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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before Administrative Judges:
Ivan W. Smith, Chairman
Richard F. Cole
Gustave A. Linenberger, Jr.

OFFICE OF THE
DOCKET UNIT & SERVICE
BRANCH

SERVED MAR -5 1986

In the Matter of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Unit 1)

Docket No. 50-352-OLA
[ASLBP No. 86-522-02-LA]
(Check Valve)

March 4, 1986

MEMORANDUM AND ORDER

Suspension of Pleadings

As of today Mr. Robert L. Anthony has filed four pleadings¹ relating to the notice of opportunity for hearing in this proceeding, 50 Fed. Reg. 52874, December 29, 1985. Some of the pleadings have overlapped in purpose. In addition, the February 15 pleading to the Commission contained, contrary to traditional practice, the contentions advanced by Mr. Anthony as issues in the proceeding. Consequently confusion has arisen about the timing and sequence of answers to Mr. Anthony's filings.

¹ January 30, 1986 to Secretary of the Commission; February 5, 1986 to Secretary of the Commission; February 15, 1986 to the Commission; and February 26, 1986 to the Licensing Board.

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Until the Board has had an opportunity to bring order to this proceeding, the opportunity and need to file pleadings is suspended. This means that Mr. Anthony and other parties may not file additional pleadings until authorized by the Board. However he and other parties may seek leave to file pleadings by stating the nature and purpose of it. This also means that other parties are not required to answer Mr. Anthony's pleadings until further notice. Sufficient time for answering will be provided.

Form of Pleadings

Some of Mr. Anthony's pleadings have been difficult to read. He has overcrowded some of the pages in his pleadings and has yet to comply with the Commission's formal requirements for documents. In particular he disregards the margin and spacing rules set out in 10 CFR

§ 2.708(b):²

(b) Each document shall be bound on the left side and typewritten, printed or otherwise reproduced in permanent form on good unglazed paper of standard letterhead size. Each page shall begin not less than one and one-quarter inches from the top, with side and bottom margins of not less than one and one-quarter inches. Text shall be double-spaced, except that quotations may be single-spaced and indented. The requirements of this paragraph do not apply to original documents or admissible copies offered as exhibits, or to specially prepared exhibits.

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The rules for margins and spacing are not mere technicalities. There must be space on documents to accommodate official stampings and notations. The margin must be of the prescribed dimensions in order to allow for binding. Single spaced information not in a
(Footnote Continued)

Mr. Anthony has also failed to comply with the proof-of-service requirements of the regulations. 10 CFR § 2.712. While the Board understands that Mr. Anthony usually does serve his pleadings on the parties, he does not always clearly note that fact as required. The result is that the Licensing Board Chairman or some other NRC officer must waste time to determine whether Mr. Anthony's pleadings have been served. The Board will accept Mr. Anthony's certificate (as compared to an affidavit) that he has served the pleadings, but with that exception we will insist that he comply with the proof-of-service rule. See Section 2.712(e)(2) and (3).

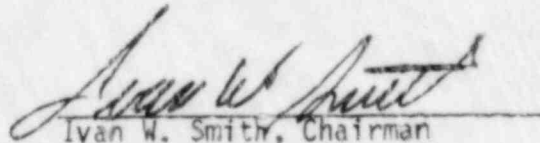
Section 2.709 provides that documents failing to conform with Section 2.708 may be returned and not entered into the Commission's docket. Mr. Anthony has already had one pleading returned to him in this proceeding by the Secretary. The Board stresses the importance of complying with the Commission's procedural rules. We are aware of no reason why Mr. Anthony cannot or should not comply with the Commission's filing procedures. Fairness to the other participants and the Board's responsibility to conduct proceedings in an orderly and efficient manner may require the Board to reject defective pleadings in the future.

(Footnote Continued)

quotation creates confusion as to its intent and causes needless difficulty in reading.

All parties are requested to assure that the name of the filing party and the date of the document (preferably this should also be the date of service) appear clearly on the face page of each pleading.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

March 4, 1986