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NUCLEAR REGULATORY COMMISSION 128 15 A9:50

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Stephen F. Eilperin, Chairman Dr. W. Reed Johnson* Christine N. Kohl

SERVED FEB 1 5 1983

In the Matter of
LOUISIANA POWER AND LIGHT COMPANY
(Waterford Steam Electric Station,
Unit 3)

Nocket No. 50-382 OL

ORDER

February 10, 1983

By order entered on January 31, 1983, we noted several deficiencies (principally, illegibility) in the brief submitted by Joint Intervenors. We rejected the brief but gave them the opportunity to "refile a clear, legible copy in compliance with the Rules of Practice identified above by February 4, 1983." Joint Intervenors have timely filed a legible copy of their original 31-page brief. But in addition, another 14 pages of argument concerning different issues is attached, without benefit of explanation or motion seeking leave to do so.

^{*} Dr. Johnson has replaced Dr. Gotchy on this Appeal Board as of February 10, 1983.

The explicit and sole purpose of our January 31 order was to give Joint Intervenors a fair opportunity to cure the specified format deficiencies in their original brief; it was decidedly not an invitation to add further substantive $\frac{1}{2}$ Ordinarily, we would request Joint Intervenors to show cause why we should not strike the last 14-page portion of its resubmitted brief and treat the exceptions to which it relates as waived. $-\frac{2}{}$ However, the arguments made in those 14 pages relate to certain of Joint Intervenors' properly filed exceptions, and the delay in filing does not prejudice any other party because the time for filing responsive briefs begins to run from the service date of the resubmitted brief. Consequently, with an admonition to Joint Intervenors against any such future efforts, we will treat their "new" brief as though it were properly filed in all respects.

^{2/} Cf. Public Service Electric and Gas Co. (Salem Nuclear Generating Station, Unit 1), ALAB-650, 14 NRC 43, 49-50 (1981), and cases cited.

It is so ORDERED.

FOR THE APPEAL BOARD

C. Jean Shoemaker Secretary to the Appeal Board