

January 21, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
SOUTH CAROLINA ELECTRIC AND GAS	)	
COMPANY	)	Docket Nos. 52-057 and 52-028
(Virgil C. Summer Nuclear Station	)	
Units 2 and 3)	)	

**THE JOSEPH WOJCICKI'S MOTION TO DENY SOUTH CAROLINA ELECTRIC & GAS COMPANY'S MOTION TO STRIKE PORTIONS OF JOSEPH WOJCICKI'S REPLY**

I. INTRODUCTION

On January 16, 2009 representing South Carolina Electric and Gas Company (SCE&G) lawyers from Morgan, Lewis & Bockius LLP filed Motion to Strike [10 to 17 and 19 to 21 and Exhibits AOL-01 through AOL-07] Portions of my *per se Reply* – the set of files sent to NRC and confirmed on 2009-01-07. I do request that SCE&G Motion to Strike will be denied.

II. FACTS

To avoid wrong interpretation and misunderstanding other Facts listed in my previous *Reply* the following Facts which in general apply to finding in SCE&G Motion are listed with numbers 31 to 36.

31. I was in a rush to send my Petition before December 9, 2008 because I was misled by an ORS expert. ORS refused then any legal or practical information on how to apply for Intervenor status before NRC.

32. It is strange usage of “**the first time**” in SCE&G Motion as an argument to refuse acknowledgement of facts, even very important ones. It is interesting how SCE&G would react on the **first time** announcement in the change of the energy policy e.g. by the new USA administration. E.g. the very important information that would request halting the process? Would SCE&G ask not to record it even if it would be about criminal activity? The SCE&G Motion added again the adjective “**undisclosed**” to AOL. Do I have to do this job of selection? Do I need to ask SCE&G to disclose how much they paid from the 1970s to 2005 for their study used to select Jenkinsville and put it in the title to their application as “Virgil C. Summer Nuclear Station”? And why do they ignore common sense, now in 2009? And why do you still fight, as Mr. Don Quixote did **first time** with windmills, with seawater cooling systems, **first time** already used many years ago all over the World?

33. In my Petition it was stating the necessity to change the reactors' location from Virgil C. Summer Station to another one close to the Atlantic Ocean. This fact does not need to be

described on many pages for somebody who knows elementary physics, electric energy generation and distribution, and, of course, using her/his common sense. South Carolina has access to seawater from Atlantic Ocean as Florida has access to the Gulf of Mexico. Florida will use seawater for their two AP 1000 reactor cooling systems. I believe the theory is covered in some subjects in Colleges with number “-101”. So I really **narrowly focused (words form SCE&G Motion) the contention** in my Petition.

34. I believe NRC staff also knows this, as well as the facts of droughts in the Southeast (SE) region of the USA. The obvious fact for most citizens is the consequence of evaporating water from the Monticello Reservoir by reactor operation. It will create enormous economic, environmental, and social problems in the SE.

35. No answer for the *meritum* of the Petition is a fact of surrender by SCE&G, or a walkover. SCE&G has acknowledged my proposed solution of AOL to avoid any possible criminal negligence.

36. SCE&G Motion to Strike does not ask to remove my paragraph [Fact #] 22: “*We have to remember that any legal arguments CANNOT OVERRULE the laws of physics, chemistry, energy, and common sense. This statement does not present any attack on procedure and/or the rules; it is just the real fact.*” Extended descriptions, almost in a tutorial form, of facts and the appropriate calculation results are in ALL Facts 1 to 22 in my *Reply* [“paragraphs”], therefore SCE&G acceptance of Fact 22 logically allows ALL Exhibits (AOL-01 to AOL-07) and Facts 1 to 22 to be accepted to the record in the NRC dockets 52-057 and 52-028.

### III CONCLUSION

For the foregoing reasons and basic principles of fairness for Petitioner, SC people and their Governor, and the future of the nuclear industry, the Licensing Board **shall deny SCE&G MOTION TO STRIKE PORTIONS OF JOSEPH WOJCICKI’S REPLY.**

Respectfully submitted,

Joseph “Joe” Wojcicki

820 East Steele Rd

West Columbia, SC 29170

E-mail: [joe4solar@aol.com](mailto:joe4solar@aol.com), [joe4ocean@aim.com](mailto:joe4ocean@aim.com)

P.S. Please note that my previous phone 803-755-6808 if is not working,  
use 803-883-2456