

# HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

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**By Federal Express**

April 24, 2007

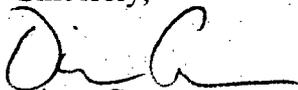
Cathy A. Catterson  
Office of the Clerk  
United States Court of Appeals  
95 Seventh Street  
San Francisco, CA 94103-1526

Re: *San Luis Obispo Mothers for Peace v. NRC*, No. 03-74628

Dear Ms. Catterson:

Enclosed for filing please find the original and four copies of the San Luis Obispo Mothers for Peace's Unopposed Motion for Extension of Time to Reply to Federal Respondents' Opposition to EAJA Motion for Attorneys' Fees. Copies have also been served on the parties by first-class mail.

Sincerely,



Diane Curran

Cc: Service List

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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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

PACIFIC GAS & ELECTRIC CO.  
Intervenor-Respondent

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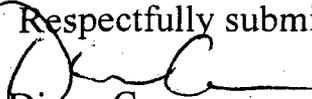
**SAN LUIS OBISPO MOTHERS FOR PEACE'S  
UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO REPLY TO FEDERAL RESPONDENTS' OPPOSITION TO  
EAJA MOTION FOR ATTORNEYS' FEES**

Pursuant to F.R.A.P. 26 and F.R.A.P. 39-1.7, Petitioner San Luis Obispo Mothers for Peace ("SLOMFP") moves for a ten-day extension of time, or until May 7, 2007, to file its Reply to "Federal Respondents' Response to Petitioner Motion for Attorney's Fees and Costs" (April 16, 2007). The reasons for this request are set forth in the attached Declaration of Diane Curran in Support of Motion for Extension.

In addition to the reasons set forth in the Declaration of Diane Curran, SLOMFP requests the Court to take into account the facts that (a) the Federal Respondents do not oppose this motion; (b) SLOMFP previously consented to two

requests by the Federal Respondents for extensions of time to respond to SLOMFP's initial Motion for Attorneys' Fees and Costs Under the Equal Access to Justice Act of February 14, 2007; and (c) the Court granted both of the Federal Respondents' extension requests.

Respectfully submitted,



Diane Curran

Harmon, Curran, Spielberg & Eisenberg, L.L.P.  
1726 M Street N.W., Suite 600  
Washington, D.C. 20036  
202/328-3500

April 24, 2007

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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**DECLARATION OF DIANE CURRAN  
IN SUPPORT OF MOTION FOR EXTENSION**

Under penalty of perjury, I, Diane Curran, declare as follows:

1. I am counsel to Petitioner San Luis Obispo Mothers for Peace (“SLOMFP”) in this proceeding.
2. On February 14, 2007, I filed San Luis Obispo Mothers for Peace’s Motion for Attorneys’ Fees and Costs Pursuant to Equal Access to Justice Act (“SLOMFP’s EAJA Motion”).
3. While the Federal Respondents’ response to SLOMFP’s EAJA Motion originally was due on March 2, 2007, the Federal Respondents sought and obtained two extensions of time to respond, totaling approximately six weeks. SLOMFP did not oppose either of the Federal Respondents’ extension requests.

4. On April 16, 2007, the Federal Respondents submitted their Response to Petitioners' Motion for Attorney's Fees and Costs, serving me with the pleading by overnight mail. Under F.R.A.P. 39-1.7 and F.R.A.P. 26(c), SLOMFP's Reply is due on April 26, 2007.

5. I have a number of obligations in other cases which have prevented me from devoting an adequate amount of time to preparing a reply to the Federal Respondents' Response to SLOMFP's EAJA Motion. These obligations include my responsibility for a significant portion of an appellate brief before the U.S. Court of Appeals for the Tenth Circuit and a motion in the U.S. Court of Appeals for the First Circuit to hold two petitions for review in abeyance pending the completion of a related rulemaking.

6. Accordingly, I request an extension of ten days, or until May 7, 2007, to file SLOMFP's Reply to the Federal Respondents' Opposition to SLOMFP's EAJA Motion.

7. Charles Mullins, counsel for the U.S. Nuclear Regulatory Commission, has graciously authorized me to state that the Federal Respondents do not oppose this motion.

I hereby declare that the foregoing statements are true and correct.



Diane Curran  
April 24, 2007

## CERTIFICATE OF SERVICE

I certify that on April 24, 2007, copies of the foregoing San Luis Obispo Mothers for Peace's Unopposed Motion for Extension of Time to Reply to Federal Respondents' Opposition to EAJA Motion for Attorneys' Fees were served on the following by first-class mail:

Kathryn E. Kovacs, Esq.  
Appellate Division  
Environment and Natural Resources  
United States Department of Justice  
P.O. Box 23795  
Washington, DC 20026

Charles E. Mullins, Esq.  
E. Leo Slaggie, Esq.  
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Diane Curran