099/24 2104/6 2104/8 2105/18 2109/15 2120/21 2122/13 2138/6 2138/12 2140/16 2141/17 2144/21 2148/25 2149/6 2149/6 2149/18 2160/25 2161/8 fit [1] 2123/20 five [3] 2031/4 2048/24 2141/11 flange [7] 2076/18 2122/3 2155/17 2155/20 2156/3 2156/6 2158/12 flat [1] 2097/8 Floor [1] 2028/18 Florida [1] 2034/1 flow [2] 2106/18 2158/11 folks [1] 2160/18 follow [6] 2052/18 2098/5 2133/17 2133/18 2134/19 2134/22 follow-up [1] 2098/5 followed [4] 2054/13 2072/8 2133/9 2135/15 following [4] 2076/17 2141/16 2167/9 2167/9 follows [2] 2030/4 2068/10 foregoing [1] 2177/3 form [3] 2055/23 2060/24 2126/13 format [4] 2054/10 2054/12 2114/13 2173/12 formed [1] 2039/14 formulated [1] 2097/11 forward [9] 2038/10 2040/8 2053/24 2053/25 2076/9 2088/11 2088/12 2146/20 2151/7 forward-looking [2] 2146/20 2151/7</p>	<p>forwarded [4] 2053/22 2060/15 2081/16 2082/13 forwarding [1] 2054/4 found [24] 2049/20 2076/10 2076/16 2076/19 2076/23 2078/4 2081/9 2099/2 2099/8 2100/18 2100/23 2101/1 2115/11 2115/12 2116/20 2116/21 2117/4 2117/14 2119/22 2155/4 2155/5 2155/7 2155/8 2155/9 foundation [1] 2138/1 four [4] 2032/24 2037/18 2068/16 2140/12 FRA [3] 2104/1 2104/2 2104/7 FRA-4 [3] 2104/1 2104/2 2104/7 Framatome [3] 2064/2 2103/20 2103/21 Frank [11] 2046/22 2053/22 2054/3 2055/16 2057/7 2057/8 2057/21 2062/21 2081/15 2082/13 2096/17 free [1] 2127/1 fringe [1] 2042/22 front [2] 2034/13 2174/15 full [7] 2030/9 2045/5 2066/13 2091/23 2141/13 2141/14 2146/15 function [3] 2044/1 2045/9 2045/11 functions [1] 2044/10 further [8] 2042/10 2042/12 2073/11 2098/12 2112/25 2124/16 2125/22 2156/3 future [19] 2070/15 2089/8 2094/7 2105/6 2105/21 2107/12 2107/13 2108/8 2140/17 2140/20 2141/3 2141/17 2141/23 2141/24 2142/6 2142/9 2144/12 2148/4 2152/9</p>
<p>F</p> <p>facilities [3] 2031/21 2126/23 2127/17 fact [10] 2036/17 2048/20 2077/20 2088/16 2116/1 2123/19 2129/11 2141/2 2144/11 2146/16</p>	<p>formed [1] 2039/14 formulated [1] 2097/11 forward [9] 2038/10 2040/8 2053/24 2053/25 2076/9 2088/11 2088/12 2146/20 2151/7 forward-looking [2] 2146/20 2151/7</p>	<p>G</p> <p>gain [1] 2042/19 gap [3] 2089/24 2090/7 2092/14 gather [1] 2098/18 gathered [1] 2098/19 gathering [2] 2048/3 2099/20 gave [23] 2056/13 2057/22 2069/19 2100/8 2100/21 2100/21 2100/22 2101/11 2143/6 2144/4 2146/16 2148/17 2149/13 2151/15 2154/17 2155/6 2155/23 2155/24 2156/13 2157/13 2165/19 2171/2 2172/2 GE [1] 2034/10 GEISEN [2] 2028/6 2028/23 Geisen's [1] 2114/14 general [5] 2034/3 2040/14 2052/15 2129/2 2171/17 generated [1] 2130/16 generator [4] 2031/18 2035/23 2035/24 2037/7 generic [1] 2054/12 gentlemen [5] 2030/10 2031/13 2113/11 2175/12 2175/22 get [67] 2032/2 2032/11 2041/8 2042/24 2048/1 2053/12 2053/14 2053/19 2061/24 2062/20 2062/24 2067/6 2067/23 2068/15 2072/2 2073/23 2074/22 2076/1 2076/4 2079/1 2079/17 2080/7 2085/21 2086/8 2091/22 2094/5 2097/11 2097/25 2098/1 2104/4 2104/9 2104/11 2104/12 2104/12 2108/6 2112/22 2114/15 2118/23 2128/13 2128/14 2128/18 2138/20 2143/10 2149/1 2154/9 2154/9 2154/12 2155/19 2156/25 2159/6 2160/12 2162/3 2162/16 2164/15 2164/19 2165/20 2167/3 2167/5 2168/24 2169/17 2170/5 2172/5 2172/8 2172/8 2173/1 2174/13 2175/2 gets [1] 2047/19 getting [20] 2031/24 2053/20 2053/25 2054/1 2054/22 2064/10 2064/11 2066/6 2078/18 2089/23 2097/22 2101/2 2101/4 2101/5 2101/10 2103/16 2113/17 2126/22 2145/18 2157/17 give [17] 2040/16 2049/16 2056/5 2060/24</p>

<p>G</p> <p>give... [13] 2066/13 2069/4 2133/22 2133/23 2134/7 2149/9 2150/18 2153/20 2156/21 2166/23 2169/20 2171/17 2172/17 given [12] 2047/20 2048/5 2050/16 2050/17 2087/17 2099/12 2104/6 2107/2 2115/3 2133/16 2133/16 2168/3 gives [2] 2134/12 2142/18 giving [8] 2055/13 2056/1 2056/13 2066/10 2066/11 2089/23 2146/14 2150/10 go [44] 2034/24 2038/20 2040/13 2045/13 2053/1 2053/6 2053/19 2054/8 2054/18 2056/20 2058/23 2059/9 2065/14 2068/7 2079/4 2079/23 2086/1 2096/4 2103/12 2103/16 2105/13 2112/2 2113/6 2113/8 2113/24 2125/18 2128/13 2128/14 2128/17 2143/11 2145/13 2147/2 2147/16 2147/19 2153/12 2156/17 2157/9 2160/22 2167/20 2171/5 2171/12 2171/13 2172/6 2173/4 goes [6] 2053/12 2060/22 2092/17 2102/8 2102/13 2118/8 going [65] 2040/14 2041/7 2047/18 2048/3 2049/24 2050/5 2054/13 2056/20 2058/25 2065/16 2067/21 2068/9 2068/12 2068/15 2071/7 2072/2 2072/11 2072/11 2073/1 2073/18 2074/13 2075/14 2080/2 2083/6 2083/14 2086/3 2088/6 2092/23 2094/6 2097/13 2097/20 2097/20 2098/11 2098/22 2100/25 2112/2 2112/4 2112/5 2127/3 2128/8 2130/20 2131/11 2135/5 2135/20 2136/17 2138/10 2140/3 2140/5 2142/1 2147/6 2148/6 2148/7 2156/17 2156/24 2158/9 2159/6 2159/23 2160/18 2166/7 2167/8 2171/9 2172/21 2173/8 2173/11 2173/17 gone [3] 2078/21 2082/3 2168/4 good [8] 2030/7 2030/8 2102/19 2107/7 2109/22 2114/22 2126/2 2127/20 Gordon [2] 2029/4 2029/4 Gosh [1] 2030/17 got [45] 2030/24 2037/12 2037/20 2048/4 2055/5 2055/22 2058/17 2059/6 2061/25 2061/25 2071/3 2077/14 2079/13 2079/23 2080/21 2092/1 2094/5 2094/10 2096/3 2096/13 2097/21 2100/3 2101/23 2102/3 2104/11 2104/23 2107/17 2109/19 2113/5 2115/9 2129/9 2129/19 2129/20 2144/19 2145/24 2147/22 2149/6 2156/10 2156/14 2158/19 2159/1 2167/22 2171/10 2171/12 2175/13 gotten [2] 2079/14 2168/4 governed [1] 2050/21 governing [1] 2149/8 government [6] 2068/12 2069/23 2080/12 2104/14 2131/10 2139/24 government's [19] 2041/3 2067/1 2073/19 2081/18 2082/7 2083/7 2088/5 2091/23 2094/5 2102/1 2121/24 2132/5 2140/22 2147/5 2159/7 2160/17 2164/16 2169/2 2169/9 Goyal [18] 2046/6 2075/16 2080/3 2082/10 2089/5 2122/2 2124/11 2132/20 2134/18 2139/8 2142/8 2144/21 2145/14 2145/15 2146/12 2158/13 2164/12 2164/12 Goyal's [2] 2122/21 2122/24 graduated [3] 2030/17 2030/20 2031/16 grandchildren [1] 2031/4 gratuitous [1] 2160/1 great [3] 2058/8 2078/16 2078/17 greatest [2] 2085/2 2096/9 greensheet [32] 2059/15 2059/17 2059/22 2059/23 2060/10 2087/14 2091/15 2092/2 2093/5 2111/11 2148/21 2148/23 2164/13</p>	<p>2165/21 2165/23 2165/23 2166/5 2171/23 2171/24 2172/1 2172/4 2172/5 2172/9 2172/17 2173/1 2173/5 2173/9 2173/16 2173/21 2174/15 2175/3 2175/8 Groove [1] 2077/21 ground [3] 2031/20 2031/21 2031/22 group [4] 2032/13 2032/16 2046/8 2114/23 groups [1] 2054/1 guaranties [1] 2087/16 guaranty [2] 2042/13 2087/14 guess [10] 2030/17 2057/10 2079/9 2130/10 2132/19 2153/11 2155/14 2168/6 2170/25 2175/5 guide [3] 2119/23 2120/4 2121/8 guy [6] 2075/24 2095/4 2095/6 2095/10 2096/12 2135/13 guys [1] 2055/12 Gwen [2] 2031/3 2031/5</p>	<p>haven't [1] 2129/4 having [12] 2073/16 2094/6 2110/15 2118/14 2123/14 2129/8 2138/12 2150/21 2157/2 2167/6 2167/13 2174/2 he [215] He - I [1] 2142/10 he'd [1] 2173/6 he'll [1] 2123/9 he's [19] 2054/4 2071/3 2082/24 2122/3 2123/1 2123/11 2123/12 2142/17 2142/21 2142/23 2143/2 2143/22 2143/23 2148/12 2149/6 2165/11 2166/11 2166/15 2170/7 head [114] 2050/1 2050/14 2056/17 2056/21 2056/25 2057/3 2062/14 2062/17 2062/18 2062/19 2062/22 2063/3 2063/12 2070/9 2070/15 2076/16 2076/19 2076/20 2077/10 2077/18 2077/19 2077/22 2078/3 2081/1 2081/9 2081/25 2083/24 2084/3 2084/10 2084/12 2084/22 2084/25 2085/2 2085/7 2085/8 2085/10 2085/12 2085/17 2085/21 2086/7 2086/7 2086/13 2087/15 2087/23 2088/10 2088/14 2088/16 2088/17 2089/25 2090/18 2092/14 2095/7 2095/9 2095/11 2098/15 2099/9 2100/11 2100/12 2100/13 2106/5 2106/10 2106/10 2113/25 2116/20 2116/21 2117/12 2123/14 2123/15 2123/19 2123/21 2123/22 2123/24 2136/12 2139/20 2140/9 2140/15 2142/5 2145/18 2145/19 2149/20 2151/9 2152/4 2154/19 2154/20 2154/21 2154/22 2155/3 2155/8 2155/10 2156/4 2156/7 2157/19 2157/21 2158/8 2158/14 2158/18 2161/3 2161/7 2161/13 2161/21 2162/2 2162/11 2162/16 2164/3 2164/9 2167/1 2167/8 2167/10 2167/11 2167/13 2168/16 2168/21 2168/22 2170/13 heading [1] 2165/11 headquarters [1] 2032/8 heads [2] 2047/5 2049/18 hear [2] 2077/23 2138/16 heard [9] 2032/12 2046/3 2046/13 2063/6 2063/6 2063/8 2114/12 2117/2 2138/18 hearing [1] 2113/9 hearsay [1] 2136/3 help [7] 2037/19 2041/7 2044/15 2054/17 2055/11 2077/6 2101/7 helpful [4] 2125/2 2148/14 2148/15 2148/16 helping [5] 2035/11 2035/12 2035/15 2036/3 2036/5 here [49] 2038/18 2039/6 2055/11 2067/7 2067/24 2068/8 2069/25 2074/2 2075/14 2083/12 2091/1 2094/9 2111/18 2118/7 2121/5 2135/9 2138/16 2138/25 2139/2 2139/5 2140/6 2140/24 2142/15 2142/18 2142/21 2147/5 2149/2 2151/10 2152/3 2156/5 2159/8 2159/8 2161/17 2162/8 2163/6 2163/25 2164/17 2164/23 2165/3 2165/11 2165/23 2166/10 2166/14 2169/21 2170/5 2171/11 2172/10 2175/14 2175/15 here's [5] 2069/21 2104/8 2123/7 2160/23 2171/14 herein [1] 2030/3 hereinafter [1] 2030/4 Hi [1] 2126/3 Hibey [1] 2028/24 hide [1] 2106/22 high [2] 2030/18 2030/20 higher [1] 2059/9 highlight [1] 2140/6 highlighted [5] 2138/11 2138/15 2138/17 2140/24 2142/15 him [95] 2057/23 2066/9 2069/19 2070/1 2070/3 2070/6 2074/18 2075/3 2075/12</p>
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[86] 2075/13 2090/21 2091/18 2092/20 2115/17 2128/8 2133/22 2133/23 2134/7 2135/1 2135/24 2136/1 2136/10 2138/3 2138/5 2138/18 2139/1 2139/13 2143/9 2144/3 2144/8 2144/11 2146/14 2146/22 2147/19 2147/21 2147/24 2148/6 2148/7 2148/18 2148/20 2148/21 2148/22 2148/22 2149/13 2150/15 2151/5 2151/15 2153/16 2156/12 2159/2 2159/3 2159/21 2164/24 2165/15 2165/16 2165/20 2165/21 2166/2 2166/3 2166/3 2166/4 2166/4 2166/16 2166/21 2168/22 2170/4 2171/10 2171/13 2171/18 2171/18 2171/22 2172/2 2172/6 2172/7 2172/7 2172/8 2172/13 2172/15 2172/15 2172/19 2172/23 2173/5 2173/13 2173/20 2173/20 2174/11 2174/13 2174/13 2174/15 2174/16 2174/17 2174/19 2175/2 2175/3 2175/8 himself [2] 2136/2 2175/3 hired [2] 2037/15 2044/8 his [52] 2030/10 2044/15 2057/22 2065/17 2065/18 2066/10 2067/14 2067/17 2071/9 2071/22 2072/1 2074/7 2090/14 2091/19 2092/4 2092/6 2092/6 2093/2 2093/4 2095/6 2095/13 2101/7 2104/6 2122/4 2135/22 2135/23 2135/24 2143/14 2144/9 2144/25 2147/18 2147/20 2148/2 2148/14 2148/16 2153/5 2156/20 2157/9 2157/18 2165/1 2165/3 2165/20 2165/20 2168/19 2168/20 2171/18 2171/19 2171/20 2172/10 2173/13 2173/24 2174/2 hold [2] 2082/15 2107/8 hole [2] 2090/21 2092/19 holes [25] 2083/24 2090/15 2090/19 2090/22 2090/24 2090/24 2091/21 2144/22 2144/23 2144/25 2145/1 2146/8 2146/18 2146/24 2149/21 2151/8 2157/16 2157/18 2161/4 2162/3 2162/4 2162/19 2163/14 2163/20 2164/3 home [3] 2147/16 2147/22 2164/25 honest [2] 2063/21 2112/22 honesty [2] 2040/11 2100/5 Honor [28] 2030/10 2041/5 2041/20 2041/21 2051/13 2057/15 2058/1 2058/2 2067/20 2072/21 2072/23 2073/1 2081/20 2082/16 2083/9 2109/9 2109/11 2113/3 2118/14 2120/7 2125/24 2131/9 2132/4 2136/5 2138/8 2147/10 2169/8 2175/11 HONORABLE [1] 2028/9 hope [1] 2051/7 hopefully [2] 2175/14 2175/15 hour [1] 2127/9 hourly [3] 2042/13 2042/15 2127/8 hours [1] 2113/12 house [2] 2032/17 2032/20 houses [1] 2032/18 how [62] 2030/12 2030/16 2033/22 2034/18 2036/1 2036/10 2037/23 2038/3 2039/13 2041/25 2043/11 2043/15 2046/15 2047/21 2048/5 2048/16 2048/23 2048/25 2050/4 2050/21 2053/18 2054/8 2055/14 2055/18 2058/21 2059/15 2061/21 2061/24 2066/3 2068/6 2068/20 2068/25 2070/12 2071/10 2084/12 2085/23 2087/7 2087/9 2088/7 2096/4 2097/16 2103/16 2107/24 2126/3 2133/21 2143/19 2144/3 2147/13 2148/11 2149/5 2151/3 2152/4 2152/11 2152/20 2152/25 2155/2 2157/22 2157/24 2158/1 2161/12 2161/24 2164/12 however [4] 2053/5 2097/19 2123/3 2132/17	l'd [25] 2051/2 2051/11 2053/6 2057/5 2057/21 2066/9 2067/1 2070/16 2076/13 2082/16 2083/8 2088/7 2094/3 2104/17 2132/4 2139/24 2144/15 2145/10 2147/2 2152/6 2164/21 2165/10 2169/1 2169/8 2172/6 l'll [9] 2069/4 2091/22 2131/18 2134/13 2150/14 2159/8 2160/22 2164/23 2175/14 l'm [63] 2033/15 2049/24 2049/24 2051/11 2052/6 2052/6 2052/7 2053/13 2055/2 2065/14 2068/11 2072/11 2072/11 2073/18 2079/3 2080/1 2083/6 2083/14 2083/15 2083/17 2094/11 2094/17 2094/17 2094/18 2096/23 2102/18 2104/23 2105/24 2107/10 2113/9 2120/3 2120/17 2120/19 2122/3 2126/4 2126/11 2127/20 2129/1 2131/10 2131/11 2135/5 2136/17 2138/10 2139/4 2139/8 2140/3 2140/5 2141/11 2144/9 2145/11 2147/5 2150/10 2150/13 2154/20 2158/4 2158/6 2159/6 2159/6 2160/11 2168/11 2172/20 2174/24 2175/13 l've [16] 2040/14 2047/21 2082/23 2094/4 2094/9 2102/3 2113/5 2129/7 2132/13 2133/9 2136/22 2144/10 2150/13 2151/5 2156/2 2174/9 l-M-P-O [1] 2096/18 idea [7] 2062/2 2065/24 2066/21 2067/6 2067/23 2114/22 2169/20 identification [2] 2057/6 2131/12 identified [1] 2141/21 identify [2] 2083/25 2161/4 if [75] 2030/3 2033/22 2038/10 2041/2 2041/7 2046/17 2051/6 2051/17 2053/10 2053/12 2053/19 2057/10 2058/22 2061/5 2061/12 2066/25 2067/19 2067/21 2067/23 2068/7 2068/10 2069/14 2072/25 2073/9 2074/8 2075/19 2077/20 2080/13 2082/17 2083/19 2084/6 2087/25 2088/4 2088/4 2090/2 2091/4 2098/21 2101/21 2106/17 2108/19 2109/15 2110/24 2114/14 2117/18 2119/2 2120/1 2120/12 2121/25 2124/4 2125/3 2125/18 2127/9 2128/16 2129/1 2135/1 2136/18 2138/3 2141/10 2143/18 2145/13 2151/13 2151/21 2154/2 2158/3 2162/3 2166/20 2167/8 2167/24 2168/8 2169/14 2170/5 2171/12 2173/13 2175/4 2175/9 immediately [1] 2076/17 impede [3] 2090/7 2143/2 2143/3 impediment [24] 2088/18 2088/19 2088/20 2089/3 2090/16 2090/23 2091/8 2091/21 2092/20 2092/22 2140/14 2143/16 2143/17 2146/3 2146/4 2146/6 2146/10 2146/24 2147/1 2151/8 2151/9 2162/9 2163/11 2163/21 impediments [11] 2074/15 2087/19 2087/23 2088/1 2088/2 2089/16 2089/25 2142/5 2146/20 2162/22 2165/14 Impo [1] 2096/18 import [2] 2058/8 2058/10 important [2] 2075/6 2127/9 imprecise [1] 2071/16 impression [1] 2142/18 in [366] inaccurate [2] 2061/5 2112/19 inch [1] 2092/14 inches [1] 2090/7 incident [2] 2037/3 2050/2 include [5] 2106/14 2140/12 2142/3 2154/3 2155/15 included [5] 2099/15 2099/16 2134/1 2155/23 2163/18	including [1] 2062/8 income [3] 2127/12 2127/13 2127/13 incomplete [1] 2061/5 inconsistency [1] 2089/11 incorporated [8] 2050/16 2060/1 2087/17 2101/11 2101/11 2133/3 2149/7 2171/3 incorporates [2] 2084/4 2121/12 incorrect [7] 2066/20 2066/21 2105/7 2105/9 2138/15 2139/3 2139/4 increase [1] 2130/19 independent [1] 2063/4 indicate [11] 2052/3 2052/12 2059/22 2111/14 2134/18 2134/21 2137/8 2137/14 2145/8 2158/2 2158/13 indicated [1] 2161/6 indicates [2] 2051/20 2090/6 indicating [5] 2122/3 2124/11 2149/2 2162/8 2165/24 indication [2] 2143/21 2143/21 indictment [1] 2093/8 individual [8] 2046/18 2046/21 2053/24 2065/19 2067/25 2087/10 2089/2 2136/9 individual's [1] 2059/21 individuals [9] 2044/1 2058/17 2059/23 2061/1 2089/1 2130/18 2134/1 2149/25 2150/25 industry [5] 2031/11 2040/13 2040/25 2125/13 2126/9 info [1] 2087/15 inform [2] 2074/15 2165/13 information [84] 2040/17 2043/4 2043/5 2045/12 2047/17 2048/11 2048/13 2048/15 2049/16 2049/25 2050/6 2050/8 2052/2 2052/4 2052/10 2052/24 2053/1 2053/21 2053/25 2054/1 2054/4 2055/8 2056/3 2056/8 2058/17 2060/3 2064/8 2070/2 2070/5 2089/24 2093/11 2093/16 2097/7 2097/13 2098/10 2098/18 2098/19 2098/21 2099/21 2099/23 2099/25 2100/3 2100/8 2100/9 2101/19 2103/9 2103/11 2103/18 2104/9 2105/17 2106/22 2106/24 2107/2 2107/5 2107/11 2108/8 2116/18 2116/24 2116/25 2119/11 2128/14 2128/15 2128/16 2128/20 2128/21 2134/12 2141/16 2143/5 2144/5 2146/14 2146/16 2150/10 2153/21 2154/3 2154/3 2154/7 2154/10 2154/12 2154/14 2156/1 2157/13 2167/22 2168/3 2171/1 information -- he [1] 2053/25 initial [2] 2081/8 2175/3 Initially [1] 2062/15 initials [4] 2059/21 2059/23 2087/14 2111/11 initiate [1] 2123/17 input [6] 2053/24 2055/19 2062/16 2064/6 2066/11 2101/7 inputter [1] 2060/9 inserted [1] 2074/7 inside [2] 2035/23 2103/23 inspect [8] 2083/23 2088/10 2088/17 2092/13 2149/20 2161/3 2162/1 2162/4 inspected [17] 2075/1 2078/3 2081/2 2081/25 2082/1 2083/16 2084/3 2084/10 2084/13 2084/22 2155/7 2159/14 2160/24 2161/7 2161/14 2161/22 2164/10 inspecting [3] 2049/18 2088/14 2163/21 inspection [73] 2033/1 2045/4 2049/25 2069/13 2070/14 2077/8 2077/11 2077/16 2077/16 2077/17 2078/14 2078/16 2081/1 2083/23 2084/3 2087/23 2088/1 2088/2 2088/21 2088/23 2090/7 2090/20 2090/25 2092/19 2094/12 2094/23 2098/22 2099/2 2099/9 2099/11 2105/6 2105/15 2105/20 2108/8 2108/9 2112/13 2116/19 2116/24

<p>I</p> <p>inspection... [35] 2119/4 2124/4 2142/16 2143/3 2143/14 2145/16 2149/12 2149/12 2149/19 2150/20 2151/9 2151/12 2152/17 2152/18 2152/22 2154/16 2154/17 2155/3 2156/6 2156/7 2157/8 2157/12 2157/16 2158/1 2158/7 2158/16 2160/25 2161/2 2161/7 2162/9 2162/12 2163/2 2163/4 2168/10 2168/25</p> <p>inspections [67] 2033/4 2049/11 2049/23 2050/5 2050/7 2050/9 2050/11 2050/14 2057/3 2069/20 2070/15 2078/2 2078/4 2083/22 2084/8 2087/15 2089/7 2089/8 2090/18 2094/7 2094/20 2098/12 2098/14 2099/7 2099/13 2102/22 2103/23 2105/7 2105/17 2105/21 2105/22 2106/2 2107/12 2107/13 2107/15 2110/23 2113/25 2133/4 2137/15 2139/21 2140/9 2141/3 2141/18 2141/20 2141/24 2142/7 2142/9 2143/3 2143/15 2144/13 2144/22 2144/25 2146/17 2149/25 2151/22 2155/1 2155/2 2155/17 2155/20 2157/23 2157/24 2161/2 2163/3 2163/8 2163/16 2163/18 2170/12</p> <p>inspector [3] 2069/13 2124/3 2151/13</p> <p>inspectors [4] 2033/3 2033/4 2045/1 2045/3</p> <p>inspects [1] 2142/22</p> <p>instead [1] 2140/21</p> <p>Institute [2] 2044/2 2054/11</p> <p>instructed [2] 2094/14 2096/12</p> <p>instruction [3] 2052/17 2121/10 2121/11</p> <p>instructions [3] 2036/4 2036/5 2113/14</p> <p>insulation [2] 2140/13 2142/4</p> <p>integrated [1] 2059/19</p> <p>integrity [2] 2064/4 2129/21</p> <p>intended [1] 2054/8</p> <p>intentionally [1] 2093/21</p> <p>interacted [1] 2139/13</p> <p>interaction [3] 2136/19 2159/17 2175/11</p> <p>interest [4] 2049/23 2098/24 2100/18 2135/18</p> <p>interesting [2] 2069/21 2099/1</p> <p>interface [5] 2077/19 2086/8 2086/13 2168/22 2170/23</p> <p>interference [1] 2123/20</p> <p>internally [2] 2105/9 2105/25</p> <p>interpretation [1] 2088/25</p> <p>interpreting [1] 2089/7</p> <p>interrogation [1] 2135/21</p> <p>interrupt [1] 2033/7</p> <p>interview [5] 2116/5 2136/13 2136/14 2137/23 2144/16</p> <p>interviewed [7] 2135/7 2135/14 2136/10 2136/11 2137/21 2138/13 2145/11</p> <p>into [26] 2050/16 2050/17 2050/17 2064/7 2069/12 2079/17 2080/8 2088/15 2091/22 2092/8 2096/13 2100/25 2101/5 2101/7 2101/11 2101/15 2109/10 2112/2 2112/4 2132/18 2156/25 2161/16 2161/20 2169/3 2170/3 2171/3</p> <p>introduce [1] 2041/2</p> <p>introduction [1] 2169/23</p> <p>investigation [1] 2043/10</p> <p>investigations [3] 2119/22 2135/15 2144/16</p> <p>investigative [1] 2117/5</p> <p>investigators [2] 2116/4 2116/22</p> <p>involve [1] 2121/21</p> <p>involved [9] 2060/5 2061/8 2080/5 2096/19 2103/2 2103/18 2110/14 2110/15 2115/6</p> <p>involvement [2] 2110/8 2125/6</p> <p>involves [1] 2045/17</p>	<p>is [311]</p> <p>isn't [3] 2109/16 2135/5 2141/22</p> <p>issue [21] 2037/8 2037/8 2037/9 2074/17 2074/18 2078/19 2079/1 2084/6 2087/18 2091/1 2091/1 2091/19 2132/1 2146/7 2146/8 2146/11 2146/13 2146/13 2146/21 2162/23 2172/11</p> <p>issued [5] 2046/13 2046/14 2047/15 2047/16 2063/7</p> <p>issues [6] 2047/4 2047/9 2059/16 2113/16 2132/11 2176/2</p> <p>it [523]</p> <p>it's [80] 2033/1 2033/2 2033/19 2034/5 2034/10 2034/15 2034/15 2035/21 2035/21 2038/19 2043/6 2043/15 2043/16 2045/12 2045/12 2045/12 2059/17 2068/9 2070/20 2071/1 2071/8 2071/16 2071/16 2073/10 2086/6 2086/8 2088/13 2088/20 2088/20 2089/18 2089/19 2091/3 2092/22 2094/3 2094/6 2094/17 2102/9 2105/7 2105/12 2105/21 2105/21 2105/21 2106/16 2106/18 2106/18 2113/12 2114/19 2118/7 2123/5 2123/5 2123/6 2124/4 2128/3 2128/9 2128/16 2133/10 2133/10 2133/11 2133/11 2139/4 2141/11 2146/8 2146/10 2149/2 2149/14 2150/9 2150/10 2156/23 2159/1 2159/24 2160/17 2160/18 2161/17 2165/10 2166/15 2168/23 2169/22 2170/13 2175/7 2175/22</p> <p>item [1] 2149/6</p> <p>items [1] 2049/5</p> <p>its [6] 2100/1 2101/14 2102/22 2112/12 2118/16 2162/1</p> <p>itself [4] 2050/21 2089/3 2129/10 2140/23</p>	<p>K</p> <p>KATZ [1] 2028/9</p> <p>keep [5] 2087/4 2088/13 2088/15 2088/17 2127/18</p> <p>keeping [1] 2034/22</p> <p>Kennedy [8] 2046/22 2053/22 2054/4 2055/16 2057/7 2062/21 2081/15 2096/17</p> <p>kept [1] 2126/22</p> <p>kick [1] 2104/10</p> <p>kind [6] 2041/15 2048/12 2068/18 2070/2 2104/10 2135/21</p> <p>kinds [1] 2101/18</p> <p>knew [22] 2055/15 2056/12 2063/11 2064/24 2065/2 2065/4 2065/5 2085/8 2086/21 2087/2 2087/3 2095/11 2099/5 2115/19 2147/20 2154/2 2154/5 2154/6 2163/16 2163/18 2171/19 2173/17</p> <p>know [70] 2041/25 2046/3 2046/6 2055/14 2055/18 2056/10 2056/24 2058/10 2058/11 2064/24 2066/4 2070/3 2070/13 2072/15 2079/5 2079/5 2080/20 2084/17 2084/18 2085/6 2091/18 2096/8 2097/8 2098/21 2098/23 2098/24 2098/25 2107/25 2110/24 2111/3 2111/5 2112/17 2119/12 2122/13 2122/22 2124/24 2127/8 2127/20 2127/20 2138/6 2141/14 2146/3 2146/4 2148/6 2148/7 2148/23 2150/3 2152/13 2152/20 2152/25 2153/2 2153/3 2153/6 2153/18 2156/2 2156/22 2156/24 2157/13 2158/25 2159/3 2160/8 2164/14 2165/1 2171/2 2171/18 2172/5 2172/6 2172/7 2174/1 2174/17</p> <p>knowledge [4] 2040/25 2062/22 2117/9 2125/18</p> <p>known [4] 2040/2 2059/15 2125/4 2127/19</p> <p>knows [1] 2160/2</p>
	<p>J</p> <p>J-Groove [1] 2077/21</p> <p>January [1] 2039/7</p> <p>January 1 [1] 2039/7</p> <p>Jerry [1] 2101/7</p> <p>job [8] 2035/10 2044/16 2044/19 2047/20 2052/23 2150/9 2150/10 2157/10</p> <p>John [1] 2029/5</p> <p>JUDGE [2] 2028/10 2131/17</p> <p>judgment [2] 2117/18 2121/21</p> <p>June [1] 2037/3</p> <p>jurors [1] 2128/2</p> <p>jury [22] 2028/6 2028/9 2030/10 2031/14 2041/20 2041/23 2043/4 2058/5 2067/4 2080/13 2081/21 2082/17 2083/8 2083/19 2118/21 2127/7 2136/2 2136/3 2147/13 2161/24 2169/12 2169/20</p> <p>just [79] 2031/19 2031/20 2031/22 2032/2 2034/10 2034/12 2034/22 2035/15 2036/9 2038/13 2038/18 2043/4 2043/10 2044/14 2044/15 2045/10 2048/3 2049/2 2058/23 2064/6 2067/22 2067/23 2067/23 2068/6 2070/2 2073/22 2078/11 2079/9 2079/14 2084/17 2084/19 2085/25 2086/8 2086/25 2087/1 2087/2 2101/15 2103/23 2104/11 2105/11 2112/8 2112/10 2113/2 2113/24 2123/5 2124/15 2127/7 2128/9 2128/11 2131/20 2133/1 2135/5 2135/25 2136/1 2140/24 2142/1 2146/6 2148/3 2148/13 2149/1 2149/14 2152/12 2153/6 2156/17 2156/23 2157/1 2160/12 2161/8 2162/5 2162/11 2163/10 2164/1 2164/9 2164/23 2166/6 2168/3 2168/23 2169/17 2171/17</p> <p>just companies [1] 2064/6</p> <p>Justice [1] 2028/17</p> <p>justification [4] 2112/15 2123/5 2123/6 2123/7</p> <p>justify [3] 2079/8 2159/22 2159/23</p>	<p>L</p> <p>Labor [2] 2048/8 2174/12</p> <p>ladies [5] 2030/9 2031/13 2113/11 2175/12 2175/22</p> <p>language [16] 2071/3 2081/24 2085/14 2087/4 2106/21 2108/7 2109/7 2109/16 2133/3 2160/21 2161/12 2161/16 2161/16 2161/17 2161/20 2161/24</p> <p>large [1] 2090/19</p> <p>LaSalle [1] 2038/14</p> <p>last [9] 2058/13 2060/22 2078/4 2095/1 2114/1 2115/5 2116/11 2119/2 2131/13</p> <p>later [1] 2063/9</p> <p>lay [1] 2147/17</p> <p>layer [1] 2158/8</p> <p>lead [4] 2052/1 2052/5 2052/7 2052/10</p> <p>leading [2] 2136/15 2136/16</p> <p>leakage [11] 2076/18 2077/20 2106/7 2122/4 2123/17 2143/21 2156/3 2158/12 2158/12 2170/10 2170/16</p> <p>leaked [1] 2129/24</p> <p>leaks [2] 2083/25 2161/5</p> <p>least [1] 2168/1</p> <p>leave [3] 2157/1 2168/18 2175/16</p> <p>leaving [3] 2079/9 2123/22 2123/23</p> <p>left [45] 2034/17 2034/25 2036/7 2036/8 2036/12 2037/18 2038/1 2038/5 2038/11 2038/11 2070/2 2070/8 2076/10 2076/20 2076/21 2079/11 2079/23 2084/24 2085/12 2085/17 2095/9 2100/11 2100/13 2106/9 2115/11 2117/19 2125/10 2126/11 2152/17 2152/22 2152/23 2154/18 2154/20 2154/21 2154/23 2155/3 2155/6 2155/9 2155/12 2155/15 2159/3 2167/10 2168/13 2168/16 2168/20</p> <p>left-hand [1] 2070/8</p>

<p>L</p> <p>less [5] 2063/14 2063/17 2063/20 2086/17 2095/15</p> <p>let [27] 2041/2 2058/11 2068/10 2079/3 2082/15 2091/23 2096/22 2097/8 2107/8 2108/19 2112/10 2118/23 2136/1 2137/20 2137/24 2138/5 2143/11 2150/14 2155/16 2158/25 2159/3 2160/12 2164/15 2172/6 2173/1 2173/22 2174/1</p> <p>let's [22] 2053/18 2057/11 2066/24 2067/19 2068/6 2068/7 2073/22 2079/7 2079/23 2092/20 2105/13 2110/17 2113/8 2113/12 2121/23 2128/5 2138/19 2142/12 2142/13 2160/11 2166/6 2175/20</p> <p>letter [38] 2053/11 2054/2 2057/21 2064/7 2066/21 2078/17 2085/25 2086/15 2095/7 2097/23 2099/15 2099/16 2101/5 2101/8 2101/11 2101/20 2102/2 2102/4 2102/21 2104/12 2110/3 2110/5 2112/7 2112/8 2115/5 2133/4 2142/11 2142/24 2147/14 2159/10 2159/11 2164/13 2167/12 2171/3 2171/4 2173/15 2174/4 2174/6</p> <p>letter's [1] 2166/23</p> <p>lettering [1] 2081/4</p> <p>letters [4] 2103/24 2110/12 2115/15 2147/16</p> <p>level [1] 2087/17</p> <p>liability [1] 2054/12</p> <p>license [2] 2032/11 2130/5</p> <p>licensed [1] 2031/25</p> <p>licensees [3] 2074/15 2142/3 2165/13</p> <p>licensing [25] 2031/24 2032/1 2032/3 2032/4 2032/5 2032/7 2032/7 2032/8 2032/15 2035/13 2035/13 2036/17 2036/18 2037/22 2040/9 2044/22 2044/25 2114/15 2114/16 2128/7 2129/12 2130/3 2130/11 2130/14 2148/5</p> <p>lie [1] 2040/15</p> <p>lift [1] 2101/15</p> <p>Light [1] 2031/17</p> <p>like [32] 2035/19 2035/21 2051/2 2051/11 2051/17 2053/6 2054/23 2057/5 2057/25 2060/17 2067/1 2067/2 2071/17 2071/19 2072/25 2076/4 2076/13 2082/16 2083/8 2094/3 2104/17 2108/24 2126/17 2139/24 2144/15 2145/10 2147/2 2158/3 2165/10 2169/1 2169/22 2171/17</p> <p>likely [1] 2170/16</p> <p>limitations [4] 2088/10 2140/13 2142/4 2151/3</p> <p>limits [2] 2069/23 2069/24</p> <p>line [2] 2092/12 2094/9</p> <p>listen [1] 2176/1</p> <p>little [16] 2031/18 2033/18 2033/18 2033/19 2037/20 2049/2 2057/12 2067/22 2072/11 2095/21 2127/23 2128/2 2145/23 2147/7 2147/13 2168/20</p> <p>live [1] 2030/14</p> <p>lived [1] 2030/16</p> <p>Lloyd [4] 2137/21 2138/13 2138/16 2138/24</p> <p>Lockwood [8] 2076/2 2107/6 2108/5 2108/6 2108/13 2109/20 2148/23 2173/22</p> <p>logical [1] 2045/14</p> <p>long [13] 2030/16 2030/17 2033/22 2034/18 2036/1 2036/10 2037/23 2038/3 2048/23 2096/4 2097/16 2107/24 2113/10</p> <p>look [45] 2051/7 2051/7 2051/18 2055/12 2057/11 2058/22 2066/24 2068/6 2070/17 2077/18 2079/6 2088/4 2094/3 2115/8 2115/10 2119/9 2119/25 2121/24 2136/17 2137/5 2137/24 2138/5 2138/10 2138/11 2139/24 2142/12 2142/19 2142/20 2148/24</p>	<p>2148/25 2149/18 2150/4 2150/9 2150/14 2151/21 2152/6 2157/3 2157/3 2160/11 2164/2 2165/10 2169/2 2169/3 2172/14 2172/25</p> <p>look-through [1] 2172/14</p> <p>looked [9] 2052/25 2078/8 2119/6 2127/17 2132/13 2133/9 2150/8 2150/21 2166/4</p> <p>looking [35] 2038/7 2044/24 2047/16 2052/6 2052/12 2055/4 2055/12 2058/11 2059/19 2070/9 2078/13 2088/11 2088/12 2088/23 2089/8 2094/18 2104/9 2117/3 2122/9 2124/10 2140/24 2141/22 2143/12 2143/15 2145/11 2145/21 2146/19 2146/20 2151/7 2158/4 2158/17 2162/6 2169/20 2173/14 2174/5</p> <p>looks [3] 2108/24 2126/17 2169/22</p> <p>loop [1] 2054/5</p> <p>lose [1] 2070/24</p> <p>loss [1] 2130/8</p> <p>lot [18] 2054/16 2058/12 2064/5 2065/5 2066/8 2066/10 2066/11 2066/12 2070/2 2126/25 2127/1 2127/19 2128/16 2136/14 2146/9 2167/11 2174/7 2174/9</p> <p>loud [1] 2136/21</p> <p>Louisiana [1] 2038/12</p> <p>low [2] 2071/4 2123/13</p> <p>lowest [1] 2053/12</p> <p>lumps [2] 2155/9 2158/8</p> <p>lying [1] 2160/3</p> <p>M</p> <p>made [13] 2035/7 2043/17 2065/15 2066/16 2087/2 2114/19 2114/20 2117/18 2145/19 2162/7 2164/25 2174/5 2175/4</p> <p>magnify [1] 2057/11</p> <p>mail [22] 2055/24 2057/7 2057/8 2067/7 2067/11 2074/2 2080/2 2081/14 2081/17 2082/7 2084/20 2087/12 2091/13 2091/24 2092/2 2104/17 2142/14 2146/1 2158/25 2160/17 2164/25 2172/7</p> <p>mailed [1] 2055/10</p> <p>mails [1] 2054/3</p> <p>maintain [1] 2114/20</p> <p>maintaining [1] 2071/3</p> <p>majority [33] 2070/21 2070/23 2070/24 2071/11 2071/12 2071/13 2071/14 2073/13 2074/7 2078/7 2078/10 2078/19 2078/25 2079/9 2079/11 2079/21 2082/1 2082/4 2083/15 2084/13 2084/18 2153/9 2153/13 2153/16 2156/10 2156/18 2157/1 2159/23 2160/4 2160/5 2161/9 2161/9 2166/21</p> <p>make [27] 2040/16 2045/14 2058/24 2060/12 2060/23 2066/8 2076/8 2086/21 2086/25 2087/2 2091/5 2095/12 2095/19 2107/8 2110/3 2110/5 2112/8 2113/16 2124/16 2146/8 2159/13 2160/9 2166/4 2171/16 2173/21 2175/20 2176/2</p> <p>makes [2] 2045/10 2045/13</p> <p>making [4] 2035/24 2043/12 2082/20 2159/15</p> <p>man [4] 2045/22 2045/23 2127/25 2128/3</p> <p>managed [1] 2098/1</p> <p>manager [6] 2036/18 2039/16 2060/23 2061/1 2076/1 2122/18</p> <p>many [10] 2041/25 2047/15 2048/16 2061/21 2061/24 2085/23 2131/11 2135/15 2166/23 2174/4</p> <p>March [2] 2039/3 2042/4</p> <p>March 6th [1] 2039/3</p> <p>March 6th until [1] 2042/4</p> <p>mark [10] 2076/6 2082/13 2104/2 2104/6 2104/19 2107/13 2131/7 2131/11 2131/14 2131/18</p> <p>marked [5] 2041/2 2051/2 2057/5 2073/10</p>	<p>2118/3</p> <p>masked [1] 2062/18</p> <p>masked boron [1] 2062/18</p> <p>masking [2] 2095/12 2170/21</p> <p>material [1] 2054/11</p> <p>matter [3] 2047/1 2061/15 2177/4</p> <p>may [37] 2041/2 2041/23 2046/2 2046/12 2050/3 2050/18 2051/17 2058/6 2066/25 2067/4 2069/22 2077/21 2079/6 2083/17 2084/6 2092/13 2106/14 2108/19 2113/2 2116/8 2121/13 2121/19 2122/22 2122/22 2127/8 2131/1 2131/1 2131/10 2131/11 2133/1 2155/15 2156/23 2163/23 2164/21 2165/6 2169/12 2171/13</p> <p>maybe [9] 2049/2 2075/20 2079/5 2079/8 2113/8 2113/9 2131/7 2146/8 2162/17</p> <p>McLaughlin [5] 2076/6 2082/14 2104/3 2104/19 2107/13</p> <p>me [125] 2032/7 2033/6 2037/21 2041/2 2041/7 2042/15 2042/16 2043/10 2044/9 2044/12 2044/18 2046/17 2047/14 2048/15 2050/8 2050/16 2050/17 2052/25 2053/1 2053/22 2053/25 2055/11 2055/13 2055/19 2056/2 2056/5 2056/13 2056/14 2057/23 2058/11 2062/25 2063/1 2063/2 2064/12 2066/10 2066/11 2068/10 2068/10 2077/6 2078/15 2079/4 2081/16 2082/13 2082/15 2082/24 2083/2 2085/20 2085/21 2086/5 2087/17 2088/5 2090/22 2091/23 2095/9 2095/10 2096/22 2100/13 2101/12 2102/16 2104/6 2106/9 2107/8 2108/19 2112/3 2112/10 2118/23 2125/8 2125/21 2127/13 2127/19 2133/16 2133/16 2135/3 2137/12 2137/20 2137/24 2139/23 2143/6 2143/11 2144/4 2144/25 2145/4 2145/8 2145/17 2147/17 2147/22 2148/17 2148/19 2150/10 2150/14 2153/7 2155/7 2155/16 2155/24 2156/13 2156/21 2156/22 2157/13 2157/17 2157/20 2158/12 2158/17 2159/11 2160/12 2161/15 2162/7 2163/10 2164/15 2165/19 2167/8 2168/13 2168/17 2170/2 2170/25 2171/2 2172/8 2172/17 2173/4 2173/9 2173/22 2174/1 2174/13 2175/5 2175/9 2175/21</p> <p>mean [37] 2044/14 2051/25 2052/22 2055/9 2059/1 2066/3 2069/25 2077/13 2077/14 2086/11 2088/12 2089/12 2099/1 2101/14 2106/9 2109/21 2119/18 2121/19 2121/20 2128/11 2129/19 2132/25 2133/6 2133/11 2152/12 2152/13 2152/13 2154/4 2156/5 2159/15 2162/16 2163/24 2164/2 2166/23 2168/1 2170/23 2173/20</p> <p>meaning [3] 2119/16 2123/4 2132/16</p> <p>means [7] 2047/18 2059/24 2106/14 2106/15 2109/22 2123/22 2123/23</p> <p>meant [3] 2048/8 2077/5 2154/1</p> <p>mechanical [2] 2029/12 2085/7</p> <p>mechanically [1] 2155/10</p> <p>mechanism [1] 2155/17</p> <p>media [1] 2142/13</p> <p>meet [2] 2074/9 2094/22</p> <p>meeting [2] 2096/23 2097/21</p> <p>member [1] 2046/23</p> <p>memorandum [3] 2130/24 2131/22 2132/9</p> <p>Memphis [1] 2039/16</p> <p>men [1] 2134/25</p> <p>mention [1] 2096/23</p> <p>mentioned [4] 2030/20 2101/6 2163/10 2166/25</p> <p>message [1] 2058/9</p> <p>met [2] 2086/12 2141/22</p> <p>metal [8] 2083/23 2140/14 2142/5 2149/20 2161/3 2162/2 2164/1 2164/2</p>
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<p>M</p> <p>method [1] 2085/3 Meyers [1] 2124/9 middle [6] 2045/22 2045/23 2069/10 2074/23 2127/25 2128/3 might [5] 2061/16 2061/18 2067/19 2068/7 2072/25 miles [1] 2033/19 Miller [17] 2028/23 2044/9 2046/17 2055/16 2065/3 2065/4 2065/12 2065/21 2065/23 2066/4 2066/11 2072/18 2079/18 2079/19 2101/6 2104/18 2115/17 Millington [2] 2030/15 2030/18 mind [4] 2113/16 2121/23 2169/14 2176/2 minimize [1] 2123/16 minutes [2] 2113/6 2113/13 misrepresent [3] 2093/10 2093/11 2093/21 missing [1] 2106/16 mistake [1] 2108/17 mixed [2] 2129/19 2129/20 mode [1] 2104/11 modification [1] 2145/22 Moffitt [3] 2130/23 2131/22 2132/15 moment [1] 2113/2 Monday [2] 2165/4 2176/4 money [3] 2035/7 2043/12 2126/15 monitor [1] 2123/16 month [3] 2044/3 2091/14 2147/20 months [10] 2034/19 2036/12 2037/11 2037/18 2038/4 2038/9 2038/22 2038/23 2038/24 2038/25 more [11] 2035/7 2049/5 2072/12 2078/9 2104/8 2110/12 2115/14 2128/2 2145/24 2156/5 2164/16 morning [4] 2165/4 2175/17 2176/4 2176/4 most [3] 2034/7 2148/16 2170/15 mouse [10] 2090/15 2090/19 2090/21 2090/22 2091/20 2092/19 2144/22 2144/25 2146/24 2163/20 move [8] 2041/19 2053/18 2057/25 2072/21 2118/15 2120/8 2132/4 2169/8 moved [3] 2030/18 2030/19 2097/21 moving [2] 2069/10 2104/13 MR [17] 2030/6 2041/9 2041/24 2051/16 2057/16 2058/7 2067/5 2080/17 2094/19 2118/9 2118/22 2131/19 2136/7 2137/13 2168/8 2169/13 2174/3 Mr. [88] 2030/7 2033/6 2040/2 2065/21 2065/22 2065/22 2065/23 2066/7 2066/8 2067/11 2068/8 2073/20 2081/12 2081/13 2081/14 2082/20 2101/3 2102/4 2102/16 2113/20 2122/2 2122/14 2122/21 2122/24 2123/24 2124/11 2125/23 2126/2 2126/7 2126/7 2128/24 2131/20 2132/20 2133/22 2134/3 2134/5 2134/18 2134/21 2135/24 2136/8 2136/20 2137/10 2137/16 2138/13 2138/16 2138/24 2139/5 2139/7 2139/8 2140/1 2141/5 2141/23 2142/8 2142/14 2144/15 2144/21 2145/6 2145/12 2145/14 2145/14 2145/15 2146/12 2147/4 2147/5 2147/13 2149/17 2150/12 2150/13 2150/17 2151/4 2151/11 2152/3 2158/13 2158/19 2159/5 2159/17 2160/13 2160/16 2160/21 2164/12 2164/12 2164/20 2167/1 2168/5 2169/3 2169/14 2171/5 2171/9 Mr. Ballantine [1] 2125/23 Mr. Conroy [10] 2102/16 2113/20 2126/7 2134/3 2147/4 2151/11 2152/3 2159/5 2160/16 2160/21 Mr. Conroy's [1] 2128/24 Mr. Cook [15] 2030/7 2033/6 2126/2</p>	<p>2126/7 2131/20 2136/8 2137/10 2139/5 2139/7 2140/1 2141/5 2141/23 2144/15 2169/3 2169/14 Mr. Cook's [2] 2142/14 2145/12 Mr. Donnellon [1] 2122/14 Mr. Donnellon's [1] 2123/24 Mr. Goyal [13] 2122/2 2124/11 2132/20 2134/18 2139/8 2142/8 2144/21 2145/14 2145/15 2146/12 2158/13 2164/12 2164/12 Mr. Goyal's [2] 2122/21 2122/24 Mr. Lloyd [3] 2138/13 2138/16 2138/24 Mr. Miller [2] 2065/21 2065/23 Mr. Prasoon's [1] 2081/14 Mr. Rossomme [2] 2135/24 2136/20 Mr. Siemaszko [7] 2081/12 2101/3 2134/21 2145/6 2158/19 2167/1 2171/5 Mr. Siemaszko's [1] 2081/13 Mr. Ulie [1] 2145/14 Mr. Worley [1] 2102/4 Mr. Wuokko [19] 2040/2 2065/22 2065/22 2066/7 2066/8 2067/11 2082/20 2133/22 2134/5 2137/16 2147/5 2147/13 2149/17 2150/17 2151/4 2159/17 2160/13 2164/20 2168/5 Mr. Wuokko's [5] 2068/8 2073/20 2150/12 2150/13 2171/9 Ms. [1] 2041/7 Ms. Robinson [1] 2041/7 much [13] 2034/12 2041/1 2043/11 2046/16 2048/5 2048/25 2049/5 2063/9 2063/9 2084/12 2100/22 2118/3 2153/20 multi [1] 2142/13 multi-media [1] 2142/13 multiple [3] 2060/2 2060/5 2060/7 must [1] 2159/15 my [28] 2039/12 2039/14 2039/15 2039/15 2039/18 2041/14 2047/21 2056/1 2062/15 2070/19 2078/16 2086/3 2087/13 2087/25 2113/13 2120/21 2132/13 2133/7 2135/14 2147/17 2150/9 2156/2 2156/24 2157/8 2164/25 2173/21 2173/25 2175/14 myself [1] 2086/3</p>	<p>Nixon [2] 2029/9 2177/8 no [124] 2028/3 2031/9 2034/9 2035/23 2041/21 2042/18 2042/21 2042/23 2042/25 2043/22 2046/2 2046/7 2046/9 2047/3 2047/7 2047/10 2047/25 2048/3 2051/13 2053/4 2056/16 2056/18 2057/1 2057/4 2058/2 2060/19 2061/10 2061/14 2062/18 2062/18 2063/16 2063/18 2063/22 2065/24 2066/18 2066/22 2072/23 2074/12 2077/3 2080/10 2086/19 2086/23 2087/6 2087/8 2088/3 2091/8 2093/6 2093/13 2093/15 2093/18 2093/20 2093/22 2093/24 2094/2 2095/17 2100/2 2100/6 2100/9 2100/16 2101/1 2101/16 2103/6 2106/15 2106/23 2107/1 2107/6 2108/15 2108/18 2109/11 2109/22 2110/10 2111/19 2112/20 2114/5 2115/22 2116/16 2117/15 2118/17 2119/14 2120/10 2122/8 2124/23 2125/1 2125/22 2127/2 2127/4 2129/4 2130/9 2131/1 2131/5 2132/6 2132/24 2134/17 2134/20 2134/23 2135/18 2137/6 2138/14 2139/16 2143/18 2143/20 2143/21 2144/14 2145/9 2146/3 2146/10 2146/15 2146/23 2151/1 2151/7 2151/21 2152/2 2155/18 2157/5 2158/15 2160/6 2164/1 2165/9 2169/10 2170/10 2171/18 2171/15 2173/8 2174/18 nobody's [1] 2056/20 nonconforming [2] 2123/21 2123/22 none [3] 2043/1 2043/3 2090/25 Nonetheless [1] 2047/11 nope [1] 2143/9 nor [2] 2121/14 2175/24 normal [1] 2098/9 north [3] 2035/15 2038/2 2038/18 NORTHERN [1] 2028/1 Northwest [1] 2033/19 not [181] note [4] 2074/14 2080/22 2080/25 2165/12 notereading [1] 2029/13 notes [4] 2135/13 2135/16 2135/22 2135/24 nothing [1] 2151/18 November [5] 2036/19 2037/14 2114/25 2115/4 2120/20 November 8th [2] 2114/25 2115/4 now [65] 2032/6 2032/12 2033/15 2034/17 2039/23 2041/10 2041/18 2043/17 2050/1 2050/3 2051/2 2051/17 2052/22 2054/5 2055/5 2055/22 2057/5 2058/1 2067/19 2072/25 2073/18 2074/2 2076/8 2078/21 2080/5 2080/18 2081/25 2082/3 2083/6 2083/12 2085/23 2086/4 2088/14 2089/6 2091/13 2092/1 2092/12 2093/7 2094/3 2094/6 2094/9 2095/21 2097/16 2098/6 2098/11 2098/24 2098/25 2099/5 2099/10 2102/1 2104/17 2105/4 2105/25 2107/8 2110/11 2117/9 2120/22 2122/2 2123/1 2130/21 2139/24 2147/2 2149/1 2165/16 2166/7 nozzle [26] 2077/19 2086/7 2086/13 2098/13 2098/13 2099/11 2099/11 2099/12 2099/12 2099/18 2099/18 2099/24 2099/24 2100/21 2100/21 2123/17 2123/18 2140/9 2143/21 2154/13 2154/13 2154/14 2154/14 2158/11 2168/22 2170/22 nozzle-by-nozzle [7] 2098/13 2099/11 2099/12 2099/18 2099/24 2100/21 2154/14 nozzles [30] 2070/23 2074/25 2077/10 2077/18 2077/18 2078/15 2082/1 2082/25 2083/16 2085/22 2086/6 2086/9 2086/14 2092/13 2099/14 2100/17 2101/12 2106/13 2106/17 2110/22 2110/25 2143/19 2143/20 2158/10 2160/24 2162/20 2166/15 2168/21 2168/23 2170/19</p>
	<p>N</p> <p>N.W [1] 2029/6 name [6] 2030/9 2093/4 2135/13 2173/22 2173/24 2173/25 near [2] 2033/18 2033/18 necessary [4] 2077/6 2098/9 2105/2 2128/3 need [19] 2055/11 2057/23 2058/11 2058/25 2066/6 2086/4 2090/23 2096/15 2097/7 2104/8 2104/12 2104/12 2109/24 2143/5 2146/25 2159/13 2172/4 2172/16 2172/16 needed [13] 2036/4 2097/8 2097/11 2097/13 2127/24 2128/17 2145/25 2146/24 2148/17 2149/14 2166/4 2167/3 2172/8 needs [1] 2128/11 neither [1] 2121/14 never [9] 2040/15 2054/24 2063/8 2077/17 2080/21 2080/24 2117/2 2135/3 2161/9 new [11] 2028/19 2035/12 2039/10 2062/4 2077/16 2082/12 2082/22 2092/7 2092/8 2097/16 2099/23 next [24] 2066/17 2069/8 2069/21 2071/3 2072/12 2076/22 2077/11 2083/17 2084/1 2088/23 2089/13 2092/17 2103/7 2106/12 2106/13 2112/12 2131/9 2131/10 2151/2 2151/10 2152/17 2158/22 2170/16 2175/14 NG [4] 2109/19 2109/21 2109/22 2109/23 NGEN [1] 2133/14 nine [4] 2030/19 2038/24 2098/3 2171/4 nine-day [1] 2171/4</p>	

<p>N</p> <p>NRC [69] 2032/4 2040/16 2040/22 2044/23 2045/25 2047/12 2047/14 2047/16 2050/22 2050/25 2051/3 2051/12 2051/21 2052/16 2054/20 2054/22 2063/15 2071/17 2071/19 2074/14 2075/6 2084/21 2085/11 2090/10 2093/11 2094/1 2095/16 2096/13 2097/2 2097/5 2097/11 2098/6 2098/11 2099/10 2100/18 2103/9 2106/22 2106/24 2107/2 2111/1 2112/21 2114/9 2114/17 2114/20 2114/24 2115/19 2115/24 2116/1 2116/4 2116/9 2120/3 2124/24 2125/3 2127/25 2128/5 2128/15 2128/22 2130/2 2130/5 2133/13 2137/15 2140/8 2142/2 2153/14 2153/18 2160/3 2164/5 2165/13 2167/7</p> <p>NRC's [2] 2049/16 2153/20</p> <p>NRR [6] 2032/11 2044/22 2044/23 2044/24 2045/17 2128/5</p> <p>NTES [2] 2039/9 2039/10</p> <p>nuclear [24] 2030/23 2031/10 2031/18 2032/9 2033/16 2034/4 2034/5 2035/14 2035/21 2036/13 2036/21 2037/19 2038/1 2038/5 2039/21 2040/7 2044/3 2047/9 2105/19 2125/7 2126/9 2129/1 2130/24 2170/17</p> <p>number [30] 2041/3 2041/4 2051/3 2051/18 2057/6 2062/3 2067/8 2070/19 2071/2 2072/13 2078/9 2087/11 2088/6 2099/13 2100/17 2101/12 2101/12 2120/1 2121/24 2131/8 2131/10 2131/11 2131/13 2137/1 2137/3 2153/17 2156/13 2156/14 2156/15 2168/5</p> <p>numbers [4] 2068/9 2073/2 2153/12 2158/20</p> <p>numerical [1] 2099/13</p> <p>nuts [2] 2129/19 2129/24</p> <p>NW [2] 2028/19 2028/25</p>	<p>OI [2] 2045/2 2145/11</p> <p>okay [50] 2031/16 2032/7 2035/8 2050/1 2055/11 2068/14 2069/11 2075/14 2076/12 2076/16 2078/13 2078/16 2079/3 2079/7 2080/13 2082/20 2082/22 2082/22 2086/3 2086/4 2086/7 2091/19 2092/22 2110/8 2118/24 2118/24 2120/21 2120/22 2133/17 2134/13 2136/4 2136/6 2136/22 2137/20 2144/3 2145/21 2156/9 2156/17 2158/1 2158/24 2162/14 2164/23 2164/24 2165/8 2166/8 2168/24 2169/6 2169/25 2170/2 2170/5</p> <p>old [1] 2030/12</p> <p>on [231]</p> <p>Once [1] 2054/7</p> <p>one [50] 2031/18 2031/19 2031/24 2032/17 2033/3 2044/1 2044/9 2049/2 2049/3 2057/10 2059/6 2060/18 2067/10 2067/25 2067/25 2069/4 2069/21 2070/3 2070/10 2072/7 2073/9 2073/25 2076/8 2081/15 2095/6 2101/19 2103/23 2103/24 2104/2 2108/25 2109/4 2113/2 2117/7 2124/16 2130/12 2132/11 2134/4 2135/14 2140/24 2144/19 2148/25 2149/6 2151/2 2151/10 2159/5 2162/23 2165/12 2169/18 2169/23 2169/23</p> <p>One's [1] 2162/23</p> <p>only [8] 2055/15 2087/16 2092/14 2139/18 2142/13 2160/2 2168/8 2173/11</p> <p>ONS3 [1] 2094/15</p> <p>onto [2] 2102/13 2129/24</p> <p>openings [1] 2146/2</p> <p>operate [1] 2036/5</p> <p>operated [1] 2039/13</p> <p>operating [4] 2032/11 2033/5 2046/8 2049/8</p> <p>operation [1] 2031/25</p> <p>operational [1] 2117/13</p> <p>Operations [1] 2044/3</p> <p>opposed [1] 2099/5</p> <p>or [85] 2044/25 2046/6 2048/1 2049/20 2050/7 2050/17 2052/2 2052/4 2054/17 2055/3 2056/1 2056/22 2056/23 2057/2 2058/19 2058/19 2059/19 2061/2 2061/5 2061/13 2063/17 2064/11 2066/21 2069/13 2082/23 2084/3 2084/13 2084/19 2090/20 2090/24 2091/1 2091/1 2099/11 2099/14 2103/22 2104/1 2104/23 2105/20 2106/15 2113/6 2113/14 2113/15 2113/25 2115/1 2115/11 2116/12 2117/12 2122/18 2122/22 2123/15 2124/4 2127/1 2128/14 2129/2 2130/19 2133/3 2135/2 2135/3 2140/13 2142/4 2143/3 2144/22 2146/6 2147/18 2148/21 2151/13 2152/20 2153/1 2154/4 2154/4 2155/3 2157/3 2158/12 2158/23 2159/22 2160/21 2161/7 2161/14 2161/22 2162/17 2162/19 2164/10 2164/10 2175/24 2176/1</p> <p>Oral [1] 2062/10</p> <p>order [6] 2041/5 2041/13 2043/2 2043/5 2044/5 2060/12</p> <p>organization [4] 2039/8 2044/20 2044/21 2048/14</p> <p>organizations [3] 2048/14 2063/23 2064/9</p> <p>oriented [1] 2169/17</p> <p>original [3] 2042/3 2054/10 2082/11</p> <p>originally [3] 2074/7 2097/18 2097/18</p> <p>originals [1] 2147/6</p> <p>Orleans [1] 2035/12</p> <p>other [34] 2031/21 2032/18 2037/9 2045/16 2045/20 2046/19 2048/14 2049/3 2049/4 2049/5 2054/1 2055/11 2056/15 2058/11 2062/16 2066/5 2087/3 2103/24 2106/15 2113/22 2117/13 2125/13 2128/14</p>	<p>2132/17 2132/17 2133/15 2134/15 2140/13 2142/4 2159/25 2162/23 2163/13 2167/22 2170/12</p> <p>others [8] 2081/12 2082/8 2082/21 2087/5 2088/25 2101/20 2116/7 2124/2</p> <p>ought [1] 2096/9</p> <p>our [5] 2032/2 2050/15 2097/6 2110/17 2115/15</p> <p>out [88] 2030/18 2034/2 2035/11 2035/16 2037/20 2041/7 2043/6 2043/13 2043/14 2043/16 2044/4 2044/15 2045/8 2045/10 2053/1 2053/12 2054/5 2055/8 2055/9 2055/10 2055/25 2057/23 2058/10 2060/18 2061/23 2062/3 2062/5 2063/2 2065/17 2068/12 2071/2 2071/25 2074/9 2079/13 2079/23 2082/12 2082/22 2085/18 2086/1 2086/9 2090/11 2093/2 2095/23 2095/25 2097/6 2097/8 2103/4 2103/10 2103/12 2103/21 2103/21 2104/5 2104/8 2107/17 2107/25 2110/1 2110/12 2114/4 2115/6 2116/15 2126/7 2127/10 2128/13 2128/14 2128/17 2129/21 2132/11 2132/15 2133/20 2136/21 2138/20 2141/7 2145/24 2145/24 2148/2 2148/4 2148/5 2153/3 2158/25 2159/2 2160/12 2160/18 2165/22 2168/2 2169/6 2172/4 2174/22 2174/24</p> <p>outage [1] 2167/14</p> <p>outages [3] 2043/18 2043/20 2076/22</p> <p>outset [1] 2032/2</p> <p>outside [9] 2035/2 2035/12 2036/13 2063/23 2064/6 2068/17 2108/11 2123/19 2158/9</p> <p>over [19] 2031/11 2033/7 2033/7 2049/3 2053/6 2058/23 2067/19 2101/7 2102/13 2109/19 2148/13 2150/15 2152/3 2158/8 2169/19 2173/19 2174/7 2174/10 2174/12 own [1] 2126/13</p>
<p>O</p> <p>oath [1] 2047/17</p> <p>object [3] 2097/4 2097/5 2138/6</p> <p>objection [18] 2041/21 2041/23 2051/13 2051/15 2058/2 2058/4 2072/23 2087/9 2109/11 2109/13 2118/17 2118/19 2120/9 2132/6 2135/8 2138/1 2169/10 2169/11</p> <p>obligation [1] 2121/17</p> <p>obscured [3] 2100/18 2100/23 2106/17</p> <p>observed [1] 2170/11</p> <p>obtain [1] 2064/8</p> <p>occurred [1] 2143/17</p> <p>occurrence [3] 2098/6 2098/9 2123/12</p> <p>occurring [1] 2077/21</p> <p>Oconee [1] 2141/15</p> <p>October [11] 2028/5 2043/9 2096/25 2097/2 2097/19 2097/22 2098/2 2099/25 2103/13 2103/15 2170/9</p> <p>October 17th [1] 2097/22</p> <p>October 24th [1] 2097/19</p> <p>October 3rd [2] 2097/2 2170/9</p> <p>off [18] 2034/11 2079/9 2085/21 2093/4 2104/10 2124/3 2124/5 2124/7 2124/9 2145/20 2168/24 2171/24 2173/22 2173/24 2173/25 2174/19 2175/8 2175/18</p> <p>offer [2] 2047/18 2175/5</p> <p>office [14] 2028/13 2033/1 2034/3 2039/16 2039/17 2043/9 2044/4 2056/1 2087/13 2093/2 2114/14 2144/16 2147/18 2175/4</p> <p>offices [2] 2032/24 2060/7</p> <p>oh [13] 2040/23 2049/7 2052/7 2052/19 2066/2 2078/15 2080/22 2086/8 2109/24 2146/2 2148/10 2164/18 2168/23</p> <p>OHIO [4] 2028/1 2028/4 2028/15 2029/10</p>	<p>opposed [1] 2099/5</p> <p>or [85] 2044/25 2046/6 2048/1 2049/20 2050/7 2050/17 2052/2 2052/4 2054/17 2055/3 2056/1 2056/22 2056/23 2057/2 2058/19 2058/19 2059/19 2061/2 2061/5 2061/13 2063/17 2064/11 2066/21 2069/13 2082/23 2084/3 2084/13 2084/19 2090/20 2090/24 2091/1 2091/1 2099/11 2099/14 2103/22 2104/1 2104/23 2105/20 2106/15 2113/6 2113/14 2113/15 2113/25 2115/1 2115/11 2116/12 2117/12 2122/18 2122/22 2123/15 2124/4 2127/1 2128/14 2129/2 2130/19 2133/3 2135/2 2135/3 2140/13 2142/4 2143/3 2144/22 2146/6 2147/18 2148/21 2151/13 2152/20 2153/1 2154/4 2154/4 2155/3 2157/3 2158/12 2158/23 2159/22 2160/21 2161/7 2161/14 2161/22 2162/17 2162/19 2164/10 2164/10 2175/24 2176/1</p> <p>Oral [1] 2062/10</p> <p>order [6] 2041/5 2041/13 2043/2 2043/5 2044/5 2060/12</p> <p>organization [4] 2039/8 2044/20 2044/21 2048/14</p> <p>organizations [3] 2048/14 2063/23 2064/9</p> <p>oriented [1] 2169/17</p> <p>original [3] 2042/3 2054/10 2082/11</p> <p>originally [3] 2074/7 2097/18 2097/18</p> <p>originals [1] 2147/6</p> <p>Orleans [1] 2035/12</p> <p>other [34] 2031/21 2032/18 2037/9 2045/16 2045/20 2046/19 2048/14 2049/3 2049/4 2049/5 2054/1 2055/11 2056/15 2058/11 2062/16 2066/5 2087/3 2103/24 2106/15 2113/22 2117/13 2125/13 2128/14</p>	<p>P</p> <p>page [39] 2049/2 2049/3 2051/9 2051/18 2067/17 2067/20 2068/8 2068/15 2069/11 2071/3 2073/2 2073/10 2074/3 2074/13 2074/22 2074/23 2075/6 2088/6 2102/9 2102/9 2102/13 2109/15 2111/8 2120/13 2120/20 2120/21 2122/9 2122/10 2124/10 2131/20 2142/1 2145/13 2159/9 2160/23 2165/10 2169/18 2169/18 2169/20 2170/16</p> <p>paged [4] 2166/3 2166/4 2172/15 2172/15</p> <p>pages [7] 2041/25 2048/24 2048/25 2049/3 2049/9 2121/25 2145/11</p> <p>paid [1] 2127/15</p> <p>Palo [1] 2036/13</p> <p>paragraph [17] 2069/12 2069/21 2083/19 2083/21 2088/7 2089/6 2089/18 2089/19 2094/4 2094/12 2108/17 2109/15 2142/3 2142/24 2142/25 2149/18 2160/25</p> <p>paragraphs [1] 2089/15</p> <p>pardon [4] 2090/22 2112/3 2157/20 2168/13</p> <p>part [12] 2077/21 2078/2 2080/1 2087/9 2101/19 2116/23 2123/2 2123/6 2140/5 2140/8 2142/3 2144/12</p> <p>participate [1] 2093/11</p> <p>participating [1] 2093/9</p> <p>particular [8] 2044/10 2044/25 2115/18 2118/24 2119/16 2121/9 2136/20 2170/19</p> <p>particularly [1] 2115/19</p> <p>passed [1] 2112/8</p> <p>past [43] 2049/11 2049/23 2049/25 2050/4 2050/7 2050/9 2050/11 2050/13 2057/3 2078/1 2084/8 2087/15 2089/7 2089/12 2098/12 2098/22 2099/7 2102/22 2103/23 2105/7 2105/17 2105/21 2107/15 2108/7 2113/25 2129/6 2132/14 2140/12 2140/17</p>

<p>P</p> <p>past... [14] 2142/21 2143/13 2143/15 2143/17 2144/1 2144/2 2144/22 2145/2 2145/4 2145/16 2146/17 2163/7 2163/16 2163/18</p> <p>pasted [1] 2170/3</p> <p>pattern [1] 2072/8</p> <p>pay [4] 2042/14 2042/16 2043/5 2056/7</p> <p>PCAQ [3] 2117/5 2117/11 2123/3</p> <p>PCAQs [4] 2056/24 2116/12 2116/17 2117/3</p> <p>penetration [1] 2170/22</p> <p>people [30] 2045/4 2045/5 2053/13 2055/10 2055/11 2055/15 2055/19 2058/11 2061/11 2062/16 2063/11 2063/11 2063/23 2064/13 2064/24 2065/7 2067/8 2067/10 2077/1 2084/9 2087/3 2104/11 2111/9 2127/19 2128/6 2136/11 2148/13 2159/25 2167/20 2173/19</p> <p>per [5] 2050/17 2062/15 2119/19 2121/7 2165/24</p> <p>percent [20] 2073/12 2074/6 2074/24 2074/25 2078/15 2078/21 2081/2 2081/6 2081/9 2082/3 2082/24 2083/3 2083/15 2084/5 2156/13 2159/11 2159/21 2160/24 2166/15 2166/20</p> <p>percent's [1] 2156/15</p> <p>percentage [4] 2078/8 2081/25 2084/13 2158/13</p> <p>perform [2] 2044/11 2105/20</p> <p>performed [5] 2050/7 2094/13 2094/20 2119/4 2140/11</p> <p>performing [1] 2094/13</p> <p>perhaps [1] 2086/20</p> <p>period [15] 2037/14 2044/3 2056/22 2057/2 2063/19 2068/2 2093/17 2094/1 2112/22 2114/4 2116/14 2122/18 2124/21 2137/22 2175/16</p> <p>permanent [1] 2037/15</p> <p>permission [1] 2121/14</p> <p>permit [2] 2113/15 2175/24</p> <p>Perry [2] 2038/12 2038/13</p> <p>person [5] 2047/11 2060/22 2128/15 2135/21 2169/6</p> <p>personnel [4] 2050/8 2064/19 2094/13 2133/18</p> <p>persons [1] 2159/15</p> <p>persuade [2] 2144/11 2146/12</p> <p>persuaded [1] 2146/22</p> <p>Petersburg [1] 2034/3</p> <p>phenomenon [1] 2049/19</p> <p>Phoenix [1] 2036/14</p> <p>phone [5] 2056/1 2062/8 2087/12 2128/18 2165/20</p> <p>photos [4] 2111/3 2111/5 2124/19 2125/4</p> <p>pictorial [2] 2110/22 2110/24</p> <p>picture [1] 2100/22</p> <p>pictures [1] 2111/2</p> <p>pity [1] 2175/13</p> <p>place [11] 2077/10 2096/24 2096/24 2097/2 2098/7 2098/8 2106/15 2117/20 2123/14 2166/10 2173/19</p> <p>Plaintiffs [2] 2028/4 2028/13</p> <p>plan [2] 2054/23 2097/11</p> <p>planned [2] 2084/5 2170/20</p> <p>plans [1] 2141/17</p> <p>plant [21] 2031/19 2034/6 2034/23 2035/21 2037/16 2037/19 2038/5 2038/6 2043/20 2049/17 2054/21 2060/7 2061/18 2070/14 2075/22 2117/13 2122/17 2126/12 2126/12 2138/21 2141/11</p> <p>plant's [2] 2056/20 2056/21</p> <p>plants [9] 2032/25 2034/8 2034/15 2035/4</p>	<p>2039/21 2047/9 2049/18 2129/2 2140/12 plate [1] 2045/5</p> <p>please [12] 2030/10 2031/14 2072/22 2080/12 2081/13 2083/20 2094/16 2113/13 2113/20 2136/20 2161/15 2175/25</p> <p>plus [1] 2036/4</p> <p>point [18] 2037/21 2041/19 2051/11 2053/22 2054/16 2055/15 2055/20 2055/21 2066/24 2066/25 2082/20 2085/20 2088/2 2096/17 2139/10 2164/23 2165/18 2166/22</p> <p>pointed [1] 2149/7</p> <p>pointing [1] 2069/12</p> <p>points [3] 2112/25 2113/22 2147/19</p> <p>pole [4] 2162/17 2163/13 2163/22 2163/22</p> <p>Poole [1] 2028/17</p> <p>pop [1] 2109/16</p> <p>Port [1] 2035/15</p> <p>portion [5] 2078/3 2081/8 2120/3 2138/11 2142/15</p> <p>ports [4] 2091/5 2092/7 2092/8 2146/25</p> <p>position [4] 2034/1 2122/4 2124/2 2124/12</p> <p>positions [1] 2122/19</p> <p>possession [1] 2124/24</p> <p>possible [3] 2076/9 2085/3 2167/5</p> <p>possibly [1] 2168/4</p> <p>post [1] 2137/22</p> <p>power [20] 2031/10 2031/17 2032/25 2034/1 2034/4 2034/5 2035/3 2035/21 2036/22 2037/19 2039/21 2040/8 2044/3 2049/17 2054/11 2105/19 2129/1 2141/13 2141/14 2170/17</p> <p>practical [2] 2053/3 2056/15</p> <p>Prasoon [22] 2046/6 2055/17 2057/22 2075/16 2078/18 2079/1 2079/2 2080/3 2081/12 2082/10 2082/12 2083/2 2089/5 2090/14 2090/22 2117/7 2117/11 2138/21 2146/5 2151/6 2156/14 2157/13</p> <p>Prasoon's [4] 2081/5 2081/14 2090/15 2091/24</p> <p>preceding [1] 2081/14</p> <p>precise [3] 2071/17 2078/9 2153/17</p> <p>precision [1] 2073/16</p> <p>preexisting [3] 2094/24 2106/3 2106/6</p> <p>prepare [2] 2052/15 2130/6</p> <p>prepared [4] 2075/8 2125/3 2129/11 2129/13</p> <p>preparing [1] 2124/22</p> <p>presence [1] 2106/5</p> <p>present [3] 2089/13 2119/3 2170/22</p> <p>presentation [2] 2114/19 2114/21</p> <p>presently [1] 2031/8</p> <p>president [2] 2060/22 2075/21</p> <p>pressure [4] 2047/5 2062/13 2084/25 2117/12</p> <p>pressurized [3] 2035/19 2035/22 2035/25</p> <p>pretty [7] 2034/12 2041/1 2062/22 2073/23 2148/12 2160/1 2165/22</p> <p>prevent [1] 2130/9</p> <p>previous [6] 2089/23 2090/4 2092/17 2110/23 2113/13 2142/1</p> <p>previously [4] 2067/3 2089/20 2089/22 2147/9</p> <p>principle [1] 2071/4</p> <p>prior [5] 2047/8 2056/22 2057/2 2075/6 2128/25</p> <p>probabilistic [3] 2111/25 2112/4 2112/18</p> <p>probability [1] 2123/12</p> <p>probably [20] 2046/12 2049/2 2055/16 2061/18 2070/16 2091/3 2113/5 2114/21 2115/14 2115/15 2133/10 2135/1 2135/2 2147/16 2148/22 2152/14 2155/14 2164/11 2172/6 2172/6</p> <p>problem [13] 2037/2 2037/10 2037/11</p>	<p>2071/21 2073/14 2078/11 2085/16 2092/4 2092/6 2092/6 2093/2 2123/6 2145/9</p> <p>problems [1] 2157/17</p> <p>procedure [65] 2050/20 2050/25 2051/4 2051/12 2059/13 2069/5 2069/14 2069/19 2094/21 2117/10 2117/17 2118/5 2118/15 2119/7 2119/10 2119/23 2122/5 2123/25 2130/17 2132/13 2132/15 2132/21 2133/5 2133/8 2133/8 2133/10 2133/17 2133/18 2133/22 2133/23 2134/8 2134/8 2134/10 2134/12 2134/16 2134/19 2134/22 2134/25 2136/20 2136/24 2136/25 2137/1 2137/2 2137/3 2137/7 2137/14 2137/19 2138/22 2139/11 2139/15 2139/19 2139/20 2149/8 2149/9 2150/1 2150/3 2150/4 2150/7 2150/14 2150/15 2150/17 2150/18 2151/14 2151/16 2151/23</p> <p>procedures [5] 2120/4 2130/25 2131/23 2132/17 2134/2</p> <p>proceed [1] 2056/15</p> <p>proceeding [1] 2158/10</p> <p>proceedings [2] 2029/12 2177/4</p> <p>process [4] 2050/19 2061/8 2068/7 2103/2</p> <p>produce [1] 2097/16</p> <p>produced [3] 2029/13 2095/2 2095/3</p> <p>producing [1] 2063/22</p> <p>program [5] 2054/12 2129/1 2129/6 2129/10 2150/22</p> <p>prohibited [1] 2125/7</p> <p>prohibition [1] 2125/19</p> <p>project [1] 2097/25</p> <p>promotion [1] 2042/24</p> <p>proper [2] 2060/24 2135/20</p> <p>proposed [1] 2052/16</p> <p>provide [17] 2033/2 2037/7 2042/17 2042/19 2042/22 2042/24 2049/15 2049/18 2052/1 2054/2 2064/19 2089/25 2098/13 2105/2 2105/15 2107/14 2141/15</p> <p>provided [14] 2050/6 2054/16 2055/19 2064/5 2064/24 2065/2 2065/4 2065/5 2097/14 2106/24 2107/4 2107/5 2107/11 2130/9</p> <p>provides [2] 2033/4 2042/15</p> <p>providing [14] 2045/11 2048/15 2050/8 2052/10 2052/24 2064/11 2066/11 2066/12 2066/22 2077/1 2105/1 2105/17 2116/23 2117/1</p> <p>provision [1] 2039/19</p> <p>pull [2] 2137/1 2165/23</p> <p>pulled [3] 2136/24 2136/25 2137/3</p> <p>pulling [1] 2103/24</p> <p>pump [1] 2036/25</p> <p>pumps [1] 2037/6</p> <p>purchase [4] 2041/13 2043/2 2043/5 2044/5</p> <p>purpose [4] 2049/14 2049/15 2110/19 2155/25</p> <p>purposes [1] 2122/20</p> <p>purview [2] 2061/11 2138/4</p> <p>push [2] 2033/7 2033/7</p> <p>put [27] 2049/14 2057/21 2057/21 2059/17 2064/9 2070/3 2078/17 2080/12 2082/25 2091/23 2092/8 2097/23 2101/15 2107/6 2111/8 2129/18 2133/3 2134/13 2150/5 2150/6 2152/7 2160/22 2161/12 2161/16 2161/20 2165/20 2174/15</p> <p>putting [1] 2054/19</p>
Q		
<p>QA [4] 2063/8 2124/7 2124/8 2136/9</p> <p>qualification [13] 2069/2 2140/10 2141/18 2149/9 2149/14 2149/22 2149/24 2149/24 2150/18 2150/24 2151/17 2151/19 2151/25</p>		

<p>Q</p> <p>qualifications [1] 2134/1</p> <p>qualified [8] 2069/13 2077/7 2077/16 2094/12 2105/20 2151/12 2168/25 2170/23</p> <p>quality [1] 2061/16</p> <p>quantification [2] 2081/1 2084/12</p> <p>quantify [2] 2078/3 2081/8</p> <p>question [65] 2048/18 2050/4 2065/8 2070/19 2071/18 2078/7 2079/19 2087/23 2088/3 2088/5 2088/22 2089/15 2089/23 2090/2 2094/6 2095/3 2100/1 2100/4 2105/5 2105/7 2105/14 2105/14 2105/23 2105/24 2107/9 2108/8 2109/25 2136/18 2137/11 2140/3 2140/4 2140/19 2140/20 2140/24 2141/3 2141/7 2141/8 2141/17 2141/20 2141/22 2141/24 2142/6 2142/6 2142/8 2143/4 2143/11 2143/12 2144/9 2144/12 2145/15 2149/2 2150/12 2150/13 2151/3 2152/10 2152/15 2153/4 2153/5 2153/8 2153/9 2153/13 2153/18 2156/23 2163/6 2164/6</p> <p>questionable [1] 2123/18</p> <p>questioning [1] 2098/5</p> <p>questions [20] 2048/16 2048/17 2048/19 2049/4 2054/8 2071/19 2071/20 2102/3 2108/25 2112/21 2125/22 2126/8 2128/24 2133/21 2134/3 2140/23 2141/2 2143/8 2150/11 2164/17</p> <p>quick [1] 2057/11</p> <p>quickly [1] 2073/22</p> <p>quote [2] 2161/2 2161/5</p> <p>quoted [1] 2161/17</p>	<p>received [5] 2067/13 2103/8 2111/8 2112/6 2130/7</p> <p>receiving [3] 2048/13 2053/21 2067/7</p> <p>recess [1] 2113/19</p> <p>recognize [6] 2057/19 2080/11 2081/3 2108/21 2118/10 2120/1</p> <p>recognized [1] 2118/14</p> <p>recollection [7] 2135/6 2135/19 2135/23 2136/19 2136/23 2138/12 2165/8</p> <p>recommendation [6] 2119/20 2121/13 2121/14 2121/16 2122/24 2130/12</p> <p>recommending [1] 2122/2</p> <p>reconcile [1] 2144/3</p> <p>record [3] 2135/11 2175/19 2177/4</p> <p>recorded [1] 2029/12</p> <p>recovery [2] 2036/25 2135/2</p> <p>red [1] 2124/19</p> <p>redundant [1] 2142/2</p> <p>refer [1] 2144/15</p> <p>reference [15] 2043/18 2054/20 2070/23 2080/2 2080/25 2082/6 2083/6 2083/15 2108/20 2118/23 2118/25 2121/25 2124/16 2124/17 2160/24</p> <p>references [1] 2152/9</p> <p>referencing [1] 2050/13</p> <p>referred [2] 2090/2 2090/3</p> <p>referring [5] 2134/8 2143/23 2145/14 2145/15 2170/13</p> <p>reflected [1] 2081/17</p> <p>refresh [5] 2135/6 2135/23 2136/23 2138/12 2165/8</p> <p>refreshes [1] 2136/19</p> <p>refueling [2] 2043/18 2043/19</p> <p>reg [1] 2080/21</p> <p>regard [15] 2050/22 2052/9 2053/6 2081/24 2084/8 2085/3 2085/16 2087/19 2099/7 2101/3 2102/21 2102/22 2105/13 2114/6 2121/16</p> <p>regarding [13] 2046/1 2049/20 2071/5 2088/8 2089/16 2095/1 2098/22 2099/8 2105/15 2107/12 2107/14 2110/13 2130/2</p> <p>regional [1] 2032/24</p> <p>regions [2] 2032/25 2033/1</p> <p>regular [6] 2043/19 2046/23 2052/2 2052/13 2119/19 2121/8</p> <p>Regulation [1] 2032/9</p> <p>regulators [1] 2040/21</p> <p>regulatory [24] 2032/12 2032/15 2032/17 2032/18 2032/20 2039/25 2040/9 2044/16 2044/19 2044/21 2045/5 2046/23 2049/7 2050/12 2050/21 2052/13 2060/23 2061/2 2064/19 2066/25 2076/1 2097/1 2127/24 2141/21</p> <p>reinformation [1] 2070/6</p> <p>relate [1] 2059/16</p> <p>related [1] 2049/11</p> <p>relating [1] 2047/4</p> <p>relatively [1] 2123/13</p> <p>reliability [1] 2156/20</p> <p>relicensing [1] 2129/13</p> <p>remain [2] 2036/10 2037/23</p> <p>remained [3] 2043/15 2070/5 2070/6</p> <p>remarks [1] 2122/9</p> <p>remember [11] 2068/13 2075/19 2091/17 2113/13 2135/6 2136/10 2137/23 2138/24 2139/1 2163/2 2175/22</p> <p>remembered [1] 2138/3</p> <p>reminded [1] 2175/21</p> <p>removal [2] 2106/20 2110/3</p> <p>remove [2] 2117/22 2123/14</p> <p>removed [7] 2088/20 2117/12 2117/21 2117/21 2119/4 2125/19 2125/20</p> <p>repeat [1] 2068/11</p> <p>repeated [1] 2043/17</p>	<p>repeatedly [1] 2076/13</p> <p>report [11] 2063/8 2103/20 2111/15 2124/17 2129/12 2129/14 2130/4 2130/5 2130/11 2130/15 2130/16</p> <p>Reporter [1] 2029/9</p> <p>reports [3] 2056/23 2103/20 2116/12</p> <p>representations [1] 2110/22</p> <p>representative [1] 2110/22</p> <p>request [9] 2049/16 2075/6 2088/8 2092/8 2103/11 2112/11 2153/14 2153/19 2153/20</p> <p>requested [1] 2141/15</p> <p>requests [3] 2103/9 2103/18 2103/21</p> <p>require [5] 2044/19 2045/8 2047/17 2062/6 2117/11</p> <p>required [2] 2060/3 2159/12</p> <p>requirement [9] 2040/20 2040/24 2060/14 2117/22 2121/13 2121/15 2124/4 2151/19 2159/16</p> <p>requirements [18] 2040/10 2049/7 2049/8 2069/2 2094/22 2121/12 2133/19 2140/10 2141/18 2141/21 2149/14 2149/22 2149/24 2150/19 2150/24 2151/17 2151/25 2160/1</p> <p>requiring [2] 2074/14 2165/13</p> <p>rereview [1] 2143/6</p> <p>Research [1] 2054/11</p> <p>resident [2] 2033/2 2045/1</p> <p>resolution [3] 2053/12 2053/14 2059/16</p> <p>resolve [6] 2059/8 2066/9 2078/7 2079/20 2082/23 2092/24</p> <p>resolved [2] 2053/11 2092/21</p> <p>resolving [1] 2054/17</p> <p>respect [1] 2166/9</p> <p>respond [5] 2048/5 2054/1 2095/3 2095/10 2103/24</p> <p>responded [4] 2047/17 2048/22 2087/10 2087/11</p> <p>responding [1] 2103/10</p> <p>response [72] 2047/12 2048/7 2048/21 2048/23 2049/16 2050/17 2052/18 2055/7 2056/22 2057/2 2061/20 2061/21 2063/17 2063/19 2064/3 2064/5 2064/9 2065/16 2078/1 2078/2 2080/18 2081/13 2081/14 2083/21 2085/24 2086/4 2089/15 2090/10 2090/14 2092/18 2093/17 2094/1 2095/22 2095/25 2096/3 2096/8 2096/11 2096/14 2097/6 2097/18 2102/9 2103/19 2104/5 2104/6 2104/7 2105/6 2105/8 2105/17 2106/25 2107/6 2111/20 2112/22 2128/20 2130/1 2131/4 2133/15 2139/14 2139/25 2140/25 2148/2 2148/4 2149/19 2151/16 2151/18 2155/19 2155/24 2161/1 2161/17 2161/21 2166/11 2171/22 2172/14</p> <p>responses [20] 2054/7 2054/21 2054/23 2055/3 2055/22 2056/11 2064/4 2096/20 2101/2 2103/5 2103/22 2105/1 2110/9 2114/4 2116/15 2119/13 2124/22 2133/15 2135/4 2142/11</p> <p>responsibility [5] 2050/12 2050/15 2059/24 2059/25 2157/9</p> <p>responsible [8] 2052/8 2053/2 2053/24 2064/2 2111/9 2122/24 2157/7 2157/11</p> <p>result [4] 2066/16 2096/23 2097/10 2125/6</p> <p>resulted [1] 2106/6</p> <p>results [8] 2101/1 2142/16 2143/15 2154/17 2154/18 2155/2 2155/15 2158/2</p> <p>retrospect [2] 2164/8 2164/11</p> <p>returned [1] 2164/19</p> <p>reverified [1] 2144/10</p> <p>review [27] 2031/14 2045/13 2050/19 2052/14 2057/24 2061/8 2099/19 2104/17 2111/7 2112/25 2113/22 2116/12 2116/14 2117/5 2142/15 2142/23 2143/14 2147/24 2148/21 2172/21 2173/2 2173/6 2173/8</p>
<p>R</p> <p>raise [2] 2042/19 2067/22</p> <p>raised [1] 2069/23</p> <p>raises [1] 2065/8</p> <p>Randy [4] 2134/24 2135/7 2135/13 2136/8</p> <p>range [1] 2045/3</p> <p>ranging [1] 2141/10</p> <p>ranking [1] 2141/8</p> <p>rate [4] 2042/13 2042/15 2043/5 2127/8</p> <p>rather [1] 2136/2</p> <p>RC [4] 2129/17 2129/18 2131/4 2132/11</p> <p>RC-2 [4] 2129/17 2129/18 2131/4 2132/11</p> <p>react [1] 2071/10</p> <p>reaction [4] 2086/2 2086/3 2115/13 2158/24</p> <p>reactivating [1] 2038/8</p> <p>reactor [12] 2032/9 2035/18 2035/19 2035/22 2035/22 2035/25 2047/5 2062/13 2077/19 2084/25 2117/12 2123/15</p> <p>read [19] 2068/11 2068/20 2074/24 2077/25 2083/18 2087/1 2088/7 2088/9 2109/24 2135/12 2136/1 2136/2 2136/21 2153/13 2159/8 2160/21 2160/22 2172/25 2175/25</p> <p>reader [1] 2142/18</p> <p>readily [1] 2100/20</p> <p>reading [1] 2090/1</p> <p>reads [2] 2082/1 2119/2</p> <p>ready [2] 2059/18 2110/15</p> <p>realized [1] 2104/4</p> <p>really [7] 2058/23 2058/24 2058/25 2063/11 2123/9 2145/21 2146/6</p> <p>reason [8] 2049/25 2079/13 2084/4 2152/16 2161/8 2162/12 2168/7 2168/8</p> <p>reasonably [1] 2071/4</p> <p>reasons [1] 2162/15</p> <p>recall [8] 2057/8 2110/19 2136/14 2139/6 2139/10 2165/3 2172/10 2172/19</p> <p>receive [4] 2068/22 2075/15 2075/18 2075/21</p>		

<p>R</p> <p>review... [4] 2173/10 2173/18 2174/11 2174/13</p> <p>reviewed [8] 2059/24 2087/5 2112/7 2134/10 2136/22 2143/20 2147/22 2156/3</p> <p>reviewing [7] 2044/24 2147/14 2147/14 2163/3 2172/24 2173/12 2173/14</p> <p>reviews [2] 2148/9 2174/7</p> <p>revise [3] 2050/18 2109/25 2167/11</p> <p>revises [2] 2083/21 2160/25</p> <p>revision [5] 2129/13 2130/3 2130/10 2130/13 2130/14</p> <p>reword [3] 2142/21 2143/5 2143/9</p> <p>RFO [27] 2062/14 2062/17 2062/23 2063/3 2063/8 2081/1 2081/9 2081/25 2092/24 2094/10 2094/12 2095/8 2099/9 2100/11 2100/23 2100/23 2100/25 2115/4 2115/10 2115/11 2159/14 2159/15 2162/24 2163/5 2167/9 2168/17 2170/21</p> <p>Richard [2] 2028/17 2028/24</p> <p>right [108] 2031/6 2031/8 2033/8 2033/9 2033/22 2034/17 2041/12 2045/24 2047/19 2050/3 2051/18 2053/18 2054/7 2058/8 2061/19 2066/23 2067/16 2067/19 2067/24 2068/17 2069/10 2069/11 2069/22 2070/18 2072/7 2073/3 2073/11 2073/18 2074/3 2074/11 2074/14 2074/23 2078/24 2080/1 2080/7 2082/1 2082/15 2087/18 2092/1 2092/4 2093/7 2099/7 2104/19 2105/4 2105/13 2107/17 2108/16 2108/19 2109/9 2114/3 2114/6 2118/2 2118/24 2121/23 2123/1 2123/11 2124/15 2124/15 2131/14 2132/19 2136/17 2137/24 2139/5 2140/6 2140/18 2140/25 2141/3 2142/22 2142/25 2144/10 2144/15 2145/6 2145/10 2146/7 2146/10 2147/2 2149/2 2151/2 2151/10 2153/8 2154/5 2154/23 2155/13 2155/15 2156/7 2156/15 2158/6 2159/2 2159/3 2160/4 2160/19 2161/18 2161/22 2162/10 2163/6 2163/7 2163/11 2163/12 2163/15 2164/8 2165/10 2165/16 2166/6 2169/1 2171/9 2173/3 2173/7 2174/20</p> <p>right-hand [5] 2068/17 2070/18 2073/11 2074/14 2074/23</p> <p>risk [2] 2111/25 2112/18</p> <p>River [9] 2034/2 2034/4 2034/17 2034/18 2034/19 2034/20 2034/22 2034/25 2038/12</p> <p>Robert [1] 2122/10</p> <p>Robinson [1] 2041/7</p> <p>Rock [4] 2031/18 2033/18 2033/18 2033/19</p> <p>rod [4] 2030/1 2138/22 2155/17 2159/10</p> <p>Rodney [3] 2029/3 2030/2 2030/11</p> <p>role [2] 2037/12 2053/5</p> <p>rolling [2] 2053/19 2103/16</p> <p>Ron [1] 2137/21</p> <p>Rosomme [6] 2134/24 2135/13 2135/18 2135/24 2136/8 2136/20</p> <p>routed [2] 2111/9 2112/9</p> <p>row [1] 2031/5</p> <p>RPR [2] 2029/9 2177/8</p> <p>RPV [14] 2050/13 2056/17 2056/21 2057/3 2077/10 2078/3 2083/23 2085/7 2106/5 2140/9 2140/14 2161/3 2162/2 2164/3</p> <p>Rule [1] 2154/1</p> <p>run [2] 2067/21 2073/1</p> <p>running [2] 2056/20 2056/21</p>	<p>2081/12 2082/25 2083/14 2083/15 2086/4 2086/7 2086/9 2090/21 2091/3 2091/4 2091/5 2091/5 2091/6 2091/19 2092/20 2095/9 2096/8 2104/8 2107/6 2109/24 2109/24 2123/2 2126/11 2132/20 2133/4 2133/10 2133/17 2133/22 2134/7 2134/11 2135/25 2136/25 2137/19 2138/21 2143/8 2143/9 2143/20 2144/5 2144/6 2144/10 2145/2 2145/17 2145/21 2146/2 2146/4 2146/7 2146/9 2146/10 2146/15 2150/6 2150/14 2150/17 2152/12 2152/14 2153/6 2154/18 2155/6 2156/14 2156/17 2156/22 2156/24 2156/25 2156/25 2157/21 2159/5 2159/21 2161/20 2161/25 2162/11 2163/8 2163/13 2164/25 2165/4 2165/6 2165/12 2166/4 2166/22 2167/10 2168/16 2168/17 2168/23 2172/4 2172/16 2172/23 2173/8 2173/13 2173/15 2173/21 2173/22 2173/25 2173/25</p> <p>salaried [1] 2126/13</p> <p>salary [1] 2127/11</p> <p>same [12] 2073/14 2083/18 2091/20 2100/16 2115/20 2115/24 2116/1 2131/20 2159/9 2160/23 2166/11 2166/12</p> <p>satisfied [7] 2085/11 2085/14 2086/15 2091/9 2091/10 2093/3 2149/5</p> <p>satisfy [2] 2095/13 2097/9</p> <p>Saunders [1] 2096/8</p> <p>saw [15] 2061/5 2063/8 2077/24 2078/15 2080/23 2080/24 2092/12 2092/12 2099/24 2109/23 2115/1 2115/2 2115/10 2156/15 2174/17</p> <p>say [26] 2055/9 2058/24 2075/1 2083/3 2088/9 2091/2 2092/18 2105/25 2106/17 2108/13 2138/16 2138/18 2143/19 2148/13 2150/22 2151/24 2160/4 2161/15 2161/25 2162/5 2162/10 2163/24 2164/9 2166/19 2168/11 2171/14</p> <p>saying [23] 2082/22 2095/7 2095/11 2104/25 2123/1 2123/9 2123/11 2123/12 2132/23 2139/2 2139/4 2143/2 2146/1 2146/3 2149/23 2150/13 2150/16 2152/8 2154/11 2164/1 2166/15 2166/16 2172/19</p> <p>says [20] 2052/13 2067/16 2068/19 2069/12 2074/22 2075/5 2075/5 2081/1 2094/9 2106/2 2120/13 2142/15 2151/19 2151/21 2151/23 2159/10 2159/14 2162/1 2169/18 2170/10</p> <p>scattered [2] 2155/8 2158/8</p> <p>schedule [1] 2141/19</p> <p>scheme [2] 2093/10 2093/12</p> <p>school [2] 2030/18 2030/20</p> <p>science [1] 2030/22</p> <p>scope [21] 2069/1 2083/22 2083/22 2105/15 2106/2 2137/8 2137/15 2140/10 2141/18 2149/10 2149/12 2149/13 2149/16 2149/19 2154/16 2154/17 2161/1 2161/2 2162/1 2163/8 2164/2</p> <p>screen [2] 2140/1 2169/15</p> <p>scroll [3] 2067/6 2067/23 2073/22</p> <p>scrolled [1] 2073/1</p> <p>second [21] 2073/20 2075/14 2083/18 2083/18 2088/7 2089/8 2089/18 2089/19 2094/11 2097/18 2107/8 2109/15 2140/17 2141/19 2142/3 2144/12 2151/3 2166/7 2166/10 2169/19 2169/19</p> <p>secondary [1] 2037/5</p> <p>section [18] 2036/16 2036/17 2049/10 2049/10 2051/8 2051/8 2051/18 2051/23 2065/17 2065/18 2118/24 2120/12 2120/24 2121/1 2124/11 2144/6 2148/2 2152/3</p> <p>see [66] 2041/10 2043/11 2049/25 2051/9 2051/23 2053/7 2054/3 2055/2 2056/21 2057/3 2057/17 2060/22 2061/2 2061/9</p>	<p>2061/12 2061/14 2068/6 2068/10 2070/10 2070/17 2071/5 2072/13 2075/6 2076/17 2079/5 2082/24 2086/7 2086/13 2089/9 2099/23 2102/6 2102/13 2104/21 2105/18 2111/2 2113/24 2114/3 2114/24 2116/1 2116/17 2118/12 2120/13 2120/22 2122/11 2124/21 2131/5 2131/6 2136/18 2139/25 2143/19 2145/13 2146/2 2147/7 2156/22 2156/23 2157/19 2157/21 2158/14 2159/10 2164/21 2164/21 2167/7 2167/13 2168/22 2169/19 2176/4</p> <p>seeing [3] 2096/14 2115/19 2115/24</p> <p>seen [13] 2061/16 2061/18 2080/20 2081/9 2098/7 2098/8 2131/5 2131/24 2131/25 2141/12 2164/22 2172/16 2173/15</p> <p>Senator [1] 2165/4</p> <p>send [7] 2045/15 2055/9 2055/14 2055/16 2055/18 2057/23 2125/3</p> <p>sending [5] 2057/8 2058/10 2082/12 2169/6 2171/23</p> <p>sends [2] 2060/18 2083/2</p> <p>sense [4] 2058/24 2162/7 2171/16 2174/5</p> <p>sent [24] 2055/8 2055/25 2056/11 2064/23 2078/17 2080/21 2082/22 2091/14 2095/22 2095/25 2101/6 2104/7 2114/4 2116/15 2130/24 2132/15 2146/1 2158/25 2164/24 2166/24 2170/2 2170/3 2172/4 2172/7</p> <p>sentence [23] 2079/13 2083/17 2083/18 2083/19 2084/1 2088/7 2088/9 2089/6 2089/8 2089/12 2089/13 2089/19 2094/11 2094/18 2105/18 2106/12 2106/13 2119/2 2119/15 2140/16 2140/17 2160/8 2170/6</p> <p>separate [1] 2044/20</p> <p>September [4] 2048/9 2095/23 2096/5 2174/20</p> <p>September 28th [1] 2174/20</p> <p>September 4th [1] 2048/9</p> <p>sequence [1] 2079/24</p> <p>Sequoia [1] 2037/18</p> <p>serial [7] 2102/2 2106/1 2106/4 2115/5 2133/4 2147/14 2164/13</p> <p>served [1] 2037/13</p> <p>service [6] 2039/22 2089/2 2092/9 2145/22 2145/25 2151/8</p> <p>services [4] 2039/10 2039/19 2041/14 2130/24</p> <p>set [8] 2067/25 2068/8 2073/20 2073/24 2097/1 2097/1 2135/13 2141/7</p> <p>setting [2] 2045/3 2142/16</p> <p>settled [1] 2125/20</p> <p>several [12] 2035/3 2049/8 2049/8 2054/19 2055/10 2058/20 2064/2 2064/24 2107/25 2122/19 2127/21 2136/11</p> <p>shall [5] 2052/14 2121/12 2132/2 2132/18 2133/1</p> <p>shape [1] 2163/20</p> <p>she [2] 2156/25 2175/20</p> <p>She's [1] 2031/7</p> <p>Sheron [1] 2096/7</p> <p>shortcomings [1] 2096/14</p> <p>should [30] 2046/18 2087/1 2117/20 2117/21 2117/23 2119/3 2119/15 2119/20 2121/13 2121/18 2121/19 2123/14 2123/17 2130/25 2131/7 2131/23 2132/2 2132/15 2132/16 2132/16 2132/16 2132/17 2132/25 2133/1 2133/8 2133/10 2139/20 2161/11 2165/22 2166/20</p> <p>show [13] 2051/2 2057/5 2073/9 2073/18 2084/19 2102/1 2114/12 2115/8 2115/16 2118/2 2131/7 2137/20 2169/15</p> <p>showed [5] 2115/17 2116/10 2149/11 2158/7 2158/10</p> <p>shown [6] 2067/4 2111/4 2111/6 2114/17 2114/21 2118/21</p>
<p>S</p> <p>safety [1] 2130/8</p> <p>said [106] 2030/4 2054/24 2055/10 2069/4 2070/14 2075/1 2078/15 2078/16 2078/16 2079/5 2079/7 2079/8 2079/8 2081/6</p>		

<p>S</p> <p>shows [1] 2120/21</p> <p>shut [3] 2038/6 2096/10 2096/16</p> <p>shutdown [1] 2076/17</p> <p>SIA [3] 2103/19 2103/19 2103/21</p> <p>side [9] 2037/5 2070/8 2074/14 2074/23 2135/9 2135/10 2167/15 2167/16 2175/18</p> <p>Siemaszko [16] 2046/6 2055/17 2062/24 2075/18 2078/14 2080/3 2081/12 2085/17 2099/22 2101/3 2134/21 2145/6 2158/19 2167/1 2168/3 2171/5</p> <p>Siemaszko's [1] 2081/13</p> <p>sign [12] 2060/10 2091/11 2123/9 2124/5 2164/12 2172/17 2173/5 2173/9 2173/16 2173/20 2174/16 2175/8</p> <p>signature [5] 2060/15 2060/25 2067/17 2111/10 2165/21</p> <p>signed [15] 2091/12 2091/15 2092/2 2102/4 2122/10 2123/2 2124/3 2124/7 2124/9 2171/24 2172/9 2173/1 2173/21 2174/19 2175/9</p> <p>significance [3] 2076/14 2077/4 2130/8</p> <p>signing [1] 2041/16</p> <p>signs [1] 2060/18</p> <p>since [12] 2030/19 2040/2 2053/22 2065/13 2065/16 2069/24 2069/25 2080/21 2089/6 2097/19 2132/13 2171/6</p> <p>sir [61] 2030/12 2030/25 2031/8 2031/9 2031/12 2032/14 2033/14 2033/21 2039/11 2041/12 2047/14 2051/5 2051/19 2051/22 2052/12 2052/19 2052/21 2053/18 2057/17 2060/11 2060/13 2067/22 2067/24 2068/1 2068/3 2068/21 2069/9 2069/10 2072/3 2072/10 2072/13 2072/16 2072/20 2073/15 2077/9 2077/12 2079/25 2084/6 2086/23 2088/4 2089/21 2093/7 2094/8 2094/25 2102/12 2102/24 2104/24 2107/18 2108/21 2118/6 2118/10 2119/1 2121/2 2121/23 2124/20 2125/18 2126/6 2126/10 2131/5 2137/12 2140/7</p> <p>site [9] 2040/13 2040/13 2045/4 2127/25 2130/21 2130/25 2131/1 2131/2 2131/23</p> <p>sites [3] 2033/3 2033/4 2125/9</p> <p>sitting [1] 2079/3</p> <p>six [4] 2038/4 2038/23 2044/3 2048/17</p> <p>six-month [1] 2044/3</p> <p>size [1] 2163/20</p> <p>slash [3] 2083/25 2161/5 2170/22</p> <p>Slow [2] 2032/6 2094/16</p> <p>so [107] 2030/19 2032/2 2034/2 2038/8 2040/2 2041/7 2043/1 2043/13 2043/14 2044/3 2044/16 2045/19 2048/9 2050/2 2053/13 2053/24 2054/3 2054/18 2057/23 2058/6 2058/13 2058/14 2059/18 2061/11 2061/15 2062/5 2067/21 2068/12 2071/8 2078/14 2078/21 2078/25 2079/3 2079/4 2079/7 2079/10 2079/19 2080/22 2081/8 2082/3 2084/8 2086/15 2086/23 2087/18 2090/1 2091/7 2092/23 2096/15 2096/19 2097/22 2098/3 2098/15 2103/2 2103/10 2103/21 2104/10 2105/16 2106/10 2107/17 2114/15 2117/2 2122/25 2123/15 2124/15 2126/20 2129/23 2130/6 2131/20 2133/12 2134/14 2135/5 2135/19 2141/22 2142/1 2143/8 2143/9 2144/3 2148/6 2149/13 2149/16 2150/2 2150/5 2150/16 2151/24 2152/20 2153/12 2156/9 2156/15 2156/25 2157/22 2158/1 2158/19 2159/6 2159/9 2159/17 2160/4 2162/19 2166/23 2167/15 2168/8 2172/3 2172/8 2174/2 2174/4 2175/2 2175/14 2175/14</p> <p>solution [1] 2053/3</p> <p>some [49] 2036/3 2054/3 2055/13 2061/10</p>	<p>2061/11 2064/3 2064/5 2065/4 2066/20 2066/24 2068/6 2079/13 2085/20 2086/8 2089/23 2091/13 2095/9 2101/19 2101/20 2103/8 2104/25 2106/9 2106/10 2110/21 2111/2 2126/8 2127/7 2129/19 2129/20 2133/21 2142/13 2146/14 2147/3 2148/15 2148/15 2148/16 2148/17 2153/8 2155/9 2157/18 2158/8 2158/17 2162/17 2165/18 2168/16 2168/23 2171/14 2172/25 2174/3</p> <p>somebody [8] 2056/1 2079/6 2128/10 2128/11 2156/23 2157/2 2157/3 2157/9</p> <p>someone [2] 2059/11 2087/9</p> <p>something [17] 2040/12 2046/3 2058/23 2059/1 2066/22 2099/5 2101/6 2104/12 2105/25 2106/16 2111/1 2129/11 2129/17 2132/15 2162/17 2166/25 2167/21</p> <p>sometime [2] 2042/6 2085/19</p> <p>somewhat [1] 2070/18</p> <p>somewhere [1] 2149/23</p> <p>soon [1] 2113/8</p> <p>sorry [23] 2033/15 2051/11 2052/6 2052/7 2065/14 2083/17 2094/11 2094/17 2094/17 2096/23 2102/18 2107/10 2120/3 2120/17 2120/19 2122/3 2139/8 2142/12 2154/20 2158/6 2160/12 2168/11 2174/24</p> <p>sort [3] 2142/16 2165/22 2168/2</p> <p>sorted [2] 2107/17 2160/12</p> <p>source [1] 2170/16</p> <p>south [2] 2035/14 2036/9</p> <p>space [1] 2049/6</p> <p>speaks [2] 2077/7 2089/7</p> <p>special [1] 2132/16</p> <p>specific [3] 2054/21 2070/24 2153/14</p> <p>specifically [8] 2094/21 2131/3 2136/18 2138/11 2140/10 2143/23 2147/4 2147/24</p> <p>specifics [1] 2093/8</p> <p>specter [1] 2125/20</p> <p>speculate [1] 2128/5</p> <p>speed [1] 2149/1</p> <p>spend [1] 2126/25</p> <p>spent [1] 2153/8</p> <p>Spielbusch [1] 2029/9</p> <p>spoke [3] 2113/8 2158/19 2166/16</p> <p>sprayed [2] 2085/10 2085/10</p> <p>spring [1] 2116/19</p> <p>squiggly [3] 2068/18 2069/11 2070/8</p> <p>St [1] 2034/3</p> <p>stack [1] 2061/25</p> <p>staff [4] 2044/1 2044/12 2044/14 2044/15</p> <p>stainless [1] 2129/21</p> <p>stamp [5] 2067/21 2068/9 2070/19 2073/2 2102/11</p> <p>stand [1] 2135/25</p> <p>standard [2] 2119/20 2121/7</p> <p>start [11] 2043/24 2046/17 2055/12 2055/12 2059/19 2097/22 2103/14 2135/12 2140/21 2142/14 2145/21</p> <p>started [15] 2031/17 2034/10 2035/1 2035/1 2039/6 2043/25 2048/9 2053/21 2078/18 2097/25 2098/1 2103/10 2104/9 2126/7 2129/21</p> <p>starting [2] 2053/19 2080/7</p> <p>starts [1] 2089/20</p> <p>state [6] 2030/9 2084/2 2117/20 2161/6 2161/8 2161/21</p> <p>stated [10] 2085/2 2089/20 2089/22 2089/24 2101/21 2105/19 2106/1 2106/4 2130/15 2170/7</p> <p>statement [15] 2085/5 2088/11 2090/4 2090/6 2095/7 2095/13 2106/8 2135/17 2138/15 2138/17 2138/20 2151/7 2152/8 2162/1 2171/17</p> <p>states [8] 2028/1 2028/3 2028/10 2032/24 2044/6 2052/1 2053/10 2161/13</p>	<p>station [12] 2031/19 2035/14 2036/13 2036/22 2038/1 2038/13 2038/14 2038/16 2062/16 2063/7 2105/19 2170/17</p> <p>stay [4] 2033/22 2036/1 2037/17 2038/3</p> <p>stayed [3] 2033/24 2037/24 2107/24</p> <p>steam [4] 2035/23 2035/24 2035/24 2037/7</p> <p>steel [2] 2129/20 2129/23</p> <p>stenography [1] 2029/12</p> <p>step [2] 2031/3 2076/9</p> <p>steps [2] 2121/18 2126/5</p> <p>Steve [2] 2131/22 2132/14</p> <p>Steven [1] 2130/23</p> <p>stick [1] 2163/1</p> <p>Stickan [1] 2028/13</p> <p>still [6] 2053/23 2086/7 2086/13 2096/18 2168/22 2168/25</p> <p>stipules [1] 2086/21</p> <p>stop [1] 2035/5</p> <p>streaks [1] 2158/10</p> <p>Street [2] 2028/25 2029/6</p> <p>strengthen [1] 2130/18</p> <p>strengthening [1] 2130/17</p> <p>Strike [1] 2077/13</p> <p>stronger [1] 2095/7</p> <p>Structural [1] 2064/4</p> <p>structure [5] 2089/3 2092/9 2145/22 2145/25 2151/8</p> <p>stuff [1] 2135/19</p> <p>style [2] 2120/14 2120/24</p> <p>subcontractors [1] 2039/18</p> <p>subject [2] 2047/1 2087/19</p> <p>submit [4] 2059/18 2110/21 2110/21 2111/25</p> <p>submittal [2] 2052/16 2110/16</p> <p>submittals [2] 2044/23 2045/14</p> <p>submitted [5] 2097/19 2111/22 2111/24 2112/9 2114/8</p> <p>submitting [1] 2110/19</p> <p>subparagraph [1] 2049/1</p> <p>subparts [4] 2048/18 2048/19 2048/20 2048/21</p> <p>subsections [2] 2078/1 2080/19</p> <p>subsequent [7] 2119/22 2133/9 2142/15 2142/23 2143/14 2145/23 2171/22</p> <p>subsequently [2] 2131/6 2150/22</p> <p>substantial [1] 2062/4</p> <p>substantiate [1] 2083/14</p> <p>success [1] 2127/5</p> <p>successful [2] 2126/20 2127/6</p> <p>such [3] 2061/7 2093/12 2098/6</p> <p>suffering [1] 2086/20</p> <p>suggest [1] 2063/14</p> <p>suggestions [1] 2062/10</p> <p>Suite [3] 2028/14 2028/25 2029/5</p> <p>summarize [1] 2124/11</p> <p>summary [2] 2102/8 2102/22</p> <p>Superior [1] 2028/14</p> <p>supervising [1] 2065/25</p> <p>supervisor [6] 2037/14 2037/16 2039/25 2040/1 2122/18 2122/23</p> <p>supervisors [1] 2065/6</p> <p>supplement [1] 2130/5</p> <p>supplemental [3] 2064/3 2106/14 2170/20</p> <p>support [3] 2066/6 2112/11 2130/24</p> <p>supposed [2] 2037/6 2166/24</p> <p>supposedly [1] 2091/14</p> <p>sure [30] 2033/11 2040/16 2055/2 2060/24 2066/8 2076/8 2079/2 2079/3 2079/7 2080/22 2083/3 2086/21 2086/25 2087/2 2087/2 2095/19 2096/13 2107/8 2112/8 2126/4 2126/12 2129/1 2141/12 2144/9 2144/17 2156/15 2159/6 2166/4 2169/16 2173/21</p>
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S	2121/18 2127/10 testified [4] 2127/23 2132/19 2139/5 2139/10 testify [1] 2138/17 testifying [4] 2132/2 2138/24 2139/1 2152/16 testimony [4] 2140/15 2165/3 2172/10 2175/7	they [112] 2031/21 2033/1 2036/4 2037/4 2037/7 2037/8 2037/11 2037/15 2038/7 2042/15 2046/8 2046/9 2047/17 2049/20 2050/11 2050/15 2050/17 2054/18 2054/24 2054/24 2055/2 2055/22 2056/5 2057/23 2058/15 2058/16 2059/24 2061/2 2061/4 2061/5 2061/6 2061/11 2061/13 2061/14 2062/16 2062/17 2063/16 2063/18 2063/25 2064/15 2064/16 2064/21 2065/6 2065/7 2066/20 2066/21 2068/5 2068/12 2073/6 2076/18 2077/3 2077/5 2084/9 2085/6 2085/8 2085/9 2085/10 2087/11 2090/2 2090/17 2090/19 2092/22 2093/15 2093/18 2093/20 2093/24 2096/14 2097/6 2097/7 2108/15 2110/24 2111/1 2116/3 2116/4 2125/8 2127/18 2128/7 2128/15 2129/9 2129/18 2129/19 2129/20 2129/24 2133/18 2133/20 2134/25 2135/1 2135/3 2135/16 2135/17 2137/19 2143/7 2143/19 2144/6 2145/18 2147/16 2150/3 2150/4 2150/7 2155/2 2155/3 2155/6 2155/8 2155/12 2155/16 2155/17 2155/18 2162/25 2163/2 2163/3 2163/4 2163/21 they're [5] 2055/4 2128/12 2146/3 2150/10 2155/1 They've [1] 2167/21 thing [4] 2096/9 2124/16 2139/18 2163/13 things [22] 2037/9 2039/17 2044/24 2046/19 2055/3 2066/9 2076/8 2092/10 2096/2 2113/9 2134/4 2136/15 2142/13 2147/3 2147/22 2150/23 2155/5 2159/5 2163/10 2167/11 2167/22 2168/2 things from [1] 2142/13 think [40] 2049/24 2054/24 2056/3 2056/6 2062/25 2062/25 2063/1 2063/1 2065/22 2065/22 2070/1 2070/13 2082/14 2084/10 2086/17 2086/20 2086/23 2086/25 2087/1 2090/23 2096/9 2096/18 2104/25 2107/21 2113/9 2127/7 2128/3 2131/9 2135/19 2135/22 2141/14 2147/7 2149/1 2159/5 2160/16 2160/21 2164/8 2164/14 2165/4 2172/3 third [2] 2039/4 2098/22 this [249] this comment [1] 2159/8 Thomas [1] 2028/18 thorough [1] 2148/12 those [45] 2032/25 2043/21 2047/15 2055/18 2055/19 2058/18 2058/20 2060/9 2061/1 2063/8 2064/8 2064/13 2065/1 2068/4 2092/10 2099/9 2101/1 2103/21 2110/14 2110/15 2114/7 2114/13 2114/15 2114/22 2116/14 2121/12 2121/12 2122/13 2123/16 2125/4 2128/17 2130/8 2134/1 2134/3 2134/24 2137/16 2143/6 2143/8 2146/2 2146/25 2147/17 2150/2 2150/23 2154/7 2168/22 though [1] 2175/22 thought [9] 2089/2 2092/21 2115/14 2127/23 2133/13 2140/16 2143/12 2160/1 2162/6 three [4] 2038/24 2061/20 2121/6 2141/8 through [28] 2040/14 2047/21 2067/6 2067/21 2067/23 2068/12 2072/8 2073/22 2078/12 2079/23 2083/24 2090/18 2090/21 2092/19 2105/13 2144/22 2144/25 2146/17 2149/20 2157/16 2157/18 2161/4 2162/2 2162/3 2162/3 2163/14 2164/3 2172/14 throughout [1] 2108/9 time [54] 2030/17 2031/15 2036/7 2036/23 2036/24 2039/4 2040/4 2040/7 2042/20 2046/20 2048/5 2053/23 2054/16 2055/15 2056/17 2057/9 2062/4 2063/13 2063/19 2065/20 2068/2 2076/11 2077/2 2077/24
T	table [1] 2099/24 take [51] 2031/14 2039/15 2048/18 2050/15 2051/6 2051/7 2051/17 2054/18 2057/11 2058/22 2066/24 2068/6 2069/4 2070/17 2074/7 2074/8 2077/10 2078/11 2078/25 2084/21 2094/3 2097/2 2098/7 2098/8 2113/6 2113/9 2113/13 2114/9 2114/11 2115/8 2115/21 2119/25 2121/20 2121/23 2123/14 2126/5 2137/24 2138/10 2142/8 2142/12 2147/16 2149/18 2159/2 2166/9 2167/12 2170/13 2172/25 2173/21 2173/24 2173/25 2174/2 taken [8] 2057/20 2059/6 2059/10 2079/13 2084/18 2093/4 2172/25 2175/12 taking [1] 2088/15 talk [20] 2058/23 2070/1 2079/4 2091/13 2093/7 2095/21 2097/5 2113/15 2128/7 2128/14 2128/15 2128/19 2139/14 2144/8 2147/19 2148/18 2159/2 2165/16 2166/6 2171/5 talked [28] 2070/3 2070/6 2074/18 2078/14 2078/22 2079/4 2082/23 2083/13 2091/18 2092/20 2118/4 2134/11 2137/18 2144/24 2145/23 2146/4 2147/3 2147/21 2151/5 2156/12 2156/16 2159/21 2165/15 2165/21 2166/14 2171/18 2172/23 2173/13 talking [33] 2045/19 2062/7 2066/9 2074/5 2114/10 2116/7 2121/5 2128/12 2136/15 2138/19 2140/4 2140/16 2140/17 2142/17 2142/21 2142/23 2143/9 2144/12 2144/21 2144/24 2146/20 2148/25 2151/3 2151/6 2151/6 2151/11 2154/20 2154/23 2156/7 2159/8 2160/19 2170/8 2171/10 tapes [1] 2114/24 task [2] 2042/12 2094/13 team [3] 2116/19 2116/23 2116/24 teams [1] 2117/5 technical [8] 2056/10 2056/12 2059/23 2060/2 2060/9 2098/18 2098/19 2128/6 technique [10] 2091/1 2091/3 2092/23 2092/23 2146/6 2146/8 2146/11 2146/13 2162/23 2162/25 Ted [1] 2124/9 telecom [1] 2165/24 telephone [5] 2097/10 2166/1 2170/7 2170/9 2171/21 tell [31] 2032/3 2039/13 2043/6 2044/10 2057/23 2064/1 2068/25 2075/3 2084/9 2086/24 2091/22 2095/5 2099/10 2106/9 2114/6 2117/16 2121/5 2124/8 2128/2 2134/24 2135/24 2138/14 2139/22 2139/23 2147/13 2156/9 2156/19 2160/7 2167/8 2169/4 2175/23 telling [6] 2085/11 2086/5 2157/15 2157/17 2170/25 2172/21 tells [1] 2132/25 temperature [1] 2123/19 ten [2] 2038/22 2048/21 Tennessee [4] 2030/15 2030/24 2037/19 2039/10 tense [2] 2089/12 2089/13 term [7] 2042/2 2042/3 2077/13 2077/14 2077/23 2117/23 2121/19 terminated [1] 2125/11 terms [6] 2032/2 2076/13 2121/3 2121/6	2121/18 2127/10 testified [4] 2127/23 2132/19 2139/5 2139/10 testify [1] 2138/17 testifying [4] 2132/2 2138/24 2139/1 2152/16 testimony [4] 2140/15 2165/3 2172/10 2175/7 testing [1] 2106/15 than [10] 2063/14 2063/17 2063/21 2086/17 2095/15 2115/15 2136/2 2153/14 2156/6 2163/4 Thank [7] 2033/10 2073/4 2080/16 2102/19 2120/22 2125/24 2158/7 that [902] that's [72] 2033/3 2034/16 2036/21 2040/12 2041/13 2043/15 2043/16 2054/4 2054/6 2058/15 2058/16 2059/12 2059/14 2060/14 2067/12 2067/16 2067/17 2068/19 2069/7 2072/7 2072/7 2075/2 2075/15 2078/17 2078/25 2081/17 2082/5 2082/25 2084/6 2088/6 2090/5 2092/11 2099/5 2099/6 2110/7 2122/6 2127/9 2128/23 2129/25 2133/1 2133/1 2134/9 2137/9 2138/17 2139/2 2141/22 2142/17 2143/21 2146/3 2146/9 2147/1 2150/9 2151/23 2153/21 2153/24 2156/13 2157/24 2161/9 2161/23 2162/9 2162/24 2163/16 2163/24 2163/24 2166/22 2167/15 2167/15 2167/16 2167/22 2169/14 2170/14 2170/25 their [25] 2035/12 2035/13 2035/13 2036/4 2036/5 2036/6 2036/24 2036/25 2037/4 2043/11 2049/18 2049/18 2059/25 2061/13 2061/13 2063/10 2077/6 2090/18 2090/18 2128/6 2130/19 2130/19 2133/18 2133/19 2150/10 them [63] 2033/1 2033/2 2033/3 2035/3 2035/11 2035/12 2035/15 2036/3 2036/5 2036/5 2037/19 2040/16 2049/16 2054/21 2058/22 2058/23 2059/2 2059/8 2064/10 2064/11 2064/23 2064/23 2065/25 2066/6 2066/16 2068/6 2073/4 2073/22 2074/15 2075/18 2075/21 2076/1 2076/4 2076/14 2076/15 2092/8 2097/8 2101/10 2112/23 2114/3 2114/12 2115/20 2115/24 2116/1 2117/1 2128/18 2134/15 2147/17 2147/22 2147/23 2148/15 2148/15 2149/11 2150/6 2153/20 2154/17 2155/6 2157/25 2158/25 2165/13 2166/23 2167/22 2171/10 themselves [1] 2090/16 then [51] 2033/25 2034/24 2035/8 2035/14 2036/12 2036/20 2037/20 2037/25 2038/4 2038/21 2070/24 2071/2 2074/8 2079/12 2081/11 2082/6 2082/12 2083/1 2083/2 2092/18 2092/25 2096/6 2098/25 2099/3 2099/4 2099/5 2099/13 2103/22 2106/17 2110/1 2120/16 2124/4 2128/13 2128/21 2138/6 2139/17 2139/23 2142/1 2143/19 2147/17 2151/2 2151/10 2153/8 2156/14 2160/16 2161/5 2162/4 2167/8 2171/21 2174/9 2174/17 there [181] there's [20] 2045/2 2047/18 2070/19 2087/18 2091/13 2094/9 2102/8 2106/16 2143/18 2143/20 2146/3 2146/9 2151/18 2154/2 2155/5 2155/5 2156/5 2162/17 2171/14 2171/15 these [29] 2059/16 2068/18 2072/18 2073/23 2076/13 2080/18 2090/23 2094/21 2106/13 2117/3 2121/7 2135/4 2135/16 2135/22 2147/8 2147/14 2148/21 2149/3 2151/24 2157/22 2157/23 2158/20 2160/11 2160/12 2165/12 2165/19 2165/21 2166/7 2170/19

T	U	utility [2] 2040/21 2121/17
<p>time... [30] 2088/2 2100/10 2100/18 2101/5 2107/21 2108/4 2114/1 2115/1 2116/11 2122/18 2126/25 2127/1 2134/23 2135/2 2137/21 2139/22 2144/16 2147/19 2153/9 2157/2 2165/18 2165/19 2169/9 2172/19 2172/25 2173/20 2175/2 2175/6 2175/15 2175/16 timely [1] 2101/3 times [2] 2127/21 2167/20 title [2] 2051/8 2051/9 today [2] 2139/2 2140/15 together [5] 2049/14 2053/20 2054/23 2097/23 2129/19 told [30] 2044/12 2045/24 2046/2 2057/21 2062/25 2063/1 2063/2 2078/14 2082/24 2085/20 2100/13 2116/4 2134/25 2135/1 2135/3 2135/23 2137/18 2145/4 2145/6 2155/7 2156/21 2158/16 2158/17 2166/21 2167/1 2168/14 2172/7 2173/4 2173/6 2175/9 Toledo [3] 2028/4 2029/10 2038/19 tomorrow [1] 2172/20 too [2] 2113/8 2131/11 took [10] 2039/16 2049/5 2049/8 2056/9 2096/23 2096/24 2115/10 2116/5 2142/6 2147/22 top [15] 2062/18 2085/21 2085/22 2086/6 2089/25 2092/14 2095/9 2134/4 2145/18 2156/6 2159/8 2159/13 2168/21 2170/13 2172/1 topic [2] 2142/17 2171/7 torture [1] 2072/11 touching [1] 2176/1 toward [1] 2042/6 towards [3] 2075/5 2143/12 2170/5 training [9] 2040/15 2047/8 2047/20 2047/21 2128/25 2130/18 2166/3 2172/20 2173/17 transcript [6] 2028/9 2029/12 2135/5 2135/16 2145/12 2177/3 transmitted [1] 2130/4 transmitting [1] 2128/21 treat [1] 2132/17 Trial [2] 2028/6 2028/9 tried [1] 2071/25 tripped [2] 2037/4 2037/5 trouble [2] 2101/2 2158/17 true [1] 2040/18 trusted [1] 2056/13 truth [1] 2040/11 truthful [2] 2063/15 2086/18 try [10] 2059/1 2071/21 2078/2 2079/7 2087/4 2112/10 2112/22 2135/5 2144/11 2160/2 trying [10] 2068/11 2078/7 2079/20 2084/9 2090/10 2093/25 2112/11 2156/21 2162/10 2163/25 Tuesday [2] 2175/16 2176/4 turn [7] 2067/19 2073/10 2094/6 2110/17 2120/12 2121/1 2132/18 turning [1] 2170/16 Twenty [1] 2048/24 Twenty-five [1] 2048/24 two [22] 2031/3 2031/20 2032/1 2032/5 2032/8 2035/11 2038/14 2038/16 2038/21 2068/16 2072/12 2076/13 2078/4 2099/9 2110/12 2113/12 2155/5 2157/22 2157/23 2157/24 2163/10 2168/1 type [6] 2069/1 2094/14 2140/10 2141/18 2149/10 2149/16 typos [5] 2173/2 2173/6 2173/10 2173/13 2173/14</p>	<p>U.S [2] 2028/13 2028/17 Ulie [2] 2116/7 2145/14 ultimate [2] 2113/16 2176/2 ultimately [6] 2059/5 2059/6 2084/14 2107/11 2107/14 2124/12 ultrasonic [1] 2106/14 unable [1] 2059/8 unacceptable [1] 2094/14 unclear [1] 2058/19 under [7] 2039/18 2043/1 2047/17 2053/5 2070/19 2070/25 2071/2 understand [20] 2049/13 2051/25 2059/22 2071/13 2079/22 2085/4 2087/22 2088/16 2100/10 2107/9 2109/21 2128/8 2128/12 2133/6 2139/12 2146/19 2154/11 2160/10 2161/11 2172/24 understanding [13] 2062/13 2062/15 2065/21 2087/25 2100/16 2119/5 2130/19 2132/9 2132/13 2133/7 2153/25 2155/25 2156/2 understands [2] 2128/10 2128/12 understood [12] 2052/17 2063/3 2076/10 2076/14 2084/21 2088/22 2090/1 2090/9 2092/4 2098/10 2100/19 2101/23 uneven [1] 2158/7 unit [13] 2031/19 2031/20 2031/24 2032/9 2032/11 2032/23 2034/21 2035/13 2036/3 2037/4 2037/22 2038/8 2043/25 UNITED [4] 2028/1 2028/3 2028/10 2032/24 units [1] 2034/10 University [1] 2030/23 unquote [1] 2161/5 until [15] 2033/24 2036/19 2037/15 2037/15 2037/24 2042/4 2042/6 2042/9 2063/9 2096/5 2108/13 2125/15 2137/10 2145/22 2175/16 up [71] 2031/19 2031/22 2037/6 2037/21 2038/1 2041/8 2045/3 2048/23 2049/5 2049/8 2052/25 2053/13 2054/21 2055/7 2061/7 2067/22 2070/13 2076/13 2079/20 2079/20 2080/12 2080/13 2084/19 2086/6 2090/2 2090/3 2091/23 2094/4 2095/9 2097/1 2097/1 2098/5 2099/20 2100/4 2101/10 2101/10 2104/7 2104/23 2106/10 2109/16 2113/16 2118/7 2128/9 2129/19 2129/20 2135/20 2136/15 2136/16 2137/1 2137/3 2139/25 2140/23 2142/10 2142/17 2142/25 2145/18 2147/5 2147/14 2149/1 2157/16 2157/17 2158/2 2159/7 2160/5 2163/14 2165/23 2166/22 2167/6 2169/17 2173/11 2176/2 upon [2] 2030/3 2100/8 upper [2] 2068/16 2073/11 upshot [1] 2101/9 upstairs [1] 2059/10 us [21] 2032/3 2038/10 2038/18 2039/13 2043/6 2064/1 2068/25 2078/11 2095/5 2096/12 2114/6 2117/16 2121/5 2123/16 2124/8 2134/12 2149/1 2156/9 2160/7 2160/22 2175/13 use [10] 2101/14 2101/21 2121/3 2130/25 2131/23 2134/12 2139/20 2147/6 2156/13 2166/20 used [9] 2041/16 2069/14 2101/20 2131/13 2133/14 2148/13 2150/7 2151/14 2151/19 using [9] 2069/13 2094/14 2137/7 2137/14 2137/19 2151/12 2162/25 2162/25 2163/2 usually [2] 2047/16 2128/16 utilities [6] 2054/14 2054/17 2054/22 2066/5 2125/7 2170/12</p>	<p>V vague [1] 2153/14 value [2] 2099/13 2156/22 values [1] 2101/12 valve [3] 2129/19 2129/22 2129/23 various [1] 2032/25 venture [1] 2126/20 Verde [1] 2036/13 verified [4] 2059/25 2137/1 2137/9 2154/4 verify [6] 2052/3 2052/23 2053/1 2070/9 2152/4 2154/4 verifying [1] 2052/8 version [3] 2160/23 2171/22 2171/24 versus [5] 2035/24 2054/20 2128/10 2129/20 2132/2 very [13] 2046/16 2047/15 2059/18 2071/16 2102/19 2105/18 2142/19 2148/15 2148/16 2149/18 2155/19 2155/19 2156/6 vessel [8] 2047/5 2049/18 2062/14 2077/19 2084/25 2117/12 2123/15 2123/21 VHP [1] 2140/9 vice [2] 2060/22 2075/21 video [2] 2157/3 2157/4 videos [12] 2079/6 2114/9 2114/11 2114/13 2114/21 2114/22 2115/3 2116/10 2154/5 2154/6 2154/10 2154/12 videotape [7] 2057/3 2113/24 2142/16 2142/24 2143/15 2152/13 2152/23 videotaped [1] 2070/15 videotapes [1] 2143/7 videotaping [1] 2152/9 view [4] 2041/20 2041/23 2063/5 2169/12 viewable [3] 2101/13 2106/5 2106/11 viewed [4] 2070/9 2099/14 2099/14 2152/4 views [1] 2110/24 violate [2] 2123/24 2133/11 violation [1] 2129/9 visible [1] 2164/3 visual [15] 2077/7 2077/16 2083/23 2090/7 2094/12 2105/16 2105/20 2106/2 2126/4 2140/15 2149/12 2149/19 2161/2 2168/25 2170/24 vocabulary [1] 2120/16 Voinovich [2] 2165/5 2165/7 VOLUME [1] 2028/9 VP [3] 2060/24 2061/2 2111/10 VP's [1] 2060/25 VT [5] 2069/13 2069/14 2094/23 2151/13 2151/13 VT-2 [3] 2069/13 2094/23 2151/13 VT-3 [2] 2069/14 2151/13</p> <p>W Wait [1] 2137/10 walked [1] 2093/2 want [31] 2033/6 2055/2 2071/20 2073/9 2076/8 2079/22 2084/9 2093/7 2095/21 2102/1 2110/24 2112/25 2113/6 2113/22 2113/24 2114/18 2118/2 2118/23 2119/25 2121/25 2124/16 2127/8 2128/6 2142/21 2143/9 2148/25 2167/23 2167/24 2169/17 2170/6 2172/24 wanted [8] 2086/21 2092/10 2092/11 2095/7 2111/2 2148/6 2148/7 2170/2 wanting [2] 2086/25 2087/1 was [536] was a [1] 2160/1 Washington [7] 2028/19 2029/1 2029/6 2032/9 2036/9 2114/12 2114/24 wasn't [17] 2039/5 2043/11 2053/1 2056/16 2065/18 2066/23 2074/12 2098/9</p>

<p>W</p> <p>wasn't... [9] 2099/16 2106/23 2111/16 2111/16 2138/21 2159/3 2168/6 2172/21 2175/3</p> <p>watch [1] 2176/1</p> <p>water [12] 2034/13 2035/18 2035/19 2035/22 2035/22 2035/23 2035/25 2036/25 2037/2 2037/6 2037/7 2155/11</p> <p>Waterford [2] 2035/11 2035/12</p> <p>waving [1] 2031/7</p> <p>way [19] 2056/3 2056/5 2056/5 2056/15 2063/14 2072/8 2073/23 2087/1 2104/10 2111/22 2112/11 2148/8 2156/8 2162/17 2162/18 2166/12 2171/16 2173/11 2176/2</p> <p>ways [2] 2055/3 2087/11</p> <p>we [158]</p> <p>we'd [1] 2159/6</p> <p>we'll [7] 2074/22 2106/18 2108/6 2128/18 2156/25 2169/19 2176/3</p> <p>we're [25] 2067/21 2072/2 2073/1 2075/14 2079/9 2112/2 2112/4 2112/4 2114/10 2116/7 2120/17 2120/19 2120/24 2121/5 2131/20 2138/19 2151/3 2151/11 2154/20 2156/17 2156/24 2159/7 2159/9 2159/23 2169/20</p> <p>we've [7] 2032/12 2078/21 2087/12 2104/11 2140/4 2141/12 2175/12</p> <p>week [5] 2097/21 2107/25 2108/3 2165/2 2175/14</p> <p>weekend [3] 2164/25 2174/8 2174/12</p> <p>weekends [1] 2174/10</p> <p>weeks [2] 2035/11 2061/20</p> <p>weep [14] 2083/24 2144/22 2144/25 2146/17 2149/21 2151/8 2157/16 2157/18 2161/4 2162/3 2162/4 2162/19 2163/14 2164/3</p> <p>weld [1] 2077/21</p> <p>well [85] 2030/17 2030/22 2032/5 2033/19 2035/10 2035/10 2037/14 2045/10 2048/18 2051/7 2053/21 2058/20 2058/22 2062/3 2062/22 2065/5 2066/4 2068/8 2069/1 2069/3 2071/1 2071/12 2071/24 2071/25 2073/13 2073/22 2074/8 2079/1 2079/5 2079/8 2081/12 2083/2 2083/9 2085/6 2085/16 2086/6 2086/12 2088/19 2089/2 2091/3 2091/4 2091/10 2092/17 2092/18 2096/22 2100/20 2105/9 2106/9 2114/22 2121/8 2123/5 2124/7 2124/13 2127/5 2127/19 2128/5 2128/7 2130/14 2131/3 2132/23 2133/10 2133/12 2137/22 2137/24 2139/18 2145/10 2150/12 2154/5 2154/15 2155/9 2156/2 2159/2 2160/11 2160/17 2160/23 2161/8 2161/12 2162/13 2162/25 2165/18 2168/6 2168/8 2172/4 2174/7 2174/19</p> <p>went [60] 2033/20 2035/14 2036/8 2036/13 2036/21 2037/5 2037/13 2037/18 2038/1 2038/5 2038/11 2038/12 2038/13 2038/14 2038/15 2038/15 2038/16 2038/22 2043/23 2045/24 2061/23 2062/3 2062/5 2068/7 2071/25 2078/16 2084/18 2085/18 2091/18 2092/20 2096/2 2096/5 2101/5 2103/4 2103/10 2103/21 2103/21 2107/25 2110/12 2114/14 2114/23 2115/6 2116/9 2136/15 2143/4 2144/4 2144/9 2145/23 2145/24 2147/21 2151/5 2154/12 2156/12 2156/16 2158/23 2158/23 2160/4 2161/9 2174/22 2174/24</p> <p>were [163]</p> <p>weren't [2] 2046/9 2077/3</p> <p>west [1] 2038/14</p> <p>WESTERN [1] 2028/2</p> <p>Westinghouse [1] 2034/10</p>	<p>wet [1] 2085/9</p> <p>what [250]</p> <p>what's [13] 2030/21 2058/24 2070/24 2071/7 2071/10 2071/12 2074/5 2077/4 2083/12 2102/1 2128/8 2132/9 2153/13</p> <p>whatever [19] 2044/18 2045/2 2045/4 2050/18 2084/4 2084/17 2101/21 2113/7 2133/14 2133/14 2133/15 2133/19 2135/3 2147/18 2147/20 2156/17 2161/8 2162/12 2173/12</p> <p>whatsoever [1] 2043/3</p> <p>when [93] 2031/14 2031/16 2032/10 2034/17 2035/8 2036/7 2036/21 2037/4 2037/12 2039/1 2039/23 2040/13 2043/9 2043/23 2045/24 2046/5 2046/10 2046/16 2047/16 2054/3 2055/5 2055/9 2055/22 2056/21 2058/17 2059/17 2060/17 2060/17 2061/1 2061/7 2062/7 2068/12 2077/14 2077/23 2078/15 2079/5 2087/25 2092/12 2095/25 2097/24 2099/11 2099/23 2101/4 2103/4 2103/12 2103/14 2104/4 2107/19 2109/23 2114/4 2114/11 2114/23 2116/4 2116/14 2116/17 2116/18 2116/21 2117/11 2119/6 2119/9 2119/11 2119/12 2121/17 2125/10 2125/20 2128/13 2129/18 2132/20 2133/3 2133/3 2135/3 2138/22 2139/13 2142/20 2145/10 2146/1 2155/1 2155/7 2156/10 2156/13 2164/12 2164/19 2164/21 2165/3 2165/4 2165/16 2166/1 2166/25 2167/20 2171/10 2172/1 2173/18 2175/15</p> <p>whenever [11] 2046/13 2071/12 2077/24 2077/25 2112/21 2114/8 2114/8 2142/10 2147/21 2165/19 2174/18</p> <p>where [24] 2030/14 2031/14 2034/24 2037/4 2043/4 2043/24 2050/3 2057/20 2062/20 2069/3 2096/17 2101/20 2110/11 2122/2 2128/16 2129/18 2140/8 2149/11 2149/16 2150/17 2161/9 2166/10 2166/14 2171/16</p> <p>wherever [1] 2117/13</p> <p>whether [7] 2084/13 2128/25 2136/24 2152/20 2152/23 2152/25 2167/2</p> <p>which [50] 2035/19 2036/8 2041/3 2047/18 2048/8 2051/3 2051/8 2052/9 2057/6 2057/15 2064/17 2064/18 2067/20 2068/16 2068/17 2068/18 2073/19 2081/20 2087/12 2089/14 2090/7 2095/9 2102/2 2102/2 2102/9 2102/21 2106/14 2108/25 2109/4 2112/18 2117/7 2119/19 2120/13 2121/14 2121/18 2122/10 2123/13 2123/21 2123/23 2124/19 2126/12 2132/14 2139/25 2140/22 2147/9 2151/16 2164/25 2166/10 2170/22 2176/3</p> <p>while [10] 2035/3 2040/8 2044/4 2046/3 2065/11 2071/3 2113/25 2116/11 2119/21 2146/5</p> <p>white [2] 2158/9 2158/10</p> <p>who [38] 2039/24 2044/8 2046/6 2046/21 2050/7 2052/3 2055/14 2057/23 2058/18 2060/18 2065/1 2065/8 2067/10 2077/1 2081/3 2089/4 2095/2 2098/18 2098/21 2099/20 2102/25 2107/4 2107/11 2108/16 2122/13 2122/16 2122/23 2124/8 2128/10 2135/14 2136/8 2144/4 2157/11 2157/11 2157/23 2169/25 2169/25 2169/25</p> <p>who's [1] 2109/19</p> <p>whoever [1] 2062/21</p> <p>whole [4] 2077/2 2136/14 2168/9 2168/11</p> <p>why [50] 2043/16 2044/19 2045/8 2050/10 2054/15 2055/1 2056/19 2064/22 2065/14 2065/18 2065/21 2066/19 2069/23 2069/24 2070/3 2071/15 2074/6 2078/6 2078/8 2086/24 2091/4 2098/24 2100/7 2100/17 2101/17 2110/24 2111/22 2111/24 2114/18</p>	<p>2115/23 2117/16 2123/6 2127/18 2127/23 2128/2 2131/14 2136/1 2137/9 2138/5 2139/17 2140/21 2148/1 2148/24 2153/12 2155/22 2157/6 2159/10 2161/8 2162/5 2172/25</p> <p>wife [3] 2031/3 2031/5 2175/14</p> <p>Wilcox [4] 2034/5 2034/7 2034/9 2034/11 will [37] 2030/1 2030/9 2041/22 2042/15 2051/7 2051/9 2051/14 2052/1 2053/10 2053/20 2058/3 2069/4 2072/24 2080/22 2080/25 2088/4 2088/13 2094/12 2094/13 2094/20 2094/22 2094/23 2105/2 2105/20 2106/3 2106/13 2109/12 2113/17 2118/18 2121/25 2123/16 2125/8 2132/7 2141/21 2142/13 2150/18 2175/15</p> <p>wind [2] 2048/23 2135/20</p> <p>wire [1] 2162/16</p> <p>Wise [1] 2028/24</p> <p>wish [1] 2113/7</p> <p>within [15] 2032/15 2032/24 2032/25 2040/12 2044/16 2044/20 2048/7 2048/14 2060/7 2061/11 2061/13 2068/18 2087/5 2132/14 2141/11</p> <p>without [8] 2041/22 2051/14 2058/3 2087/7 2109/12 2118/18 2159/12 2169/11</p> <p>witnesses [1] 2129/8</p> <p>woah [4] 2123/4 2135/8 2137/10 2137/10</p> <p>Wolf [1] 2101/7</p> <p>wondering [1] 2167/2</p> <p>word [7] 2058/13 2070/20 2070/20 2119/15 2121/18 2130/25 2131/23</p> <p>wording [1] 2144/6</p> <p>wordsmithing [2] 2071/8 2071/9</p> <p>work [9] 2039/24 2043/23 2045/24 2092/8 2125/13 2125/15 2126/8 2127/10 2127/20</p> <p>worked [11] 2031/14 2035/3 2036/16 2036/17 2038/8 2040/9 2046/25 2065/7 2130/1 2130/3 2131/4</p> <p>working [32] 2031/17 2031/18 2031/25 2033/15 2034/2 2034/2 2034/21 2035/1 2035/3 2036/2 2037/21 2039/18 2040/4 2040/7 2043/25 2046/5 2046/18 2046/19 2046/19 2048/9 2048/12 2065/8 2065/12 2096/2 2096/3 2096/18 2103/10 2113/18 2119/21 2125/7 2126/13 2171/4</p> <p>world [3] 2041/6 2096/9 2162/7</p> <p>Worley [1] 2102/4</p> <p>would [114] 2031/13 2033/22 2039/2 2039/18 2041/19 2044/11 2046/17 2050/10 2051/6 2051/6 2051/17 2053/3 2053/4 2053/24 2053/25 2054/15 2054/24 2057/25 2058/22 2059/9 2059/10 2060/23 2060/23 2061/11 2064/10 2064/11 2065/14 2065/19 2065/21 2066/8 2067/2 2067/22 2067/23 2071/18 2072/21 2072/25 2080/20 2081/3 2081/20 2082/6 2083/19 2088/15 2088/17 2088/18 2090/2 2090/3 2091/5 2095/10 2095/13 2097/7 2098/12 2103/25 2106/25 2109/9 2114/9 2114/11 2114/16 2114/18 2116/9 2117/19 2117/20 2118/15 2118/20 2118/25 2120/7 2120/7 2120/12 2120/12 2121/19 2121/21 2122/20 2122/23 2123/13 2124/5 2124/10 2125/2 2125/5 2133/23 2136/3 2143/2 2146/8 2146/25 2147/16 2147/18 2147/19 2148/5 2148/23 2149/9 2149/25 2151/16 2152/6 2152/7 2152/7 2152/8 2152/20 2152/25 2153/2 2153/3 2163/4 2164/8 2166/11 2167/6 2167/7 2167/11 2168/1 2168/2 2168/7 2168/8 2169/3 2171/12 2173/9 2173/22 2174/5 2175/4</p> <p>wouldn't [6] 2061/14 2107/1 2142/2 2158/16 2174/1 2175/9</p> <p>write [5] 2036/3 2036/5 2100/4 2101/10</p>
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W	yourself [1] 2097/24 yourselves [2] 2113/14 2175/24	
write... [1] 2148/12 write-up [1] 2101/10 writers [2] 2119/23 2120/4 writing [6] 2087/12 2097/14 2119/12 2164/4 2170/1 2174/9 written [5] 2050/20 2059/12 2117/7 2117/17 2128/20 wrong [6] 2105/23 2105/24 2106/19 2116/8 2132/20 2132/23 wrote [5] 2092/2 2102/25 2107/19 2109/4 2117/11 Wuokko [29] 2040/1 2040/2 2046/17 2046/25 2065/2 2065/5 2065/15 2065/22 2065/22 2066/7 2066/8 2067/11 2079/18 2079/19 2082/8 2082/20 2103/1 2133/22 2134/5 2137/16 2147/5 2147/13 2149/17 2150/17 2151/4 2159/17 2160/13 2164/20 2168/5 Wuokko's [5] 2068/8 2073/20 2150/12 2150/13 2171/9	Z Zion [1] 2038/1	
Y		
yeah [7] 2047/19 2061/19 2066/10 2102/10 2103/19 2152/13 2168/6 year [6] 2035/14 2036/2 2038/15 2127/13 2127/14 2132/14 year-and-a-half [1] 2038/15 years [10] 2030/19 2031/11 2038/14 2038/16 2038/21 2047/21 2099/9 2140/12 2141/13 2141/14 yes [320] yet [6] 2104/4 2111/20 2118/4 2118/7 2138/7 2169/2 York [1] 2028/19 you [672] you'd [2] 2133/22 2172/13 you'll [3] 2139/6 2145/13 2150/22 you're [40] 2033/15 2040/15 2044/25 2054/5 2061/19 2062/7 2067/24 2068/15 2076/22 2080/22 2089/7 2104/25 2105/1 2105/23 2105/23 2113/10 2113/12 2126/4 2128/20 2134/8 2139/2 2146/7 2146/10 2146/15 2149/22 2150/12 2150/16 2153/7 2154/11 2154/23 2155/14 2158/4 2160/3 2162/8 2162/8 2162/10 2163/6 2166/16 2173/13 2173/14 you've [15] 2034/12 2040/2 2079/22 2104/23 2113/23 2126/9 2126/12 2131/24 2160/19 2166/14 2172/16 2172/23 2172/24 2173/15 2175/13 your [100] 2030/9 2030/21 2031/5 2031/15 2033/7 2033/7 2034/7 2037/12 2039/4 2039/13 2040/24 2041/5 2041/19 2041/21 2044/16 2046/8 2051/13 2052/22 2057/14 2058/1 2058/2 2058/13 2062/12 2063/15 2063/19 2065/6 2065/21 2065/25 2066/13 2067/20 2072/21 2072/23 2073/1 2078/2 2081/20 2082/16 2083/9 2084/20 2086/2 2087/14 2089/14 2096/8 2096/22 2098/5 2101/15 2104/14 2105/16 2108/2 2109/9 2109/11 2109/16 2110/8 2111/11 2113/2 2113/16 2115/13 2117/9 2117/25 2118/14 2119/5 2120/7 2125/6 2125/10 2125/18 2125/24 2126/8 2126/13 2127/8 2131/9 2132/4 2132/9 2135/6 2136/4 2136/19 2136/19 2136/23 2138/8 2138/12 2139/25 2140/5 2140/11 2140/15 2141/11 2141/17 2141/20 2144/15 2147/10 2149/9 2149/9 2152/24 2153/4 2153/25 2165/8 2166/11 2169/8 2170/6 2171/14 2175/7 2175/11 2176/2 yours [1] 2176/3		