PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Item 10
Agenda ID 14919

ENERGY DIVISION **RESOLUTION E-4785 (Rev.1)**
June 23, 2016

R E S O L U T I O N

Resolution E-4785. Confirmation of candidates for appointment to the Diablo Canyon Independent Safety Committee (DCISC) for a three-year term beginning July 1, 2016.

PROPOSED OUTCOME:

- The California Public Utilities Commission ratifies the President's selection of Dr. Robert J. Budnitz for consideration by the California Attorney General (AG) for reappointment to the DCISC, and Captain Neil S. "Buzz" Carns, Judge Alex S. Karlin, and Dr. Michael Peck for appointment to the DCISC.

SAFETY CONSIDERATIONS:

- The DCISC reviews operations at PG&E's Diablo Canyon Power Plant (DCPP) for the purpose of assessing the safety of current operations and suggesting recommendations for continued safe operations. The appointed candidate will serve a three-year term on the DCISC.

ESTIMATED COST:

- Ratification of the CPUC President's selection of candidates for appointment to the DCISC will not result in any additional costs.

As required by Decision (D.) 07-01-028, dated January 25, 2007.

SUMMARY

The Diablo Canyon Independent Safety Committee (DCISC) consists of three members, each appointed in turn by the California Governor, the California Attorney General, and the Chair of the California Energy Commission (CEC), serving staggered three-year terms. The appointing authority for the current cycle is the California Attorney General (AG). This Resolution ratifies the California Public Utilities Commission (CPUC) President's selection of Dr. Robert J. Budnitz as a candidate for reappointment, and Captain Neil S. "Buzz" Carns, Judge Alex S. Karlin, and Dr. Michael Peck as candidates for appointment to the DCISC, for a three-year term commencing on July 1, 2016.

BACKGROUND

Establishment of the DCISC and Member Selection Process:

The CPUC created the DCISC in Decision (D.)88-12-083 as part of the overall settlement of ratemaking issues for the DCPP, which is owned and operated by Pacific Gas and Electric Company (PG&E). The DCISC is an independent, three-member committee responsible for monitoring the safety of PG&E's operation of DCPP. The DCISC's budget is paid out of PG&E's revenues and charged to PG&E's ratepayers.[1] D.88-12-083 established the qualifications and procedures for appointment of members to the DCISC and defined the scope of the Committee's operations and responsibilities.[2]

On October 24, 2006, the DCISC submitted Application (A.)06-10-024 proposing a restated charter. The CPUC adopted the restated charter in D.07-01-028 on January 25, 2007.

Section 1.B of the restated charter describes the process for appointment of DCISC members. It requires the CPUC to select no more than three candidates for DCISC membership from among those applicants responding to an open

[1] D.88-12-083, Appendix C, Paragraph 16.

[2] D.88-12-083, Appendix C, Attachment A.

request by the CPUC for applications. The incumbent member whose term is about to expire is to be deemed an additional candidate if he or she consents. The CPUC is charged with the responsibility to provide for public comment on the applicants' qualifications and potential conflicts of interest. The President of the CPUC is to review the applicants' qualifications, experience, and background, including any conflicts of interest, together with any public comments, and propose as candidates to the appointing authority only persons with knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues. The Energy Division prepares a resolution ratifying the President's selection of candidates for the Commission.

Current Applicants:

On January 7, 2016, an open request for applications to fill the July 1, 2016 vacancy on the DCISC was posted on the CPUC's website[3].

Applications were timely received from Paul Blanch, Captain Neil "Buzz" Carns, Daniel Dominguez, Judge Alex Karlin, and Dr. Michael Peck. In addition, Dr. Robert J. Budnitz, the incumbent member of the DCISC whose term is set to expire, sent a letter to the Energy Division confirming his willingness to continue serving as a member of the DCISC. Dr. Budnitz also provided a synopsis of his technical experience and professional activities relating to nuclear reactor and radioactive waste safety, including his experience as a researcher and consultant both independently and with various federal entities. Dr. Budnitz was originally appointed to the DCISC on October 10, 2007 by the then Attorney General Edmund "Jerry" G. Brown Jr. Dr. Budnitz's third term is set to expire on June 30, 2016.

In his application, Mr. Blanch summarized his technical experience as a consultant, expert witness, and utility nuclear plant supervisor; and listed his

[3] A link to the announcement posted on the CPUC's website was sent to the service list in A.12-12-012 and A.12-12-013 to ensure that parties interested in issues relating to the DCPP were aware of the announcement. A.12-12-012 and A.12-12-013 both addressed PG&E's 2012 Nuclear Decommissioning Cost Triennial Proceeding.

major accomplishments in the field of nuclear safety. Mr. Blanch was previously a candidate for the California Governor-appointed DCISC vacancy beginning on July 1, 2008; and the AG-appointed vacancy beginning on July 1, 2013.[4]

Captain Carns' application detailed his naval service and command aboard nuclear powered submarines; his experience as a nuclear quality control inspector, operations manager, and plant manager; his work as President, CEO, and Chairman of the Board at a nuclear operating company; and his accomplishments in the fields of nuclear safety and management.

The application of Mr. Dominguez summarizes his work in the nuclear power industry as a licensed nuclear reactor operator, his knowledge of the Institute of Nuclear Power Operations training procedures and NRC technical specifications for safety systems, and his experience as a chief officer representing nuclear power plant employees in a labor union.

In Judge Karlin's application, he discusses his tenure as an Administrative Law Judge with the Atomic Safety and Licensing Board Panel (ASLBP) of the NRC, including the handling of top-secret atomic and national security information, the issuance of more than sixty judicial decisions, and a five year stint as chair of the three-judge ASLBP Board; the public and private sector legal work he performed in the U.S. and internationally in the fields of nuclear energy, power plant safety, and environmental compliance; and the panels and workshops he has led concerning nuclear safety and adjudicatory issues. Judge Karlin also provided copies of six publications he wrote while a member of the ASLBP.

In his application, Dr. Peck summarized his technical experience as a nuclear reactor technology instructor, senior resident inspector, facility representative, and as a provider of power reactor operational and engineering support. He also detailed his last five years of nuclear power-related research, ten certifications, and numerous professional publications dating from 1983 to 2013.

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[4] *See* CPUC Resolution E-4141, January 10, 2008; and CPUC Resolution E-4588, June 27, 2013.

Public Comments on Applicants:

On February 29, 2016, an announcement was posted on the CPUC's website inviting comments on the candidates.[5] Summaries of their qualifications were included with the announcement. The full text of the public comments is included in Appendix B of this Resolution.

When Mr. Blanch applied to be a candidate for appointment to the DCISC in 2008 and 2013, the Energy Division received many comments supporting his appointment. Those comments confirmed Mr. Blanch's experience, knowledge, and reputation in the field of nuclear safety. Supporting comments received on Mr. Blanch's behalf in 2016 echoed those sentiments. Those comments included a description of Mr. Blanch's successful leadership in ensuring that a risk assessment be conducted for the siting of natural gas pipelines alongside the Indian Point (New York) nuclear facility, and highlighting his cooperation with government representatives, the NRC, and the public. Mr. Blanch received high praise for his integrity and commitment to safe nuclear power. There were, however, three comments opposing Mr. Blanch's candidacy claiming that he has an "agenda-driven" desire to shut down nuclear power plants.

Dr. Budnitz is seeking a fourth term on the DCISC and has accordingly received public comments supporting his candidacy in 2007, 2010, and 2013 discussing his expertise in nuclear reactor risk assessment and seismic risk assessment, as well as his professionalism. Supporting comments for his reappointment in 2016 similarly praised his background in seismic and probabilistic risk analysis as "unsurpassed," commended his even-handed demeanor during meetings, and applauded his focus on the safe operation of the DCPP. Several commenters also opposed Dr. Budnitz's reappointment, alleging that he inhibited progress on safety issues and once made negative comments about members of the public in attendance at a DCISC meeting.

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[5] A link to the announcement was also sent to the service lists in A.12-12-012 and A.12-12-013. See footnote 3 above.

Captain Carns received several comments in support of his candidacy for appointment to the DCISC, primarily from current and former colleagues in the nuclear power industry, including the former Chairman of the Board of the Institute of Nuclear Power Operations (INPO), a non-profit that promotes safety and reliability in the operation of commercial nuclear power plants. These comments confirmed Captain Carns' experience, knowledge, judgment, strong work ethic, and reputation in the field of nuclear safety. A common topic in these comments was Captain Carns' ability to evaluate organizational effectiveness and provide strong leadership. In particular, while Captain Carns was said to have an excellent understanding of a plant's technical aspects, the comments emphasized that it was his ability to understand and evaluate the people who operate and manage the plant that truly set him apart.

Several comments were submitted supporting the candidacy of Mr. Dominguez. Not only did the commenters point out that Mr. Dominguez's decades of experience working as line staff and in management at San Onofre Nuclear Generating Station (SONGS) gave him the experience, leadership, and knowledge to evaluate safety issues at DCPP, but that his background makes him the rare candidate with the ability to review safety issues from the perspectives of both labor and management. Additionally, the comments emphasize his many years in union leadership at SONGS where he worked to keep safety as a top priority.

Judge Karlin received the support of several commenters, including the Alliance for Nuclear Responsibility (A4NR) and the San Luis Obispo Mothers for Peace (SLOMFP). Their comments confirmed Judge Karlin's experience, knowledge, and commitment to transparency when reviewing nuclear safety issues. A4NR and SLOMFP emphasized that Judge Karlin not only has extensive experience in both legal and technical matters stemming from his work as an Administrative Law Judge and attorney, but that he has a demonstrated penchant for inclusivity and inquisitiveness that will serve him well when evaluating the complex safety issues presented by disparate parties. Additionally, the commenters noted that Judge Karlin has worked on cases involving Diablo Canyon in the past and his familiarity with its unique issues gives him a head start on the work he would perform for the DCISC, and that, as a resident of San Luis Obispo County, he has a particular interest in the safety issues at DCPP.

Numerous commenters expressed their support for Dr. Peck. All agreed that his expertise in the technical aspects of nuclear plant operation and safety regulation would be a boon to the DCISC. Commenters also pointed out that his time as chief resident inspector at DCPP gives him extensive first-hand knowledge of the issues he would need to consider while serving on the committee. His supporters were particularly impressed with his integrity and independence.

Several commenters also opposed Dr. Peck's candidacy, with all of that opposition based on a belief that Dr. Peck had a conflict of interest as a result of a Differing Professional Opinion he wrote as part of his work for the NRC.

NOTICE

Notice of this Resolution was made by publication in the CPUC's Daily Calendar. A copy of the Draft Resolution was sent to all of the applicants and to those submitting comments on their behalf. A copy of the Draft Resolution was also sent to the California Attorney General's office and to the service lists in PG&E's A.12-12-012, and A.12-12-013.

DISCUSSION

The restated charter adopted in D.07-01-028 requires that candidates for appointment to the DCISC be persons with knowledge, background, and experience in the field of nuclear power facilities and nuclear safety issues who demonstrate they have no conflicts of interest.[6]

[6] Conflicts of interest are set forth in Section I.C of the restated charter. They establish limits for DCISC members on income and gifts from PG&E or an affiliated company, and investments in PG&E or an affiliate. They also prohibit members of the DCISC from attempting to use their position to influence action of the Committee in which they have a financial interest. DCISC members are required to file a Statement of Economic Interest in the same manner as designated CPUC employees. No person shall serve on the DCISC who has a prior history of supporting or opposing PG&E as a witness or intervenor in nuclear licensing or CPUC proceedings associated with the Diablo Canyon Power Plant.

Summaries of the qualifications of each applicant are included in Appendix A of this Resolution.

Dr. Robert J. Budnitz is qualified to continue to serve on the Diablo Canyon Independent Safety Committee.

Dr. Budnitz is an incumbent member of the DCISC, having been appointed to his initial three-year term from July 2007 through June 2010 by the then Attorney General, Jerry Brown, who reappointed Dr. Budnitz for a second term from July 2010 through June 2013. Dr. Budnitz applied for reappointment to the DCISC in 2013. Even though the AG did not make an appointment in 2013 to fill the vacancy on the Committee, Dr. Budnitz, in accordance with DCISC and CPUC rules, has continued to serve on the Committee. In addition to serving on the DCISC, Dr. Budnitz is presently on the scientific staff at Lawrence Berkeley National Laboratory (LBNL) where he researches the seismic safety of nuclear reactors. He also works as a consultant, advising on reactor safety both domestically and internationally. Prior to his current position at LBNL, Dr. Budnitz spent more than 20 years as president of Future Resources Associates, Inc., a private consulting company he founded which specialized in reactor safety, radioactive waste, and related subjects. This was followed by employment with Lawrence Livermore National Laboratory, which included two years with the Department of Energy's Office of Civilian Radioactive Waste Management. Dr. Budnitz began his career at LBNL in 1967, where he eventually rose to the positions of Associate Director and Head of the Energy and Environment Division, followed by two years as a senior officer at the NRC, during which time he served as the technical coordinator for the NRC's inquiry into the 1979 accident at Three Mile Island. Dr. Budnitz earned a Ph.D. in physics from Harvard University in 1968.

Dr. Budnitz has no conflicts of interest that would preclude his continuing to serve on the DCISC.[7] His qualifications show that he has the requisite

[7] By email to Energy Division staff dated January 9, 2016 Dr. Budnitz confirmed that he has no conflicts of interest as set forth in Section I.C. of the restated charter.

knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues.

Captain Neil S. Carns is qualified to serve on the Diablo Canyon Independent Safety Committee.

Captain Carns has spent the last four decades addressing nuclear safety issues, whether they involved nuclear submarines or nuclear power plants. Following naval service that included time aboard submarines as a reactor controls officer, executive officer, and commanding officer, Captain Carns moved to the private sector. He worked at several nuclear plants in jobs with increasing amounts of responsibility: quality control inspector, operations manager, completion manager, senior reactor operator, and plant manager. As the plant manager at Arkansas Nuclear One, he helped that plant achieve recognition from INPO as a top performing plant. Similar improvements were achieved under his leadership at Niagara Mohawk's Nine Mile Point plants and Wolf Creek among others. Captain Carns devised a program to recognize top performance in the nuclear industry called the Top Industry Practice (TIP) award which is currently administered by the Nuclear Energy Institute. Captain Carns has also received awards for his work, most notably the American Nuclear Society's Leadership Award. In recent years, Captain Carns has served as a nuclear consultant where he works to improve nuclear plant performance by improving leadership in the workforce. He graduated from the U.S. Naval Academy, attended nuclear power school in Vallejo, CA; and earned a Master of Public Administration degree from the University of Washington.

Captain Carns has no conflicts of interest that would preclude his serving on the DCISC. His qualifications show that he has the requisite knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues.

Judge Alex S. Karlin is qualified to serve on the Diablo Canyon Independent Safety Committee.

Judge Karlin has a thirty-year record of working as a nuclear, energy, and environmental attorney and consultant, and as an Administrative Law Judge

with the ASLBP of the NRC. During his nearly twelve-year tenure as a Judge at the NRC, he presided over the adjudication of complex disputes involving nuclear power plants, including issues such as probabilistic risk assessment, computer modeling, environmental impact analyses, climate change, spent fuel transportation, management, storage and disposal, thermal discharges, cooling water intake structures, and cooling water towers. Of particular note, Judge Karlin served as the chair of the three-judge ASLBP Board which considered the PG&E application for Diablo Canyon's license renewal. In this capacity he presided over hearings challenging the adequacy of PG&E's seismic modeling and safety, emergency planning and preparedness, environmental impacts, and spent fuel. He ultimately wrote and issued several decisions concerning the DCPP, though he retired from the ASLBP Board before a final decision was made on the merits of the technical and scientific disputes. Prior to his work at the NRC, Judge Karlin spent thirty years as a public and private attorney focusing on work in the nuclear, energy, and environmental practice areas. He earned a Juris Doctorate, with honors, from the Washington University Law School in St. Louis.

Judge Karlin has no conflicts of interest that would preclude him from serving on the DCISC. His qualifications show that he has the requisite knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues.

Dr. Michael Peck is qualified to serve on the Diablo Canyon Independent Safety Committee.

Dr. Peck has decades of experience in the nuclear industry working as an inspector and instructor for the NRC, as a facility representative for the Department of Energy, and for the Tennessee Valley Authority (TVA) as power reactor operational and engineering support. In his recent work as a lead nuclear instructor for the NRC, Dr. Peck developed training for inspectors on complex subjects including Fukushima Task Force requirements, electrical safety systems, seismic design requirements, and station blackouts. During his twelve years as an NRC senior resident inspector, he spent five of those years at DCPP where he provided daily oversight of power reactor licenses to ensure they met safety objectives and regulatory requirements; managed the on-site NRC inspection program which included evaluating plant safety issues; he worked to resolve

engineering issues involving seismic qualification, safety issues, fire protection, and safety system operability; and he represented the NRC at public meetings and made presentations to the DCISC. While at the Department of Energy, Dr. Peck oversaw operations at a plant decommissioning project and assessed contractor safety and performance at a nuclear waste storage and treatment facility. At the TVA, he spent time as an on-shift power reactor supervisor, managing in-core physics, and managing nuclear power plant modification. Dr. Peck earned Doctorate and Master of Science degrees in nuclear engineering from the University of Missouri, and maintains his NRC Power Reactor Inspector and Reactor Technology Instructor Certifications.

As mentioned above, several public commenters opposed Dr. Peck's candidacy based on a belief that he had a conflict of interest as a result of a Differing Professional Opinion he wrote as part of his work for the NRC. The restated charter which governs the DCISC appointment process defines conflict of interest primarily in terms of monetary interests in a nuclear licensing proceeding, but also states that "[n]o person shall serve as a member of the [DCISC] if he or she has a prior history of supporting or opposing PG&E *as a witness or intervenor in nuclear licensing or CPUC proceedings* associated with Diablo Canyon."[8] Dr. Peck explicitly states in his application and in a confirmatory e-mail that he has not served as a witness or intervenor in Diablo Canyon-related CPUC or nuclear licensing proceedings, nor does he have any monetary interest in DCPP licensing proceedings. While his Differing Professional Opinion expressed a position on DCPP's operating status, simply having an opinion does not disqualify his candidacy – disqualification only follows when that opinion is expressed in the above mentioned forums. As such, contrary to the statements made by opposing commenters, Dr. Peck does not have a conflict of interest and his candidacy is valid.

Dr. Peck has no conflicts of interest that would preclude his serving on the DCISC. His qualifications show that he has the requisite knowledge,

[8] Emphasis added. *See* D.07-01-028, Section I.C.

background, and experience in the field of nuclear power plants and nuclear safety issues.

Mr. Paul Blanch and Mr. Daniel Dominguez are both qualified to serve on the Diablo Canyon Independent Safety Committee.

The applications of Mr. Blanch and Mr. Dominguez demonstrate that they have no preclusive conflicts of interest and that they have the requisite knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues to be considered qualified for the DCISC. Summaries of their qualifications can be read in Appendix A.

Since the restated charter restricts the candidates for the DCISC to the incumbent and up to three additional applicants, Commission President Picker has selected the three most qualified candidates out of this year's applicant pool for consideration by the California Attorney General. As such, Mr. Blanch and Mr. Dominguez were not included on the final list of candidates that will be submitted to the AG.

The candidates nominated by the Commission are the most qualified candidates from the pool of applicants.

The CPUC's President, Michael Picker, has reviewed the qualifications, experience, and backgrounds of all the applicants and selected Dr. Robert Budnitz, Captain Neil Carns, Judge Alex Karlin, and Dr. Michael Peck as the most qualified applicants for submission to the California Attorney General as candidates for the three-year DCISC position beginning July 1, 2016.

President Picker's selection of Dr. Budnitz, Captain Carns, Judge Karlin, and Dr. Peck as the candidates for the July 1, 2016 vacancy on the Diablo Canyon Independent Safety Committee is ratified.

President Picker's selection of Dr. Budnitz as a candidate for reappointment, and Captain Carns, Judge Karlin, and Dr. Peck as candidates for appointment to the DCISC for a three-year term beginning July 1, 2016 is ratified. As mentioned above, President Picker recognizes that all five new applicants possess the

qualifications to competently serve on the DCISC. However, Judge Karlin and Dr. Peck were selected not only due to their professional qualifications, but also due to their extensive experience working on Diablo Canyon's unique seismic-related safety issues over the past decade. Captain Carns was selected due to his forty year record of improving safety performance at nuclear facilities across the country. The President's selection shall be provided to the Attorney General.

COMMENTS

Public Utilities Code section 311(g)(1) generally requires resolutions to be served on all parties and be subject to at least 30 days public review and comment prior to a vote of the Commission. Accordingly, the Draft Resolution was served on parties and issued for public review and comment no later than 30 days prior to a vote of the Commission.

One comment was submitted on the Draft Resolution: on May 19, 2016, Kirk Gothier sent comments to the Commission supporting the reappointment of Dr. Robert Budnitz to the DCISC. These comments echoed the sentiments of Gene Nelson's April 7, 2016 public comments contained in Appendix B below. Mr. Gothier's comments are likewise included in Appendix B. As Mr. Gothier's comments were not appreciably different from those received previously, no substantive changes were made to this Resolution.

FINDINGS

1. D.88-12-083 created the Diablo Canyon Independent Safety Committee (DCISC).
2. The DCISC is an independent, three-member committee responsible for monitoring the safety of PG&E's operation of the Diablo Canyon Power Plant.
3. D.07-01-028 adopted a restated charter for the DCISC including revised procedures for appointments of DCISC members.

4. On January 7, 2016, in accordance with D.07-01-028, an announcement was posted on the CPUC's website seeking applications for the July 1, 2016 vacancy on the DCISC.
5. The California Attorney General is the appointing authority for the July 1, 2016 vacancy on the DCISC.
6. Dr. Robert Budnitz, the incumbent member of the DCISC whose term expires on June 30, 2016, responded to the CPUC's January 7, 2016 announcement and consents to being a candidate for reappointment to the DCISC.
7. Paul Blanch, a professional nuclear energy consultant, responded to the CPUC's January 7, 2016 announcement, and submitted an application to be considered as a candidate for appointment to the DCISC.
8. Captain Neil "Buzz" Carns, a professional nuclear energy consultant, responded to the CPUC's January 7, 2016 announcement, and submitted an application to be considered as a candidate for appointment to the DCISC.
9. Daniel Dominguez, a nuclear reactor operator, responded to the CPUC's January 7, 2016 announcement, and submitted an application to be considered as a candidate for appointment to the DCISC.
10. Judge Alex Karlin, a former administrative law judge with the Atomic Safety & Licensing Board Panel of the NRC, responded to the CPUC's January 7, 2016 announcement, and submitted an application to be considered as a candidate for appointment to the DCISC.
11. Dr. Michael Peck, a senior NRC reactor technology instructor and former NRC inspector, responded to the CPUC's January 7, 2016 announcement, and submitted an application to be considered as a candidate for appointment to the DCISC.
12. The CPUC invited comments on Dr. Budnitz's, Mr. Blanch's, Captain Carns', Mr. Dominguez's, Judge Karlin's, and Dr. Peck's qualifications in an announcement posted on the CPUC's website on February 29, 2016.
13. Comments supporting and opposing the appointment of Dr. Budnitz, Mr. Blanch, Captain Carns, Mr. Dominguez, Judge Karlin, and Dr. Peck to the DCISC were received in response to the CPUC's February 29, 2016 announcement inviting comments.

14. The CPUC's President, Michael Picker, has reviewed the qualifications, experience, and backgrounds of Dr. Budnitz, Mr. Blanch, Captain Carns, Mr. Dominguez, Judge Karlin, and Dr. Peck.
15. Dr. Budnitz, Mr. Blanch, Captain Carns, Mr. Dominguez, Judge Karlin, and Dr. Peck have knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues, and are qualified candidates for appointment to the DCISC.
16. President Picker has chosen to provide the names of Dr. Budnitz as a candidate for reappointment, and Captain Carns, Judge Karlin, and Dr. Peck as candidates for appointment to the DCISC for a three-year term beginning July 1, 2016.
17. D.07-01-028 restricts President Picker to no more than three non-incumbent candidate selections. Due to this restriction, he was unable to submit the names of Mr. Blanch and Mr. Dominguez as candidates for the DCISC.
18. President Picker's selection of Dr. Budnitz, Captain Carns, Judge Karlin, and Dr. Peck as the candidates for appointment to the DCISC for a three-year term beginning July 1, 2016 should be ratified and provided to the California Attorney General.

THEREFORE IT IS ORDERED THAT:

1. President Picker's selection of Dr. Robert J. Budnitz, Captain Carns, Judge Karlin, and Dr. Peck as qualified candidates for consideration by the California Attorney General for appointment to the Diablo Canyon Independent Safety Committee for a three-year term beginning July 1, 2016 is hereby ratified.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on June 23, 2016; the following Commissioners voting favorably thereon:

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TIMOTHY J. SULLIVAN
Executive Director

APPENDIX A

The following statements were supplied by the applicants as part of the application process and were available for public review and comment starting on February 29, 2016. The assertions of fact contained within these statements have not been disputed. These statements are provided verbatim.

Qualifications of Dr. Robert J. Budnitz (Incumbent)

Dr. Budnitz is currently an incumbent member of the Diablo Canyon Independent Safety Committee (DCISC), serving the term that began July 1, 2010 and ended June 30, 2013, as appointed by then Attorney General Edmund G. Brown Jr. Since June 30, 2013, he has continued to serve on the DCISC in the same position because, although he applied for re-appointment, the California Attorney General did not make a new appointment to fill the vacancy. This continuing service follows the rules for DCISC membership established by the CPUC. Dr. Budnitz was originally appointed to the DCISC by Attorney General Brown in 2007 for a term that ran through mid-2010.

In addition to his role on the DCISC, Dr. Budnitz is currently on the scientific staff at the University of California's Lawrence Berkeley National Laboratory (LBNL), where he works on nuclear power safety and security. His current research is largely in the area of the seismic safety of nuclear reactors, most of which is currently supported by the U.S. Nuclear Regulatory Commission (NRC). From 2002 to 2007, he was employed at UC's Lawrence Livermore National Laboratory; during part of that period he also worked on a two-year special assignment in Washington D.C. assisting the Director of the Department of Energy's (DOE's) Office of Civilian Radioactive Waste Management to develop a new Science & Technology Program for the Yucca Mountain Project. He also works as a consultant, advising on reactor safety both domestically and internationally. Dr. Budnitz additionally serves on advisory committees for organizations such as the American Nuclear Society, the American Society of Mechanical Engineers, and the National Academy of Sciences.

From 1967 to 1978, Dr. Budnitz was on the staff of the Lawrence Berkeley National Laboratory, serving in 1975-1978 as Associate Director and Head of LBNL's Energy & Environment Division. The programs under his direction included energy-efficiency, deep-geologic radioactive waste disposal, solar energy, geothermal energy, fusion energy, transportation technology, chemical-engineering for alternate fuels, environmental instrumentation, air-pollution phenomena, and energy policy analysis.

From 1978 to 1980, he was a senior officer on the staff of the NRC. In 1978-1979, he was the Deputy Director, NRC Office of Nuclear Regulatory Research, and in 1979-1980 he became the Director of that same Office. In this two-year period, Dr. Budnitz was responsible for formulating and guiding the large NRC research program that constituted over $200 million/year at the time. His responsibilities included assuring that all major areas of reactor-safety research, waste-management research, and fuel-cycle-safety research necessary to serve the mission of the NRC were adequately supported. Additionally, following the Three Mile Island reactor accident, Dr. Budnitz served the last 7 months of 1979 as the "technical coordinator" of the important NRC internal inquiry examining the accident, known as the "Special Inquiry Group,"

After leaving the NRC in 1980 and until late 2002, Dr. Budnitz worked as a private consultant on reactor safety, radioactive waste, and related subjects, as president of Future Resources Associates, Inc., a small firm he founded in Berkeley in 1981. His clients included both industrial and governmental organizations. A majority of his research support in the post-1981 period came from governmental sources, including NRC, DOE, and the U.S. Environmental Protection Agency, as well as international and intergovernmental organizations such as the International Atomic Energy Agency, OECD Nuclear Energy Agency, and the European Bank for Reconstruction and Development.

After the serious Japanese reactor accident at Fukushima in March 2011, caused by an earthquake-triggered tsunami that flooded the site and damaged 4 of the 6 reactors on-site, the U.S. Secretary of Energy and the President's Science Adviser appointed a special "science panel" to advise them about the best way early-on to interpret the incomplete technical information that was available from Japan, and about how best the U.S. might assist the Japanese in responding. Dr. Budnitz served on that high-level panel for the duration of 2011.

Some of Dr. Budnitz's other assignments include serving as chairman of an OECD/NEA international Specialist Meeting that evaluated the adequacy of our current understanding of possible terrorist attacks on nuclear facilities, a few months after the terrorist attacks on New York and Washington on 9/11/2001; he chaired the "Senior Seismic Hazards Analysis Committee" supported by DOE, NRC, and the Electric Power Research Institute, that developed an advanced probabilistic seismic hazard methodology, published in 1997, which has now become the commonly accepted way to do this type of hazard analysis and was used recently in the most advanced studies of the seismic hazards at the Diablo Canyon site; he chaired both the NRC's "Expert Panel on Seismic Margins" that developed the widely-used seismic-margin methodology for assessing the seismic capabilities of existing nuclear facilities, and the DOE's "Senior External Events Review Group" that advised DOE on seismic and wind design criteria for their proposed new production reactor design; and he chaired the "Committee on Remediation of Buried and Tank Wastes" for several years for the National Research Council/National Academy of Sciences under the Board on Radioactive Waste Management. Dr. Budnitz has also worked extensively in the fields of nuclear-reactor safety, high-level-waste safety, and nuclear-facility safety assessment, including probabilistic risk assessment.

Dr. Budnitz earned a Ph.D. in physics from Harvard University in 1968, an M.A. in physics from Harvard in 1962, and a B.A. in physics from Yale University in 1961.

Qualifications of Mr. Paul M. Blanch

Mr. Blanch is a professional energy consultant and engineer with more than four decades of nuclear operation and design experience, advocating nuclear safety and compliance with nuclear safety regulations as specified in 10 CFR Part 50.

Since 2008, when Mr. Blanch was employed as a technical consultant and expert witness for the Attorney General of the State of New York (AG), he identified five alleged deficiencies in the application for the relicensing of the Indian Point nuclear plants. The Atomic Safety and Licensing Board (ASLB) accepted these five "contentions" for further formal hearings. Also while employed by the AG, Mr. Blanch identified the presence of two high pressure natural gas lines running within 380 feet of one of the Indian Point control rooms. Mr. Blanch has been working with the Nuclear Regulatory Commission (NRC), Department of Transportation (DOT) and the Federal Energy Regulatory Commission (FERC) to assure a gad line malfunction will not impact the ability to safely shut down the reactors. He has spent more than 2000 pro-bono hours – including meetings with the NRC Chairman, Office of Investigation, Office of the Inspector General and the NRC technical staff – seeking a resolution to this issue. In September 2015, Mr. Blanch testified in litigation related to the proposed installation of cooling towers at the Indian Point site.

Since 2004 Mr. Blanch has served as an expert witness in nuclear relicensing cases for the Indian Point power plant on behalf of the State of New York, the Seabrook power plant in New Hampshire for various public interest groups, and the Vermont Yankee power plant for the New England Coalition. From 2003 to 2006 he was an expert witness for plaintiffs in Finestone v. Florida Power and Light and conducted research on the quality and quantity of unmonitored releases from the St. Lucie nuclear plant. Mr. Blanch was also engaged as an expert witness for the civil litigation for the Three Mile Island event and the Davis Besse head corrosion event.

From 1997 to 2002, Mr. Blanch worked as a consultant to nuclear plant operators to evaluate and implement safety programs. In 2001 and 2002, he reported to the Chief Nuclear Officer at Indian Point Unit 2 and assisted in evaluating the plant's Employee Concerns Program (ECP), assessing its Safety Conscious Work Environment Program (SCWEP), and investigating safety issues. In 2000 and 2001 he reported to the President of the Maine Yankee Atomic Power Company where he re-established a SCWEP, evaluated and recommended improvements to the ECP, conducted independent investigations of allegations received at the plant and referred by the NRC, and facilitated and resolved differences between employees and management.

From 1997 to 2001 Mr. Blanch reported to the President of Northeast Nuclear Energy Company and assisted in the recovery of the three Millstone Units in Connecticut that had been shut down due to safety problems. He developed a Safety Conscious Work Environment (SCWE) program that facilitated the restart of the Millstone nuclear plants. He facilitated and resolved differences between employees and management in support of this new SCWE program.

During this period Mr. Blanch worked closely with the NRC and the Nuclear Energy Institute (NEI) to develop programs for industry SCWE. He also served as a member of the Connecticut Nuclear Energy Advisory Council overseeing the safety of the Millstone restart.

Additionally, Mr. Blanch assisted with regulatory compliance and corporate communication at Millstone by providing information to the NRC and the public about the plant recovery and the SCWE. Moreover, Mr. Blanch made presentations to public interest groups, State of Connecticut oversight organizations, and the NRC on the work environment at Millstone and the status of corrective actions. He conducted presentations to the ECP Forum on how management should address whistleblower issues, and to the NRC on how to resolve high profile whistleblower situations.

From 1993 to 1997 Mr. Blanch was a consultant to the NRC and other clients. In that capacity he worked with the NRC on modifications to Federal Regulations for the protection of individuals who identify safety issues at nuclear facilities. He also advised clients on NRC and U.S. Department of Labor regulations governing the protection of whistleblowers.

From 1972 to 1993 Mr. Blanch was the Supervisor of Electrical Engineering responsible for programs on plant reliability and compliance with NRC regulations. He supervised safety and compliance during the design and construction of the Millstone Units 2 and 3.

Mr. Blanch was one of the three qualified candidates selected by the California Public Utilities Commission for consideration by the California Governor for appointment to the Diablo Canyon Independent Safety Committee (Committee) for the term beginning July 1, 2008 (*see* CPUC Resolution E-4141 dated January 10, 2008). He was one of two qualified candidates selected by the CPUC for consideration by the California Attorney General for appointment to the Committee for the term beginning July 1, 2013 (*see* CPUC Resolution E-4588 dated June 27, 2013).

Mr. Blanch has a working knowledge of Westinghouse plants similar to Diablo Canyon as a result of working as system engineer during the design stages of Millstone Unit #3.

Mr. Blanch served seven years of active duty in the Navy, achieving the rank of Chief Petty Officer responsible for Reactor Operations and Controls on a nuclear submarine. After his enlistment ended, Mr. Blanch earned a Bachelor of Science degree in Electrical Engineering from the University of Hartford. He also attended the U.S. Navy Submarine School, Nuclear Power School (where he later taught reactor theory, nuclear operations, and maintenance as an instructor), and Electronics Technician School, and spent over four decades working in the fields of design, operation, and regulatory compliance for commercial nuclear power plants.

Qualifications of Captain Neil S. "Buzz" Carns

Captain Carns, known as "Buzz" throughout the nuclear industry, was appointed to the Naval Academy by Congressman Russell Mack from the third congressional district in Washington State. The appointment was based on the results of a civil service examination and the leadership roles he displayed in high school. Neil graduated 19th in a class of over 1100 and was presented his diploma by President John F. Kennedy.

Upon graduation, Neil attended nuclear power school in Vallejo, California, and upon successful completion, he was assigned to the S1W nuclear prototype in Arco, Idaho. Completion of that intensive training led to assignment to submarine school in Groton, Connecticut for six months. Following that, Neil served on the USS Seawolf where he earned his submarine qualification dolphins. Next, he was assigned to the new construction submarine USS Flasher where he held various responsibilities including that of being the reactor controls officer. It was while on this ship that he went to Washington D.C. to be examined as to whether he had the requisite performance and knowledge to be certified as a qualified engineer. At about this time he applied and was accepted into the excess leave program to attend law school. He was accepted at Stanford, Willamette University, and the University of Washington; however, Admiral Rickover had second thoughts and stated "if I wanted a nuclear trained lawyer I would have hired one." This was a disappointment for Neil, but he eventually received a post-graduate degree from the University of Washington as a Master of Public Administration (he received the highest possible grade of 4.0).

Upon leaving the University of Washington, he had successful tours of duty as a Navigator, Executive Officer, and two separate Commanding Officer tours on the USS Von Steuben and USS James Monroe.

After attaining the rank of Captain and completing his second successful command tour, Neil had the opportunity to return to his hometown and begin a civilian career in nuclear power with the Washington Public Power Supply System (WPPSS). In Neil's two years there, he spent six months at the Prairie Island nuclear facility as a Quality Control Inspector and was then promoted to Operations Manager. When WPPSS shut down due to financial difficulties, he moved to Louisiana Power & Light's Waterford plant as the completion manager. Success in that role led to his certification as a Senior Reactor Operator and eventually to being the plant manager. Under his leadership, the plant was well on the way to being recognized by the Institute of Nuclear Power Operations (INPO) as a top performing plant when he was assigned to Arkansas Nuclear One (ANO) where he achieved similar progress and results. It was at ANO where he changed the name of the "training center" to that of the "learning center;" the entire industry followed his lead in the name change.

Recognizing that he had the ability to analyze a plant's performance and leadership contributions, he accepted the challenge to make substantial improvements in Niagara

Mohawk's Nine Mile Point plants. His success in this position led to his selection as the President, CEO, and Chairman of the Board for the Wolf Creek Nuclear Operating Company. While at Nine Mile, along with Vic Bain from GE, Neil devised a program to recognize top performance in the industry called the Top Industry Practice (TIP) award. This program has been expanded to recognize excellence, performance, and contributions throughout the industry and is currently administered by the Nuclear Energy Institute.

Under Neil's leadership at Wolf Creek, the plant went from being an INPO 3 plant to an INPO 1 plant in just one operating cycle. This is the only plant to ever achieve this feat. It was at Wolf Creek where Neil founded the Utilities Services Alliance to promote inter-utility cooperation and vendor acceptance as partners in successful nuclear plant operations. The organization he founded remains a vibrant contributor to the nuclear industry. He was awarded the American Nuclear Society's Leadership Award for his contributions.

After Wolf Creek, Neil's leadership was directed toward solving performance problems at Northeast Utilities and Consolidated Edison. Invariably, the issues revolved around the inability of senior management to recognize existing problems and effectively address them so that the workforce could be truly involved in the station's stewardship of protecting the health and safety of the general public. Neil's credo for success was to appropriately challenge people, provide the necessary resources, and then celebrate their success. He often stated there were no bad workforces, only ineffective leadership that didn't respect either the technology or the personnel that were involved in carrying out the public safety mandate.

Captain Carns had many opportunities to contribute to the success and safety of the nuclear industry. He was involved in performance evaluations at Cooper Station, Point Beach, and Palisades. His ability and expertise were paramount in his being asked later to mentor the senior management at Cooper. Later he was asked to be the Chairman of the Restart Overview Panel for Davis-Besse and also to lead an Independent Safety Evaluation for Consolidated Edison's Indian Point plants. These tasks resulted in the return to power of the respective stations. For over fifteen years, Neil has been a consultant to the Board of Directors of SCANA Corporation. His insights have been well received and may have contributed to V.C. Summer station being continually recognized as a top performing plant.

Qualifications of Mr. Daniel Dominguez

Daniel Dominguez has worked in commercial nuclear power for over thirty-two years; twenty-five of those years as a Nuclear Regulatory Commission (NRC) licensed nuclear reactor operator at the San Onofre Nuclear Generating Station (SONGS). In addition to his responsibilities for the safe operation of the reactors, SONGS Units 2 & 3, Daniel has presented his ideas on energy and its place in society to a diverse worldwide audience by giving a series of lectures regarding the effects of electric utility deregulation to consumer groups and labor unions in France, Italy, and Belgium.

His training as a licensed reactor operator required extensive knowledge of nuclear theory, reactor physics, thermodynamics, plant systems, and operating procedures as they relate to a commercial nuclear station. He has experience in the Institute of Nuclear Power Operations (INPO) systematic approach to training and has evaluated operating crews' performances during plant simulator training exercises, helping to identify crew weaknesses and strengths. He is knowledgeable in NRC technical specifications for important safety systems and the Code of Federal Regulations (10 CFR 50) as they pertain to nuclear plants. Daniel also has extensive work control experience and is proficient in the software programs (SAP, ESOMS, etc.) used at nuclear plants for the corrective action program (CAP), operator rounds, and control room logs. As someone experienced with the NRC's mission to ensure safe operation of the nation's commercial nuclear power plants, he is conversant with their oversight process and able to reference that knowledge as an additional perspective for nuclear safety assessments.

From 2001 to 2005 and again in 2009 to 2015, Daniel served as the chief officer for the Union representing the operations, maintenance, and technical employees at SONGS: Utility Workers Union of America, Local 246. He has extensive labor/management relations experience and knows firsthand the importance of having a safety conscious work environment and culture at a nuclear station. As the chief officer of the Local Union, he managed the Union-led human performance and safety team at SONGS from 2009 to 2012 and has interacted with the NRC on both nuclear safety and human performance issues. Currently he is a member of the SONGS safety council.

Daniel has the unique perspective of someone who has actually worked at and operated a nuclear plant. He understands the safety issues as they relate to nuclear power at a more granular level, having lived them for over thirty years as a reactor operator and Union leader.

Daniel has a Certificate in Project Management from University of California, Irvine; a Certificate in Advanced Arbitration from the George Meany Center for Labor Studies; and an NRC Reactor Operator License from the Institute of Nuclear Power Operations-SCE Nuclear Training Division.

Qualifications of Judge Alex S. Karlin

Alex Karlin is a nuclear, energy, and environmental attorney and consultant, and a former Administrative Judge with the Atomic Safety and Licensing Board Panel (ASLBP) of the United States Nuclear Regulatory Commission (NRC). He served as the chair of the ASLBP Board handling the Diablo Canyon Nuclear Power Plant relicensing. He has over 30 years of experience promoting safety and environmental compliance in the construction and operation of energy facilities, including nuclear power plants. He lives with his wife in San Luis Obispo, California.

Judge Karlin served as an Administrative Judge with the Atomic Safety and Licensing Board Panel of the U.S. NRC from June 2004 to January 2015. In this capacity, Judge Karlin presided over the adjudication of complex disputes involving the licensing of civilian nuclear activities throughout the United States. These proceedings related to the granting, suspending, amending or renewing of licenses issued by NRC, especially those involving nuclear power plants. His jurisdiction at the ASLBP covered all of the existing nuclear power plants in the United States, uranium enrichment plants, nuclear fuel fabrication facilities, in-situ uranium leach mining facilities, approximately 20,000 medical and materials licensees, independent spent fuel storage installations, and spent fuel transportation, storage, and disposal at the proposed Yucca Mountain facility.

During his tenure, Judge Karlin dealt with issues involving nuclear power plant safety, metal fatigue and embrittlement, flow accelerated corrosion, reactor aging management programs, seismic analysis and safety, Fukushima issues, emergency management plans, terrorist attack issues as applicable to nuclear power plants, and groundwater contamination and migration problems. He also dealt with complex issues involving probabilistic risk assessments, computer modeling, environmental impact analyses, climate change, spent fuel transportation, management, storage and disposal, thermal discharges, cooling water intake structures (impingement and entrainment), and cooling water towers. He handled top-secret atomic and national security information and held a "Q" security clearance. Most of Judge Karlin's adjudications arose under the National Environmental Policy Act, the Nuclear Waste Policy Act, and the Atomic Energy Act.

From 2010 to December 2014, Judge Karlin was the chair of the three-judge ASLBP Board adjudicating the application by Pacific Gas & Electric Company for a 20-year renewal to its operating licenses for the Diablo Canyon Nuclear Power Plant. In this capacity, he presided over hearings concerning contentions by the San Luis Obispo Mothers for Peace challenging the adequacy of PG&E's seismic modeling and safety, emergency planning and preparedness, spent fuel management, and environmental impact analysis. He wrote and issued several published decisions concerning the DCNPP. Meanwhile, the Diablo Canyon adjudication was delayed to allow PG&E to conduct additional three-dimensional seismic studies of the Shoreline and

Hosgri faults. Ultimately, Judge Karlin retired from the ASLBP Board before a decision was made on the merits of the technical or scientific disputes.

More generally, as the chair of ASLBP Boards, Judge Karlin handled challenges filed by State and local governmental entities, environmental and public interest groups, Native American groups, and concerned individuals. His cases included safety and environmental challenges involving:

- An amendment to the San Onofre Nuclear Generating Station licenses;
- The construction and licensing of the proposed U.S. Department of Energy high-level radioactive waste geologic repository in Yucca Mountain, Nevada;
- The 20-year renewal of the Vermont Yankee nuclear power plant license;
- A major power uprate to the Vermont Yankee nuclear power plant license;
- Construction of a $20 billion nuclear power plant in Levy County, Florida;
- The licensing of a uranium mine in the Powder River Basin of Wyoming; and
- The siting of a new $15 billion nuclear power plant in North Anna, Virginia.

In each case, Judge Karlin served as the chair of a three judge Board that decided all technical, legal, and scientific disputes. He conducted prehearing conferences, issued scheduling orders, and ruled on motions for discovery, on the admissibility of scientific evidence, and summary judgment. Judge Karlin presided over complex evidentiary hearings and, together with his two colleagues on each Board, decided numerous technical, operational, and scientific issues concerning nuclear safety. Judge Karlin was the primary, if not sole, author of the written decisions of each Board. Many of his decisions were published in the formal annals of the U.S. NRC. Unless appealed, his decisions became the NRC's final agency action.

Prior to his judicial appointment, Judge Karlin had extensive experience in the fields of nuclear energy, power plant safety, and environmental compliance. From March 1997 to May 2004, he served as the Associate General Counsel with British Nuclear Fuels Limited, Inc. (BNFL), a prominent nuclear services company performing decontamination and decommissioning work at U.S. nuclear power plants and for the U.S. Department of Energy (DOE). In this capacity, Judge Karlin worked on safety, environmental, and nuclear remediation issues such as the decommissioning and decontamination of the Big Rock Point, Michigan, nuclear power plant; the decommissioning and remediation of the DOE gaseous diffusion uranium enrichment plant in Oak Ridge Tennessee; and the cleanup and vitrification of high-level radioactive waste in underground tanks at the DOE weapons complex in Hanford, Washington. He also handled issues such as the management of spent nuclear fuel in reactor pools, the processing and disposal of transuranic waste in the Waste Isolation Pilot Project in Carlsbad NM, the storage, disposal, and potential reprocessing of spent nuclear fuel, and the design, fabrication, and installation of spent fuel casks.

Prior to BNFL, Judge Karlin worked in the energy and industrial sector for approximately 20 years, serving as the senior environmental attorney for Shell Oil Company, as an enforcement attorney at the headquarters of the U.S. Environmental Protection Agency, and as an environmental attorney with Morgan, Lewis, and Bockius, one of the largest law firms in the United States. In these capacities, he worked on safety and environmental compliance issues involving power plant safety and environmental compliance, oil and gas production, refineries, pipelines, and chemical production facilities. This background with highly technical issues in major industrial sectors such as energy production and power plants directly supports and undergirds his technical knowledge and experience in the nuclear field.

Judge Karlin has issued more than 60 judicial decisions resolving technical and legal issues on nuclear power plant operation, environmental compliance, and safety. He chaired and moderated four panels concerning nuclear safety and adjudicatory issues at the NRC's annual Regulatory Information Conference (3000+ attendees). He has taught over a dozen workshops to the ASLBP technical and legal judges and staff.

Judge Karlin earned a Juris Doctorate, with honors, at Washington University Law School in St. Louis in 1974, and was inducted into the Order of the Coif. He earned a Bachelor of Arts in Philosophy from Grinnell College, Iowa in 1971.

Qualifications of Dr. Michael Peck

Dr. Peck has been a senior U.S. Nuclear Regulatory Commission (NRC) reactor technology instructor during the past 3½ years. As a lead instructor, Dr. Peck developed and conducted power reactor technology classroom and control room simulator training. This training supports initial and requalification of NRC inspectors and operator license examiners. He demonstrated extensive knowledge of engineering fundamentals and agency regulatory framework by developing training on highly complex subjects, including NRC Fukushima Task Force requirements, electrical safety systems, seismic design requirements, and station blackouts. Dr. Peck developed and implemented agency wide 10 CFR 50.59 (Changes, Test, and Experiments), technical specification operability, and design bases courses. These courses implemented the agency's lessons learned following the steam generator replacement at the San Onofre Nuclear Generation Station and design basis issues at the Ft. Calhoun Nuclear Generation Station. He also performs specialized on-site power reactor inspections as an agency subject matter expert.

Dr. Peck was an NRC senior resident inspector over a 12 year period. He served as the senior NRC on-site representative at commercial power reactors, including a five year tour at the Diablo Canyon facility. As the senior inspector, he provided daily oversight of power reactor licensees to ensure they met safety objectives and regulatory requirements. Dr. Peck managed the on-site NRC inspection program. These inspections included in-depth technical and programmatic evaluations of plant safety issues and events with respect to significance and root cause. He identified and oversaw resolution of many highly complex engineering issues including seismic qualification; ASME Code compliance; unresolved safety questions; electrical and mechanical design issues; fire protection; and safety system operability. In all, he identified and dispositioned well over a hundred violations of NRC requirements.

While at Diablo Canyon, Dr. Peck identified and dispositioned several adverse performance trends, including a substantive cross-cutting issue associated with PG&E's ineffective problem identification and resolution and their encroachment on the facility design basis. He also identified and dispositioned highly complex issues involving the seismic qualification of the replacement reactor head, reliability of both on and off-site emergency power, and the failure of PG&E to provide complete and accurate information to the NRC. He represented the agency at many public meetings and made presentations to the Diablo Canyon Independent Safety Committee

Dr. Peck organized and led special event response, problem identification and resolution, engineering, and supplemental inspection teams. These teams required coordination of a wide variety of personnel and technical experts. He completed assessments of the safety conscious work environments at the Diablo Canyon, Callaway and Comanche Peak nuclear power plants. He was the primary author of over 50 published inspection reports and conducted formal and

informal meetings with government officials and represented the agency at many public meetings.

In addition to his service as a senior resident inspector, Dr. Peck also served four years as an NRC resident inspector. In this role, he conducted the on-site inspection program and participated in various team inspections.

Dr. Peck was a senior U.S Department of Energy (DOE) facility representative over 7 years. He served as the senior DOE on-site representative at Hanford, Washington nuclear facilities and Pacific Northwest National Laboratory. He oversaw operations at the first large production reactor and plutonium processing plant decommissioning projects within the DOE complex. He also assessed contractor safety and performance at a major high level nuclear waste storage and treatment facility and at a high level nuclear waste characterization laboratory. He led the resolution of several major nuclear safety issues and piloted the first violation under the Price Anderson Act within the DOE complex. Dr. Peck also led operational readiness, conduct of operations, and nuclear safety teams resulting in improved contractor performance and safety.

Prior to joining the NRC, Dr. Peck provided power reactor operational and engineering support over a 6½ year period. This experience included two years on-shift power reactor supervision, managing in-core physics, and managing a major nuclear power plant modification. He pioneered the first use of external architectural engineering services within the Tennessee Valley Authority nuclear organization and identified initiative approaches to meet regulatory requirements. He developed extensive knowledge of nuclear electrical standards while serving as the primary site interface for a major design basis electrical calculation program at the Browns Ferry Nuclear Plant. Dr. Peck also represented the utility on three industry committees and served on a FSAR Certification committee supporting original licensing at the power reactor.

Dr. Peck successfully led multi-disciplined research teams over a 5 year period while at the Nuclear Science and Engineering Institute. One team successfully designed, constructed, and operated a "state of the art" superconducting magnet test facility. This team used the facility to test three large superconducting magnets for use in a magnetically confined experimental fusion device. These were the second largest magnets of this type in the world at the time. His team also designed a highly complex magnetic fusion experiment to demonstrate the relationship between electron cyclotron residence heating (Elmo ring) and ion plasma stability. He also designed and performed a series of nuclear pumped laser experiments, powered by neutrons produced from the Missouri University Research Reactor.

Dr. Peck designed, constructed, and operated an experimental device to duplicate the harsh environmental conditions associated with a thermochemical cycle proposed to be used with an advanced reactor technology. He used the device to complete a series of material suitability experiments. He also constructed an experiment demonstrating the potential use of krypton-85

self-excited excimers to replace plutonium-238 for remote and space power systems. He co-authored a nuclear engineering textbook still used by several major universities, was the primary author of several published papers, and made many presentations at both national and international industry conferences and meetings.

Dr. Peck earned Doctorate and Master of Science degrees in nuclear engineering from the University of Missouri, and a Bachelor of Science degree in Chemical Engineering, also from the University of Missouri. Dr. Peck has maintained his NRC Power Reactor Inspector and Reactor Technology Instructor Certifications. He was also certified as a power reactor shift technical advisor, DOE Technical Manager, Nuclear Quality Assurance (NQA-1) Lead Auditor, Nuclear Decontamination and Decommission Engineer (Washington State University), and a DOE Accident Investigator.

END OF APPENDIX A

APPENDIX B

The following are all of the public comments submitted regarding the applicants for the Diablo Canyon Independent Safety Committee. The comments are presented in chronological order and are provided verbatim.

ALLIANCE FOR NUCLEAR RESPONSIBILITY

PO Box 1328
San Luis Obispo, CA 93406
(858) 337-2703
(805) 704-1810
www.a4nr.org

March 1, 2016

David Zizmor
California Public Utilities Commission
505 Van Ness Avenue
Energy Division, Fourth Floor
San Francisco, CA 94102

Via email: david.zizmor@cpuc.ca.gov

Re: Diablo Canyon Independent Safety Committee—Appointment of Judge Alex Karlin
SUPPORT

Dear Mr. Zizmor:

The Alliance for Nuclear Responsibility (A4NR) would like to support the appointment of Judge Alex Karlin to the Diablo Canyon Independent Safety Committee (DCISC).

The Alliance's mission includes monitoring ratepayer investments to improve safety and mitigate environmental damage from the operation of the state's last aging reactors. International disasters and the premature closing of all but one California nuclear power plant has increased concerns that a failure to observe or plan for safety issues can, will, and often does come back to PG&E customers in the form of increased rates or loss of reliability. Among upcoming issues that will impact continued operation of the Diablo Canyon Nuclear Plant are the acceptance and approval of enhanced seismic studies ordered by the NRC after Fukushima, PG&E's continued lack of response to the CPUC regarding expedited transfer of spent fuel to dry cask storage, and the utility's under-reported investigation into potential "load following" operation or curtailment at Diablo Canyon.

Judge Karlin's candidacy merits A4NR's support for several reasons. A review of his career as an administrative law judge for the NRC indicates he has not failed to question the practices of both the utility *and* the regulator in matters that came before him. This professional record demonstrates his penchant for *inclusivity*—requiring and requesting more information be brought into each proceeding—rather than closing off discussion or accepting arbitrary bounds for the scope of an inquiry. His resume demonstrates a broad breadth of familiarity with both legal and technical issues confronting nuclear power regulation.

In 2012, he is on record as having made such probing inquiries when Southern California Edison was requesting "regulatory relief" at SONGS. He supported the admission of seismic contentions at Diablo Canyon when the San Luis Obispo Mothers for Peace opposed the relicensing by the NRC. His participation for four years in that proceeding has given him substantial background on the issues specific to Diablo Canyon, a head start not likely shared by all the candidates. Overall he seems to be a proponent of greater transparency. Given that PG&E has in recent years put more and more information behind the firewall of "proprietary," this inquisitiveness would be a valuable asset in the service of the public good.

Finally, as a resident now of San Luis Obispo, Judge Karlin has a more immediate interest in the safety and well being of the workers, the plant, and his newly adopted community. To our recollection, he may be the first DCISC member in this century to actually reside in the County. In conclusion, Alex Karlin appears to be both a jurist and regulator who values openness and transparency, and has a *respect for procedure*—insuring that all voices and concerns are given opportunities to be heard—and then respecting the process by which they can be addressed. We support his candidacy for the DCISC.

Yours truly.

/s/

Rochelle Becker
Executive Director
Alliance for Nuclear Responsibility

Zizmor, David

From: Parry, Carl <cparry@usainc.org>
Sent: Wednesday, March 02, 2016 7:40 AM
To: Zizmor, David
Subject: Neil Carns

Good Morning Mr. Zizmor,

I am writing to offer comments regarding Mr. (Capt) Neil S. Carns who has applied for the open position on the State's DCPP Independent Safety Committee. I have know Mr. Carns since 1993 when he assumed the role of President & CEO of Wolf Creek Nuclear Operating Corp. Following his education at the U.S. Naval Academy, Mr. Carns has spent his entire adult life in leadership roles within the nuclear industry, both military and civilian power generation. Obviously he is very well versed and respectful of the technology but beyond that he is exceptionally gifted in the evaluation of organizational effectiveness and utility/station leadership capabilities. As you well know, the true safety implications of nuclear power plant operations are not as much the machine as it is in the people who operate and manage it and the organization that owns it. How committed are all of them to nuclear safety?

I believe Mr. Carns would provide the commission with not only sound oversight of the engineering and operational aspects of DCPP but just as importantly would provide candid and objective assessments of the human performance and leadership commitment to nuclear safety exhibited by the owner/operator. He would serve the people of California objectively and with fairness. He is not afraid to "tell it like it is", especially when it comes to nuclear safety. I encourage the commission to seriously consider his nomination for this important assignment.

Respectfully,

Carl E. Parry
President & CEO
Utilities Service Alliance, Inc (USA)

Lynne Miller
10441 Down Patrick Lane
Great Falls, Virginia 22066

March 3, 2016

David Zizmor
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Neal "Buzz" Carnes

Dear Mr Zizmor,

I am writing to strongly endorse the nomination of Neil "Buzz" Carns as a candidate for appointment to the Diablo Canyon Independent Safety Commission.

I am a director of Scana Corporation and chaired the Nuclear Oversight Committee (NOC) of Scana's board for 15 years. Buzz has been the consultant to the NOC since 2000, the entire time I chaired the NOC. He reports directly to the board. The NOC meets quarterly. Buzz reviews extensive documents between our meetings and visits V.C. Summer Station in Jenkinsville, SC about a week before each board meeting. He makes a presentation to the NOC at each meeting. Buzz has the respect of our senior nuclear leaders. He has deep insights into our nuclear operations and safety culture—bringing his vast industry experience to our board. Buzz reviews reports and assessments from INPO, WANO, NRC and others; and often attends the safety committee meetings. The entire board is briefed on Buzz's independent assessment of our nuclear plant performance.

I highly recommend Buzz Carns. He is insightful and has vast knowledge and would be a valuable member of the Diablo Canyon Independent Safety Committee.

Please fee free to contact me at: 703-759-4289.

Best regards,
Lynne Miller

Zizmor, David

From: Paul abramson <pbalaw@optonline.net>
Sent: Monday, March 07, 2016 11:49 AM
To: Zizmor, David
Subject: Diablo Canyon Safety Committee Nominees Comment -and Comments as to one Current Member

Sensitivity: Confidential

CONFIDENTIAL (CONTAINS P I I) NOT FOR DISCLOSURE WITHOUT PRIOR WRITTEN PERMISSION FROM THE SENDER.

Dear Mr. Zizmor:

Suffice it so say, on this matter, that I believe, despite his lack of expert knowledge in nuclear safety and other technical matters regarding nuclear power reactors, he was exposed to many complex technical issues when he and I served together at the ASLBP, and I found him to be a quick and diligent study and able to make valuable contributions to our deliberations. As you will no doubt note when you review his bio, Alex has a very broad background in adjudication and litigating complex technical matters.

Paul B. Abramson, Esq.
23 Harrows Lane
Purchase, New York, 10577
pbalaw@optonline.net
cell 914-588-1542

Zizmor, David

From: Alfred Tollison <fredtollison@gmail.com>
Sent: Wednesday, March 09, 2016 1:46 PM
To: Zizmor, David
Subject: Endorsement of Neil S. Carns for the Diablo Canyon Independent Safety Committee

Dear Mr. Zizmor,

The purpose of this email is to recommend in highest terms the selection of Neil S. "Buzz" Carns for membership on the Diablo Canyon Independent Safety Committee.

I have known Buzz for about 30 years and closely followed his career in the nuclear utility industry. I retired 10 years ago as Chairman of the Board of the Institute of Nuclear Power Operations (INPO) in Atlanta, GA. INPO is a not-for-profit company funded by the U.S. nuclear utility industry whose mission is to promote the highest levels of safety and reliability—to promote excellence—in the operation of commercial nuclear power plants. From my vantage point at INPO I had many opportunities to observe Buzz's leadership and the impact he had on the industry.

I believe he would make an excellent member of the Independent Safety Committee for the following reasons:

- As indicated in his resume, he has **extensive experience**, both in boiling water reactor and pressurized water reactor plants. He held an NRC senior reactor operator's license at Waterford Plant, which is similar to Diablo Canyon. Detailed technical knowledge of the plant is a prerequisite for effectiveness as a member of an oversight committee. Further, he has broad experience in advisory and oversight roles in the industry.
- In my view it is important that those involved in nuclear power and its oversight exercise **good judgment**, a trait I have long admired in Buzz. Over the years, Buzz contributed to INPO's advisory committees, always showing a strong measure of common sense and an understanding of what is both possible and reasonable.
- Buzz displays a tireless **work ethic**, which guarantees that he will be well prepared for activities of the committee. His **energy** level is evident in everything he does both professionally and personally.
- One reason Buzz has contributed with several utilities and nuclear sites over his civilian career is that his **leadership**, including the ability to inspire employees, became evident around the industry. Accordingly, he was in demand for turn-around situations, and he was open to new challenges once his current plant was performing well. As a result, he has developed an unusually good sense of what it takes to lead a plant from subpar performance to excellence. In my view his **insights** in this regard would be useful to the committee.
- Buzz's **enthusiasm, comradeship, and sense of humor** would be an asset to the committee as they have been to every organization he has touched. I know of no one who has met Buzz that has ever forgotten him.

I could go on, but this is enough to convey my high regard for Buzz and the professional and person attributes that would make him an excellent committee member.

Please contact me by email or by telephone at 770-861-0087 (cell) if I can answer questions or be of further service.

Sincerely, Alfred C. (Fred) Tollison, Jr.

P.S.—David, my wife Sarah Belle just came in the room, looked over my shoulder, and said "Neil" is definitely not the right name for him; "Buzz" fits a lot better!

By email to: David.Zizmor@cpuc.ca.gov

Amy Rosmarin
322 Mills Road
North Salem, NY 10560
amyrosmarin@aol.com
917-572-8543

March 10, 2016

Dear Mr. Zizmor,

I have worked closely with Mr. Blanch the past 18 months in an effort to make sure that the required risk assessment be conducted regarding the siting of a natural gas pipeline alongside the Indian Point nuclear facility. At Indian Point there are two natural gas pipelines that run under the plant and a new massive pipeline is being build within 105 feet of critical structures.
Mr. Blanch's commitment to ensuring the safety of the plant is sans peer. On a pro bono basis he has worked tirelessly the past two years because of his concern regarding the grave risk associated with this siting.

Mr. Blanch has worked with the US Senators, Congresspersons, the New York Governor, the Chairman and Commissioners of the Nuclear Regulatory Commission and numerous members of the public to perform an independent risk assessment of locating natural gas transmission lines in the close proximity to the Indian Point Nuclear plants.

As a result of his perseverance and concern for public safety, Governor Cuomo has now directed his staff to perform a risk assessment.

Mr. Blanch understands the regulatory process and has extensive knowledge of the regulations. He is motivated and able to dig deep and identify minor details that can have major impacts. His 25 years of experience enables him to know where to look and with whom to communicate in order to get concrete answers. Because of his dedication and concern for safety, Mr. Blanch is relentless in the pursuit.

Mr. Blanch's openness to help in any way that he can and his integrity, positive attitude and competence make him a pleasure and an inspiration to work with. Mr. Blanch, a strong advocate for safe nuclear power, would be an asset for the people of California, representing the interests of the public and the safe operation of Diablo Canyon.

Californians can count on him to be direct, comprehensive, insightful and solution-driven.

Sincerely yours,

Amy Rosmarin

Former Councilwoman - Town of North Salem

Zizmor, David

From: Alan K <alank5e@earthlink.net>
Sent: Monday, March 14, 2016 9:50 PM
To: Zizmor, David
Subject: Mr. Zizmor, JD: I respectfully urge the appointment of Dr. Michael Peck to the Diablo Canyon Safety Committee, ideally to replace Dr. Robert Budnitz. In interest of public safety vs. nuclear mishap. Thank you!---Alan Kiviat, Berkeley, concerned citizen...

Zizmor, David

From: Susan Harman <susanharman1@gmail.com>
Sent: Monday, March 14, 2016 12:21 PM
To: Zizmor, David
Subject: Diablo Canyon Safety Committee Nominees Comment

Dear Mr. Zizmor—
I'm writing in strong support of Dr. Michael Peck as the new member of the Diablo Canyon Independent Safety Committee. He is the most knowledgeable of the current candidates. Please appoint him promptly so that we Californians can stay safe.
Susan Harman, Ed.D.
Oakland, CA

Zizmor, David

From: Mimi Kennedy <mimik@me.com>
Sent: Monday, March 14, 2016 12:47 PM
To: Zizmor, David
Subject: Diablo Canyon Safety Committee Nominees Comment

Importance: High

Mr. Zizmor
California Public Utilities Commission -

I write to support Dr. Michael Peck as the best candidate for the position opening up on the Independent Diablo Canyon Nuclear Power Plant Safety Committee. His qualifications for exactly that committee are excellent. Diablo Canyon exists to serve Californians. Its energy output has served. But major risks to public safety are apparent, post-Fukushima, that this committee exists to weigh in the plant's operation.

The incumbent who "consents" to reappointment, Dr. Robert Budnitz, refuses to take these risks seriously or discuss them. He therefore should be retired with gratitude for his service, but he no longer belongs on an Independent safety committee. Obstruction does not work when change is in progress and must be factored into safety concerning Diablo.

Dr. Budnitz also made the type of comment that we are all too familiar with, now, in our public discourse. When two members of the public with whom he did not agree walked into a meeting, he was heard to say, "There is a non-human in the room." This denigration of others betrays a defensiveness on behalf of an agenda that has no place on an independent safety committee that is supposed to serve the public, not bully its voices away.

Again, this is not the sort of person whose service is most needed now on an Independent safety committee. Obstruction in matters of thinking out safety risks and precautions has in itself become a risk that the public can't afford. Happily, there are choices of candidates for this board who are qualified and eager to serve. Dr. Michael Peck is one with integrity and concern on the public's behalf. I strongly urge his appointment.

Mimi Kennedy
National Advisory Board Chair, Progressive Democrats of America Member, Progressive Democrats of the San Fernando Valley

Zizmor, David

From: Jane Swanson <janeslo@icloud.com>
Sent: Monday, March 14, 2016 12:54 PM
To: Zizmor, David
Cc: Swanson Jane; Seeley Linda
Subject: Re: Diablo Canyon Safety Committee Nominees Comment

Dear David Zizmor,

With apologies, may I ask that you delete our former letter and substitute this version? I made the error of sending you a draft without its final edits.

If this change is not possible then please keep the former version. Thank you for considering this request.

Jane Swanson
janeslo@icloud.com
(805) 440-1359

March 14, 2016

TO: David Zizmor
Energy Division, California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

david.zizmor@cpuc.ca.gov

FROM: Linda Seeley, Spokesperson

San Luis Obispo Mothers for Peace

P.O. Box 3608

San Luis Obispo, CA 93403

lindaseeley@gmail.com

RE: Comments on candidates for DCISC membership

San Luis Obispo Mothers for Peace (SLOMFP) appreciates the opportunity to submit comments on the candidates for appointment to the Diablo Canyon Independent Safety Committee (DCISC). As a longtime watchdog over the safety of Diablo Canyon, including decades of intervention in U.S. Nuclear Regulatory Commission (NRC) licensing proceedings, SLOMFP has a great interest in the membership of the Committee. Our record of involvement in issues related to safety and environmental protection at the plant, dating back to 1973, is available at https://mothersforpeace.org/

SLOMFP would have confidence in the knowledge base and the independence of two of the applicants: Judge Alex Karlin and Dr. Michael Peck.

Judge Karlin would bring to the committee a remarkable combination of experience in both legal and technical matters. His areas of knowledge reflecting his work at the EPA as well as his service as a judge within the NRC would complement and enhance the areas of expertise of Committee members Peterson and Lam. Judge Karlin recently relocated to San Luis Obispo, and therefore his service would bring local interest into the Committee.

Dr. Peck's expertise in virtually all technical aspects of nuclear plant operation and safety regulation, and his five years' experience as the Chief Resident Inspector at Diablo Canyon, would make him a highly qualified candidate for this vacancy. His appointment would serve to counter the widely held impression among the public that the DCISC's membership is weighted in favor of the nuclear industry.

It is our considered opinion that there should be regular changes in personnel serving on the Independent Safety Committee. And while the incumbent is certainly knowledgeable and dedicated, it would increase public confidence in the work of the Committee to bring in a fresh perspective.

Zizmor, David

From: Ferman Wardell <fwardell@bellsouth.net>
Sent: Monday, March 14, 2016 8:57 AM
To: Zizmor, David
Cc: Ferman Wardell
Subject: Comments on DCISC Appointees

Mr. Zizmor, in regard to your February 29, 2016 request for public comments on candidates for Membership on the DCISC, I wish to make the following statement.

I currently am and have been a consultant to the Diablo Canyon Independent Safety Committee (DCISC) since 1992 and have a unique perspective on Committee business. I have seen the Committee address many diverse technical issues at DCPP. Currently and for the next several years, the most important issues for the DCISC involve seismic hazards analysis and probabilistic risk analysis. In my professional judgement the best candidate would have substantial experience in these two areas, especially seismic analysis. These are highly complex subjects, and, DCPP being located in California, is unique in its susceptibility to earthquakes. To be most effective in its review of nuclear safety at DCPP the DCISC must have knowledge and experience in seismic analysis. Having known Dr. Robert Budnitz, the incumbent, for the duration of his term to date, his experience in the seismic and probabilistic risk analysis areas is unsurpassed and has served the DCISC well. I recommend his re-appointment for these reasons.

Please give special weight to seismic and probabilistic risk analysis as your choice of candidates is made.

Ferman Wardell

Sent from my iPad

Zizmor, David

From: harvey wasserman <solartopia@me.com>
Sent: Monday, March 14, 2016 2:49 PM
To: Zizmor, David
Subject: Diablo Canyon Safety Committee Nominees Comment

Dr. Zizmor,

Please remove Dr. Budnitz from the Diablo Advisory panel.

Please strongly support Dr. Peck and Paul Blanch.

Thank you,

Harvey Wasserman
5317 Bluebell
Valley Village, CA 91607

(614)738-3646

Zizmor, David

From: Judy Alter <judyalter@att.net>
Sent: Tuesday, March 15, 2016 10:20 PM
To: Zizmor, David
Subject: Plant Safety Committee

Dear David Zizmor
I write to support Dr. Michael Peck as the best candidate for the position opening up on the Independent Diablo Canyon Nuclear Power Plant Safety Committee. His qualifications for exactly that committee are excellent. Major risks to public safety are apparent at the Diablo Canyon plant, post-Fukushima. This committee exists to weigh in the plant's operation and the 3 year old recommendations to shut it down.

The incumbent who "consents" to reappointment, Dr. Robert Budnitz, refuses to take these risks seriously or discuss them. He therefore should be retired with gratitude for his service, but he no longer belongs on an Independent safety committee. His obstruction does not work when change is in progress and must be factored into safety concerning Diablo.

Judy Alter

Zizmor, David

From: Larson, Evan <EBL5@pge.com>
Sent: Monday, March 21, 2016 8:03 AM
To: Zizmor, David
Subject: DCISC selection

Importance: High

Mr. Zizmor,

I do not support selection of Mr. Peck and prefer you select another of the qualified candidates.
Mr. Peck has many qualifying credentials, but is biased. He has history and current ties with DCPP.
I expect independence is a primary criteria for the position to be filled.

Thank you,
Evan Larson, P.E.

Zizmor, David

From: Matteson, Heather J <HJM6@pge.com>
Sent: Monday, March 21, 2016 4:11 PM
To: Zizmor, David
Subject: feedback on Independent Safety Committee nomiation

I am writing to express my opinion that the appointment of Michael Peck to the DCPP Independent Safety Committee would be a conflict of interest. I was previously a licensed reactor operator (now procedure writer) at Diablo Canyon, and my experiences with Dr. Peck in the past have indicated to me that he would not be independent in this capacity.

Thanks for your consideration.

Sincerely,
Heather Matteson
Operations Procedure Writer
Diablo Canyon Power Plant

Zizmor, David

From: Starling, AJ <A3SE@pge.com>
Sent: Monday, March 21, 2016 8:26 AM
To: Zizmor, David
Subject: Diablo Canyon Independent Safety Committee Candidates

Dear Mr. Zizmor,

I am sending you my comments regarding Dr. Michael Peck, who is listed as one of the candidates to join the Diablo Canyon Independent Safety Committee (DCISC). Although Dr. Peck has impeccable credentials, I do not believe he is independent, and I do not believe he should serve on the DCISC.

Dr. Peck's history as an inspector for the Nuclear Regulatory Commission at Diablo Canyon Power Plant (DCPP) and his opposition to the continued operation of Diablo Canyon demonstrate he has a bias. The DCISC charter states "No person shall serve as a member of the Committee if he or she has a prior history of supporting or opposing PG&E as a witness or intervener in nuclear licensing or CPUC proceedings associated with Diablo Canyon."

Dr. Peck has called for Diablo Canyon to be shut down (http://www.reuters.com/article/us-nuclear-earthquakediablocanyon-idUSKBN0GP1W020140825). When he told the NRC he believed this but was overruled, he filed a Differing Professional Opinion, a document that was supposed to be confidential yet was publicly released by an intervener (http://www.foe.org/projects/climate-and-energy/nuclear-reactors). He publicly stated "I have exhausted the NRC process for raising nuclear safety concerns" (http://www.sanluisobispo.com/news/local/article39497763.html). It is not unreasonable to believe that because he has exhausted his options with the NRC, he is now seeking an alternative measure to enforce his opinion on Diablo Canyon's continued operation.

Although his reasons may be valid and his motivations genuine, he cannot be believed to be independent or unbiased. It would be no more appropriate to allow him on the DCISC than it would to allow a DCPP worker such as me.

Dr. Peck should not be appointed to the Diablo Canyon Independent Safety Committee.

Thank you for your attention.

Sincerely,

AJ Starling
Operations & Engineering Procedures
Mail Code 104/3/10b
Diablo Canyon Power Plant
PO Box 56
Avila Beach, CA 93424-0056

805-545-6474
arthur.starling@pge.com
a3se@pge.com

UTILITY WORKERS UNION OF AMERICA
Local No. 246 • AFL-CIO
P.O. Box 5688 •OCEANSIDE• CALIFORNIA 92052
(562) 594-8881 • (800) 228-2998 • FAX (562) 594-0829

March 26, 2016

VIA EMAIL

David Zizmor
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102

Subject: Diablo Canyon Independent Safety Committee Support Letter- Daniel Dominguez

Dear Mr. Zizmor:

My name is Rob Howard and I am the current Business Manager for the Utility Workers Union of America, Local 246. I am writing to express my support for the appointment of Daniel Dominguez to the Diablo Canyon Independent Safety Committee. I support Daniel's appoint for several reasons. One reason is my knowledge and experience in nuclear power. I have over 30 years' experience in the nuclear industry starting with the United States Navy continuing on to Southern California Edison where I received a Nuclear Regulatory Commission reactor operator's license on SCE's Westinghouse vintage Unit 1 reactor. When SCE decommissioned Unit 1, I went on to receive a Nuclear Regulatory Commission reactor operator's license on SCE's Unit 2 & 3 Combustion Engineering vintage reactors. My experience in nuclear power at the operations level and leadership level has taught me the importance of safety. I am supporting Daniel Dominguez's nomination because he has experience as a reactor operator as well as leading several safety initiatives at SCE and with the workforce at San Onofre Nuclear Generating Station.

These types of committees are often filled with well qualified individuals. However, rarely do you find someone that has the mixture of the qualifications possessed by Mr. Dominguez. Daniel has the knowledge, skills and ability to review safety from a theoretical perspective as well as how to practically apply the theories. Having successfully worked with management and line workers, Daniel is uniquely equipped to provide insight rarely seen on these types of committees.

I believe Daniel will add a diversity of knowledge and experience that will enhance the Diablo Canyon Independent Safety Committee's ability to work with the station and employees to put safety as priority one.

In closing, I want to reiterate my full support for the appointment of Daniel Dominguez to the Diablo Canyon Independent Safety Committee. Should you have any questions, do not hesitate to contact me.

Sincerely,

Rob Howard, Business Ma ager
UWUW, Local 246
Rob.Howard@uwua246.com

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

IBEW LOCAL UNION 1245

30 ORANGE TREE CIRCLE
VACAVILLE, CA 95687
P.O. BOX 2547, VACAVILLE, CA 95696

TOM DALZELL, BUSINESS MANAGER
ART FREITAS, PRESIDENT

(707) 452-2700
FAX (707) 452-2701

VIA TELECOPIER

28 March 2016

Mr. David Zizmor
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102

RE: **Diablo Canyon Independent Safety Committee**
Support Letter –Daniel Dominguez

Dear Mr. Zizmor:

My name is Tom Dalzell, Business Manager of International Brotherhood of Electrical Workers Local Union 1245.

I am writing to express my support for Daniel Dominguez to the Diablo Canyon Independent Safety Committee. Daniel has over 30 years' experience as a nuclear operator. Daniel also has served over 10 years as the top officer for the Utility Workers Union, Local 246 representing the workers at San Onofre Nuclear Generating Station. Daniel's experience will prove invaluable by bringing to the committee, someone that has actually trained and worked at a comparable facility.

Daniel has extensive labor/management relations experience and knows firsthand the importance of having a safety conscious work environment culture at a nuclear station. As the chief officer of the Local Union, he managed the Union led human performance and safety team at San Onofre from 2009 to 2012 and has interacted with the NRC on both nuclear safety and human performance issues. Currently he is a member of the SONGS safety council.

Daniel will bring a diversity of knowledge that will enhance the committee's ability to work with Diablo Canyon to make safety its top priority.

I fully support Daniel Dominguez's appointment to the Diablo Canyon Independent Safety Committee.

Sincerely,

Tom Dalzell

TOM DALZELL
Business Manager
TD:kmk

March 31, 2016

David Zizmor
Energy Division, California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

(Sent via email and U.S Mail: david.zizmor@cpuc.ca.gov)

Re: Diablo Canyon Independent Safety Committee Appointee Recommendation

Dear Mr. Zizmor,

On behalf of the LA County Federation of Labor, AFL-CIO it is my pleasure to recommend Mr. Daniel Dominguez's appointment to the Diablo Canyon Independent Safety Committee (DCISC).

Diablo Canyon plays a vital role in California's energy mix; California's economic well-being is dependent on a reliable and affordable electrical supply. The Diablo Canyon Nuclear Plant supplies 18,000 gigawatts hours annually of clean and affordable electricity to California. To ensure this important resource continues to benefit Californians, Diablo Canyon must continue to operate safely.

We believe Mr. Daniel Dominguez is the best candidate for the position on the DCISC. His 33 years of hands-on experience in operating a nuclear power plant, together with his knowledge of the work processes and human performance requirements of commercial nuclear power, make him uniquely qualified for the DCISC.

The LA County Federation of Labor, AFL-CIO, represents 800,000 workers in the County of Los Angeles; workers whose economic well-being is dependent on a reliable and affordable electrical supply. A safely operating Diablo Canyon is integral to maintaining that reliability and affordability.

In Solidarity,

Rusty Hicks
Executive Secretary-Treasurer
Los Angeles County Federation of Labor, AFL-CIO

Rusty Hicks
Executive Secretary-Treasurer

Ricardo F. Icaza
President

2130 W. James M. Wood Blvd Los Angeles, CA 90006

Jeffrey B. Archie
Senior Vice President
And Chief Nuclear Officer

March 31, 2016

To: David Zizmor via e-mail at david.zizmor@cpuc.ca.gov

Re: Mr. Neil S. Carns

Neil S. Carns has served as an independent consultant for SCANA Corporation's Nuclear Oversight Committee of its Board of Directors since August of 2000. In this Capacity Mr. Carns conducts inspections of our V.C. Summer Nuclear Station, on an at least quarterly basis, and reports his findings directly to our independent board committee members. His inspections and findings include matters ranging from general plant conditions and maintenance matters, as well as employee morale.

The management staff at V.C. Summer, as well as SCANA's senior leaders appreciate the relationship that has been developed from Mr. Carn's engagement with our company.

Should you require additional information, please do not hesitate to reach out.

Sincerely,

Jeff Archie

100 SCANA Parkway I Cayce, SC 29033 I P (803) 217-5080 I F (803) 933-7107
Mailing Address: 220 Operation Way I MC D-304 I Cayce, SC 29033

Zizmor, David

From: William P Gloege <wpgloege@gmail.com>
Sent: Thursday, April 07, 2016 3:48 PM
To: Zizmor, David
Subject: Comment on candidates for the Independent Safety Committee for Diablo Canyon

Dear Mr. Zizmor,

I support Dr. Budnitz for Chairman of this committee. I have attended many of their meetings and found Dr. Budnitz was an even-handed Chairman, taking testimony and answering questions for all speakers.

At all costs we want to avoid partisan candidates like Michael Peck who support a cause - the anti Diablo Canyon cause.

This plant has run accident free for over 30 years serving an equivalent of 3 million California homes,

It fights the worst threat to mankind ever existing - global warming and resultant climate change that is already very advanced.

Serious, professional, non-political Safety watchdogs like this Committee, the NRC and others have created perhaps the top nuclear plant, or plant of any kind, in the United States and perhaps the world. Dr. Budnitz service has been a major contribution to this truly remarkable record.

Thank you.
William Gloege
Santa Maria, Ca

Zizmor, David

From: larrywmurray <larrywmurray@sbcglobal.net>
Sent: Thursday, April 07, 2016 8:46 AM
To: Zizmor, David
Subject: Invitation for Public Comment on Diablo Canyon Independent Safety Committee Candidates

Dear Mr. Zizmor, I am President of San Luis Obispo United Association of Pipefitters & Plumbers Local 403 San Luis Obispo Ca . I represent over 350 members and their families. We are strong supporters of the continued operation of Diablo Canyon, and the carbon free energy it produces. Myself and my members strongly support efforts to re nominate Dr. Robert Buntz to the DCIS CHAIR.

Myself and my members strongly oppose Dr. Michael Peck, and Paul Blanch as candidates for this position. We feel that their openly biased opinions would not be the right opinions to represent such an important position as Chairman of the DCISC meetings. Thank You for your consideration. Larry Murray President Pipefitters Plumbers and Welders Local 403 San Luis Obispo Ca. 3710 Broad St. San Luis Obispo, Ca. 93401. Phone805 5432416

Sent from my Verizon Wireless 4G LTE smartphone

Zizmor, David

From: inquiries@thorium-now.org
Sent: Thursday, April 07, 2016 9:45 AM
To: Zizmor, David
Subject: RE: Invitation for Public Comment on Diablo Canyon Independent Safety Committee (DCISC) Candidates

David Zizmor
Energy Division, California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
david.zizmor@cpuc.ca.gov

April 7, 2016

Dear Mr. Zizmor,

Following are comments regarding candidate qualifications for positions on the Diablo Canyon Independent Safety Committee (DCISC).

I have had the opportunity to review the comments of Gene Nelson, Ph.D and agree with his assessment in opposition to committee appointments for Dr. Michael Peck and Paul Blanch. The documents attached to Dr. Nelson's comments suggest both are opposed to nuclear power on ideological grounds. They are ones inconsistent with the professional views of leading climatologists, as well as President Obama's recent commitment to "ensure that nuclear energy remains a vibrant component of the United States' clean energy strategy."

It was a similar aversion to evidence-based risk analysis which resulted in the premature, permanent closure of San Onofre Nuclear Generating Station. The shutdown of SONGS added 9 million tons of CO2 emissions to California's profile, and will result in $10 billion in deferred decommissioning/new construction costs assessed to ratepayers.

Sincerely,

Carl Wurtz
(818) 559-1400
Burbank, CA

Director
inquiries@thorium-now.org

David Zizmor
Energy Division, California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
david.zizmor@cpuc.ca.gov email

April 7, 2016

RE: Invitation for Public Comment on Diablo Canyon Independent Safety Committee (DCISC) Candidates

Hello, David:

As Government Liaison for Californians for Green Nuclear Power (http://CGNP.org), which supports the continued safe operation of Diablo Canyon Power Plant (DCPP) I would like to comment briefly on three of the six candidates for the term July 1, 2016 - June 30, 2019. I sincerely hope that my comments will be considered in the selection of the best candidate for the position.

In summary, based on first-hand observations of DCISC meetings starting in 2007, **I and many members of our group strongly endorse the re-nomination of Dr. Robert Budnitz to serve as DCISC chair**. He has conducted DCISC meetings in an even-handed way, facilitating the input from members of the public both supporting and opposing the continued safe operation of DCPP. I have observed that his paramount focus is on safe operation of DCPP. As Dr. Budnitz's qualifications are extensive, relevant, and summarized on the CPUC web page calling for public comments, I will not repeat that text.

I and many members of CGNP **strongly oppose the candidacies of Dr. Michael Peck and Paul Blanch**. Both of those individuals have expressed desires to shut down nuclear power plants. I believe that both individuals are agenda-driven instead of focusing on evidence-based risk analysis. I take particularly strong exception to the candidacy of Dr. Peck as his NRC "Differing Professional Opinion (DPO)" regarding DCPP was leaked at a time calculated to inflame public opinion. Such conduct casts into doubt his ability to objectively assess DCPP's safety. Attached find a pair of short articles in which experts rebut Dr. Peck's exaggeration of safety concerns contained in his DPO. Also find attached the annual report dated October 1, 2013 from the "New England Coalition" FKA "The New England Coalition on Nuclear Pollution" The focus of this group is summarized in one sentence from their annual report, "Celebrating Vermont Yankee’s decision to cease operation at the end of 2014." Alarmist anti-nuclear-power rhetoric pervades this annual report.

My summary background is a B.S. in biophysics from Harvey Mudd College and a 1984 Ph.D. in radiation biophysics from the State University of New York at Buffalo. My Ph.D. thesis supports the perspective that life has always co-existed with background radiation as a consequence of robust natural repair mechanisms. I worked at DCPP for a short period in 2007 and have visited the plant numerous times. I observe a strong nuclear safety culture in place. I have discussed my observations with regulators and senior plant management.

Thank you in advance for your interest and consideration of this public input. The three files related to Dr. Peck and Paul Blanch are appended to this letter.

Gene Nelson, Ph.D.
San Luis Obispo, California
(805) 363 - 4697 cell
Liaison@CGNP.org email

/gn File: CGNP to CPUC RE DCISC 04 07 16.doc

CGNP Supports Re-nomination of Dr. Budnitz to DCISC April 7, 2016 Page 2 of 8

Regulators reject call for nuke plant shutdown

25 minutes ago • MICHAEL R. BLOOD Associated Press
http://lompocrecord.com/adobe/news/local/regulators-reject-call-for-nuke-plantshutdown/article_7fc0e4b0-40e3-52ec-9a9f-dad2c682c0ff.html

LOS ANGELES (AP) —A top Nuclear Regulatory Commission officialWednesday rejected a federal expert's recommendation to shut down California's last operating nuclear power plant until it can determine whether its reactors can withstand powerful shaking from nearby earthquake faults.
In a decision releasedWednesday, Executive Director for Operations Mark Satorius said there is no immediate or significant safety concern at the Diablo Canyon plant.

Michael Peck, who for five years was Diablo Canyon's lead inspector, said in a confidential report disclosed last month by The Associated Press that no one knows whether the plant's equipment can withstand strong shaking from those faults — the potential for which was realized decades after the facility was built.

He argued that the NRC is not applying safety rules it set out for the plant's operation.
Blair Jones— a spokesman for plant owner Pacific Gas and Electric Co. — said in a statement the NRC decision reaffirms that the plant "has been and continues to be seismically safe."
The NRC, which oversees the nation's commercial nuclear power industry, and the company have maintained the nearly three-decade-old reactors are safe and that the facility complies with its operating license, including earthquake safety standards.

Damon Moglen, a spokesman for Friends of the Earth, an advocacy group critical of the nuclear power industry, said in a statement that the plant "should not be allowed to operate for another day without being closed and subjected to a full public safety review."

_____

http://bigstory.ap.org/article/regulators-reject-call-nuke-plant-shutdown

Regulators reject call for nuke plant shutdown

By MICHAEL R. BLOOD — Sep. 10, 2014 4:34 PM EDT

Home » California » Regulators reject call for nuke plant shutdown

LOS ANGELES (AP) —A top Nuclear Regulatory Commission officialWednesday rejected a federal expert's recommendation to shut down California's last operating nuclear power plant until it can determine whether its reactors can withstand powerful shaking from nearby earthquake faults.
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http://www.ansnuclearcafe.org/wp-content/uploads/2013/12/ne-coalition.pdf Archived 04 07 16 by Gene A. Nelson, Ph.D.
Paul Blanch works with them

"New England Coalition" (formerly New England Coalition on Nuclear Pollution)
42nd Annual Meeting
Report

October 1, 2013

From: Howard Shaffer

Coordinator, Vermont Pilot Project, American Nuclear Society
Communications Committee;

Board of Advisors, Energy Education Project, Ethan Allen Institute

To: Distribution

Subject: New England Coalition Forty Second Annual Meeting
(formerly the New England Coalition against Nuclear Pollution)

September 28, 2013

Robert H. Gibson River Garden

Brattleboro, Vermont

Purpose: Business, and three speakers. Celebrating Vermont Yankee's decision to cease operation at the end of 2014

The Meeting was open to the public, per the press release. Guy Page of VTEP and I had planned to attend, and not be there for the Business meeting, announced as first, in case we were not admitted. I arrived early and while the business was still in progress, and entered. Due to my years of Outreach I know, and am known, to many members. There were 26 there when I arrived, and about a dozen more arrived later. Shortly after I arrived, Paul Blanch got there. I met him years ago in Brattleboro. He is a former Millstone employee and an anti-nuke consultant.

Business Meeting

Ned Childs, President was speaking. They

- are not stopping litigation
- are financially strapped

- work with other communities that have been "rewarded with a plant shutdown."
- are on a mission

He remarked that he had played hockey with Bernie Buteau (VY Plant State Liaison Engineer) and he's not a bad guy. But Bernie said at a VSNAP meeting that there could not be a tsunami at the plant, ignoring upstream dam failures.

A report by Ray Shadis, technical advisor was read.

- AEC/NRC transgressions were listed
- The NRC will not revisit VY and Pilgrim (renewed licenses) when the Waste Confidence rule is reissued. WE WILL LITIGATE
- People are inherently afraid of nuclear power
- This industry is built on a pack of lies
- Replacement of underground cables at the plant is huge. Did the NRC force it? We'll find out from our moles in the plant.

Paul Blanch

He has just released a paper "Safety Culture is Not Possible without Regulatory Compliance" posted on the UCS website. http://allthingsnuclear.org/nuclear-safety-culture-a-workof-smart/

- it may be his "Swan Song"
- Plants don't know what regulations apply to them. They are flying blind
- In the Maine Yankee and Connecticut Yankee decommissionings and Millstone 1 SAFESTOR there were no regulations.
- If plant had to operate within the regulations they couldn't. It would be too expensive.
- NEC should contact NRC and ask which regulations apply now and which apply during Decommissioning.

Dr. Marvin Resnikoff

Member of the NEC Board.

Radioactive Waste Management Associates, Bellows Falls, VT

- gave his background
- showed a graph of long half-lives. His point: how long isotopes last (not how long they are a concern)

- Industry doesn't know everything, mentioning the proposed entombment of the Elk River plant
-West Valley plant decommissioning costs were huge. (I asked what kind of power plant it was, knowing the answer. He replied that it was a Reprocessing plant.)
- showed a BWR schematic, to locate radioactive components
- showed a BWR containment section drawing. It was not a MK I like Vermont Yankee. No one said anything.
- steel and concrete become radioactive
- in response to a question, 60 years is an arbitrary number – it (SAFESTOR) could be more or less.
- we want to push Entergy to do dismantling
- showed a Dry Cask section drawing and described air flow. A member said the Inert gas was hydrogen! It is helium. He said 5 casks at Vermont Yankee did not have leak tests done.
- decommissioning costs and history were reviewed. He pointed out that Entergy bought TLG and their estimate was then lower than the previous estimate, described as a plot by Entergy.
- in response to a question, he was confused on whether fuel is to be in or out of the pool for SAFESTOR
- Yankee (Rowe, MA) botched the job (of its decommissioning) Deb Katz knows.
- the question was asked, is Vermont Yankee the first single unit BWR merchant plant to be decommissioned?

This report refutes Dr. Resnikoff's report in radioactivity in natural gas, and says he flunked the Health Physics exam http://energyindepth.org/wpcontent/uploads/2011/02/Marcellus_NORM_drill_cutting_response.pdf

Brice Simon

Attorney for NEC (spoke without notes or slides. Points not in the order given)

- This (the litigation) is more like a Rugby Scrum
- It is difficult to understand the impact a group like NEC has
- We will force multiple layers of appeal
- We want to hit them on the economic level any way we can
- We can take actions that the state of Vermont can't
- You can't know in one docket what effect it will have in another
- The cumulative effect (of our litigation) is part of their economic analysis
- It is too expensive to keep operating and keep litigating
- Ray (Shadis) is good at persistence. He makes extreme points. It keeps the fight going. NEC's role is to stake out a more extreme position-it "moves the goal posts."
- The PSB can still say the plant is not in the Public Good, even if the ANR grants a permit

- If the economic benefit is (found in the public good) we will argue that it is not enough.
- The economic consequences of safety issues are not preempted
- What were they weighing the economic impact against?
- What positive benefits can we extract form Entergy for operating to the end of 2014?
- The PSB doesn't trust Entergy
- The Vermont Yankee case can't be viewed in isolation. It is a sounding board on preemption. If Indian Point has an NRC license, they (Entergy thinks) can't be stopped for other reasons. (My note: he hasn't heard of the Calvert Cliff's case it seems)
- NEC is encouraged to challenge the Waste Confidence rule
- I would like NEC to take the position that VY must achieve "greenfield" by a certain date.
- I have a "gut feeling" that all concrete must be removed (i.e. all poured for the VY plant)

The meeting ended and a group picture was taken. I left and did not remain to dialogue as I usually do.

Distribution: ANS Communications Committee, Ethan Allen Institute (EAI) and EEP Director, John McClaughry EAI, Guy Page VTEP, Meghan Leahy Entergy, Andrew Hodgdon re: Yankee Rowe, Chuck Adey re: Pilgrim, ANS Northeastern Section, Bob Capstick 3 Yankees, State Representative Mike Hebert

Zizmor, David

From: Kirk Gothier <kirkgothier@gmail.com>
Sent: Thursday, May 19, 2016 8:56 AM
To: ED Tariff Unit
Cc: Zizmor, David; Loewen, James; Gene Nelson; William P Gloege; Heather Matteson; Alan Medsker; Michael Shellenberger
Subject: RE: Invitation for Public Comment on Diablo Canyon Independent Safety Committee (DCISC) Candidates

Please accept these comments supporting the reappointment of Dr. Robert Budnitz, to serve on the Diablo
Canyon Independent Safety Committee (DCISC).

As explained by Gene Nelson, Ph.D., in his comments of April 7, 2016 to the California Public Utilities Commission (CPUC), Dr. Budnitz: "has conducted DCISC meetings in an even-handed way, facilitating the input from members of the public both supporting and opposing the continued safe operation of DCPP... and his qualifications are extensive and relevant." California is currently the 8th largest economy in the world, ranked 20th in Global CO2 emissions: http://www.who.int/mediacentre/news/releases/2014/air-pollution/en/, http://www.unmillenniumproject.org/resources/fastfacts_e.htm, http://www.lao.ca.gov/LAOEconTax/Article/Detail/90, http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg_inventory_00-12_report.pdf.

Unfortunately, industrial and special interest groups continue to promote closing nuclear power plants and replacing them primarily with natural gas, while billions live in poverty and tens of millions die each year from air pollution and energy poverty: http://instituteforenergyresearch.org/analysis/eia- forecast-fossil-fuels-remain-dominant-through-2040/ http://www.who.int/mediacentre/news/releases/2014/air-pollution/en/ http://www.unmillenniumproject.org/documents/3-MP-PovertyFacts-E.pdf.

Fortunately, the EPA Clean Power Plan clearly supports nuclear power "to protect the planet for future generations" as part of an "all of the above" energy strategy: http://www.epa.gov/cleanpowerplan/fact-sheet-clean-power-plan-opportunities-nuclear-power.

We either start making decisions based on scientific consensus, comparing the risks and benefits of all energy producing technologies, or continue to rely on some other metric, which will insure smarter species evolve to replace humans: http://www.pewinternet.org/interactives/public-scientists-opinion- gap/, https://www.epa.gov/risk, https://www.epa.gov/radiation/radiation-sources-and-doses#tab-2.

Dr. Budnitz has the relevant knowledge and experience to insure that the conversation, and recommendations made by the DCISC will continue to be driven by science.

Kirk Gothier
Senior Planning Advisor
(707) 786-9040

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END OF APPENDIX B