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 MURLEY,T.E. Office of Nuclear Reactor Regulation, Director (Post 870411)

SUBJECT: Requests for commencement of informal complaint procedures
 per Section 5.3.2 of NUREG-0970.

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August 3, 1989

OF COUNSEL
SPENCER L. KIMBALL

Dr. Thomas E. Murley
Director, Office of Nuclear
Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Shearon Harris Nuclear Power Plant (NPF-63)
Request for Commencement of Informal Complaint
Procedures Under Section 5.3.2, NUREG-0970

Dear Dr. Murley:

On June 15, 1989, Mr. George Avery, counsel for Carolina Power & Light Company ("CP&L"), wrote to you in response to North Carolina Eastern Municipal Power Agency's ("Power Agency") request of May 5, 1989 for commencement of informal complaint procedures under Section 5.3.2 of NUREG-0970. Among the reasons cited by CP&L in urging denial of Power Agency's request was the pendency of an arbitration proceeding between the parties involving certain of the same CP&L conduct as that which forms the basis for Power Agency's complaint. On June 22, 1989, Power Agency wrote to advise you, inter alia, that CP&L had moved for a stay of the arbitration proceeding discussed in its June 15 response.

This letter is to notify you that, by order dated July 25, 1989, the Arbitrator in the proceeding referred to above denied CP&L's motion for a stay of that proceeding. Power Agency continues to believe, however, that the pendency of that arbitration proceeding does not obviate the need for commencement of informal complaint procedures before the Nuclear Regulatory Commission. The bases for Power Agency's position in this regard are discussed at page 4 of its May 5, 1989 letter to you requesting the initiation of informal complaint procedures.

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Dr. Thomas E. Murle

August 3, 1989

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Power Agency stands ready to provide any additional information desired by the Commission or its Staff in connection with these matters, and we look forward to the opportunity to discuss in greater detail the subject matter of Power Agency's complaint.

Very truly yours,



Gary J. Newell

Counsel for North Carolina
Eastern Municipal Power Agency

cc: Mr. Joseph Rutberg
Mr. William M. Lambe
Mr. Cecil O. Thomas
Mr. Bobby L. Montague
Mr. George A. Avery
Mr. William G. Wemhoff
Mr. Michael S. Colo

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