

State

Nuclear license contested

United Press International
HOUSTON — Despite a consultant's assurances that problems with the South Texas Nuclear Project have been rectified, a citizens' group is charging that quality control is still faulty.

The Nuclear Regulatory Commission's Atomic Safety and Licensing Board is holding hearings on whether it should issue Houston Lighting and Power Co. a license to operate the \$2.7 billion plant 10 miles southwest of Bay City.

John N. Amaral, corporate manager of quality assurance for the Bechtel Power Corp., said he would audit quality control procedures at the plant, testified Monday that problems spotted during a 1980 NRC investigation were basic organizational.

HL&P is the managing partner in the project owned by a group of utilities including Central Power & Light Co. of Corpus Christi and the municipal utilities of San Antonio and Austin.

"As described, the quality assurance program met with NRC requirements," Amaral said. "But as far as (how) the program was implemented, there were problems. The present program meets with the regulations."

But Lanny Sinkin of the San Antonio Citizens Concerned about Nuclear Power organization said Bechtel's recommendations are aimed at top of the program while the problem exists at the bottom.

"The lower levels (construction superintendents and foremen) are preventing information from reaching the top," Sinkin said.

"Shuffling personnel around will not solve the problem."

Dr. Don Beeth, director of HL&P's nuclear information, said the utility has moved to solve problems at the construction end of the project.

"We've cut down on the distance between the top management and the bottom level inspectors," he said. "Also, we've rewritten procedures (to report discrepancies) to make them more easily understood and interpreted by the workers."

In an investigation report released last month, the NRC said "allegations of quality control inspector error, intimidation and conspiracy to obstruct an NRC inspection" were confirmed.

White's opinion sought in UT property swap

United Press International
AUSTIN — State Comptroller Bob Bullock said Tuesday he has requested the attorney general's opinion on whether the state is making an "above board" deal in negotiations to swap University of Texas land in West Texas for the 190,000-acre Big Bend ranch.

Bullock, in a letter to Attorney General Mark White, asked whether the state is authorized to pay Presidio County for property tax revenue it would lose in the deal, and whether the Texas Constitution or the Texas Education Code allows the UT System Board of Regents to make the land trade.

Gov. Bill Clements last week announced that the state would trade the UT property near El Paso in Hudspeth County for the ranch owned by oilman and rancher, Robert O. Anderson.

Bullock said a House-approved resolution last Wednesday has urged him to pay state funds to Presidio County and public school districts to make up for the lost property tax revenue.

"Whether we need or want the park is not the question, but how this transaction is made will determine whether it was a hasty flim-flam or an above board land transaction," Bullock said.

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Ruling will affect Texas prisoners

United Press International
HUNTSVILLE — A Supreme Court decision voiding the death sentence of a Texas prisoner because psychiatric testimony was used to condemn him could affect as many as half of Texas death row inmates, officials said Tuesday.

Mary Hardesty, a spokeswoman for Texas Attorney General Mark White, said a review would be undertaken to determine exactly how many death row inmates might be affected but she said 70 or more could be involved.

A Texas Department of Corrections spokesman said there were 159 inmates on death row at the Ellis Unit as of Monday.

"We do not believe there . . . will be that many, but we just don't know yet," she said. "We don't anticipate that all those would necessarily have their sentences changed because of today's ruling."

Hardesty said many death sentences arising partly from psychiatric testimony might not be affected by the ruling for procedural reasons, for example, the defense lawyer's failure to object at the proper time.

The court Monday sustained a decision by the 5th U.S. Circuit Court of Appeals that overturned the death sentence given to Earnest Benjamin Smith in the 1974 shooting of Dallas grocery clerk William Moon.

The ruling affects Smith's sentence, but not his conviction.

The court held that Smith was sentenced to death partly because Dallas psychiatrist James Grigson interviewed him under court order to determine competence for trial and then testified at the sentencing hearing that he was a "dangerous sociopath."

"A criminal defendant, who neither initiates a psychiatric evaluation nor attempts to introduce any psychiatric evidence, may not be compelled to respond to a psychiatrist if his statements can be used against him at a capital sentencing proceeding," Chief Justice Warren Burger said in the opinion.

The court rejected the state's argument that the Fifth Amendment protection against self-incrimination does not apply at the sentencing hearing, after the suspect has been convicted.

Burger wrote that the Fifth Amendment protects a defendant from being "the deluded instrument of his own conviction . . . protects him as well from being made the deluded instrument of his own execution."

The ruling, in effect, extends the court's Miranda doctrine, requiring that police warn suspects of their rights before questioning them, to include suspects' answering questions by psychiatrists.

Book bill approved by Senate

United Press International
AUSTIN — The Senate Tuesday gave final approval to a bill that would provide textbooks for private schools, despite warnings by its critics that it opens the door of the state treasury to private and religious schools.

The bill, sponsored by Sen. Tati Santiesteban, D-El Paso, was passed 22-8 and now goes to the House.

Santiesteban said the bill would save the state money because it would allow private schools that are having financial problems to remain open. This would prevent a rush of students to public schools.

The program would cost \$12 million the first year it was implemented and \$3 million the second year.

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