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No mics at Indian Point hearing

By Abby Luby



Photo by Abby Luby

Members of some of the groups protesting at the Indian Point relicensing hearings this week stand outside the federal courthouse in White Plains. From left to right: Nancy Burton of Connecticut Residents Opposed to Relicensing of Indian Point; Marilyn Elie of WesCan; Allegra Dengler of the Sierra Club; Ken Okin of Indian Point Safe Energy Coalition.

Elected officials, activists, complain

Although the public was welcome to listen to arguments made for and against the relicensing of the Indian Point Nuclear Power Plants, most could not hear any of the testimony.

In a large, crowded federal courtroom in White Plains only one microphone was set up, and it was in front of judge Lawrence McDade, chairman of the Atomic Safety and Licensing Board Panel (ASLB). McDade initially chose to

speaking without a microphone, but then used it when audience members said they couldn't hear.

"The acoustics in this courtroom are what they are," McDade said.

Monday was the first day of preliminary hearings where the ASLB queried organizations that object to extending Indian Point license to operate 20 more years. The plant's current licenses expire in 2013 and 2015.

Responding to questions were attorneys for New York State, the Nuclear Regulatory Commission (NRC) and Entergy Nuclear, the owner of the Buchanan based reactors. However, audience members protested that they couldn't hear the responses.

Westchester County Legislator Mike Kaplowitz tried to intervene on behalf of those in the audience, but McDade threatened the lawmaker with eviction if he continued to speak.

"If anyone else speaks out they will be removed from the courtroom. The board can hear fine and if you can't hear, I'm sorry. It's the best we can do," said McDade.

Besides the one in front of the judge, one solitary microphone stood on a podium in the corner in the back of the room with a guard standing close by.

Press and the Congressional staff of Senator Hillary Clinton and John Hall craned their necks but were prohibited from standing in the back of the courtroom where the sound was somewhat louder.

Judge McDade said that if anyone was interested in what was said during the three day hearings that a transcript would be posted on the NRC's Web site in a week or two. Jim Steets, an Entergy spokesperson, said it was important for people to be able to hear what was going on. "We need the input of the public, but this is a technical issue within the building," he said.

Marilyn Elie, co founder of Westchester Citizens Awareness Network, a group that filed contentions with the NRC against the plant's relicensing, said the judges' actions showed an indifference to the public.

"It's really a lack of forethought and common courtesy that starkly illustrates the real feelings of the ASLB for the

public's right to know," said Elie. "We saw microphones magically appear after lunch and the situation improved but this was clearly done under duress. Given the attitude of the board, it's apparent that this deck is rigged."

After a midday break, microphones were placed in front of the attorneys; only New York State attorney John Sipos used his, while microphones for Entergy and NRC attorneys were ignored.

Application deficiencies

During the course of the hearing, New York State argued that Entergy submitted its license renewal application with numerous information gaps. Sipos said Entergy based its application on outdated safety regulations.

"For instance, there are deficiencies in Entergy's application about seismic information," he said. "The seismic information they use is from 1980." The state is concerned with seismic activity because Indian Point is built on the Ramapo fault line. Studies of earthquakes in 2003 along the same fault line were not included in Entergy's application.

But Entergy's attorney Kathryn Sutton claimed seismic information wasn't relevant. "It's not part of the aging management and is outside the scope of the relicensing process," she said. The NRC reiterated that the relicensing process only looks at how Entergy manages the working parts of an aging plant.

Lax monitoring

The state's contentions also cited Entergy for lax monitoring of radiated water leaks and corroding pipes.

The NRC said it already has a monitoring program for leaks.

"Our program looks at these issues on an ongoing basis," said NRC attorney Sherwin Turk. "These are minor leaks that are typical of these utilities and leakage is outside the scope of the relicensing process."

"New York contends that the program [for monitoring] is not specific enough nor goes far enough," said Sipos. "That does have to do with aging management."

The state also argued that Entergy's application should have two different environmental reports for each of the two reactors, Unit 1 and Unit 2.

Other contentions

For the rest of the week the judges will ask questions of groups that have filed contentions, including the Town of Cortlandt, the State of Connecticut, Riverkeeper, Hudson River Sloop, Clearwater and Connecticut Residents Opposed to Relicensing of Indian Point (CRORIP), Rockland County Conservation Association, Public Health and Sustainable Energy and Sierra Club. The Westchester Citizens' Awareness Network was on the schedule but was rescheduled for another date.

Diane Curran, an attorney working with Riverkeeper, said the hearings set a national precedent for the industry relicensing process.

"Forty-eight out of 104 contentions have been approved by the NRC staff," she said. "That's an alarming number. This is a really important week."

The judges are expected to recommend which contentions will be formally argued in the next few months.