

With regard to the Staff's ongoing safety 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^{1/} 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 questions 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.

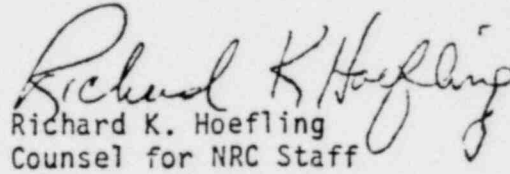
In conclusion, to the extent that Consumers' motion seeks to establish a schedule leading to hearings on any safety issues, such a motion should be denied as premature. No target date is available for use in such scheduling endeavors. No partial SER is contemplated by the Staff on the site settlement 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

^{1/} It 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
Counsel for NRC Staff

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CONSUMERS POWER COMPANY)	Docket Nos. 50-329
)	50-330
(Midland Plant, Units 1 and 2))	(Operating Licenses Proceeding)

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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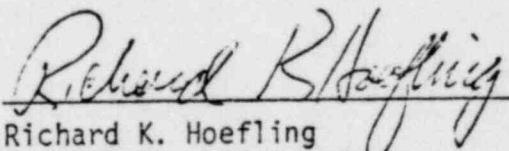
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