



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

December 26, 1985

Mr. Tim Johnson  
Executive Director  
Campaign for a Prosperous Georgia  
1083 Austin Avenue, N.E.  
Atlanta, Georgia 30307

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OFFICE OF THE  
DOCKETING & SERVICE  
BRANCH

Re: In the Matter of  
Georgia Power Company, et al.  
(Vogtle Electric Generating Plant  
Units 1 and 2)  
Docket Nos. 50-424 and 50-425 *OL*

SERVED DEC 27 1985

Dear Mr. Johnson:

On December 24, 1985, the Licensing Board received from you a transmittal stating that it enclosed "Intervenors' response to the Board's Ruling on Motion for Summary Disposition (re: groundwater), prepared by William Lawless." Attached was an 11-page, unsigned document titled "Analysis of the Atomic Safety and Licensing Board's November 12, 1985 Memorandum and Order (Ruling On Motion For Summary Disposition Of Contention 7 re: Groundwater Contamination)." The document, in its initial paragraph, recites that the "Intervenors want to argue their case in front of both the Applicants and the ASLB board where confusion can be more easily resolved rather than trying to do so through the mails." It goes on to state that Intervenors feel that sufficient information had been supplied to the Licensing Board to make a determination on whether or not the Contention should be heard in its entirety. It is then stated that "This analysis will review seriatim the dispositions by the ASLB board of the Intervenors' allegations on the groundwater contention." There then follows the author's commentary on the Memorandum.

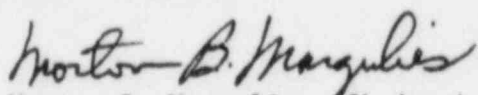
Contention 7, to which the correspondence refers, was the subject of a motion for summary disposition filed by Applicants on July 15, 1985. Joint Intervenors responded to the motion on August 9, 1985 and filed an amended response on August 21, 1985. On August 26, 1985, Applicants filed a motion to strike Intervenors' response, or in the alternative to file an answer. Intervenors did not respond to this motion. The Licensing Board on November 12, 1985 denied Applicants' motion to strike and authorized the filing of a limited answer. We also issued the Memorandum and Order on the motion for summary disposition. It denied the motion in part and granted it in part. On November 22, 1985, Applicants filed a motion for partial reconsideration of the Licensing Board's November 12, 1985 Memorandum and Order. No response to that motion has been received from Intervenors.

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The Licensing Board has now received your transmittal dated December 20, 1985. It is immediately apparent that it does not conform to the Commission's Rules of Practice which do not provide for a "response" to a licensing board's Memorandum and Order. Furthermore, within the context of this adjudicatory proceeding conducted in accordance with the practice of administrative law, it is quite unclear what is sought to be accomplished by your latest filing. The submittal, as presented, is of no use in this case. We are, therefore, returning it to you. You may want to consult about the matter with your counsel of record, Laurie Fowler, Esq.

Very truly yours,

  
Morton B. Margulies, Chairman  
Administrative Law Judge

Enclosure.

cc: Service list without  
enclosure.