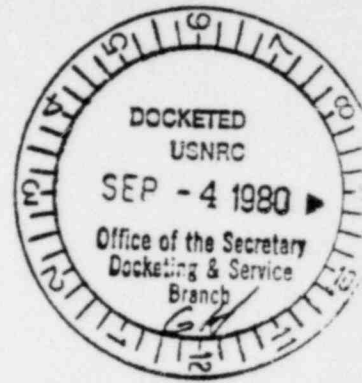


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER



In the Matter of )  
 )  
PROPOSED RULEMAKING ON THE STORAGE ) PR-50, 51  
AND DISPOSAL OF NUCLEAR WASTE ) (44 Fed. Reg. 61,372)  
 )  
(Waste Confidence Rulemaking) )  
 )  
 )  
 )  
 )  
 )

UNWGM-EEI ANSWER TO MOTION  
OF CALIFORNIA ENERGY COMMISSION  
AND CALIFORNIA DEPARTMENT OF CONSERVATION

On September 2, 1980, counsel for the Utility Nuclear Waste Management Group (UNWGM) and the Edison Electric Institute (EEI) received a copy of the Motion of the California Energy Commission (CEC) and California Department of Conservation (CDC) requesting a 30-day extension of time for filing their cross-statements of position (now due September 5) and their suggestions for additional areas of inquiry (now due October 6).

The basis for the Motion is that, even though the NRC had served copies of the Statements of Position of other participants upon the Washington counsel of these two agencies, service had not been made upon these agencies in California. Apparently they did not become concerned as to their failure to receive these documents until August 4 and could not commence their review until August 5.

It seems unusual that, in light of the September 5 deadline for filing Cross-Statements, the two agencies would have waited until August to inquire as to the whereabouts of the Statements to which they had to respond, particularly since at least

one of the agencies was aware much earlier that other participants had received copies of the Statements. <sup>\*/</sup>

In light of the importance of completing this proceeding within a reasonable time frame, it is the general position of the UNWVG-EEI that extensions of time should not be granted. We do not take a position as to whether the unique circumstances here presented warrant an extension. If, however, the Presiding Officer determines that an extension is warranted, we urge that it be for the shortest period that would serve the necessary purpose.

In view of the lateness of the hour, participants will have filed their Cross-Statements prior to receiving the Presiding Officer's ruling on the Motion. Accordingly, we also urge that he direct CEC and CDOC, if they are granted additional time, to respond in their Cross-Statements solely to previously filed materials and not to the Cross-Statements.

Finally, if the Presiding Officer extends the period for filing suggestions for additional areas of inquiry beyond October 6, such extension should apply to all participants and not just to CEC and CDOC.

Respectfully submitted,

UTILITY NUCLEAR WASTE MANAGEMENT GROUP  
EDISON ELECTRIC INSTITUTE

By Maurice A. DeLeon

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\*/ On July 15, counsel for the UNWVG-EEI called an attorney for the CEC in Sacramento to obtain copies of five documents that had been cited in the CEC Statement of Position.

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 ) (44 Fed. Reg. 61,372)  
(Waste Confidence Rulemaking) )

CERTIFICATE OF SERVICE

I hereby certify that a copy of UNWMG-EEI's Answer to Motion of California Energy Commission and California Department of Conservation on behalf of the Utility Nuclear Waste Management Group-Edison Electric Institute to the Presiding Officer in the above-captioned proceeding, dated September 3, 1980 has been served on the following by personal delivery this 3rd. day of September, 1980:

Marshall E. Miller, Esq.  
Presiding Officer  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Secretary  
U.S. Nuclear Regulatory Commission  
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I hereby further certify that a copy of the above-referenced Answer has also been served, without enclosures, on each of the following by deposit in the United States mail, first class, postage prepaid, this 3rd. day of September, 1980:

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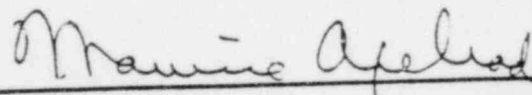
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