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Utility commission keeps nuclear plant audit secret

AUSTIN (AP) — Consumer representatives were angered Wednesday by the Public Utility Commission's plan to keep secret a draft report on the \$9.1 billion Comanche Peak nuclear power built by Texas Utilities Electric Co.

But PUC executive director Bob Orozco said the public is better served by keeping the draft report under wraps so that any potential inaccuracies can be corrected before the final \$2.3 million report is completed.

"Ultimately, this audit has to withstand public scrutiny and cross-examination by all parties, therefore it is in the public's interest that we develop the strongest most accurate report," Orozco said.

But Tom Smith, director of Public Citizen-Texas, said, "This audit is fixing to be whitewashed and TU Electric is dipping its brush into the paint."

Carlos Higgins, deputy counsel for the Office of Public Utility Counsel said the public is entitled to know if any changes are made between the draft and final report.

"The only way we're going to know is if we get a copy of that draft," Higgins said. The Office of Public Utility Counsel represents residential and small business customers in rate hearings before the PUC.

The report, called a "prudence audit" of the nuclear plant located about 45 miles southwest of Dallas, was commissioned by the PUC last year before TU Electric's rate increase request. TU Electric wants a 10.2 percent, \$442 million rate increase to pay for Comanche Peak's first unit.

The PUC will use the report to help decide how much of TU Electric's expense for Comanche Peak should be passed on to consumers. Texas law says ratepayers may only be charged for construction costs that have been "prudently" spent.

Orozco said that since the report will represent the agency's case before the three-member PUC, he wants to make sure it is correct before releasing it for public review.

If there are areas in the report that need changing or further investigation, he said he will have the auditors, The Nielsen Wurster Group Inc. of New Jersey, make those changes.

A controversial provision of the contract with the consulting firm provides that its draft report will be made available only to the PUC and TU Electric.

Psychiatrist finds boy fit to stand trial

LOCKHART (AP) — A court-ordered evaluation of a 13-year-old accused of killing his parents shows the youth is fit to stand trial, the psychiatrist who performed the mental tests has said.

After two 90-minute sessions with the youth, Austin psychiatrist David Cardwell said the boy understands his circumstances.

A hearing is being held to determine whether the boy should stand trial for the March 8 slayings of his parents in Lattin Springs, about 20 miles south of Austin.

Caldwell said the youth suffered from some depression, but said it is not severe enough to cause hallucinations.

Earlier testimony by the boy's grandmother and his two attorneys said the boy on one occasion told of an out-of-body experience the night of his parents' death.

Attorney Kyle Maysel testified Tuesday that the youth said he had seen himself floating and telling his other self not to kill his parents.

If found competent to stand trial and convicted, the youth could face a 30-year sentence.

Trial begins for jail beating

TYLER (AP) — The widow of a man who died from severe head injuries inflicted at the Sabine County jail testified Wednesday that she hardly recognized her husband when she saw him in a hospital the next day.

"His face was all swollen up and they had two patches on his eyes. I couldn't hardly make out who he was until I got closer," Corinne Garner said in the opening day of a trial against three former Texas law officers accused of beating her husband to death in 1987.

Loyal Garner, 34, died Dec. 27, 1987, of head injuries he suffered on Christmas Day 1987 while a prisoner in the Sabine County Jail. He was injured within two hours of being arrested on a drunken driving charge.

Facing murder charges are former Hemphill Police Chief Thomas Ladner, 42, and former Sabine County sheriff's deputies James "Bo" Hyden, 36, and Billy Ray Horton, 59.

The three — who said they were acting in self-defense after Garner became violent — were acquitted in an earlier trial of violating Garner's civil rights. Garner was black, the defendants are white.

Smith County District Attorney Jack Skeen said in opening statements Wednesday that Garner, Alton Maxie and Johnnie Maxie were going from Garner's Florien, La., home to Newton to pick up a car Garner was going to repair.

Jerry Cartenas of Zwolle, La., said Garner and the Maxie brothers came into his store and pooled their money to purchase a six-pack of beer and two half-pints of liquor. But he said they did not appear intoxicated when they came in. Cartenas said he was not sure what time that was.

The men later were stopped near Hemphill, Skeen said, and were taken into custody without a sobriety test and without the opportunity to make a phone call.

Once inside a detoxification cell, Skeen said, Garner began to bang on the walls and was beaten severely with a slapjack by Ladner.

"It was not a case of any officer acting in self-defense," he said.

Ladner's attorney said Ladner struck Garner a "glancing blow" after Garner hit him first.

Mrs. Garner testified that she and her husband and their six children had spent a "typical" Christmas morning opening gifts. She conceded, under questioning, that it was possible he drank a beer before leaving home, but said she was not certain.

She said her husband and the Maxies left about mid-afternoon that day and were expected home within two to three hours. It was not until about midnight, she said, that she found out from the Maxies' mother that the three were in jail.

She went to Hemphill the next day and was told her husband had been taken to Tyler Memorial Hospital. He died the next day.

— Corinne Garner, widow of inmate

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