

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

CONSUMERS POWER COMPANY  
(Palisades Nuclear Power Facility)

)  
)  
)  
)

Docket No. 50-255-SP  
(EA 81-18)

AFFIDAVIT OF RONALD E. MOUNT

I, Ronald E. Mount, hereby depose and say that:

1. Prior to September 3, 1981, I was one of the attorneys representing the United States Nuclear Regulatory Commission in a proceeding concerning a request for a hearing filed by Laura J. Campbell, Esq., on behalf of the Utility Workers Union of America and for the Michigan State Utility Workers Council (the "UNION"), Docket No. 50-255-SP.

2. On Thursday, August 13, 1981, I received a telephone call from Ms. Campbell concerning a Memorandum and Order issued by the Atomic Safety and Licensing Board, dated July 31, 1981, which denied the Union's request for a hearing. In that conversation, Ms. Campbell indicated that she had just returned to the office after a period of absence and was unable to find a copy of the Memorandum and Order of July 31, 1981. At Ms. Campbell's request, I agreed to immediately send her a copy of that Memorandum and Order.

3. In that same conversation Ms. Campbell indicated that she was considering filing an appeal of the July 31, 1981 Order. She asked whether


she and I could simply agree to an extension of the time period in which her appeal would be due. I indicated that any extension of time would have to be granted by the Atomic Safety and Licensing Appeal Board and could not be accomplished by an agreement between counsel for the parties. I also indicated that should she decide to request an extension from the Board, the NRC Staff would decide at the time of the request whether to oppose, support, or remain neutral with respect to any such request. Ms. Campbell then indicated that she believed she could have her appeal ready by Monday in any event. I interpreted this comment to mean that she intended to file her appeal by Monday, August 17, 1981 and that she was fully aware that Monday, August 17, 1981 was the day the appeal had to be filed in order to be timely. To the best of my recollection, Ms. Campbell did not, however, state directly that August 17, 1981 was the date the appeal had to be filed.

4. In that same conversation, I also indicated to Ms. Campbell that she could also contact Administrative Judge Elizabeth Bowers, Chairman of the Atomic Safety and Licensing Board in order to obtain a copy of the July 31, 1981 Memorandum and Order as quickly as possible.

5. Subsequent to the above described phone call, I contacted Ms. Campbell via telephone later in the day on August 13, 1981. I inquired whether her office had a "telex" machine in order that I might send her a copy of the July 31, 1981 Memorandum and Order as quickly as possible. Upon being informed that her office did not have a "telex" machine, I informed Ms. Campbell that I would, at her request, attempt to send the requested document via express mail. To the best of my knowledge, the July 31,

1981 Memorandum and Order was sent to Ms. Campbell via express mail on August 13, 1981.

6. I state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on September 3, 1981, in Bethesda, Maryland.

  
Ronald E. Mount  
Ronald E. Mount

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter	)	
CONSUMERS POWER COMPANY	)	Docket No. 50-255 SP
(Palisades Nuclear Power Facility)	)	(EA 81-18)

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC STAFF'S REPLY TO THE UNION'S SHOWING OF CAUSE FOR LATE FILING and attached AFFIDAVIT OF RONALD E. MOUNT in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 15th day of September 1981.

Alan S. Rosenthal, Chairman \*  
Administrative Judge  
Atomic Safety & Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. Peter Morris \*  
Administrative Judge  
Atomic Safety & Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Thomas S. Moore \*  
Administrative Judge  
Atomic Safety & Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. Jerry R. Kline \*  
Administrative Judge  
Atomic Safety & Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Christine N. Kohl \*  
Administrative Judge  
Atomic Safety & Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Atomic Safety & Licensing Board Panel \*  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Elizabeth S. Bowers, Chairman \*  
Administrative Judge  
Atomic Safety & Licensing Board  
Washington, D. C. 20555

Judd Bacon, Esq.  
Consumers Power Company  
212 W. Michigan Avenue  
Jackson, Michigan 49201

Theodore Sachs, Esq.  
Laura Campbell, Esq.  
Marston, Sachs, Nunn, Kates,  
Kadushin & O'Hare, P.C.  
1000 Farmer Street  
Detroit, Michigan 48226

Docketing & Service Section \*  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Atomic Safety & Licensing  
Appeal Board Panel \*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

*Stephen G Burns*

---

Stephen G. Burns  
Counsel for NRC Staff