

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION



In the Matter of)

CONSOLIDATED EDISON COMPANY)
OF NEW YORK, INC.)

(Indian Point Station,)
Unit No. 2))

Docket No. 50-247
OL No. DPR-26

(Determination of Preferred
Alternative Closed-Cycle
Cooling System)

OBJECTION OF HRFA TO PARTICIPATION OF
CHAIRMAN HENDRIE IN THIS PROCEEDING

By Memorandum to counsel for the parties dated October 20, 1977, Chairman Joseph M. Hendrie disclosed his previous involvement with the Indian Point facilities as a member of the Advisory Committee on Reactor Safeguards (ACRS) and as Deputy Director for Technical Review, Directorate of Licensing of the Atomic Energy Commission. Commissioner Hendrie stated that, despite his previous involvement, he intends to participate in the pending review proceeding on the ground that his ability to consider impartially the particular issues involved in this proceeding has not been impaired. The Chairman indicated he would consider any objections to his participation received before November 4, 1977.

The Hudson River Fishermen's Association (HRFA), a party to the pending review proceeding, respectfully objects to Chairman Hendrie's proposed participation in this review proceeding.

As the Memorandum and accompanying documents indicate,

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the Chairman in his prior capacities was involved as an AEC Staff member in reviewing and reporting on technical, safety and site suitability issues related to Indian Point 2. HRFA believes that it would be inappropriate for the Chairman to participate in the adjudicatory proceeding concerning the operating license of a plant for which he previously had Staff responsibilities. This is particularly true in view of the fact that the NRC license term at issue could potentially lead to a cessation of operation at Indian Point 2.^{*/} Thus, while the particular issue before the Commission may not be one which the Chairman dealt with directly in his prior capacity, it does relate indirectly to the question of continued plant operation. Since the Chairman spent several years on the Staff side passing on the viability of Indian Point 2, a relationship potentially exists between the present proceeding and the Chairman's former responsibilities.

For this reason, HRFA respectfully requests that the Chairman not participate in this proceeding.

Respectfully submitted,

Sarah Chasis

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^{*/} If the licensee fails to meet the deadline presently set in the license for termination of operation with once-through cooling, then the plant may not operate.