

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

In the Matter of:	)	Docket Nos.
	)	
DUKE POWER COMPANY, et al	)	50-413
(Catawba Nuclear Station	)	50-414
Units 1 & 2)	)	

I, Barbara V. Haas, Commissioner and Notary Public, proceeded to take the deposition of Nolan Richard Hoopingarner, II, on the twentieth day of May, 1983, beginning at 6:15 o'clock P.M. in the offices of Duke Power Company, South Church Street, Charlotte, North Carolina.

Duke Power Company was represented by Albert V. Carr, Jr., Ronald Gibson and Mike McGarey.

NRC was represented by George Johnson.

Palmetto Alliance, Inc. was represented by Robert Guild and Michael Lowe.

CONTINUATION OF THE DEPOSITION OF  
NOLAN RICHARD HOOPINGARNER, II

Associated  
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1 NOLAN R. HOOPINGARNER, II, being first duly sworn, testified  
2 as follows:

3 EXAMINATION: (By Mr. McGarey

4 Q. This is the continuation of the deposition of Mr.  
5 Hoopingarner which was adjourned early this morning.

6 The court reporter has returned home to her family, and

7 we are fortunate to have Barbara Haas here to continue

8 with his deposition. Mr. Hoopingarner, I believe we

9 concluded early this morning your statement of concerns,

10 and I now would like to pursue additional areas of inquiry.

11 How did you come to be involved in this case?

12 A. I was working out there.

13 Q. I don't believe you understood. How did you come to  
14 be involved --

15 A. In being an intervenor?

16 Q. That's correct.

17 A. It's when I went down for the rate hike hearing in June,  
18 the thirteenth, I believe it is, in 1980. I saw Mr. Guild  
19 in the elevator and talked to him pertaining to some of the  
20 things that was going on. He instructed me to go and talk  
21 to Palmetto Alliance which there was somebody else in charge  
22 at that time, but I talked to Michael Lowe; and I talked  
23 to him and shared some things with him. Then, whenever  
24 Duke Power pulled the things that they did to me out there,  
25 and it was time to be -- to get my knowledge that I know of

1 what all went on out there to be brought up to the public  
2 and to the NRC and to everybody else.

3 Q. During the course of this deposition, I'm going to  
4 at times step in and try to channel the response -- no  
5 criticism intended. But, yesterday I asked one question,  
6 and I think you went on for over an hour. In the interest  
7 of time and the interest of getting you in and out of here,  
8 I have no intention of dragging this deposition on, and  
9 my question --

10 A. I enjoy to share it.

11 Q. I understand that, but there are certain things we would  
12 like to hear and certain things, with all due respect, aren't  
13 necessarily relevant in our particular judgment. In the  
14 interest of time and it will be of assistance to you, we  
15 will just press on. The question I have here is that the  
16 petition to intervene was filed in July of 1981. What  
17 caused you to participate in July of 1981. Is there any  
18 particular event?

19 A. I wanted to intervene. I wanted to share the knowledge  
20 that I have and the documents I had.

21 Q. Let me hand you a document, Mr. Hoopingarner --

22 A. I would like to have it on record also from last night,  
23 I did not have my records; so, everything, dates and stuff  
24 like that could be off a little bit because I was going  
25 strictly by memory. Tonight I do have my documents to show

1 the dates and stuff.

2 Q. Those are your documents?

3 A. Yes, sir.

4 Q. You have kept them at home?

5 A. Yes, sir.

6 Q. Were you ever asked by Palmetto Alliance whether or  
7 not you had any documents?

8 A. Not that I can remember.

9 Q. I hand you this document here which is the original  
10 contention 6 of Palmetto Alliance. I just ask you to read  
11 it.

12 A. Yes, sir.

13 Q. Are you familiar with that contention?

14 A. Yes, sir.

15 Q. Did you assist in the formulation of that contention?

16 A. Yes, sir.

17 Q. Can you explain how you assisted in the formulation of  
18 that contention?

19 A. I was one of the workers that witnessed the substandard  
20 workmanship and poor quality control in my opinion of the  
21 NRC regulations that were suppose to be enforced out there  
22 that it seemed to me that the NRC inspector walked around  
23 with horse blinders on not seeing the things that I pointed  
24 out to him in that two and a half hours that I shared with  
25 him of taking him around because that stuff was going on



1 every day, every month, every year.

2 Q. I believe you shared some of that with us last night.

3 A. Yes, sir.

4 Q. Does this contention properly reflect your views?

5 A. Yes, sir.

6 Q. Let me ask you some of the terms. Substandard workman-  
7 -ship, what do you mean by substandard workmanship?

8 A. Individuals that I knew that was welders, that was  
9 pipe fitters was doing drugs, drunk was coming in in the  
10 morning. They would come in that way. They would go out  
11 at lunch time and get high. They would come back in --

12 Q. I'm trying to be broader. I believe, again, you shared  
13 some of those examples with us, and we will get into those  
14 later. We'll get into them. But, as a general sense, is  
15 it fair to say the performance of work that in your view  
16 wasn't up to quality, wasn't a first rate job?

17 A. I had welders -- yes, sir, because I had welders tell  
18 me they would just fill a hole because they did not like  
19 to be up forty feet and have to hook off to a temporary  
20 hanger. They couldn't do quality work, so they just filled  
21 a gap.

22 Q. How about the term "poor quality control." Can you,  
23 in a broad sense, tell me what you mean by that term?

24 A. The construction procedures of CP 170 and CP 371 where  
25 the storage of material, the building of scaffolds on

1 pipe and so-called --

2 Q. Not following procedures, is that what you are saying?

3 A. Yes, sir.

4 Q. Is that what you mean by poor quality control?

5 A. Yes, sir.

6 Q. Anything else by poor quality control or is that

7 what we are talking about?

8 A. Pretty much so that's what we are talking about.

9 Q. One other term. Company pressure, what do you mean by

10 that?

11 A. Well, I was pressured to keep my mouth shut and com-

12 plaining about all the safety hazards out there on the job,

13 and building scaffolds that was incorrect, unsafe. These

14 individuals had to get up there and try to do quality work

15 off of them.

16 Q. Again, that's an example. What do you mean by company

17 pressure. Do you mean Duke Power Company management pres-

18 suring you or do you mean your supervisor, the head of your

19 crew?

20 A. I had several employees. I had R. R. Pelfry.

21 Q. He is a supervisor?

22 A. He was my foreman. I had R. H. McDowell which was

23 my general foreman at that time. I had John Scruggs which

24 was craft superintendant, Doug Beam which was project

25 manager, Frank Cantrell which I was transferred out to the

1 cooling towers which was my foreman at that time, Olin  
2 Durham which was my general foreman at that time. I  
3 talked to Cecil Wall and I shared all this stuff with him,  
4 and it boiled down that -- Doug Beam said, "You made your  
5 complaint to OSHA, you've made your complaints to NRC. Now,  
6 its time to get back to work."  
7 Q. I understand that, but again, the term "company pressure"  
8 you are suggesting that employees, foremen, general foremen,  
9 craft superintendent, project managers, all --  
10 A. Pressured me.  
11 Q. Pressured you?  
12 A. To bridle my lip, and that's what R. H. McDowell said.  
13 They were going to put that letter on me to bridle my lip,  
14 and I do have that letter if you would like to see it.  
15 Q. Company pressure, do you mean by that term pressure  
16 on any other individuals or do you mean with respect to  
17 your testimony pressure on you?  
18 A. I'm not sure on that one.  
19 Q. If it will help --  
20 A. Because I was pressured, and I know there was some other  
21 individuals that was pressured on, say, scaffold building,  
22 on the pipes, this type of stuff.  
23 Q. Here's what I want. I'm talking to you today, and I  
24 want to know what you feel, but if you -- or what you know,  
25 and what you know to be fact.

1 A. Yes sir.

2 Q. With respect to how you feel, that's a fact to you,  
3 so we can discuss that. But, do you know as a fact whether  
4 or not other people have been pressured. Have other people  
5 told you they have been pressured?

6 A. Yes, sir, I have had them tell me that.

7 Q. What people?

8 A. I know them by fact, but I don't know them by name.

9 Q. Who pressured them?

10 A. It was their management, their foremen.

11 Q. Do you know what specific foremen, what specific manage-  
12 ment?

13 A. No, sir, see, I was traveling all through the auxiliary  
14 building. We served every craft that was in there.

15 Q. As a matter of testifying, if someone were to ask  
16 you to prove there was company pressure speaking for your-  
17 self, is it fair to say you would rely on your own personal  
18 experience?

19 A. Yes, sir, and the documents that I have to prove that  
20 I was; but I can't prove that, you know that you were  
21 pressured by the company because it was you telling me. I  
22 can only take your word. It depends on how you stand behind  
23 your own word.

24 Q. That was the sense I was trying to get your understanding  
25 of company pressures.

1 A. Yes, sir.

2 Q. So, in conclusion, I understand your sense of company  
3 pressure as you would use it means how you were pressured?

4 A. Yes, sir.

5 Q. Turn to that last page. I ask you to read the inden-  
6 tation about five lines from the bottom, and I represent  
7 to you that that is the contention 6 as revised by the  
8 licensing board. Would you read that?

9 A. Yes, sir, I read it.

10 Q. Are you familiar with that contention?

11 A. Yes, sir.

12 Q. Does it reflect your views?

13 A. Yes, sir.

14 Q. There's a term in that contention, the term "systematic  
15 deficiencies." What do you mean by that term?

16 A. They would be electrical cables that has to operate  
17 the machinery within that plant that I shared with you  
18 last night that I saw laying all over the floor, laying in  
19 water, we were dropping four by six's on it, pipers were  
20 dropping their big pipes on it. Some of the scaffolds that  
21 was built, the individuals told me themselves that they  
22 just filled the gap because they aren't going to kill  
23 themselves or break their back out of place for this dumb  
24 nuclear plant.

25 Q. Any other instances of systematic deficiencies?

1 A. Diesel generator when it got flooded out.

2 Q. Any other examples?

3 A. Control room when it got flooded out. I wouldn't call  
4 it flooded out. It just rained through the concrete and  
5 fell all over the control room panels.

6 Q. I'm just trying to get a list of what you think are  
7 systematic deficiencies as opposed to isolated instances.

8 A. Okay, the valves being put in backwards, the misaligning  
9 of pipe.

10 Q. Anything else?

11 A. Not at this time.

12 Q. Let's go through; electrical cables laying on the floor.  
13 What area was that?

14 A. You could just about classify all throughout, the  
15 auxiliary building on number 1 side.

16 Q. Were you working in that area?

17 A. Yes, sir, all floors.

18 Q. Were you --

19 A. All the way from 522 all the way up to 597.

20 Q. In every area that you were working, you saw electrical  
21 cables on the floor?

22 A. Yes, sir.

23 Q. And, you saw people dropping --

24 A. Yes, sir.

25 Q. In every single area?

1 A. Yes, sir, there was a routine.  
2 Q. What kind of cables were they?  
3 A. They were the electrical cables that run out of the  
4 cable trays that had a little plastic 'number, paper, that  
5 was taped on to them. They would be rolled up and would  
6 like come out of the cable trays and laying on the ground,  
7 and they are the same ones that I showed Mr. Maxwell.  
8 Q. What did he say about them?  
9 A. He just took the number on that and he didn't say any-  
10 thing to me particularly.  
11 Q. Do you know if he pursued the matter?  
12 A. That's a question I would like to ask him because I  
13 don't think he did because it never showed up within the  
14 NRC report that Mr. Bryant signed. I think that was 08.  
15 I have it.  
16 Q. You mentioned scaffolds and filling the gap. What do  
17 you mean by that?  
18 A. We didn't have all of the time the proper material to  
19 build our scaffolds. In many of the areas, there wasn't  
20 any way to build scaffolds except to put our boards up on  
21 the pipes or in the cable trays. You take feed water pump  
22 room, the penetration rooms, all that area in there is  
23 nothing but filled up with pipe scattered all over the  
24 place and there's no other way except to put -- we were told  
25 to put our boards up there. At one time, we were told we



1 could put them up there and tie them with our 9 wire if  
2 we would put like a burlap bag or something underneath so  
3 it wouldn't scratch the pipe. That only lasted about a  
4 week, and it was too much of a hassle 'for everybody to do  
5 it.

6 Q. So, you are saying that that is a systematic deficiency,  
7 the construction of the scaffolding?

8 A. Well, it walks hand in hand because you have certain  
9 individuals who don't like to have their feet off the  
10 ground, and you take those individuals and when you are a  
11 welder and you drop that shield down in front of your face  
12 and you don't see nothing but that arc that's going on, and  
13 you take a board and put it up ten to forty feet off the  
14 ground and you tell him to hook off to that little temporary  
15 hanger; and they are an individual where their foreman has  
16 got a thorn in the flesh for, and he sends him up there  
17 and he won't go up there and they write him up to get rid  
18 of him, so he has to go up there and he gets up there and  
19 fills the gap, fills that hole and gets back down.

20 Q. What area are we talking about. You mentioned the  
21 feed water pump room and penetration room?

22 A. Right.

23 Q. Any other areas?

24 A. That's on all elevations, even through the rest of the  
25 auxiliary building.

1 Q. Did you observe welders filling the gap?  
2 A. Yes, sir.  
3 Q. Do you know if these welds were proper welds?  
4 A. No, sir.  
5 Q. Diesel generators, what was that about? You mentioned  
6 diesel generators a minute ago?  
7 A. It got flooded out.  
8 Q. When was this?  
9 A. I don't know the date, but it's in the record.  
10 Q. The date?  
11 A. The date it got flooded.  
12 Q. Why is that a systematic deficiency? I can understand  
13 why you would say that's a problem, but why is it a system-  
14 atic deficiency, something that's reoccurring. Isn't that  
15 a systematic deficiency, something that continues to occur?  
16 A. Well, there has been other problems with diesel gener-  
17 ators of messing up that I have read in the public library.  
18 Q. I understand that, but we are talking about the Catawba  
19 diesel generators.  
20 A. It's never been operated.  
21 Q. That's correct.  
22 A. Yes, sir.  
23 Q. So, why do you classify the diesel generator as a system-  
24 atic deficiency. Let me just stop, and let's get a defini-  
25 tion of the term "systematic deficiency." As I understand

1 the term, systematic means something that reoccurs, a pattern  
2 of behavior; and so, systematic deficiencies are reoccurring  
3 deficiencies. Is that what you understand the term to  
4 be?

5 A. Well, it only happened the one time, so it wouldn't  
6 be systematic.

7 Q. Let me just stop. Do you agree with my definition or  
8 your understanding of the term "systematic deficiency?"

9 Let me just stop and go back even a step further. In the  
10 contention that you helped prepare, the term "systematic  
11 deficiency" is used. So, it's not my term. I'm simply trying  
12 to understand the term. I have given you my impression of  
13 what systematic deficiency means, and I ask you, do you  
14 agree with it? You don't have to agree with it.

15 A. It's within the system to operate the nuclear power  
16 plant, and it needs to be done and it needs to be corrected  
17 to operate this plant safely and correctly for the public  
18 and the environment.

19 Q. Let me just restate it to make sure I am clear of what  
20 you mean by systematic deficiency. You mean any deficiency  
21 involving systems in the plant, and that deficiency could  
22 occur once and you would call that a systematic deficiency or  
23 it could occur more than once as long as that deficiency is  
24 impacting a system, is that correct?

25 A. Yes, sir.

1 Q. So, just taking as a for instance diesel generators,  
2 while the instance you may be referring to, the flooding  
3 of the diesel generator, happened once, is that correct,  
4 sir?

5 A. Yes, sir.

6 Q. You would call that a systematic deficiency because the  
7 diesel generator is a system at the plant and you maintain  
8 the fact that it was flooded was a deficiency?

9 A. Yes, sir.

10 Q. When was it flooded and if it will help you, I'm not  
11 interested in the precise date. I just am trying to get  
12 a feel?

13 A. I told you I didn't know. I would have to look it up.  
14 I was there. I worked there. It was flooded about four  
15 foot up as high as it would go until it run out into the  
16 rest of the building there, and that's down through the  
17 hallway and all the way back into the diesel generator.

18 Q. What was flooded? The diesel generator room?

19 A. The whole room. When you walk into the diesel generator,  
20 there's a corridor, and there's control panels set up there,  
21 and water was all the way up until it -- because when you  
22 go into the corridor here, you step down, you walk down,  
23 and it was flooded up all the way to that, up onto the  
24 control panels and all, in the whole area out in where the  
25 diesel generator sits was all flooded out.

1 Q. Was the diesel generator itself covered with water?  
2 A. If it was in its location, it was.  
3 Q. Was it in its location?  
4 A. I don't know, but I know the control panels were all  
5 there.  
6 Q. Were they under water?  
7 A. Up to however far the water came up.  
8 Q. Was there anything in the control panels?  
9 A. Yes, sir, the wiring and all.  
10 Q. Could you see the wiring?  
11 A. After you open it up.  
12 Q. Did you open it up?  
13 A. No, sir.  
14 Q. Do you know as a fact the wiring was there?  
15 A. Yes, sir.  
16 Q. How do you know as a fact the wiring was in?  
17 A. Because after they drained the water out of it, we had  
18 to build scaffolds in the diesel generator, and there was  
19 individuals sitting there with the panels open with little  
20 hair dryers blowing the wires.  
21 Q. Control room rained upon. I believe we discussed this  
22 with Mr. McAfee yesterday. What do you mean by that?  
23 A. Water came through the roof. It was leaking through  
24 the concrete.  
25 Q. Was this one specific instance you are referring to?

1 A. Yes, sir.

2 Q. What happened? What was the result of the rain in  
3 the control room?

4 A. Well, it just fell down on panels and they brought in  
5 space heaters. This was during the wintertime, and I  
6 don't know exactly the date or anything like that, but most  
7 of the guys -- that's where everybody ended up to keep warm.

8 Q. I'm asking you this question, you, Nolan Hoopingarner,  
9 do you maintain the fact that the control room was rained  
10 upon renders Catawba a plant that is unsafe to operate?

11 A. It all depends on how much damage it did to the control  
12 panels.

13 Q. Do you know how much damage it did?

14 A. No, sir.

15 Q. Going back to the diesel generator, do you maintain  
16 the fact that the panels were exposed to water and the  
17 wiring was exposed to water renders the Catawba plant unsafe  
18 to operate?

19 A. It could. It all depends on how much damage was done.

20 Q. Do you know how much damage was done?

21 A. No.

22 Q. I have already asked you about the scaffolding and filing  
23 in of the gap. With respect to the electrical cables, do  
24 you maintain that the fact that these electrical cables were  
25 laying on the floor renders Catawba plant a plant that is



1 unsafe to operate?

2 A. It could.

3 Q. Do you know as a fact that it does?

4 A. No, sir.

5 Q. Let's go to -- something about the control room. Do  
6 you know if -- Let me get to the valves. What area are you  
7 talking about where valves were put in backwards?

8 A. It was in the auxiliary building.

9 Q. Can you just explain valves being in backwards to me.  
10 It was in the auxiliary building?

11 A. Yes, sir.

12 Q. How do you know valves were put in backwards?

13 A. Because the people that I worked with and I built  
14 scaffolds for, they were complaining and other fellow  
15 workers that I worked for because we would have to -- you  
16 know, it was just double work, needless work because we had  
17 to go over there and build all new scaffolds and try to find  
18 the material to build scaffolds and then build the scaffolds  
19 for the valves to be cut out which shouldn't have been put  
20 in backwards in the first place.

21 Q. Did you personally see any valves that were put in  
22 backwards?

23 A. No, sir, I built scaffolds. We had to go back to our  
24 area, but I saw the paperwork on them.

25 Q. Do you know if, indeed, any of these valves were put



1 in backwards?

2 A. Yes, sir, just by Duke Power's word they were put in  
3 backwards.

4 Q. Do you know if, indeed, they were put in backwards  
5 that they were left in backwards?

6 A. No, sir.

7 Q. They may have been corrected, is that correct?

8 A. Yes sir, let's hope so.

9 Q. With respect to -- I'm sorry, I can't read my own hand-  
10 writing, but something of pipe.

11 A. Misalignment.

12 Q. Misalignment of pipe. What are you referring to there?

13 A. Running pipe on any elevation just to run it through the  
14 hole, just to have the system set up and just so they can  
15 say they have it up.

16 Q. What area are you referring to?

17 A. Mainly going through the penetrations in the auxiliary  
18 building and most of this is on number 1 side.

19 Q. Did you see this pipe?

20 A. Yes, sir. I even brought it to Mr. Maxwell's attention.

21 Q. How do you know it was misalignment?

22 A. Because I heard other individuals saying it was laying  
23 up against the penetration that went through the wall. It  
24 was up against it.

25 Q. Do you know as a fact how it was suppose to be aligned?

1 A. By Mr. Maxwell's statement, they are suppose to be,  
2 maybe not just exactly centered; they can be off a little  
3 bit, but they aren't suppose to be touching the interior  
4 of it.

5 Q. Have you ever had any training on the alignment of  
6 pipes?

7 A. No, s i r.

8 Q. Do you know as a fact whether or not that pipe had  
9 been misaligned other than Mr. Maxwell's statement?

10 A. No, sir, just by what he said.

11 Q. If accepting that this pipe was misaligned, do you know  
12 that the situation was corrected?

13 A. Repeat.

14 Q. Do you know whether or not the situation was corrected  
15 if indeed in the first instance --

16 A. No, I don't.

17 Q. Let me go back to the valves. You mentioned the auxiliary  
18 room.

19 A. Auxiliary building. It had a whole bunch --

20 Q. That's the one area, and it was -- was this a continuing  
21 problem or is it fact that in this one area they had put  
22 in the valves --

23 A. By individuals that I talked with, the pipe powerhouse  
24 mechanics, there was a lot of them that was put in backwards.

25 Q. In this particular --

1 A. In the building.

2 Q. In that auxiliary building?

3 A. Yes sir.

4 Q. That's the only building you know of?

5 A. Yes, sir.

6 Q. You don't know the particular area of that building?

7 A. No, sir. Some was in the penetration room.

8 Q. And, the misaligning of pipe, you mentioned that per-

9 tained to the penetrations of the reactor?

10 A. No, sir, this was all in the -- I didn't work on the

11 reactor.

12 Q. This was penetrations in the aux building?

13 A. In the auxiliary building.

14 Q. Was this a common problem, the misalignment of pipe or

15 are you just referring to one or two instances?

16 A. No, I witnessed it quite a bit.

17 Q. We are talking about misaligning of pipes. What pipes

18 are we talking about?

19 A. Stainless steel pipe running through the wall.

20 Q. What are they used for?

21 A. For the running of the plant. It could be backup systems.

22 It could be the systems. I don't know.

23 Q. Were there hangers on pipes?

24 A. Pardon me.

25 Q. Were there hangers holding the pipe.

1 A. Temporary hangers, yes, sir.  
2 Q. They were temporary?  
3 A. Yes, sir.  
4 Q. So, there still had to be final hangers on the pipe?  
5 A. Yes, sir. Just before they transferred me out is when  
6 they started putting up permanent hangers.  
7 Q. Did you observe any of the permanent hangers?  
8 A. Yes, sir.  
9 Q. Did you have any problems with them?  
10 A. Not right off.  
11 Q. Now, with respect to applicant's interrogatories, I  
12 would like to direct you to applicant's interrogatories. Are  
13 you familiar with the term "interrogatories?" They are  
14 written questions.  
15 A. Okay.  
16 Q. Are you aware that on April 9, 1982, the applicants  
17 sent to Palmetto Alliance interrogatories, written questions?  
18 A. Yes, sir, I follow you.  
19 Q. Are you aware of that document?  
20 A. Yes, sir, and I filled out answers to a lot of them  
21 or whatever and sent it back.  
22 Q. Can you tell me what topic areas you concerned yourself  
23 with?  
24 A. The ones that it pertained to me. A lot of them didn't  
25 pertain to me. Do you have our response?

1 Q. Yes, and we'll get to that in a minute. As best as  
2 I can tell, Mr. Hoopingarner, looking at the response of  
3 Palmetto Alliance which is dated April 28, 1982, it appears that  
4 you responded to questions 77, 78, 79 and 80 and maybe  
5 several thereafter. I'm looking at 90, and I believe you  
6 responded to 90, 91, 92 and 93. Can you look at answers  
7 -77 to 93 and see if they look familiar?

8 MR. GUILD: Could we get the questions?

9 Q. Yes.

10 A. 77 is okay.

11 MR. GUILD: Counsel, I believe Mr. Hoopingarner would  
12 be A?

13 Q. That's correct. He would be A. No need to look at B.

14 A. What number?

15 Q. If you just run from 77 up to about 93. I have a lot  
16 of questions I want to ask.

17 A. Okay, sir.

18 Q. Do those answers refresh your recollection?

19 A. Yes, sir.

20 Q. Those are answers that you gave?

21 A. Yes.

22 Q. Are you satisfied with those answers today?

23 A. Yes sir.

24 Q. Do you have anything to add to those answers?

25 A. We could.

1 Q. Let me put it this way. Do you have anything to add  
2 to those answers other than what you have told us either  
3 this morning --

4 A. There was other harrassing things and stuff that I  
5 could share like the weekly safety inspection report.

6 A. Let me just get the topic area. There are other  
7 harrassing things?

8 A. Yes, there is other harrassing things.

9 Q. Without the particulars -- I can pick that up in a  
10 minute -- are there any other examples that you would  
11 like to share with us concerning quality assurance or sub-  
12 standard workmanship?

13 A. The quality assurance or the quality control inspectors  
14 on the site, are they not suppose to enforce the NRC  
15 or the construction procedures? In other words, just as  
16 the management is suppose to?

17 Q. What I'm asking you, and so you understand, last night  
18 and early this morning, you shared concerns that you had?

19 A. Quite a bit, but I still have a lot more, but it's okay.

20 Q. Well, no, it isn't. I want to make sure that we get  
21 all of your concerns, so what you are suggesting is that  
22 you have more concerns?

23 A. Well, we stopped, so -- I do have others, but -- You  
24 started this, and we are just running with it.

25 Q. That's correct, but during the course of this deposition,

1 I want to get all of your concerns on the table and I want  
2 to walk through them, but let me ask you this so we can  
3 save some time. I understand you have a lot of concerns?  
4 A. Yes, sir.  
5 Q. And, I understand that some of the concerns go to  
6 pressurn?  
7 A. Yes, sir.  
8 Q. And, some of the concerns go to quality assurance, and  
9 some of the concerns go to substandard workmanship or faulty  
10 workmanship?  
11 A. Yes, sir.  
12 Q. But, it seems to me you have other concerns aside from  
13 that?  
14 A. Yes, sir.  
15 Q. And, what I really want to get at are those concerns  
16 that you have that cause you to believe that Catawba won't  
17 be a safe plant to operate. Now, I'm just going to share  
18 with you my view, and I'm sharing this view with you in an  
19 effort to move along with the deposition.  
20 A. Yes, sir.  
21 Q. I went over my numerous pages of notes last night of  
22 the concerns you have and you listed, and a great portion  
23 of that --  
24 A. Is worker safety.  
25 Q. Is worker safety, that's correct; and I don't mean to



1 downplay that, but to me and in the interest of this case,  
2 I don't think that's a subject of this case.  
3 A. Yes, sir, because they walk hand in hand.  
4 Q. Let me see if I can clarify the situation. I can  
5 understand the scaffolding issue.  
6 A. There you go, sir. That was one of the papers that  
7 was given to us when I hired on.  
8 Q. Right, and you signed a form, didn't you?  
9 A. Yes, sir. Because of those allegations and bringing  
10 safety hazards and stuff up to my foreman, they placed a  
11 handwritten letter on me to shut me up. Because I took the  
12 NRC man around, workers tried to kill me out there, so they  
13 gave me another --  
14 Q. Let's just stop --  
15 A. Wait a second.  
16 Q. No, no. Look, I want to ask you --  
17 A. I have one paper here. It's Duke Power's weekly safety  
18 report, and that's not even a fraction of the safety hazards  
19 out there that individuals have to work through; and when  
20 you don't feel safe, you can't do quality work because you  
21 are afraid of getting hurt.  
22 Q. You are speaking for yourself?  
23 A. I'm speaking of a lot of other people, a lot of welders --  
24 Q. They personally told you --  
25 A. Yes, sir.

1 Q. That they didn't feel like they were doing a quality  
2 job?  
3 A. Yes, sir.  
4 Q. Who were they?  
5 A. They are people that I just built scaffolds for and  
6 that other scaffold builders built scaffolds for.  
7 Q. What are their names?  
8 A. I don't know their names. The other people that built  
9 scaffolds?  
10 Q. No, I want to know --  
11 A. I don't know their names. I know their faces.  
12 Q. Let's just stop for a second. That's a very significant  
13 statement you have just made. I can understand that you  
14 make it based on your own personal experience.  
15 A. Yes, sir.  
16 Q. You were out there?  
17 A. Yes, sir.  
18 Q. You have a right to have your view, and that's what  
19 we want to hear, but you now also cover with a sweeping  
20 statement, you are including, I don't know how many people.  
21 Who? I mean don't you think you owe it to us and to them  
22 to identify those names?  
23 A. At that time, I didn't know that this was -- three  
24 years down the line I was going to be sitting here in  
25 front of you, otherwise I would have taken it all.

1 Q. You have no names?

2 A. Possibly Henry -- well, Henry Knox was the welder that  
3 quinched the weld.

4 Q. If you don't know any names, I'm not trying to pressure  
5 you.

6 A. I was just trying to think.

7 Q. Take your time.

8 A. I have no names at this time.

9 Q. I tell you what. Hold the documents in your file.  
10 We'll get to them, I assure you.

11 MR. GUILD: I maybe can suggest this. I don't know  
12 how you want to approach this, but Mr. Hoopingarner  
13 advises me that he would be more than happy to provide  
14 you copies right now of all the documents he has.

15 Q. That would be great. Maybe as we continue this deposi-  
16 tion, we can get these copies now; and then at a break,  
17 we can look at them.

18 OFF THE RECORD DISCUSSION

19 A. It was called up that I was kicked out of the Army for  
20 being funny, but I wasn't even in the Army. I was in the  
21 Marine Corps, and I was an honor man at Paris Island; and  
22 during my training I took that you asked me about, I made  
23 91.81.

24 Q. I don't think we need that. I have not asked you any  
25 questions about the Army or the Marines except to find out

1 if you were in the service.

2 A. Okay.

3 Q. Let's continue if we could. I had asked you in looking  
4 at those answers to the interrogatories if they first --  
5 First if you maintain that those were correct answers, and  
6 you said yes; and then I asked you if those were a fair  
7 -summation of your concerns and you said yes, but then you,  
8 in essence, said in part and you have many more concerns.

9 A. I have others, yes.

10 Q. I believe the best way is we'll get to those later.  
11 The point is you do have other concerns?

12 A. Yes, sir.

13 Q. Are you aware that Palmetto Alliance filed additional  
14 answers, additional responses to that same set of interroga-  
15 tories and they filed those on April 19, 1983 about a month  
16 ago. Look at the first page, and I show you that, but look  
17 at the first page. Have you seen that document before?

18 A. No.

19 Q. You didn't assist in the preparation of that document?

20 A. Not as we are talking right now. They might have taken  
21 it off my papers or something or rap sessions in the past.

22 Q. I understand, but with respect to rap sessions or  
23 any papers you supplied around the March, April time frame,  
24 you don't recall any rap sessions or preparing any papers  
25 in that time frame?

1 A. No.

2 Q. Let me make it simple. Did anybody say we are going  
3 to file additional answers and do you have any suggestions?

4 A. Possibly, but I'm not sure.

5 MR. GUILD: If it won't hurt, counsel, I will help  
6 respond to the question. Counsel nor Palmetto Alliance  
7 neither sought Mr. Hoopingartner's assistance with this set  
8 of interrogatories.

9 Q. They did not?

10 MR. GUILD: They did not. We relied on the original  
11 set.

12 Q. That's all I'm trying to determine. Are you aware that  
13 applicant's have filed a follow-up set of interrogatories  
14 on Palmetto Alliance dated May 4? Have you seen that  
15 document?

16 A. Not this one.

17 Q. Has anybody contacted you since May 4 to prepare  
18 responses?

19 A. May 4?

20 Q. May 4 of --

21 A. '83?

22 Q. Yes.

23 A. No. You have as many documents as I have got. I wish  
24 I had them last night.

25 Q. Let's now turn to Palmetto Alliance's interrogatories.

1 Are you aware that on April 21, 1982, Palmetto Alliance  
2 served interrogatories or questions upon the applicants?

3 A. I do believe I --

4 Q. Excuse me, 1982, if I misspoke. That Palmetto Alliance  
5 prepared interrogatories and sent them to us, the applicants,  
6 and asked us to prepare questions?

7 A. I think I have copies.

8 Q. Did you write any of these questions?

9 A. Possibly. I'm not sure.

10 Q. Do you remember being contacted?

11 A. We talked about it, Ron and I.

12 Q. Have you seen the applicants' response to those  
13 interrogatories and that response is dated the 31st day  
14 of December of 1982?

15 A. Your response?

16 Q. Yes, Duke Power or applicants' response and it's pages  
17 14 through --

18 A. No, I have.

19 Q. 14 through 44 for the record. Are you aware that  
20 applicants filed supplemental responses to those same  
21 questions of Palmetto Alliance? Are you aware of that  
22 fact?

23 A. Will you repeat that please?

24 Q. Are you aware in addition to this December 31 response  
25 of applicant --

1 A. Of '82?

2 Q. Of '82, the applicants also filed additional responses?

3 A. I knew they kept responding and, sending out here. Ron

4 would tell me, but I --

5 Q. You haven't seen any of the responses?

6 A. Not that I know of.

7- Q. That would be February 28, 1983?

8 A. I have some copies of some, but not a whole lot. Mostly

9 it was they contacted Ron and talked with Ron because he is

10 more up on it than I am. He is the --

11 Q. Point man?

12 A. Yes, sir. The hazardous one. The point man is always

13 the hazardous one in the military.

14 Q. So, I can move through this, and I don't mean to be rude,

15 but is it fair to say you haven't seen the applicants' answers

16 to the interrogatories other than discussions?

17 A. I got a copy of one of your copies.

18 Q. And, that would be in your file?

19 A. If it's not here, it's at home, but I do have a copy

20 of one of Duke Power's sort of like what you showed me,

21 but I don't know which one.

22 Q. Have you read it?

23 A. I looked through it. I did shuffle at it, but --

24 Q. But, you don't recall which one it was?

25 A. No, sir.



1 Q. How did you get that copy?

2 A. I got it from Ron.

3 Q. When did you get that copy?

4 A. I'm not sure. I don't know which one it was. It's  
5 been a long time. I haven't got any real recently, this  
6 year.

7 Q. Are you aware that Palmetto Alliance filed follow-up  
8 interrogatories on the applicant on March 16, 1983; they  
9 asked us some more questions?

10 A. No, sir, I haven't seen it, no, sir. Ron could have  
11 told me about it, but that's about it.

12 Q. Is it safe to say you are not aware of applicants'  
13 response to those interrogatories, the response being dated  
14 March 25, 1983?

15 A. No, sir. I gave Palmetto Alliance my control or power  
16 or whatever you want. They speak for me to a certain  
17 extent.

18 Q. I understand. I'm just trying to find out how much is  
19 your involvement, what you know and what you have seen.  
20 There were two other documents that the applicants furnished  
21 to Palmetto Alliance. One was dated April 12 and had  
22 documents attached to it. One was dated April 29. Do you  
23 recall being made aware of those?

24 A. No.

25 Q. No to both?

1 A. No to both.

2 Q. Are you aware that Palmetto Alliance in addition to  
3 seeking written responses also sought documents from the  
4 applicant?

5 A. Yes, sir.

6 Q. Were you aware those documents were housed here at the  
7 Duke Power Company Building in the legal offices?

8 A. Yes, sir.

9 Q. Were you asked to review those documents?

10 A. If I had time.

11 Q. Did you come down to Duke Power Company and review  
12 those documents?

13 A. No, sir.

14 Q. Have you seen any copies of those documents?

15 A. I think I have seen a few.

16 Q. Let me ask you this question. Has anybody said, "Here's  
17 some documents that we got from Duke Power Company, and I  
18 would like for your to review them."

19 A. No, sir.

20 Q. Turning to the deposition, when did you first find out  
21 you were going to be deposed?

22 A. Just before I received a letter saying that we were  
23 suppose to be in Columbia on the wrong date.

24 Q. It ended up you didn't even come to Columbia?

25 A. Yes, sir.

1 Q. In preparation for this deposition, did you talk to  
2 anybody? Did you talk to Mr. Guild?

3 A. No, sir.

4 Q. Did you talk to Mr. McAfee?

5 A. Yes, sir. Excuse me. What did you mean by preparing  
6 ourselves for what --

7 Q. You have been here yesterday and today and I have been  
8 asking you questions, and did anybody talk to you before  
9 you came here yesterday?

10 A. Yes, sir.

11 Q. Who talked to you?

12 A. I talked to Jennifer. I talked with Bob Guild. I  
13 talked with Maureen O'Brien and I talked with Ron McAfee.

14 Q. What did you discuss?

15 A. We discussed just being ourselves and sharing the  
16 truth so the truth could come out because that's all we  
17 want is the truth to be revealed.

18 Q. Absolutely. We do too, and we appreciate that that's  
19 your view. When you had these discussions with these  
20 individuals, did you discuss any message that --

21 A. To give to you?

22 Q. Yes.

23 A. No, sir.

24 Q. Let me ask you one final question in that. You talked  
25 with Jennifer Phillips. What were you talking about in that

1 conversation?

2 A. We talked, she shared with me some of the documents she  
3 read up in Washington that she got up there from the NRC  
4 pertaining to some of the mishaps and violations and stuff  
5 out at the Catawba project.

6 Q. Were they mishaps and violations that you were personally  
7 familiar with?

8 A. One of them was -- she got the document that I was in  
9 on.

10 Q. I'm sorry.

11 MR. GUILD: The inspection report.

12 A. The inspection report that I was in, she read it.

13 Q. Where you were identified as the site employee?

14 MR. GUILD: He wasn't identified, but I think the  
15 inference was that it was a result of Mr. Hoopingarner's  
16 complaint.

17 Q. What was that document? Do you have a copy of that?

18 A. Yes, sir, I got both the NRC sent to me.

19 Q. Are they in your file?

20 A. Yes, sir.

21 Q. Is that all you discussed with Jennifer Phillips?

22 A. Just some of the other things she come up with about  
23 negligence -- not negligence, but some of the violations  
24 out there at the Catawba plant. She wasn't able to go  
25 through all of it.

1 MR. GUILD: I think Mr. Hoopingarner is prepared  
2 to hand over the documents, and they will be copied.  
3 Q. Anything else in your discussions with Jennifer Phillips?  
4 A. No, sir.  
5 Q. I will focus on your employment with Duke Power Company.  
6 A. After you take my records.  
7 Q. As I understand it, when you were employed by Duke  
8 and that was from 1977 to 1980, is that correct?  
9 A. Yes, sir, August 22 sort of.  
10 Q. You were employed at Catawba the entire time?  
11 A. Yes, sir.  
12 Q. You indicated yesterday that you were a low builder,  
13 a medium builder and a high builder?  
14 A. Yes, sir.  
15 Q. You started off as a low builder, is that correct?  
16 A. Yes, sir.  
17 Q. What were your specific job duties as a low builder?  
18 A. It depends on the crew that you are on and the work  
19 assigned to that crew.  
20 Q. What crew were you on?  
21 A. My first crew I worked for David Ray.  
22 Q. Let's stop there. David Ray, what were you doing?  
23 A. We were putting rebar in the bottom of the spent fuel.  
24 We were constructing walls, helping on pouring of the  
25 concrete.

1 Q. Constructing walls?

2 A. Form walls, bulkheads, whatever you may want to call  
3 them.

4 Q. And, helping pouring concrete?

5 A. Yes, sir. We had to watch when the concrete was being  
6 poured in case the rebar would break loose.

7 -Q. This was all in the spent fuel pool?

8 A. It was the bottom of the spent fuel.

9 Q. Pool? The bottom of the spent fuel pool?

10 A. Yes, sir. I guess number 1 side. That side when you  
11 walk in. It's on the righthand side, the very bottom, the  
12 whole big, long, isn't that spent fuel?

13 Q. Well, it's not the spent fuel. It's the spent fuel  
14 pool.

15 A. Right, the fuel that's in the container.

16 Q. That's co rrect. That's what I'm saying. This was the  
17 spent fuel pool

18 A. Right, out there we just called it spent fuel and that  
19 was it.

20 Q. Any other area or any other activities that you performed  
21 when you worked for Mr. Ray?

22 A. Nothing else except pertaining to construction. I mean  
23 we had to cut rebar.

24 Q. I understand that. I don't want to get into that in  
25 particular, but basically it was putting in rebar at the

1 bottom, constructing walls and helping pour concrete?

2 A. Right.

3 Q. That's all you did for Mr. Ray, correct?

4 A. Yes, sir.

5 Q. Who was your next foreman?

6 A. B. H. Tolen.

7 Q. Were you still a low builder at this time?

8 A. Yes, sir.

9 Q. What did you do for Mr. Tolen?

10 A. Construct walls, put penetrations in the walls, build

11 columns, put rebar in the columns, cad weld, well, help

12 on cad weld. I didn't cad weld because you were suppose

13 to be certified or something.

14 Q. How did you help with cad welding?

15 A. Holding up rebar, assisting with getting the powder.

16 Q. But, there was a cad welder performing this activity?

17 A. Yes, sir.

18 Q. What area were you building?

19 A. This was in the auxiliary building.

20 Q. Whereabouts in the auxiliary building?

21 A. That would be 560 elevation whenever we started there.

22 Q. Built walls, penetrations of the walls --

23 A. It was 560.

24 Q. Columns, rebarring columns, helped pour the concrete,

25 helping assist the cad welder, anything else?



1 A. Tearing down shearing bucks.

2 Q. What are those?

3 A. They are real big scaffolds where you set up and you  
4 put your 4 by 6's on top and your 2 x 6's on top of that  
5 and the plywood, and then you pour the floor and put in  
6 your rebar for the floor which would be the ceiling on  
7 the one.

8 Q. Basically, you were doing construction work in the  
9 auxiliary building at elevation 560, is that correct?

10 A. Yes, sir, at that time.

11 Q. Anything else significant with respect to the construc-  
12 tion activity? I'm satisfied with the answer construction  
13 activity unless you think there is something important to  
14 add?

15 A. I witnessed and helped replace rebar around those  
16 penetrations because everywhere those core drillers went  
17 downstairs and drilled a hole all through it, there is no  
18 extra protection or extra strength around them like we  
19 did in the others.

20 Q. But, in this area, we put rebar around --

21 A. Yes, sir, wherever there was.

22 Q. Is that all the work you did for Mr. Tolen?

23 A. Construction work.

24 Q. It was at elevation 560?

25 A. 560 and 577, we moved our map check up.

1 Q. This is still with Mr. Tolen?  
2 A. Yes, sir.  
3 Q. Then, at that elevation, you did essentially the same  
4 work as you were doing?  
5 A. We had to move our map check up to an area and then  
6 we built up the walls proceeding upwards.  
7 Q. I understand. Now, did you do any more work for Mr.  
8 Tolen?  
9 A. Not that I can recall at this time.  
10 Q. Who was your next foreman?  
11 A. R. R. Pelfry.  
12 Q. Mr. Pelfry, were you still a low builder?  
13 A. I'm not sure.  
14 Q. You may have been a middle?  
15 A. I think I may have, but I think I might have got my  
16 raise right after I got with R. R. Pelfry.  
17 Q. Was there any significance, aside from pay, from being  
18 a low builder or medium builder or high builder?  
19 A. No, sir.  
20 Q. Just the time on the job?  
21 A. Yes, sir, the time, the pay.  
22 Q. You went to Mr. Pelfry. What did you do for Mr. Pelfry?  
23 A. I was a scaffold builder.  
24 Q. Whereabouts was that?  
25 A. In the whole auxiliary building, deisel generators, the

1 UHI building, the adjoining buildings.

2 Q. Okay, let me get this. The auxiliary building, and

3 you said the UHI building?

4 A. Yes, sir, it's a little out building sort of where

5 I showed Mr. Maxwell all that green water.

6 Q. And, what other building?

7 A. Adjoining buildings that was around there. There were

8 a couple of other little places.

9 Q. Small buildings?

10 A. Right,

11 Q. Around the auxiliary building?

12 A. Yes, sir, and some times we were sent off to help in

13 the turbine building. It depends on --

14 Q. You said the generator. What did you mean by that?

15 A. Diesel generator.

16 Q. You mean you went to the generating room?

17 A. Yes, sir. I was one of the individuals that helped

18 put the scaffolding up to put everything in that.

19 Q. I'm trying to understand the areas.

20 A. Yes, sir.

21 Q. The auxiliary building, the UHI building, the turbine

22 building, the steam generator --

23 A. Containment or whatever you want to call it.

24 Q. Those are the areas you built the scaffolding?

25 A. Yes, sir.

1 Q. What little buildings? You said little buildings.  
2 A. Uh huh. The UHI building, if you go out -- I don't  
3 know what direction it is, but you go in on the plant and  
4 if you walk through to the control panel --  
5 Q. Let me ask you this.  
6 A. You go up to the right, and there are some little  
7 buildings out there. I don't know what they are for or  
8 anything.  
9 Q. You don't know what equipment was in those buildings?  
10 A. No, sir.  
11 Q. That's all you did for Mr. Pelfry?  
12 A. We built forms.  
13 Q. For pouring concrete?  
14 A. Yes, sir.  
15 Q. You built them -- what areas? The same areas?  
16 A. The whole auxiliary building, all the way from 522 up  
17 to 611. Well, even higher than that, if you take it up  
18 to the top of the dog house.  
19 Q. You built forms for the dog house?  
20 A. Yes, sir, where they would take and have big pipe stands  
21 or whatever. We had to build the little forms around it  
22 where they poured the grout to replace it.  
23 Q. Any other areas? The auxiliary building up to the  
24 dog house -- any other areas where you built concrete forms?  
25 A. No, sir.

1 Q. Did you do any other work for Mr. Pelfry?  
2 A. Yes, sir, I went out for approximately two months into  
3 the storage yard to clean it up.  
4 Q. By yourself?  
5 A. No, sir, there was a whole crew of us. They just picked  
6 people from random, and Roy Durham was sort of our leadman or --  
7 You need to put Roy otherwise there's a whole bunch of  
8 Durhams.  
9 Q. With respect to clean up in the storage yard, what did  
10 that entail?  
11 A. Stacking the forms that we used, pulling nails, getting  
12 rid of pipe, shearing bucks, the scaffolding, the bracing.  
13 Q. So, it truly was a storage yard?  
14 A. Yes, sir, and we killed a lot of wasps. We killed some  
15 copperheads.  
16 Q. Anything else?  
17 A. A lot of vegetation growing up all over the place which  
18 is a violation of OSHA regulations.  
19 Q. But, that's another day, right?  
20 A. Yes, sir, later.  
21 Q. Now, with respect to Mr. Pelfry, anything else, any  
22 other jobs for Mr. Pelfry?  
23 A. Besides --  
24 Q. Scaffold building, concrete form building, storage yard  
25 clean up.

1 A. Not that I can remember at this time.

2 Q. Then, after Mr. Pelfry, who did you work for?

3 A. Frank Cantrell.

4 Q. That was the cooling tower, wasn't it?

5 A. Yes, sir.

6 Q. What did you do there?

7 A. Putting rebar into place, placing rebar into the slab,  
8 building forms, building walkways, stairs, tearing down  
9 forms, helping the welders.

10 Q. Essentially the type of work you were doing for Mr.  
11 Ray and Mr. Tolen?

12 A. Yes, sir, back out from being a scaffold builder, back  
13 out if you want to consider it hard labor.

14 Q. Any other particular german activity for Mr. Cantrell?  
15 Let me strike that question. When you worked for Mr. Cantrell,  
16 you were doing heavy labor, and when you worked for Mr. Ray  
17 and Mr. Tolen, you were doing heavy labor; and you have  
18 described the heavy labor you performed for both of those  
19 gentlemen. Was it essentially the same sort of work for  
20 Mr. Cantrell?

21 A. Yes, sir, but it was underneath different circumstances.

22 Q. I appreciate that, but --

23 A. But, it was pretty much the same type of work.

24 Q. Is there any particular additional work I ought to know  
25 about which has a bearing on the contention when you worked

1 for Mr. Cantrell?

2 A. I was underneath extreme pressure.

3 Q. I'm just talking about the work you were doing.

4 A. Okay, not it was the same type of work.

5 Q. After Mr. Cantrell, that was the last job, is that

6 right?

7 A. Yes, sir. It was the one they bucked up false charges

8 to get me off the project.

9 Q. I will just pass by that, if you don't mind. Now, the

10 moment of truth. The allegations, let me go through these

11 allegations. I want to know the specifics of these allega-

12 tions, and you shared quite a bit with us yesterday; and

13 I'm going through my notes and will ask you if you have any

14 other allegations. Counsel has provided us with references

15 to certain documents; i.e., reports. I think there are

16 some other documents I have here that make reference to

17 the concerns you have. The exit interview attachment, and

18 I just want to feel comfortable and I want you to feel

19 comfortable when we leave this room this evening that we

20 have got those concerns annotated.

21 A. I have been trying for years.

22 Q. That's what I said. This is the moment of truth.

23 A. Yes, sir.

24 Q. When we get into this, and we are just about ready to

25 do it --



1 A. I need my documents.

2 Q. Let's see if I can talk a couple of more minutes and  
3 fully the documents will be here. Let's see if we can tr:  
4 to focus on those matters you think have a bearing on the  
5 safe operation of the plant.

6 A. All right.

7 Q. And, I understand that unsafe working conditions in  
8 your mind and perhaps in the applicants' mind have a  
9 bearing on plant operations. So, I don't mean to diminish  
10 that, but if you can continue to keep in mind -- Let me  
11 give you a for instance.

12 A. I know what you are talking about, and I know one of  
13 my big ones is electrical cables.

14 Q. That's what I want to focus on. When you walk away from  
15 this room, you --

16 A. You will know what I know.

17 Q. And, you have told us those matters which you think  
18 really have a bearing on a safe operation?

19 A. Yes, sir.

20  
21 SHORT RECESS

22 Q. I'm going to focus on your concerns. I would like to  
23 break it down, if I could, and see if it works this way.  
24 Those concerns that affect your allegation that there was  
25 substandard workmanship at the plant. Then, I would like  
to focus on those concerns that you have with regard to the

1 quality assurance, and lastly, I would like to focus upon  
2 the concerns regarding company pressure.

3 A. Yes, sir.

4 Q. Do you think we can break it down in those categories?

5 A. They kind of run together on some of them, but we will  
6 try our best.

7 Q. Try and ascertain the best way to handle it. Maybe the  
8 best -- let's go concern by concern, and I can ask you  
9 which category it falls into.

10 A. Okay.

11 Q. I'm going to try to go through my notes that I have  
12 taken yesterday and early this morning, and let's see if  
13 that is a good point of departure. We'll start off by  
14 referring to your work with David Ray and people not  
15 working. Did that have any bearing on the safe operation  
16 of Catawba?

17 A. No, sir.

18 Q. No cooperation between the craft. Does that have any  
19 bearing on the safe operation of Catawba?

20 A. I'm not sure.

21 Q. Let me stop and try to give you some more guidance.  
22 Do you anticipate that you will testify in this proceeding when  
23 we get to a hearing? Has anybody said that you may be  
24 called as a witness?

25 A. I want to.

1 Q. When you come to testify in this proceeding, I want  
2 you to focus on the items that you think have a bearing  
3 on the safe operation.

4 A. Like electrical cables.

5 Q. Right, so you tell me as I go through each one of  
6 these if its unrelated and we will drop it, and I under-  
7 stand you have a concern with it, but it doesn't have a  
8 bearing on this precise issue and let's not waste our  
9 time today on it. No cooperation between crafts?

10 A. Not when I was working for David Ray or is this for  
11 the whole period that I worked out there?

12 Q. I would say so, yes.

13 A. It could when I was a scaffold builder and when I was  
14 in the auxiliary building.

15 Q. Explain it for me, could you?

16 A. Welders and pipe fitters not getting along together.

17 Q. What was the result with respect to safe operation of  
18 the plant because they didn't get along together. Welders  
19 and inspectors, was there poor workmanship done there?

20 A. There's a possibility.

21 Q. You don't know as a fact?

22 A. No, sir.

23 Q. Was there bad quality assurance because of this?

24 A. Because of the crafts not getting along together?

25 Q. Yes.

1 A. I would say on that one for one instance that I know of,  
2 yes.

3 Q. What was the incident?

4 A. It was in spent fuel. This inspector flunked some welds  
5 and the welders said that he had a grudge out on him.  
6 That's why he was being hard on him.

7 Q. Who was the inspector?

8 A. Bill Edwards.

9 Q. Who were the welders?

10 A. I do not know.

11 Q. He flunked the welds, is that right?

12 A. Yes, sir, he went over his head.

13 Q. Do you know if the weld was subsequently passed?

14 A. They went over his head to his foreman and he told me  
15 this.

16 Q. Who is he?

17 A. Bill Edwards.

18 Q. Who was the inspector?

19 A. Yes, sir, and he complained to the NRC.

20 Q. With respect to the welds. Do you know which welds  
21 we are talking about?

22 A. Just the welds to hold the stainless steel sheeting on  
23 the side of the spent fuel pool.

24 Q. Do you know as a fact whether these welds are correct  
25 welds or incorrect welds?

1 A. No, sir.

2 Q. Now, with respect to drugs.

3 A. You go all different directions on that.

4 Q. How did drugs have a bearing on the safe operation at  
5 Catawba?

6 A. People being under the influence of it while trying to  
7 do quality work.

8 Q. What work?

9 A. Welding, inspecting, placement of pipe, cables being  
10 pulled into cable trays could have a -- they could have  
11 pulled the wrong ones in or -- it's hard to tell on that  
12 part.

13 Q. Any others? Welding, inspecting, placement of pipe,  
14 and --

15 A. That would be the pipe fitters.

16 Q. Cable, pulling cable, anything else?

17 A. The building of scaffolds for the people that had to  
18 work on them.

19 Q. Anything else?

20 A. Not at this time.

21 Q. Did you personally see any welders under the influence  
22 of drugs?

23 A. Yes, sir.

24 Q. Who?

25 A. I believe his name was Steve Dapper, but there were

1 several. I mean the whole 560 elevation and 554 elevation  
2 in the lower floors, you could walk around in there and  
3 get high just about by people lighting joints up.

4 Q. Do you know any other names, any other names of welders  
5 who were taking drugs?

6 A. I don't know their names.

7 Q. Do you know what area they were welding in?

8 A. They were welding in the pipe chase. They were welding  
9 in the penetration room. They were welding in the 522 in  
10 the basement, feed water pump room. This is all number 1  
11 side because there was -- we were just building scaffolds  
12 on the number 2 side.

13 Q. Any other areas?

14 A. Well, there--

15 Q. Pipe chase, penetration room, 522 elevation, feed water  
16 pump room --

17 A. 560 elevation, 577 elevation, in the auxiliary building.

18 Q. Did you see any welders that you considered under the  
19 influence of drugs actually welding?

20 A. Yes.

21 Q. You saw them welding in each one of these areas you have  
22 identified, is that correct? You saw welders welding and  
23 when I say welders, I mean welders under the influence,  
24 welding in the pipe chasn? You say welders under the  
25 influence welding in the penetration room. You saw welders

1 welding under the influence in the auxiliary building  
2 elevations 522, 560 and 577, is that correct?  
3 A. Yes, sir.  
4 Q. And, the same with the feed water 'pump room?  
5 A. Yes, sir. This would be underneath the drugs or alcohol.  
6 Okay, I want to add on that they would be underneath drugs  
7 or they had been drinking.  
8 Q. So, the responses you have given in response to drugs  
9 also --  
10 A. Include alcohol.  
11 Q. And, the same areas?  
12 A. Yes, sir.  
13 Q. Do you know if the welds were improperly performed?  
14 A. No, sir.  
15 Q. With respect to the inspecting. Did you see inspectors  
16 under the influence of drugs, under the influence of  
17 alcohol?  
18 A. Yes, sir.  
19 Q. How do you know they were under the influence of drugs  
20 or under the influence of alcohol?  
21 A. Because of the individuals. I used to smoke pot for  
22 about ten years until I got born again with the Lord Jesus,  
23 and during the time -- And, I smoke out there on the plant.  
24 I slept on the plant just like a lot of the other individuals  
25 until I came to Jesus, and he made it in my heart that it was



1 all wrong in doing that because it was written --  
2 Q. I understand that, and I appreciate that point.  
3 A. Therefore, I would know and you could smell alcohol  
4 upon these individuals.  
5 Q. Did you see people actually drinking alcohol?  
6 A. Yes, sir.  
7 Q. Did you see people actually taking drugs?  
8 A. Yes sir.  
9 Q. Did you see welders actually drinking alcohol?  
10 A. Yes, sir.  
11 Q. Did you see welders --  
12 A. It wasn't on the job, though. It was off the job at  
13 lunch time.  
14 Q. Did you see welders actually taking drugs?  
15 A. Yes, sir.  
16 Q. On the job?  
17 A. Yes, sir.  
18 Q. And, all my questions are in the context of on the job.  
19 A. Well, how about at lunch time when they get off and go  
20 down to Finland's and get a beer and smoke a couple of joints  
21 and come back.  
22 Q. I would include lunch time as on the job for purposes of  
23 this discussion because it would impact on their work pre-  
24 sumably.  
25 A. Yes, sir.  
Q. I ask you the same set of question with respect to

1 inspectors. You actually saw inspectors taking drugs?  
2 A. Taking drugs, would that be -- well, I would say.  
3 We talk about alcohol and smoking pot or --  
4 Q. I was going to ask you about alcohol next.  
5 A. Smoking pot, again that is a drug, would you consider  
6 it, would you not?  
7 -Q. I would. Did you see any inspector taking drugs?  
8 A. See any inspector taking drugs? Not that I can recollect  
9 right now.  
10 Q. Did you see any inspector taking a drink of alcohol?  
11 A. No, sir, at this time I can't.  
12 Q. With respect to placement of pipes. Did you see any  
13 employees who were placing pipes take drugs?  
14 A. Yes, sir.  
15 Q. Who?  
16 A. Red Hamilton was one of the pipe fitters.  
17 Q. Any other people?  
18 A. There was a lot of them, a lot of them. I can see their  
19 faces, but I can't -- most of the individuals, you know, went  
20 by nicknames down there.  
21 Q. Did you see any placement pipe workers taking alcohol?  
22 A. No.  
23 Q. Where did Red Hamilton and these other people work?  
24 A. In the auxiliary building from mainly on 560 and 554  
25 elevation; 554 mainly was Red's assignment.

1 Q. Do you know as a fact whether or not they improperly  
2 placed pipe?  
3 A. No.  
4 Q. Now, with respect to cable pulling. Did you see any  
5 cable pullers take drugs?  
6 A. Yes.  
7 Q. Who?  
8 A. I don't know their names. I was just in the car with  
9 them.  
10 Q. In a car going to or from work?  
11 A. At lunch time.  
12 Q. Did you see any cable pullers take alcohol?  
13 A. No, sir.  
14 Q. Where were the group of cable pullers pulling cable?  
15 A. I don't know. Like we all would just get together and  
16 go out and come back in, and you don't know really anybody  
17 except by their hard hats.  
18 Q. It would follow, I would think, you don't know whether  
19 or not they pulled cable improperly?  
20 A. Correct.  
21 Q. With respect to scaffolding, did you see any scaffold  
22 builders take drugs?  
23 A. Yes.  
24 Q. Who?  
25 A. Can I have a conference with my attorney first?

1 Q. Sure.

2 A. Okay, the individuals that I worked with, most of them

3 are pretty decent individuals, and I just--

4 Q. You don't want to tell their names?

5 A. Right.

6 Q. What crews?

7 A. It was 90, Richard Pelfry's crew. We were the only

8 scaffold builders in there.

9 Q. That would have been the auxiliary building?

10 A. Yes sir.

11 Q. Did you see any of these individuals take alcohol?

12 A. No, sir.

13 Q. Do you know as a fact whether or not they built improper

14 scaffolds?

15 A. Yes, sir.

16 Q. How do you know?

17 A. By OSHA regulations, by the manual that put forth that

18 we were suppose to build them by, by our safety meetings in

19 the morning of how we were suppose to build them, but

20 sometimes you get preached, but does not be enforced.

21 Q. What was the affect of improper scaffolding?

22 A. Hazard to the people that has to get up on them, safety

23 hazard. For instance, one guy took and just put a board

24 up on two pipes, just sat it there and didn't tie it off

25 or anything. The pipe fitter came over and was hanging onto

1 another pipe, and he stepped down on the board -- it was  
2 a piece of plywood he sat up there. The plywood flipped  
3 up and it went down and --

4 Q. Let me see if I can ask it this way. With respect  
5 to this improper scaffolding, people did work on the  
6 scaffolding?

7 A. Yes, sir.

8 Q. What was the general nature of the work? Pipe fitting?

9 A. It was --

10 Q. Welding?

11 A. Welding.

12 Q. Do you know as a fact that any of the work that was  
13 done on the scaffold was done improperly?

14 A. No, s ir.

15 Q. I have a couple of points I would like to follow up on.  
16 You mentioned you didn't know the people names. They were  
17 just hard hats. Don't all hard hats have names on their  
18 hats? Did you have a name on your hard hat?

19 A. Sometimes. Lots of times we didn't. Sometimes we did.  
20 The later reign more or less of when I was there is when  
21 they came down and told us you went up and had your name  
22 stenciled on with some plastic and that's whenever they  
23 wouldn't even put it on my hard hat. I put my own on.  
24 Nobody wanted to know who Hoopingartner was. I got cussed  
25 out a lot after they found out who I was.

1 Q. Moving on to another topic. Knife to the throat.  
2 How does that impact safe operation at Catawba? I know  
3 you may not like it. I'm not condoning it, and I'm not  
4 in a position to condone or uncondone 'or whatever the  
5 appropriate term may be, but I'm just focusing on the  
6 safe operation at Catawba. The fact that Mr. Tolen put  
7 a knife to people, do you think that had an impact on the  
8 safe --  
9 A. It could.  
10 Q. How? "  
11 A. By the employees that he might have pulled this trick  
12 on because he did it to a small multitude of individuals  
13 and he was horseplaying around a lot.  
14 Q. What type of individuals. What craft were they?  
15 A. Other crews of builders that I know of. I don't  
16 know if he ever did it to any of the inspectors or not.  
17 Q. Let me see if I can simplify. Do you know as a result  
18 of Mr. Tolen putting the knife to people's throats, and  
19 he was the individual, isn't that correct?  
20 A. Yes, sir.  
21 Q. Do you know whether or not there was any --  
22 A. Sabotage?  
23 Q. No.  
24 A. Because that could have happened.  
25 Q. That's not my question. Do you know whether or not

1 any equipment important to the safe operation of Catawba  
2 was improperly installed?

3 A. No, because we were -- it was construction of the con-  
4 crete and rebars and that stuff. It wasn't inside with  
5 machinery.

6 Q. I think you have answered my question.

7 A. I would like to say that because of B. H. Tolen pulling  
8 his hawkblade knife to people's throats and a lot of  
9 people did not go for it and care for it which could result  
10 in them being aggravated, and they look at your foreman  
11 doing this kind of stuff as being Duke, the company, which  
12 maybe tried to sabotage certain areas of the plant in  
13 the construction of it. I don't know.

14 Q. You don't know that as a fact?

15 A. Right.

16 Q. That's all I'm asking is as a fact. You mentioned  
17 cords, I have here. Does that ring a bell with you, cords?  
18 Is my writing correct?

19 A. Electrical cords?

20 Q. I guess it's electrical cords.

21 A. Welding leads?

22 Q. Cords, welding leads, foreign matter, nails sticking out,  
23 welding leads would be frayed, is that all trash?

24 A. Well, it is not trash because you had to use this stuff.

25 Q. Now, let me ask you the question. The fact that any of



1 this existed at the Catawba plant, does that have an impact  
2 on the safe operation of Catawba?

3 A. It could.

4 Q. How?

5 A. Because workers where they had to work at with all  
6 the health hazards around.

7 Q. Do you know if any work in such is unsatisfactory?

8 A. No.

9 Q. Now, we talked about a walk board forty feet high hooked  
10 off on anything, and then welders were welding. I think  
11 we have already discussed this, haven't we?

12 A. What?

13 Q. Welders were welding, and you don't know as a fact  
14 whether or not those welds are improper?

15 A. But, by waht they have instructed me they just filled  
16 a hole.

17 Q. But, you don't know if that weld --

18 A. I'm not a welder. I'm not certified inspector to be  
19 able to tell if there is -- if it's wrong or not; but I  
20 do know that people that are under pressure, that are  
21 scared cannot do as good work as if they would do as if  
22 we are sitting here without any hazards to their physical  
23 health.

24 Q. I understand. You mentioned a suggestion paper you  
25 gave to Mr. McDowell?

1 A. Yes, sir.

2 Q. Do you have that with you?

3 A. Yes, sir, you got a copy of it.

4 Q. Is that the one --

5 A. With the Malamute in the corner.

6 Q. I will get to that. Gambling, parlaying, playing cards,

7 does that have any bearing --

8 A. Parlay cards. It's gambling.

9 Q. Does that have any bearing on the safe operation of

10 Catawba? "

11 A. It just maybe the foreman doing his duty, but our

12 lead man just about ran the crew.

13 Q. I understand that. I appreciate that.

14 A. Working as --

15 Q. A factor that says Catawba isn't a safe plant?

16 A. Right.

17 Q. You don't think so?

18 A. What he did at that time did not hurt any machinery

19 that was going to go in there.

20 Q. Or wouldn't cause Catawba to operate unsafely?

21 A. Right.

22 Q. Let me give you a topic area here, and you can help me

23 out. Bringing up safety hazards, cords hanging, proper

24 practices, boards on pipes, unistruts, cable trays, favori-

25 tism. You sort of said that all in one breath.

1 A. That was what I shared with Mr. Maxwell in the middle of  
2 April sometime.

3 Q. We have already talked about the cords hanging. That  
4 was the trash and what not?

5 A. Yes, sir.

6 Q. How about improper practices? What is that? Let me  
7 ask you this. With respect to what you told Mr. Maxwell,  
8 if I were to go and look at the Malamute suggestions would  
9 that be -- would those be your concerns?

10 A. Yes, sir.

11 Q. So, I can pass it?

12 A. But, see, like I asked you earlier that the quality  
13 control inspectors are they not suppose to enforce the  
14 construction procedures the same way as our foremen or  
15 leadmen are suppose to enforce it?

16 Q. Quite frankly and being blunt, I'm going to ask you  
17 questions. I don't even know if I know the answer to that  
18 question. Let's just -- I just want to save us some time  
19 here, and if I can get this document and look at it and  
20 say are these the concerns you made with Mr. Maxwell, then  
21 that satisfies me.

22 A. There was a lot more than those, but I took him around  
23 for two and a half hours and showed him.

24 Q. Here's what you said, again, bringing up safety hazards  
25 to Mr. Maxwell; cords hanging, and we have already discussed

1 that?

2 A. Yes, sir, and he walked through them and had to push  
3 them out of his way.

4 Q. Improper practice. What is improper practice?

5 A. Improper practice of construction procedures; CP 371 and  
6 CP 170 and and probably a multitude of others.

7 Q. Where were these practices improperly carried out?

8 A. Throughout the auxiliary building.

9 Q. Do you know if theses improper practices have resulted  
10 in Catawba being unsafe plant?

11 A. It could.

12 Q. Do you know as a fact?

13 A. No, sir, plant is not fired up.

14 Q. Boards on pipes.

15 A. It's a violation of construction procedures.

16 Q. Right. I say I understand what you are saying, and there  
17 were boards on pipes.

18 A. Yes, sir.

19 Q. Why is that -- what affect do boards on pipes have on  
20 the --

21 A. We were not suppose to put boards on pipes pertaining  
22 to the construction procedure.

23 Q. I understand.

24 A. Duke Power management, if you want to put it, overlooked  
25 it or -- how can I say it. I don't have some of the fifty

1 cent words to throw in there, but --

2 Q. You did pretty good last night.

3 A. They walked around with horse blinders on.

4 Q. Let me ask you this question. Do you know as a fact

5 that boards on pipes are going to cause Catawba to be an

6 unsafe plant?

7 A. It could.

8 Q. But, you don't know as a fact?

9 A. Right because some of the boards we put on the pipes

10 individual's were working on them. It lowered it down on

11 the next floor down, and then when they hooked it up, it

12 was hooked up on the wrong elevation and all which threw

13 the whole pipe system out.

14 Q. Do you know if that is going to render Catawba unsafe?

15 A. It could.

16 Q. Do you know if that will be examined by engineers at

17 Duke Power Company?

18 A. It should.

19 Q. The unistruts, what is that?

20 A. To hold up the cable trays, and we used it to build

21 scaffolds with.

22 Q. With respect to unistruts, what was the problem?

23 A. We were putting boards on it. We were building scaffolds

24 on it which was a violation in our rules and regulations.

25 Q. Because you put boards on pipes and because you put

1 boards on unistruts and because you put boards on cable  
2 trays, do you know as a fact that that is going to render  
3 Catawba an unsafe plant?

4 A. No, sir, I do not know it as a fact, but it could.

5 Q. Favoritism.

6 A. Yes, sir.

7 Q. Why do you mean by that?

8 A. Who you know. Who you get your nose dirty by.

9 Q. Is that going to have any bearing on what we are  
10 talking about?

11 A. It could by individuals, foremen is down on you, on  
12 individuals; and like I stated before, you don't like  
13 to be off the ground and he knows it, and he sends you  
14 way up in the air.

15 Q. I understand what you are saying, and I think it's  
16 repetitive because you have already shared some views, but  
17 I think you also stated you didn't know as a fact whether  
18 or not that practice resulted in unsafe work, improper  
19 work?

20 A. Improper work, but it could have.

21 Q. It could have, but you don't know as a fact?

22 A. Right.

23 Q. Green water in UHI building.

24 A. Yes, sir.

25 Q. Is that going to cause Catawba to be an unsafe plant?

1 A. It's doubtful.

2 Q. Scaffold boards on pipes, we already discussed that.

3 The 560 elevation cable trays. That's probably the same

4 thing. We discussed that.

5 A. Yes, sir.

6 Q. Cables hanging, we have already discussed that. That's

7 -trash, isn't it?

8 A. Well, not the electrical cable coming out of the cable

9 tray. The other cables where the oregon hoses, the welding

10 leads, the electrical; and these other ones are the electri-

11 cal cables which we discussed being rolled up on the

12 floor --

13 Q. That's right, we have already discussed that.

14 A. They are suppose to run the machinery in this plant

15 safely.

16 Q. I understand. We have already discussed those cables,

17 men walking on them, lying in water, people dropping things

18 on them.

19 A. Yes, sir.

20 Q. Carbon steel.

21 A. Yes, sir, carbon steel and stainless steel.

22 Q. They are not suppose to be together, correct?

23 A. Well, you are suppose to eliminate as much abrasion

24 of carbon steel and stainless steel together, and it was

25 not being done very much at all.



1 Q. Is that going to have an impact on the safe operation?  
2 A. It could.  
3 Q. Where will it have impact?  
4 A. Throughout the auxiliary building that I know of. I  
5 don't know about the rest of --  
6 Q. We are talking about pipes?  
-7 A. Yes, sir, pipes, flanges which, you know, hook up to  
8 the pipes.  
9 Q. Do you know if these pipes or flanges are going to  
10 be inspected before they are utilized?  
11 A. I don't know. They should. I think about everything  
12 somewhere down the line gets inspected somewhere.  
13 Q. You don't know as a fact, do you, that these pipes or  
14 flanges are going to render Catawba unsafe?  
15 A. No, I do not know it as a fact.  
16 Q. Acetylene bottles on the side.  
17 A. That's where I took Mr. Maxwell into the penetration  
18 room and he witnessed all that stuff.  
19 Q. Is the fact that acetylene bottle is on its side going  
20 to render Catawba an unsafe plant?  
21 A. No, sir, it was a violation of OSHA.  
22 Q. I understand and I appreciate it.  
23 A. I would like to get that in there.  
24 Q. Temporary ladder holding a pipe.  
25 A. No, sir, it was temporary hanger coming out holding

1 the ladder which was going down into -- I said I thought  
2 it was a D trench where Mr. Maxwell finally decided he  
3 would go down on it and it was like six inches from  
4 touching the floor on the other end standing straight up,  
5 and that's where they made the pour of the concrete.  
6 Q. Is that going to affect the safe operation of Catawba?  
7 A. No, sir, but it's a violation.  
8 Q. Water on floor. Is that a violation of OSHA?  
9 A. Yes, sir, it's a recognized hazard.  
10 Q. Something about water on floor just after pouring  
11 with concrete?  
12 A. Correct, that was down in the D trench.  
13 Q. Was that that the concrete was too wet?  
14 A. Yes, sir, it was flooded out down there. It had like  
15 about an inch of water, and we had those little forms  
16 around the pads of the permanent hangers that we placed  
17 down the trench to hold up the pipe.  
18 Q. Is that going to render Catawba unsafe?  
19 A. No, sir, but it's a violation of construction procedures.  
20 Q. Of OSHA?  
21 A. Both.  
22 Q. Something here that says, "never caulk."  
23 A. Right, that's forms around --  
24 Q. We just talked about that?  
25 A. Yes, sir, right now.

1 Q. Wet rag on red hot spot?  
2 A. Yes, sir on pipe.  
3 Q. That's Henry Knox?  
4 A. Yes, sir, he was a welder that I witnessed coming out  
5 of penetration room doing it.  
6 Q. Is it your view that that incident renders that weld  
7 an improper weld?  
8 A. It's against procedure. He told me himself he wasn't  
9 suppose to do it.  
10 Q. Do you know if that is a violation of procedures?  
11 A. By what Henry Knox said, yes.  
12 Q. Did anybody else tell you it was a violation?  
13 A. Somebody from NRC informed me also.  
14 Q. Does that, in your view, render the weld improper?  
15 A. In my view, yes.  
16 Q. Do you know if that weld was inspected?  
17 A. No, sir, I don't.  
18 Q. Do you know if that weld was ever approved?  
19 A. No, sir, I don't. All I know is that Mr. Maxwell said  
20 he needed to find the weld. This other welder, Greg Sketo,  
21 as I mentioned earlier also, he stated that to me. I talked  
22 to him off the job. He stated that they used spot check  
23 and did that same type of action a lot on pipe.  
24 Q. Aside from what Mr. Knox told you, you don't know if that  
25 was an improper procedure?

1 A. I had an NRC inspector or somebody, and I don't know.  
2 Q. What NRC inspector?  
3 A. I talked to many of them.  
4 Q. You don't profess to be knowledgeable in the welding  
5 procedures, do you?  
6 A. No, sir.  
7 Q. With respect to all these welds that you have just  
8 mentioned, you don't know if, indeed, they were originally  
9 proper or improperly performed, do you?  
10 A. Pardon me.  
11 Q. Do you know as a fact whether these welds we are talking  
12 about were good welds or bad welds?  
13 A. Right, I don't know.  
14 Q. Do you know if it was carbon steel welds?  
15 A. Stainless steel.  
16 Q. Don't tell the NRC because they shut plant down.  
17 A. Correct.  
18 Q. I understand that comment. Does that have a bearing  
19 on the safe operation at Catawba?  
20 A. Well, it would keep people from sharing wrongdoings or  
21 negligence or bad construction procedures or faulty workman-  
22 ship.  
23 Q. It didn't keep you from making any statements, is that  
24 correct?  
25 A. No, sir.

1 Q. Do you know if it kept any other people from making  
2 statements?  
3 A. I'm not sure.  
4 Q. Harrassing. You were talking there at this particular  
5 time about safety classes, and I think you probably have  
6 some other things about harrassment.  
7 A. Right.  
8 Q. What is harrassing?  
9 A. Okay.  
10 Q. Let me ask you this.  
11 A. Yes, sir.  
12 Q. Harrassing which in your judgment would impact upon  
13 the safe operation of Catawba. I understand that there  
14 may have been practices out there that were flat harrassing,  
15 and you didn't like them and other people didn't appreciate  
16 them.  
17 A. Right.  
18 Q. I understand that situation, but I ask you if we are  
19 going to discuss this subject, does it have a bearing on  
20 the safe operation of Catawba?  
21 A. In my case of the harrassment toward me, it would not.  
22 Q. Do you know if any other people were harrassed?  
23 A. Phil Edwards was. He was that inspector.  
24 Q. Do you know if any other people were harrassed?  
25 A. People on our crew.

1 Q. Which crew?  
2 A. 90.  
3 Q. Is that the one that had to wear the safety glasses?  
4 A. Right.  
5 Q. Because they had to wear safety glasses?  
6 A. No, we were scaffold builders.  
7 Q. That didn't impact safety?  
8 A. Right.  
9 Q. Did Phil Edwards being harrassed impact safety?  
10 A. Not unless he took it out as a grudge against the  
11 project, and I doubt it.  
12 Q. Do you know if he took it out as a grudge?  
13 A. No, I don't.  
14 Q. Fellow scaffold builders on 577 over hole with hand  
15 rails 25 foot drop. That was an unsafe work condition?  
16 A. Yes, sir, which is a violation of OSHA.  
17 Q. But, not an impact on safe operations?  
18 A. Correct.  
19 Q. Hide in corner. That's people who were taking drugs  
20 and alcohol?  
21 A. No, these were just individuals that didn't want to do  
22 anything.  
23 Q. That's just a practice that shouldn't be condoned, but  
24 it does not --  
25 A. We are paid to be out there to do a job as you are

1 right now.

2 Q. I understand what happens is people are taking money  
3 for not doing work.

4 A. They are stealing.

5 Q. I understand that, but with respect to the impact  
6 on Catawba --

7 A. On the safe working --

8 Q. Right, it doesn't have an impact?

9 A. Not that I know of.

10 Q. Valves in backwards, we have already discussed that?

11 A. Correct. I would like to say on that harrassment, it's  
12 my background sheet that the papers that you did take, you  
13 can read on that.

14 Q. Okay, good, thank you. Cooling towers. Health hazard.  
15 Rebar out of slab. Walking on top of cooling tower without  
16 safety nets or belts tied off. No guard rails. No railing  
17 re 30-foot channels. Those are incidents. The channels  
18 are different.

19 Q. Are those all unsafe working conditions?

20 A. For employees, yes.

21 Q. Did they impact the safety of the plant?

22 A. No, but it's a violation.

23 Q. I understand that. A witness statement that you gave  
24 OSHA?

25 A. Yes, sir.



1 Q. Would that have been OSHA concerns as opposed to safety  
2 concerns?  
3 A. NRC.  
4 Q. NRC concerns?  
5 A. Yes, it does because my OSHA statement i sent it with a  
6 statement to Washington, and I mentioned in there about  
7 taking Mr. Maxwell around and showing him all this stuff and  
8 you probably have it.  
9 Q. Not to cut you short, it's in your --  
10 A. Yes, sir, it's in there.  
11 Q. The witness statement would reflect the items we are  
12 talking about and the things we are talking about and  
13 have talked about?  
14 A. Yes, sir.  
15 Q. I'm just curious. Is there going to be anything else  
16 in that witness statement. I will have you walk me  
17 through the documents at the end, and we will determine  
18 that. Electrical cable through pool of water. We have  
19 discussed that?  
20 A. Right, that was with Mr. Un, the OSHA inspector.  
21 Q. Hunt investigation, you gave him papers. Are those  
22 papers in the file?  
23 A. Yes, sir, two of them.  
24 Q. We'll get to that. Safety ray cables, things dropped  
25 in water. We have already talked about that. Electrical

1 cables?

2 A. Find a frayed spot.

3 Q. No, I'm saying, electrical cables, things dropped on

4 them, in water. We have already discussed that?

5 A. Right, coming out of the cable trays.

6 Q. What were you making reference to?

7 A. The one of Mr. Un whenever Mr. Dugan told me that I

8 wasn't a representative, and I wasn't allowed to take him

9 around and show him stuff. When you were going back, there

10 was one laying in the water, and I said, "How about this,"

11 and he said, "Find a frayed spot in it."

12 Q. But, that cable was another example of electrical

13 cable that --

14 A. This was just an electric cord like this to run our

15 power saws and stuff.

16 Q. I see, so that wouldn't have an impact?

17 A. It wasn't one to run the machinery in the plant.

18 Q. Believe it or not, I have gone through the last night

19 and early this morning, an hour and a half. Let's see

20 what else we have and get you out of here. Your counsel

21 directed us to certain I and E documents, and the first

22 one I'm looking at is 80-19, and reference is made to

23 employee concerns. I suspect that's you, is that correct?

24 A. Yes, sir.

25 Q. We are talking about rebar touching the ground.

1 OFF THE RECORD DISCUSSION

2 Q. I was going to read out the categories A through G  
3 and see if we have already discussed them, and if we have,  
4 fine; and if we haven't, we'll discuss' them.

5 A. Okay.

6 Q. A is rebar touching the ground in the rebar storage  
7 area.

8 A. Correct.

9 Q. Have we discussed that?

10 A. No, sir, unless you want to talk about it through  
11 the storage and handling of the construction procedures  
12 170 -- CP 170.

13 MR. GUILD: Could you give us the page reference?

14 Q. Let me just identify the document. It's the inspection  
15 report 50-413 and 414/ 80-19. It bears a Duke cover sheet  
16 the date of September 16, 1980 and on the NRC inspection  
17 paper a date of September 10, 1980, and I'm referring to  
18 page 3 of that; page 3 of the attachment entitled "Details,"  
19 item 6 entitled "Employee Concerns," and there are items  
20 A through G identified as items of concern by the employee  
21 in question who is Mr. Hoopingarner.

22 A. Correct.

23 Q. The first item we are discussing is rebar touching the  
24 ground in the rebar storage area.

25 A. Besides its an OSHA regulation and NRC also.

1 Q. Did it impact the safety of the plant?  
2 A. No, sir.  
3 Q. Item B is --  
4 A. But, it's constant violations of the construction  
5 procedures.  
6 Q. I understand that. Item B, three sections of  
7 stainless steel piping touching the ground at the piping  
8 field fab shop. Does that impact the safe operation of  
9 Catawba?  
10 A. Not to my knowledge.  
11 Q. Item C, manholes open on condensate and the reactor  
12 water storage tanks. Does that impact the safe operation  
13 of Catawba?  
14 A. Not to my knowledge.  
15 Q. Item D, scaffold boards on piping and electrical cable  
16 lying on the floor. We have just discussed that?  
17 A. We have.  
18 Q. Item E, sections of piping laying on concrete floor in  
19 the auxiliary building. Does that impact the safety of  
20 Catawba?  
21 A. Not to my knowledge.  
22 Q. Item F, sections of scaffolding that were unsafe. I  
23 think we discussed that.  
24 A. Right.  
25 Q. Item G, ladders improperly secured. I think we have

1 already discussed that?

2 A. Right.

3 Q. The next --

4 A. I would like to bring you up to page before that, the  
5 two pages. One page before that on page 2c, diesel gener-  
6 ator cleanup that I was talking about.

7 Q. We have discussed that.

8 A. Right, that's where we talked about procedures.

9 Q. Again, all I'm trying to do is identify concerns, and  
10 I don't dispute that some of these concerns are discussed  
11 in other items. I don't mean to run over them. I just  
12 want to find out from you in this limited time what your  
13 concerns are. Now, let's look at another inspection report.  
14 I and E inspection report, 50-413 and 414/ 80-8 and it  
15 bears a Duke date of July 16, 1980 and NRC date of June  
16 30, 1980.

17 A. And, I didn't receive it at home until the 18 of August.  
18 They didn't mail it out till August 15 to me.

19 Q. Again, turning to the attachment captioned "Details,"  
20 page 3, number 8 titled "Safety Concerns Expressed by Site  
21 Employee," and if we turn to the -- Let me go through it  
22 and see if -- see the concerns. Now, turning to page 4, and  
23 it says in item A, "The employee expressed a concern that  
24 welding had been done improperly based on scaffolding. One  
25 welding inspector had been strongly criticized by a supervisor

1 for rejecting unsatisfactory weld and almost been fired,  
2 and 3, employee had witnessed a welder quenching a hot  
3 weld with a damp cloth. We talked about number 1. We  
4 talked about number 3, but we haven't talked about number 2.

5 A. That was Phil Edwards.

6 Q. Item B then at the bottom of the page 4 is what I'm  
7 now looking at. I'm now to page 5, and I'm looking at  
8 item C. I think so the record reflects, item B doesn't  
9 have any specific concern, would you agree with that?

10 A. I didn't read it. Oh, yes. Well, it would be because  
11 that's during the November 13 and 16 is whenever as it says  
12 I went up and talked to the inspectors and brought these  
13 safety things up to them which would later on show that  
14 I did contact the government agency to share my concerns.

15 Q. Fine, but the concern you brought up are concerns we  
16 are talking about today or they were OSHA concerns?

17 A. Most of them was worker safety and negligence.

18 Q. My point is in item B there is no specific concern that  
19 is expressed. That's all I'm saying. We are talking about  
20 procedures, the fact you came up and what not.

21 A. Correct.

22 Q. Now, we get to item C, and I believe they do discuss  
23 specific concerns. First is off center piping position  
24 and piping penetration. We have already discussed that?

25 A. Yes.

1 Q. Grout poured into wet concrete floors. We discussed  
2 that. Piping connected with mechanical connector. We  
3 haven't discussed that or have we. I don't believe so.  
4 What is that referring to?  
5 A. I'm not sure myself Piping connected with mechanical  
6 connector. The only thing I can -- well, maybe the  
7 tripods.  
8 Q. Let me just ask you -- with tripods, would that have  
9 any bearing on the safe operation at Catawba?  
10 A. Not to my knowledge, but it's a violation of construc-  
11 tion procedures.  
12 Q. Item C4 handling of carbon steel piping. We have al-  
13 ready discussed that?  
14 A. Correct. I would like to bring up that this was  
15 whenever I took Mr. Maxwell around.  
16 Q. I understand.  
17 A. Okay, and there's a lot of things that I showed him  
18 that was not reported in his report like the cables coming  
19 out of the cable tray.  
20 Q. I understand that.  
21 A. He took numbers and nothing was ever done.  
22 Q. I understand that, but you have told us today or you  
23 are in the process of telling us today all the things that  
24 you think are wrong with the plant. So, whether or not  
25 Mr. Maxwell put it down is irrelevant because you are going



1 to tell us.

2 A. Right, but I wanted to make that, and there's a lot

3 of other things also pertaining -- I showed him like that

4 green water and all that other stuff.'

5 Q. Fair enough. In your exit interview, there's attached

6 your Malamute --

7 A. My suggestion --

8 Q. Suggestions. Do you have a copy of that here. I

9 have another one here. It's not a good copy. The sugges-

10 tions seem to be six in number.

11 A. Yes, sir.

12 Q. Let me see the first paragraph. Is there anything

13 at the top of the first paragraph -- Let me just identify

14 the document for the record. It's one page document en-

15 titled "Artic Star Kennels" and dated March 10, 1980, signed

16 by Mr. Hoopingarner. It looks like a scaffolding --

17 A. It was the paper that Mr. McDowell wanted me to give

18 to give that myself and the others brought up to our

19 supervision.

20 Q. I understand the nature of the document, and all I'm

21 trying to do is find out what this document is telling

22 me are your concerns, and I see you have six specific

23 concerns.

24 A. The whole thing is a concern. You have to work together.

25 Q. Is that the sense of the first paragraph, working

1 together and getting the job done?

2 A. Yes, sir, and have the material to do it, the material  
3 to build the scaffolds that we needed and --

4 Q. Does this concern impact the safe operation of Catawba  
5 or is it more an OSHA concern and it's more of a building  
6 scaffolding concern?

7 A. It's more.

8 Q. The top paragraph.

9 A. It's not safe impact on the plant.

10 Q. Looking at items one through six. Needed supervision  
11 downstairs.

12 A. Yes, sir.

13 Q. Need of more material is number 2. Three is communica-  
14 tion between men. Number 4 --

15 A. Man and boss and man to man.

16 Q. Number 4, improper building of scaffolds. Five, need  
17 of cooperation between crafts and there's items A through  
18 D. A, utilities falling on material; B, tearing down  
19 scaffolds while they are still needed; C, building scaffolds  
20 when they are not needed; D, craft being pulled off scaf-  
21 folds with job net not being completed; and what is this  
22 next sentence?

23 A. Won't turn scaffolds loose.

24 Q. Six says safety. Items one through six, these seem to  
25 be, again, OSHA concerns, is that correct?

1 A. Crew concerns and management concerns.

2 Q. But, it doesn't impact safety?

3 A. Maybe in the long run it could because we wouldn't have  
4 the materials to build the proper scaffolds for people  
5 to do quality work off of.

6 Q. And, we have discussed that?

7 A. Yes, sir. I would like to bring up about the scaffolds  
8 and the materials and the crafts. See, we would have  
9 people come up and sign up for scaffolds that didn't need  
10 scaffolds because they would just be an alibi of not having  
11 to work. They were sitting around waiting for scaffold  
12 builders, they had a hangover and they were --

13 Q. I understand, and that's consistent with people hiding  
14 in the corners?

15 A. Yes, sir.

16 Q. Now, you had an opportunity to meet with Mr. Maxwell  
17 on one occasion?

18 A. This was in mid-April. That's whenever I first talked  
19 to him and shared that Duke Power was trying to fire me.

20 Q. I would like to go through these documents. They  
21 are documents that are in your file. Do you have these  
22 documents or have you seen them? We are going to focus.

23 A. I would like to have copies.

24 Q. You can have those. I just want to go through your  
25 concerns. Let's go through the top one. Steve Alexander,

1 and I think these documents reflect your concerns. Let's  
2 see -- let's walk through it. I get down to Henry Hodges,  
3 cool a weld with water. Hodges is wrong, though, isn't  
4 it? Wasn't it Henry somebody else?

5 A. No.

6 Q. I thought he had another name, but anyway, we have  
7 already discussed that.

8 A. Henry Knox was a black guy that worked up in the cooling  
9 tower with us, I believe.

10 Q. But, this cool a weld with water is the same incident  
11 we have discussed before?

12 A. Yes, sir.

13 Q. Here's Phil Edwards. We have already discussed him  
14 before?

15 A. Yes, sir.

16 Q. And, now we get down to number one. We may have talked  
17 about every single incident on these pieces of paper. I  
18 want to confirm it. The next one is green water on concrete.  
19 Is this the incident we have already talked about?

20 A. Yes, sir, but I didn't say it leaked into the UHI  
21 building. I don't know. It probably rained in there and  
22 was probably sitting in there holding, and I have a question.  
23 Did they not take pictures or were suppose to have taken  
24 pictures. They walked around with cameras whenever --

25 Q. Let me just say you are asking the wrong person.

1 A. I heard they didn't have any film in the cameras is why  
2 I'm asking.

3 Q. That sounds like me. You might be asking the right  
4 person. Number 2 is auxiliary building elevation 594.  
5 This reflects scaffolds and stainless pipe supports. Are  
6 these incidents we have already talked about?

7 A. Yes, sir.

8 Q. Auxiliary building elevation 560 and auxiliary building  
9 elevation 577, are these the same incidents we have already  
10 talked about, stainless pipe and --

11 A. Yes, sir, on 570.

12 Q. I'm sorry, go back to 560 on the first page. We have  
13 already talked about those items, is that correct?

14 A. Correct.

15 Q. And, now we get to the second page is auxiliary building  
16 elevation 560, and basically have we talked -- or have we  
17 talked about those points? I see oregon line, purging  
18 instrumentation typing. I don't remember talking about  
19 that.

20 A. It's more of the --

21 Q. The alignment?

22 A. No, sir, it's more of the hoses and cords, health  
23 hazards safety violations which were in your way. You had  
24 to move them and this kind of stuff.

25 Q. Let me ask you with respect to this auxiliary building,

1 these are health problems, safety problems in the sense  
2 of impacting the workers' safety?

3 A. More or less, yes, sir.

4 Q. And, not the safe operation of Catawba?

5 A. Correct, that I know of.

6 Q. That you know of, and that's all we can ask you.

7 A. Right.

8 Q. It says back side D trench. We have talked about water  
9 on the floor and we have talked about poured grout on wet  
10 concrete. How about oregon lines not protected?

11 A. That's where Mr. Maxwell had to walk through and push  
12 them out of his way.

13 Q. And, we talked about those incidents?

14 A. Yes, sir, and I was right, it was D trench.

15 Q. I told you most 6 these we'll have gone through. Let  
16 me just see and make sure I have the right document. 519,  
17 I will give you this, but we don't have to go through that.  
18 That's just a response. May 19, 1980, document, can we  
19 now focus on that?

20 A. Yes, sir.

21 Q. Let's walk through and see if there is anything new  
22 in here. Safety concerns, air compressors and cooling tower  
23 yard refueled with diesel fuel while engine running. That's  
24 an OSHA concern?

25 A. Yes, sir, and personnel.



1 Q. Number 2, scaffolds not properly built. We have dis-  
2 cussed that, correct?

3 A. Yes, sir.

4 Q. Number 3, nets should be installed in cooling towers.  
5 We have discussed that, is that correct?

6 A. Yes, sir.

7 Q. Number 4, carbon monoxide noise levels. That's a  
8 health concern and not a Catawba operational concern, isn't  
9 that correct?

10 A. Yes, sir.

11 Q. Number 5, drop cords and welding leads not seven feet  
12 off the floor. Is this the housekeeping --

13 A. Yes, sir, housekeeping.

14 Q. We have already discussed that?

15 A. With the material, the sheet metal, see, this was an  
16 air duct. There are ones installed, and a lot of that  
17 stuff was damaged, and I don't know if it was ever fixed  
18 or not.

19 Q. So, in addition to being a safety --

20 A. A hazard --

21 Q. A hazard to people working on the site it may or may not  
22 be an operational concern. You don't know one way or the  
23 other, is that correct?

24 A. See, they stacked it all in and you would walk by --  
25 I mean they weren't even putting it up. They just built



1 it up in the fab shop and brought it down, and it was in  
2 our way. If you walked by it and it would grab ahold of  
3 you and cut you and rip your clothes, and people just got  
4 tired and started smashing it up.

5 Q. I can appreciate that, but now with respect to its  
6 impact --

-7 A. I don't know if it ever got fixed or not, and I  
8 don't know what kind of impact it would be on the plant with  
9 the coolant and the air flow.

10 Q. Number 6, bug spray. That's not a factor --

11 A. I was the one that got sprayed. It was a factor to me.

12 Q. A factor to you, but not the safe operation of Catawba?

13 A. Right, and we found out they weren't suppose to have  
14 that stuff on the job. It was suppose to be somewhere else,  
15 and my partner, Terry Green, was the individual that was  
16 sprayed with it. We were in there building a scaffold and  
17 the utility girl come in there and fogged us out.

18 Q. Let's look at number 7. Safety department mistakenly  
19 let propane gas from broken manifold -- that's OSHA concern?

20 A. Yes, sir, and gassed me on that one, too.

21 Q. Number -- now, under general comments, number one. That's  
22 not a matter of impact to the operation at Catawba, correct?  
23 You talked to Danny Powell?

24 A. It's violating my rights.

25 Q. But, not impact of safe operation at Catawba?

1 A. But, I want to share some of the wrongdoings down in  
2 the hole.

3 Q. But, you are sharing them with us today.

4 A. Yes, sir.

5 Q. Number two, related incident involving foreman. This  
6 is the knifing, correct?

7 A. Yes, sir.

8 Q. We have already discussed that incident?

9 A. Parlay cards, knife to the throat.

10 Q. We have already discussed that, correct?

11 A. Yes, sir.

12 Q. Number 3, this is a notice concerning safety complaints  
13 to be posted, job I. That's a procedural matter, correct?

14 A. Yes, sir, it was through the 22 or 23 violation, 21  
15 or whatever violations that I never did see and I never  
16 did not because I always looked -- a lot of people go in  
17 and look at the board, and the last time I was out there,  
18 there had it all different. They changed it. They improved  
19 their noticing of this kind of stuff.

20 Q. When were you last out there?

21 A. I went out on one of the open days, but this was before  
22 they got rid of me. They had it better because they moved  
23 the NRC from out of the main office into the little own  
24 building.

25 Q. Were you satisfied with the posting requirement?

1 A. Yes, sir.

2 Q. Number 4, concerning crafts do not work together. We  
3 have already talked about that concern, haven't we?

4 A. I like the second sentence.

5 Q. Causes waste which makes costs go up for public and  
6 community, but, again, that's not a concern of --

7 A. The plant being able to operate?

8 Q. Correct, is that correct?

9 A. Yes, sir.

10 Q. Number 5, made suggestions to his foreman. Never got  
11 any response. Now, -- and never got any response from Cecil  
12 Wall or Steve Alexander on safety concerns. Now, aside  
13 from that maybe being the case or not, I want to know about  
14 the safety concerns, and that's what we are trying to find  
15 out today.

16 A. It was more or less personal safety. It wasn't safety  
17 more or less of the plant. Maybe through the safety of  
18 the personnel having to do the quality work off of the  
19 scaffolding --

20 Q. Which we have discussed?

21 A. Yes, sir.

22 Q. Number 6 is the piping and the centering of piping.  
23 We have already discussed that, is that correct?

24 A. Yes, sir.

25 Q. Number 7, I don't think has any bearing on the matter.

1     Would you agree? Something to do in the parking lot.  
2     A. Yes, sir, they chained us in.  
3     Q. But, it has nothing to do with the safe operation?  
4     A. No, sir.  
5     Q. Number 8, this is an OSHA matter, correct?  
6     A. About advance notice?  
7     Q. Yes, that's an OSHA matter, correct?  
8     A. Yes, sir, but we always knew five to ten days ahead  
9     of time when OSHA was coming in and Olin Durham informed  
10    me that they would speculate when they were coming in and  
11    that's why we stopped to clean up.  
12    Q. Number 9, this is the alcohol problem and we have  
13    already discussed that?  
14    A. Yes, sir.  
15    Q. Number 10, this is the personal matter --  
16    A. It's when I got cut and wanted to go to the doctor.  
17    Q. Your concern there was --  
18    A. Being taken care of properly.  
19    Q. Just so the record reflects the cut wasn't imposed by  
20    somebody like Mr. Tolen, but rather it was some job  
21    related incident?  
22    A. Yes, sir.  
23    Q. Number 11, anything you want can be brought to the job.  
24    We basically talked about this, haven't we?  
25    A. Okay.

1 Q. I'm sorry.

2 A. I started reading it more after we turned the page.

3 That was talking about Luke Weaver.,

4 Q. The fellow who fell and then came back the next day.

5 A. They brought him in so they wouldn't have lost time

6 accident on their hands.

7 Q. Again, that's not --

8 A. It's not for the safety of the plant unless he was

9 trying to do quality work while being messed up.

10 Q. Do you know if he was?

11 A. Within a month after he fell, the side of his face and

12 everything was drooping down and he was limping, so I don't

13 know --

14 Q. That may be --

15 A. That maybe hindered him from doing good work.

16 Q. I understand that, but do you know as a fact --

17 A. I don't know.

18 Q. Let me just repeat the question. You don't know as a

19 fact that he didn't do good work?

20 A. No, sir, I do not know that he didn't do quality work.

21 Q. After this incident --

22 A. After the incident, no, sir, but there is a possibility

23 that he did not do quality work.

24 Q. But, again, you don't know that?

25 A. No, sir.

1 Q. Number 11, plant as a hell hole.

2 A. That was the nickname. When I first hired on there,  
3 they informed us up in the office that down in there where  
4 it was being built was a hell hole.

5 Q. But this 11 has no bearing on the safe operation of  
6 Catawba, is that correct?

7 A. Right.

8 Q. Number 12, this seems to be a personal matter, personnel  
9 matter, would you agree?

10 A. Number 11 was, too.

11 Q. Would you agree with number 12.

12 A. About Doug Beam hitting the scaffolding?

13 Q. Yes. Would you agree that doesn't have an impact on  
14 the safe operation at Catawba?

15 A. Well --

16 Q. You would agree with that, wouldn't you?

17 A. It all depends on how much more he hit.

18 Q. Right, I agree. Number 13, this is papers they laid  
19 on you incident, and that is a personal matter and doesn't  
20 have a bearing on the safe operation at Catawba?

21 A. Right.

22 Q. Number 14, this seems to be another personal matter and  
23 doesn't have a bearing on the safe operation at Catawba,  
24 wouldn't you agree?

25 A. Well, they just wanted to get me out so I would not

1 be able to get the documents or see the knowledge.

2 Q. I understand that.

3 A. And, maybe have an influence upon the plant.

4 Q. I understand, and now is your time to have an opportunity  
5 to influence the plant, correct?

6 A. Well, they shouldn't have never took me out against  
7 me will.

8 Q. But, again, that's a personal matter, wouldn't you  
9 agree?

10 A. Yes, sir.

11 Q. That's the sense of 14, wouldn't you agree?

12 A. Pretty much so. I wouldn't say fully, but I'll say  
13 50/50.

14 Q. Well, it's a difficult one to get one's hands around.

15 A. Correct.

16 Q. And, I understand your point if they hadn't moved you  
17 out, you may have seen other things.

18 A. And, got documents, more proof --

19 Q. But, all we can talk about today is what you have seen  
20 and we are talking about that, correct?

21 A. Correct.

22 Q. 15, I don't think we need to discuss this. It doesn't  
23 impact the safe operation, does it?

24 A. Everybody needs the Lord Jesus.

25 Q. I agree with that personally, but with respect to the



1 safe operation, you would agree that there is no bearing?

2 A. Correct.

3 Q. Number 16, this is another drinking incident, and we  
4 didn't discuss this one particularly, but because smoke  
5 was drunk, do you maintain that has an impact on the safe  
6 operation at Catawba?

7 A. Not that night because he was a flagman for a crane,  
8 but during other times, he was working and drunk, he could  
9 have --

10 Q. Do you know as a fact whether or not he did unsafe  
11 work?

12 A. No, sir.

13 Q. Number 17, we don't have to discuss this with respect  
14 to the safe operation of Catawba, would you agree?

15 A. Correct.

16 Q. Number 18, has no bearing on the safe operation of  
17 Catawba, would you agree?

18 A. Just a minute.

19 Q. Eighteen, has been to Joe Colter who told him to come  
20 on back and continue to do the good work he has been doing.  
21 That may or may not be true, but that statement has no  
22 bearing on the safe operation of Catawba, does it?

23 A. When I was still working for B. H. Tolen?

24 Q. Uh huh.

25 A. No.

1 Q. Number 19, this has to do with work practices as opposed  
2 to the safe operation of Catawba, wouldn't you agree?  
3 A. Both.  
4 Q. Okay, how does it relate to safe operations at Catawba?  
5 A. When the foremen are sitting in the map shacks and  
6 drinking coffee and trying to score on the utility girls,  
7 they don't know what their people that they have authority  
8 over to do quality work or work they were appointed to do.  
9 Q. Let me ask you this. Do you know as a fact that because  
10 foremen sat in map shacks and drank coffee whether or not  
11 that had any impact on the safe operation of Catawba?  
12 A. Yes, sir.  
13 Q. Do you know that bad work was performed?  
14 A. Yes.  
15 Q. Do you know if that work was left undercorrected?  
16 A. No.  
17 Q. What bad work was performed?  
18 A. Building of scaffolds.  
19 Q. Any other, and we have already discussed that, correct?  
20 A. Yes, sir.  
21 Q. Is there any work that we haven't discussed?  
22 A. Well, see building of the scaffolds relate on end to  
23 individuals doing quality work off of them.  
24 Q. I understand, and --  
25 A. And, it involved the other crafts.

1 Q. I understand, and we have discussed that, haven't we?

2 A. Yes, sir.

3 Q. Is there anything else that number 19 would have a  
4 bearing on?

5 A. Not that I know of at this time.

6 Q. Let's continue. I think that is it on that document.

7 Let me make sure the documents have been properly  
8 identified.

9 A. I would like to enter something. I did bring up the  
10 OSHA statement which you will find in one of the documents  
11 you took to Mr. --

12 Q. But, again, those were OSHA concerns as opposed to safe  
13 operations --

14 A. It was management concerns.

15 Q. As opposed to -- let me stop. Management concerns.  
16 Would that have a bearing on the safe operations at Catawba?

17 A. Yes, sir.

18 Q. How?

19 A. Because Doug Beam is in charge of all the management  
20 out there or was at that time.

21 Q. What has Doug Beam done to cause you to say Catawba  
22 won't safely operate?

23 A. Through his negligence of running that plant the way  
24 it should be done. He is in charge of -- you take the safety  
25 paper, and general safety practices and the way we were

1 suppose to be treated out there as employees.

2 Q. But, the incidents that we have discussed today would  
3 be the incidents that you say show that Doug Beam hasn't  
4 done a good job, is that correct?

5 A. It's what I witnessed out there over those couple of  
6 years I worked.

7 Q. Let me stop there. We have discussed those here today,  
8 correct?

9 A. Yes, sir.

10 Q. What else?

11 A. Through that Doug Beam -- I brought them to his knowledge,  
12 through the management of our foremen, and I shared with  
13 them -- every one of these foremen are responsible for  
14 everybody -- themselves and everybody else as a safety --

15 Q. I understand that, but --

16 A. See, it all relates together.

17 Q. I understand that, but to support that allegation, what  
18 you would do is you would say, "Now let me show you the  
19 result of Doug Beam's poor leadership."

20 A. Correct.

21 Q. And, let me just use the word alleged poor leadership,  
22 and you would say, "Look at all these things that have  
23 happened," and we have talked about those things that have  
24 happened.

25 A. Right.

1 Q. Correct?

2 A. Yes, sir.

3 Q. Now, let me just identify for the record the two  
4 documents. One was the May 19, 1980, 'document on Duke  
5 Power Company stationery to R. L. Dick from D. G. Beam  
6 and the first document we discussed was an April 29, 1980,  
7 letter on Duke stationery, Steve Alexander, signed by  
8 Bob David.

9  
10 SHORT RECESS

11 Q. If we could just identify for the record and have as  
12 exhibits to the record the two documents I have referenced,  
13 and let's have the April 29, 1980, document be applicants'  
14 Exhibit 1 and the May 19, 1980, document be marked as  
15 Applicants' Exhibit 2, and the third document, and it's  
16 captioned, "Comments to Bob David Memo," dated 4/29/80, and  
17 it's two pages and it's unsigned. I would like to--

18 A. On that last question that we talked about about Doug  
19 Beam and all is that through the management of what they  
20 are suppose to do and walking or not endorsing the construc-  
21 tion procedures daily, monthly, yearly, except when there  
22 was a big investigation or inspection could result --

23 Q. I'm listening. Go ahead.

24 A. Could result in improper built nuclear plant.

25 Q. And, the reason you make that statement is because of  
what you have seen in the plant, isn't that correct?

1 A. Yes, sir.

2 Q. And, we have discussed those items thus far?

3 A. Yes, sir.

4 Q. I understand your position, but again, so I'm clear, you  
5 understand what I'm saying is that the support to your  
6 allegation that Doug Beam hasn't done a good job is what  
7 - you have seen out there?

8 A. Through his fingers, if you want to classify them, as  
9 being foreman and supervisor.

10 Q. Exactly.

11 A. Because he --

12 Q. You see the fruits of his actions on a daily -- on a basis.  
13 You saw that when you were out there working.

14 A. Yes, sir.

15 Q. We have discussed the incidents you have seen. That's  
16 all.

17 A. Some quite a bit.

18 Q. Quite a bit I would think, and you may have more. We  
19 are not finished yet. I'm trying my best. I wanted to look  
20 at the April 28, 1982 response of Palmetto Alliance to  
21 applicants' interrogatories and number 90. Can I back up  
22 for a minute. This is simply confirmation. Number 80A of  
23 the April 28, 1982 document, we had asked, I believe, what  
24 your concerns were, and you said substandard workmanship  
25 and poor quality control of the plant site.



1 A. Yes, sir.

2 Q. And, we have been talking about that.

3 A. Yes.

4 Q. And, you observed one work performed by those under  
5 the influence of alcohol. We have discussed that. Hazards  
6 to workers' safety limiting quality. Have we talked about  
7 that? Is that what we have been talking about?

8 A. About the scaffolds and the health hazards and the  
9 cords and the water --

10 Q. Three, improper handling and storage of materials such  
11 as stainless steel and electrical cables. We have discussed  
12 that, is that correct?

13 A. Yes, sir.

14 Q. Four, unresponsiveness to worknr complaints. We have  
15 discussed that?

16 A. Yes, sir.

17 Q. Five, pressures and retaliations against those com-  
18 plaining. We have talked about that?

19 A. Yes, sir.

20 Q. Number 90, I want to ask you queitions. Have you com-  
21 plained about what you alleged to be improper workmanship  
22 and improper quality assurance and company pressures or  
23 anything to any individuals at the job site, and I think  
24 that was the sense of number 90, and you listed numerous  
25 individuals.



1 A. Even outside people.  
2 Q. And, outside people.  
3 A. Not counting people I talked to every day.  
4 Q. And, I just would like to read the names to make sure  
5 that these names would be the people who you would have  
6 contacted concerning the items we have discussed today.  
7 In other words, if I call out a name here and it relates  
8 to some item we haven't discussed, can you tell me?  
9 A. Yes, sir.  
10 Q. D. G. Beam; C. Wall; R. Morrison; J. Scruggs; R. H.  
11 McDowell; O. Durham; S. Alexander; B. H. Tolen; R. R. Pelfry;  
12 D. Powell; J. Turner; R. David; C. M. Melton; Frank Cantrell;  
13 G. Maxwell; M. Hunt; C. Alderson; R. Hemley; Borders.  
14 A. OSHA.  
15 Q. Aun.  
16 A. That was the inspector that came out on the site.  
17 Q. H. B. Zetler.  
18 A. Federal officer.  
19 Q. We have talked about the concerns you have made to these  
20 people already today and yesterday, is that correct?  
21 A. Yes, sir.  
22 Q. Then it also says concerns and complaints voiced to  
23 other persons at South Carolina Public Service Commission,  
24 EEOC, South Carolina Department of Consumer Affairs, U.S.  
25 Department of Justice, FBI. Recognizing that you made

1     comments to those organizations, have we already talked  
2     about --

3     A.   We have gone through --

4     Q.   Through the file and items you would have mentioned?

5     A.   Yes, sir, except we didn't start from the very first.

6     Q.   I understand.   We tried to do the best we can.

7     A.   In the time we have.

8     Q.   I want to look at our initial contentions.  I'm looking  
9     for applicants' interrogatories of April 9, 1982, and just  
10    to put it in context, we have looked at number 90.  There  
11    is 91 and it says, "What were your specific concerns."  
12    and you say workers safety, harrassment of workers, discrim-  
13    ination against workers, transferring workers to undesireable  
14    job, threatening workers; lives, negligence of Duke Power  
15    Company in enforcing PPC, NRC and OSHA rules and regulations.

16    A.   Yes, sir, I said that.

17    Q.   Have we talked about the facts that underly that state-  
18    ment?

19    A.   Yes, sir.

20    Q.   Are there any other facts that underly that statement?

21    A.   Just that we talked about it, but I would like to bring  
22    out that during the construction of the Catawba project  
23    that I witnessed negligence of the construction procedures  
24    were violated every day.

25    Q.   I understand that.

1 A. Not of all of the construction procedures because I  
2 don't know. I know just a few, but the ones that I do  
3 know was the ones that we shared with during meetings or  
4 that I found in the public documents or --

5 Q. Right, and we have discussed that and you observed  
6 this, but you are not able to state as a fact whether or  
7 not those violations in your mind will compromise the  
8 ability of Catawba to operate safely?

9 A. Not in my mind, but as by the book as -- suppose to go  
10 by the construction procedures is right out violations of  
11 the manual.

12 Q. I understand that that may indeed be a violation of  
13 procedures.

14 A. Yes, sir.

15 Q. But, whether or not that violation is going to result  
16 in Catawba being an unsafe plant, you can't state as a  
17 fact because you didn't do the actual welding, you didn't  
18 do the actual work, is that correct?

19 A. Right, and I'm not a scientist.

20 Q. I understand your position. Now, let me just keep  
21 going. On number 92, it says -- they are all premised upon  
22 interrogatory 89, and 89 said, "Did you bring concerns to  
23 the attention of various people." And, you did, yes, and  
24 number 90 lists all the people and we went through that.  
25 What were the concerns, and we have discussed that. It

1 says what was the response of the specific individuals, and  
2 you said, "Many different responses."

3 A. And, you have them all.

4 Q. And, we have them all there. Number 93, says -- this  
5 is the answer to interrogatory 89 and it's affirmative.  
6 Was there any subsequent action on the part of any of the  
7 individuals or organizations referenced that has a bearing  
8 on this contention, and your response is yes. Failure to  
9 take corrective action, cover up of problems by PPC, NRC  
10 and OSHA personnel.

11 A. Yes, sir.

12 Q. And, that's your statement?

13 A. Yes, sir.

14 Q. I understand. Well, failure to take corrective action.  
15 What do you mean by that?

16 A. When I took Mr. Maxwell around --

17 Q. I understand that. So, you are dissatisfied with his  
18 handling of it.

19 A. Yes, sir.

20 Q. That's what this means?

21 A. Yes, sir, and it works all the way up with the cover up.

22 Q. What is the cover up of problems by PPC?

23 A. OSHA and NRC. They -- NRC, Mr. Maxwell, he covered up  
24 all the wrongdoings that was going on out there. He walked  
25 around with blinders on.

1 Q. And, PPC, they walked around with blinders on?

2 A. Yes, sir, because they were violating the construction  
3 procedures every day willingly more or less.

4 Q. And, OSHA, they walked around with blinders on?

5 A. We always knew five to ten days ahead of time and  
6 that way we had the place cleaned up.

7 Q. Underlying this concern expressed in interrogatory  
8 response 93, are the particular incidents we have talked  
9 about today --

10 A. Yes, sir, or yesterday.

11 Q. I have your documents in front of me, and that's the  
12 last group and let me ask you this. Maybe I don't have to go  
13 through these documents.

14 A. I would like to.

15 Q. I don't know if I necessarily would with all due respect.  
16 We have talked about your concerns today?

17 A. Yes, sir.

18 Q. As they relate to Catawba and the safe operation at  
19 Catawba. Is there any other additional safety concerns  
20 that relate to the safe operation at Catawba that we haven't  
21 discussed?

22 A. No, sir.

23 Q. I think that completes it.

24 A. But, I would like -- you know, you asked -- you told  
25 me that you would go through them.

1 Q. Well, I think probably what has happened, quite frankly,  
2 is we have gone through them.  
3 A. On and off.  
4 Q. I think on and off.  
5 A. See, what I would like to do is just briefly get them  
6 in line for you. It might take another ten minutes or so.  
7 -It shouldn't take that long if we can keep from expounding.  
8 Q. I think I appreciate that and maybe we can do it when  
9 we complete the deposition, but as long as you have told  
10 us what your concerns are and the record is a written docu-  
11 ment and has your concerns, I think that is all we are  
12 concerned about right now, so I will conclude the deposition  
13 and I would be more than willing to sit down, and you can  
14 help me put this in order.  
15 A. Fine.

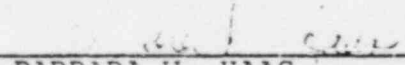
16  
17  
18 NOLAN RICHARD HOOPINGARNER, II  
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1 STATE OF NORTH CAROLINA )  
2 COUNTY OF MECKLENBURG )  
3  
4

5 I, the undersigned Commissioner and Notary Public,  
6 in and for the state of North Carolina, do hereby certify  
7 that Nolan Richard Hoopingarner, II, was duly sworn prior  
8 to the taking of his deposition.

9 I do further certify that the foregoing one hundred  
10 and eight pages constitute a true and accurate transcript  
11 of the evidence given by the said witness as taken down  
12 and transcribed by me.

13 This the twenty-sixth day of May, 1983.  
14

15   
16 BARBARA V. HAAS  
17 Commissioner and  
18 Notary Public

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My Commission Expires:  
April 23, 1987