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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555



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John Runkle, Esq.
The Conservation Council of North Carolina
307 Granville Road
Chapel Hill, NC 27514

Dear Mr. Runkle:

Thank you for your January 20, 1986 letter to Chairman Palladino. He has asked me to respond.

Your letter questions the propriety of Administrative Judge James L. Kelley's disposition of a letter sent to him by Ms. Patty Miriello, a witness in the ongoing operating license proceeding for the Shearon Harris Nuclear Plant. Judge Kelley is the Chairman of the Atomic Safety and Licensing Board panel presiding over the Shearon Harris proceeding. Attached to your letter is a copy of Ms. Miriello's letter, which raises various concerns about the Shearon Harris facility; a January 10, 1986 order by Judge Kelley concerning his disposition of that letter; and a January 21, 1986 filing of the Conservation Council of North Carolina (CCNC) objecting to that order.

I note, however, that by memorandum issued February 10, 1986, Judge Kelley responded to the objections raised in CCNC's January 21 filing. In light of this response, which was issued subsequent to your letter to the Chairman, there appears to be no basis at this time for counseling further Commission action relative to this matter.

It is unfortunate that, prior to sending her letter to Judge Kelley, Ms. Miriello did not consult counsel, whether yourself or the NRC staff, about the appropriate manner for obtaining confidential agency consideration of her concerns.

Sincerely,

Herzel H.E. Plaine
General Counsel

cc: Service List in Docket 50-400 OL

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