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Attorney General

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RELATED CORRESPONDENCE

State of California  
DEPARTMENT OF JUSTICE



April 13, 1984

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USNRC

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Hon. Samuel Chilk, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Mr. Chilk:

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), U.S. Nuclear Regulatory Commission Docket No. 50-275, 50-323

Governor George Deukmejian, whom we represent, wishes to appeal to the commission certain issues addressed in the recent design quality assurance record decision of the Atomic Safety and Licensing Appeal Board on the reopened record, ALAB-763.

In the ordinary course of events, review of such a decision, which, as we understand it, functions as an initial decision, would lie by means of an appeal under section 2.762 of the commission's rules. However, since the matter was heard by the Appeal Board, rather than a licensing board, we understand review to be by means of a petition for review pursuant to section 2.786. We are informed that, prior to our involvement in this case, section 2.786 has been followed under the same circumstances.

ALAB-763 is 120 pages long. Given the fact that our petition will constitute our initial and only challenge to that decision, the ten-page nominal limit on petitions for review and fifteen-day period to prepare the petitions are not adequate for the present case. We are therefore requesting of your office, by this letter, an extension of the time and page limits for petitions for review under section 2.762, to conform to the customary rules for briefing appeals from initial decisions. Specifically, we ask that the time for filing our petition be extended to May 4, 1984 (thirty days from service of the decision) and that we be granted leave to file a petition of up to seventy pages in length.

Thank you for your consideration of this request.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

*Michael J. Strumwasse*  
MICHAEL J. STRUMWASSE  
Special Counsel to the  
Attorney General

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