

Nuclear Workers' Silence Probed

Plant Employees Allegedly Paid Not to Testify on Safety Concerns

Associated Press

A Senate subcommittee is investigating at least two instances in which Texas nuclear plant workers who raised safety concerns were paid for agreeing not to testify at licensing hearings.

The subcommittee on nuclear regulation also is examining at least one other secret deal between a nuclear plant contractor and an employee in order to determine the frequency and legality of such practices, panel sources said.

Sen. John B. Breaux (D-La.), the subcommittee chairman, said such arrangements hold frightening implications for nuclear safety. "It turns the licensing process into a sham if witnesses can be paid money to withhold their testimony."

The panel has scheduled a hearing Thursday to hear from parties to one of the Texas agreements, and from Nuclear Regulatory Commission Chairman Lando W. Zech Jr., who was not involved in the deals. Breaux has criticized Zech and other NRC commissioners for not condemning the deals.

The commission has not commented publicly on the issue, but in

private notices to nuclear plant operators last week said the operators could not make deals with employees that in any way restricted their ability to raise safety issues with the NRC.

"Examples of restrictive clauses include but are not limited to prohibiting or in any way limiting an employee, or an attorney for such employee, from coming to and providing safety information to an NRC staff member," the notice said.

The notice, which also was sent to nuclear plant vendors, was signed by Victor Stello Jr., the commission's executive director for operations. He instructed the companies to report restrictions by July 31.

Subcommittee sources said documents indicated Joseph J. Macktal, a former electrical foreman at the Comanche Peak nuclear station, received \$35,000 for himself and his attorneys in a January 1987 agreement with the plant's builder, Brown & Root. They said the deal barred Macktal from testifying to the NRC regarding his concerns about unsafe plant conditions.

Macktal says in a new complaint

with the Labor Department that he signed the deal under duress.

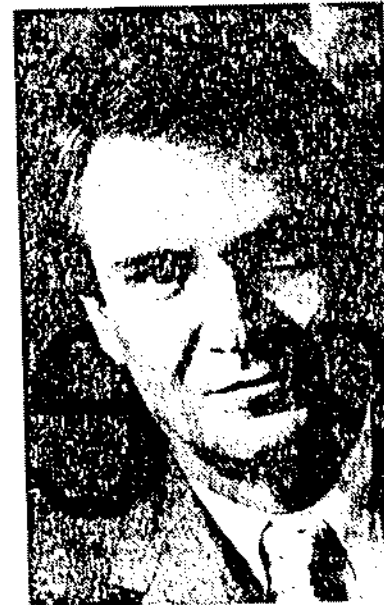
Brown & Root said in a statement that the payment to Macktal and his attorneys was in settlement of an earlier complaint he made to the Labor Department that he was forced to quit because he had questioned Brown & Root's quality controls at Comanche Peak.

The payment was meant to limit litigation costs, the company said.

The company acknowledged that the deal prevents Macktal from appearing as a witness before the NRC, but it said the intent of this provision was to protect the company from "the need to defend against" his labor complaint in another forum.

It said Macktal had ample opportunity to provide any safety information to the NRC prior to signing the deal.

The first of two reactors at Comanche Peak is 99 percent complete and its owner, Texas Utilities Generating Co., is expected to apply for a low-power license next year. The other reactor at the site, near Glen Rose, is 85 percent complete.



SEN. JOHN B. BREAUX

... to hear from witnesses Thursday

Subcommittee sources said the panel has documented a case at Comanche Peak in which a worker who had raised safety concerns received \$30,000 as part of a deal with Gibbs & Hill Inc., a contractor at the plant site. They said the arrangement prohibits the employee, Lorenzo Polizzi, from testifying before the NRC about safety issues.

A Gibbs & Hill spokeswoman said no company official was available to comment.