

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

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FRIENDS OF THE EARTH,

Petitioner,

v.

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

Respondents,

PACIFIC GAS AND ELECTRIC COMPANY,

Intervenor.

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No. 16-1004

**FOURTH 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

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<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. The parties filed the first status report on January 23, 2017, the second report on May 23, 2017, and the third report on September 20, 2017. This is the fourth status report.

The CPUC issued its decision on January 11, 2018. The decision did not approve the Joint Proposal Application in full. Accordingly, the parties to the Joint Proposal Application will be meeting to confer about the decision, the next steps, and the path forward, including whether or when to seek withdrawal of the NRC License Renewal Application for Diablo Canyon that is the subject of this matter.

In accordance with the abeyance order, the parties will file motions to govern future proceedings in this case either within 30 days of a decision to not

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

withdraw the License Renewal Application or within 30 days of completion of any subsequent proceedings of the Nuclear Regulatory Commission if PG&E withdraws the License Renewal Application. Otherwise, the parties will file the next 120-day status report on May 18, 2018.

Respectfully submitted,

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*Counsel for Federal Respondents*

Dated: January 18, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, copies of “Fourth 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

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Dated: January 18, 2018