

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In Re: :  
DUKE POWER COMPANY, Et Al. : DOCKET NUMBERS  
(Catawba Nuclear Station : 50-413  
Units 1 and 2) : 50-414  
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MAY 19, 1983  
10:50 P.M.

DEPOSITION OF:

NOLAND L. HOOPENGARDNER

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PDR FOIA  
AHLERS83-434 PDR



[illegible]

1 APPEARANCES:

2 ROBERT GUILD, ESQ.  
3 Charleston, S. C.

4 Counsel on Behalf of Intervenor, Palmetto  
Alliance, Incorporated

5 DEBEVOISE & LIBERMAN, ESQS.  
6 Washington, D. C.

7 BY: J. Michael McGarry, III, Esq and  
8 Anne W. Cottingham

9 ALBERT V. CARR, ESQ.  
10 RONALD L. GIBSON, ESQ.  
11 Charlotte, N. C.

12 Counsel on Behalf of Applicant, Duke Power  
Company

13 GEORGE E. JOHNSON, ESQ.  
14 Washington, D. C.

15 Counsel on Behalf of Nuclear Regulatory  
16 Commission

17 ALSO PRESENT:

18 Jennifer Phillips  
19 Government Accountability Project

20 Betsy Leviticus  
21 Carolina Environmental Study Group

22 Roger W. Ouellette  
23 Licensing Department  
24 Duke Power Company

25 Steve Alexander  
Construction Department  
Duke Power Company

George Grier  
Corporate QA Manager  
Duke Power Company

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1           The Deposition of Noland L. Hoopengardner is taken at  
2 the offices of Duke Power Company, Charlotte, North Carolina,  
3 on this the 19th day of May, 1983, in the presence of Robert  
4 Guild, Attorney on behalf of Intervenor, Palmetto Alliance,  
5 Incorporated; and J. Michael McGarry, Ann W. Cottingham, Albert  
6 V. Carr, Jr., and Ronald L. Gibson, Counsel on behalf of  
7 Applicant, Duke Power Company; and George E. Johnson, Counsel on  
8 behalf of Nuclear Regulatory Commission staff.

9           It is agreed that Lynn B. Gilliam, Notary Public in and  
10 for the State of North Carolina, may take said Deposition in  
11 machine shorthand and transcribe the same to typewriting.

12           MR. MC GARRY: Mr. Hoopengardner, I am Mike McGarry,  
13 a lawyer with the Duke Power Company, here to take your  
14 Deposition. This Deposition is being taken pursuant to the  
15 Notice of taking Deposition dated May 4, 1983, which was served  
16 upon.

17           That Notice does reflect that the Deposition was  
18 scheduled to be taken on Thursday, May 18, 1983. That was a  
19 typographical error, and we discussed that with your Counsel.

20           We were supposed to start at 1:00 p.m., however, as an  
21 accommodation to you because of your work we have agreed to take  
22 this Deposition this evening.

23           As you know, we took the Deposition of Mr. McAfee before  
24 you, beginning at six o'clock. I'm sorry we find ourselves now  
25 at this hour, but I think we have all agreed that we will press

1 on, especially because of your work situation.

2 Throughout the course of this Deposition if there are  
3 any questions that come up that you don't understand what I'm  
4 asking you, stop and ask me to repeat the question. So we have  
5 on the Record the people in attendance, why don't we identify  
6 the people?

7 MR. GUILD: Yes, I'm Robert Guild, Counsel for  
8 Palmetto Alliance; and I will be representing Mr. Hoopengardner.

9 MR. GIBSON: Ron Gibson, Counsel for Applicant.

10 MR. CARR: Al Carr, Counsel for Applicant.

11 MR. JOHNSON: George Johnson, Counsel for NRC staff.

12 MS. PHILLIPS: Jennifer Phillips from GAP.

13 MS. LEVITICUS: Betsy Leviticus, Carolina Environ-  
14 mental Study Group.

15 MS. COTTINGHAM: Ann W. Cottingham, Counsel for the  
16 Applicant.

17 MR. OUELLETTE: Roger W. Ouellette, Licensing Depart-  
18 ment, Duke Power Company.

19 MR. ALEXANDER: Steve Alexander, Duke Power Company,  
20 Construction Department.

21 MR. GRIER: George Grier, Duke Corporate Quality  
22 Assurance Manager.

23 MR. MC GARRY: Mr. Hoopengardner, just a couple explan-  
24 atory remarks: This is being taken pursuant to the Federal  
25 regulations contained in 10 CFR Section. As you know, you have

1 been sworn, the testimony is under oath. We may use this for  
2 discovery purposes, and we may use this Deposition as Evidence.

3 At the conclusion of this Deposition, the Deposition  
4 will be typed, and you will be given a copy of that Deposition  
5 to correct for typographical errors; but as to substantive  
6 errors, if you determine during the course of this Deposition,  
7 indeed, you have misspoke, now is the time to correct any  
8 substantive areas. Again, make sure you understand the  
9 questions I'm asking you.

10 To assist the Court Reporter and tape recording, either  
11 answer yes or no rather than nodding your head.

12  
13 NOLAND L. HOOPENGARDNER,  
14 having first duly affirmed to tell the truth, was examined and  
15 testified as follows:

16  
17 DIRECT EXAMINATION

18 BY MR. MC GARRY:

19 Q Your name is Noland Hoopengardner?

20 A Noland Leonard Hoopengardner, II, Company Number 2479.

21 Q What does the company number mean?

22 A The number that I had when I worked for Duke Power.

23 Q What is your address?

24 A Route 5, Box 227, Clover.

25 Q How long have you lived there?

1 A We moved there in July of '77.

2 Q What is your educational background? Are you a high  
3 school graduate?

4 A Yes.

5 Q Do you have any other education after high school?

6 A Carpentry Apprenticeship Program after the Marine Corps.

7 Q You were in the Marine Corps for how long?

8 A Two years.

9 Q Aside from the carpentry apprenticeship, was there  
10 any special skill you picked up while you were in the Marine  
11 Corps?

12 A Kill people, that is a grunt; that is what the Marine  
13 Corps does.

14 Q Did you go to any technical school?

15 A No.

16 Q When you got out of the Marine Corps, what year was  
17 that?

18 A That was in '73.

19 Q What job did you have?

20 A I stayed around home and I went up to Pennsylvania and  
21 worked for my cousin spraying urethane foam.

22 Q Home is where?

23 A Bradenton, Florida.

24 Q And how long did you spray foam starting at 1973, and  
25 I'm trying to take us up to 1983? Starting in '73 you are

1 spraying foam. What did you do?

2 A I went back to Florida and I was only up there a couple  
3 months, and I started doing houses, working in construction, in  
4 '73, about October of '73.

5 Q Was this in Florida?

6 A Yes, sir.

7 Q What were you doing in housing?

8 A Framing.

9 Q How long did you do that?

10 A Just about up to about '75, I think it was.

11 Q And then what did you do?

12 A I were unemployed during that crunch that we had; and  
13 then I got married in '76.

14 Q Why did you stop working in your construction job  
15 framing houses?

16 A Foreman just didn't have any more jobs, it was that  
17 crunch during '75; I think that is when it hit us.

18 Q When was your next job?

19 A I got married and I got a job in Indiana building  
20 houses.

21 Q When was that?

22 A That would have been the Spring of '76, or excuse me,  
23 '77.

24 Q How long did you build houses in Indiana?

25 A Until June.

1 Q Of--

2 A '77, and I moved to Clover in July of '77, and I  
3 started for Duke Power in August of '77.

4 Q Can you remember why did you come to Clover, South  
5 Carolina?

6 A Because when I was in the Marine Corps--I have several  
7 uncles--one lives in Gastonia that I am buying land from. I  
8 used to come here and work on his farm and I decided I would buy  
9 some land from him.

10 Q So you began your employment with Duke--

11 A August 27, 1977.

12 Q What was your position?

13 A Low Builder, \$6.92 an hour, August 22nd.

14 Q How long were you a Low Builder?

15 A I'm not sure.

16 Q Okay, and after a Low Builder what did you become?

17 A Middle Builder, and then Top Builder.

18 Q Did you go to Middle Builder?

19 A Yes, sir.

20 Q Did you go to Top Builder?

21 A Yes, sir.

22 Q Then did you have any other jobs at Duke Power after  
23 being a Top Builder?

24 A You are classifying in like a builder, you do repair  
25 work, you help with pouring. We did scaffold building. You are



1 classified as a builder. You have a multitude of sort of like  
2 crafts within the one craft.

3 Q I understand that, and you started out at low, went to  
4 middle, got to top. Did you stay as a Top Builder until you  
5 terminated?

6 A That's right.

7 Q You were terminated in August of 1980?

8 A Well, we got three different records. One says the  
9 13th, one says the 22nd, and one says the 27th that I was  
10 terminated.

11 But it was almost exactly three years ago that I worked  
12 out there.

13 Q Where did you go after you left Duke?

14 A I just worked odd jobs, self-employed. I helped my  
15 uncle spray foam, just worked with my cousin in Florida for  
16 awhile; and I'm back here building homes again.

17 Q So you have been doing odd job work since August of  
18 1980; is that correct?

19 A Yes, sir.

20 Q Are you a member of Palmetto Alliance?

21 A Yes, sir.

22 Q Do you know what Palmetto Alliance's charter is, what  
23 is the message that Palmetto Alliance sends?

24 A The way that I comprehend it, they want safe nuclear--  
25 they're trying to use the resources of or energy like the sun,

1 solar.

2 Q Does Palmetto Alliance want to see Catawba built?

3 A I don't know.

4 Q Is Palmetto Alliance anti-nuclear?

5 A I don't know.

6 Q Do you want to see Catawba built?

7 A Not unsafely, I don't want it built.

8 Q Are you anti-nuclear?

9 A No, sir.

10 Q If it is demonstrated that Catawba had been built  
11 safely, do you oppose its operation?

12 A I worked out there; I know it's not built safe.

13 Q Aside from that position, if it can be demonstrated,  
14 assuming that--

15 A No, sir.

16 Q No, sir; what?

17 A I don't agree with it being built because I worked out  
18 there. I watched some of the rails, I built the scaffolds out  
19 there.

20 For two years I watched people get injured out there.

21 Q Well, we will get into that. Are you a member of any  
22 other group?

23 A You mean organization like--?

24 Q (Mr. McGarry nodded his head affirmatively.)

25 A No, sir.



1 Q Are you a member of any professional organization?

2 A No, sir.

3 Q Mr. Hoopengardner, I hand you a copy of an Affidavit  
4 that was attached to Palmetto Alliance's Petition to Intervene  
5 filed in July of '81 (indicating).

6 I believe that Affidavit bears a date on the second  
7 page. Would you read in the Record what that date is?

8 A It is the 22nd day of July, 1981.

9 Q Did you prepare that Affidavit?

10 A Yes, sir.

11 Q Did anybody assist you in preparing that Affidavit?

12 A My wife.

13 Q Would you please read that Affidavit? Does that  
14 Affidavit properly reflect your views?

15 A Yes, sir.

16 Q Do you have any other concerns aside from those set  
17 forth in that Affidavit with respect to the construction of the  
18 Catawba Nuclear Station?

19 A Could you explain that again to me?

20 Q Yes; aside from the concerns that are set forth in that  
21 Affidavit, do you have any other concerns with respect to the  
22 construction of Catawba?

23 A Well, there would be, if I comprehend you, my under-  
24 standing of the way I think I did, are you speaking like rails  
25 being heated up and wet rags placed upon them?

1 Q Let me make it simple: I want to know what are your  
2 concerns with respect to Catawba? You stated awhile back that  
3 you were out there and you know it wasn't built correctly; and  
4 I want you to tell me right now all the reasons, all of them,  
5 all the reasons why you say Catawba wasn't built safely.

6 That is what we are going to talk about this evening,  
7 so let's get them all on the table.

8 A Okay, when I started out there at the Catawba project  
9 in '77 I worked for David Ray for about three weeks, and half  
10 the guys weren't working.

11 There was no cooperation between the crafts and the  
12 fellow workers on the crew. So I got transferred over to second  
13 shift, to B. H. Toland. They call him Slim Pickins.

14 I worked that crew until May 1st of '78; and then I was  
15 transferred to R. R. Pelfrey's crew as a scaffold builder.

16 When I was on B. H. Toland's crew, there was drugs  
17 being used. He would go ahead with his hawk blade knife,  
18 sticking it up to your throat, and there is a lot of health  
19 hazards, cords, and welding leads, foreign material, and so on  
20 left laying around with nails sticking up out of them.

21 The welding leads would be frayed.

22 Q Welding leads?

23 A Yes, sir. And then whenever I got, I brought this to  
24 the attention of Danny Powell, which is our Employer Relations  
25 man, that they were gambling, using parlay cards out there, my

1 foreman and several of the other individuals, and using a hawk  
2 blade knife up to several individuals' throats just a-horse-  
3 playing around, and nothing was done.

4 So I got transferred to R. R. Pelfrey's crew as a  
5 scaffold builder. We were down on 560 elevation, and during the  
6 process of the several years that I worked out there, as I have  
7 shared with my suggestion paper that I had turned over to R. H.  
8 McDowell, he is the one that requested it--

9 See in 1979, December, I broke my ankle at home.  
10 During that time I did not return back to work until February  
11 25th.

12 At the end of January I received Jesus as my own  
13 personal Saviour, and He laid on my heart that all these things  
14 and the people that are getting hurt out there is needless.

15 Then I brought these things, the safety, to R. R.  
16 Pelfrey. He would cuss at me, tell me to go away, leave him  
17 alone. He is running the crew, improper building of scaffolds.

18 We would run 10 x 2-foot boards ten to 40 feet off the  
19 ground, and tell you to hook off to a temporary hanger or any-  
20 thing, and those welders get up there and they try to do quality  
21 work where they wasn't certified up 40 feet in the air on one  
22 2 x 10.

23 They are certified with both feet on the ground where  
24 they can concentrate on the weld. Through my suggestions or  
25 complaints to R. R. Pelfrey, he told me that he didn't want to

1 talk to me anymore and to talk to the supervision.

2 So I called John Scruggs. He was my Craft General  
3 Foreman, Superintendent. I talked to him for about 45 minutes.  
4 He told me he would get back with me in about a week.

5 A week later came by and R. H. McDowell got ahold of  
6 me, came up to the Craft Building, and we talked. He wanted a  
7 list of my suggestions that I brought up to R. R. Pelfrey.

8 So that was on a Friday, and Monday I brought it into  
9 him. I think that was March 3rd, 1980. A couple weeks went by,  
10 I think it was about the 24th of March or whatever--that is my  
11 suggestion paper there--

12 R. R. Pelfrey and Bob McDowell placed a handwritten  
13 letter on me that R. R. Pelfrey wrote up, and I told them I  
14 would not sign it unless I had a copy of it.

15 They didn't agree at first, and then they agreed.  
16 Richard Pelfrey wrote it up at his map shack. He took it up to  
17 the office and had it copied, and he gave me the paper back, and  
18 I said, "This is my copy to have; right?" And I said, "There is  
19 two questions I want to make before I sign the paper. One is to  
20 see Danny Powell and the other one is to see my private attorney."

21 He said, "You talk to Bob McDowell," that was standing  
22 there. He got off the phone and I said the same thing to him.  
23 He swore at me and wanted the paper back.

24 I said, "No, this is my copy of the paper that you  
25 wanted me to sign." So he said, "Go ahead, make an ass out of

1 yourself." So I went up and talked to Danny Powell. I shared  
2 the letter with him and told him I wanted it back.

3 He read it, gave it back. I told him what I would do.  
4 He wanted it. I went back down in the hole. I wouldn't give  
5 it to him. John Scruggs came up just before quitting time, and  
6 he told me he wanted the paper.

7 R. R. Pelfrey came up to me in one of the holes I was  
8 building the scaffold where there was two pipefitters reading  
9 the letter that they put on me. One gentleman's name is Buck  
10 Michael, I believe.

11 After Richard, he walked in the room, saw those guys  
12 reading it. I was finishing up building my scaffold. He wanted  
13 it back and I told him I wouldn't give it to him unless I talked  
14 to John Scruggs.

15 He said, "He's waiting at the box." He left and the  
16 guys told me, "You shouldn't go back with that paper." So I  
17 said, "There is no way that I can get it to anybody."

18 So he took it, one of the guys, one of the pipefitters  
19 I was building the scaffold for.

20 Q Was it Buck?

21 A I'm not sure; they took it. I went back to the gang  
22 box. John Scruggs wanted the paper. I told him I didn't have  
23 it. He says, "Where is it?" I said, "I gave it to somebody."

24 He said, "Who?" I said, "I don't know", because I  
25 didn't know. He was a Believer in the Lord Jesus also, and that

1 is why I trusted him.

2 We discussed Christianity and why the stuff that was  
3 going on out there wasn't right for people, for love of one  
4 another instead of looking after number one.

5 He said to go find it. I went out and it was 20 to  
6 4:00, and you stopped everything. You were putting up your tools  
7 and going up to the gate, and you would be at the gate at ten  
8 minutes to 4:00 waiting for the whistle to go off.

9 So the next day you come into work. He, Richard  
10 Pelfrey, sent me over and David Rockholt was the helper that  
11 went with him.

12 We went over in the Spent Fuel Number One to clear out  
13 some scaffolding and build some scaffolding. Richard Pelfrey  
14 and John Scruggs approached me and asked me for the letter; and  
15 I told them I didn't have it.

16 They said, "In other words, you are refusing to give  
17 me the paper?" And I said, "I don't have it." He said, "That  
18 is insubordination."

19 I said, "You can read the rule book however you want to  
20 read it; but I don't have it." And then they left me alone.  
21 They just left and I went ahead and worked; and about the next  
22 day after I received a letter off the job by a guy named Roger,  
23 I don't know his last name though.

24 Then I took it down and made ten copies of it right off  
25 the bat. Then I brought a copy of it and showed it to Marshall



1 White which is a foreman, Carpenter Building Foreman, stationed  
2 next to ours at the blue houses, the rest rooms or whatever you  
3 want to call them.

4 He read it and R. H. McDowell came up and saw it. I  
5 took it and put it in my pocket. We went in, I had a scaffold  
6 to build.

7 I went out and scaffolded and I came back and it was  
8 Ralph Morrison and John Scruggs and R. R. Pelfrey went through  
9 my locker looking for the letter when I was on the job site  
10 without my permission, which they have the right to search you  
11 or search your property or whatever or your lockers, but I was  
12 there and they didn't ask me to be present; and I am held  
13 accountable for those tools that are in there.

14 So they didn't find them because I had it on me, and I  
15 showed it to several other individuals out on the job.

16 It just started growing from there on out. I stopped  
17 and George Maxwell came up. He was the NRC Inspector with R. H.  
18 McDowell to R. R. Pelfrey's gang box, which was one afternoon.  
19 He was just standing there while they were going through some  
20 papers.

21 I walked over and asked if I could talk to him. He  
22 came over and I told him, I gave him my name and my number, and  
23 I told him Duke Power is trying to fire me because of bringing  
24 up all these safety hazards.

25 And they put a handwritten letter on me and I'm asking

1 him while he was walking on the job site, look at all the cords  
2 hanging around all over the place, improper building of  
3 scaffolds, if he knows much about that, the boards is up on the  
4 pipes and on any strut and cable trays, just other favoritism  
5 which he doesn't have much of anything there, he couldn't really  
6 tell anything about that.

7           So he took my name and number down and right after he  
8 left R. H. McDowell came over to me and gave me a direct order  
9 that I will not approach or talk to the NRC Inspector out there.

10           And he left and there was no scaffold to be built, so  
11 half the crew, we were all sitting around not doing anything.

12           A couple days later there was three of us headed up to  
13 the Carpenter Shop to get wedges we put underneath the scaffold  
14 and the shoring bucks.

15           I passed John Turner, an Employer Relations man. I told  
16 him what R. H. McDowell told me pertaining to that I could not  
17 approach Mr. Maxwell or the NRC Inspector to talk to him.

18           He said he would check into it. About a day later or  
19 so he contacted me and called me up into the office. I talked  
20 to him, and he told me they were to withdraw that direct order  
21 that they gave me pertaining to I can't approach the NRC man.

22           And I said, "You put it on the books that I was told  
23 not to approach or talk to him." I went down back into the  
24 hole. I called for Mr. Maxwell, and he was in a meeting with  
25 three other NRC Inspectors, is what the operator told me. He



1 was in a meeting.

2           So I called him the next morning. I left a message  
3 and I called him the next morning, and he wasn't in yet. I left  
4 a message for him to contact me, that I had permission to talk  
5 to him, that I was unable to contact him down in the hole, and  
6 I needed to talk to him.

7           I called the operator back again, and he wasn't in yet.  
8 I called her back about a half hour later--excuse me, an hour  
9 later; and she said he has already been in and gone.

10           I said, "Did you give him my message?" She said, "No."  
11 She said, "All he did is go straight into Doug Bean's office and  
12 was in there for about five minutes and left and went to  
13 Atlanta."

14           So on Monday morning he was in the office and I called  
15 up, had permission to talk to him. I came up to the office and  
16 I talked to him in there, and we discussed some of the things.  
17 He called in Bob David, who was our Safety Foreman which used  
18 to work for OSHA.

19           We talked and I tryed to get him, I wanted to take him  
20 out on the plant. They didn't want to go at first.

21           I finally talked them into it. I took Mr. Maxwell  
22 around for approximately two and one half hours. I showed him  
23 the green water in the UHI Building, which I reported on the  
24 OSHA inspection.

25           I showed him scaffold boards that was up on pipe. I

1 showed him electric cable that had came out of the cable tray  
2 on 540 elevation in the Auxiliary Building in a little trench  
3 that runs down between the two buildings that were over there.

4 There were men walking on them, they were laying in  
5 water. He went in and took the numbers down and all. We  
6 walked around the corner over to Mr. Sullivan, which is a fore-  
7 man, over to his work area.

8 They have work tables set out there with carbon steel.  
9 The whole thing is made out of carbon steel pretty much though.  
10 They have vises on the ends with chains to hook down on the  
11 pipe, and they crank it to hold it in place.

12 All that is carbon steel. They take stainless steel  
13 pipes and valves and flanges and set it up there on top of them.  
14 They put it in those vises, and they have tripods that they use  
15 also.

16 It is just a vise on three legs that they do the same  
17 thing with. There was no trying to eliminate carbon steel and  
18 stainless steel as it is by one of the construction procedures  
19 that he brought over. Mr. Sullivan brought over to Mr. Maxwell  
20 and showed it to him that they were supposed to, if at all  
21 possible, eliminate as much contact between carbon steel and  
22 stainless steel.

23 Mr. Maxwell asked Mr. Sullivan what happened or why was  
24 this being done like that; and Mr. Sullivan stated at first they  
25 were putting little stainless steel wedges.

1           He said at first Mr. Sullivan said at first they were  
2 taking little stainless steel wedges and put them underneath  
3 the pipe whenever they were putting them up on temporary hangers,  
4 which is all carbon steel.

5           They didn't hear about it wasn't being enforced. I'm  
6 paraphrasing it. They didn't hear nothing else about it for a  
7 nice little while, so they just forget about it.

8           They didn't follow through and carry it all out. All  
9 the temporary hangers that I built scaffolds for them to put out  
10 was all carbon steel, and there was very little stainless steel  
11 wedges or slabs between the pipe.

12           I took him around and we went down into, I think it was  
13 the D Trench this was on. We went through the Penetration Room  
14 on 543 and went around, and I took him, he had to fight his way  
15 through cords. There was some acetylene bottles laying on their  
16 side halfway tied up, half not. I wanted him to go down where  
17 we just got finished building some forms in.

18           I do believe it is D Trench, I'm not sure. The lead  
19 darts was stuck out, there was a temporary hanger that was holding  
20 the pipe. It was extended about so far, about a foot farther  
21 than the pipe, and the ladders was pushed over that standing  
22 straight up, being about six inches off the ground, off the  
23 concrete floor at the bottom.

24           Mr. Maxwell didn't really want to go down it, but he  
25 did, and he wasn't too thrilled about how it was constructed.

1 We were looking at those forms that we just got finished making,  
2 and in there there was a lot of water on the floor, and it just  
3 got finished.

4           Somebody just poured them with concrete, and I was  
5 there earlier that morning and finished up on that; so the only  
6 way they could have poured it without it being not damp, but  
7 wet, would be able to vacuum it out, I guess. But I'm not sure  
8 if they would do that because all the ones that we ever put  
9 down, they were never caulked, they were never sealed.

10           All the pads and all that were never put in place  
11 around the machinery. Well, I shared with him about this welder,  
12 and his name is Henry Knox, and I came out of the Penetration  
13 Room and I witnessed him with his techrig, and he had a pipe,  
14 maybe a three-quarter inch pipe, on his tripod, and he had his  
15 techrig heating up on one side of the pipe where there was a  
16 solid red spot. He had a can of water and a rag, and it wasn't  
17 wet, it was damp.

18           He took it, after he got it hot, and put it on it, and  
19 I walked in the room, and he had a shocked look on his face, and  
20 he told me he shouldn't have been doing that because it was a  
21 violation; but he had to get the pipe right, and that is what  
22 he had to do to get the pipe right.

23           He heats it up and puts the water on it and pulls the  
24 pipe around. And I brought that to Mr. Maxwell's attention,  
25 and he wanted the name so I shared it with him.

1 About five minutes until 12:00 he threw up his hands  
2 and said he had seen enough, that he was going to call for an  
3 investigation.

4 So I went back to the gang docks, we had lunch and  
5 proceeded on to work. Because of that taking the NRC man  
6 around, Mr. Maxwell, during working hours and a lot of the  
7 workers out there saw me do it, and we were always told that you  
8 don't talk to NRC men because they are the ones that shut the  
9 plant down.

10 Nobody wanted to lose their jobs. We had a gang meeting  
11 of our crew, R. R. Pelfrey's crew. There was roughly about 15  
12 or 20 of us at that time with Danny Powell and John Turner that  
13 came down; and we used Marshall White's map shack.

14 It was brought up then, I'll put it this way, because  
15 why they were down there was because R. R. Pelfrey and the  
16 management was putting certain rules and regulations upon our  
17 crew, discriminating and harassing our crew against other  
18 workers and other crews that were out there.

19 We had to sit around with our safety glasses on all the  
20 time, and other crews ten feet away didn't have them on. Other  
21 crafts didn't have to go by all the safety regulations they were  
22 putting down on us.

23 We were having to wear our safety belts all the time if  
24 we were out on a job that the other crafts didn't have to do.

25 They placed several handwritten orders upon the whole--



1 R. R. Pelfrey read them, and we all had to sign them which told  
2 us we had to do our jobs we were hired to do, and any negligence  
3 in it, you could be fired by it. I brought up several incidents  
4 where there was fellow scaffold builders built a scaffold down  
5 on 577 elevation of John Scruggs, which was built over a hole  
6 without any handrails.

7 And it would have probably been a good 25 foot drop, at  
8 least. I told R. R. Pelfrey; he didn't do anything about it.

9 I headed over to diesel generator, I think, or exterior  
10 doghouse, and I passed John Scruggs and shared it with him.

11 He went over and got on R. R. Pelfrey and got down  
12 there and got it fixed. They were only out to try to find any-  
13 thing that I did where they could bust me for it and get me out  
14 of there because I was a hassle to them.

15 We had that meeting, and it was brought up in that  
16 meeting that the C, we had two crews--we had a crew downstairs  
17 on 560 elevation where I was working at until later days.

18 And they brought me upstairs and then we had one on  
19 597 elevation; and that was our main headquarters. As my  
20 suggestion paper states, and if you want to read that over, that  
21 should discuss it all right in there because it shares it out.  
22 We tried several times to get supervision downstairs. We had  
23 guys that I guess don't have no pride in themselves. They  
24 would go out and we have a booklet that you have right there  
25 (indicating).

1           We have our initials, and you are paired up with two or  
2 three individuals and you have your initials out there. You  
3 have an elevation column line, and the craft and who it was for.

4           The craft would come over and sign whatever elevation  
5 it was for and give what column line, so you can get pretty  
6 well close to where you have to build a scaffold.

7           They would take and put the craft and the name. That  
8 way our initials are up there and a welder comes in and wants it  
9 on a 543 elevation, LL, HH, something like that.

10           We would go over there and yell for whoever it was.  
11 Still there would be sometimes they wouldn't and some guys would  
12 go off and hide in a corner somewhere. There is a lot of little  
13 cubbyholes back there, and a lot of them wouldn't do their job  
14 and come back.

15           If you work as a unit and one, you can get more work  
16 done and safer work done. So in the gang meeting it was brought  
17 up that this, they asked some, I think it was powerhouse  
18 mechanics for a drill or some kind of tools downstairs, so they  
19 could put up a scaffold.

20           They refused them. They wouldn't let them use any of  
21 their equipment, and they told him, "Because you have somebody  
22 on your crew you are trying to make it hard on us. We know how  
23 to take care of him, something is going to fall on him."

24           They were afraid of losing their job because of the  
25 plant was being built improperly as they know with me taking the

1 NRC man around, that it would hurt.

2           So then it was brought up also that there was a man,  
3 I forget the gentleman's name, it was an older gentleman and he  
4 said to them, he said, "What about if a man is trying to get  
5 documents from another craft?" And Danny Powell said, "I want  
6 to find out about it; I want you to tell me."

7           Later I was trying to get documents from Powerhouse  
8 Mechanics about the valves being put in backwards because there  
9 was a multitude of them that were placed in there that was  
10 being--some of them was being taken out.

11           It was showing negligence of the management because  
12 they were supposed to be matched up in the warehouse or welding,  
13 wherever they store them at up there.

14           Before they leave that they are supposed to be matched  
15 which way they come in, and they weren't or the management  
16 people that were installing them weren't paying any attention to  
17 them one way or the other.

18           So this was May 1st of 1980. John Scruggs--I was  
19 building some handrails on 577 elevation. McDowell came down  
20 and told me to get my tools and come on.

21           I went with him and we went back to the gang box. John  
22 Scruggs was there and he gave me my papers that he was trans-  
23 ferring me up to the Cooling Tower under Frank Contrill and  
24 underneath Olan Turham was the General Foreman up there; and  
25 they put the letter on me which says Danny Powell was



1 transferring me for my own safety and protection.

2 I didn't want to be transferred. Around Thanksgiving  
3 time of 1979, when the NRC had an open conference with whoever  
4 wants to talk to them, I talked to them. My partner downstairs  
5 at that time, Terry Green, talked to them.

6 I'm not sure what Terry talked to them about, but I  
7 shared safety and stuff that was going on, so I made a complaint  
8 to the NRC at that time about the stuff that was going on.

9 So they--I wished I had my papers through that and  
10 through the Department of Labor's manual, the slender manual  
11 about being harassed and being discriminated against, of your  
12 building up safety violations or grievances or suggestions or  
13 whatever--they are not supposed to harass you.

14 They are not supposed to discriminate against you.  
15 They are not supposed to take privileges against you that you  
16 had in the past.

17 One time after I got transferred, well, I don't want  
18 to jump too much ahead of myself.

19 When I got transferred to Frank Contrill's, he told me  
20 that I was going to obey him and do what he told me to do. I  
21 told him just as long as it wasn't taking away any of my rights,  
22 I will do my job.

23 The place was a health hazard up there. They had  
24 rebars sticking out of the slabs all around the Cooling Tower.  
25 There was guys walking up on top of the Cooling Tower without

1 any kind of safety nets, without belts being tied off, no  
2 guard rails.

3           These rebars were protruding anywhere from a foot to  
4 about three feet out of the ground. Ditches, electrical cables,  
5 just no kind of barricade around those 30-foot canals that they  
6 dug out there. So I think it was on the 5th or 6th I called  
7 OSHA because I wasn't getting much of any kind of response from  
8 Mr. Maxwell about he was going to take care of advising OSHA.

9           So I had to make it a formal--I was already in contact  
10 with George Dailey, who was a lawyer. We filled it out, sent it  
11 in on the 22nd, 21st, 22nd, which Mr. Unn was the OSHA  
12 Inspector. He came out on the job, and he talked to me in his  
13 office first, and I discussed just a few things with him and  
14 nothing else.

15           As I have stated in my OSHA Witness Statement, I was  
16 sent to Washington, which you can all get a copy of, you should  
17 be able to, which lists a lot of things I showed George Maxwell.

18           He came out there one afternoon. He came and he walked  
19 past me and talked to an Injun (sic), Bob McKirk, he talked to  
20 him. He is a builder, and he was on the same crew. He came  
21 over there and talked to Richard Wiley, which is a Black man,  
22 a builder on our crew.

23           He came over there close to me, and I said something  
24 to him, and I showed him an electrical box that was hanging on  
25 rebar handrail that they had around the back side of the

1 Cooling Tower. We went over and I showed him the rebar sticking  
2 out of the slab underneath the Cooling Tower.

3 I worked in the middle Cooling Tower. There was one  
4 in front of us. His comment was, "Well, I don't see anybody  
5 working up there right now."

6 I showed him a lead dart that was stuck down in the mud  
7 down the canal that wasn't tied off. It was just sticking in  
8 mud. Dougan stepped in and told me that I was not a  
9 representative and that I did not have any right for me to be  
10 taking him around and for me to go back to work.

11 So walking back over to the area, there was an  
12 electrical wire cable running down through a pool of water, and  
13 I showed that to Mr. Unn, and Mr. Unn told me to find a frayed  
14 spot in it.

15 Q What kind of spot?

16 A Frayed.

17 So he left, got the report back June the 30th, I  
18 believe. I'm not exactly sure, but somewhere around there we  
19 got the report back.

20 It said that Duke Power was all in compliance with OSHA  
21 regulations. In that report it stated about Number 57 and Ten  
22 was people falling out there on the work site. One of them was  
23 an iron worker that fell in the Turbine Building.

24 They suspended his foreman for awhile, one of them was  
25 what we heard through a safety meeting from R. R. Pelfrey, that

1 somebody tripped on some cables and a railroad tie that was  
2 sitting in there.

3 Number 10 was concerning Luke Weaver, a Black welder.  
4 I talked with him, and he fell over 40 feet in Spent Fuel. The  
5 other workers in there, they thought he was probably dead  
6 because he was bouncing off the scaffold bracing.

7 He was bouncing off the other boards that was in there.  
8 He hit in the bottom of Spent Fuel with three inches of water  
9 in it.

10 It is not even supposed to have water in it. They  
11 took the rags and after they checked the welds, and they would  
12 throw them down, and it was just a health hazard and a-half in  
13 the bottom of Spent Fuel.

14 The water was green, just like I showed Mr. Maxwell.  
15 The water was just as green as the pen (indicating) that you  
16 have, real green, worse than Marine green.

17 Jack Haskey was the safety man on that at that time.  
18 He got down there and Luke Weaver was just coming to. Another  
19 welder got a board, and it was lying right above where Luke  
20 Weaver was laying, and his name is Greg Skeeto.

21 Jack asked him, "Luke, what day is it?" Luke gave him  
22 the wrong day, and he said, "Do you want to sit up?", and Luke  
23 just (demonstrating gestures).

24 He sat him up and he said, "Okay, let's get up and get  
25 out of here." He got him up and walked him 50 feet out of Spent

1 Fuel after falling 40 feet, took him into the hospital, x-rayed  
2 him out okay.

3 He called in the next day. His head and neck was  
4 bothering him. His foreman went out to his house and brought  
5 him to the work site so Duke wouldn't have the lost work  
6 report on their hands.

7 I had the same thing happen to me to a certain extent.  
8 I got hit with some pliers when I was working in the Diesel  
9 Generators tying up some cables.

10 My pliers slipped off the end of the cable, and it hit  
11 me in the eye on Saturday afternoon. I laid down, I was almost  
12 on top of the Cease Valve Generator. I laid down on the  
13 scaffold.

14 My partner was there, and he helped me get out because  
15 I had blood and everything running from my eye.

16 Q The pliers fell out of your hands and hit your eye?

17 A No, I had ahold of the pliers pulling on the nine wire,  
18 and it gave, the nine wire gave and came back and hit me. That  
19 was one incident of that.

20 The other one was I was pulling a nail out of a little  
21 2 x 6. It gave loose of the other one and hit me in the eye.  
22 I went up to the Safety Department. They clamped it, cleaned  
23 it out, sent me back into the hole.

24 I worked down there for about two hours. That was  
25 around two o'clock. I worked down there until quitting time,



1 four, still bleeding.

2 My wife picked me up and I had a big gash. I called--  
3 I went home and I called back in, and Mr. Milton, which was the  
4 second man in charge, sort of, of the Safety Department; he told  
5 me it was too late for me to get stitches, for me to come in and  
6 they would take care of it.

7 I came in on the work that night. They cleaned it up  
8 and sprayed Benzedrine, which I was informed later they  
9 shouldn't have put it that close to a sensitive area.

10 They burned my forehead with it. I come in the next  
11 day and they butterflied it. I came in--the next day I wanted  
12 to go to the doctor to make sure it was done right--they  
13 wouldn't let me do it.

14 I had to take a day off, myself. So I complained about  
15 it to Mr. Alexander, Steve Alexander; and we had a discussion  
16 pertaining to I didn't come in with a bunch of scars all over me  
17 and I didn't want to leave with a bunch of scars all over me.

18 The nurse thought it was done good enough, and through  
19 the negligence I saw out there, the way I was treated the night  
20 before, I wanted to make sure it was done right so the day I had  
21 to take off, they used one of my sick days or personal business  
22 hours.

23 I was allotted one of my sick days to go get checked  
24 out. So I wanted to get that in there.

25 Q Is that it?

1 A No, there is a lot more.

2 Q Let's have it all.

3 A After I went and was transferred up to the Cooling  
4 Towers, and whenever I got the reports back that Duke Power was  
5 all in compliance with OSHA regulations, I called Mr. Maxwell  
6 and tried to talk to him, and he wouldn't talk to me.

7 He said, "You call Atlanta and you talk to Mr. Alderson  
8 in Atlanta." So I called him and I talked to Mr. Alderson, and  
9 I kept telling him, and he kept telling me that is not under-  
10 neath our jurisdiction.

11 That is under OSHA's, and I kept explaining to him, the  
12 scaffolds being one walkboard ten to forty feet up in the air  
13 and you just tell the welder to hook off to a temporary hanger  
14 so you won't have to put out any more effort, and then you have  
15 to--

16 I kept sharing this and he got disgusted and said,  
17 "Wait a minute, I don't care if the pipe falls off the wall."  
18 I said, "What, this is a nuclear power plant." And what he said  
19 was, "Well, this is underneath the jurisdiction of OSHA, and so  
20 I went ahead and got the report back from NRC, and it stated in  
21 there nothing really to speak of much of what I showed Mr.  
22 Maxwell when I took him around.

23 The cable that was laying down, the walkboards that was  
24 stuck up on the pipe and the cable trays, the green water, the  
25 work tables that was all carbon steel, I think it was mentioned

1 in there pertaining to the welder that I mentioned, Henry Knox  
2 who said there was no merit in it, more or less.

3 They couldn't find any evidence of it. So I went back,  
4 I think it was around the end of July, I went and met with Mr.  
5 Hunt, another NRC Inspector; and I took him around but it was  
6 after work hours was when I took Mr. Hunt around.

7 They wanted to wait until it was after hours. There  
8 wasn't as many people. We first went up into the Rebar Yard  
9 where we were up there, not just that week, and got some rebar  
10 from out there at the Cooling Towers, and there was grass or  
11 weeds growing over your head.

12 Rebar was scattered all around the yard. I showed him  
13 that, I showed him some more green water, and mosquito larvae  
14 and all this kind of stuff down at the Cooling Towers.

15 I showed him scaffold boards up on pipe and electrical  
16 cables laying on the ground in the Feed Water Pump Room which  
17 was being done the whole time that I was working out there in  
18 the Scaffold Building.

19 In the two years I was outside the Auxiliary Building  
20 that stuff was going on. They would take a chance, saw and  
21 hoist up a pipe, and NRC has infractions on that, as I saw in  
22 the Document Room before.

23 I turned in my list, and I turned in two; one list to  
24 him and then I sent one to Washington with people's names on it,  
25 the contacts; and I thought that I should have been able to



1 fall in under Section 19 of being harassed and discriminated  
2 against out there on the job.

3 It is concerning radioactive working conditions  
4 because where I was at it is regarding that. Some days those  
5 electrical cables was being pulled out and laying on the floor,  
6 we were walking on them, we are dropping our 4 x 6's on them.

7 The Core Hole, I forget the powerhouse mechanics, it  
8 is not powerhouse mechanics, a certain group that wears gray  
9 hardhats, they were drilling holes in the walls with these big  
10 bits, all different sizes, that was run by air pressure and  
11 water.

12 They had water on the floor and these cables were  
13 laying down in the water, we were dropping our 4 x 6's on it.  
14 The pipefitters are walking on it, and we are walking on it.

15 The pipefitters are dropping their big pipes on it,  
16 and there is a multitude of cables which are being down like  
17 that, and it is my belief and feeling it could very probably  
18 damage them.

19 So after I got Mr.--took Mr. Hunt around and gave him  
20 the papers--the next month, August, whenever I was working  
21 Frank Contrill, my foreman at that time, was more or less under  
22 extreme pressure somehow to get something on me to get rid of  
23 me.

24 Duke Power wrote me up once because I had a dentist  
25 appointment. I went to that and also in the past when I worked

1 for R. R. Pelfrey I had a lot of time on the book, personal  
2 business hours, I was able to take them. I went to the rate  
3 hike hearings in Columbia and I came back and they wrote me up  
4 for unauthorized absence.

5 Frank and I talked about it before I left, and he  
6 checked that I had enough hours on the book and a-quarter hour  
7 still on the book that I could use.

8 I worked with the welder. He came over there when I  
9 had welding burns and he put me with a welder all day long. He  
10 came over at two o'clock and talked to me and went away.

11 And then the next day I came in that evening and I had  
12 welding burns on my face and on my arms, and I asked to go to  
13 First Aid.

14 They sent me to First Aid and put some salve on me. I  
15 came back up and he was going to write me up for not using  
16 wisdom, or something, it is hard to tell.

17 He was going to write me up on something.

18 Q This was the next day?

19 A Yes, sir; after I got the welding burns that morning.  
20 On his little card, I wrote on it just what I more or less  
21 explained to you, that he came over and talked to me. He should  
22 have noticed I was getting burned.

23 He should have pulled me away from the welder and put  
24 somebody else with him. It was just as much his negligence as  
25 mine.

1 I was having to do my work or they would get me for not  
2 maintaining work production, not following oral or written  
3 instructions.

4 I went, I think it was on the 13th of August I was  
5 working with a welder. We were back side, putting the mats in,  
6 and this welder that we got, I think his name would be Burt  
7 Knox, he was working with us and we were going along and it was  
8 McKirk's duty, he was standing on the outside of the bulkhead  
9 and I was inside and I had all the little rods in place and the  
10 welder was welding them and I would have them in place.

11 I would hold them there and get another set ready and  
12 he would stand up in the middle of August after heat exhaustion,  
13 which was what they gave me because of such extreme pressure I  
14 was put under because of work.

15 We were tired and not being able to keep up work  
16 production. I had heat exhaustion. I went to the doctor and  
17 he said it was a stomach virus. They gave me a sick day. This  
18 was Ralph Morrison that did this to me this time so I wouldn't  
19 have a lost time accident on your hands.

20 I went to my own doctor and I shared with him how I  
21 felt, what happened to me and everything. He said it was no  
22 stomach virus, it was very probably heat exhaustion and not a  
23 stomach virus.

24 On the 13th we was working, I had them in place and I  
25 talked--that was one thing they didn't like for me to do was to

1 share what was going on, what Duke was doing to me.

2           They didn't like me to share the Lord Jesus with any-  
3 one. They tried to isolate me completely. They had to watch  
4 welders because this one welder that we were working with had a  
5 lot longer lead, and the other welder had a short lead, and they  
6 had to watch welders so he could finish up the last couple of  
7 bars; and we only had just a few bars left to do.

8           We were standing there and this welder was up in the  
9 Turbine Building. He was a White guy, I don't know his name.  
10 I was talking to him and I would hold the bars.

11           He would tack it and I would move, but I would still  
12 talk to him. He was welding and we got finished. We had the  
13 very last bar up.

14           Bob McKirk was standing on one side and these are  
15 carriager rods, carriagers that we were building for the top  
16 ones to go across for the mats, the top mat.

17           Bob was standing on the other side of the welder  
18 because we were moving towards the center, and I had the other  
19 part.

20           The welder is moving that way and I'm talking to him  
21 and all. Bob was standing there and he tacked it, I moved out  
22 of the way.

23           I was talking to him, the welder finished and he came  
24 up where we were standing there a minute. Contrill told me to  
25 grab my tools and come with him, to clean out my locker.

1 I cleaned out my locker and I went down to the ware-  
2 house and I turned in all my tools. There must have been five  
3 people to see Hoopengardner get canceled out, and they made a  
4 lot of little comments about Hoopengardner getting off the  
5 project.

6 It was a big day for them. After that we went over to  
7 the Financing or into the Main Office. We went to a gentleman  
8 in there and he took my ID card and went to leave and I said,  
9 "Wait a minute, what is going on?" He said, "John and Frank  
10 said I'm taking you out of service for investigation." And so  
11 I went out, and before I went out I told them I wanted to talk  
12 to Danny Powell, and they wouldn't let me talk to him.

13 I wanted to talk to John Scruggs and they wouldn't let  
14 me. Frank Contrill opened the door and said, "You are out of  
15 service."

16 I talked to the receptionist and said, "Since I'm a  
17 visitor now, I want to talk to Doug Bean." And she said,  
18 "There is a phone. Go call him."

19 I called and talked to Cecil Wall, and I asked Cecil  
20 what is going on. He says, "What do you mean?" I said, "Why  
21 am I being taken out of service?" He said, "How should I know?"

22 I said, "You're in charge." And he hung up on me.  
23 Then that whole time Frank Contrill is on the telephone yelling,  
24 "Get me Security, get me Security."

25 About that time John Scruggs, Cecil Wall, Frank



1 Contrill and I am not sure, one or two other people, come out  
2 into the receptionist's area there, the lobby.

3 I was sitting on the couch waiting for the whistle to  
4 go off because I was riding with somebody else so I didn't have  
5 a ride home until four o'clock.

6 Two security guards came up, one was Robinson. He  
7 threatened me later on. But Cecil Wall came out and asked what  
8 was going on and Frank Contrill said I was being taken out of  
9 service for insubordination and not following oral and written  
10 instructions.

11 So they said, "There it is, you will get a legitimate  
12 investigation, so you can leave." I said, "I can't leave until  
13 I have my ride."

14 They said, "You can go out and wait in the parking  
15 lot." So the security guard took me out and Mr. Robinson said,  
16 "I was in enough trouble as it was", and he said, "We should  
17 throw your ass in jail for trespassing."

18 He turned me over to two other security guards at the  
19 gate, and they took me and walked me out to the car. And they  
20 are both Believers in the Lord Jesus so I was able to share  
21 with them because they didn't know all this stuff that was going  
22 on, and I shared with them that was going on.

23 And the whistle went off and I went home. I contacted  
24 Mr. Dailey. He was my attorney at that time, and I told him  
25 what was going on. He said that he would get back in touch



1 with me.

2 He tried calling Duke Power's Attorneys, talked with  
3 them. He contacted, let's see, that was, I think that was  
4 Thursday was the 13th, I'm not exactly sure--no, it wasn't a  
5 Thursday because it was a Wednesday.

6 He said if I wasn't back in work on Monday, call him  
7 back. I wasn't at work on Monday and I called him back.

8 We set up an office meeting. I filed my C-11  
9 Discrimination Harassment. I called the Department of Labor,  
10 Federal, and I talked to Mr. Settler and I shared with him, I  
11 asked him about any information on discrimination and harassment.

12 He asked me why and I shared with him what Duke Power  
13 did, and within just a day later, it was on a Friday, I think  
14 it was an OSHA Inspector came up and talked to Frank Contrill at  
15 the Cooling Towers.

16 It was a stocky man with a red beard, an OSHA  
17 Inspector.

18 Q I'm a little confused--

19 A This was after I called--

20 Q You are already off the site?

21 A I'm off the site.

22 Q How do you know this guy, stocky and red hair--

23 A I have people, I have contacts. Anyway, so he went up  
24 and talked to Frank Contrill, just Frank and nobody else, and  
25 then left.

1 Steve Alexander called me on Friday night about 6:10,  
2 told me to report back in on the work site on Monday morning.

3 I told him to contact Mr. Dailey, that I was going  
4 through him and that I gave him his telephone number. So  
5 Monday morning I called Mr. Dailey and told him that.

6 He called and he told me to wait until I heard from  
7 him. Monday morning Steve Alexander called me about ten after  
8 10:00 and asked me why I wasn't in on the work site; and I told  
9 him that I go through my Attorney now, as I told you Friday.

10 You need to contact him, and he stated then that you  
11 need to come to work or something about you are supposed to be  
12 in on the work site.

13 Tuesday I didn't go in, I called Dailey and talked to  
14 him. He told me to just wait. Tuesday night about 9:30 Mr.  
15 Dailey called and told me to go back into work on Wednesday. I  
16 went in on Wednesday.

17 John Scruggs and Frank Contrill had me up in the Main  
18 Office. They suspended me again, or whatever, and took me out  
19 of service. If you want to classify it as that, for another  
20 investigation.

21 Mr. Alexander did state on the phone Monday morning  
22 that Duke Power did make a mistake pertaining to insubordination  
23 and not following oral and written instructions.

24 My Attorney was trying to get my back pay. He was  
25 trying to get the results of the investigation down on paper;

1 and he was trying to get my financial burden because of Duke  
2 Power's wrongdoings, that I had to carry.

3 He was trying to get his finances freed, and those are  
4 the things he was trying to get. So I went in Wednesday and  
5 they pulled me and took me out of service.

6 They had it already written up and they said I had no  
7 contact with the job site on Monday or Tuesday when Steve  
8 Alexander called me, himself, on Monday morning and knew why I  
9 wasn't in on the work site.

10 Then on September 4 they called me back in. I had my  
11 exiting review. They paid me off. They paid me until the 27th  
12 of August. My last day was the 13th, of working.

13 They terminated me on the 22nd. I have papers to show  
14 they said I was on unexcused absence. One says it is  
15 insubordination for not following oral, written instructions.

16 I don't know if they really made up their minds what  
17 they--they just wanted to get rid of me.

18 Q So that is it?

19 A No, sir.

20 Q Is that it for you at the Catawba work site? What are  
21 you going to tell me about now?

22 A Well, I would like to share some of the things  
23 pertaining to other workers that I've experienced about that  
24 had the same thing done to them pertaining up in the Cooling  
25 Tower Utilities.

1           Mr. Shaw sent one of his laborers down in the 30-foot  
2 canal and wanted him, laborer wanted a ladder to get down and  
3 they said go down the cliff or hit the gate.

4           He went down the cliff and the cliff gave way and he  
5 busted up both his knees pretty bad. They gave him his sick  
6 time, too.

7           Q     Anything else?

8                     (Discussion off the record.)

9  
10           MR. CARR: We are doing this pursuant to duly  
11 notified Depositions. It is our position that when  
12 Mr. Hoopengardner shows up, if we are going to get some  
13 resistance from that we will get the Board to issue a  
14 subpoena first thing in the morning.

15           MR. GUILD: That is not the point.

16           MR. CARR: If you are not finished with yours,  
17 fine. You did not take Depositions Monday, Tuesday,  
18 and Wednesday of this week. We could have let the  
19 Board resolve the thing.

20           MR. GUILD: This is no reason to be a pain in the  
21 neck about it. Seriously, we find ourselves facing a  
22 critical problem.

23           MR. CARR: The critical problem is solely of your  
24 own making.  
25

1  
2 (Whereupon, the Deposition was adjourned at  
3 12:25 a.m., to be concluded on 5/20/83.)  
4

5  
6 I, Noland L. Hoopengardner, hereby certify that I have read  
7 and understand the foregoing transcript and believe it to be a  
8 true, accurate and complete transcript of my testimony.  
9

10 \_\_\_\_\_  
11 Noland L. Hoopengardner

12 This Deposition was signed in my presence by Noland L.  
13 Hoopengardner on the \_\_\_\_\_ day of \_\_\_\_\_, 1983.  
14

15 \_\_\_\_\_  
16 Notary Public  
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C E R T I F I C A T E

STATE OF NORTH CAROLINA

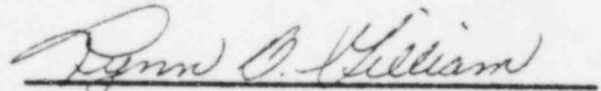
COUNTY OF MECKLENBURG

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

I further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative, counsel or attorney for either party or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand at Charlotte, North Carolina, on this the 25<sup>th</sup> day of May, 1983.

  
LYNN B. GILLIAM  
Court Reporter