

**DRAFT**

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**  
ENERGY DIVISION  
I.D. # 10180  
RESOLUTION E-4386  
March 24, 2011

**R E S O L U T I O N**

**Resolution E-4386. Pacific Gas and Electric Company [PG&E].**

**PROPOSED OUTCOME: President of California Public Utilities Commission [The Commission] has reviewed the application of Per Peterson, the candidate for the July 1, 2011 vacancy at the Diablo Canyon Independent Safety Committee [Safety Committee], and selected him for consideration by the Governor of California [Governor], this year's appointing authority.**

**ESTIMATED COST: None.**

**As required by Decision [D.] 07-01-028 dated January 25, 2007.**

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**SUMMARY**

This Resolution confirms the selection of Per Peterson by the Commission's President, for consideration by the Governor, the appointment to the July 1, 2011 vacancy on the Safety Committee. The term of this three-year appointment will expire on June 30, 2014.

**BACKGROUND**

**The Safety Committee independently monitors the operations of PG&E's Diablo Canyon nuclear generation plant.**

The Commission created the Safety Committee in D. 88-12-083 [30 CPUC 2d 189] as one part of the overall settlement of the ratemaking issues for the Diablo Canyon plant which is owned and operated by PG&E. The settlement agreement established the Safety Committee, an independent three-member committee, responsible for monitoring the safety of PG&E's

operation of the Diablo Canyon station. The Committee's budget is paid out of PG&E's revenues and charged to PG&E's ratepayers [D. 88-12-083, Appendix C, Paragraph 16]. The settlement agreement also established the qualification and procedures for appointment of members to the Safety Committee and defined the scope of the Committee's operations and responsibilities [D. 88-12-083, Appendix C, Attachment A]. The Commission approved the settlement agreement in 1988.

**Recent changes to the Safety Committee nomination process.**

On October 24, 2006, the Safety Committee submitted Application 06-10-024, Attachment 1, Exhibit B of which was their proposed restated charter. The Commission adopted the modified charter in D.07-01-028 dated January 25, 2007.

Section 1.B of the new charter concerns appointments of the Committee members. It states that candidates for the Committee membership shall be selected from those applicants responding to an open request for application. The incumbent member whose term is about to expire shall be deemed an applicant if he or she consents. The Commission shall provide for public comment on the applicants' qualifications and potential conflicts of interest. The President of the Commission shall review the applicants' qualifications, experience, and background, including any conflict of interest, together with any public comments, and shall 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 shall prepare and circulate for public comment, and place on the Commission's public agenda a resolution ratifying the President's selection of candidates.

**The nomination process for the 2011 Safety Committee vacancy.**

On October 6, 2010 the Energy Division posted on the Commission website an announcement seeking applications for the July 1, 2011 vacancy on the Safety Committee. The only application received was that of the incumbent, Per Peterson.

After evaluating the applicant's qualifications, the Energy Division, on November 17, 2010, posted on the Commission website, for public comment, a summary of his credentials and work experience relevant to the position and the disclosure that his application did not reveal any potential conflict of interest with the intended undertaking.

**Public Comment on the applicant for the 2011 Committee vacancy.**

Robert Budnitz, a scientist at the University of California's Lawrence Berkeley National Laboratory, and the Chairman of the Diablo Canyon Independent Safety Committee, sent his written support for Mr. Peterson.

The Safety Committee charter authorizes the President of the Commission to recommend to the Governor, who is the appointing authority for the 2011 vacancy, up to three qualified candidates, in addition to the incumbent member. The Governor is to select one from among them to occupy the vacancy.

The President of the Commission has chosen the only candidate, Per Peterson, for recommendation to the Governor.

The purpose of this resolution is to evaluate and confirm the selection according to D.07-01-028, Exhibit B, Attachment 1, Section B (3), which states;

...the CPUC Energy Division shall prepare, circulate for comment, and place on the CPUC's public agenda a resolution ratifying the President's selection...of qualified candidates.

**NOTICE**

Notice of this resolution was made by publication in the Commission's Daily Calendar. A copy of the draft resolution was sent to the applicant.

**DISCUSSION**

Energy Division has reviewed has reviewed the qualifications of Per Peterson. Appendix A to this resolution contains a summary of his curriculum vitae prepared by the Energy Division staff.

**Per Peterson is a qualified candidate.**

Mr. Peterson is currently serving his second three-year appointment at the Safety Committee. He has indicated his willingness to serve on the Safety Committee again if reconfirmed, as shown in his application's declaration.

The applicant has no current or past relationship with PG&E that could be perceived as creating a conflict with his acting independently in ensuring that Diablo Canyon plant is operating safely. His resume shows that he has knowledge, background, and experience in the field of nuclear power plants and nuclear safety issues.

The Energy Division recommends that the CPUC ratify the selection of Peterson and recommend him to the Governor of California as qualified appointee to the Safety Committee.

### **COMMENTS**

PU Code section 311 (g) (1) generally provides that draft resolution be subject to at least 30-day public review and comment prior to a vote of the Commission. Accordingly, on February 22, 2011, this draft resolution was made available for comment by sending it to the candidate and to those on the service list in A.06-10-024.

### **FINDINGS AND CONCLUSIONS**

1. D.88-12-083 created the Independent Safety Committee for the Diablo Canyon Nuclear Generating Station.
2. The Safety Committee is an independent three-member committee responsible for monitoring the safety of PG&E's operation of Diablo Canyon Generating Station.
3. D.07-01-028 adopted new procedures for appointments of Safety Committee members.
4. On October 6, 2010 in accordance with D.07-01-028 the Energy Division announced the July 2011 vacancy on the Safety Committee, inviting applications for the position.
5. Per Peterson, the incumbent, responded to the announcement.
6. The applicant is a qualified candidate and has no conflict of interest.

7. The summary of the candidate's qualifications was put on the Commission's website for public comment on November 17, 2010. One interested scientist, Robert Budnitz, sent his comments in support of Per Peterson.
8. The President of the Commission has chosen the incumbent candidate as his nominee for consideration by the Governor for appointment to the July 2011 vacancy on the Safety Committee.
9. D.07-01-028 requires that the Energy Division prepare, circulate for public comment, and place on the public agenda a resolution ratifying the Commission President's selection of qualified candidates for the Safety Committee.

**THEREFORE IT IS ORDERED THAT:**

1. President Michael Peevey's selection of Per Peterson as qualified candidate for consideration by the Governor of California for appointment to the July 1, 2011 vacancy on the Safety Committee is hereby approved.
2. The term of the appointment is for three years and will expire on June 30, 2014.

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 March 24, 2011; the following Commissioners voting favorably thereon:

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Paul Clanon  
Executive Director

**Appendix A**  
Summary of the Candidate's Qualifications

**Per F. Peterson**

Per Peterson has twice been appointed to the Diablo Canyon Independent Safety Committee. If approved by the Governor, this will be his third appointment to the Committee.

Peterson joined the faculty of Nuclear Engineering at UC Berkeley in 1990 as Assistant Professor. His promotion to Associate and Full Professor took place in 1994 and 1998. Peterson was the Chairman of the Energy and Resources Group [1998 - 2000] at UC Berkeley and subsequently Chairman of its Nuclear Engineering Department [2000 - 2005].

Prior to his UC Berkeley appointment, Per Peterson was a Fellow at Tokyo Institute of Technology and a researcher at UC Irvine.

Peterson has over 200 research publications covering topics in nuclear fusion energy, fission reactor design and safety analysis, nuclear waste management, and other topics related to nuclear technology.

Professor Peterson earned his PhD in Mechanical Engineering from UC Berkeley in 1988. He is a Fellow of the American Nuclear Society and a former chair of its Thermal Hydraulics Division. Among his major achievements is the Presidential Young Investigator award.

Per Peterson resides in Berkeley, California.

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



February 22, 2011

ID# 10180

Resolution E-4386  
March 24, 2011

TO ALL PARTIES TO DIABLO CANYON  
INDEPENDENT SAFETY COMMITTEE A.06-10-024.

Enclosed is draft Resolution E-4386 of Energy Division. It is in compliance with D.07-01-028 and will appear on the agenda at the Commission meeting to be held on March 24, 2011. The Commission may vote on this Resolution at that time or it may postpone a vote until a later date. When the Commission votes on a draft resolution, it may adopt all or part of it as written, amend, modify or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

All comments on the draft Resolution are due by March 14, 2011. Comments shall be served on the parties outlined below.

An original and two copies, along with a certificate of service to:

Honesto Gatchalian  
Energy Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
E-mail: [jnj@cpuc.ca.gov](mailto:jnj@cpuc.ca.gov)

Massis Galestan  
Energy Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Email: [mgm@cpuc.ca.gov](mailto:mgm@cpuc.ca.gov)

And to the parties described above [see attached]

Comments shall be limited to five pages in length plus a subject index listing the recommended changes to the draft Resolution, a table of authorities, and an appendix setting forth the proposed findings and ordering paragraphs.

Comments shall focus on factual, legal, or technical errors in the proposed draft Resolution.

*Replies to comments* on the draft Resolution may be filed [i.e. received by the Energy Division] by March 21, 2011, and shall be limited to identifying misrepresentations of law or fact contained in the comments of other parties. Replies shall not exceed five pages in length and shall be filed and served as set forth above for comments.

Late submitted comments or replies will not be considered.

An accompanying declaration under penalty of perjury shall be submitted setting forth all the reasons for the late submission.

Please contact me at 415-703-1760 if you have questions or need assistance.

Sincerely,

/s/  
Massis Galestan  
Energy Division  
California Public Utilities Commission

Encl. Service List  
Certificate of Service

Service List for Draft Resolution E-4386

A.06-10-024

[bbyron@energy.state.ca.us](mailto:bbyron@energy.state.ca.us); [lau@cpuc.ca.gov](mailto:lau@cpuc.ca.gov); [paj@cpuc.ca.gov](mailto:paj@cpuc.ca.gov);  
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[ljt@cpuc.ca.gov](mailto:ljt@cpuc.ca.gov); [txb@cpuc.ca.gov](mailto:txb@cpuc.ca.gov); [rochelle489@charter.net](mailto:rochelle489@charter.net); [wvn3@pge.com](mailto:wvn3@pge.com);  
[jlkm@pge.com](mailto:jlkm@pge.com); [rmacdon@energy.state.ca.us](mailto:rmacdon@energy.state.ca.us)

And the following:

County Clerk  
County San Luis Obispo  
County Government Center  
1055 Monterey Street  
San Luis Obispo, CA 93408

The applicant and the person who sent comments.

[Peterson@nuc.berkeley.edu](mailto:Peterson@nuc.berkeley.edu)  
[budnitz@pacbell.net](mailto:budnitz@pacbell.net);  
[inj@cpuc.ca.gov](mailto:inj@cpuc.ca.gov)

CERTIFICATE OF SERVICE

I certify that I have, by electronic mail, this day served a true copy of draft Resolution E-4386 to parties on the attached service list.

Dated February 22, 2011 at San Francisco, California.

/s/  
Massis Galestan

NOTICE

Parties should notify the Energy Division, Public Utilities Commission, 505 Van Ness Ave, Room 4002, San Francisco, CA 94102 of any change of address to insure that they continue to receive documents. You must indicate the Resolution number on the list.