

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



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

Docket Nos. 50-329-OL  
50-330-OL

MEMORANDUM AND ORDER

8/2/79

By motion dated June 20, 1979, Applicant requests the Board to adopt a schedule for further proceedings which would separate environmental issues from radiological health and safety issues and would separate the diesel generator building settlement issue from other safety issues. Applicant believes that the Staff should be able to make a safety analysis of the diesel generator building settlement issue during the same approximate time frame now thought to be contemplated for the DES. Thus, according to Applicant, environmental issues and the diesel generator building issue could be considered by the Board in advance of the remaining health and safety issues. Applicant submits reasonable arguments in favor of its proposal.

With respect to environmental issues, the Staff, in its response dated July 10, agrees that a separate hearing may be a worthy alternative and proposes a prehearing conference to consider that option following the issuance of the Staff's DES, which, Staff counsel states, is currently targeted for completion by the end of 1979. However, in the public NRC Staff

8007240 551

G

H 1  
GP

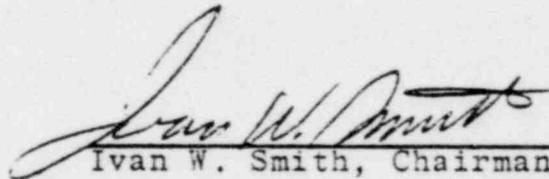
document, Status Summary Report (Blue Book) dated July 6, 1979, p. 2-67, the Midland DES issuance is said to have slipped to June 20, 1980.

In addressing the diesel generator building settlement issue the Staff reports that one of the subjects of the SER would be the site settlement issue and that the Staff does not contemplate issuing a partial SER covering that topic. Because of the Staff's extensive commitment to the issues raised by the Three Mile Island incident it is impossible to set a target date for the issuance of the Midland SER.

Applicant's motion may be premature, and for want of information, the Board must deny that portion of the motion proposing a specific schedule for further proceedings. But we believe the Board, the Applicant and the other parties are entitled to better information from the Staff. The Staff has not addressed the feasibility of Applicant's proposal to separate the diesel generating building issue from other safety issues. We cannot determine from its response whether the Staff simply prefers not to issue a partial SER on the diesel generator site subject or whether there are other considerations making that course of action impossible or impractical. Moreover, with a possible slippage of the DES until June 1980, the Staff, upon further consideration, may no longer object to including the diesel generator building issue with environmental issues in an early evidentiary hearing.

Within 30 days of the service of this order the Staff should report its current estimate for the issuance of its Draft Environmental Statement and comment upon the feasibility and desirability of hearing the diesel generator building issue in advance of other safety issues. Other parties may respond to the Staff's report as if it were a motion.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Ivan W. Smith, Chairman

Dated at Bethesda, Maryland  
this 2nd day of August, 1979.