

## REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

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

NOTES:Application for permit renewal filed. 05000400

RECIPIENT			RECIPIENT		
ID CODE/NAME	COPIES		ID CODE/NAME	COPIES	
	LTTR	ENCL		LTTR	ENCL
PD2-1 LA	1	1	PD2-1 PD	1	1
BECKER,D	1	1			
INTERNAL: EDO/BRIDGERS	1	1	NRR DIR	1	1
NUDOCS-ABSTRACT	1	1	OGC/HDS1	1	1
OGC/ROED	1	1	REG FILE 01	1	1
EXTERNAL: LPDR	1	1	NRC PDR	1	1

PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK,  
ROOM P1-37 (EXT. 20079) TO ELIMINATE YOUR NAME FROM DISTRIBUTION  
LISTS FOR DOCUMENTS YOU DON'T NEED!

TOTAL NUMBER OF COPIES REQUIRED: LTTR 11 ENCL ~~11~~

R  
I  
D  
S  
/  
A  
D  
D  
S  
.  
  
R  
I  
D  
S  
/  
A  
D  
D  
S

# SPIEGEL & McDIARMID

GEORGE SPIEGEL, PC  
ROBERT C. McDIARMID  
SANDRA J. STREBEL  
ROBERT A. JABLON  
JAMES N. HORWOOD  
ALAN J. ROTH  
FRANCES E. FRANCIS  
DANIEL I. DAVIDSON  
DANIEL GUTTMAN  
PETER K. MATT  
DAVID R. STRAUS  
BONNIE S. BLAIR  
THOMAS C. TRAUGER  
JOHN J. CORBETT  
CYNTHIA S. BOGORAD  
GARY J. NEWELL  
MARC R. POIRIER  
RICHARD A. BROWN  
JOSEPH VAN EATON  
RENA I. STEINZOR  
R. DANIEL BRUNER  
SCOTT H. STRAUSS

1350 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-4798

TELEPHONE (202) 879-4000  
TELECOPIER (202) 879-4001  
TELECOPIER (202) 879-4081

BEN FINKELSTEIN  
DONALD WEIGHTMAN  
MARGARET A. MCGOLDRICK  
BARBARA S. ESBIN  
MARTIN S. PUTNAM  
SUSAN M. BERNARD  
DIANE H. LAUTRUP  
DAVID KOLKER  
LISA G. DOWDEN  
WILLIAM S. HUANG  
RISE J. PETERS  
PETER J. HOPKINS  
NANCY R. PAGE  
RUSSELL F. SMITH, III  
KODWO GHARTEY-TAGOE  
R. DAVID LOPEZ

<sup>1</sup> MEMBER OF WISCONSIN BAR ONLY  
<sup>2</sup> MEMBER OF MASS BAR ONLY  
<sup>3</sup> MEMBER OF VIRGINIA BAR ONLY  
<sup>4</sup> MEMBER OF PENNSYLVANIA BAR ONLY

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.

8908160385 890803  
PDR ADDCK 05000400  
P PNU

YE03  
110

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

Dr. Thomas E. Murle

August 3, 1989

Page 2

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

SECRET

CONFIDENTIAL

SECRET

CONFIDENTIAL

SECRET

SECRET  
CONFIDENTIAL  
SECRET