

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

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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. )

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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 17<sup>th</sup> day of December, 2002.

UNITED STATES COURT OF APPEALS  
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CERTIFICATE OF SERVICE

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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:

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