

Date: May 8, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:

SOUTH CAROLINA ELECTRIC AND
GAS COMPANY, et al.

(Virgil C. Summer Nuclear
Station, Unit 1)

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Docket No. 50-395-0

APPLICANTS' NOTICE OF APPEAL
PURSUANT TO 10 C.F.R. §2.714a
OF LICENSING BOARD ORDER ADMITTING
FAIRFIELD UNITED ACTION AS LATE INTERVENOR

On April 30, 1981 the Atomic Safety and Licensing Board presiding in the captioned matter issued its "Partial Order Following Prehearing Conference (Admitting FUA on Contentions 1, 2, 7-13 and 27, and Denying FUA's Other Contentions)". Pursuant to 10 C.F.R. §2.714a(a) and (c), Applicants South Carolina Electric & Gas Company and South Carolina Public Service Authority ("Applicants") file this appeal presenting the question whether the extremely untimely petition of Fairfield United Action ("FUA") should have been wholly denied.

Briefly stated, this appeal presents the question whether this petition to intervene, filed four years late and within three months of the scheduled commencement of operating license hearings, should have been denied because the Board below did not properly apply the applicable authorities and improperly assessed the good cause and delay factors, particularly in treating as good cause mid-1980

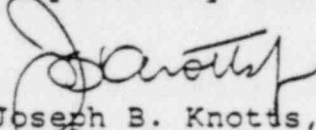
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TMI requirements on emergency planning and management capability, and in minimizing delay and prejudice to other parties.

Stated more starkly, and with all sincere respect to the Board below and for the NRC administrative process, this appeal presents the question whether Applicants are to be protected against extreme prejudice to their rights and severe economic consequences, as we thought was the rule recognized in the Appeal Board's 1975 North Anna and 1979 Skagit decisions (discussed in our supporting brief), or whether such rights are instead to be submerged at the behest of an articulate group which has slept on its rights.

The grounds for this appeal are more particularly set forth, along with relevant authorities, in our supporting brief.

Respectfully submitted,



Joseph B. Knotts, Jr.
Counsel for Applicants

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