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PRESIDENT'S COMMISSION ON THE  
ACCIDENT AT THREE MILE ISLAND

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DEPOSITION of BURNS & ROE, INC. by  
WARREN RICHARDSON COBEAN, held at Burns & Roe, Inc.,  
633 Industrial Road, Paramus, New Jersey, on the  
6th day of August 1979, commencing at 2:00 p.m.,  
before Kathleen Russell, a Notary Public of the  
State of New York.

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2 A P P E A R A N C E S :

3 BURNS & ROE, INC.:

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5 Attorneys for Burns & Roe, Inc.  
6 1800 M Street, N.W.  
7 Washington, D.C. 20036

8 BY: GLENN A. MITCHELL, ESQ.  
9 of Counsel

10 PRESIDENT'S COMMISSION ON THREE MILE ISLAND:

11 WINTHROP ROCKWELL, ESQ.  
12 Associate Chief Counsel

13 MICHAEL R. HOLLIS, ESQ.  
14 Associate Chief Counsel

15 o o o

16 W A R R E N R I C H A R D S O N C O B E A N, J R

17 having been first duly sworn by Mr. Rockwell,  
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ROCKWELL:

21 Q Would you state your full name?

22 A Warran Richardson Cobean, Jr.

23 Q Your current employer?

24 A Burns & Roe, Incorporated.

25 Q Your current position with Burns & Roe?

A Vice president, Project Operations Division.

Q Your current business address?

A 650 Winters Avenue, Paramus, New Jersey.

2 into the operator training aspect of this business,  
3 would that come to your attention as the vice-president  
4 of the company at this point?

5 A If this regards a company-wide policy, probably  
6 yes. As regards a specific client, not unless he was  
7 my client.

8 Q We will confirm for the record, Mr. Cobean,  
9 that you will be available to explain plant modifications  
10 at TMI 2 in lieu of covering them in detail today. If  
11 you recall, earlier this week during the first part  
12 of your deposition, you said that you would be available  
13 to do that. We simply at this time would like to con-  
14 firm that for the record.

15 MR. MITCHELL: For the record, we want to  
16 cooperate in any way that we can to provide  
17 information, but we want to avoid duplication  
18 and repetition, and we hope that your requests  
19 for these witnesses would bear that in mind.

20 (The below described documents were marked  
21 as Cobean Deposition Exhibits 109 and 110 for  
22 identification, this date.)

23 Q Referring you to what has been marked as  
24 Cobean Deposition Exhibit 109, do I correctly charac-  
25 terize it as a February 24, 1978 letter from Mr. Barton

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of GPU to Mr. Cady and the fact that you received a copy of this letter?

A Yes.

Q Could you take just a second to look that over?

(Discussion held off the record.)

Q Why is this limitation here in the first paragraph of the letter, beginning with the first sentence, it reads: "This is to confirm my request made at the February Project Managers Meeting that Burns & Roe concentrate their effort on meeting only those work scope items that are essential to the completion of design of TMI 2," and it goes on. I want to know what's going on here.

A In essence, what Barton is trying to do is to limit the amount of work under the umbrella of the construction contract, which is our Work Order No. 2555 and 3021, and not pay for some of the tasks that Burns & Roe had been directed to proceed with by Met Ed; in other words, to try to get Met Ed to pay for those out of some other mechanism. That's what I think this thing was the start of.

Subsequent to this memorandum, or maybe almost simultaneously, we negotiated a task-type contract

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2 with Met Ed to do those kinds of things.

3

Q In other words, there was a concern here  
4 merely to shift the financial responsibility from the  
5 Service Corporation or GPU to one of its clients,  
6 Met Ed?

7

A That is correct.

8

Q Who did you deal with as the primary  
9 client on this job?

10

A GPU.

11

Q As a result of this request of Mr. Barton,  
12 would it be customary that you would attempt to respond  
13 to his request as it related to specific areas of  
14 Burns & Roe's work, where Met Ed may have had a finan-  
15 cial responsibility? Would you have customarily  
16 shifted those billings of work in those areas to Met Ed?

17

MR. MITCHELL: Mr. Cobean personally?

18

Q The company.

19

A If we had a mechanism to bill Met Ed, we would  
20 have, but we did not have a contract; we didn't have  
21 the mechanism to bill.

22

Q Do you recall how this issue was resolved?

23

A Not specifically, but I know that sometime  
24 later, on this issue, we had Work Order 2555, which  
25 Work Order 2555 was the original construction contract.

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2 Work Order 3555 was a work order with GPU for tasks  
3 that were required for first refueling. Those tasks  
4 were generally modifications to the plant required as  
5 commitments by GPU to NRC to make that modification to  
6 the system by the first refueling.

7 Subsequent and in addition to those two work  
8 orders, was another work order with Met Ed for those  
9 "plant betterment items" that were requested by the  
10 plant operator.

11 Now, the elements that fell into the Work Order  
12 3555 were orphans for a while in a financial sense,  
13 in that GPU wanted Met Ed to pay for them, and Met  
14 Ed wanted GPU to pay for them, and there was some sort  
15 of an argument in that regard with them. But that did  
16 not in any way influence our progress on the work. It  
17 did influence how we billed for it, however, and we  
18 kept asking how, where do we bill this, and that's  
19 how we invented Work Order 3555 which we billed under  
20 the same terms and conditions as Work Order 2555.

21 Q Mr. Cobean, during this period, and we  
22 are talking about the period of 1978, referring back  
23 to your previous answer, when you were talking about  
24 GPU wanted Met Ed to pay for it, and Met Ed wanted  
25 GPU to pay for it, the work under the scope of work



1  
2 needs. It may have been associated with financial  
3 considerations, as well.

4 For example, it could very easily have been  
5 a result of a rate change of erection imposed by  
6 a financial need.

7 Q But this cutback, as it related to small  
8 bore piping design, occurred during the period  
9 which we are talking about, in these Board minutes,  
10 that is, 1975 to the 1976 period?

11 A I think so.

12 MR. MITCHELL: I am going to ask the  
13 reporter to mark these exhibits, right after the  
14 exhibit number, for identification purposes so  
15 as to distinguish them from the other marking  
16 and designations of other exhibits to which  
17 there were no objections.

18 (Discussion off the record.)

19 (The below described documents were  
20 marked as Cobean Deposition Exhibits 115 to 118,  
21 for identification, as of this date.)

22 Q Mr. Cobean, referring you now to what has  
23 been marked as Cobean Deposition Exhibit 115 do I  
24 correctly identify it as a letter from A. S. Dam,  
25 project manager to Mr. Barton of GPU Services, which

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January of 1979.

A This one looks like the entire report,  
whereas, the rest of them only have one page.

MR. HOLLIS: The record will reflect  
that Exhibit 118 is apparently the entire  
monthly progress report that was transmitted  
by Mr. Dam and directed to JPU of which  
Mr. Cobean received a copy.

Q I want to direct your attention to the  
beginning of each of these monthly progress reports,  
Mr. Cobean. For example, looking at Exhibit 115  
under a heading which says, "Monthly Progress Report,"  
listed as number 1 it says, "The status of Burns &  
Roe work supports the planned plant commercial  
operation date of September 30, 1978."

Number 116 has the same statement, that is,  
"A planned plant commercial operation date of  
September 30, 1978."

Now, referring to Exhibit 117, under the  
same heading, number 1 it says, "The status of  
Burns & Roe's work supports the planned plant  
commercial date of October 31, 1978."

Then referring to the final exhibit, which is  
number 118 under the name "Basic Heading," it says,



1  
2 "B&R completed task required to support the planned  
3 plant commercial operation date of 12/30/78."

4 My question specifically is what caused the  
5 changes in the planned plant commercial operation  
6 date during this period?

7 A I don't recall, but it is probably something  
8 to do with the prediction of how long it would take  
9 to do certain construction activities.

10 Q Who sets the planned plant commercial  
11 operation date?

12 A The client.

13 Q Therefore, any targeted date would be  
14 set by GPU?

15 A That is correct.

16 Q What is the practice by which GPU  
17 arrives at that decision? How did they come to that  
18 decision?

19 A Principally, by analysis of the construction  
20 schedule.

21 Q What is Burns & Roe's input or impact  
22 into that decision and that analysis by GPU as  
23 to what date commercial operation is to commence?

24 A Our input is usually involved with quantities.  
25 As an example, we estimate that there is over

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2 four million feet of cable to install in the plant.  
3 The constructor says it takes him Y number of  
4 man-hours to put in a cable, to install it and they  
5 come out with a date. If installing cable happens  
6 to be on the critical path he will arrive at a  
7 date when he will be finished with the work.  
8 That is the way Burns & Roe gets involved in it.

9 Q Are you requested by the client, in  
10 this case GPU, to evaluate the status of the plant  
11 or project and in turn submit to GPU your comments  
12 regarding any planned plant operation date?

13 A No.

14 Q Do you make any recommendations or  
15 suggestions to GPU as to when you believe that  
16 the plant will be ready for commercial operation?

17 A No.

18 Q Did you in this case?

19 A No.

20 Q Were you ever involved in any discussions  
21 with any GPU personnel as it related to any of  
22 these planned plant commercial operation dates that  
23 were scheduled?

24 A Yes, that was discussed or the elements of  
25 it was discussed at every project manager's meeting.

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Q What would be the gist of those discussions?

A Well, the gist of the discussions would be the plan to complete the plant as a critical path that goes through, for example, the production of cable pull slips and the pulling of the cable and the terminating of the cable and the energization of each of the individual wires.

In that process we would need to provide facts to the constructor who was responsible to provide a schedule, that you will complete this work on that date and you would include the number of pull slips that he could expect to get, the dates by which he could get them, the number of termination slips he would get and when he would get those.

Q What is the first date that you can recall that was set by GPU to begin plant commercial operation?

A I don't try to remember those dates. You know, just referring to these things I would say the first date was September 1978, but I know there were previous dates.

Q You are aware that there were previous dates?

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2 A Yes, but I don't remember the dates.

3

Q You mentioned earlier that this  
4 would normally be discussed at the project manager's  
5 meeting?

6

A The elements of the issue, the issue is always  
7 to get the plant built and get it build safely  
8 and on time within budget. We would only talk  
9 about those tight places, those within the critical  
10 areas at the project manager's meeting.

11

Q During your time as project manager,  
12 having the coordination responsibilities for the  
13 project, what was your understanding of when  
14 commercial operation was to begin at this plant?

15

A As I recall, when I first joined Three Mile  
16 Island and got my feet on the ground as to what  
17 we were targeted at, I think it was the summer or  
18 the fall of 1978, sometime in that area. That  
19 was our targeted date for commercial operation.  
20 That seems to support this September 1978 date.

21

I may be wrong, but that's just my recollection.  
22 In the summer or fall, I believe the year was 1978,  
23 but I am not certain of that.

24

Q To make sure that I completel under-  
25 stand where you were in the picture at this time,

1  
2 what was your position and responsibility, say  
3 beginning September of 1978, as it related to this  
4 project?

5 A September 1978?

6 Q Yes.

7 A I was division director.

8 Q Of which TMI 2 was your project?

9 A One of the projects.

10 Q As division director you had primary  
11 responsibility, from Burns & Roe's viewpoint,  
12 for the coordination and direction of this project,  
13 is that correct?

14 A No, my project manager did. In this case  
15 it was Mr. Dam, but he had that responsibility to me.

16 Q Mr. Dam reported directly to you?

17 A That is correct.

18 Q And to no one else?

19 A That is correct.

20 Q What discussions, if any, took place  
21 in September of 1978 with GPU in the context of  
22 meeting the September 30, 1978 planned plant operation  
23 date?

24 A I don't know. I really don't know the answer  
25 to that, because it is apparent that it wasn't in

1  
2 September. It was sometime between July and August.  
3 The commercial operation date was shifted from  
4 September the 30th to October the 31st.

5 Q What is your understanding of the  
6 reasons specifically for that shift?

7 A I don't have an understanding. As I said  
8 before, I think I would get -- that is the result  
9 of a new estimate to complete construction work.

10 Q Had Burns & Roe's work been completed  
11 by September of 1978?

12 A No. You can tell the work for commercial  
13 operation might have been completed. Probably was,  
14 but there was more work to do that would not have  
15 interfered with commercial operation.

16 Q Did you receive, during the fall of 1978,  
17 any memoranda, telecons, or were you involved in any  
18 meetings or conversations wherein the client  
19 expressed a concern about the change in the planned  
20 operation date from September through October and  
21 from October through November?

22 A Yes. I don't recall. I am certain that it was  
23 discussed. Whether I was there at the discussion or  
24 not I am not positive of that either.

25 Q Let me make sure I understand precisely



2 for the record. During this period of time when  
3 the client had set a September 30, 1978 date,  
4 then later changed that to October 31st, then  
5 changed it to November or December 30, 1978,  
6 you had no discussions, you cannot recall any  
7 discussions or meetings you held with the client,  
8 wherein the client expressed its concern about the  
9 constant changing of these dates? Is that your  
10 understanding?

11 A I don't recall any specific discussions. I am  
12 certain that the fact that the dates were changed  
13 was discussed and discussed probably at project  
14 manager's meetings. In all likelihood I was not  
15 there at the project manager's meetings, but I am  
16 not certain.

17 Q would Mr. Dam have been there as your  
18 representative?

19 A Yes.

20 Q Did Mr. Dam report to you during that  
21 period --

22 A Yes.

23 Q -- any of the client's concern about  
24 the constant changing of these dates?

25 A I am sure if the client expressed a concern

1  
2 about it to Burns & Roe or to Mr. Dam, I am  
3 certain he did.

4 Q Are you saying that you are not aware  
5 of any concerns that were voiced by the client  
6 regarding the changing of the planned plant  
7 commercial operation date in the fall of 1978?

8 A I did not say that. I said I did not recall  
9 any specific concern in the context of these  
10 specific date changes. The client was always  
11 concerned and always expressed a concern about  
12 meeting a commercial operation date. That was  
13 his principal goal in life, to make that commercial  
14 operation date in some way with this project component.

15 In this stage of the game, as I recall,  
16 the design as reported in these reports was  
17 essentially complete. We were just doing little  
18 tasks, little punchlist items.

19 Q Are you saying that during this period  
20 that, although the client may have expressed some  
21 specific concerns, you are not aware of them at this  
22 time?

23 A I do not recall them.

24 Q You do not recall Mr. Dam having  
25 expressed to you any concerns related to him by the

1

2 client?

3 A Not as a specific event.

4 Q Were any of your superiors or did any  
5 of your superiors here at Burns & Roe at anytime  
6 communicate with you either in writing or at a  
7 meeting or a telephone conversation any specific  
8 concern expressed by GPU of the changing of the  
9 planned date of commercial operation?

10 A No.

11 Q Did you ever discuss this changing  
12 of the targeted date with any of your superiors?

13 A Yes.

14 Q What was the extent or the gist of  
15 those discussions?

16 A Objective was to keep Ken Roe personally  
17 informed of what was going on. So, I would tell  
18 him, keep him informed as to any significant  
19 changes in the project status as he last understood  
20 them.

21 Q Was this objective, that is, keeping  
22 Mr. Roe -- I take it Mr. Roe is the president?

23 A And Chairman of the Board.

24 Q Was this objective of keeping Mr. Roe  
25 informed of the fulfillment of this objective at

2 Mr. Roe's request?

3 A I don't know. That is an understanding that  
4 we had about keeping him informed.

5 Q Did you discuss this procedure of keeping  
6 him informed with Mr. Roe?

7 A Yes, as to how he best wanted to have it happen.  
8 He told me to use my judgment in letting him know  
9 what was going on.

10 Q When did these discussions with Mr. Roe  
11 take place?

12 A On a non-scheduled basis, whenever I thought it  
13 was important or whenever he thought it was important  
14 to get together.

15 Q Can you think a moment and give me some  
16 specific times in which these discussions took place?

17 MR. MITCHELL: The time frame, you mean?

18 Q Yes.

19 A No, I cannot answer that. I don't know how  
20 to answer that.

21 Q Did you have any of these discussions  
22 with Mr. Roe in the fall of 1978?

23 A I am sure I did, I don't remember the specifically.

24 Q In any of those discussions, did Mr. Roe  
25 indicate to you that GPU was worried or concerned about

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2 getting on-line commercially sometime that would  
3 be before the year ended in 1978?

4 A I am not sure whether he informed me of that  
5 or I informed him of that. But I know that it  
6 was important to GPU and I know that I informed  
7 him that it was important to GPU for accounting  
8 reasons, if for no other reason, to try to get the  
9 plant on-line commercially before the end of 1978.

10 Q From what source or from where did  
11 you derive, assuming you informed Mr. Roe, for example,  
12 where did you derive your knowledge of GPU's  
13 concern, as you stated for accounting purposes or  
14 whatever purposes, of commencing operation before  
15 the end of 1978?

16 A Well, I was in contact with various members of  
17 GPU on essentially a constant basis, unstructured  
18 and furthermore, my project managers kept me informed  
19 of the results of meetings that they had had.

20 I read all the meetings' notes, all the  
21 telecons, of all the project manager's meetings  
22 that I did not attend. I kept myself apprised  
23 of what was important and I had personal contacts  
24 within GPU that I talked to on a non-structured  
25 but relatively consistent repetitive basis. I had

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contact with the vice president of Generation,  
as an example, in GPU.

(Continued on next page.)



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2 Q Referring to this unstructured, and  
3 you have characterized it, or as needed discussions  
4 with your contacts in GPU, we are referring to this  
5 issue of GPU's concern to commence operation by the  
6 end of 1978, is that correct?

7 A Yes. They made it very clear to all project  
8 participants that this objective should be made,  
9 if at all possible.

10 Q What did you understand that request  
11 by GPU to mean, if at all possible?

12 A We ought to not spare any effort in trying to  
13 make sure that we get it. Find out the problems of  
14 making those dates now so that we had an opportunity  
15 to try and solve the problem before it became a  
16 prohibition to make the commercial operation date.

17 Q Can you recall whether there were any  
18 meetings with the vice president of Generation of  
19 GPU that you referred to, wherein, this issue was  
20 discussed, that is, the meeting that you attended or  
21 Mr. Dam attended?

22 A With the vice president of Generation?

23 Q Yes.

24 A I don't remember any specific meeting, no.

25 Q Was the vice president of Generation at

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2 GPU the person who was primarily responsible for  
3 the decision on this date, for the commercial  
4 operation date?

5 A I would guess --

6 MR. MITCHELL: Don't guess.

7 A I would think that his project manager would  
8 be the guy to put it together.

9 MR. MITCHELL: Mr. Cobean, answer these  
10 questions as to what you know. Not guess, think,  
11 suppositions and speculations.

12 Mr. Hollis is not interested in that. I  
13 know the Commission is not.

14 Q Who was the vice president of Generation?

15 A Mr. Arnold.

16 Q Why would you have been contacting  
17 Mr. Arnold instead of someone else?

18 A Because he is my contact.

19 Q Was he your counterpart, so to speak, at  
20 GPU?

21 A Yes.

22 Q So, as a result of the contacts and  
23 the conversations you had with GPU personnel,  
24 Mr. Arnold among others, did you have the distinct  
25 impression or understanding that GPU wanted to

1

2 start operating this plant before the end of 1978?

3 A If at all possible, yes.

4

5 Q You mentioned earlier in a response to  
6 my question about some of the reasons that may have  
7 been related to you in the course of those discussions  
8 as to why GPU wanted to commence operation before the  
9 end of the year, you mentioned the fact for  
10 accounting purposes at a minimum GPU wanted to  
11 commence operation, is that correct?

12 A I didn't say that. I said accounting purposes  
13 or for whatever reason.

14 MR. HOLLIS: Can you find that answer  
15 and read it back to me?

16 I want to make sure what Mr. Cobean is  
17 saying here.

18 (The record was read by the reporter.)

19 MR. HOLLIS: Let the record reflect that  
20 we took time to go back and find exactly  
21 what Mr. Cobean had said, and in that  
22 context of discussing whatever reasons there  
23 were relayed or communicated to him by GPU  
24 or any other source, that Mr. Cobean stated  
25 and I quote: "They were important to GPU  
for accounting reasons, if for no other reason."

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2 Q Going back to my earlier question,  
3 Mr. Cobean, what did you mean earlier when you  
4 said that the commencing of commercial operation  
5 before the end of 1978 was important to GPU for  
6 accounting reasons, if for no other reason?

7 A That's very simple and very apparent to anyone  
8 that knows the Reading structure and electric public  
9 utilities.

10 Q Could you explain that?

11 A The costs incurred on the construction of  
12 power plants enters the rate base only when the  
13 plant has commenced commercial operations and the  
14 rate base then allows the public utility to start  
15 obtaining money from the customer, from their  
16 customers for the investment made in building that  
17 power plant.

18 Until that time, the funds generated to  
19 provide the design and the construction efforts  
20 almost all come from internal working capital  
21 irrespective of this investment or from money  
22 that is borrowed.

23 One thing that is important to understand  
24 is that at no time during the period that I was  
25 associated with Three Mile Island did GPU take

1  
2 what I consider even in retrospect to be unsafe or  
3 unwise steps in the process of getting the project  
4 completed so that the plant could be declared  
5 commercial in order to take advantage of the  
6 accounting system as I just described to you.  
7 They had a certain number of construction activities  
8 that they had to complete.

9 They had all of the Testing Program to  
10 satisfactorily perform, plus they had to comply  
11 with all of the licensing activities demanded by  
12 the NRC. They did that and they did it religiously  
13 and they did it well.

14 The construction, the design, the construction  
15 and the testing of the power plant at no time,  
16 did I think, get shortchanged.

17 Q During this period, the fall of 1978  
18 or before then, did you have conversations with  
19 Mr. Arnold or any other GPU personnel in reference  
20 to this accounting concern, as you have described it?

21 A Nothing directly about that, just about  
22 getting the plant completed.

23 Q During the fall of 1978, in your position  
24 as vice president with TMI 2 being one of the projects  
25 under your responsibility, did you make any trips

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down to TMI?

A During when?

MR. MITCHELL: The fall of 1978 when  
you were vice president.

A I don't recall, probably.

Q During this period, that is, 1978,  
what was the policy regarding overtime work on this  
project that you were aware of?

A Construction overtime?

Q Construction or whatever. Let's just take  
construction overtime.

A I don't recall. It varied from time to time.  
Sometimes there was limited overtime on specific  
authorized activities by the client and those obviously  
were the ones that were on the critical path.  
And that was true for either Engineering or  
Construction.

Q Taking Engineering as the focus,  
what was the policy in 1978 from the engineering  
viewpoint or at Burns & Roe's point of view as  
it related to this project?

A To minimize overtime.

Q Was that policy in effect during the  
fall of 1978?



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2 A I believe so, but I think that has been our  
3 policy right along. We have not had a policy since  
4 I have been associated with Three Mile Island to  
5 try to maximize overtime.

6 Q Who made that policy decision? Is that  
7 a Burns & Roe decision?

8 A Yes, that is a general policy decision on the  
9 part of Burns & Roe right now.

10 Q Has the client, GPU ever expressed,  
11 during the 1978 period, any concern about overtime  
12 to you?

13 A I don't recall any such discussion, but it  
14 could have happened.

15 Q Were you aware of any discussions that  
16 GPU may have had or comments GPU made in reference  
17 to overtime by the constructors or others involved  
18 in the project, besides Burns & Roe?

19 A No.

20 Q During the fall of 1978 and I am talking  
21 about September to December, from your vantage  
22 point as the vice president having TMI 2 as one  
23 of your projects, was there a lot of overtime work  
24 performed by Burns & Roe personnel?

25 A I don't remember, but I don't think so. There

1  
2 may have been specific overtime, say in stress  
3 in order to get some stress report completed,  
4 but I don't recall anything as a generalized  
5 thing. I am positive that there was some generally  
6 within the project.

7 Q What about as it related to the construction  
8 of the plant?

9 A The overtime by the constructor?

10 Q Right.

11 A I am not aware, I wouldn't be.

12 Q You never had any discussions or heard  
13 of any discussions regarding overtime during that  
14 period on the part of the constructors of the project?

15 A I don't recall.

16 (The below described document was marked  
17 Cobean Deposition Exhibit 119 for identification,  
18 as of this date.)

19 Q Referring to what has been marked as  
20 Cobean Deposition Exhibit 110, do I correctly  
21 characterize it as a memo from Mr. Herbein to  
22 Mr. Klingaman, among others, regarding the TMI 2  
23 Burns & Roe proposed Plant Description Manual of  
24 which you received a copy of, is that correct?

25 A Yes.