

December 8, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
South Carolina Electric & Gas Company,)	Docket Nos. 52-027 and 52-028
Acting for Itself and as Agent for the)	
South Carolina Public Service Authority)	
(Also referred to as "Santee Cooper"))	
Application for the Virgil C. Summer)	
Nuclear Station Units 2 and 3)	
_____)	

REQUEST OF THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF
FOR AN OPPORTUNITY TO PARTICIPATE IN ANY HEARING
AND TO BE ADDED TO THE OFFICIAL SERVICE LIST

Pursuant to 10 C.F.R. § 2.315 and a notice published by the Nuclear Regulatory Commission ("NRC" or "Commission") at 73 Fed. Reg. 60362 (October 10, 2008), the South Carolina Office of Regulatory Staff ("SC ORS") respectfully requests the opportunity to participate in any hearing regarding the application filed by South Carolina Electric & Gas Company ("SCE&G"), acting for Itself and as Agent for the South Carolina Public Service Authority (also referred to as "Santee Cooper") on March 27, 2008, for a combined construction and operating license ("COL") for the Virgil C. Summer Nuclear Station Units 2 and 3, to be located in Fairfield County, South Carolina, and the SC ORS requests to be added to the official service list in this proceeding.

NOTICES AND COMMUNICATIONS

The name, address, telephone number, facsimile number, and e-mail address of the SC ORS's designated representative for receipt of service in this proceeding is:

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DESCRIPTION OF THE PROCEEDING

This proceeding concerns the application for a COL filed pursuant to 10 C.F.R. Part 52, *Licenses, Certifications, and Approvals for Nuclear Power Plants* by SCE&G on March 27, 2007. The application was accepted docketing on July 31, 2008. Notice of hearing and opportunity to petition for leave to intervene was published in 73 Fed. Reg. 60362 on October 10, 2008.

REQUEST FOR OPPORTUNITY TO PARTICIPATE

Pursuant to 10 C.F.R. § 2.315, "The presiding officer will afford an interested State, ... which has not been admitted as a party under § 2.309, a reasonable opportunity to participate in a hearing."

SC ORS is the South Carolina state agency charged with the statutory duty of representing the public interest of South Carolina in utility regulation. Pursuant to S.C. Code Ann. § 58-4-10 (Supp. 2007), ORS must be considered a party of record in all filings, applications, or proceedings before the South Carolina Public Service Commission and must

represent the public interest of South Carolina in utility regulation. Furthermore, it is the duty and responsibility of the ORS, when considered necessary by the Executive Director and in the public interest, to provide legal representation of the public interest before federal regulatory agencies and federal courts in proceedings that could affect the rates or service of any public utility. *See* S.C. Code Ann. § 58-4-50 (A)(8) (Supp. 2007). The public interest is clearly defined by South Carolina statute as a balancing of the (1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer; (2) economic development of job attraction and retention in South Carolina; and (3) preservation of the financial integrity of the state's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services. S.C. Code Ann. § 58-4-10 (Supp. 2007).

SCE&G is a vertically-integrated utility engaged in the business of generating, transmitting, distributing, and selling electric power to the public pursuant to authorization granted under the laws of the State of South Carolina. In the instant proceeding, SCE&G has requested the NRC to approve a COL for the construction and operation of two new nuclear reactors to be located at the Virgil C. Summer Nuclear Station in Fairfield County, South Carolina. The site for the two proposed nuclear reactors is situated within the boundaries of the State of South Carolina.

WHEREFORE, the SC ORS, respectfully requests that the Commission

(1) grant the SC ORS the opportunity to participate in any hearing regarding SCE&G's application in this matter, including pursuant to 10 C.F.R. § 2.315 the opportunity "to introduce evidence, interrogate witnesses where cross-examination by

the parties is permitted, advise the Commission without requiring the representative to take a position with respect to the issue, file proposed findings in those proceedings where findings are permitted, and petition for review by the Commission under § 2.341 with respect to the admitted contentions,” and

- (2) add the SC ORS to the official service list in the proceeding.

Respectfully submitted,

South Carolina Office of Regulatory Staff
By its Attorney,

/s/ Florence P. Belser

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