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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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| In the Matter of |) | |
| |) | Docket No. 50-413 |
| DUKE POWER COMPANY, et al. |) | 50-414 |
| |) | |
| (Catawba Nuclear Station, |) | |
| Units 1 and 2) |) | |

DIRECT TESTIMONY OF NOLAN RICHARD HOOPINGARNER II

ON BEHALF OF PALMETTO ALLIANCE, INC.

September 23, 1983

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State your full name and address, please.

Nolan Richard Hoopingarner, II; Rt. 5, Box 227, Clover, SC 29710.

Are you a member of Palmetto Alliance?

Yes.

What is the purpose of your testimony in this proceeding, Mr. Hoopingarner?

Getting the truth out. To reveal the truth of the experiences that I had when I worked out on the Catawba Project, and hopefully the NRC will take notice and hopefully will not let this plant go into operation because of the experiences I had out there and things I witnessed.

Have you formerly employed by Duke Power Company at the Catawba Plant?

Yes. Three years. From 1977 to 1980.

Describe the different jobs that you held and to the best of your knowledge the different times that you held each of those positions.

I started in August of 77, I worked for David Spray, approximately three weeks as rod-buster. Then I transferred over to B.H. Toland's (a.k.a. Slim Pick'ns) crew on second shift and I worked for him up till May 1, 1978. During that time I was a builder doing rod-busting, putting up forms, helping with penetrations, pouring of the concrete, etc. And then, on May 1 of 78 I was transferred over to R. R. Pelfrey's crew as a scaffold-builder in auxillary building and my job there was building grout forms for the machinery that would be placed inside the auxillary building. Built scaffolds for any and all lifts within the auxillary buildings and adjoining buildings. And in May of 1980 I was transferred out of auxillary building up to the cooling towers. They transferred me out to the cooling towers for complaining to the NRC and to Department of Labor.

About what?

Safety, worker safety and negligence of the management pertaining to construction procedures.

Who were you working for out there?

I was working for Frank Cantrell.

Doing what?

Back into rebar form work.

And what happened after that?

Frank Cantrell buffed up some false allegations toward me, took me out of service for investigation. Then they terminated me. Three different dates when they terminated me. And I was terminated by Duke for sharing the information with the NRC and OSHA.

Did you have occasion to exercise your rights to complain to representatives of the Nuclear Regulatory Commission, to Duke Power Company Management, to representatives of State and Federal agencies regarding worker safety and matters that you believed reflected on the safety of construction of Catawba?

Yes.

Had you worked on other jobs before? At other construction jobs?

Not a nuclear plant.

Other construction jobs?

Yes, I'd been in construction nine years.

Describe briefly your job experience before you went to work for Duke Power Company. Had you worked in the construction field before?

Yes. I took a carpentry apprenticeship program when I was in the Marine Corp and, after I got out of the Marine Corp, I was in construction in Florida, building homes. And all the way up till the time I started out at the Catawba Project, I was working in house construction.

Had you ever been terminated from a previous construction job?

No, I haven't. I've always had good work record. I've always got along good with my boss men, my foremen, whoever I worked with.

How are you employed now? What are you doing for work?

I'm a subcontractor. I'm in to the finish work of houses.

Doing construction work?

Yes.

And have you been doing that since you left Catawba?

No. About the first year I was out I was unemployed. Nobody wanted to hire me.

Let's talk about first specifically the NRC? Let's talk about the NRC. When did you first try to bring complaints to the attention of the NRC?

In November of 79, they had an open conference. The NRC did. People come up from Atlanta and we could talk to whoever we wanted to talk to.

How did you hear about that?

From our foreman. But they informed us that they are the individuals that can close the plant down, so they really--they didn't give you direct orders you couldn't talk to them, but they sort of gave it a round-about way you didn't want to talk to them. I went up and talked to 'em and my partner at that time, Terry Green, went up and talked to 'em. This was in November.

How did you do that? Did you have to get permission to leave your work place to go talk to them?

We had permission. We had a time set up when you were supposed to be there. It was just complete, like a doctor's appointment.

Okay. You heard before hand that the NRC guy was going to be coming.

Right. And they had little rooms up beside the control room and that's where the NRC men was sitting.

And did you have to tell your foreman that you wanted to go see the NRC men?

It was set up as an appointment. They knew who was going to see 'em. And who wasn't.

The Duke people did?

The management did.

So, you and your partner, went to see them and who was the NRC man?

I don't know. About my height, older gentleman.

And what did you tell him about?

I shared with him about the problems were having with the management and the lack of communications between man and man, and the other crafts. The safety out there on the project for the workers. The quality of the work that the workers was trying to do off the scaffolds, being built for them. And that he said it was not underneath his jurisdiction but he would pass it on to the management.

And what did he do, if anything, about your complaints?

Nothing that I know of.

What, if anything, happened as a result of your complaining to the NRC at that point?

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At that point, I couldn't see any change in the everyday work procedures in the auxillary building.

How about reaction from your supervision. Did they--

They were on me all the time anyway.

You'd been complaining to them before?

To R. R. Pelfrey and then I went to R. H. McDowell, and John Scruggs, which was our general foreman and craft superintendent. And I shared wrongdongs that was going on out there.

Okay.

And that's more or less why I went to the NRC because I had to get somebody to witness the stuff that was going on.

And you'd already tried to take it to the Duke management and they hadn't done anything about it?

No. Just harass me.

Well, let's talk about that a little bit. Before you talked to the NRC guy, what Duke management or Duke supervision had you complained to about these problems?

Bill Knowles, which was our lead man. R.R. Pelfrey, which was my foreman at that time. R. H. McDowell was my general foreman and John Scruggs which was my craft superintendent. Before that I complained to Mr. Bible, B. H. Tholen and several other individuals about worker

safety, improper building of scaffolds, crews not getting along together, mismatching of individuals to get the job done properly, and this kind of stuff.

And how did they react? What did they do?

Not much of anything. Cussed me out and told me to go mind my own business. Go do your job. You got a scaffold waiting for you. Not much was ever done.

What was your next contact with the NRC after that, after November 1979?

After November '79 I talked to George Maxwell who came up to our map shack mid-April, I think. End of March, mid-April. 1980. He came up to our map shack with R. H. McDowell and they were looking for some forms. And I approached the NRC man because we were all sitting around and didn't have any scaffolds to build. I asked him if I could speak to him. He came over the side. I told him that Duke Power was trying to fire me for bringing up all these safety items and the wrong doings that was going on. He took my company number down and my name and I asked him while he was out there, walking around on the project, to look at all these electrical cables just hanging all over the place, look at the scaffolds being built on the unistrut and on the pipe. You can't do anything with favoritism, but just while you're walking around here, I want you to be a witness to all these wrongdoings. And he left.

What did he say to that?

He just wrote it down and that's all. He didn't say hardly anything at all to me.

Did he ask you to come and give a more detailed statement?

No. He wrote my name down and number down and then left. After he left, my general foreman, R. H. McDowell approached me, ran off the two guys that was sitting up on the gang box with me and he told me that he gave me a direct order that I would not talk to or approach the NRC man. And then he left.

What did he say? Can you remember what he said?

He said, you will not talk to the NRC man or approach him.

And what did you say to that?

I just sat there. What you say or do? So then after

that I talked to John Turner, who is employee relations man a couple days later, going up to the carpenter shop. I explained it to him what happened. A couple of days later they called, Danny Powell called me up into his office and withdrew the direct order that they gave me that I could not talk to or approach the NRC man. And I told them to put down on record that they did give me a direct order that I could not talk to or approach the NRC man.

And what did he say to that?

Nothing. He just sat there and looked at me. Danny Powell told me that they run this plant out there on the job like with an open Bible. I do remember that. And that he, they are trying to run the job as best as they could, by the Bible. And that they withdrew the order. That's about as much as I can remember of it. That I can go on down in the hole.

Did he use the word withdraw? Withdrawing the order.

Yessir. They withdraw that direct order that they gave me, that I could not approach or talk to the NRC man?

Did you ever receive any written orders to stop complaining and bring allegations to the management's attention?

At the end of February or first part of March, I went up and talked to John Scruggs. Because R. R. Pelfrey cussed at me, he told me he didn't want to hear any more of my complaining and stuff because we had another big mess up downstairs with safety and that. He told me he didn't want to talk to me and didn't care who I talked to, so I tried to get ahold of R. H. McDowell. Bob McDowell was gone so I was able to talk to John Scruggs which is our craft superintendent. I talked to John. John sent me--Wait a second. I got that mixed up. Jumped ahead of myself.

What I'll do is, I've got your deposition so I'll read through when you go all the way through it, but I'm trying to focus on a couple of points and get you to talk in some detail about it. Okay?

In March 1980 I handed over my suggestion paper, to R.H. McDowell which he and Pelfrey wanted. They wanted a suggestion paper of the things that and others had brought up to the attention of our superintendent.

Do you have a copy of that paper?

Yes, sir. R.H. McDowell and R.R. Pelfrey took me up

into the office. They told me to bridle my lip. And they were going to give me an order that I had to sign and I told them I wasn't going to sign any of their letters or anything unless I had a copy of it. He gave me the copy. I took it and I was folding it up and I put it in my pocket, shirt pocket. And I said, this is my copy of the letter that you want me to sign? And he nodded, yes, and I said, there's two requests I have before I sign your letter. I said I want to see the employee relation man and I want to see my own private attorney. He told me that I needed to speak to R. H. McDowell, who was on the phone. I waited until he got off the phone. I shared with him what I shared with R. R. Pelfrey. R. H. McDowell cussed at me. He wanted the paper back and I told him that this was a copy of the letter that you wanted me to sign. It was my copy and he said, well go ahead and make an ass out of yourself. So I went up and talked to Danny Powell. I shared a little bit with him and I told him that I wanted this letter back. He said okay, so I gave him the letter. He read it, he gave it back to me, and then I told him the two requests that I had. And whenever I told him I wanted to talk to him plus I wanted to see my own attorney, he almost fell out of the chair.

So then?

I went back into the hole and just proceeded on working until I was able to talke to the NRC man, Mr. Maxwell, who came up to our box in later on that month, or the middle of the next month. April.

When did you next meet with the NRC inspector?

I called Mr. Maxwell on the 28th of April. I called him Monday morning after that trying to get ahold of him on Friday. I called back Monday morning and I talked to him and he said that he's open and come on up. I okayed it with Richard Pelfrey. He okayed it for me to go up. I went on up and talked to him. We stayed about maybe a half hour in the office. When he called Robert David in, which was our safety supervisor, which was a former OSHA inspector who had worked on a case where Duke had been written up for 21 violations. Then Duke hired him. Then I finally convinced 'em onto a walk-around. I wanted to take them out there on the project. And they didn't want to at first. Maxwell or David. But Maxwell definitely didn't want to. But then I finally talked 'em into-- They just didn't want to go out there. We could do all of our talking right there. I said there's some things I want--then when I brought up about that pipe being wet, putting a wet rag on a red-hot piece of stainless steel pipe-- Quenching the weld. Is when he finally decided on going on and then we walked out on

the project. Went through the turbine building and I showed him very many improper building of scaffolds.

When did you first mention improper scaffolding to the NRC?

That would be in November of 1979, I brought that up. Scaffold boards on top of pipes, scaffold bucks, and plywood on pipe, 2 x 10s on unistrut, any and every which way we could put 'em up.

Those were both violations of procedure?

Correct.

But are they in violation of NRC safety standards?

Yes, because you're putting construction scaffolding on safety-related piping and on pipe restraints and pipe hangers. You're not supposed to do it. But it was being done through the two years of me being a scaffold builder. We did it almost every day.

And you told the NRC man about it at the first, in 1979, and his reaction was, it's not in his jurisdiction.

Scaffolding wasn't under his jurisdiction. Even if it was on the pipe.

So Maxwell agreed to go on the tour after you mentioned the point about quenching the weld.

Correct.

Who all was with you?

It was Bob David, Marty Melton--

Who's that?

Safety man. Bobby, which is a safety man. There's about six or seven guys running all around us, the whole time we were going through there. And we went through and went out to the exterior dog house--

First place you went was where?

Through the turbine building. We walked through there and I showed him, you know, improper building scaffolds and all. Went out of the turbine --

What kind of improper building of scaffolds?

No hand rails. Not proper boards on the scaffolds. The scaffolds are up on pipes in the turbine building. Electrical cords. The wire wasn't around the bottom of the scaffold. Whenever through a hallway. Where you have workers working underneath or passing back and forth. We went out of the turbine building, went to the exterior dog house where I showed him all of these electrical cords running on the ground, all around the exterior dog house leading into it. And I explained to him, shared with him then that we heard from one of our safety meetings that an individual fell and hurt himself in there. Then we left the exterior dog house and went over to the UHI building. I showed him the green water in the UHI building. We left there, went around and went inside the building, auxillary building, and I showed him scaffold boards up on pipe, electrical cables hanging down onto the ground, laying in water-- Permanent cables. That are supposed to operate the machinery in the plant. They were laying out on the ground, guys were walking on them. Mr. Maxwell went over and took, wrote the number down off the cable. We went on around the corner and talked to Mr. Sullivan, which was the foreman, pipe foreman. He's the one that brought over the document that stated that we were supposed to -- Duke Power was supposed to eliminate as much as possible of contact between carbon steel and stainless steel pipe. Mr. Sullivan stated that at first they were putting little shims between the temporary hangers and the stainless steel pipes, but they didn't hear anything more of it so they just got phased out. So they weren't trying to eliminate the direct contact with it. That was in at the same time that I showed Mr. Maxwell the pipe on the ground. This was in the 560 elevation of the auxillary building. Mr. Sullivan's area.

Where else did you go with Maxwell?

We went down into the d-trench, that's on 543, go around in through the penetration room where I showed him the oxygen bottles, acetylene bottles laying on the side, laying on the floor, all these electrical cords, argon lines, welding leads, all hanging all over the place. He's having to more them off of his head, plus all the other workers going to follow me back in there where I was trying to take him. He tried, he didn't want to go down the little ladder that they had stuck on an end of a temporary hanger which the bottom of the ladder was approximately six inches off the ground. It was just hung on it.

He didn't want to go down the ladder?

He didn't want to, but he did finally.

Followed you?

Yes. So we went down in there and that's where I shared with him about these forms, grout forms that we built that morning before I went up and talked to him. And now that was in about an inch of water. We were standing in water when we were down there looking at 'em. And they just got finished pouring them. And none of our forms we never caulked any of our forms. Our grout forms. Nothing to keep the water out or keep the mud from sliding on out and making, not making a nice decent form.

What was Mr. Maxwell saying when he saw all this?

He filled out about five pages of yellow notebook pad. Took notes the whole time and then, about five minutes to twelve, he threw up his hands, told me that he saw enough, and that he had to call for a massive investigation.

That's what he said?

That's what he said. And he was going, but he needed to know who that welder was that quenched the weld. And I told him it was Henry Hodge. And then I talked to Henry later on and told him I tried to keep--I talked to him before hand and then I talked to him afterward and I told him I had to give him his name. But because, you know, I told him I was going to have to use something that I saw him do. But I didn't want to, was going to try and keep his name out of it as much as possible. Because he said himself, when I walked out and saw him, he wasn't supposed to be doing it.

But Maxwell wanted to know the name of the welder?

Yes. He had to find that line. He had to find that quenched weld.

Okay. Did you go find that weld? Did you show him the weld?

No. Henry Hodge doesn't even know which line it's on. They don't know where it's at in the plant. What system, or nothing. We just, he went one way and I went back up my game box. Ate lunch and went back to building scaffolds.

How long had you been with Maxwell?

That was two and a half hours, 9:30 till 12: o'clock.

And what is, did anybody say anything to you?
Supervision or anybody? Say anything to you when you
went back to work?

I had fellow workers thank me for going around, trying
to get the place straightened up. Thank you. I'm glad
you've got enough guts to go out and do something about
it. And then, later on, it just reversed around, where
they wanted to turn around and kill me. Cause they
thought the plant was going to be shut down. And they
were going to be out of a job.

Did Maxwell lead you to believe that he was going to
require further investigation of the things that you'd
shown him?

He implied it to me, that he was going--it was in his
hands. I did my job. He was going to take the ball and
run with it.

Did he lead you to believe that you would hear back from
him, or someone else from the NRC?

Yes.

Did you hear back from them?

No.

Was he the resident inspector at this time?

Yes.

So he was on-site almost every working day and could
have been in touch with you.

Yes.

And did you get back in touch with him?

Yes.

How long later?

They transferred me out May 1980.

When were the tour with Maxwell?

April 28th.

And May 1st you were transferred out?

They transferred me out May 1st. Against my will.

Tell me how that happened?

Because of the things that was going on, they placed handwritten letters and rules and regulations just on our crew and not the other crews out there on the job in retaliation for what I'd done. We had to wear our safety glasses all the time, even if we were at the gang box. And the other crews did not. We had to wear a safety belt all the time. They placed handwritten letters on us that the whole crew had to sign, but wouldn't give any of us. Our lead men, Bill Knowles, they had Danny Powell and John Turner, which are employee relations men, they came down. We went over to the shack right next door to ours, which was Marshall White's. He was the foreman. Another builder. We went over there. We had a little gang meeting. Our whole crew was up there. They wanted me off the crew. Because of pressure that was put on them to do their job as they were supposed to do and go by safety regulations and stuff that we were supposed to go by, but very rarely was anybody else having to go by them. They wanted me off the crew. And some things that were brought up about how the guys down stairs wanted to go over and borrow some machinery, a drill or something, some unistrut put up from the power house mechanics and electricians--anyway the other crafts downstairs, and they wouldn't let them have it cause they said you have an individual who's trying to make it hard on us. And we know how to take care of them. Or him. That's somethings just going to fall on him.

Who's that?

An older builder said that there was somebody who was trying to get documents pertaining, well it was me, he didn't say me and he didn't say what they were, but they were trying to get documents from other crafts. And Danny Powell said he wanted to hear about it later. I was trying to get documents from the power house mechanics. Danny said he wanted to hear about it later. This was right around lunch time. Within just a couple hours, I was transferred out. They came, Bob McDowell came down, I was building a handrail around a hole. He came down and got me, took me over to the gang box. John Scruggs was there. I have a written letter from Danny Powell, "Effective this date, I recommend that N.R. Hoopingartner be transferred to another work unit for his personal safety and protection."

What's the date on that?

And that is May 1, 1980. And the reason they did that is because two days earlier I took the NRC man around, Mr. Maxwell, and during the morning and the fellow employees

knew that and we were always told that if you talk to NRC man they'll close the plant down. Therefore, the fellow employees were afraid of losing their jobs. I was transferred up to the cooling towers. May 1st. Frank Cantrell. They took me out of an NRC regulated area to a non-NRC regulated area.

And then what happened?

I called Department of Labor on the 5th. I think it was the 5th or 6th of May I called. I spent an hour or so on the phone to them. Sharing it. Federal and State. Talked to both of 'em. They told me I had to file a formal one. They sent it. The next day I went on the job and they were cleaning the place up--the things I had stated to him and only him. I called State and Federal OSHA in May 5 or 6th. I returned to work the next because I took one day off. I think Monday I worked, Tuesday I had off, where I called, Wednesday I reported back to work and that's when the rebar was all getting cut off, we're building walkways, nice ramps across ditches, this was up in the cooling tower.

Correcting specific complaints that you had made to the Department of Labor people?

Correct.

They only could have been corrected if the Department of Labor person contacted Duke and passed on your complaints.

Correct. Because that stuff's been sitting up there for months and nothings ever been done to it until the day after I complained.

Did you expect that there would be relaying of your complaints directly to Duke?

No. I didn't think they'd do that.

Then what happened?

The whole place got cleaned up. May 21st, 22nd, I believe is when Mr. Aun, the OSHA inspector came in on the job for that, my so-called inspection. He called me into his office, into the office of Duke's, we talked. He shared with me that only the things that I shared with him would be just between him and I and God. Mr. Aun, The State Department of Labor. I shared with him about some gasoline cans. They're supposed to have screens and stuff to help keep the flashbacks and stuff on em. And have proper marking on the cans and I only mentioned that to him, and nobody else. Because I knew

our cans weren't marked. So, in about a half hour after I got back up to the cooling towers, a utility girl came up with a magic marker and started marking the cans.

So the only way that that information could have gotten to Duke to correct the problem with the gas cans is if Mr. Aun violated your confidence and told Duke.

That or they had the room bugged. And I doubt they had the room bugged. So it had to be Mr. Aun sharing it. He didn't come up until about 3:30 in the afternoon, but first Marty Milton, the assistant safety man, he came up to the area, he walked around the whole area, and then he went over and phoned and then five minutes later Mr. Aun and his group of Duke Power employees all showed up. And they started walking around looking at things. They approached Bob McGurk. They talked to him and got a witness statement from him. They talked to Richard Riley and got a witness statement from him. He came over close to me and I shared a few things with him, like this electrical box that was hanging on a rebar handrail around the outskirts of the cooling towers where there was like a thirty-five foot hole on the other side. They had this electric box wired up to it, 440 lines out. If there was a short in there somehow, that whole handrail would have been electrified and who ever goes up there and grabs ahold of it could have been killed. Or badly hurt. That cording went down and ran through the hole where it was laying in water going up the bank to the other side. I showed him the rebar coming that's underneath the cooling tower, it was a matt of the cooling tower, there was rebar sticking out of the ground a foot, two foot, 18 inches, something like that. It varies, they just cut them off at random, because they're going to put another piece down beside it and tie it and then they'll matt it up and pour it. I showed him that and he told me there was nobody working overhead at this time, because they had little yellow tape up warning and stuff that they all put up before they came. Because we had like twenty days notice--fifteen days notice before OSHA was coming there. I showed him a ladder that was stuck in the mud in a thirty-five foot hole that wasn't tied off either end. That's when Mr. Duggan's spoke up and told me that I wasn't a representative of Duke Power and that I could not show him, Mr. Aun, anymore items.

Who's Duggan?

He worked for Duke Power. Safety man.

So he interfered with your ability to talk with Mr. Aun?

To share with Mr. Aun. Right. After they left, I received a letter back stating that Duke Power was all in compliance with the OSHA regulations. I called Mr. Maxwell up and I asked, I got hold of him and I asked him, if does he go along with the OSHA report? And he wouldn't talk to me. He said you have to call Mr. Alderson in Atlanta.

So Maxwell wouldn't talk to you anymaore?

Maxwell wouldn't discuss anything with me. He just bridled his lip and told me I'd have to talk to them in Atlanta.

Carl Alderson.

Carl Alderson in Atlanta. I called him and he told me that it wasn't under his jurisdiction. That it was under the Department of Labor. But the things that I showed Mr. Maxwell is under the jurisdiction of NRC and Labor. It falls under both jurisdictions. Not just one.

So what, if anything, further happened with the information, the five pages of notes that Maxwell took? When you walked around?

I haven't heard anything or in the report back there was very little bit said about the things I showed Mr. Maxwell. I got a report that Carl Alderson signed. It was made out June 30th and the inspector that's supposed to have done it was McFarland. I've never met McFarland, I never talked to McFarland, I don't even know who McFarland is, except he's an inspector. And on page 5 in the conclusion it says, the employee's concerns are apparently based on erroneous information. They are not based on the requirements as stated in specifications and procedures used on the Catawba Project. The inspectors review of the work and his discussions with the worker, provided no evidence of statements that support the validity of the employee's concerns.

Then what happened next?

I just kept on working. Still at the cooling towers.

I had a dentist appointment in the morning. I went to the dentist appointment and always in prior crews that I was on if you have allotted time or personal business hours or your sick time you're allowed to take them, without any trouble whatsoever. I went to my dentist appointment. I came down to Columbia for the Rate hike hearings. Duke hearings, a rate hike. And this was

when, July 6th or 7th it was. So they wrote me up. For taking the rest of the day off. Normal practice was that you'd be allowed to do that.

Other people had done it. You'd done it before?

Yes.

So that was the first time they wrote you up for a class A violation?

Correct.

What happened next?

I asked to speak to the NRC inspector.

Maxwell?

Maxwell was gone. I didn't know who it was out there, but it turned out to be Mr. Hunt. They took Maxwell out and they put a temporary inspector in. I went down, I talked to him after hours at a meeting with him. I had to go out the gate, come back to the gate, Bob David picked me up, signed me in, and took me over to the NRC building. Bob David. Safety man. Duke management. He took me over. We talked a little bit.

Was the NRC man, did Bob David stay in the meeting?

All three of us. The whole time.

So a Duke representative sat there while you talked to Hunt?

Yes. And then we got in the truck and drove around the project, Bob David was driving, Hunt was in the front seat and I was in the back seat. We rolled up into the rebar yard.

Was this the second shift?

Yes, this was second shift. Then I took them up into the rebar section and showed them all that tall vegetation. Rebar looked scattered and laid all over the ground. The pipe, flange and all that stuff up there in the storage yard. Total mess. And we went out to the cooling towers and I showed him some more green mosquito larvaed water that we had sitting out there at our place. Showed him some more ladders that wasn't properly secured off. Showed him a couple of manholes which were supposed to be covered, on some kind of containment tank outside. They're still working on inside. Then we went into the auxilliary building. And we went down into the feed water pump room number one side and I showed him the boards built up on the pipe and unistrut and I showed him electrical cables permanent electrical cable coming out of the cable tray.

We were walking after we parked the vehicle, we were walking looking around the fab shop and there was these pipes that were laying that wasn't covered on the ends that was laying on the ground that wasn't cribbed.

What does cribbed mean?

Did not have blocking underneath to keep the water from going into the pipes or the pipe sitting in the water or dirt, that kind of stuff.

You finished the tour with Hunt. How long did you spend with Hunt?

Hour and a half.

Did he take notes?

Yes.

This happened for two days. I took them two days straight in a row.

So you started with the first day, this is in the afternoon, end of first shift you come back in. You took them for a couple of hours then?

Right.

What did Hunt say to you? As you were going around. What did he say to you he was going to do?

He didn't say anything about what he was going to do. He just wanted me to show him what my concerns were.

Then what happened at the end of that first day of taking him around, what did he say?

That he wanted a list of the individuals that I have been harassed by or witnessed my harassing.

So you complained to him about Duke harassing you?

Yes.

And Duke employees harassing you for your complaints?

Yes.

And what did he say about that?

He wanted a list of names.

Then what happened?

I gave it to him the next day, after work the next day.

The first night I walked around without a hard hat and no safety glasses, all of us did. The next night they gave us hard hats and safety glasses to walk around with.

You told him about being transferred against your will?

Yes, transferred up to the cooling tower.

About the instructions not to talk to the NRC?

Yes, and he took a copy of the OSHA report that came back that said Duke Power was all in compliance.

You told him about the written instructions not to complain the Pelfree note?

Did he say he'd investigate these things?

He'd just check it out.

One of the thing you complained about was the weeds that were growing up in the rear storage yard and pipes and such in the storage area?

Right.

And that was one of the things that got corrected?

Yes.

Tell me how that happened?

The vegetation was growing up 6 or 7 feet tall over the rebar and the pipe and stuff that was in the storage yard up there, rebar yard. They went and sent Frank Cottrell's crew, which I was on, up there the next day to clean it up and we were to spent almost a week up there and with a utility crew.

The day after you took Hunt around and showed him this stuff your own crew had to go up to clean up the problem?

Our carpenter crew.

And spent a week up there?

Almost a week cleaning it up and that's not even our job. We're not receiving and storage.

And see what they tried to do they get your fellow workers on your crew to hate you. I think they had many years of experience at this.

Finally, August the 13th, in the cooling tower. We're putting the upper mat, starting to put the carriage rods for the upper mat in. This was like in 3:30 in the afternoon. And usually around 3:30 you start gathering up your stuff and getting ready to go home. I was assisting a welder. He got finished welding, he stood up, we were standing there maybe a minute and Frank Cantrell came over to me, told me to grab my tools and come with him. Nobody else. I went with him. He told me to get my tools out of my box. I got all my tools and went down through the warehouse, they took all my tools, check me completely out, went over into the main building in the administration; he took my ID card and, I think my brass, at that time.

Which has your company number on it. It's piece of tape you carry with it. We started to leave and I said "wait a minute, what's going on here?"

"Come on, you're out of service." So we headed down, out toward the main lobby where Doug Beam's office is, and the receptionist.

He's the project manager?

Project manager at that time. Walked up there, I asked Frank Cantrell if I could speak to Danny Powell, he said you're out of service. I asked him if I could speak to John Scruggs, he wouldn't let me, he just opened the door and said, "you're out of service, there you are." So I walked out the door, turned back around and asked the receptionists; since I'm a visitor now, I'd like to speak to Doug Beam. And Frank Cantrell started hollering, "Give me security, give me security." The operator told me there's a phone, the number's over there, you can look it up. I went over and sat down. I tried to get ahold of Doug Beam. No one would answer. I called Cecil Wall.

Who is that?

He is the second man in charge. I called and talked to him and asked him what was going on and then he said what do you mean? I said well you're in charge of this place, you should know what's going on. He hung up on me. This time Frank Cantrell has been on the telephone to security. The security is on the way, Cecil Wall, I think with John Scruggs, Frank, there was about five or six guy came out. They were there in the lobby when I was sitting on the couch. They came out, Cecil Wall asked what was

going on, more or less, and Frank Cantrell told him that I was taken out of service for insubordination and not following oral and written instructions.

Who asked Mr. Cantrell this?

Cecil Wall. And he said there it is. You'll get a fair hearing. And about that time some security guards came out there and one was a Lt. Robinson. They took me out but I was just waiting on my ride. I was riding with somebody, I couldn't leave unless they got finished or was terminated or whatever. So they took me out of the office and Robinson cussed at me and told me that I was in enough trouble and that he should throw my ass in jail for trespassing, so he switched me over to two other security guards that I was sort of friendly with, I knew. They're Christians, we had fellowship several times. They walked me out to the car and I started explaining everything to them and what was going on through the cover up of Duke Power, NRC and the Labor Department. So they waited there until my ride came and I got in the car and left. And I went home and called my attorney at that time, George Daley, told him and this, I think was on a Wednesday. he told me if I didn't work on Monday he'd give me a call back. I called him back because I wasn't at work on Monday. He tried calling Cecil Wall out there at Catawba project. Cecil Wall would not talk to him. He said you contact our lawyers, so my lawyers and his lawyers were in conference together. He was trying to get my back pay, trying to get on paper what was the outcome of their investigation, and my financial burden which would have been his pay. Because of their wrong doings I had the financial burden that shouldn't be. I was under his, I was going by what my attorney was telling me and I just waited and Steve Alexander called me Friday night.

Who's Steve Alexander?

He was the guy who was in charge of safety and security on the project.

He called me on Friday night around six o'clock. He called me to come back to work on Monday. And I told him that I go through my lawyer now and I gave him his name and number and everything, I said I go through my attorney. So he called me back Monday and said that why aren't you in here on the job? I told you I go through my lawyer now, you have to contact him, I gave his name and his number. He said well if you aren't in here you could be, something about being written up. That could be the next day, Tuesday. I called George Daley, he told me to just sit and wait. I waited till Tuesday, he called me Tuesday night around 9:30 or so, told me to go back to work on Wednesday. I went on working Wednesday, they took me out of service again for an investigation.

Did they even let you go to the work site?

No, not at all. They took me right into the office. But I didn't have my brass; I didn't have an ID card so I had to go straight in the office. I went straight in the office, they wrote me up where they had me taken me out of service for investigation for unauthorized absence that I had no contact with the plant at all. And they called me themselves. So I had been contacted and they knew where I was and they knew what was going on. So that violation should have been like the other one, the one of the dentist's appointment.

After I'd been fired over a month, the NRC sends me this letter telling you that they confirmed the violations that I pointed out.

And that's the September 29th, 1980 letter from Vorse to me includes September 10, 1980 correspondence to Duke Power Company enclosing Notices of Violation and Inspection Report 8019, signed by Hunt and Bryant. Mr. Vorse's letter said, " We appreciate your informing us of your concerns...Please be assured that we will continue to perform inspections to ensure that construction practices are properly followed at nuclear power plants to protect the public health and safety".

Let's talk about some of the specific additional safety concerns. This is items B and C from the Board's Order on page 10. Improper Welding Procedures and Improper Welding. Just briefly mention what the quench weld is about.

I walked out of the penetration room on 543 elevation and Henry Hodge had just gotten finished heating up about an inch stainless steel pipe he had in the tripod. It was real red hot on the one side that he used his tig ri on. He pulled a wet rag, not a damp rag, out of this can of water and put it on the red hot stainless steel pipe. And when he saw me walk out he was very startled and I walked over to him because we knew each other and he told me that he wasn't supposed to be doing that, that it was a violation but he had to get the pipe right and that was a way for him to heat it up and pull the pipe so that it would be correct.

And you ultimately told the NRC about this instance, right?

I told Mr. Maxwell. Yes.

Did Mr. Maxwell ever investigate this incidence to your knowledge?

Through the one document that we got from Carl Alderson they denied the whole situation.

They said they contacted Hodge, more or less. I don't think they came right out and said Hodge. But they contacted the welder that is supposed to be involved and he said there was no merit in it.

You also said that you had witnessed this welding performed by welders on improperly built and dangerous scaffolding and that you were concerned about the quality of the work done on the dangerous scaffolding.

Yes.

What was that about?

This is taking a 2x10, putting it anywhere between 10 and 40 feet off the ground, having a welder getting up on it where there's no hand rails with a safety belt on, they hook off to a very skimpy, temporary hanger, what ever might be up there to hook off to. That's how the scaffold builders got out of having to build outrageous scaffolds. They built it and just walked away. And the welder had to weld off these boards 10 to 40 feet off the ground ten inches wide. And a lot of them are ground people who don't like to be off the ground. And when they get up there, I've had them tell me, we just fill the gap. We fill that hole. I'm getting up there filling it and getting down as fast as I can.

Did welders complaint about the quality of the scaffolding they had to work from?

They didn't feel safe. If you don't feel safe you can't do good quality work.

The flooding of the diesel generator room and rain in the control room, J and K, page 11, the Board's Order. What about the flooding of the diesel generator rooms?

The water was approximtely four feet deep and it flooded from one end to the other, the control panel that was in the hallway leading into diesel generator was flooded up to the height the water was. It was like that for several days.

Did you bring it to the attention to the NRC?

Yes. I told Mr. Hunt.

How did you know about it?

Because I was building scaffolds over there, and we couldn't get in there for quite a while because it was flooded out.

How did it happen?

There was no covers over the very top and it just rained.

No roof?

No roof and all the water from outside coming down inside and the whole place just got flooded out.

We had to build a cover. They they took the crane and set it on top, after it got flooded.

After it was flooded.

After the cows got out they built the barn doors.

After it got flooded out. Then they built another big shelter inside over the diesel generator itself out of 2x10s and then they had to go in and I just don't know what all they did. They worked months in there on that thing, tearing it all apart.

You talked about the water in the control room. You saw that?

Yes.

Where were you working? At the time?

I was still a scaffold builder in the auxiliary building. When you're a scaffold builder in the auxiliary building you run from one diesel generator to another to the high intake, low intake, you can go anywhere.

Part of your work you would go through the Control room?

There were scaffolds in the control room. We saw rain inside. It just absorbed right through the concrete and it was raining inside all over the panels.

Any covering on the panels?

No.

What corrective action did they take, as far as you know?

That I witnessed, they took space heaters, big space heaters, Electric space heaters?

Right. Real big ones, 4 or 5 foot space heaters and put them in there and they they went along with blow dryers, like hair dryers, the same way they did the diesel generators, they opened up the control panels. Later on after they got it dried out somewhat they sat there and moved their little hair dryers inside

their own panels.

Based on your experience at the plant, do you feel comfortable its built safe?

No I do not. I do not see, there's no way that they can even say and prove to me that that plant is safe because I worked there and I witnessed many of the things that were going on there.

Do you feel comfortable with the NRC's inspection of the work that's been done there?

No, definitely not.

Did the NRC support you in your efforts to bring to their attention and correct incorrect procedures that you identified?

Mr. Maxwell? No. Mr. Hunt did partially. He did a heck of a lot more than Mr. Maxwell did, but overall no, the NRC did not do their job to protect the public.