

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SAN LUIS OBISPO MOTHERS FOR PEACE, et al.,

Petitioners,

v.

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

Respondents,

PACIFIC GAS AND ELECTRIC COMPANY,

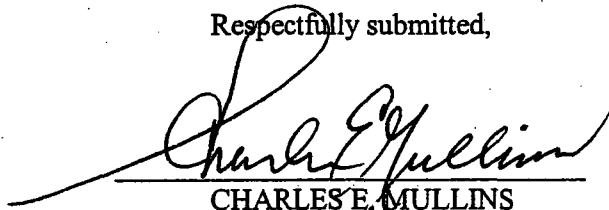
Intervenor.

No. 03-74628

**FEDERAL RESPONDENTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO PETITIONERS' MOTION FOR ATTORNEYS' FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and Ninth Circuit Rule 27-1, the Federal Respondents move for an extension of time from March 2, 2007, to April 2, 2007, to file their Response to Petitioners' "Motion for Attorneys' Fees and Costs Pursuant to Equal Access to Justice Act," served on February 14, 2007. The reasons for this request are set forth in the attached Declaration of Counsel. Counsel for Petitioners, Ms. Diane Curran, has graciously consented to the granting of this Motion.

Respectfully submitted,



CHARLES E. MULLINS

Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
(301) 415-1618

Dated: February 22, 2007

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DECLARATION OF CHARLES E. MULLINS

I, CHARLES E. MULLINS, a senior attorney in the Office of the General Counsel at the U.S. Nuclear Regulatory Commission, hereby verify and affirm as follows:

1. Petitioners' served their Motion for Attorneys' Fees and Costs Under the Equal Access to Justice Act on the Federal Respondents on February 14, 2007.

2. Under Rule 27 of the Federal Rules of Appellate Procedure and Ninth Circuit Rule 39-1.7, the Federal Respondents' Objection to the Petitioners' Motion is due on or before March 2, 2007.

3. The Petitioners' motion seeks attorneys' fees and costs of \$162,572.78 and seeks reimbursement at an hourly rate above the statutory cap. The Federal Respondents will need additional time to review and analyze this request before responding to it.

4. In addition, the Federal Respondents have approached the Office of the Chief Mediator for the Ninth Circuit for possible assistance in resolving any disputes that may arise

between the parties and for possible assistance in negotiating an agreement between the parties on the fee question.

5. The undersigned is lead counsel for this case, and is also lead counsel in other litigation for the U.S. Nuclear Regulatory Commission (which has independent litigating authority under 28 U.S.C. § 2341, et seq.), including *State of New Jersey v. NRC*, No. 06-5140 (3d Cir.) (Reply to Motion to Dismiss due March 8, 2007), in addition to numerous assignments within the Office of the General Counsel, including review of administrative subpoenas, review of responses to requests under the Freedom of Information Act, and review of and responses to proposed legislation.

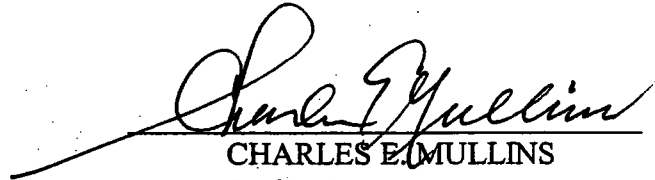
6. In addition, the undersigned is also completing a detail at the U.S. Department of Justice, where he is lead counsel for the Federal government in *United States v. Able Time, Inc.*, No. 06-56033 (9th Cir.) (Reply Brief due February 26, 2007) (Motion for Extension of Time pending), which involves complex and novel issues of Customs law.

7. Ms. Diane Curran, lead counsel for the Petitioners, has graciously consented to the granting of this Motion.

8. For the foregoing reasons, a 30-day extension, to and including April 2, 2007, is needed to prepare the response of the Federal Respondents to the Petitioner's Motion for Attorneys' Fees and Costs Under the Equal Access to Justice Act.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my ability. *See* 28 U.S.C. § 1746.

Respectfully submitted,

A handwritten signature in cursive script, reading "Charles E. Mullins", is written over a horizontal line.

CHARLES E. MULLINS

Senior Attorney

Office of the General Counsel

U.S. Nuclear Regulatory Commission

(301) 415-1618

Executed on February 22, 2007.