

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

FRIENDS OF THE EARTH,)
)
 Petitioner,)
)
 v.)
)
 U.S. NUCLEAR REGULATORY)
 COMMISSION and UNITED STATES OF)
 AMERICA,)
)
 Respondents.)

No. 16-1004

NON-BINDING STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's Order of January 12, 2016, Friends of the Earth, petitioner in this matter, submits this Statement of Issues to be Raised:

1. Whether the U.S. Nuclear Regulatory Commission erred under the Atomic Energy Act, the Administrative Procedure Act, and other applicable law by failing to grant Friends of the Earth's request to intervene in the license renewal proceeding for Diablo Canyon Power Plant.
2. Whether the U.S. Nuclear Regulatory Commission erred under the Atomic Energy Act, the Administrative Procedure Act, and other applicable law by failing to grant Friends of the Earth's request for waiver of certain regulations governing intervention in a license renewal proceeding.

Dated: February 11, 2016

/s/ Richard E. Ayres

Richard E. Ayres
AYRES LAW GROUP LLP
1707 L Street NW, Suite 850
Washington, DC 20036
T: (202) 452-9200 / F: (202) 872-7739
ayresr@ayreslawgroup.com

Counsel for Friends of the Earth

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, thereby serving it on all parties of record, this 11th day of February, 2016.

Respectfully submitted,

/s/ John H. Bernetich

John H. Bernetich
AYRES LAW GROUP LLP
1707 L Street NW, Suite 850
Washington, DC 20036
T: (202) 452-9200 / F: (202) 872-7739
bernetichj@ayreslawgroup.com