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U.S. Senate

Date: Thursday, May 18, 2016

Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

Wednesday, May 18, 2016

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:39 a.m. in room 406, Dirksen Senate Office Building, the Honorable James Inhofe [chairman of the committee] presiding.

Present: Senators Inhofe, Boxer, Barrasso, Capito, Crapo, Boozman, Wicker, Fischer, Rounds, Sullivan, Carper, Cardin, Whitehouse, Merkley, Gillibrand, Booker and Markey.

STATEMENT OF THE HONORABLE JAMES M. INHOFE, A UNITED STATES
SENATOR FROM THE STATE OF OKLAHOMA

Senator Inhofe. The meeting will come to order.

Today, the Environment and Public Works demonstrates once again that we are working to get things done. At the conclusion of my opening statement, I am going to brag a little bit on what all we have gotten done, because we are the committee that does things.

I am pleased we were able to reach a great bipartisan compromise on the Nuclear Energy Innovation and Modernization Act. After all, innovation has come to the nuclear industry. There are many new companies, nuclear startups, in fact, that are pursuing concepts that advance safety and so forth.

You know what I think I will do? I am going to submit this for the record because everybody knows what it is in it.

Anyway, we have several bills today. I want to say something about our Committee, and I say this really on behalf of Senator Boxer and myself. We have, as Majority, and I am sure when you were Majority you did the same thing, have weekly meetings of the chairmen of the committees. When it gets around to my turn I always say now we will hear from the committee that gets things done, unlike the other committees.

In this Committee, we have the five-year surface transportation bill, first one since 1988; water research, the WRDA bill; a bill that we are going to be doing today, chemical safety; Water Resources Research Amendments; the Grassroots Rural and Small Community Water Systems Assistance Act; National Estuary Program, and that was by Whitehouse and Vitter, do we have broad extreme support on all ends on these bills; the Great Lakes Restoration Initiative; Long Island Sound Restoration; Lake Tahoe Restoration; Kennedy Center reauthorization; multiple namings after different leaders; regulatory relief bills; consideration of nearly 100 GSAs.

Anyway, it comes down to about 31 total that we have done in this Committee alone, so I want to say to my friends on the Committee, on the Democrat side and the Republican side, that you are doing great work, and better work than any of the other committees are doing.

With that, I will turn it over to Senator Boxer.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF THE HONORABLE BARBARA BOXER, A UNITED STATES
SENATOR FROM THE STATE OF CALIFORNIA

Senator Boxer. Mr. Chairman, I agree with that. I am grateful to members on both sides. And I think that our friendship has been very important. We know what we can't do and we know what we can do. If there were bumper strips that each committee had, ours would say "EPW: The Committee That Does," because we do well. Now, I wish we could do a little bit more given, should I dare say it, climate change, but since that is not an area where we can work together, we have made up for it in other areas.

Senator Inhofe. It kind of creeps into every statement. But that is fine.

[Laughter.]

Senator Boxer. I told you I would not say climate change.

Senator Inhofe. Well, you did say it.

Senator Boxer. In any event, I do want to thank you so much for this markup today. Senator Carper's Diesel Emissions Reduction Act of 2016 will reauthorize the enormously successful DERA program.

Senator Inhofe. Which is another demonstration of working together.

Senator Boxer. His and yours.

It provides grants to reduce air pollution by retrofitting or replacing diesel equipment. This program has delivered, and I think it is important that we note this, it has delivered an estimated \$12.6 billion in health benefits and saved countless lives. That is what we can do in this Committee.

I am proud, also, to be a co-sponsor of the Brownfields Utilization, Investment and Local Development Act, called the BUILD Act. This legislation reauthorizes EPA's brownfields program, which helps revitalize communities with contaminated waste sites. It is estimated that there are more than 450,000 brownfields in the U.S.

So when we clean up and reinvest in these properties, we increase local tax bases, we facilitate job growth, and we allow redevelopment of formerly contaminated lands. And I remember when we first did this brownfields bill, it is really a landmark bill; it adds to the other landmark bills that this Committee is known for.

We will also consider a bill introduced by Senators Carper, Booker, and Gillibrand to help restore the Delaware River Basin, and a bill to authorize a program at the Corps to hire veterans to assist with historic preservation activities. I strongly support these bills.

Today's agenda also includes a bill to encourage development and approval of advanced nuclear reactors, and to

reform the NRC's fee structure. I had significant concerns with the introduced bill, which would have reduced transparency during the approval process for new nuclear reactors and limited the ability of NRC to collect the fees necessary to carry out its oversight responsibilities. I appreciate the work by several Senators on the manager's amendment that we will consider. This amendment addresses some of the most serious concerns in the introduced bill; however, I believe there is more work to be done on this bill and I look forward to working with the bill's sponsors as this legislation moves forward.

So, with that, I look forward to today's markup.

[The prepared statement of Senator Boxer follows:]

Senator Inhofe. That is great, Senator Boxer. I think we are all looking forward to the Oklahoma City Thunder defeating Golden State tonight, so we have a lot to look forward to, don't we?

[Laughter.]

Senator Boxer. The Committee stands adjourned.

[Laughter.]

Senator Boxer. You know, the last ones who bragged about that lost games two, three, and four, so watch out.

Senator Inhofe. Oddly enough, we do have 11 here, we have a quorum. This can be a very quick meeting, and I hope that you will stay. We do need 11 for passage of either legislation or to be reported out. We need 7 to approve amendments, but we really don't have very many amendments down here.

So we are going to start with the consideration of a list of bipartisan bills. We are going to begin with S. 2795, the Nuclear Energy Innovation and Modernization Act. That is probably the one that drew the most attention here. So, to begin with, I am going to call up the manager's substitute package, which was circulated already and everyone has had access to it. This substitute will be considered the original text for the purpose of the amendment. This is a bipartisan package of amendments to S. 2795, co-sponsored by Senators

Crapo, Whitehouse, Booker, Carper, and Markey, that incorporates several bipartisan modifications negotiated with these Senators on the NRC fees, modernizing NRC procedures, and the feasibility of extending the duration of the uranium recovery licenses, which is important to Senator Barrasso and several others.

[The text of the manager's substitute amendment to S. 2795 offered by Senator Inhofe follows:]

Senator Inhofe. Does any Senator seek recognition to talk about this? Then I will be asking for a motion.

Senator Boxer?

Senator Boxer. Yes. Thanks very much, Mr. Chairman. I support this amendment, appreciate the efforts of the bill's sponsors to address some of the concerns in the introduced bill.

This manager's package removes a harmful provision in the introduced bill that would have removed a requirement for a mandatory hearing prior to approving nuclear licenses or permits. In light of the Fukushima disaster, this is the wrong approach, and I am so pleased this provision was removed.

The manager's amendment also provides NRC with increased flexibility to adjust fees to meet its safety responsibilities. While these changes improve the introduced bill, I believe more needs to be done to ensure the bill does not place an increased burden on taxpayers and to make sure NRC has sufficient resources to meet its safety mandates.

So I support this amendment and I will probably vote no on the bill in the hopes that we can work together as it moves to the Floor.

Senator Inhofe. All right.

Senator Carper? Excuse me, excuse me. Let's start on this side.

Any comments on this manager's amendment?

Senator Crapo. Mr. Chairman?

Senator Inhofe. Senator Crapo.

Senator Crapo. Mr. Chairman, I will be very brief. As one of the original co-sponsors of this bill, I want to thank all of our members on the Committee for working in a bipartisan way to move this forward, particularly yourself as the other Republican original co-sponsors, and Senators Booker and Whitehouse, and, frankly, Senator Carper, who we worked with very closely on this as well, to try to move forward and find the right compromises to move this very critical legislation forward.

I have a statement, but if I could just put my statement in the record.

Senator Inhofe. Without objection.

Senator Crapo. I commend all of us on the Committee for the good faith and the good work that we have done to move this legislation forward.

[The prepared statement of Senator Crapo follows:]

Senator Inhofe. Senator Carper.

Senator Carper. Thanks, Mr. Chairman. My thanks to you and particularly Senator Crapo for your good work on this effort. I was pleased to join as a co-sponsor of the manager's amendment that we have just been discussing.

If I could, I just want to take a minute. I have a concern with the language in the bill that takes away the requirement that the industry continue to fund the budget of the NRC by at least 90 percent. When we take that requirement away, the industry is not happy with that requirement. They haven't been happy for a while, as you know. If we take that requirement away in order to fund the NRC, we are just going to have to fund it out of other appropriations. So I do that with some trepidation. I am not going to offer the amendment, not going to call for a vote, but I think it is something that we need to think about: is this really what we want to do?

Senator Inhofe. I appreciate your discussing your amendment and appreciate more that you are withdrawing it.

Senator Carper. Which do you appreciate the most?

[Laughter.]

Senator Inhofe. All right, anyone else on this side want to comment about this?

Senator Boxer. Can I speak on Senator Carper's point?

Senator Inhofe. Well, let's see if anyone else on your side wants to be heard.

Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman. I just wanted to thank you and Senator Crapo and Senator Booker for the original work that moved us along. We had a very good hearing on the original bill. There was some concern expressed by the Union of Concerned Scientists about safety and transparency, and I just want to report that they have said that, "We do not believe the revised bill," the manager's amendment, "will have any major detrimental impact on public safety and transparency. The bill authors have done well to balance their desire to reform the licensing process without subjugating the Nuclear Regulatory Commission to congressionally imposed mandates, allowing the NRC to retain the flexibility it needs to independently regulate in the public interest."

Reaching that point has been important for us and I appreciate the flexibility that everybody has seen to get here. I think we remain open to bipartisan amendments that will allow this process to go forward. This isn't the end of the process; it is an important stage in it. We look forward to working with all of our colleagues. But I do think this is a really important step forward, and that there are new technologies, including technologies that will allow us to turn what is now

hugely costly and dangerous nuclear waste into potentially valuable nuclear fuel; and pursuing that is, I think, an important goal for our Country, and I thank again the Chairman and the Ranking Member for their leadership in this process.

Senator Inhofe. Thank you.

Senator Gillibrand?

Senator Gillibrand. I just want to thank Senator Booker and the other sponsors for taking one of my concerns into account by adding a comment period so that communities could have a chance to be heard on the placement of plants. It is very important to New York State specifically.

There is another comment I have that we didn't have time to include, but I would like to have us consider it on the Floor, which is to require new plants to have a robust evacuation plan; and not just one they do themselves, but one that can be certified by FEMA, or both.

I say this because we have a nuclear facility that has 17 million people within 50 miles. So if Indian Point had any disaster of any kind, there is no possible way to evacuate 17 million people today. And I have been asking NRC to focus on a better plan to actually work on how many lives could we save in the instance of a disaster, and they have not given it to me. So I really think it is important.

In rural areas, super easy. We have nuclear plants in areas in upstate New York where you can evacuate everyone very quickly because it is a rural area with wide-ranging roads and very robust systems to get people away from a disaster. But what we saw after Superstorm Sandy is a warning. What happened after Superstorm Sandy was the water levels rose within two feet of overcoming the nuclear plant. So if it had risen any further, it could have diluted the plant. And there was no way to evacuate because, because of the storm, power lines were knocked down and made most road systems inoperable.

So even the 10 mile evacuation zone could not have been evacuated if there was a disaster due to Hurricane Sandy. And it is just a forewarning that when storms happen, all systems break down, and the road system was wiped out.

So I urge this Committee and members on the Floor to add an amendment to have a robust review when you are creating the plant, setting up the plant, what is your evacuation plan in the instance of a disaster.

Senator Inhofe. First, Senator Booker?

Senator Booker. I want to just echo some of the thanks, especially Senator Crapo. I want to thank Senator Inhofe and Senator Whitehouse, as well, for a lot of the original work on this, as well as the team effort from a lot of folks who helped continually to improve this bill.

This is what we really should be doing, not just working together, but working together to innovate. Next generation nuclear is not the nightmarish realities that we see in a lot of the challenges around the globe and here at home, and some of the difficulties that Senator Gillibrand is rightfully pointing out. If we are going to have and embrace a carbon-free future, or to decarbonize, nuclear is going to have to be a part of it if we are looking to do that very quickly.

So I am very excited that we are showing pro-innovation efforts right here and right now, and I just, again, want to thank. This has been a great experience for me, to work in such bipartisan fashion to develop such a strong bill, so thank you very much.

Senator Inhofe. Good. Thank you.

Senator Boxer?

Senator Boxer. Thanks.

I am disappointed that we didn't get to vote on Senator Gillibrand's evacuation amendment, and also Senator Carper's amendment. I just want to take a minute. The work on this bill was terrific. This bill has more work to be done. I stood at San Onofre Nuclear Power Plant that has been shut down, but it is not decommissioned yet. There is more than 5 million people within a few miles of this facility. I said to the sheriff, what happens in case of emergency, and she said just look at the

road. And, of course, it is bumper-to-bumper because it is Southern California. Forget it. Forget it. And this bill doesn't address that.

This bill doesn't address funding, Senator Carper is absolutely right. You take away the funding. And we know, from working on the chemical bill, how important it is. If we expect the NRC to its job, we expect them to be able to have the funding. This is a step back. While we take a beautiful step forward in terms of the future, because I agree we are looking for a carbon-free future, and I have always said if nuclear is safe, it is definitely part of the answer. But if you don't have anything in there about evacuations, if you take away the source of funding, where are they going to get the funding? We are just struggling over funding constantly.

So that is why I do look forward to this bill coming to the Floor. I do intend to be heard. I do intend to work with my colleagues to make this bill better. And if we can make it better, frankly, just in these two areas, I think it will fly through.

I am hopeful that we can work more on this and I do so appreciate the bipartisan work that went into it. From where it started to where it is now is night and day, and I just want to make it that much better when we deal with the fees and we deal with the evacuations, because it is very frightening.

Also, lastly, I know Senator Gillibrand has a critical amendment, critical amendment dealing with safety at the plants, and I hope it passes, because if it passes it will give this bill many more legs. Thank you.

Senator Inhofe. All right, others who want to be heard?

Senator Carper. Mr. Chairman, just one last point, if I could. I am going to make a unanimous consent request.

The reason why I didn't ask for a vote on the amendment regarding the funding is because there are changes that I sought in the bill and we were able to work out. So in the spirit of compromise we didn't push for the recorded vote on the 90 percent amendment.

However, the Congressional Research Service has provided us with an analysis of the language, and I would like to submit that document. This is with respect to funding. I would like to submit their documents for the record on this bill, please.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Inhofe. Senator Markey.

Senator Markey. Thank you, Mr. Chairman, very much.

Mr. Chairman, at least month's hearing I raised two concerns about the Nuclear Energy Innovation and Modernization Act. Specifically, I was concerned that the bill's repeal of the mandatory hearing for new construction and operating licenses would undermine the public's access to important safety information. I also stated my concern about the bill's cap on the NRC's collection of fees, which I felt could undermine the Commission's safety and security mission by reducing its access to needed resources.

Over the last few weeks the co-sponsors of the bill worked closely with me to address both of these issues. The manager's amendment to this bill removes the repeal of the mandatory hearing and it strengthens the NRC's authority to waive the cap on fees if that cap may undermine safety or security. Together, the changes that were included to improve on the safety issues raised by the Union of Concerned Scientists resulted in proposed changes that have considerably improved this legislation.

I want to thank Senators Inhofe and Crapo, Senators Booker, Whitehouse, Murkowski and Fischer for their willingness to work in a bipartisan manner to address those concerns. The bill's authors balanced their desire to enable nuclear innovation by

reforming the NRC's licensing process with the public interest in nuclear safety.

Thank you, Mr. Chairman.

Senator Inhofe. Thank you, Senator Markey. Before you came in, you were acknowledged and praised for all of your bipartisan help on this bill.

Does anyone seek recognition for the purpose of an amendment to the manager's amendment?

Senator Gillibrand?

Senator Gillibrand. Thank you, Mr. Chairman. My amendment addresses a very specific issue to this nuclear plant we have in New York State called Indian Point Nuclear Power Plant, in Westchester County, New York. It is 36 miles from Manhattan. And within 50 miles it has more than 17 million people.

As some of you might know, there has been a series of safety issues at Indian Point spanning many years, but the most recent problem tops them all. Two months ago the owners of Indian Point reported to the Nuclear Regulatory Commission that a number of bolts and plates in the Unit 2 reactor were degraded.

These bolts are vital to the safety and operational function of the plant. The bolts hold together metal plates that direct cooling water as it flows through the reactor core. Degraded bolts could allow plates to gap or even separate,

providing pathways for water to bypass the reactor core. If the cooling water leaks out, you can imagine what happens to the core.

And we are not talking about a couple of bolts; we are talking about 227 bolts out of 832. That is 27 percent. This is the worst case of degradation ever found in a nuclear power plant.

After this failure was reported to the NRC in March, we learned that the NRC never required this equipment to be sufficiently inspected since the reactor began operating in the mid-1970s. No part of a nuclear plant should go four decades without sufficient inspection, especially for this problem, which was well known by both the industry and the NRC.

What else could be degraded within these reactors? Why did so many bolts degrade? Did the threads where the bolts were get stripped? Were the plates damaged from movement or friction as a result of the degraded bolts?

We don't know the answers to any of these questions yet. The so-called root cause analysis is still being performed and will take a few more months to be completed. In the meantime, the NRC is going to allow a restart of Unit 2 in June.

Opponents of this amendment are going to say that we will set a precedent for the NRC handling the degraded bolts issue.

My response to that argument is that is a very good thing. The NRC should be taking this issue much more seriously.

Therefore, on behalf of our 17 million constituents who live within range of the plant, I offer this amendment to force the NRC to finish the root cause analysis before allowing Unit 2 reactor to restart. In addition, this amendment would require the NRC to move up the date for inspection for Unit 3 so that it is completed by the end of 2016. Until Unit 3 is also inspected, we have no way of knowing whether similar degradation is happening in that reactor. That is a gamble that I am not willing to take on behalf of so many millions of New Yorkers.

So I ask my colleagues to support this amendment.

And, Mr. Chairman, Senator Carper has suggested a voice vote for this, and I accept that.

[The text of the amendment offered by Senator Gillibrand follows:]

Senator Inhofe. All right.

Let me just make a couple comments. I know the sincerity, the concern that you have. You have expressed that. And our staff has reached out to try to find an acceptable compromise with regard to the amendment, and I still want to do that. Senator Gillibrand has raised serious concerns and I want to find a serious solution that establishes accountability and transparency about the safety at Indian Point. But that takes more time than a 24-hour amendment filing deadline allows.

I have directed, and I know this is something that you want, Senator Gillibrand, my staff to request a bipartisan briefing from the NRC as soon as possible, I mean immediately, and I will be there, in order to gain a clear picture of what is being done and the extent of the issue with other plants. That is a necessary first step to understand how to craft a solution without causing unintended consequences.

I don't think we should set a precedent of substituting our judgment for the NRC's when it comes to determining plant safety. So I would oppose that but work very closely with you and try to accommodate a solution.

Senator Boxer.

Senator Boxer. Mr. Chairman, I truly appreciate your interest in this and the fact that you are going to personally

study it. I do want to say that this is not a 24-hour deal. The last time we had a hearing, we did right here, Senator Gillibrand brought it up to the NRC. I remember it like it was a yesterday, though it was quite a while ago.

The bottom line is hundreds of degraded and cracked bolts were found. This isn't some theory; this is a fact. They were found in reactor vessels at the Indian Point Nuclear Power Plant in New York, and her amendment would ensure that the safety concerns raised by this discovery are fully addressed at Indian Point. I share her concern about the safety of this plant and believe similar plants have the same issue, and they may not know it. In fact, degraded bolts were discovered at the Salem Nuclear Power Plant in New Jersey.

So I am writing to the NRC today to ask the Commission to determine whether the issue identified at Indian Point and Salem could be a problem at other nuclear plants. Diablo Canyon in California has the same exact design, so it is important that NRC look at similar plants. So if it is New York and it is New Jersey with the same design as California, I think it may be more of a problem than we know.

And I appreciate Senator Gillibrand's leadership on the issue. I hear she is not going to ask for a recorded vote, but I would like to be noted in the record as having supported it, and I will share my letter that I write with everyone who is

interested. But this is not an overnight 24-hour deal; this is a deep concern. I watched my colleague's face as she talked. You are talking about millions of people, and here we sit. We can do something about it, but, oh, no, we are going to do a voice vote and it won't go anywhere today. I think that is a mistake.

In closing, let me say this. If nuclear power is going to take its place, it had better be safe. So when you find something that is not safe, you are not helping the industry to turn away. You help the industry when we make every move to make nuclear power safe. People are not stupid. They look at Fukushima; they see what happened. Some remember Three Mile Island and other disasters.

So when we make it safe, we make it acceptable. When we walk away from safety and we take away the money that is used to make it safe, I think we are undermining what we are trying to do here, which is to get a carbon-free alternative. That is how strongly I feel about it.

Senator Inhofe. Anyone want to be heard? Senator Sullivan?

Senator Sullivan. Mr. Chairman, I just wanted to mention a principle that I know that we try to focus on in this Committee. It is actually very important to me, given my State. On issues

of very local concern, that the Committee here give the members a lot of leeway.

So this seems to be a very local concern. And when I have raised local concerns about my State, I have asked in this Committee for my colleagues to give the Senator from the State leeway on the issue because you know more about it and maybe care more about it than any other members. Unfortunately, that hasn't always happened, at least with regard to some Alaska issues, because they seem to be nationalized.

So I am sympathetic to this amendment because it is local. She knows more about it, Senator Gillibrand knows more about it than probably anyone else, and cares more about it than probably anyone else.

But I am also understanding, Mr. Chairman, of your concern about setting a precedent that this Committee somehow substitutes its judgment for the NRC's judgment on safety. There is no doubt that the experts are at the NRC, not here.

So I am just wondering if there is any way that there could be language in this amendment that absolutely makes it clear that this is not a precedent, this is a one-time issue that addresses, that we are not going to get involved in overriding the NRC. But I am sympathetic to a colleague who is raising an issue of very local concern that she knows more about than anyone else, and I would welcome that precedent on this

Committee when issues that come up with regard to other States that are very important to the members here, that we get a little leeway on those kind of topics, because they certainly come up a lot with regard to my State, and we don't always get that leeway.

Senator Gillibrand. Mr. Chairman, just to clarify, all my amendment does it ask the NRC to look at it. So we are just saying this is something you must look at before you restart. So we are trying to give the ball to the NRC. The industry doesn't want the oversight. It is the industry who says you can't tell us what to do on safety.

But the only oversight we have is the NRC, so I am specifically asking, NRC, please insert yourself here because I am so worried about it, and you haven't looked at this in three decades. So I am asking the NRC to take some jurisdiction away from the industry, who doesn't want anyone to look at their stuff. That is why I am trying to give it to them, not us. I just said please look at this because I am so worried.

And I have no one else who is able to look at it; they are the only body that could go in and say we are not worried because it is 30 percent degraded and 50 percent is the breaking point. I need them to say that. I need them to know that and say it is not worrying to us. I think 30 percent is really

close to 50, so that scares the heck out of me. So I just want the NRC to take jurisdiction on this, so I am giving it to them.

And it can be a one-time thing. We can put a statement in that this is not precedent-creating, if that is amenable.

Senator Inhofe. Okay.

Senator Carper. Mr. Chairman?

Senator Inhofe. I just want to respond to Senator Sullivan. We are going to be sitting down with them, all collectively, to make sure we get something done on this. And, of course, then we have the Floor. So I hear you and that is exactly what I think we are doing.

Yes, Senator Carper.

Senator Carper. Just very briefly. You have made a very generous offer to Senator Gillibrand and I just urge her to accept that, and let's just do a good quick deep dive, not like in a couple of months, but like right away. I am not sure how soon this bill is going to be on the Floor, but it is imperative that whatever come out of that discussion, we be able to reflect that in the bill on the Floor when it comes to the Floor.

There are two options here: one, we don't vote on this or we vote it down or whatever, do what you are talking about doing and then say we are going to address it on the floor, or, two, I think follow Senator Sullivan's advice, which I think is very good, and vote for it on a voice vote, then do what you are

talking about doing. And the outcome, I think, will be the same. I think this will maybe impart a greater sense of urgency to get some changes that I think need to be made, and I suspect you do too.

Senator Inhofe. Yes.

Did you want to seek recognition, Senator Booker?

Senator Booker. Yes, sir. Thank you very much, Mr. Chairman.

First of all, I just want to say, again, I am excited about this bill because it is looking to the future, new innovation that doesn't pose these kinds of threats that we are dealing with. But that said, if any one of us lived in the shadow of this nuclear plant and you had this kind of failure of the bolts, that large of a percentage, it really is frightening.

I sat here as Senator Gillibrand questioned during that hearing, and you were receiving wholly unsatisfactory answers, and what disturbed me was a lack of urgency about this specific plant. If any of us lived in the shadow of that, we would want to know the root cause of this problem.

And now I represent the same metropolitan area that Senator Gillibrand represents and, as you said, this is an isolated incident in terms of the dramatic number of bolts, but 18 bolts were found to be deficient in a New Jersey plant. So what she is asking for is what any of us, if we or our families lived in

the shadow of that plant. We are not afraid of information. Let's just have some more transparency about why you have such a large percentage of bolts at this one plant.

I don't want it to take away from the forward-looking bill that we have to embrace future technology and innovation in the nuclear area that is going to help us to be more carbon-free, that is going to help create plants that actually eat this kind of fuel, that do many of the opposite things we are afraid of. But what Senator Gillibrand is asking for, demanding, has not received a satisfactory response, in my opinion, and that is why I support her amendment.

Senator Inhofe. And I appreciate that.

And thank you, Senator Carper, for your compliment. We are very sincere about wanting to get together on this, and I think we will.

Before us we have the Gillibrand amendment. Is there a motion?

Senator Sullivan. Mr. Chairman?

Senator Inhofe. Yes.

Senator Sullivan. Just one other thought, and I don't know if it is acceptable to Senator Gillibrand, but your commitment, as Senator Carper mentioned, to really get the NRC here, have them ask questions that satisfy her, and if they don't do that,

then I think a number of us would be amenable to voting for this amendment on the Floor.

Senator Inhofe. I agree with that.

Senator Gillibrand. Mr. Chairman?

Senator Inhofe. Yes.

Senator Gillibrand. So I did ask them. We had the NRC here and I asked them all the questions we would ask, and their answers were horrible. They basically said, it is not our concern; we don't have a concern; industry standard is we have redundancy. But they couldn't tell me what level of redundancy was safe. They couldn't tell me that 30 percent was unsafe or safe. They didn't have information.

We told the NRC in advance, this is exactly what Kirsten is going to ask you about, so please be prepared with answers. We had to request answers for the record we have not received yet. So they are stonewalling. And, yes, we will have them in again, we will ask the same questions, and now they will have more notice to prepare the answers they should have prepared months ago.

But their answer was we are not worried and we are not going to do this, it is not our job. And they are our only overseeing organization. They are the only one who could tell a plant we are concerned about this, we want you to do a little more. And if they are unwilling to use that authority, when I

am desperately asking them please use that authority, I feel they are not doing their jobs. They are avoiding authority, which is absurd. They are the only safety net we have.

So we had the hearing, we had it, and I used my time to drill down and I got nothing. And Senator Boxer was here during that time, so she knows they were really nothing answers, side steps; we don't know, we are not sure, we will get you that for the record. But they couldn't tell me what level of failure is safe. They couldn't tell me.

So it is stressful because, again, we can pass this now into the base bill, we can say it is not precedent-setting, and then I will get my answer for Indian Point, or we could do it on the Senate Floor. But when you do it on the Senate Floor, you don't have the level of expertise that this Committee has. They are not going to have the benefit of this discussion. They are not going to have the benefit of hearing NRC's answers, which I will circulate for you so you can satisfy yourself that they did not come prepared and did not give satisfactory answers. It is up to this Committee.

But I appreciate what you said, Senator Sullivan, I just think it is a safety risk that I am so frightened about, and I just wish this Committee could help me protect those 17 million people from something that we don't know whether it would happen or not.

Senator Inhofe. Well, Senator Gillibrand, I anticipate we are going to have a big crowd that is going to make sure that history doesn't repeat itself on this when we have our meeting with them, and hopefully we will have the same number of people here. And I will be there and make sure that we do.

Senator Boxer. When are you doing that?

Senator Inhofe. I stated as soon as possible, but I would say immediately.

Senator Boxer. Good.

Senator Inhofe. So we will do that.

Let's go ahead. You requested a voice vote. The Gillibrand amendment, is there a motion on the amendment? Second?

Senator Boxer. Second.

Senator Inhofe. All in favor say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[Chorus of noes.]

Senator Inhofe. The ayes do appear to have it.

[Laughter.]

Senator Inhofe. I am going to call for a roll call.
Clerk, call the roll.

The Clerk: Mr. Barrasso.

Senator Inhofe. Oh, wait a minute. Barrasso, no by proxy.

The Clerk. Mr. Booker?

Senator Booker. Yes.

The Clerk. Mr. Boozman?

Senator Inhofe. No by proxy.

The Clerk. Mrs. Boxer?

Senator Boxer. Aye.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Crapo?

Senator Crapo. No.

The Clerk. Mrs. Fischer?

Senator Fischer. No.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Boxer. Aye by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. No by proxy.

The Clerk. Mr. Sullivan?

Senator Sullivan. No.

The Clerk. Mr. Vitter?

Senator Inhofe. No by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. No.

The Clerk. Mr. Chairman, the yeas are 9 --

Senator Inhofe. I need to vote.

Senator Cardin: Mr. Chairman?

Senator Inhofe. Yes.

Senator Cardin: Can I be recorded aye in person?

Senator Inhofe. Yes, of course.

And you didn't call my name.

The Clerk. Mr. Chairman?

Senator Inhofe. No.

Senator Boozman. Mr. Chairman, could you be recorded also
as a no in person?

Senator Inhofe. Live. A live no. Senator Boozman.

The Clerk. Mr. Chairman, the yeas are 9, the nays are 11.

Senator Inhofe. Okay.

Senator Sullivan. Mr. Chairman, may I just make a comment?

Senator Inhofe. Let me finish with the vote here.

Senator Sullivan. Oh, I am sorry.

Senator Inhofe. The motion is not agreed to.

Senator Sullivan. I know I started this conversation and I just want to say I certainly want to work with Senator Gillibrand on this, and if she is not satisfied after you -- I am sure the NRC is watching this debate, and if they come back and they are not answering the questions to her satisfaction, I certainly would commit to voting yes on this amendment when it comes to the Floor. And I just wanted to mention that. Hopefully we will get it resolved before it comes up, but if it doesn't come to the point where she is satisfied for her constituents, I certainly would be inclined to give her the leeway to vote yes on this amendment if and when it comes to the Floor.

Senator Inhofe. Thank you, Senator Sullivan.

Other amendments to the manager's amendment?

Senator Crapo. Mr. Chairman, could I just also make a post-amendment comment here?

Senator Inhofe. Of course.

Senator Crapo. As I understand the issue, and I don't profess to be the expert on it, one of the problems we have is that in order to do the work that the NRC would need to do on this reactor, as your amendment would require, Senator Gillibrand, the reactor needs to be shut down. And that is a very expensive process to engage in, and my understanding is there is already a scheduled shutdown in March of next year.

Senator Gillibrand. That is Unit 3. So Unit 2 is already shut down, they already shut it down, so it is about restarting it June 1, I think. So we are just saying please investigate those baffle bolts before you restart, since it has already been shut down.

Senator Crapo. On Unit 2.

Senator Gillibrand. On Unit 2.

Senator Crapo. So it's already shut down.

Senator Gillibrand. It is already shut down.

Senator Inhofe. All right.

Now, is there a motion to adopt the substitute manager's amendment to S. 2795 and report S. 2795, as amended, favorably, to the Senate? Second?

Senator Rounds. Second.

Senator Inhofe. The Clerk will call the roll.

The Clerk. Mr. Barrasso?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Booker?

Senator Booker. Yes.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Boxer?

Senator Boxer. No.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mr. Crapo?

Senator Crapo. Aye.

The Clerk. Mrs. Fischer?

Senator Fischer. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Boxer. No by proxy.

The Clerk. Mr. Sessions?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Vitter?

Senator Inhofe. Aye by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Inhofe. Aye.

The Clerk. Mr. Chairman, the yeas are 17; the nays are 3.

Senator Inhofe. And it is agreed to.

If there is not objection, we are going to hit all the rest of them en bloc. There is no amendments. There is only one amendment filed, and that is mine, which is a technical amendment to the title on S. 2754. So I would move that amendment to S. 2754. Is there a second?

Senator Rounds. Second.

Senator Inhofe. Any objection?

[No audible response.]

Senator Inhofe. It is agreed to.

Does any member wish to speak on the remaining items?

Senator Carper. Just one thing. I just want to thank you for taking up the mantle that George Voinovich provided great leadership in diesel emission reduction. I thank Senator Boxer for her kind words. Everybody is a part of this bill. This is something we can be very, very proud of, and thank you all.

Senator Inhofe. Thank you, Senator Carper.

Others who want to be heard? Senator Markey.

Senator Markey. Thank you, Mr. Chairman, very much.

You and I, we don't agree on climate change, but we do agree that we have to be committed to cleaning up old industrial contaminated sites so that they can be reused, and I want to thank you for your leadership on this bill and in partnering with Senator Boxer and with Senator Rounds and Booker and Crapo on this important piece of brownfields legislation. There are an estimated 15 million acres of potentially contaminated land in America, and in places where long industrial histories like Massachusetts we have nearly a century's worth of toxic materials that have accumulated in sites all across our Country.

The BUILD Act is critical to cleaning up the decades of abuse our lands have experienced at the hands of corporate polluters. Cleaning up brownfield sites is a win-win for the Country, helping to create jobs and spur economic activity while

revitalizing underutilized and polluted lands. The brownfield grants authorized in the BUILD Act will give communities and businesses a chance to return economic stability to under-served and economically disadvantaged neighborhoods through the assessment and cleanup of abandoned industrial and commercial properties, places where environmental cleanups and new jobs are most needed. Many of those sites may also be good candidates for solar and wind and biomass energy production facilities.

While we still have a long way to go towards cleaning up the decades of abuse sustained by our Nation's lands, I am proud to have partnered here with my colleagues on this Committee to ensure that these brownfield sites are no longer part of the problem, but will be part of a clean energy solution, and I hope that my colleagues will all support this important bill today.

[The prepared statement of Senator Markey follows:]

Senator Inhofe. Thank you, Senator Markey. I want to say you mentioned brownfields. Of course, that is one of the things we are acting on right now, and there is no better model for it, I would invite everyone to come to Oklahoma City, maybe after the game tonight, and see the Bricktown in Oklahoma City that is exactly what we should be doing all over America, and we are going to be able to do more of that with this.

Senator Whitehouse?

Senator Whitehouse. Mr. Chairman, as a Rhode Island member on the Committee, I just wanted to put in a word of appreciation for the Senators Chafee, father and son, who championed this brownfield legislation for so many years. Of course, I will be glad to support it, but their work is entitled to some recognition.

Senator Carper. Mr. Chairman, could I just ask to be added as a co-sponsor of S. 1479, the brownfields legislation? Thank you.

Senator Inhofe. Anyone else want to be heard? If not, is there a motion to report S. 2816, S. 1479, S. 921, S. 2754, as amended, and H.R. 3114, the GSA resolutions and the nomination of Jane Nishida, en bloc? Is there an objection? If not, is there a motion?

Senator Carper. So move.

Senator Inhofe. Is there a second?

Senator Capito. Second.

Senator Inhofe. All those in favor, say aye.

[Chorus of ayes.]

Senator Inhofe. Opposed, no.

[No audible response.]

Senator Inhofe. The ayes have it and they are adopted.

Now, without objection, the legislation and resolutions and nomination are reported favorably to the Committee. Any Committee member wishing to have their vote registered in the negative for an item in that bloc, as long as it doesn't affect the result of the vote, may do so. Simply notify our staff.

I ask unanimous consent that the staff have authority to make technical and conforming changes to the measure approved today.

With that, our meeting is at an end. Thank you.

[Whereupon, at 10:25 a.m. the committee was adjourned.]