



May 12, 2017

The Office of Regulatory Staff
Attention: Florence Belser, General Counsel
1401 Main Street, Suite 900
Columbia, South Carolina 29201

**FOIA Request to Office of Regulatory Staff for Public Records Concerning SCE&G-Westinghouse
Financial & Schedule Problems Related to VC Summer Nuclear Construction Project**

***Response by ORS to this FOIA Request is an Opportunity for ORS to Demonstrate that it has been
Working in the Public Interest in the Face of the Crisis with SCE&G's Mismanaged Nuclear Project***

To Whom it Concerns:

This is a request being filed with the South Carolina Office of Regulatory Staff (ORS) under the South Carolina "Freedom of Information Act" (S.C. Code 30-4-10 et. seq.). Per provision of the FOIA law, I expect a response to this request within 15 working days.

I am filing this request both as the director of the public interest organization Savannah River Site Watch, a duly registered 501(c)(3) non-profit organization that is incorporated with the State of South Carolina, as a citizen of South Carolina and also as a ratepayer of South Carolina Electric & Gas (SCE&G).

My interest in the matter is a part of the public record, as demonstrated by the fact that I was a formal representative of the environmental organization Friends of the Earth when that organization intervened before the South Carolina Public Service Commission in 2008 in the initial docket (2016-196-E) pertaining to the construction of two new experimental AP1000 nuclear power reactors at the V.C. Summer site in Jenkinsville, SC. My involvement in this matter has continued since 2008, via Friends of the Earth, with other organizations, as an individual and with SRS Watch.

I hereby request a waiver of fees for this request as the documents obtained via this request will be used solely in the public interest pertaining to the SCE&G nuclear project and will be used solely for non-profit purposes. The documents obtained via this request will help inform the public as to how ORS is conducting its business on behalf of the public interest as it relates to the current financial and scheduling crisis facing SCE&G's nuclear reactor construction project.

I have a proven track record of serving the public interest by drawing media and public attention to matters concerning the VC Summer nuclear project. At this critical time concerning the crisis facing the VC Summer project, it is imperative that ORS demonstrate that it is working in the public interest and is standing up for ratepayers. The documents obtained via this request - or withheld in response to this request - will go a long ways to clarify the role of ORS in the urgent matter at hand. As ORS has chosen



not to release the requested public records on its own, this request is being filed on behalf of the public interest to obtain such public records and thus merits a fee waiver. A waiver of fees is appropriate and a denial of the fee waiver could be interpreted as hindering access to public records of urgent importance to citizens of South Carolina.

As public interest groups warned beginning in 2008, the VC Summer project faces massive cost overruns, significant schedule delays and design and construction challenges. For the most part, state oversight agencies unfortunately ignored our warnings and accepted SCE&G claims at face value. The project is under additional stress due to the filing of bankruptcy by Westinghouse, the contractor for the VC Summer project and owner of the experimental AP1000 reactor design. It is thus imperative that SCE&G ratepayers and citizens of South Carolina be fully informed as to actions being taken by decision makers to protect their interests or not. Documents obtained under this request will thus be analyzed and made part of the public record, including posting on the SRS Watch website (www.srswatch.org).

I hereby request:

All public records - including email messages and attachments, memos, notes, reports and other documents - created by the South Carolina Office of Regulatory Staff (ORS) in 2017 and related to the VC Summer nuclear project. This request includes all public records exchanged by ORS with the following entities:

SCANA and South Carolina Electric & Gas (SCE&G), including Kevin Marsh, CEO;

South Carolina Public Service Commission (SC PSC), including commissioners and staff;

South Carolina Public Service Authority (Santee Cooper), including Lonnie Carter, CEO;

The Electric Cooperatives of South Carolina, including Mike Couick, CEO;

Central Electric Power Cooperatives, including Rob Hochstetler, CEO;

South Carolina legislature, legislators and other elected officials (including the governor of SC).

This request applies to public records created by all ORS staff, especially C. Dukes Scott (Executive Director), Nanette S. Edwards (Deputy Executive Director) and Shannon Hudson (staff attorney) and staff in the New Nuclear Development & Energy Office of ORS.

This request does not apply to records already made public, such as filings with the South Carolina Public Service Commission in Docket No. ND 2017-12-E (*South Carolina Electric & Gas Company - Request for Allowable Ex Parte Briefing to Discuss Updates Regarding the New Nuclear Units at V.C. Summer Nuclear Station and Status of the Contractor, Westinghouse Electric Company, LLC*) or in Docket 2017-138-E (*Petition of the Office of Regulatory Staff to Revoke Confidential Treatment of the Engineering, Procurement, and Construction Contract and Pricing Information for the Construction of the Two Nuclear Units Near Jenkinsville, South Carolina*) or to materials already posted on the ORS website.

I further request that if any claim of confidentiality is made that an explanation of such claim be made in full with citations from South Carolina laws and regulations.

If you have any questions about this request please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, reading "Tom Clements". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Tom Clements
Director, Savannah River Site Watch