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October 13, 1994

Via facsimile

Hon. Peter B. Bloch, Chair  
Hon. Thomas D. Murphy  
Hon. James H. Carpenter  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: In the Matter of Georgia Power Company, et.al. (Vogtle  
Electric Generating Plant, Unics 1 and 2) Docket Nos.  
50-424-OLA-3 & 50-425-OLA-3, ASLBP No. 93-671-01-OLA-3

Dear Sirs:

Please find enclosed two pleadings of Intervenor: 1) Intervenor's Request to Strike NRC Staff's Response to Summary Disposition of the Illegal License Transfer Issue; and 2) Intervenor's Motion to Postpone Deposition of NRC Personnel Until Conclusion of License Transfer Hearing.

Additionally, as you are aware, Mr. John Lamberski transmitted a letter via facsimile on October 7, 1994 indicating that Licensee would be filing a reply on October 14, 1994. Mr. Lamberski indicates that citations to depositions that have not been transcribed constitutes inadmissible evidence. Intervenor disagrees. Nonetheless, to moot this for the time being, Intervenor is transmitting herewith an affidavit from his counsel attesting to the factual assertions contained in depositions that have not been transcribed. Because the statements constitute admissions by a party opponent, they are outside the hearsay exception and, for the purpose of summary decision, an affidavit by the individual who heard the statement should constitute admissible evidence. Of course, at the hearing, Intervenor can elicit the required testimony directly from the witnesses.

thank you for your consideration of these matters.

Sincerely,



Michael D. Kohn  
Attorney for Intervenor

cc: Service List  
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