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Senate panel to study Comanche Peak pacts

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WASHINGTON — A Senate panel today will examine whether settlements between former workers at the Comanche Peak nuclear plant and a Texas utility company were "silence-for-money" agreements that could harm plant safety.

Sen. John Breaux, D-La., chairman of the Senate Environment Committee's nuclear regulation subcommittee, said he is concerned that the agreements "appear to legally restrict the ability of those employees to testify before or provide information to the Nuclear Regulatory Commission."

The agreements were reached in July between TU Electric, which is building the plant near Glen Rose, and whistle-blowers pressing legal claims against the utility in connection with plant safety.

The utility agreed to pay \$4.5 million to the Dallas organization Citizens Association for Sound Energy and assured the group a five-year role in overseeing management of the plant. The company also agreed to pay about \$5.5 million to settle pending lawsuits filed by the individual whistle-blowers.

Senate investigators said in an interview Monday that the practice of reaching money settlements with public-interest groups is unique to Comanche Peak but that worker settlements at other plants around the nation are also being examined.

The investigators said they are concerned with the individual settlements, as well as with the circumstances under which the Dallas group withdrew its official role in overseeing the plant and its construction and safety problems.

The investigators have focused chiefly on an agreement between the utility and a former Comanche Peak electrical foreman, Joseph Macktal, who TU officials say resigned in January 1986, a day after being counseled about chronic absenteeism. Macktal has said he was harassed and fired after raising objections to the plant's safety.

In return for dropping a suit, Macktal received \$50,000 and agreed to be banned from volunteering as a witness before the Atomic Safety and Licensing Board.

A TU spokesman said yesterday that there was nothing in Macktal's agreement to prohibit him from bringing safety concerns to federal regulators and that the restrictive clauses in the agreement were more aimed at keeping Macktal from being involved in other workers' lawsuits.

"The only thing we were trying to get out of it was for him not to voluntarily appear as an adverse witness in court," TU spokesman Dave Fiorelli said. "This was not aimed at safety."

He said agreements with the other whistle-blowers contained even less restrictive language.

"You can read the restrictions on first glance and come to the conclusion that they are restrictive, but they are really very narrow," Fiorelli said. "That has led to a lot more speculation about the other agreements, which haven't been made public."

Senate staff members said the \$5.5 million in settlements involved 11 other workers — a statement the company would neither confirm nor deny.

Fiorelli said Macktal has exercised his right to raise safety concerns and did not raise the issue until more than a year after he stopped working for the company.

"We can't speculate but it is difficult to believe his motivation is the safety of the plant," Fiorelli said.

Macktal, who has said he never signed the agreement, is trying to overturn it in other proceedings before the U.S. Labor Department.

He has said his attorneys left him with only \$15,000 of his settlement. At the same time, other workers were settling for much larger sums.

Macktal said he isn't interested in money but instead is trying to be freed from the agreement so he can testify further on safety problems at the plant.

Regarding today's hearing, TU Electric officials say public confidence in the company's safety record is mostly what is at stake.

A Fort Worth group, Citizens for Fair Utility Regulation, says its attempt to reopen the licensing hearings is also at issue.

"There are more safety issues to be resolved," said Lon Burnam, whose group is filing an appeal with the 5th U.S. Circuit Court of Appeals in New Orleans in an attempt to step in where the Dallas group stepped out. "We'd like the truth to come out that the only people who were watching out for safety were bought out."