

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

DUKE POWER COMPANY, et al.)

Docket Nos. 50-413

50-414

(Catawba Nuclear Station,)
Units 1 and 2))

DEPOSITION OF:

GLENN H. BELL

8310240043 830810
PDR FOIA
AHLERS83-434 PDR

Evelyn Muller Associates
STENOGRAPHIC REPORTING SERVICE
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APPEARANCES:

ROBERT GUILD, ESQ.
Columbia, S. C.

Counsel on Behalf of Intervenor, Palmetto
Alliance Corporation

RONALD L. GIBSON, ESQ.
Charlotte, N. C.

Counsel on Behalf of Applicant, Duke Power
Company

Also Present:

George W. Grier
Duke Power Company

Roger Ouellette
Duke Power Company

Michael F. Lowe
Palmetto Alliance

Phil Jos
Palmetto Alliance

Betsy Levitas
Carolina Environmental
Study Group

I N D E X

WITNESS

DIRECT

CROSS

Glenn H. Bell

3

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1 The Deposition of Glenn H. Bell is taken
2 at the corporate offices of Duke Power Company,
3 Charlotte, North Carolina, on this the 27th day of
4 June, 1983, in the presence of Robert Guild, Attorney
5 for the Intervenor; and Ronald L. Gibson, Attorney
6 for the Applicant.

7 All formalities as to caption, certificate
8 and transmission are waived. It is agreed that
9 Lynn B. William, Notary Public in and for the State of
10 North Carolina, may take said Deposition in machine
11 shorthand and transcribe the same to typewriting.

12 Said Deposition is taken subject alone to
13 testimony for competency, relevancy and materiality;
14 and all objections, save as to the form of questions
15 asked, are reserved until the Hearing.

16
17 GLENN H. BELL,
18 having been first duly sworn to tell the truth, was
19 examined and testified as follows:

20
21 DIRECT EXAMINATION

22 BY MR. GUILD:

23 Q Before we begin, Mr. Bell, would you state
24 your full name and your business address for the
25 Record, please?

1 A My name is Glenn H. Bell. My address is
2 P. O. Box 33179, Charlotte, 27242.

3 Q You work here in the corporate office?

4 A That's correct.

5 MR. GIBSON: Counsel, I believe we
6 have stated in correspondence to continue
7 the previous stipulations with respect to
8 the taking of this Deposition.

9 Before we begin can we identify the
10 other persons in the room? With regard to
11 questions, all objections are deemed pre-
12 served except objections to the form of the
13 questions.

14 MR. GUILD: That is fine.

15 MR. GIBSON: Here on behalf of the
16 company, Ronald Gibson, Counsel for Duke
17 Power; George Grier and Robert Ouellette
18 as involved in Licensing from the Nuclear
19 Production Department.

20 MR. GUILD: Philip Jos, Michael
21 Lowe with Palmetto Alliance. My name is
22 Robert Guild.

23 We have served Notice of Mr. George
24 Grier that his Deposition will be taken
25 later this week, and as a person who is to

1 be deposed, we would ask that he be excused
2 from the Deposition of those who are also
3 being questioned on the same subject matter;
4 that is Quality Assurance and welding
5 matters at Catawba.

6 MR. GIBSON: Consistent with our
7 comments during the Deposition of Mr.
8 VanDoorn, the company takes the position
9 that it is entitled to a management repre-
10 sentative at each Deposition since each of
11 the management representatives would be
12 appearing.

13 That includes Mr. Grier, Henry and
14 Davison. We feel we are entitled to have
15 one of them; and we have proposed some
16 sort of amending of the schedule to have
17 Depositions taken earlier to accommodate
18 both of our positions, which conflict.

19 We recognize your position, but we
20 insist on having Mr. Grier present.

21 MR. GUILD: We take the position, of
22 course, that Mr. Grier's testimony will
23 therefore not be spontaneous but may be
24 effected in terms of its substance by the
25 answers which he is now able to hear from

1 Mr. Bell and other Witnesses who will pre-
2 cede him in Depositions.

3 That same principle will apply with
4 the testimony of others whom you have
5 insisted on being present.

6 We, of course, adhere to the princi-
7 ple that sequestration of Witnesses is
8 appropriate on a matter of common subjects;
9 and we put you on notice that we would
10 intend to ask the Licensing Board to note
11 Mr. Grier's presence and to weigh his
12 testimony as effected by having heard the
13 testimony of others.

14 MR. GIBSON: That is an issue of
15 credibility to be resolved by the Licensing
16 Board; and as I say, I think we have both
17 adequately stated our positions, so let's
18 proceed with Mr. Bell.

19 (Whereupon, the Deposition of
20 Mr. Bell resumed at 8:51 a.m.)

21
22 BY MR. GUILD:

23 Q Mr. Bell, would you state your title with
24 Duke Power Company?

25 A Senbr QA Specialist.

1 Q Describe your duties in that position, sir.

2 A My duties in that position is that I review
3 purchase requisitions for quality requirements, I
4 interface with design through surveillance programs
5 to see that our procedures are being adhered to.

6 Q All right, the first one you spoke of, did
7 that have to do with essentially vendor quality
8 assurance?

9 A Yes, it has to do with the requisitions
10 where we procure material from our vendors.

11 Q You are aware that Palmetto Alliance has
12 been admitted as an Intervenor in the Licensing
13 procedure for the Catawba Plant; and that the Nuclear
14 Regulatory Commission has admitted for litigation,
15 Palmetto Alliance Contention Six which questions the
16 Quality Assurance at the Catawba Plant?

17 A That's right.

18 Q Are you familiar with Contention Six; have
19 you seen the text of it?

20 A Yes.

21 Q Let me show you a copy of it real quick
22 (indicating). I'm going to show you a document that
23 is dated December 31st, 1982, entitled, "Applicant's
24 Responses to Palmetto Alliance's First Set of
25 Interrogatories," etc., and I ask you if you recognize

1 that document?

2 Have you seen that before?

3 A Yes.

4 Q Skip a couple pages through there, and I
5 think the text of Contention Six appears on Page
6 Three.

7 Do you see that, sir?

8 A Yes.

9 Q Take a minute and look at that to refresh
10 your recollection as to the text of Contention Six.

11 MR. GIBSON: While he is doing that,
12 Mr. Guild, I might note that Contention
13 Six has been narrowed in accordance with
14 the Board's latest order dated June 20 or
15 21st; and we intend to limit the scope of
16 the Depositions as the Contention has been
17 narrowed in accordance with the Board's
18 order.

19

20 BY MR. GUILD:

21 Q Mr. Bell, you have seen that and had a
22 chance to read it just now?

23 A Yes.

24 Q I believe it is fair to say you have been
25 made responsible for assisting in the preparation of

1 the company's Responses?

2 A Would you repeat that?

3 Q You have been asked to assist in preparing
4 the company's Responses to Palmetto Alliance's
5 Discovery Request on Contention Six?

6 A I coordinated with legal on some of the
7 information prepared for use in these Interrogatories.

8 Q Generally speaking, I'm not barking up the
9 wrong tree? You did assist in part as far as pre-
10 paring the Answers?

11 A As far as preparing the Answers, them-
12 selves, no.

13 Q All right, sir; well, that is a surprise.
14 Let me show you a document attached to the back of
15 that Answer (indicating).

16 Is that your Affidavit with your signature
17 under oath?

18 A Yes, sir.

19 Q All right, sir; would you read--it is only
20 two paragraphs--for the Record, the text of that
21 Affidavit?

22 A "I, Glenn H. Bell, being duly sworn, here-
23 by state that I am employed by Duke Power Company
24 as a Senior Quality Assurance Specialist, Quality
25 Assurance Department.

1 I have been responsible for furnishing the
2 basic information used in responding to those
3 Interrogatories on Palmetto Alliance Contention Six
4 by which my initials appear. Those Responses are
5 true and correct to the best of my knowledge and
6 belief."

7 Q All right, sir; thank you. Now when you
8 say that you did not answer those Interrogatories,
9 are there any of the Interrogatories that you did
10 answer, Mr. Bell?

11 A No, sir.

12 Q Who did answer the Interrogatories, if you
13 didn't?

14 A It was a jointed venture of my management.

15 Q Who is your management, sir? Who do you
16 mean by that term?

17 A G. W. Grier, W. O. Henry.

18 Q The same Mr. Grier who is in the room
19 now?

20 A That's correct.

21 Q I'm sorry, W. O. Henry?

22 A Yes.

23 Q Who is that?

24 A The QA Manager that I work under.

25 Q All right, sir; what is his title?

1 A QA Manager, Technical Services.

2 Q And I will let you know Mr. Henry has also
3 been asked to appear for his Deposition later this
4 week, if you didn't know.

5 Who else?

6 A L. R. Davison.

7 Q Who is Mr. Davison?

8 A QA Manager of Projects at Catawba.

9 Q All right, sir; is that his title to the best
10 of your knowledge?

11 A Yes.

12 Q And Mr. Davison, also, Mr. Bel., has been
13 asked to appear for his Deposition in this case.

14 A (The Witness nodded his head affirmatively.)
15 Also the assistance of legal.

16 Q Legal?

17 A Correct.

18 Q Who would that be?

19 A A. V. Carr and Ron Gibson.

20 Q Anybody else answer those Interrogatories?

21 A Not to my knowledge.

22 Q Did you participate in answering those
23 Interrogatories?

24 A I coordinated with legal in that I gave them
25 the information supplied by our management.

1 Q All right, what does that mean? Explain
2 what you mean by "gave them the information supplied
3 by management?"

4 A I was a central point in that I was there
5 when they formulated the Answers for Interrogatories,
6 and I put everything together and sent it over to
7 legal.

8 Q Tell me how you did that.

9 A Well, we might work on Contention Six
10 Interrogatories Two, Eight, and Ten; and I kept track
11 of what we intended to send to legal as far as
12 formulating our Responses, the Interrogatories.

13 Q How did you do that?

14 A Well, I don't understand the question.

15 Q I am trying to understand your answer, I
16 guess, Mr. Bell, if you would elucidate a little bit
17 more, "you kept track."

18 What do you mean by that?

19 A I kept up to see that we had all the
20 Responses necessary to assist legal in completing the
21 Responses to Interrogatories.

22 Q Tell me how you did that job, sir?

23 A I sit in when the Responses are being
24 formulated for the Answers.

25 Q Yes, what else did you do?

1 A Collected the information and saw that it
2 came to legal.

3 Q How did you collect the information?

4 A Took notes.

5 Q Yes?

6 A And formulated it into a response that legal
7 could read.

8 Q I'm sorry, I don't mean to interrupt you.

9 If you had something to say, finish your answer.

10 You took notes and did you draft the proposed answers?

11 Did you write a text?

12 A No, sir.

13 Q What do you mean by "formulated it so that
14 legal could read it?"

15 A I wrote it in a manner that they could get
16 the information in order to formulate the answers.

17 Q What did you write?

18 A Our Response.

19 Q So you did write a draft of the Response?

20 A I don't know whether you would consider it
21 a draft of the Response. I gave them information
22 supplied by the QA Department to be used in our
23 Responses.

24 Q What was your responsibility with respect
25 to identifying documents in Discovery with regard to

1 Contention Six, Mr. Bell, if any?

2 A Could you repeat the question?

3 Q Sure. What was your responsibility
4 regarding the identification and provision of documents
5 on Contention Six?

6 A When legal requested a document, I was
7 assigned the responsibility of seeing that they got the
8 information.

9 Q For finding the document and producing it?

10 A I went to the appropriate management and
11 got the information.

12 Q Got the documents?

13 A Correct.

14 Q Mr. Bell, have you discussed your testimony
15 here today with anyone?

16 A We met to discuss what was going to be
17 required this morning, as far as what a Deposition
18 was and that sort of thing.

19 Q Who did you meet with?

20 A Legal.

21 Q Who?

22 A Ron Gibson.

23 Q When did you do that?

24 MR. GIBSON: Mr. Guild, I think you
25 are well aware you may be treading on

1 Attorney-Client privilege.

2 If there is a specific question, let's
3 see where we can go; but I did have meetings
4 with each Duke employee who was going to
5 be deposed to prepare for his Deposition.

6 The context of those meetings is
7 protected by Attorney-Client privilege. Is
8 there a specific we can get to?
9

10 BY MR. GUILD:

11 Q What did Mr. Gibson tell you about your
12 testimony?

13 A To tell the truth.

14 Q Is that all he said?

15 MR. GIBSON: I will instruct him not
16 to answer unless we know where you are
17 going, if there is something specific you
18 want.

19 MR. GUILD: Mr. Gibson, of course
20 we discussed before the Deposition took
21 place, not only is the Board Chairman
22 unavailable to resolve matters in dispute
23 regarding this Deposition; but I have been
24 informed by the Board Chairman's Legal
25 Assistant in his absence there is no one

1 who can resolve these potential disputes
2 during this Discovery process.

3 The other Board members are not
4 available to rule, and no one has been
5 delegated the responsibility to rule.

6 He, of course, will be absent until
7 the 11th of July, we are informed. So I'm
8 faced with the difficulty of when you instruct
9 your Witness not to answer the question,
10 of not being able to seek relief by way of
11 adjournment and ruling.

12 Therefore, I ask you, sir, to permit
13 the Witness to answer the question.

14 MR. GIBSON: Bob, are you saying
15 this Witness ought to tell everything he
16 discussed with his Counsel in preparation
17 for the Deposition?

18 The broadness of the question
19 infringes on that. If there is a specific
20 area, we can see if that can be resolved;
21 but I will not let him sit here and go
22 through a list of things we discussed.

23 I think the Attorney-Client privilege
24 protects that. If there is something
25 specific you want, we will see if he can

1 answer that; but he will not answer the
2 other question.

3 I understand your position with regard
4 to the Board, but I suggest you either
5 rephrase the question and make it more
6 direct and specific or move on to another
7 question because he will not answer that.

8 MR. GUILD: My position is to the
9 extent that the Witness' testimony is that
10 all reflection of instructions received,
11 including you, sir, the Attorney-Client
12 privilege does not shield that; and his
13 sworn testimony ought to reflect what
14 instructions his testimony is responsive
15 to from you, his management, or anyone
16 else.

17 And the question pending was designed
18 expressly and very specifically to elicit
19 his response with respect to what
20 instructions he has had regarding his
21 testimony, and it stands.

22 MR. GIBSON: And he is not going to
23 answer it, so I suggest you ask another
24 question, a more specific question; or tell
25 me more about where you are going.

1 That does infringe on Attorney-Client
2 relationship.

3 MR. GUILD: All right, sir.

4
5 BY MR. GUILD:

6 Q Were you instructed with respect to the
7 responses of any of the questions I've asked you so
8 far, Mr. Bell?

9 MR. GIBSON: Repeat that, I don't
10 understand the question.

11
12 BY MR. GUILD:

13 Q Were you instructed with respect to
14 response of any of the questions so far?

15 A I don't understand the question.

16 Q Did you discuss documents and how to
17 answer questions with regard to documents?

18 A No, sir.

19 Q Did you discuss the subject of your role in
20 formulating answers to Palmetto Alliance's Discovery
21 Request?

22 A Yes, sir.

23 Q What did you discuss?

24 A I told Mr. Gibson that I didn't think my
25 Deposition would take very long in that the only thing

1 I did was coordinate between QA and legal in the
2 transfer of paperwork.

3 Q All right, sir; anything else?

4 MR. GIBSON: Nothing else that we
5 will put on the Record in response to your
6 question, which I think is objectionable.

7 MR. GUILD: I would ask that he be
8 responsive fully to the question asked, and
9 that his response not be limited to the
10 ruling on any such question.
11

12 BY MR. GUILD:

13 Q How many meetings did you have on the
14 subject of responding to Palmetto's Discovery Request,
15 Mr. Bell?

16 MR. GIBSON: You are limiting that
17 to meetings involving preparation of this
18 Deposition or Discovery Request?

19 MR. GUILD: The question was broader
20 than preparing for this Deposition.

21 MR. GIBSON: Would you make it
22 clearer, Mr. Guild?

23 MR. GUILD: I think it was clear, but
24 I will try to restate it.
25

1 BY MR. GUILD:

2 Q How many meetings did you have with regard
3 to preparing Discovery Requests with regard to
4 Contention Six?

5 A I cannot say how many.

6 Q One, two, more than two?

7 A More than two, I can't remember the exact
8 amount.

9 Q In one of the Answers to Interrogatories,
10 there are described a number of meetings regarding
11 this subject.

12 Let's see if I can let you refresh your
13 recollection.

14 A All right, sir.

15 Q I show you a document dated February 28,
16 1983; and it is entitled, "Applicant's Supplemental
17 Responses," etc.

18 Have you seen this before, and I will put
19 my finger to that spot that I will direct your
20 attention to (indicating)?

21 First tell me if you have seen the document
22 before, Mr. Bell?

23 A Yes, sir.

24 Q All right, sir; the page identified, that is
25 Page--

1 A Page 12.

2 Q Does it say, "Contention Six" at the top?

3 A Yes, sir.

4 Q Page 12 sets out, there are several pages
5 that describe documents for which your Lawyers have
6 asserted an Attorney-Client related privilege; but I
7 am not asking you about those documents.

8 What I want to know is if you look at those
9 pages, see if they refresh your recollection concerning
10 meetings.

11 Most of these descriptions of documents
12 relate to meetings, and I would like to know the
13 meetings and the ones you were present at, sir.

14 A On Page Seven, on Page Fourteen--

15 Q That is Paragraph Number Seven; is that
16 right, it is a numbered paragraph?

17 A Correct.

18 Q All right, sir.

19 A 9/16/82, I attended a meeting there.

20 Q All right, sir; does that text reflect that
21 you were in attendance at that matter?

22 A That's correct. Paragraph Number Eight
23 has reference to the same meeting, that was my note.
24 It looks like the only date that I can see was the
25 9/16/82.

1 Q Was that the only meeting that you partici-
2 pated in with respect to responding to Palmetto
3 Alliance's Responses on Contention Six?

4 A No, sir.

5 Q You don't recall any others at this time?

6 A I can't recall the dates; no, sir.

7 Q All right, sir, if you would pass that back
8 to me, thank you. Now take a look, first I'm going to
9 show you again the December 31st Response by Duke
10 Power Company.

11 You have previously identified it. Take a
12 look at that again about page--I'm afraid I don't have
13 page references.

14 Let's look here at Responses to
15 Interrogatory Number Six, which begins at Page
16 Fourteen, Mr. Bell, and flip through there, sir, and
17 tell me if your initials, what are your initials, sir?

18 A G-H-B.

19 Q Tell me if the initials G-H-B indicating
20 Glenn H. Bell are indicated behind the company's
21 Responses to any of these specific Interrogatories on
22 Contention Six, and let me see if I can speed up the
23 process.

24 Take a look at Interrogatory Three.

25 A Correct.

1 Q Eight?

2 A Correct.

3 Q Nine?

4 A Correct, yes; as well as the initial R-W-O.

5 Q Who is R-W-O?

6 A Roger Ouellette.

7 Q Is Mr. Ouellette present in the room here?

8 A (The Witness nodded his head affirmatively.)

9 Q I want to be informal, Mr. Bell, but please
10 say yes or no.

11 A Yes.

12 Q So on Nine it is Glenn H. Bell and Roger
13 Ouellette?

14 A Yes.

15 Q How about 14?

16 A Yes.

17 Q All right, 16?

18 A Yes.

19 Q Seventeen?

20 A Yes.

21 Q Eighteen?

22 A Yes.

23 Q Twenty?

24 A Yes.

25 Q Twenty-three and twenty-five?

1 A Yes.

2 Q All right, and 24, I believe 24 is out of
3 order? It follows that answer there (indicating).

4 A Yes.

5 Q All the ones you said yes to are ones in
6 which you participated in answering as you earlier
7 described which was your role as you just testified
8 under oath?

9 A Yes.

10 Q All those are ones in which your initials
11 appear after the answers; correct?

12 A That's correct.

13 Q Turn to Numbers 12 and 13. Do the initials
14 R-W-O appear after those answers?

15 A Twelve, Thirteen; yes.

16 Q How about Twenty-one?

17 A R-W-O as well; that's correct.

18 Q And R-W-O, those initials stand for Roger
19 Ouellette?

20 A Yes.

21 Q Turn to Page 41 of that same Response,
22 if you would, Mr. Bell. Does there at 41 in part
23 appear the company's Response to Palmetto Alliance's
24 Interrogatories 23 and 25 on Contention 6?

25 A Would you repeat your question?

1 Q Sure, does part of your answer to 23 and
2 25 appear on that page?

3 A Yes.

4 Q All right, sir; let me hold one second,
5 Mr. Bell. All right, sir; read the last paragraph
6 appearing on that page and going to the next, don't
7 you represent that this list is complete, that
8 Applicants are continuing their search to determine
9 whether there are additional documents within the
10 scope of 23 and 25, and if so, those additional
11 documents will be identified to Palmetto Alliance and
12 will be made available to Palmetto Alliance for
13 inspection in accordance with the C3 above?

14 What does it mean there? Let me ask you
15 first, do your initials appear there?

16 A Correct.

17 Q What does it mean by "continuing their
18 search?"

19 A At the time I produced these documents for
20 legal we were not sure we had all the documents that
21 pertained to those two Interrogatories.

22 Q Did you participate in producing those
23 documents for legal as you said?

24 A I went back through our management who
25 went to different people to get these documents, yes.

1 Q Describe what you did in connection with
2 identifying those documents and preparing that answer,
3 sir.

4 A The only thing I did was forward these
5 documents over to legal. At the time these were
6 forwarded over, I told legal we were not sure we had
7 everything, and we were in the process of going back
8 to our supervisors to find out if we had everything.

9 Q First I want to direct your attention to
10 the process that arrived at the Response that has
11 your initials by it there; and then I want to direct
12 first to what occurred leading up to the Response
13 that has your name by it, Mr. Bell, and then go
14 forward.

15 Describe if you would, Mr. Bell, your role
16 in preparing that Response.

17 A I sent a list of these documents over to
18 legal.

19 Q Where did the list come from that you got?

20 A From the various people who sent me these
21 documents, feeling these documents represented
22 Responses to 23 and 25.

23 Q Who felt that?

24 A It came from different supervision.

25 Q All right, so what was your role in getting

1 the documents identified by those supervision?

2 A My role was that everything was sent through
3 the supervision to me.

4 Q How did they do that, how did they come to
5 do that, Mr. Bell?

6 A I would expect it came through the chain
7 of command.

8 Q How did they know they were to do that?
9 How did they receive their instructions to compile
10 these documents or send those documents to you?

11 A The different managers knew I was
12 coordinating this material, and they got the material
13 and got it to me.

14 Q How did they know they were to do that,
15 sir, if you know?

16 A We had had various meetings concerning
17 what things we needed to be pulling together, what
18 documents.

19 Q Specifically on this subject, Interrogatories
20 23 and 25, is your testimony that the instructions
21 to your management or the management people you have
22 identified, I believe Mr. Grier, Davison and Henry,
23 both are the three people you told me actually
24 answered these things?

25 A Correct.

1 Q That is what you mean when you are talking
2 about your management on these things?

3 A That's correct.

4 Q Is it your testimony Mr. Grier, Davison
5 and Henry got their instructions on these documents
6 at a meeting?

7 A We had a meeting on the Interrogatories.
8 It might be that I came from legal when we received
9 those things and said we need to get all the NCI's
10 that represented disputes or whatever and get them
11 together.

12 At that time I might have told him before
13 we had the meeting that we needed to get this kind
14 of information together.

15 Q Might have told whom?

16 A Either Wayne Henry or George Grier.

17 Q Or Larry Davison?

18 A If he had been with us, yes.

19 Q But either Mr. Grier or Mr. Henry?

20 A Yes, they worked in the Charlotte office,
21 and I saw them locally.

22 Q So you may have passed on information from
23 legal to get these documents together?

24 A I might have.

25 Q Did you send a note to Mr. Grier saying

1 get these documents together?

2 A I don't remember.

3 Q Might you have?

4 A I might.

5 Q Had you communicated in writing with Mr.
6 Grier, Davison or Henry or anyone else with respect
7 to Responding to Interrogatories 23 and 25?

8 A No, most of it was informal.

9 Q Not in writing?

10 A That's correct.

11 Q You passed on messages orally to Mr. Grier?

12 A That's correct.

13 Q Is that what you did in this case?

14 A I can't remember whether I wrote anything
15 on this or not; but I don't think I did.

16 Q Mr. Bell, did you bring your files with
17 you here that would reflect whether or not you had a
18 memorandum or note or anything in writing with
19 regard to answering this Interrogatory?

20 A No, sir.

21 Q Do you have files?

22 A I have a correspondence file.

23 Q Would that include any notes or memoranda
24 that you issued or sent to Mr. Grier, Henry or
25 Davison with respect to answering this Interrogatory?

1 A There are occasions which I might have
2 wrote a memo and it was signed by my manager.

3 Q You would have a copy in your file of that
4 if you wrote it?

5 A Yes, sir.

6 Q Did you bring those things with you today?

7 A No, sir.

8 Q I want to get you to identify the Notice.
9 You appeared here today at this Deposition pursuant
10 to a Notice of taking Depositions that was served on
11 the company; did you not?

12 A Yes.

13 MR. GIBSON: We will stipulate all
14 of them say the same thing, if you want to
15 hand him any one of them.

16 MR. GUILD: His happens to be on the
17 bottom of the list.

18

19 BY MR. GUILD:

20 Q Can you identify that document, Mr. Bell?

21 A Yes.

22 Q Is that Notice of taking Deposition that was
23 served on you requiring your attendance here today?

24 A Yes.

25 Q All right, sir; would you read the second

1 paragraph there for the Record?

2 A "You are required to attend and may be
3 represented by Counsel and are required to bring with
4 you any and all documents in your possession or
5 subject to your control reflecting your knowledge of
6 the above described matters upon which you will be
7 examined."

8 Q All right, sir; did you read that before
9 today?

10 A Yes.

11 MR. GIBSON: I need to interject.
12 We read the Board's Order ruling on
13 sanctions, and the Board's Order setting or
14 allowing these Depositions to be taken as
15 overriding a general request for documents
16 as indicated in the Deposition.

17 Mr. Bell has brought all documents
18 relating to QC or QA in welding at Catawba.
19 Obviously we take the position that any
20 notes of meetings held with Counsel
21 concerning pulling together items would be
22 privileged as reflecting some of the
23 strategy and discussions with Counsel.

24 I believe as we read the Order and
25 as we interpret the Notice of Deposition

1 as being limited by those Orders, all of
2 the documents have been produced.

3 MR. GUILD: I would like the Witness
4 to answer the question.

5 MR. GIBSON: I am instructing him
6 to answer that question consistent with
7 what I've said; that is we have produced
8 all the documents relevant to the scope of
9 these Depositions.

10 MR. GUILD: I would like the Witness
11 to answer the question.

12 THE WITNESS: Would you repeat the
13 question?
14

15 BY MR. GUILD:

16 Q Yes. Why didn't you bring those documents
17 that you have now identified, your documents reflecting
18 instructions that you may have given to Mr. Grier
19 and others?

20 Why didn't you bring those, sir?

21 MR. GIBSON: His answer is we have
22 produced those documents; and if you have
23 another question, I suggest you ask it.

24 MR. GUILD: Of course, you under-
25 stand I am unable to get a ruling from the

1 Judge.

2 MR. GIBSON: I understand that, and
3 you can note the position of this ruling in
4 the tape, and we can ask the Court
5 Reporter to note it if you deem it necessary
6 to get a ruling; but I am instructing him
7 not to answer beyond that, and I suggest
8 we move on.

9
10 BY MR. GUILD:

11 Q Mr. Bell, did you search for any documents,
12 yourself, in Responding to these Interrogatories 23
13 and 25?

14 A No, sir.

15 Q Did you participate in reviewing any docu-
16 ments that were identified?

17 A I might have read them when they came
18 through my office.

19 Q And for what purpose might you have read
20 them, Mr. Bell?

21 A Just for my own information.

22 Q Curiosity?

23 A Yes.

24 Q Was it not part of your responsibility for
25 the company or in your participation in Responding

1 to this Interrogatory?

2 A No, sir.

3 Q Describe again, I want to understand very
4 clearly for the Record, Mr. Bell, what was your role
5 in all this?

6 A My role was a very limited role in that I
7 put together all the documents that came through my
8 office and interfaced with legal to see that they got
9 these documents.

10 Q Did you do anything more than physically
11 take documents that were given to you and carry them
12 to someone else?

13 A No, sir.

14 Q Would you agree with me, Mr. Bell, we
15 have gone through all of the Answers to Interrogatories
16 that were contained in the December 31st Response?

17 That is what is in front of you, isn't it?

18 A December 31st, yes, sir.

19 Q Does Mr. Grier, Mr. Henry or Mr. Davison's
20 initials appear after any of those answers, sir?

21 A No, sir; they don't.

22 Q Only your initials or the initials of Roger
23 Ouellette?

24 A That's correct.

25 Q But, in fact, it was Grier, Henry and

1 Davison that answered those Interrogatories and not
2 you?

3 A That's correct.

4 Q Or Mr. Ouellette?

5 A I think Mr. Ouellette had some interface
6 with some of the Interrogatories identified. He did
7 answer some or provided information for some of
8 them.

9 Q But didn't--

10 A I saw that the Legal Department got those
11 documents. I did not have responsibility of preparing
12 the documents.

13 Q All right, sir. Now, let me turn your
14 attention to that answer that was provided at Page 41.
15 Do you want to go back to Page 41 again?

16 Do you have that in front of you?

17 A Yes.

18 Q All right, sir; describe the search that is
19 referenced there in the answer that said in part that
20 Applicants are continuing their search for documents
21 responsive to those two Interrogatories.

22 What do you know about the search?

23 A It is my understanding we went back to the
24 people and asked if there were any other documents
25 that had not been turned over in their possession.

1 Q What people are you speaking of?

2 A The persons at Catawba.

3 Q Who at Catawba, sir?

4 A Those persons in the QA/QC Department.

5 Q Be a little more specific. Who are you
6 talking about?

7 A I did not personally go down on this
8 particular trip when they went down to express what
9 they were looking for.

10 Q Who is "they" as a general matter, Mr.
11 Bell? You and I may be able to get about who "they"
12 mean or who they are.

13 If you can help for clarity sake--for some-
14 one who is a total stranger who has not lived through
15 this experience has to read this Deposition--when you
16 say "they" or "we", identify those people.

17 Q Our management went down, I think Mr.
18 Crier and Mr. Henry and the Legal Department went
19 down to the site.

20 Q Catawba?

21 A That's right, and asked those persons in
22 this department if there were any other documents.

23 Q Who do you mean by "those persons in this
24 department"?

25 A I knew they met with the QC Department

1 down there. I was not there so I don't know who was
2 there.

3 Q You just don't know?

4 A That's right.

5 Q And your understanding comes from where?

6 A From Wayne Henry, he told me he was
7 going.

8 Q He told you he went after he did?

9 A Yes.

10 Q Did he tell you who he met with?

11 A Not specifically, no.

12 Q All right, sir; I show you a document I
13 think you may have identified this one already
14 (indicating); this is the 2/28 Response.

15 Do you recognize that, sir?

16 A Yes.

17 Q Look at Page 28; do your initials appear
18 following an answer on Page 28?

19 A I believe it is Number 22, Interrogatory
20 22.

21 Q Do you see that?

22 A My initials appear on Page 29.

23 Q Let's see Page 28 a second--yes, I'm
24 sorry; you are right--Page 29 in Response as
25 participating in answering Interrogatory 22; is that

1 right?

2 A That's correct.

3 Q Did you participate in answering Interroga-
4 tory 22?

5 A I provided legal with the list of employees.
6 yes.

7 Q And where did the list come from that you
8 provided legal?

9 A It came from our Administrative Services
10 Division.

11 Q All right, sir; did you procure the list
12 from Administrative Services?

13 A Yes, I asked for the list.

14 Q What did you ask for and how did you do
15 that?

16 A I asked for the names, titles, addresses
17 and phone numbers and date of employment for all
18 persons at the facility in QA/QC, and to describe in
19 detail the circumstances of termination.

20 Q You did not do that, did you?

21 A That is what I asked for.

22 Q All right, sir; hold that a second, please.
23 I show you a couple documents now and ask if you
24 recognize these documents as the Response that was
25 provided?

1 The documents, the lists that were provided
2 in that Response, that has your initials by it, Mr.
3 Bell?

4 A Yes, I recognize the documents.

5 Q Are those the lists provided?

6 A Yes, sir.

7 Q Were any other lists provided or are those
8 them?

9 A This is it.

10 Q Describe, if you would, generally what it
11 is we have here? That was the lists that were
12 provided?

13 A A list of terminations, transfers and
14 current employees at Catawba.

15 Q The current employees at Catawba, that is
16 the computer list; correct?

17 A Correct.

18 Q Is it a fair characterization to say that is
19 the form that Administrative Services keeps the list
20 of employees in the QA Department at Catawba?

21 A This is what they provided me. Whether or
22 not it is provided for the list of Administrative
23 Services, I cannot say.

24 Q The other lists are typewritten lists?
25 One says transfers and one says terminations?

- 1 A (The Witness nodded his head affirmatively.)
- 2 Q On the transfer list, does it tell us where
- 3 the employees transferred to?
- 4 A No, sir.
- 5 Q What information does that transfer list
- 6 have on it?
- 7 A Name, address and telephone number.
- 8 Excuse me, on some of them it indicates telephone
- 9 number.
- 10 Some do not have a telephone number.
- 11 Q What does the classification mean, if you
- 12 know?
- 13 A What does the classification mean?
- 14 Q Yes.
- 15 A I don't understand the question.
- 16 Q What is the information provided under the
- 17 title "classifications"?
- 18 A It lists their job title.
- 19 Q What job title?
- 20 A I suppose that they held.
- 21 Q The job title they held before they were
- 22 transferred?
- 23 A I would assume, I don't know that to be a
- 24 fact.
- 25 Q Does it list the job titles held after they

1 were transferred?

2 A No, sir.

3 Q How about the address and telephone number,
4 what address and telephone number is listed there,
5 if you know?

6 A It appears to be home addresses.

7 Q Are those the home addresses? Where do
8 these addresses and telephone numbers come from,
9 if you know, Mr. Bell?

10 A I don't have any idea.

11 Q You got them from Administrative Services;
12 is that correct?

13 A Right.

14 Q What did you ask them for?

15 A I asked them for what the Interrogatory
16 asks for.

17 Q Did you send them a copy of the
18 Interrogatory?

19 A I don't know; I could have taken it down and
20 read it to them and they took notes. I don't remember
21 whether they made a copy of it or what.

22 Q You don't know the source of the address
23 and telephone number as it appears there?

24 A No, sir.

25 Q And you don't know whether the classification

1 is the one held at Catawba or after they were trans-
2 ferred? We are looking at the third list, Mr. Bell,
3 the termination list.

4 A Yes.

5 Q What information appears there?

6 A Name, address, telephone number, classi-
7 fication, date employed, date of termination.

8 Q All right, do you know what the address
9 and telephone number appearing on there indicates?
10 Do you know where those addresses and telephone
11 numbers came from?

12 A It came from the Administrative Services;
13 I don't know where they got them.

14 Q You don't know whether they are current or
15 most current known to Duke?

16 A I don't know.

17 Q Now the classification, do you know what
18 the information is that appears under that title?

19 A There again, I am assuming, I would assume
20 those are classifications which employed--

21 Q You don't know?

22 A I don't know.

23 Q You did not prepare the list?

24 A Correct.

25 Q Your initials appear.

1 A Only because I was the one that brought
2 the information to legal.

3 Q Someone in the Administrative Services
4 supplied the information for that answer?

5 A They supplied the information, yes.

6 Q Do you know who in Administrative Services
7 answered that Interrogatory?

8 A I got the information from the Supervisor
9 of Administrative Services.

10 Q Who is that?

11 A Valerie Spearman.

12 Q Do you know what Mrs. Spearman's title
13 is?

14 A Not exactly, no.

15 Q All right, sir; give me a rough idea.

16 A She is a Supervisor in the Personnel
17 Section.

18 Q As far as you know, is she the person who
19 is responsible in Administrative Services for
20 answering the Interrogatory?

21 A She reports to a Manager from Administrative
22 Services, C. N. Alexander.

23 Q Is that the Mr. Alexander we will talk to
24 later on?

25 A That's correct.

1 Q All right, sir; I'll take those lists back.
2 Thank you. Were further documents identified as a
3 result of the search that we've talked about on
4 Interrogatories 23 and 25?

5 A I don't remember.

6 Q Well let me see if I can refresh your
7 recollection. Let's look at the 2/28 Response
8 beginning on Page 28; and tell me whether or not that
9 refreshes your recollection.

10 Take a look there (indicating).

11 A The question is were further documents
12 identified?

13 Q What Interrogatories are you identifying?

14 A Twenty-three and Twenty-five.

15 MR. GIBSON: He is looking at the
16 wrong one.

17 MR. GUILD: Turn to Page 43, I think
18 that is the end of that answer.

19 THE WITNESS: Yes, further documents
20 were identified.

21
22 BY MR. GUILD:

23 Q Do your initials G-H-B appear at the end
24 of that rather lengthy Response?

25 A Yes.

1 Q All right, sir; did you participate in
2 responding to that further Response to those
3 Interrogatories?

4 A I forwarded the documents referenced here
5 over, yes.

6 Q Are there other initials that appear with
7 yours at the end of that answer?

8 A Yes.

9 Q What are those initials?

10 A D-A and M-L-C.

11 Q Who is D-A and M-L-C?

12 A I don't know.

13 MR. GUILD: Counsel, could you help
14 me? I have no idea who D-A and M-L-C
15 are; and in the absence of this Witness'
16 knowledge--

17 MR. GIBSON: We'll put Mr. Grier
18 on in whatever time he comes up, as I
19 understand it, Mr. Carr sent you either
20 one or two Affidavits at a later time.

21 I'm not certain whether it was in
22 response to this specific question or not,
23 because the signed Affidavit or Affidavits
24 had not been received as of the time they
25 were filed. I can't represent it was or

1 was not.

2 MR. GUILD: I can't remember either;
3 can someone help so we can expedite this?
4 Does someone know who D-A and M-L-C are?

5 THE WITNESS: I think that M-L-C is
6 Mike Childress; but I'm not sure.

7 MR. GIBSON: We believe that David
8 Abernathy is probably the D-A. I think he
9 was involved in searching for documents,
10 and M-L-C was Mike Childress, who had
11 been involved in earlier Depositions from
12 the Design Engineering aspect.

13

14 BY MR. GUILD:

15 Q Do you know, Mr. Bell, whether Mike
16 Childress and David Abernathy participated in
17 Responding to that Interrogatory?

18 A I don't know.

19 Q What is Mr. Abernathy's job, if you know?

20 A I don't know.

21 Q Do you know Mr. Abernathy?

22 A No.

23 Q How about Mike Childress?

24 A I know of him, I don't know what his job

25 is

1 Q You didn't work with those two gentlemen
2 in the searching for these documents?

3 A No, sir.

4 Q Tell me how these documents, the ones
5 identified in 29 through 43, how did those documents
6 come to you, sir?

7 A I don't know on each one how they came.
8 It was after our Response back in looking for further
9 documents they came to me, but I don't remember each
10 one, how it came.

11 Q I'm not asking you for each one. Give me
12 a general description of what the process was and
13 what your involvement was.

14 A As I say, we asked those persons involved
15 at Catawba if there were any other documents.

16 Q Yes?

17 A And those documents here, they forwarded
18 to us.

19 Q To you?

20 A They came to me eventually. I don't know
21 whether they were sent directly to me.

22 Q That is what I'm trying to understand. How
23 did they come to you? Only tell me what you know,
24 Mr. Bell?

25 A I can't remember each document, how they

1 came. It could have been through my boss, Wayne
2 Henry, or straight from the field to me; I don't
3 remember.

4 Q Would your files that you did not bring
5 with you refresh your recollection? Would they
6 contain a memo, a cover memo, to Mr. Henry or from
7 Mr. Henry to Mr. Bell, for example, here are a
8 bunch of documents?

9 A No.

10 Q Are you sure about that?

11 A I would have to look in my file to be
12 absolutely sure. I don't think I do, no.

13 Q But you don't know for sure?

14 A No, sir.

15 Q And you didn't bring those file memos with
16 you?

17 A No, sir.

18 Q Is your office here in the corporate head-
19 quarters of Duke Power Company?

20 A Yes, it is.

21 MR. GUILD: Counsel, let's take a
22 recess and get Mr. Bell to get his file.

23 MR. GIBSON: Our earlier discussion
24 of this stands. If you have further
25 questions of Mr. Bell, ask him.

1 As part of our continuing effort, we
2 will check again, and if there is a document
3 we will make that known; but as I indicated,
4 to the best of our knowledge we have pro-
5 duced everything and we will not recess to
6 get him to check those files now.

7 MR. GUILD: Frankly, you have wasted
8 a good bit of time, all of our time. Mr.
9 Bell, contrary to his sworn Affidavit,
10 suggests or tells us and tells the Nuclear
11 Regulatory Commission that he answered
12 those Interrogatories.

13 His testimony today is that he did not,
14 and others, in fact, did the substantive
15 answering of those Interrogatories.

16 We have to figure out what kind of
17 sanctions will be sought because of a totally
18 unresponsive answer.

19 I will ask you to help bail us out to
20 have this Witness get the documents we put
21 him on notice to get.

22 Now I am asking that we recess this
23 Deposition right now and Mr. Bell go down
24 the hall and get the files to refresh his
25 recollection so he can answer that he did

1 not know, notwithstanding that access to
2 documents.

3 MR. GIBSON: Mr. Guild, I am not
4 going to go through and respond to each and
5 every one of the statements made in your
6 speech.

7 Mr. Bell has indicated his role, that
8 is in coordinating, pulling together the
9 information used in responding to these
10 Interrogatories.

11 Where he has not provided that infor-
12 mation, he told you the individuals who
13 provided that.

14 I have indicated earlier based on our
15 reading of the Board's Order and your
16 Notice of Deposition, Mr. Bell has provided
17 you with the information needed; and if we
18 discover any additional document responsive
19 to those requests, we will make those
20 available to you.

21 If you have some other questions, I
22 suggest you move on. I will not respond
23 to each and every statement in your speech
24 except to say we totally disagree.

25 MR. GUILD: You decline to ask Mr.

1 Call to get the files requested in his Notice
2 of Deposition?

3 MR. GIBSON: We have reviewed the
4 documents, they have been made available
5 to the extent they are responsive to the
6 Interrogatories and to his Notice of
7 Deposition as we read it, consistent with
8 the narrowing imposed by the Board.

9 Now if you want us to go through the
10 charade we have been through before; that
11 is to have him go physically look again and
12 waste time that way, we will do that if
13 that is what you are asking us to do in this
14 recess.

15 MR. GUILD: I am asking you to get
16 his files as he was requested to do in his
17 Notice of Deposition.

18 MR. GIBSON: I am saying we will not
19 ask him to get each and every document.
20 We have produced what we believe to be
21 responsive to the Discovery.

22 If you want us to recess and go through
23 the steps again, we will do that; but that
24 is at your request.

25 MR. GUILD: It is my request Mr.

1 Bell to get the files requested in his Notice
2 of Deposition?

3 MR. GIBSON: We have reviewed the
4 documents, they have been made available
5 to the extent they are responsive to the
6 Interrogatories and to his Notice of
7 Deposition as we read it, consistent with
8 the narrowing imposed by the Board.

9 Now if you want us to go through the
10 charade we have been through before; that
11 is to have him go physically look again and
12 waste time that way, we will do that if
13 that is what you are asking us to do in this
14 recess.

15 MR. GUILD: I am asking you to get
16 his files as he was requested to do in his
17 Notice of Deposition.

18 MR. GIBSON: I am saying we will not
19 ask him to get each and every document.
20 We have produced what we believe to be
21 responsive to the Discovery.

22 If you want us to recess and go through
23 the steps again, we will do that; but that
24 is at your request.

25 MR. GUILD: It is my request Mr.

1 Bell to get the files requested in his Notice
2 of Deposition?

3 MR. GIBSON: We have reviewed the
4 documents, they have been made available
5 to the extent they are responsive to the
6 Interrogatories and to his Notice of
7 Deposition as we read it, consistent with
8 the narrowing imposed by the Board.

9 Now if you want us to go through the
10 charade we have been through before; that
11 is to have him go physically look again and
12 waste time that way, we will do that if
13 that is what you are asking us to do in this
14 recess.

15 MR. GUILD: I am asking you to get
16 his files as he was requested to do in his
17 Notice of Deposition.

18 MR. GIBSON: I am saying we will not
19 ask him to get each and every document.
20 We have produced what we believe to be
21 responsive to the Discovery.

22 If you want us to recess and go through
23 the steps again, we will do that; but that
24 is at your request.

25 MR. GUILD: It is my request Mr.

1 Bell get the documents he was requested to
2 bring.

3 MR. GIBSON: We will recess and go
4 to Mr. Bell's office and we will return
5 as soon as we go through these steps again.

6 MR. GUILD: That would be a help;
7 I would appreciate it.

8 (Whereupon, the Deposition
9 adjourned at 9:51 a.m., and reconvened
10 at 10:45 a.m.)

11 MR. GIBSON: Mr. Guild, as you
12 requested prior to this recess, we have
13 reviewed the file of notes held by Mr.
14 Bell that he described; and we repeat our
15 earlier position.

16 It does not reveal any items which
17 we think should be turned over to Palmetto
18 Alliance consistent with the Board's Order,
19 despite the very broad language in your
20 Notice of Depositions.

21 With respect to earlier comments
22 concerning Mr. Bell's involvement in
23 answering Interrogatories, we take serious
24 issue with your description that the
25 Applicants have been dishonest and suggest

1 rather than us continue to make statements
2 about that, if you feel there is a level of
3 dishonesty, that you without any hesitation,
4 take that to the Board and have the Board
5 resolve those issues.

6 MR. GUILD: Of course, as we know,
7 the Board is not available to review any
8 requests for sanctions; so we find ourselves,
9 Mr. Bell, back with you.

10
11 BY MR. GUILD:

12 Q What did you do in the last hour that we
13 have been waiting on in reviewing, Mr. Bell?

14 A I went over to my office, pulled the
15 correspondence file that I maintain, and Ron and I
16 looked at documents that we had.

17 Q Did you find any documents in there?

18 A It is full of documents.

19 Q Did you find any documents regarding your
20 participation in responding to Interrogatories 23 and
21 25?

22 A No, sir.

23 Q None whatsoever?

24 A There were some documents that I provided
25 a status report to my supervision listing the documents

1 that had been provided for maybe possibly 22 and 23.

2 Q Twenty-three and Twenty-five?

3 A Twenty-three and Twenty-five.

4 Q Did you bring that document with you?

5 A No, sir; nothing other than the status
6 report which you have obtained.

7 Q What is that status report dated?

8 A I don't know.

9 Q Did your review of those documents,
10 including the status report or other memorandum,
11 refresh your recollection concerning your involvement
12 in reviewing or searching for additional documents
13 beyond those identified in the December 31st Responses
14 to Interrogatories?

15 A Would you repeat the question?

16 Q Yes, sir; you just reviewed your files;
17 correct?

18 A That's correct.

19 Q You spent an hour doing that approximately?

20 A I didn't look at my watch when we walked
21 over.

22 Q You made a thorough review, didn't you?

23 A We looked at them.

24 Q Thoroughly?

25 A Yes, sir.

1 Q On the basis of thoroughly reviewing your
2 file, has your recollection been refreshed in searching
3 for documents beyond those identified in your initial
4 Response on Contention Six?

5 A Yes.

6 Q Having refreshed your recollection, describe
7 your involvement in that search for documents.

8 A Again, my involvement was that I coordinated
9 between legal and QA all those documents brought forth
10 in connection with Interrogatories 23 and 25, and
11 brought them to legal.

12 Q Your earlier answer was that you could not
13 recall whether or not you communicated with any
14 other Duke employees in order to obtain further
15 documents?

16 Can you recall now whether you did or not?

17 MR. GIBSON: Objection to the form;
18 I think he indicated he could not recall in
19 writing.

20 I think he testified he did work with
21 other employees, but he could not give you
22 a list of those.

23 Q Can you answer the question?

24 A As Mr. Gibson said--

25 MR. GIBSON: Bob, I'm objecting to

1 the form not as being correct, I think he
2 was unable to identify writings; but your
3 question is more broad than that, your
4 paraphrase of his earlier testimony.

5 MR. GUILD: Can you answer the
6 question?

7 MR. GIBSON: He will answer it with
8 the caveat I have included or you can re-
9 phrase it.
10

11 BY MR. GUILD:

12 Q You are under oath now.

13 A When I searched my files I looked to see
14 if there was documented evidence where I corresponded
15 with other people, and I did not find any of that.

16 Q Having searched your file, did it refresh
17 your recollection as to your involvement?

18 A Yes.

19 Q Describe that involvement.

20 A I coordinated between QA and legal the
21 documents that were brought to me or sent to me.

22 Q Did you make an oral request for documents?

23 A I personally did not make the request. I
24 talked with Wayne Henry, G. W. Grier, L. R.
25 Davison.

1 Q And they did whatever was done?

2 A Yes, sir.

3 Q And we are back to where we were before
4 the break. You provided those documents to legal?

5 A That's correct.

6 Q How did they come to you? Did you refresh
7 your recollection to that question?

8 A I cannot go back and tell you each document.

9 Q Now that you have refreshed your recollec-
10 tion and looked at your file close to an hour, I don't
11 mean document by document, sir; I want to know,
12 just the question generally, how did these documents
13 come to you?

14 A From either Wayne Henry, George Grier
15 or L. R. Davison, to the best of my knowledge.

16 Q None came to you from persons other than
17 those three?

18 A Not that I can remember.

19 Q Were you responsible for reviewing those
20 documents before you passed them on?

21 A No, sir; I was not responsible for reviewing
22 them, although most documents I read.

23 Q Only out of curiosity; it wasn't part of your
24 responsibility?

25 A It was not my responsibility to read them.

1 Q You just passed on the ones that came to
2 you?

3 A That's correct.

4 Q All right, sir; I will show you another
5 document. This is dated March 25, and it is an
6 Applicant's Response to Palmetto Alliance Follow Up
7 Interrogatories.

8 Do you recognize that document, sir?

9 A Yes, sir.

10 Q Did you assist in preparing Responses to
11 that Interrogatory contained in that document?

12 A Yes, I did.

13 Q All right, sir; which answer did you assist
14 in preparing or have any role in preparing?

15 A I supervised the documents from which
16 Number Six--

17 Q Contention Number Six or Question Number
18 Six?

19 A Question Number Six on Contention Six.

20 Q All right, sir; what page does that appear
21 on?

22 A On Page 19.

23 Q Do your initials appear at the end of that
24 response or anywhere on that document?

25 A I don't know, I have not searched that entire

1 document. It does not appear behind Interrogatory
2 Six though.

3 Q Your testimony is that you did participate
4 in preparing that response?

5 A I supplied them the information for that.

6 Q Did your role change any with respect to
7 the earlier questions?

8 A No, it does not.

9 Q Same role?

10 A Same role.

11 Q Are there any other answers in which you
12 had a role in that document?

13 A Number Eight.

14 Q Give me a page reference, if you will, Mr.
15 Bell.

16 A Page 21, it starts.

17 Q Are you indicated as having participated in
18 responding to that Interrogatory? Do your initials
19 appear before that answer?

20 A My initials do not appear; there is a G-A-H,
21 possibly a typographical error.

22 Q Your initials are G-H-B, so that is possibly
23 a typographical error?

24 A That's correct.
25

1 Q Any others?

2 A Number Nine.

3 Q Your initials appear at that answer?

4 A No.

5 Q Do anybody's initials appear at that answer?

6 A No.

7 Q All right, sir; are there any others?

8 A Contention Six was all I was involved with.

9 Q Thank you, let me see that, please. All
10 right, sir; Number Nine calls for, generally speaking,
11 identification and production of documents as described
12 on Page Twenty-two of this Response generally relating
13 to the subject of Catawba Welding Inspector complaints,
14 Welding Inspector Task Force; is that right?

15 A Yes.

16 Q What is the answer that is set forth there?

17 A "Documents responsive to this Interrogatory
18 will be identified and made available for inspection
19 and copying by March 31st, '83."

20 Q All right, sir; describe your involvement
21 in identifying those documents and making them
22 available.

23 A If there were any other documents available,
24 I was to send them over. That was my involvement.

25 Q You served simply as a courier?

1 A That's correct.

2 Q Were there other documents that were
3 identified?

4 A I don't recall.

5 Q Who was responsible for the substantive
6 answer to Interrogatory Number Nine?

7 A Legal worked out the final response.

8 Q Who was responsible for actually identifying
9 and producing those documents other than performing
10 the clerical performance that you have identified that
11 you performed?

12 A Would you repeat your question?

13 Q Sure, who actually did what was described
14 in that response?

15 A There again, it went back through our
16 management to find out if there were any other
17 documents.

18 Q Who did it?

19 A It went back through Wayne Henry, George
20 Grier and L. R. Davison down through the chain.

21 Q Do you know of any other persons who were
22 responsible for answering that Interrogatory?

23 A Other than those three gentlemen and legal,
24 no.

25 Q Now, sir, work from that question back.

1 I want you to tell me any documents, describe any
2 documents that came to your attention, Mr. Bell,
3 that were not produced in Response to the Interrogatories
4 on Contention Six that called for the production of
5 documents. Do you follow me?

6 MR. GIBSON: Excuse me, are you
7 limiting that question as limited by the
8 Board's Order, or are you saying broadly
9 on Contention Six?

10 MR. GUILD: Let's understand what
11 Mr. Bell's knowledge is first, Counsel,
12 of documents that were identified that were
13 responsive to the Interrogatories as asked
14 that were not produced.

15 MR. GIBSON: I will allow him to
16 answer, but I will object as to anything
17 not within the Contention as it is now
18 narrowed by the Board.

19 THE WITNESS: Can you repeat the
20 question?

21
22 BY MR. GUILD:

23 Q Describe the documents identified to you,
24 sir. I am interested in the documents that were
25 identified but not produced. What documents came to

1 your attention, Mr. Bell, in response first to the
2 Interrogatory Nine and Follow Up Interrogatories?

3 A If the documents came to me, they were
4 reproduced and sent to legal.

5 Q My question is what documents were
6 identified but not produced for Palmetto Alliance?

7 A I don't know of any.

8 Q You just don't know?

9 MR. GIBSON: I think his response
10 was "I don't know of any."
11

12 BY MR. GUILD:

13 Q Is your answer there were none or that
14 you don't know of any?

15 A There were none brought to my attention
16 that were discarded, no.

17 Q Speak clearer; I think I understand your
18 answer, but so I don't misinterpret it, are you saying
19 there were no documents brought to your attention
20 that were not made available to Palmetto Alliance?

21 A That's correct.

22 Q Now let's go back, and I would like to ask
23 the same general question with respect to the other
24 Interrogatories that we have talked about that
25 identified documents.

1 Let's turn to I show you again the
2 February 28 Response there beginning at Page 29,
3 which is a Response to Interrogatories 23 and 25,
4 Mr. Bell.

5 It extends through Page 43. Tell me, sir,
6 are there any documents made known to you but to
7 your knowledge were not produced for inspection by
8 Palmetto Alliance?

9 MR. GIBSON: Are you saying other
10 than what is listed there as objected to?
11 I am trying to understand the scope of
12 your question, Mr. Guild.

13 MR. GUILD: I will repeat it, if you
14 would like. The question is in the same
15 fashion as the way he answered the first
16 Interrogatory, are there any documents
17 identified to you, Mr. Bell, that were not
18 produced for inspection and copying by
19 Palmetto Alliance?

20 THE WITNESS: No.

21
22 BY MR. GUILD:

23 Q Now, sir, I show you the December 31st
24 answer, and if you will direct your attention to the
25 answer to Interrogatories 23 and 25 that appear at

1 Page 41 or thereabouts, and if you would answer the
2 same question, Mr. Bell?

3 A No.

4 Q All right, sir; thank you. How long have
5 you been in your present position with Duke Power,
6 Mr. Bell?

7 A As a Senior QA Specialist, I have been
8 since last November; but I am still in the same job
9 I have been in since June of 1980.

10 Q Aside from your role in transmitting docu-
11 ments, have you had any involvement in the so-called
12 Catawba Welding Inspector incidents?

13 A No, sir.

14 Q Have you performed any function in
15 investigating deficiencies in Quality Assurance at
16 Catawba?

17 A No, sir.

18 Q Who do you work for, Mr. Bell?

19 A I report directly to T. C. Roberts, who
20 in turn reports to W. O. Henry.

21 Q What is Mr. Roberts' job?

22 A QA Supervisor, Design Section.

23 Q What did you do before you were a QA
24 Specialist?

25 A I worked in the Quality Assurance Vendor

1 Division evaluating vendors.

2 Q Before that?

3 A I worked in Retail Operations.

4 Q Before that?

5 A I worked with Strobel Oil Company.

6 Q When did you join Duke Power Company?

7 A February, 1971.

8 Q Have you ever worked at the Catawba
9 Station?

10 A No.

11 Q Where are the documents that you have
12 identified and produced in Response to Palmetto
13 Alliance Interrogatories and Responses on Contention
14 Six now maintained?

15 A They are over here on this cart
16 (indicating).

17 Q They are in this room today?

18 A Yes.

19 Q Where are they maintained other than for
20 purposes of this Deposition? Where are they kept?

21 A I possibly have a copy of everything that
22 came over here in my office.

23 Q The specific set of copies that are here
24 today, where are they normally kept?

25 A Different locations.

1 Q Where will they be returned after today's
2 Deposition? Where did the cart come from and where
3 is it going back to?

4 A In Ron Gibson's office.

5 Q All right, sir; let me have about two minutes
6 here. Mr. Bell, I am interested, at some point, in
7 getting a clear idea of who reports to whom and how
8 the Quality Assurance Department and Program for
9 Duke Power Company as it relates to Duke Power is
10 organized.

11 You work with the Quality Assurance Depart-
12 ment; do you not?

13 A That's correct.

14 Q Are you familiar with the organizational
15 structure in the Quality Assurance Department?

16 A Yes.

17 Q I want to go very quickly through the list
18 of people who have been notified for the taking of
19 their Depositions; and I would like, if you can, to try
20 to help me understand who is in this structure.

21 MR. GIBSON: Mr. Guild, I object
22 because I think this is basic Discovery and
23 not contemplated by the Board's Order.

24 I will allow him to answer, but we
25 have noted our objection.

1 MR. GUILD: All right.

2
3 BY MR. GUILD:

4 Q This was the schedule prepared by your
5 Counsel or someone else. Tell me who reports to
6 whom and how the department is structured.

7 You are first on the list, and you have
8 told me who you report to. Next on the list is whom?

9 A Gail Addis.

10 Q Does Miss Addis work in the Quality
11 Assurance Department?

12 A No.

13 Q Who is after her on the list?

14 A J. C. Rogers.

15 Q Is he the former Project Manager at
16 Catawba?

17 A He is the Project Manager at Catawba.

18 Q Presently?

19 A Right.

20 Q And next?

21 A D. G. Beam.

22 Q Former Project Manager at Catawba?

23 A Yes.

24 Q Next?

25 A David Abernathy.

1 Q Who is he?

2 A I don't know him, he doesn't work in the
3 QA Department.

4 Q Next to him is a name that has been
5 scratched out.

6 A G. E. Gordon, I think; I don't know him
7 personally. I think he works in Construction.

8 Q Next on the list?

9 A C. N. Alexander.

10 Q Who is he?

11 A QA Manager of Administrative Services.
12 He reports to G. W. Grier.

13 Q Who is Mr. Grier?

14 A Corporate QA Manager.

15 Q Next on the list?

16 A R. L. Dick.

17 Q Mr. Dick works in Quality Assurance?

18 A No, sir.

19 Q Is he in Construction?

20 A Yes, sir.

21 Q Vice President?

22 A Yes.

23 Q Next on the list?

24 A W. O. Henry, QA Manager, Technical
25 Services; reports to G. W. Grier.

1 Q He and Mr. Alexander are on the same level
2 on the organizational chart, if we were to chart their
3 reporting, both directly under Mr. Grier?

4 A Yes, sir.

5 Q Next on the list?

6 A A. E. Allum, I don't know who he reports
7 to. He is Site Personnel.

8 Q Is he in the Quality Assurance Department?

9 A I think he is, yes.

10 Q He works at Catawba?

11 A Yes.

12 Q He is in charge of personnel at the site?

13 A I cannot tell you his job.

14 Q He does some work in the personnel area
15 of Quality Assurance at the site?

16 A I don't know, sir.

17 Q C. R. Baldwin, who is he?

18 A I don't know his job title.

19 Q Is he in the Quality Assurance Department
20 as far as you know?

21 A Yes.

22 Q Next?

23 A L. R. Davison.

24 Q Who is Mr. Davison?

25 A QA Manager of Project.

1 Q Who does he report to?

2 A He reports to G. W. Grier.

3 Q All right, if we were going to chart him
4 organizationally, would he be on the same organi-
5 zational level as Mr. Henry and Mr. Alexander?

6 A (The Witness nodded his head affirmatively.)

7 Q Your answer was Mr. Davison is on the
8 same level as Mr. Henry and Alexander, reporting to
9 Mr. Grier?

10 A That's right.

11 Q And next?

12 A Mr. Grier.

13 Q Corporate Quality Assurance Manager?

14 A Correct.

15 Q Continue.

16 A J. C. Shropshire, he works in the Quality
17 Assurance Department also.

18 Q What is his job?

19 A I don't know his exact title.

20 Q Is he at Catawba Station?

21 A Yes.

22 Q Next on the list?

23 A W. H. Bradley.

24 Q Who is Mr. Bradley?

25 A I'm not sure of his exact title; he reports

1 to Mr. G. W. Grier also.

2 Q What does he do if you don't know his
3 title?

4 A He was formerly the QA Manager of
5 Administrative Services, but I think he is Staff with
6 Mr. Grier.

7 Q An assistant to Mr. Grier perhaps?

8 A I don't know his exact job title.

9 Q Next?

10 A W. H. Owen.

11 Q What is Mr. Owen's job?

12 A Senior Executive Vice President.

13 Q Not for Quality Assurance, he is not in the
14 QA Department?

15 A No.

16 Q Next on the list?

17 A R. A. Morgan.

18 Q Who is Mr. Morgan?

19 A Senior QA Engineer, Catawba site.

20 Q Who would Mr. Morgan report to, if you
21 know?

22 A He reports to L. R. Davison.

23 Q All right, sir; next?

24 A W. S. Lee.

25 Q Mr. Lee is Chairman of Duke Power?

1 A Yes.

2 Q Who is the Senior QA person at the Catawba
3 site, if you know?

4 A L. R. Davison.

5 Q Is Mr. Davison presently responsible for
6 work other than at the Catawba site?

7 A I don't know his specific responsibilities.

8 MR. GUILD: All right, Mr. Bell;
9 thank you very much. That is all the
10 questions I have.

11 MR. GIBSON: I have one question,
12 Mr. Bell.

13
14 CROSS EXAMINATION

15 BY MR. GIBSON:

16 Q Are you aware of anything that would cause
17 you concern, that would cause you to question whether
18 the Catawba Plant is safely built?

19 A No, sir.

20 MR. GIBSON: Anything further, Mr.
21 Guild?

22 MR. GUILD: That is all for Mr. Bell
23 at this time. We are reserving our rights
24 under the disputed questions that we have.

25

1 I, Glenn H. Bell, hereby certify that
2 I have read and understand the foregoing transcript
3 and believe it to be a true, accurate and complete
4 transcript of my testimony.

5

6

7

Glenn H. Bell

8

9

10 This Deposition was signed in my
11 presence by Glenn H. Bell on the ____ day of July,
12 1983.

12

13

14

Notary Public

15

16

C E R T I F I C A T E

17

STATE OF NORTH CAROLINA

18

COUNTY OF MECKLENBURG

19

20

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22

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25

I, Lynn B. Gilliam, do hereby certify
that the proceedings were by me reduced to machine
shorthand in the presence of the Witness, afterwards
transcribed upon a typewriter under my direction;
and that the foregoing is a true and correct transcript
of the proceedings.

I further certify that these proceedings

1 were taken at the time and place in the foregoing
2 caption specified.

3 I further certify that I am not a
4 relative, Counsel or Attorney for either Party or
5 otherwise interested in the outcome of this action.

6 IN WITNESS WHEREOF, I have here-
7 unto set my hand at Charlotte, North Carolina, on
8 this the _____ day of July, 1983.

9
10
11
12 LYNN B. GILLIAM
13 Court Reporter
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22
23

24 My Commission expires May 12, 1988.
25