

April 12, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

'83 APR 15 10:48

CAROLINA POWER & LIGHT COMPANY )  
AND NORTH CAROLINA EASTERN )  
MUNICIPAL POWER AGENCY )  
(Shearon Harris Nuclear Power )  
Plant. Units 1 and 2) )Docket Nos. 50-400 OL  
50-401 OLCOMMENTS BY CITIZENS AGAINST NUCLEAR POWER (CANP) REGARDING  
APPLICANTS' INTERROGATORIES (FIRST SET) AND REQUEST FOR PRODUCTION OF DOCUMENTS

Citizens Against Nuclear Power (CANP) herewith acknowledges its failure to date to make a timely filing of responses to Applicants' first set of interrogatories and request for production of documents of March 9, 1983. CANP wishes to make the following comments in explanation of this circumstance:

CANP finds that it lacks the resources to stay afloat in the wake of the tidal waves of paper generated in this proceeding. More specifically, CANP members' employment obligations severely limit the time they can devote to this proceeding and CANP members lack the financial resources to hire the clerical and technical support which would be required to keep adequate pace with the paper output of Applicants' large stable of legal talent. CANP finds Applicants' blunderbuss interrogatories to be overwhelming, but perhaps not only in the way Applicant intended. We find them to be overwhelming evidence of the injustice worked upon us by the great disparity of resources between CANP and Applicants. In response to broadly exhaustive interrogatories from CANP, Applicants need only--and could easily--throw a few more person-hours into the fray. But CANP, facing a similar challenge from Applicants, cannot even begin to mount a reply in the short time allowed, and is effectively prevented from pressing its case.

As a citizens group we note the tragic irony of our circumstance: on the one hand, our standing before the Board in this proceeding represents an admirable admission of our input to a regulatory process substantially affecting our health and welfare; on the other hand, the real context of our participation is such as to actually deny us the rights we appear to be granted. In the face of Applicants' overwhelmingly superior resources, a citizens' group such as CANP cannot hope to press its case before the Board without the help of full-time, professional support services; such professional support is entirely beyond the financial capacity of CANP, as it would be of most similarly circumstanced citizen groups.

As citizen intervenors, then, we find ourselves facing the possibility that the fate of our contentions will rest not on their substantive merits, duly adjudicated, but on the entirely irrelevant accident of CANP's financial resources. The prospect deeply disturbs us. We trust that it disturbs the Board. We hope that it disturbs the Applicants.

We address the following question to the Board: In the light of the foregoing, what are CANP's options in this proceeding?

Sincerely,

*Patricia T. Newman*

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of CAROLINA POWER & LIGHT CO. et al.)  
Shearon Harris Nuclear Power Plant, Units 1 and 2 )

Dockets 50-400  
and 50-401 O.L.

CERTIFICATE OF SERVICE

'83 APR 15 A10:48

I hereby certify that copies of Comments by Citizens Against Nuclear Power (CANP)  
Regarding Applicants' Interrogatories (First Set) and Request for Production of  
Documents HAVE been served this 13th day of April, 1983, by deposit in the U.S.  
Mail, first-class postage prepaid, upon all parties whose names are listed below,  
except those whose names are marked with an asterisk, for whom service was  
accomplished by \_\_\_\_\_.

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Certified by

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