

NRC Did Not Object to Contractor Buying Whistle-Blower's Silence

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WASHINGTON — The Nuclear Regulatory Commission was aware of and did not object to a confidential agreement in which a nuclear plant contractor bought a whistle-blower's silence on safety issues for \$35,000, according to agency documents.

The agreement is being investigated by a Senate subcommittee, which has uncovered a second deal between another potential whistle-blower and a contractor working on the same plant, the Comanche Peak Nuclear Station near Glen Rose, Texas. Last week the NRC sent notices to nuclear plant operators warning them that such agreements are "not acceptable" and potentially illegal.

But in an order issued last December, the five-member commission said it did "not see a violation of federal law or NRC regulations" in a January 1987 settlement between Brown & Root, builder of Comanche Peak, and Joseph J. Macktal, a former electrical foreman who raised numerous safety questions about the two reactors under construction there.

The settlement forbade Macktal from voluntarily testifying at licensing hearings for Comanche Peak and required him to resist subpoenas for his testimony. In return, Macktal was paid \$15,000 and his attorneys received \$20,000. Macktal now is seeking to have the agreement invalidated, contending it was signed by his lawyers against his will.

Comanche Peak is owned by Texas Utilities Electric Co., which expects to complete the first reactor next year. The nuclear station has been dogged for years by allegations of faulty design and construction.

Macktal was one of several employees who made safety allegations, and the agreement was in settlement of a complaint that he had been forced to quit his job as a result.

The settlement is expected to be the focus of a hearing today by the Senate Environment and Public Works subcommittee on nuclear regulation, which also has documented a \$30,000 payment to an employee from Gibbs & Hill Inc., another Comanche Peak contractor. Subcommittee sources said the panel also knows of a similar

offer to an employee who raised safety questions about the Millstone nuclear plant in Connecticut.

Critics contend the agreements amount to "hush money" to keep insiders from testifying about potential safety problems that could prevent nuclear plants from receiving licenses to operate.

"These settlement agreements could prove to have undermined the nuclear regulatory process," said Sen. John B. Breaux, D-La., subcommittee chairman.

NRC spokesman Joseph Fou-

chard Wednesday said the commission has "backed off a little" from its initial position that the Macktal agreement did not violate NRC rules. "We want people who have safety issues and safety information to bring them to us," he said.

Last week's notice to nuclear plant operators said preventing employees from raising safety issues violates agency rules and "may subject licensees to significant enforcement action by the NRC."