

December 17, 2002

Ms. Cathy A. Catterson, Clerk
United States Court of Appeals
For the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: Docket No. 02-72735, California Public Utilities Commission and County of San Luis Obispo v. U.S. Nuclear Regulatory Commission

Dear Ms. Catterson,

Enclosed please find two copies of Respondent Nuclear Regulatory Commission's "Notice Under Ninth Circuit Rule 28-4." Pursuant to Ninth Circuit Rule 28-4, the NRC is seeking an extension of time to file an Answer to the joint brief filed on December 5, 2002, by the California Public Utilities Commission and the County of San Luis Obispo. A copy of Ninth Circuit Form 7 is included with the Notice.

Please date-stamp and return the extra copy in the enclosed self-addressed stamped envelope.

Thank you,

/RA/

Jared K. Heck
Counsel for NRC

Enc.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CALIFORNIA PUBLIC UTILITIES)
COMMISSION and THE COUNTY)
OF SAN LUIS OBISPO,)

Petitioners,)

v.)

U.S. NUCLEAR REGULATORY)
COMMISSION and THE UNITED)
STATES OF AMERICA,)

Respondents.)

No. 02-72735

NOTICE UNDER NINTH CIRCUIT RULE 28-4

Pursuant to Ninth Circuit Rule 28-4, the Nuclear Regulatory Commission (NRC) hereby gives notice of its request for a 21-day extension of time in which to answer the joint brief filed on December 5, 2002, by the California Public Utilities Commission and the County of San Luis Obispo. The NRC has not previously been granted an extension of time to file its Answer, and this case has not been expedited. A copy of Ninth Circuit Form 7 is attached in support of this request.

_____/RA/_____
Jared K. Heck
Counsel for NRC

Dated at Rockville, Maryland
this 17th day of December, 2002.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CALIFORNIA PUBLIC UTILITIES)
COMMISSION and THE COUNTY)
OF SAN LUIS OBISPO,)

Petitioners,)

v.)

U.S. NUCLEAR REGULATORY)
COMMISSION and THE UNITED)
STATES OF AMERICA,)

Respondents.)

No. 02-72735

CERTIFICATE OF SERVICE

I hereby certify that the Respondent United States Nuclear Regulatory Commission's NOTICE UNDER NINTH CIRCUIT RULE 28-4 was served by first class mail this 17th day of December, 2002, upon the following:

Robert K. Temple, Esq.
Sheldon L. Trubatch, Esq.
Offices of Robert K. Temple, Esq.
2524 N. Maplewood Avenue
Chicago, Illinois 60647
Tel. (773) 292-0492
Fax: (773) 292-0497
nuclaw@mindspring.com
strubatch.nuclaw@starpower.net

David A. Repka, Esq.
Brooke D. Poole, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005
Tel. (202) 371-5726
Fax: (202) 371-5950
drepka@winston.com
bpoole@winston.com

Gary M. Cohen, Esq.
Arocles Aguilar, Esq.
Laurence G. Chaset, Esq.
Public Utilities Commission of the
State of California
505 Van Ness Avenue, Room 5131
San Francisco, CA 94102
Tel. (415) 355-5595
Fax: (415) 703-2262
coh@cpuc.ca.gov
aro@cpuc.ca.gov
lau@cpuc.ca.gov

Robert C. McDiarmid
Daniel I. Davidson
Ben Finkelstein
Lisa G. Dowden
Law Offices of Spiegel & McDiarmid
Suite 1100
1350 New York Avenue, NW
Washington, DC 20005-4798
Tel. (202) 879-4000

James B. Lindholm, Jr., Esq.
Timothy McNulty, Esq.
Stacy Millich, Esq.
Office of the County Counsel for the
County of San Luis Obispo
County Government Center
1050 Motherey Ave., Room 386
San Luis Obispo, CA 93408
Tel. (805) 781-5400
Fax: (805) 781-4221
jlindholm@co.slo.ca.us

Richard F. Locke, Esq.
William V. Manheim, Esq.
Pacific Gas & Electric Company
77 Beale Street B30A
San Francisco, CA 94105

_____/RA/_____
Jared K. Heck, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O15 D21
Washington, DC 20555-0001
Tel. (301) 415-1623