

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

James P. Gleason, Chairman

Dr. Oscar H. Paris

Frederick J. Shon

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CONSOLIDATED EDISON COMPANY OF	:	Docket Nos. 50-247-SP
NEW YORK, INC. (Indian Point,	:	Docket Nos. 50-286-SP
Unit 2)	:	
POWER AUTHORITY OF THE STATE OF	:	
NEW YORK, (Indian Point,	:	
Unit 3)	:	

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April 26, 1983

POWER AUTHORITY'S MOTION FOR  
SUBPOENA OF RICHARD W. KRIMM

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POWER AUTHORITY'S MOTION FOR  
SUBPOENA OF RICHARD W. KRIMM

Preliminary Statement

Power Authority of the State of New York ("Power Authority"), licensee of Indian Point 3 Nuclear Power Plant hereby moves the board to issue a subpoena for the appearance at the hearings of Richard W. Krimm, Assistant Associate Director, Federal Emergency Management Agency ("FEMA") office of Natural and Technological Hazards ("Krimm").

Background Of This Motion

The Board has explicitly stated that the parties are entitled to discovery with respect to the exercise testimony to be presented April 26-29. (T:11,667). See also Commission Memorandum and Order dated January 8, 1981 at p. 6 (this special proceeding shall include "the full procedural format of a trial-type adjudication, including discovery"). Pursuant to this right, the licensees noticed the deposition of FEMA regional officials Philip McIntire and Roger Kowieski (a copy of the Notice of Deposition is annexed hereto as Exhibit A) and Krimm (a copy of the Notice of Deposition is annexed hereto as Exhibit B). Oral notice was provided to Stewart Glass, Esquire, counsel to FEMA, prior to service of the formal written notices, and as soon as possible following the receipt of FEMA's Post-Exercise Assessment.

On April 20, 1983, licensees filed a Motion to Compel discovery and preclude non-exercise testimony ("Motion to Compel"). Licensees filed the Motion to Compel only after meeting initial resistance from FEMA to their discovery requests.

Subsequently, licensees and FEMA reached an agreement with respect to the issues raised by the Motion to Compel. Pursuant to the Agreement, FEMA consented to the deposition of the two officials of FEMA's regional office (Roger Koweiski and Philip McIntire), which were completed on April 22, 1983. Licensees agreed to withdraw their Notice of Deposition of Krimm and their motion to compel that deposition, in consideration of FEMA's agreement to provide prompt responses to a set of interrogatories to be prepared by licensees.

#### Grounds For The Instant Motion

Licensees drafted and served upon FEMA last week approximately 25 interrogatories, which primarily focused on the generic nature of the deficiencies cited by FEMA in its Post-Exercise Assessment, and FEMA's recent alteration of the procedures it has heretofore followed for evaluating off-site emergency planning at Indian Point, and, we believe, elsewhere. The agreement with FEMA provided that FEMA would consent to the admission into evidence of the interrogatories

and responses thereto, subject only to objections as to relevance or materiality.

The Power Authority has now been advised, contrary to our understanding at the time the agreement was reached with FEMA, that FEMA cannot respond to the majority of licensees' interrogatories prior to the completion of hearings on April 29. Accordingly the Power Authority has now been left with no method of establishing for the record the generic nature of the deficiencies cited by FEMA, and FEMA's sudden change in its evaluation criteria. For these reasons, we submit that the subpoena of Krimm is necessary to complete the record and avoid clear and substantial prejudice to the Power Authority.

Krimm's Testimony Is Necessary  
and Material

It is, of course, well-settled that a licensing board "shall not attempt to determine the admissibility of [the] evidence" in ruling on an application for a subpoena. 10 CFR § 2.720(a). Regardless, for the reasons set forth below, we submit that the evidence to be elicited from Krimm is both relevant and admissible.

A. FEMA Has Applied Unique and Excessive Standards at Indian Point.

The Power Authority has reason to believe that FEMA has applied unique and excessive standards to the enforcement

of its regulations at Indian Point, and that this application contravenes equal protection of the law as guaranteed by the fifth amendment of the Constitution. To the Power Authority's knowledge, New York is the only site nationally to have faced a 120-day clock for failure to enact state radiological emergency planning legislation, at a time when such legislation was still pending in other states in which nuclear plants are situated. To the Power Authority's knowledge, Indian Point is the only site which could not be judged "adequately prepared" because bus driver participation is allegedly not assured. Since the FEMA assessment regulations are presently only a proposed rule (see 47 Fed. Reg. 36,386 (Aug. 19, 1982)), FEMA's interpretive process is especially significant. If, as it appears, standards are not being uniformly and consistently applied, lack of adequate discovery is sure to prejudice the Power Authority.

Furthermore, in its Post-Exercise Assessment, FEMA suddenly departed from its long-standing practice of comprehensively reviewing the state of emergency planning as a means for determining the adequacy of such planning at Indian Point. Instead, FEMA indicated that it could not certify emergency planning in Rockland County as adequate for the sole reason that Rockland County personnel had not participated in the exercise. The Power Authority submits that this procedure is not only contrary to FEMA's prior practice at

Indian Point, but also contravenes NRC and FEMA regulations, and interpretation thereof by FEMA's national office.

B. The Generic Nature Of The Deficiencies.

As noted above, the Power Authority has reason to believe that the deficiencies cited by FEMA are generic in nature, and that FEMA has not found such deficiencies to be the basis for adverse findings at other nuclear reactor sites. If this is, in fact, the case, testimony with respect to the generic nature of the deficiencies would obviously be relevant since it suggests (1) unequal enforcement in violation of the due process and equal protection guarantees of the Constitution; and (2) deficiencies in the credibility of the FEMA regional witnesses.

The regional witnesses, in their earlier appearance before the Board and at the April 22 deposition, demonstrated an appalling lack of personal knowledge of generic issues. With respect to the lack of written agreements with bus drivers, for example, witnesses Kowieski and McIntire conceded that there have been discussions at FEMA's national office, but that they (Kowieski and McIntire) had no specific knowledge regarding sites in other regions. (See T: 168-71; a copy of the deposition excerpt is annexed hereto as Exhibit E).



At the hearings, when licensees attempted earlier to ask certain relevant questions of the witnesses sponsored by FEMA's regional office, those regional witnesses have disclaimed personal knowledge, suggesting that only the national officials are capable of providing such answers:

Q Would you consider it important in your evaluation of the Indian Point plan to familiarize yourself with whether other plans in which there has been no verification of sirens have been approved by FEMA?

MR. GLASS: Your Honor, I object. I think he is putting information into evidence that is [sic] not been in evidence. He is making statements.

JUDGE CARTER: I think that he is really asking him, when you go about marking your cesions, do you consider those types of things. I think he can ask him whether the [sic] considers that, and not whether he actually did it in this case.

WITNESS McINTIRE: No, we don't, and let me explain so that the Board will not think that we are parochial in our interest.

What we do, we are in contact with our national office whose job is to be aware of what is going around on all the REP programs across the country. If anything that has been done at another site might be germane to one of the sites we are working on, they will provide us that information.

Therefore, we have a channel to receive information about what is going on at other sites as appropriate. It is just not a matter of our natural business to send us everything that has to do with REP.

(T:2247-48.)

C. Krimm Is An Appropriate Witness.

By virtue of his position as Assistant Associate Director, the Power Authority understand Krimm to be among the most senior FEMA officials engaged in evaluating off site radiological emergency planning. As Krimm's June 17, 1982 memorandum to the Commission's Division of Emergency Preparedness (Exhibit C hereto) indicates, he has been integrally involved in FEMA's evaluation of emergency planning at Indian Point, and has been a key liaison between FEMA and the Commission.

Indeed, at the deposition of FEMA regional witnesses McIntire and Koweiski on April 22, those witnesses confirmed that FEMA's national office played a critical role in the decision not to certify the adequacy of emergency planning at Indian Point:

MR. BRANDENBURG: From the time that you prepared your first draft of the transmittal letter until its preparation in final form, was the text of this letter discussed with anyone at FEMA National?

MR. McINTIRE: The letter was typed at FEMA National, as a matter of fact, after discussions with people down there.

MR. BRANDENBURG: With whom at FEMA National was the decision to characterize the Rockland non-participation and in Westchester, the transportation matters, as significant deficiencies discussed?



MR. McINTIRE: With whom were they discussed?

MR. BRANDENBURG: At National FEMA?

MR. McINTIRE: Personal knowledge in meetings with Mr. Krimm and Mr. McLoughlin. And I remember that Mr. Petrone and Mr. Krimm met with Mr. Bragg, who is the executive deputy director.

MR. BRANDENBURG: Were these face-to-face meetings or telephone calls?

MR. McINTIRE: Face-to-face meetings.

I participated and Roger did in the meetings with Mr. Krimm and Mr. McLoughlin.

MR. BRANDENBURG: These occurred immediately prior to what?

MR. McINTIRE: After April 13th and the early afternoon of April 14th.

(T: 112-13; a copy of the deposition excerpt is annexed hereto as Exhibit D).

FEMA's inability to provide timely responses to licensees' interrogatories makes Krimm's testimony imperative.


It is apparent that the regional witnesses assume that they are receiving full information from their national office. The Power Authority is entitled to discover whether these assumptions are in fact correct, and whether FEMA's regulations are being properly and constitutionally applied at Indian Point and in the same manner as at other sites. FEMA's testimony suggests that the alleged problems at Indian

Point are unique. We submit that this is not the case.<sup>1</sup>  
Since the principal aim of this special proceeding is to compare the risks at Indian Point with the spectrum of risks at other sites, the discovery sought herein is proper, relevant, and necessary.

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<sup>1</sup> At the April 22 deposition, Koweiski and McIntire indicated that FEMA's national office was engaged in efforts to address generic problems, and to minimize inconsistent enforcement of regulations. Those regional witnesses, however, could not specifically identify the measures now under way, suggesting that the FEMA National Office was the proper source of such information. (T:135-37; a copy of the deposition excerpted is annexed hereto as Exhibit F).

Respectfully submitted,

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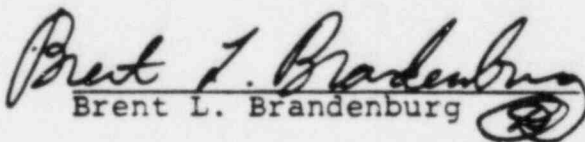
SHEA & GOULD  
330 Madison Avenue  
New York, New York 10017  
(212) 370-8000

Dated: April 26, 1983

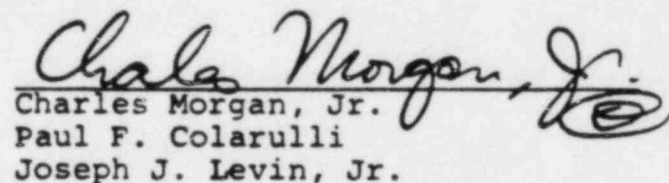
Notice is hereby given that a deposition will be taken by Licensees of Philip McIntire, Joseph Keller and Roger Kowalski, witnesses for the Federal Emergency Management Agency ("FEMA"), on Thursday, April 21, 1983, at 9:00 A.M., at the offices of Shea & Gould, 330 Madison Avenue, New York, New York, and will continue until completed.

The deposition will concern testimony under Commission Questions 3 and 4 which the deponents will be providing on behalf of FEMA in the captioned proceeding. The deponents should bring with them copies of all documents upon which they rely in their testimony, together with any documents concerning suggestions or instructions received from any person regarding the content of the testimony or the April 14, 1983 Post Exercise Assessment. Other parties are invited to appear and cross-examine.

Respectfully submitted,

  
Brent L. Brandenburg

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Dated: April 15, 1983



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
James P. Gleason, Chairman  
Frederick J. Shon  
Dr. Oscar H. Paris

In the Matter of	)	
	)	
CONSOLIDATED EDISON COMPANY OF	)	Docket Nos.
NEW YORK, INC.	)	50-247 SP
(Indian Point, Unit No. 2)	)	50-286 SP
	)	
POWER AUTHORITY OF THE STATE	)	April 18, 1983
OF NEW YORK	)	
(Indian Point, Unit No. 3)	)	
	)	

NOTICE OF DEPOSITION OF  
RICHARD W. KRIMM BY LICENSEES

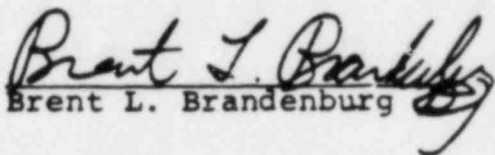
Notice is hereby given that a deposition will be  
taken by Licensees of Richard W. Krimm of the Federal  
Emergency Management Agency ("FEMA"), on Friday, April 22,

1983, at 10:00 A.M., at the offices of Shea & Gould, 1627 K Street, Washington, D.C., and will continue until completed.


The deposition will concern (1) the current status and degree of conformance with Nuclear Regulatory Commission/FEMA guidelines for off-site radiological emergency planning in the emergency planning zones surrounding the Indian Point nuclear power plants in Buchanan, New York; and (2) FEMA's participation in the above-captioned special proceeding. The deponent should bring with him copies of all documents listed on the annexed schedule.

Other parties are invited to appear and cross-examine.

Respectfully submitted,

  
Brent L. Brandenburg

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Dated: April 18, 1983

SCHEDULE OF DOCUMENTS  
TO BE PRODUCED BY RICHARD W. KRIMM

DEFINITIONS

"Document" shall mean any kind of written or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides thereof, and including, but not limited to: papers, books, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings (including, but not limited to, meetings of boards of directors or committees thereof), affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, financial statements, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, and things similar to any of the foregoing however denominated by intervenors.

### Documents

1. All documents referring or relating to the Indian Point nuclear reactor site in Buchanan, New York or the surrounding area.

2. All documents referring or relating to any deficiencies in off-site radiological emergency planning in the Indian Point area ("Indian Point planning").

3. All documents containing instructions, suggestions, or inquiries regarding:

- (a) the status of Indian Point planning;
- (b) a decision to report any deficiencies in Indian Point planning; and/or
- (c) FEMA testimony in the Indian Point special proceeding.

4. All documents which compare the status of off-site radiological emergency planning at two or more nuclear reactor sites in the United States.

5. All documents referring or relating to "significant deficiencies" identified by FEMA at any nuclear reactor site in the United States.

6. All documents referring or relating to the failure of a state, county, or local government to participate in off-site radiological emergency planning.

7. All documents referring or relating to advance commitments from emergency response personnel (including, without limitations, bus drivers) and/or the necessity therefor, including, without limitation, the absence of such commitments at any nuclear reactor site in the United States.





# Federal Emergency Management Agency

Washington, D.C. 20472

17 JUN 1982

MEMORANDUM FOR: Brian K. Grimes, Director  
Division of Emergency Preparedness  
Office of Inspection and Enforcement

FROM: *Richard W. Krimm*  
Richard W. Krimm  
Assistant Associate Director  
Office of Natural and Technological Hazards

SUBJECT: Need for Findings on Indian Point

Reference: Mr. Brian Grimes to Mr. Krimm, dated June 16, 1982,  
Same Subject

In response to the reference memorandum, which requests an interim finding under the FEMA/NRC Memorandum of Understanding, I have attached the Post Exercise Assessment dated May 27, 1982, together with the June 4 press release relating to the March 3, 1982 exercise at Indian Point. The Post Exercise Assessment was provided to NRC Region I by FEMA Region II.

Significant deficiencies ("capability weak") are identified in the press release and discussed in the Post Exercise Assessment:

Westchester County	pages 30 & 36
Rockland County	pages 39, 40, 42 & 43
Orange County	pages 49 & 54
Putnam County	page 59

As indicated in Mr. Petrone's letter date June 17 to Mr. Hennessy (also attached), Region II, FEMA will review the State's schedule of corrective actions in developing the recommendations for an Interim Finding by FEMA headquarters, as you have requested. Further, a meeting with the State is suggested by Mr. Petrone on either July 7 or 8, at which time the methods and timing for resolution of significant deficiencies will be reviewed. Assuming this schedule of events takes place as projected, the FEMA headquarters Interim Finding with respect to preparedness at Indian Point will be transmitted to you by July 30.

Attachment  
as stated

1  
2 MR. McINTIRE: I think probably one of the  
3 main factors was the degree of progress or change that  
4 had occurred between the time we issued our update  
5 status report in December 1982 and what we observed  
6 at the exercise and information that we subsequently  
7 gathered on these two areas of what progress had been  
8 made.

9 MR. BRANDENBURG: From the time that you  
10 prepared your first draft of the transmittal letter  
11 until its preparation in final form, was the text of  
12 this letter discussed with anyone at FEMA National?

13 MR. McINTIRE: The letter was typed at  
14 FEMA National, as a matter of fact, after discussions with  
15 people down there.

16 MR. BRANDENBURG: With whom at FEMA  
17 National was the decision to characterize the Rockland  
18 non-participation and in Westchester, the transportation  
19 matters, as significant deficiencies discussed?

20 MR. McINTIRE: With whom were they  
21 discussed?

22 MR. BRANDENBURG: At National FEMA?

23 MR. McINTIRE: Personal knowledge in  
24 meetings with Mr. Krimm and Mr. McLoughlin.

25 And I remember that Mr. Petrone

1 and Mr. Krimm met with Mr. Bragg, who is the executive  
2 deputy director.  
3

4 MR. BRANDENBURG: Were these face-to-face  
5 meetings or telephone calls?

6 MR. McINTIRE: Face-to-face meetings.  
7 I participated and Roger did in the  
8 meetings with Mr. Krimm and Mr. McLoughlin

9 MR. BRANDENBURG: These occurred  
10 immediately prior to what?

11 Mr. McINTIRE: After April 13th and the  
12 early afternoon of April 14th.

13 MR. BRANDENBURG: What was the nature  
14 of the discussion as to whether these two items should  
15 be characterized as significant or some other type  
16 of deficiency.

17 MR. McINTIRE: The best way to  
18 characterize it was that Mr. Petrone briefed the people  
19 in Washington as to what the letter is saying and the  
20 reasons therefor.

21 MR. BRANDENBURG: Now focusing  
22 specifically on the adjective specific for these two  
23 items, what was the point that Mr. Petrone was  
24 emphasizing as to why these two items, among all of them,  
25 should be separately characterized as significant  
deficiencies.

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MR. KOWIESKI: Mr. Lee Thomas, in the memo or letter to Mr. Frank Petrone, requested that we provide him, again on a biweekly or monthly basis, with an update report on the Indian Point situation.

MR. CZAJA: In one of these reports, you discussed the Rockland County situation?

MR. KOWIESKI: It is my recollection.

MR. CZAJA: I would ask that those reports be produced, Mr. Glass.

MR. GLASS: I will review them, and subject to privilege, we will produce.

MR. CZAJA: Now, in reaching your judgment that a significant deficiency exists with regard to the transportation situation in Westchester County --

MR. GLASS: Make sure to leave a space in the transcript so we could put in an attachment.

MR. CZAJA: -- what weight, if any, did you give to the lack of written agreements with bus drivers?

MR. McINTIRE: That was definitely given some weight.

MR. CZAJA: Is it a matter of some importance, in your judgment?

1 MR. McINTIRE: It's a matter of concern.

2 MR. KOWIESKI: May I elaborate on it?

3 MR. CZAJA: Yes.

4 MR. KOWIESKI: As a matter of fact, it's  
5 a requirement of the NUREG 0654, and it was specifically  
6 stated in our plan review comments.  
7

8 MR. CZAJA: Are you aware of any  
9 situations where FEMA has found emergency preparedness  
10 adequate in the case of a nuclear plant other than  
11 Indian Point, in which there were no written agreements  
12 with bus drivers?

13 MR. McINTIRE: I didn't understand the  
14 statement "other than Indian Point."

15 Is it implied we found it adequate in  
16 Indian Point?

17 MR. CZAJA: I will rephrase the question.

18 Are you aware whether your counterparts  
19 in any region other than your region have looked into  
20 this question of whether written agreements exist with  
21 bus drivers?

22 MR. McINTIRE: Do you have any specific  
23 knowledge?

24 MR. KOWIESKI: I have no specific  
25 knowledge.

4-3  
1  
2 MR. CZAJA: You never raised this  
3 specific question with any of your RAC chairman  
4 meetings?

5 MR. KOWIESKI: Maybe I did, but I don't  
6 have a specific recollection.

7 MR. CZAJA: This has not been the  
8 subject of some sort of directive or discussion from  
9 FEMA's national office?

10 MR. McINTIRE: The question of written  
11 agreements --

12 MR. CZAJA: With bus drivers.

13 MR. McINTIRE: There have been discussions  
14 on this. I don't know of any written guidance or  
15 memos.

16 MR. CZAJA: What has been the nature of  
17 the discussions that you have knowledge of?

18 MR. McINTIRE: Basically, reporting on the  
19 status of the Westchester County transportation  
20 situation.

21 MR. CZAJA: Do you have any knowledge  
22 whether any written agreements with bus drivers exist  
23 in the case of any other nuclear plants in the United  
24 States?

25 MR. KOWIESKI: I don't have specific



1 knowledge.

2 MR. CZAJA: I have no further questions.

3 MS. POTTERFIELD: Let us look at page 11  
4 on your chronology of events. It indicates that at  
5 8:00 o'clock A.M. there was a declaration of alert  
6 classification.  
7

8 Do you see it that way?

9 MR. McINTIRE: Yes.

10 MS. POTTERFIELD: That time of 8:00  
11 o'clock is different than the time that is on  
12 McIntire Exhibit 3, which indicates six different times  
13 for an alert, for a declaration of alert classification.

14 MR. McINTIRE: That is correct.

15 MS. POTTERFIELD: Eight o'clock is later  
16 than all but those times indicated on McIntire Exhibit 3.

17 MR. McINTIRE: That is correct.

18 MS. POTTERFIELD: Could you tell me what  
19 the difference is?

20 MR. McINTIRE: The difference?

21 MS. POTTERFIELD: Yes.

22 MR. McINTIRE: Why?

23 MS. POTTERFIELD: Yes.

24 MR. McINTIRE: Why there is a difference?

25 MS. POTTERFIELD: Why it says 8:00 o'clock

1  
2 planning, that on a national scope, FEMA has identified  
3 as a generic deficiency occurring on a number of  
4 occasions such things as problems associated with  
5 evacuation?

6 MR. GLASS: You would have to define the  
7 term "generic." I realize it is a problem because it  
8 appears to be a term that you are referring to in his  
9 presentation.

10 Do you mean deficiencies that have been  
11 identified in more than one region?

12 MR. BRANDENBURG: Yes, that would be fine.

13 MR. GLASS: During the course of a post-  
14 exercise assessment.

15 MR. BRANDENBURG: Mm-hmm.

16 MR. McINTIRE: I have very little personal  
17 knowledge of the deficiencies noted in other regions  
18 and in other exercises.

19 MR. BRANDENBURG: Well, are you aware of  
20 any -- let us take a hypothetical map and a hypothetical  
21 facility, nothing in particular.

22 Is there any program that you are aware  
23 of to guard against such a hypothetical deficiency  
24 being characterized as minor in one region and significant  
25 elsewhere, something of that sort?

1  
2 MR. McINTIRE: I understand that is one  
3 of the concerns and one of the goals of the national  
4 office, is to improve consistency.

5 MR. KOWIESKI: I referred before to RAC  
6 chairman's meetings in Washington. Obviously, at those  
7 meetings, the issue of significant or minor deficiencies  
8 were discussed.

9 So, to answer your question, yes, we  
10 discussed. We did not go into any specifics. We  
11 discussed in general terms.

12 MR. BRANDENBURG: Can you describe for  
13 us, Mr. McIntire, what activities you are aware of  
14 and that you have participated in to make -- to improve  
15 the consistency of assessment from site to site and  
16 from region to region?

17 MR. McINTIRE: There has been at least one  
18 memo that I am aware of that has been issued on the  
19 subject.

20 MR. KOWIESKI: From the national office.

21 Again, if I may refer to our quarterly  
22 meetings, Regions I, II and III, NRC, there is another  
23 forum for discussion as to what constitutes minor or  
24 major deficiencies, and discussions about how we conduct  
25 the business, Regions I, II and III.

1  
2 MR. BRANDENBURG: Did these result in the  
3 preparation of documents that you just described? Were  
4 they verbal discussions between the three regions?

5 MR. KOWIESKI: Verbal discussion.

6 MR. BRANDENBURG: I would like to request  
7 a copy of the memorandum that Mr. McIntire referred to,  
8 emanating from FEMA national, on the subject of  
9 consistency.

10 MR. GLASS: I will have to look at it  
11 first before I can give you an answer.

12 MR. BRANDENBURG: I have no further  
13 questions.

14 MR. CZAJA: Let us take a short recess.

15 (Recess taken)

16 MR. BRANDENBURG: Mark this document as  
17 McIntire Exhibit 2 for identification.

18 (Mr. McIntire's notes were marked  
19 McIntire Exhibit 2 for identification, as of  
20 this date.)

21 MR. CZAJA: We marked as McIntire Exhibit  
22 2, Mr. McIntire's notes that were identified in Mr.  
23 Brandenburg's examination and have now been produced  
24 by Mr. Glass.

25 Mr. Kowieski, am I correct that you

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
James P. Gleason, Chairman  
Frederick J. Shon  
Dr. Oscar H. Paris

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In the Matter of )  
 ) Docket Nos.  
 )  
CONSOLIDATED EDISON COMPANY OF NEW YORK, ) 50-247 SP  
INC. (Indian Point, Unit No. 2) ) 50-286 SP  
 )  
POWER AUTHORITY OF THE STATE OF NEW YORK ) April 26, 1983  
(Indian Point, Unit No. 3) )  
 )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of POWER AUTHORITY'S  
MOTION FOR SUBPOENA OF RICHARD W. KRIMM in the above-  
captioned proceeding have been served on the following by  
deposit in the United States mail, first class, this 26th day  
of April, 1983.

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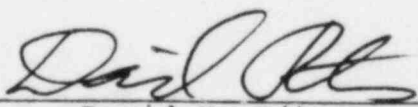
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