

STATEMENT OF BILLIE PIRNER GARDE  
CITIZENS CLINIC FOR ACCOUNTABLE GOVERNMENT

ON THE

WATERFORD III NUCLEAR POWER PLANT

New Orleans, Louisiana

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The Government Accountability Project (GAP), on behalf of the Louisiana Sierra Club, Citizens for Safe Energy, and concerned workers announces a preliminary investigation into the Waterford III nuclear power plant.

A brief description is in order of who we are, how we became involved at Waterford III, the events leading up to this press conference and the issues we believe the public needs to be aware of.

I. BACKGROUND

GAP is a public interest investigative law firm in Washington, D.C. The purpose of its program is to broaden the understanding of the vital role of the public employee in preventing waste and corruption, to offer legal and strategic counsel to whistleblowers, to provide a unique legal education for law students, to bring meaningful and significant reform to the government workplace, and to expose government actions that are repressive, wasteful, or illegal and that pose a threat to the health and safety of the American public

Presently the Project provides a program of multi-level assistance for government employees who report illegal, wasteful or improper actions by their agencies. GAP regularly monitors governmental reforms, offers expertise to Executive Branch offices and agencies, and responds to requests by Congress and state legislatures for analysis of legislation to make government more accountable to the public.

GAP also includes a Citizens Clinic for Accountable Government. The clinical program, modeled after GAP's successful Legal Clinic, assists and instructs citizens groups and individuals who seek to uncover government misconduct, monitor government investigations or force regulatory agencies to

recognize significant public health and safety dangers. It is the Citizens Clinic, with GAP investigators, that has adopted the Waterford III case.

Since its inception, GAP has seen the adverse effect of misdirected government investigations on whistleblowers and communities. Large institutions that are the focus of investigation--whether they be a public utility ignoring safety issues, government contractors bilking the taxpayers, a factory polluting a neighborhood, or a government agency controlled by corrupt private interest--will "clobber" the community or public interest groups with the conclusions of any official probe that does not clearly prove wrongdoing. An inconclusive result gets translated by public relations departments of the institution that is the subject of the probe into "total exoneration." In the wake, are often left cynical, intimidated, harassed, and sometimes broken victims who had the audacity to challenge a local power structure.

Public interest or community groups can sometimes reverse the result, but it is an incredible uphill struggle. As word of its accomplishments has gotten out, individuals and citizen-oriented groups have sought GAP consultation. Often those requests focus on how to force local and state governments to confront major community problems, how to monitor government efforts once initiated, how to encourage agencies to take effective and appropriate action, and how to turn white-washes into exposes. It is this skill that GAP and the Clinic was asked to bring to Waterford I? .

Since 1975, GAP has provided legal and other assistance to those who blow the whistle on fraud, waste, mismanagement and health and safety hazards. In fact, since 1979, we have legally represented nearly 130 such individuals.

First and foremost, we do not dictate to those who bring information to us how that information will be used or where it will be taken. Those decisions are made solely by those who have obtained the information. If we are not willing to abide by the conditions imposed by the whistleblower, we will decline to use the information in any way. We are ethically bound to protect the client and to keep his or her interests very much in our mind.

If employees are afraid to risk going through the internal channels the utility has outlined, then we would indeed risk our own credibility by encouraging employees to "walk the plank." If we decide to legally represent the person who brings information forward, we would violate our own professional ethics by advising the client to use defective internal channels.

Unless we have sufficient evidence that an "open door" is truly open or an office to deal with problems does not view the whistleblower as "the problem," we will not advise employees to pursue those internal procedures.

In the summer of 1983, we were contacted by the Citizens for Safe Energy of New Orleans, Louisiana. They informed us of workers--some anonymous, some named--who had been, and are, continuing to contact their organization about serious problems at the Waterford III plant site.

We listened with great interest to the history of the Waterford III plant site and the massive problem plaguing the plant. Our experience at the Zimmer nuclear power plant in Ohio, the Midland plant in Michigan, and now at Diablo Canyon, Comanche Peak and Catawba have been sobering. The problems at Waterford reported to us are quite serious. We urged the Citizens for Safe Energy to send us more information on these serious problems.

In January, 1984, after an extensive review of the plant's history and an analysis of the problems at Waterford III, GAP's Executive Director visited New Orleans to gather further information, talk with the people in the Waterford area, and talk with some former workers.

A second trip was made in March, 1984, to gather further information and documentation on the problems at the Waterford plant.

Documentation and records from the Nuclear Regulatory Commission (NRC) and other sources were analyzed. The Clinic identified nine major areas of concern about the Waterford III nuclear power plant.

To summarize:

1. The Cost of Waterford III

The plant is now expected to be completed at over \$2 billion above the original projected cost. The plant cost is now estimated to be \$2.9 billion. The cost will be passed on to the customers of Louisiana Power and Light Company (LP&L).

2. The Location of the Plant

The plant is located very close to the population masses of Orleans and Jefferson Parish. A population which number over one million people. The plant is located "upstream" on the Mississippi River, the major source of water for the area.

3. Soil Settlement, Basemat Cracking and Leaking

The soil settlement has caused uneven settlement of the plant's basemat, which runs below the major safety-related buildings. Cracking has occurred in the basemat and water leakage has been observed in safety-related buildings.

4. Quality Assurance/Quality Control Breakdown

Serious questions have been raised about the inadequacy of the quality assurance/quality control (QA/QC) program at the Waterford plant. Deficiencies in the QA/QC program at Waterford have been found to exist in many areas of the plant--welding, hardware, electrical safety systems, and the concrete pouring for the basement.

5. Unqualified QA/QC Personnel

Some QA/QC personnel at Waterford are alleged to be unqualified for their positions. Some lack the necessary experience. The QC staff is one of the smallest at any plant in the nation.

6. Welding and Cad-welding Problems

Welding problems have been found and alleged in the reactor containment vessel, the main reactor, and many other parts of the plant. Cad-welding problems also exist. (Cad-welding is of critical importance to the strength of the foundation of the plant upon which the reactor and other buildings stand.)

7. Problems in Safety-Related Systems

Problems have been found in the emergency water cooling systems, the low pressure safety inspection system, the containment spray system, the safety injection tanks, and the high pressure safety injection system. (LP&L

was recently fined \$20,000 for these violations.) Problems in any of these safety systems could be disastrous in the event of an accident at the plant.

B. Missing, Falsified, and Altered Work Documentation

Many QC documents for work already completed are missing, do not reflect the actual work done, or they have been altered or falsified to match the as-built condition of the plant. In some cases, signatures on inspection documents do not match those of the inspector who was supposed to have signed the document. These records are the only way to assure that the plant is being built properly and is safe for operation.

9. Inadequate Region IV Oversight

The NRC's Region IV has done a totally inadequate job of oversight at Waterford III. In many instances, Region IV has not found the problems that exist, or have chosen to ignore them. When Region IV has noted problems at Waterford, they refuse to acknowledge the serious nature of them.

II. SPECIFIC PROBLEMS AND ALLEGATIONS

In the investigation GAP has conducted so far, certain problems have become clear from the NRC documents. Specific problems included in these documents and allegations from workers are:

- Cracking of the common basemat, which the plant rests upon;
- Water leakage through cracks into reactor auxiliary building, fuel handling building, and reactor containment building;
- Leakage into the waste gas compressor room, gas surge tank room, gas decay tank room;
- Question of vertical cracking of the common basemat. This would mean the basemat could have a serious structural deficiency.

- Breakdown of prime contractor Ebasco's QA program;
- Sub-contractor American Bridge's welding problems in the reactor auxiliary building;
- Welding problems on the main reactor vessel;
- Structural steel problems;
- Problems with tubing, hanger and support documentation;
- Material traceability problems;
- Thirteen systems have been rejected for QA deficiencies;
- Intimidation of QA/QC personnel;
- Different signatures on inspection/test reports.

### III. GAP'S PLANS TO MONITOR NRC'S INVESTIGATION

For the past decade, the NRC and LP&L have repeatedly offered their reasonable assurances that QA/QC programs would improve. Yet, repeated failures in the design and construction of essential safety systems, as reflected in public documents, indicate the contrary.

QA and construction deficiencies continue, yet the NRC has been unwilling to enforce what could be very effective regulations to assure the safe construction of this nuclear plant. We will accept nothing but the "letter of the law" when public health and safety are concerned.

We are concerned to see a pattern of leniency that has compromised the regulatory concept. As we found at Comanche Peak, the NRC Region IV staff gives the benefit of the doubt to the utility far too often. We believe the utility will look out for its own best interests. The NRC is paid by the taxpayers to look out for the public interest.

In short, Region IV is plagued with a QA breakdown of its own inspections:

A. In its approach to whistleblowers, Region IV has:

1. Violated the confidentiality of whistleblowers, either directly or indirectly;
2. Narrowly defined issues raised by whistleblowers and failed to inspect beyond hardware examples the witness was able to specifically identify;
3. Failed to record interviews or take affidavits, particularly on the most significant issues being raised by whistleblowers;
4. Failed to include affidavits in the public reports when the statements contradicted the NRC's party-line on the problems at nuclear plants;
5. Failed to keep pace with new whistleblower allegations in a timely manner;

B. In its approach to utilities, Region IV has:

6. Conducted closed-door meetings with utility and contractor executives when investigating whistleblower allegations;
7. Provided advance warning to utilities about where and when Region IV was going to inspect hardware;
8. Relied on industry's technical conclusions without disclosure of supporting data and calculations for evaluation of whistleblower allegations;

9. Offered advance, informal review of decisions to the targets of Region IV investigations and inspections, thereby permitting utilities to escape accountability through informal, often unenforced commitments "not to do it again;"
  10. Reviewed and informally approved licensee practices before approved by corporate officials with QA responsibilities, thereby undercutting the employees who tried to carry out their duties objectively despite the pressure of management urgings that "it's all right with Region IV, so why are you holding things up?"
- C. In its approach to the public, the NRC has:
11. Attempted, as a knee-jerk reaction, to discredit critics-- whether whistleblowers, anti-nuclear organizations, or simply interested and concerned citizens--by questioning their motivations, patriotism, integrity, and technical competence to raise questions about public health and safety;
  12. Destroyed drafts of reports, significant tape recordings, created secret files, failed to admit the existence of documents requested under the Freedom of Information Act (FOIA), and given confidentiality to utility executives in order to prevent the public from learning how inspection findings were covered up.

the Gambit Publications began a series of articles about  
documentation, and quality control problems at the Waterford III  
which touched off a chain of Nuclear Regulatory Commission  
investigations by the national agency officials which has  
the issues brought forth by Gambit's investigation. Once  
the fourth estate that has had to bring forward violations  
nuclear plant construction projects--enlightening the  
to problems the NRC was unable to find or unwilling to

NRC began a special "task force" to root out the depth  
documentation, and quality control problems--this review  
opened without the investigative work of Mr. Ridenhour--  
former workers who were worried enough or disgusted  
truth about Waterford III.

Safe Energy echoes those concerns about the structural  
Waterford III plant. An accident at Waterford III could  
1,000 people, with 270,000 people injured, and cost over  
\$1 billion.

without adequate inspections is a disaster waiting