July 10, 1979

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
CONSUMERS POWER COMPANY
(Midland Plant, Units 1 and 2)

Docket Nos. 50-329 50-330 (Operating Licenses Proceeding)

NRC STAFF RESPONSE TO MOTION
OF CONSUMERS POWER COMPANY
TO ESTABLISH SCHEDULE

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

By its motion dated June 20, 1979, Consumers Power Company (Consumers) moved this Atomic Safety and Licensing Board (Licensing Board) to adopt a schedule to govern further proceedings in this matter. For the reasons given below, the Staff would urge that the Licensing Board deny the motion to the extent directed to the safety phase of this proceeding and to hold in abeyance the portion of the motion directed to the environmental phase of this proceeding, pending the issuance by the Staff of its Draft Environmental Statement (DES).

The current Staff efforts to complete the safety and environmental documents in this matter can be summarized as follows: Effort is being expended in completing the DES as time permits and that document is currently targeted for completion by the end of 1979. The Staff would suggest that upon issuance of the Staff's DES, a prehearing conference be scheduled to determine the further course of the environmental phase of this proceeding and that one of the issues to be explored at that prehearing conference would be the feasibility and advisability of a separate hearing on the environmental issues which are before this Board.

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With regard to the Staff's ongoing sa'ety review and the issuance of the Staff's Safety Evaluation Report (SER), both the Staff's extensive commitment to the issues which have been raised by the Three Mile Island incident and the complexities associated with the Midland safety review make it virtually impossible to identify a target date for the issuance of the Staff's SER. The Staff would note that one of the subjects of its SER would be the site settlement quetions to which Consumers makes reference in Paragraph 3 on page 2 of its motion. The Staff does not envision issuing a partial SER covering this topic which would "... issue in the same approximate time frame now contemplated for issuance of the DES". Ibid. Rather, this subject will be treated in the Staff's SER when it issues.

In conclusion, to the extent that Consumers' motion seeks to establish a schedule leading to hearings on any safety issues, such a motion should be denied as premature. No target date is available for use in such scheduling endeavors. No partial SER is contemplated by the Staff on the site settlement issue. The time is simply not ripe for any scheduling activities relative to the safety phase of this proceeding.

With regard to the environmental phase of this proceeding, Consumers' suggestion that a separate environmental hearing may expedite the proceeding seems to be an alternative worthy of exploration at a prehearing conference which could

If should be noted that the Midland Facility is similar in design to the Three Mile Island Facility and that further complications have arisen due to site settlement questions which were first noted in the area of the diesel generator building.

be scheduled following the issuance of the Staff's DES. At that prehearing conference, this and other questions related to finalization of contentions, termination of discovery, and the filing of appropriate motions prior to hearing could be explored.

Respectfully submitted,

Richard K. Hoefling

Dated at Bethesda, Maryland this 10th day of July, 1979.

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## CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MOTION OF CONSUMERS POWER COMPANY TO ESTABLISH SCHEDULE", dated July 10, 1979, in the above-captioned proceeding, have been served on the following by deposit in the United States mail, first class, this 10th day of July, 1979.

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