

**Minutes of the Energy Northwest  
Executive Board Ad Hoc subcommittee Meeting  
Via teleconference  
Multi-Purpose Facility – Glenn C. Walkley Room  
3000 George Washington Way  
Richland, Wash.  
Feb. 9, 2016**

The meeting of the Ad Hoc Subcommittee of the Energy Northwest Executive Board was called to order at 7:32 a.m. by the Nuclear Oversight and Safety Committee Chair Skip Orser.

Subcommittee Members Present:

Linda Gott Ad Hoc Co-chair  
Jim Moss Ad Hoc Co-chair  
Skip Orser NOS Chair  
Sid Morrison, EB Chair (ex-officio)

Staff Present: Bob Dutton, Nikki Babad, John Dobken, Carla Martinez and Angela Smith.

Others Present: Executive Board member – Tim Sheldon.

**Discussion of proposal responses**

The Ad Hoc Subcommittee members discussed the proposals submitted on behalf of the request for proposal that was sent to the subcommittee members.

Three firms responded to the request including: Pillsbury, Winston & Strawn LLP and Morgan Lewis.

The subcommittee agreed that all three proposals submitted were qualified and therefore they would further assess and discuss each one.

Mr. Skip Orser recommended the subcommittee members discuss each of the three law firms based on the following RFP criteria:

1. The depth and knowledge of the firm and the proposed attorney(ies) in conducting independent, internal investigation in an operating nuclear power plant regulated by the U.S. Nuclear Regulatory Commission;
2. The relevant experience of the attorney(ies) proposed in conducting an investigation of employee concerns and similar concerns investigation in an operating nuclear power plant regulated by the U.S. Nuclear Regulatory Commission, and where possible, provide examples of such investigations recently conducted;
3. The proposed scope and duration of the investigation as determined by the proposing firm after a review of the attached correspondence;
4. The proposed staffing of the representation by the firm, e.g. how many attorney(ies), legal assistant/paralegals that are proposed to be utilized on the matter based on the proposed scope and duration of the investigative effort;

5. The fee arrangement proposed by the firm, and if proposed on an hourly rate, the hourly rate(s) of the proposed members of the firm and any discount that may be offered to any hourly rate must be clearly stated. Detailed billings of tasks performed will be expected and billing will be to the 10th of an hour. Costs will be reimbursed at actual cost except for air travel will be reimburse at coach rates, and per diem for meals and expenses will be used in lieu of actual costs when in travel;
6. The relevant experience with public entities located in the State of Washington in conducting internal investigations; and
7. If the proposing firm has an existing business relationship with Energy Northwest, how the firm will maintain separation and independence from its ordinary work performed for Energy Northwest and this independent investigation including but not limited to a description of the screening and other mechanisms that will be used.

Discussion ensued on the overall perceived benefit and value of each firm. The subcommittee unanimously agreed to select Pillsbury as the investigative firm, but at this time, approve Phase 1 of their proposal with the option of Phase 2 at a later date.

**Next steps**

Discussion ensued on whether the ad-hoc subcommittee wants to meet prior to the Feb. 24 board meeting. They agreed to tentatively schedule a meeting the morning of Feb. 24.

Mr. Orser asked Ms. Linda Gott to be the lead person from the subcommittee for onsite coordination.

**Commitment Review/Provide Majority-based Direction**

- Email the three law firms with the committee's decision – Skip Orser
- Draft an article to employees sharing the status of selecting a law firm – Skip Orser

Hearing no further discussion, the Ad Hoc Subcommittee meeting adjourned at 9:28 a.m.

Respectfully submitted,

Angela Smith  
Board Relations