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## Workers paid not to testify

### Panel: Pacts bar NRC testimony

By Robert Burns  
Associated Press

WASHINGTON — A Senate subcommittee said yesterday that it had uncovered at least two "silence-for-money" deals in which Texas nuclear-plant workers who raised safety concerns were paid for agreeing not to testify at licensing hearings.

The Senate Environment and Public Works subcommittee on nuclear regulation also is investigating at least one other secret deal between a nuclear-plant contractor and an employee to determine the frequency and legality of such practices, subcommittee sources said.

Sen. John B. Breaux, the subcommittee chairman, said such arrangements held frightening implications for nuclear safety.

"It turns the licensing process into a sham if witnesses can be paid money to withhold their testimony," the Louisiana Democrat said.

The panel has scheduled a hearing tomorrow 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, it said operators could not make deals with employees that in any way restricted their ability to

(See SAFETY on 4-A)

## Panel: 2 agreed to deal not to testify to NRC

SAFETY, from 1-A  
raise safety issues with the NRC.

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 any such restrictions to the NRC by July 31.

Subcommittee sources, speaking on condition they not be identified further, said documents indicated that 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. The sources said the deal barred Macktal from testifying to the NRC regarding his concerns about plant conditions.

Macktal contends in a new complaint with the Labor Department that he signed the deal under duress.

Brown & Root, in a statement from its Houston headquarters, said 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, near Glen Rose.

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

The company acknowledged that the deal prevented Macktal from ap-

pearing 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 Department complaint in another forum.

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

Breaux said the Macktal agreement came to light after the NRC's atomic safety and licensing board ended its Comanche Peak hearings in July.

Subcommittee sources said the panel had documented another 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 prohibited the employee, Lorenzo Polizzi, from testifying before the NRC about safety issues.

At Gibbs & Hill headquarters in New York, spokeswoman Debba Fay said she was not familiar with the case, and no company official was immediately available to comment.

The subcommittee also is investigating a contractor-worker agreement involving the Millstone nuclear power station in Waterford, Conn., the sources said. No details were provided.