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N-plant settlement is blasted Illegals hinted

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WASHINGTON — Two senators charged Thursday that at least one Comanche Peak nuclear power plant settlement was possibly illegal, read like "gobbledygook" and may have wrongly paid to silence a whistle-blower.

The chairman of the Senate Subcommittee on Nuclear Regulation, Democrat John Breaux of Louisiana, assailed the Nuclear Regulatory Commission for initially accepting a \$35,000 settlement agreement with a former Comanche Peak electrician and complained that the lawyers who encouraged the man to enter into the pact had led him down the "garden path."

"The person on the street looks at this (agreement) and says, 'My God, what are we doing?' and you are telling me . . . that you have to make a determination that it is not illegal to pay people not to testify?" Mr. Breaux asked NRC Chairman Lando Zech during a hearing.

"How can there be any doubt that this is not right?"

The NRC in December upheld the agreement as valid but last month rescinded its ruling, saying it was up to the Labor Department to determine the agreement's validity.

"I agree there should be no restrictions, personally," Mr. Zech said. "That should be made very clear . . . I simply didn't get the support of

Please see SENATORS on Page 24A.

Senators blast Comanche Peak settlement

Continued from Page 23A.
the commission."

The agreement was signed in January 1987 by Joseph Macktal, an electrical foreman at the Comanche Peak plant, who resigned in January 1986

TU Electric Co., which owns the nearly completed plant southwest of Dallas, and Brown & Root Inc., the contractor, said Mr. Macktal's resignation came one day after he was counseled about chronic absenteeism. However, Mr. Macktal said he was harrassed and then fired after raising safety concerns.

Mr. Macktal said his lawyers pressed him not to proceed with the Labor Department complaint but to end his case for \$35,000. He said he entered into the agreement "under duress" and that afterward "I felt I could not talk to anyone" about his concerns.

"I was squashed," he told reporters during a break in Thursday's hearing. "They stepped on me. . . . They told me I would have to produce \$12,000 to proceed with the case and I didn't have \$12,000."

Mr. Macktal's new attorneys in a Labor Department case suggest that he might deserve \$750,000 from a special whistle-blower fund.

Mr. Macktal denied that he is challenging his settlement to obtain more money.

In his settlement, Mr. Macktal "agrees that he will not voluntarily appear as a witness or a party in any such proceeding" involving Comanche Peak and that he would resist

being compelled to testify.

Sen. Alan Simpson, R-Wyo., a member of the subcommittee and a lawyer, said the agreement contains such restrictive language that it might be "a violation of professional ethics."

"This stinks," Mr. Simpson said of the agreement. "The next proceeding for those cats (Mr. Macktal's lawyers) ought to be the disbarment box somewhere I can't believe what I'm seeing . . . It is a lot of gobbledygook."

Mr. Breaux has indicated that the committee will continue its questioning of whistle-blower settlement agreements at nuclear power plants. No specific hearings were scheduled.



John Breaux