

March 13, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

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)	<u>Docket Nos. 52-027-COL & 52-028-COL</u> PER SE INTERVENOR'S BRIEF ANSWER ABOUT FACTS AND HOSTILE OPPOSITIONS TO HIS PETITION TO INTERVENE
--	---

**JOSEPH WOJCICKI'S BRIEF ANSWER ABOUT FACTS AND HOSTILE
OPPOSITIONS TO HIS PETITION TO INTERVENE.**

_ **FACTS** are ignored in each of the Opponents submitted documents and also in the Order which I appeal. This is an abuse of discretion and laws that give priority to facts. Last SCE&G Answer dated March 11, 2009 also has no facts discussed.

_ The **FACT** of standing was obvious in Petition for a reader with her/his minimum attention and the knowledge of USA geography. My residence, at 820 East Steele Rd. in West Columbia, has been known by SCE&G since 1988.

_ The **FACT** of admissibility of the contention is obvious because the new reactors' site location in the title of the SCE&G Application is de facto seriously wrong. And "a new location near the Atlantic Ocean,[will be] providing significantly better economic, environmental, and social solutions" ¹, including better seawater cooling systems saving water from Broad River, plus more efficient energy distribution.

_ The **FACT** of searching for different words in the suppose "high standard of review"² without discussions of the facts, just to deny the Petition, represents extreme hostile to public representatives in the process and is the abuse inter alia in discretion, and common sense supported by science. It is especially strange after my direct support to SCE&G presented in SC PSC hearing and the fact that the issue of a new location extremely helps SCE&G and State of South Carolina in win-win situation.

¹ Joseph Wojcicki's Petition to Intervene_ 2009-12-8_ Page 1

² SCE&G Brief in Opposition... -2009-03-9_ Page 4

_ Here, any Petitioner’s additional supporting materials are not “new arguments or new evidence supporting the contention[s]”³ and must be consider in the Commission’s appellate role, especially because they carry enormous values (supported by results of calculations done using data from the Application) for next proper decisions.

_ Oppositions from NRC staff seem to follow SCE&G, by copying their false statements and also avoiding any discussion on FACTS.

All oppositions submitted to Commission de facto fail to give logical and true arguments. The Petition has all facts necessary to be approved.

OTHER FACTS – review:

2008-12-08_ Petition to Intervene.⁴

About STANDING: “At this time (first time without detailed instructions) I have begun the due process, per se. I am prepared to fulfill all your requirements, and am easily reached via email at joe4ocean@aim.com, or by telephone at 803-755-6808.” Indicated FACT of my residence in West Columbia could be approved as the 50 - mile radius criterion among others facts giving standing. In their review of petitions, SCE&G found Sierra Club members standing status to be adequate as residents of Columbia, SC. SCE&G also knew that West Columbia is in 50-mils radius from Virgil C. Summer Nuclear Station in Jenkinsville. SCE&G knew all details of my residence since 1988 and it was confirmed also in 2008.

About CONTENTION: “I want to be sure that the motion to change the location of the two AP1000 nuclear reactors from the currently proposed **Jenkinsville, SC site [of Virgil C. Summer Nuclear Station]**, to a new location near the Atlantic Ocean, providing significantly better economic, environmental, and social solutions, is accepted by the NRC.”

³ SCE&G Brief in Opposition... -2009-03-9_ Page 4

⁴ Joseph Wojcicki’s Petition to Intervene_ 2009-12-8_ Page 1

Why are the Opponents avoiding the recognition of their **error, which I point** out in the very title of their Application? Is this only an abuse of discretion?

2009-02-27_ Notice of Appeal & Supporting Brief + 2009-03-06_ Motion for the Reconsideration

_ Brief 1.1 - the explanation: My Petition is dated 2008-12-07 and was submitted via e-mail on 2008-12-08, a day before dead line.

_ Statements in the Order (cited in Brief 1.4) oppose NRC Staff Discussion in their Answer⁵

“As the Commission has stated:

We recognize, nonetheless, that our contention rules require petitioners to work within a limited time frame to review the license application and any available related licensing documents, and that this can pose a significant burden, especially for *pro se* petitioners who are likely to have less available time and resources. But those participating in our proceeding must be prepared to expend the necessary effort. We are unwilling to convene costly and time-consuming hearings unless there is an issue that is appropriate for, and susceptible to, resolution in an NRC hearing.”

“Expended the necessary effort” is in my documents submitted in January 2009 that show detailed examples of better economic, environmental, and social solutions from the USA.

Note that “issue” of a new location is appropriate and is “providing significantly better economic, environmental, and social solutions, is accepted by the NRC.” The Order does ignore even above cited FACTS, abusing discretion and common sense.

All oppositions to my Petition, submitted to Commission de facto fail to give logical and true arguments. . The presented issue has my copyright calculations supporting admissibility of the contention.

Facts are not “new arguments or new evidence supporting the contention”. SCE&G knows them since 2008 even before the hearing in SC PSC. They were also submitted to NRC as examples of economic, environmental, and social solution for Southeast region of the USA.

⁵ 2009-01-02 NRC Staff Answer to “Petition to Intervene” from Joseph Wojcicki _Page2

The Petition has all facts necessary to be approved. My Notice of Appeal and Supporting Brief shows some of important omission, errors, and abuse of discretion in the Order. It also has support in the law, including NRC⁶

This Brief Memorandum opposing other parties' Opposition to my Petition to Intervene is sent via NRC E-mail system.

Respectfully submitted,

/ Signed Electronically by:

Joseph Wojcicki

820 East Steele Rd.
West Columbia, SC 29170

E-mail: joe4ocean@aim.com and joe4solar@aol.com

Columbia, South Carolina.....March 13, 2008

⁶ 10 C.F.R, §2.341