

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Dr. Paul B. Abramson, Chairman
Dr. Michael F. Kennedy
Dr. Jeffrey D. E. Jeffries

In the Matter of

SOUTH CAROLINA ELECTRIC & GAS COMPANY
AND SOUTH CAROLINA PUBLIC SERVICE
AUTHORITY (ALSO REFERRED TO AS SANTEE
COOPER)

(Virgil C. Summer Nuclear Station, Units 2 and 3)

Docket Nos. 52-027-COL & 52-028-COL

ASLBP No. 09-875-03-COL-BD01

March 3, 2009

ORDER

(Regarding Mr. Wojcicki's February 27, 2009 Filing; Notice of Termination of Proceeding)

We are in receipt of an appeal by Mr. Wojcicki dated February 27, 2009¹ of this Board's February 18, 2009 Order.² Our February 18, 2009 Order had the substantive effect of terminating the Virgil C. Summer combined license proceeding before this Board, and we hereby clarify the record for Mr. Wojcicki in that regard. Because the proceeding was terminated, this Board no longer has jurisdiction over matters related thereto, and the proper venue for any appeal of our February 18, 2009 Order is before the Commission in accordance with 10 C.F.R. § 2.311.

It is so ORDERED.
FOR

THE ATOMIC SAFETY
AND LICENSING BOARD³
/E. Roy Hawkins for:/

ADMI

Dr. Paul B. Abramson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 3, 2009

¹ Notice of Appeal (Feb. 27, 2009).

² S.C. Elec. & Gas Co. & S.C. Pub. Serv. Auth. (also Referred to as Santee Cooper) (Virgil C. Summer Nuclear Station, Units 2 and 3), LBP-09-02, 69 NRC ____ (slip op.) (Feb. 18, 2009).

³ A copy of this Memorandum and Order was sent this date by the Agency's E-Filing System to: (1) Counsel for the Staff; (2) Counsel for SCE&G; (3) Sierra Club and Friends of the Earth; (4) SC ORS; and (5) Joseph Wojcicki.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
SOUTH CAROLINA ELECTRIC)	Docket Nos. 52-027-COL
AND GAS COMPANY, ACTING FOR ITSELF)	52-028-COL
AND AS AGENT FOR THE SOUTH CAROLINA)	
PUBLIC SERVICE AUTHORITY (ALSO)	
REFERRED TO AS SANTEE COOPER))	
)	
(Virgil C. Summer Nuclear Station)	
Units 2 and 3))	
)	
(Combined Operating License))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING MR. WOJCICKI'S FEBRUARY 27, 2009 FILING; NOTICE OF TERMINATION OF PROCEEDING) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 52-027 and 52-028-COL
 LB ORDER (REGARDING MR. WOJCICKI'S FEBRUARY 27, 2009 FILING;
 NOTICE OF TERMINATION OF PROCEEDING)

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Docket Nos. 52-027 and 52-028-COL
LB ORDER (REGARDING MR. WOJCICKI'S FEBRUARY 27, 2009 FILING;
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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of March 2009