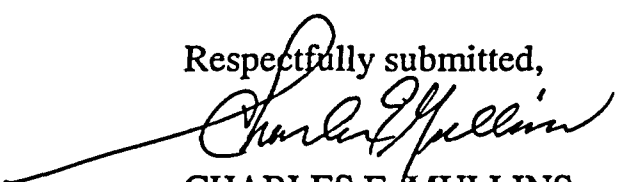
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SAN LUIS OBISPO MOTHERS FOR PEACE, SIERRA CLUB, and PEG PINARD, Petitioners,	)	
v.	)	No. 03-74628
UNITED STATES NUCLEAR REGULATORY COMMISSION and the UNITED STATES OF AMERICA, Respondents, and	)	
PACIFIC GAS & ELECTRIC CO., Intervenor-Respondent.	)	

FEDERAL RESPONDENTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME

Pursuant to FRAP 31 and Circuit Rule 31-2.2(b), the Federal Respondents respectfully move this Court for an extension of time of 28 days to and including May 12, 2004, in which to file their brief in this case. In accordance with Circuit Rule 31-2.2(b), the Federal Respondents have attached a Declaration explaining the reasons for this request. As noted in the attached Declaration, the Petitioners have consented to the granting of this Motion.

Respectfully submitted,



CHARLES E. MULLINS
Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission

Dated: March 31, 2004

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v.	)	No. 03-74628
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PACIFIC GAS & ELECTRIC CO., Intervenor-Respondent.	)	

DECLARATION OF CHARLES E. MULLINS

I declare that the following statements are true and correct under penalty of perjury to the best of my ability.

1. My name is Charles E. Mullins and I make the following statements based upon my own knowledge or upon knowledge obtained in the course of my employment and relied upon by me in the performance of my duties.

2. I am a senior attorney at the U.S. Nuclear Regulatory Commission and the attorney of record in this case for NRC; I have the principal responsibility for drafting the combined Brief on behalf of the NRC and the United States of America ("the Federal Respondents").

3. The Federal Respondents' Brief is currently due on April 14, 2004. This is the due date after this Court granted Petitioners' request for an extension of time from March 1, 2004, until March 15, 2004 (a request which the Federal Respondents did not oppose).

4. The Federal Respondents seek an extension of time of 28 days to and including May 12, 2004, for the reasons explained below.

5. The undersigned is suffering from an illness (sinus infection) in which he has missed significant time in the last four weeks (including time after the petitioners filed their brief) with the attendant backlog of assignments as well as delay in this case.

6. In addition to this case, the undersigned is assigned to other pending matters involving review and potential litigation involving the enforcement of agency administrative subpoenas.

7. Moreover, the supervising attorneys in this Office, Mr. John Cordes, the Solicitor, and Mr. E. Leo Slaggie, the Deputy Solicitor, are both involved in preparing and reviewing another brief that to be filed in the U.S. Court of Appeals for the District of Columbia Circuit on April 14, 2004.

8. Furthermore, the NRC has just received copies of briefs submitted by the two Amici on behalf of the Petitioners. The NRC was completely unaware of the Amici's participation in this case and the issues raised in these briefs will require additional work by the Federal Respondents in order to prepare a meaningful response.

9. The undersigned has consulted with the counsel for Petitioners who has graciously agreed to this request.

10. The undersigned has also consulted with counsel for Pacific Gas & Electric, the intervenor- respondent, who has agreed to this request and who seeks to file his response two weeks after the Federal Respondents' Brief, which we understand is the normal briefing schedule. Counsel for the Department of Justice also supports this request.

Respectfully submitted,

Charles E. Mullins
Senior Attorney
U.S. Nuclear Regulatory Commission

Dated: March 31, 2004.

CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury that I have mailed two copies of the Federal Respondents' Unopposed Motion for Extension of Time to:

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Kathryn E. Kovacs, Esq.
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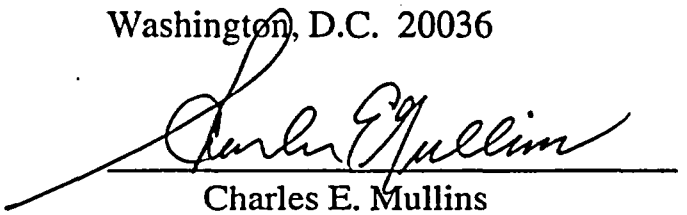

Charles E. Mullins
Senior Attorney
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U.S. Nuclear Regulatory Commission

Dated: March 31, 2004