

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

FRIENDS OF THE EARTH,

Petitioner,

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION  
and the UNITED STATES OF AMERICA,

Respondents,

PACIFIC GAS AND ELECTRIC COMPANY,

Intervenor.

---

No. 16-1004

**FIRST JOINT STATUS REPORT**

On June 20, 2016, Friends of the Earth (“FOE”) and Pacific Gas and Electric Company (“PG&E”), along with other parties, submitted a joint settlement proposal to the California Public Utilities Commission (“CPUC”), under the terms of which PG&E agreed to, *inter alia*, “retire Diablo Canyon at the expiration of its current [Nuclear Regulatory Commission (‘NRC’)] operating licenses.”<sup>1</sup> Under the

---

<sup>1</sup> Joint Proposal of Pacific Gas & Electric Company, Friends of the Earth, Natural Resources Defense Council, Environment California, International Brotherhood of Electrical Workers Local 1245, Coalition of California Utility Employees and Alliance for Nuclear Responsibility to Retire Diablo Canyon Nuclear Power Plant at Expiration of the Current Operating

terms of the Joint Proposal Application, if approved by the CPUC, PG&E would withdraw the NRC License Renewal Application for Diablo Canyon that is the subject of this matter.

On June 29, 2016, PG&E and FOE jointly requested that this Court suspend briefing in this matter pending action by the CPUC on the Joint Proposal Application.

On July 21, 2016, this Court entered an order holding this case in abeyance pending further order of the Court. The Court also directed the parties to file status reports at 120-day intervals beginning January 23, 2017. This is the first status report.

The CPUC has set the Joint Proposal Application for evidentiary hearings that are scheduled to commence on April 18, 2017. The evidentiary hearings follow submission of pre-filed testimony on January 27, 2017, and rebuttal testimony on March 17, 2017. PG&E expects that the CPUC will issue a final decision on the Joint Proposal Application before the end of 2017.

---

Licenses and Replace it with a Portfolio of GHG Free Resources (June 20, 2016), at 3 (“Joint Proposal Application”).

The parties will file the next 120-day status report on May 23, 2017.

Respectfully submitted,

/s/ David A. Repka

David A. Repka

Tyson R. Smith

WINSTON & STRAWN LLP

1700 K Street NW

Washington, DC 20006

202-282-5726

[drepka@winston.com](mailto:drepka@winston.com)

[trsmith@winston.com](mailto:trsmith@winston.com)

*Counsel for Intervenor*

/s/ Richard Ayres

Richard Ayres

Jessica Olson

AYRES LAW GROUP LLP

1401 K St. NW, Suite 825

Washington, DC 20005

(202) 452-9200

[ayresr@ayreslawgroup.com](mailto:ayresr@ayreslawgroup.com)

[olsonj@ayreslawgroup.com](mailto:olsonj@ayreslawgroup.com)

John Bernetich

AYRES LAW GROUP LLP

1536 Wynkoop St., Suite 528

Denver, CO 80202

(720) 504-3002

[bernetichj@ayreslawgroup.com](mailto:bernetichj@ayreslawgroup.com)

*Counsel for Petitioner*

/s/ Andrew P. Averbach

Andrew P. Averbach

Solicitor

U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852  
(301) 415-1956  
[andrew.averbach@nrc.gov](mailto:andrew.averbach@nrc.gov)

James E. Adler  
Senior Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852  
(301) 287-9173  
[james.adler@nrc.gov](mailto:james.adler@nrc.gov)

Thekla Hansen-Young  
Attorney, Appellate Section  
Environment and Natural  
Resources Division  
U.S. Department of Justice  
P.O. Box 7415, Ben Franklin Station  
Washington, D.C. 20044  
[thekla.hansen-young@usdoj.gov](mailto:thekla.hansen-young@usdoj.gov)

*Counsel for Federal Respondents*

Dated: January 23, 2017

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

FRIENDS OF THE EARTH,

Petitioner,

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION  
and the UNITED STATES OF AMERICA,

Respondents,

PACIFIC GAS AND ELECTRIC COMPANY,

Intervenor.

---

No. 16-1004

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, copies of “First Joint Status Report” in the captioned proceeding have been served by Electronic Case Filing, thereby serving it on all parties of record.

Respectfully submitted,

/s/ signed electronically by

Tyson R. Smith

WINSTON & STRAWN LLP

1700 K Street, NW

Washington, DC 20006

415-591-6874

[trsmith@winston.com](mailto:trsmith@winston.com)

COUNSEL FOR PACIFIC GAS  
AND ELECTRIC COMPANY

Dated: January 23, 2017