

ORAL ARGUMENT NOT YET SCHEDULED**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

| | | |
|---------------------------|---|-------------|
| _____ |) | |
| FRIENDS OF THE EARTH |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 14-1213 |
| |) | |
| UNITED STATES NUCLEAR |) | |
| REGULATORY COMMISSION and |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

**PETITIONER'S FILING OF THE UNDERLYING DECISION FROM
WHICH THE PETITION ARISES**

Pursuant to the Clerk's October 28, 2014 order in the above-captioned case, Petitioner Friends of the Earth hereby submits that the underlying decision from which the petition arises is the Nuclear Regulatory Commission's (NRC's) approval of Revision 21 to the Final Safety Analysis Report as Updated for Diablo Canyon Units 1 and 2, dated September 2013, without the required license amendment proceeding. The first public notice and evidence of this approval is contained in the Panel Report disposing of the Dissenting Professional Opinion by then-NRC senior resident inspector for Diablo Canyon, Dr. Michael Peck, which is

appended to the Petition for Review as Attachment A. The Panel Report, issued internally on April 3, 2014, was made public on September 10, 2014.

Dated: December 1, 2014
Washington, D.C.

Respectfully submitted,

/s/ Richard Ayres

Richard Ayres

Jessica Olson

John Bernetich

Ayres Law Group LLP

1707 L St, NW

Suite 850

Washington, DC 20036

(202) 452-9200

ayresr@ayreslawgroup.com

olsonj@ayreslawgroup.com

bernetichj@ayreslawgroup.com

Counsel for Friends of the Earth

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing “Petitioner’s Filing Of The Underlying Decision From Which The Petition Arises” has been served via the Court’s Electronic Court Filing system upon all registered counsel this 1st day of December, 2014.

/s/Jessica Olson
Jessica Olson
Ayres Law Group LLP
Suite 850
1707 L St NW
Washington, DC 20036
(202) 452-9211
olsonj@ayreslawgroup.com