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HEARING ON THE NOMINATIONS OF KRISTINE SVINICKI (REAPPOINTMENT),
ANNIE CAPUTO AND DAVID WRIGHT TO BE MEMBERS OF THE U.S. NUCLEAR
REGULATORY COMMISSION, AND THE NOMINATION OF SUSAN BODINE TO BE
ASSISTANT ADMINISTRATOR OF THE OFFICE OF ENFORCEMENT AND
COMPLIANCE ASSURANCE, U.S. ENVIRONMENTAL PROTECTION AGENCY

TUESDAY, JUNE 13, 2017

U.S. SENATE

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:08 a.m. in
room 406, Dirksen Senate Building, the Honorable John Barrasso
[chairman of the committee] presiding.

Present: Senators Barrasso, Inhofe, Capito, Boozman,
Wicker, Ernst, Sullivan, Carper, Whitehouse, Gillibrand, Booker,
Markey, Duckworth and Harris.

Senator Barrasso. Good morning. I call this hearing to order.

Today, we will consider the nominations of three individuals to serve as members of the U.S. Nuclear Regulatory Commission: Kristine Svinicki, current member and Chair of the NRC; Annie Caputo, Senior Policy Advisor on this committee's Majority staff; and David Wright, President, Wright Directions, LLC.

We will also consider the nomination of one individual, Susan Bodine, Chief Counsel on this committee's Majority staff, to serve as Assistant Administrator, Office of Enforcement and Compliance Assurance, OECA, at the U.S. Environmental Protection Agency.

I applaud the President's nomination of such experienced Americans and dedicated public servants. The four nominees before us today are all well-qualified candidates. Three are well known to members of this committee and staff. One is not well known and that is why Senator Lindsey Graham is here today to bring to the attention of the committee the nominee from his home State of South Carolina.

Senator Graham, if it is okay with you, based on schedules, I would hope you could make an introduction at this time.

STATEMENT OF THE HONORABLE LINDSEY GRAHAM, A UNITED STATES
SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator Graham. Thank you, Mr. Chairman.

It is my pleasure to introduce David to you. We served together in the South Carolina House of Representatives for two years so I have known David for a long time. His mother, Irene, is with him. This is a big day for the Wright family. I want to thank the President for nominating David to the Nuclear Regulatory Commission.

He is a graduate of Clemson University. We celebrated their national championship yesterday at the White House. Go Tigers.

David has an incredible background in terms of the subject matter. He was on the South Carolina Public Service Commission from 2004 to 2013. South Carolina, per capita, has the most nuclear power of any State in the Nation. We are a pro-nuclear power State. I think David understands the issues surrounding nuclear power as well as anyone in the Country.

From 2008 to 2009, he was President of the Southeastern Association of Regulatory Commissioners. In 2011 and 2012, he was President of the National Association of Regulatory Commissioners. David understands the nuclear industry as well as anyone I know. The President chose wisely. Again, South Carolina's nuclear footprint is very large.

He has been a mayor, so he knows how to get along with people. If you are going to be a successful mayor, you have to make things win-win.

I could not recommend more highly to you David Wright. I want to thank the President. All of us in South Carolina are proud. He will hit the ground running because he knows the subject matter.

Thank you very much, Mr. Chairman.

[The prepared statement of Senator Graham follows:]

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Thank you very much, Senator Graham. We appreciate it. I know with a busy schedule, you probably have additional obligations. At this time, you are excused. Thank you for being with us today.

Of the nominees this morning, two have been previously reported by this committee and confirmed by the Senate by voice vote.

Ms. Svinicki has served as a member of the Nuclear Regulatory Commission for more than nine years, including the last six months as the Chair. She was confirmed as a member in 2008. She was reported by this committee by voice vote in December of 2007 and confirmed by the Senate by voice vote on March 13, 2008.

She was re-nominated to a second term in 2012. Again, she was reported successfully by this committee by voice vote and confirmed by the Senate by voice vote eight days later. She was designated as the NRC's Chair by President Trump in January 2017.

Before joining the NRC, Ms. Svinicki served in various staff positions in the U.S. Senate, including with the Armed Services Committee, where she concentrated on defense science and technology policy and defense related atomic energy

activities.

She also worked as a nuclear engineer at the Energy Department and as an energy engineer for the Wisconsin Public Service Commission.

She was honored with the Woman of the Year Award by the Women's Council on Energy and Environment in 2013 and the Presidential Citation Award by the American Nuclear Society twice, in 2012 and 2006.

Ms. Caputo has spent more than 20 years advising Congress and industry on nuclear energy matters. She has served as a policy advisor for this committee and for the House Energy and Commerce Committee for the past twelve years.

Before that, she worked for Exelon Corporation as a Congressional Affairs Manager. In 2013, the U.S. Nuclear Infrastructure Council honored Ms. Caputo with its Meritorious Service Award.

In response to Ms. Caputo's nomination, the vice president of the Clean Energy Program at Third Way, a think tank once labeled as "radical centrists" by the New York Times, stated of the nominee: "She has consistently worked with members on both sides of the aisle to promote effective nuclear regulation and is well-respected across partisan lines for her expertise, professionalism, and competence. Few people are more qualified to fill this role at the NRC."

Mr. Wright has served as member and chairman of the South Carolina Public Service Commission, as president of the Southeastern Association of Regulatory Utility Commissioners, and as president of the National Association of Regulatory Utility Commissioners. He is chairman emeritus of the Nuclear Waste Strategy Coalition, a group that includes State utility regulators and State attorneys general focusing on addressing nuclear waste policy matters.

He has served as a member of the South Carolina House of Representatives and as councilman and Mayor of the Town of Irmo, South Carolina. He has also owned and operated several different businesses and been honored with various awards.

Ms. Bodine served as Assistant Administrator for the EPA's Office of Solid Waste and Emergency Response from 2006 to 2009. She was reported by this committee by voice vote on July 20, 2005 and confirmed by the Senate by voice vote later that year.

She previously served as staff director of the House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and the Environment, and as an attorney in private practice.

Today's nominees will fill critically important roles in protecting Americans' public health and safety. The Nuclear Regulatory Commission ensures that nuclear power plants, nuclear materials, and waste are handled and used safely and securely.

The EPA's role, specifically the one being discussed today, is responsible for enforcing our Nation's environmental laws, including the Clean Air Act, Clean Water Act and Superfund. The need for nuclear and environmental safety protection is bipartisan. We need to move quickly on these nominations.

Unless today's NRC nominees are confirmed by June 30th, the NRC will lose its quorum. This will degrade the NRC's collective ability to fulfill its mission of licensing and regulating the Nation's civilian use of radioactive materials to protect public health and provide for safety and security. The committee must act to restore the NRC to a full slate of commissioners expeditiously.

Similarly, the EPA does not have a Senate-confirmed Assistant Administrator of OECA. The committee must act to confirm this nominee to lead OECA quickly, so that our environmental laws are rigorously enforced so that polluters are held accountable.

I can think of no better candidate to take on the critical task of leading OECA and enforcing our Nation's environmental laws than Susan Bodine. Past EPA officials, notably from both Republican and Democratic Administrations, have praised Susan's nomination.

Mathy Stanislaus, a former Obama EPA Assistant Administrator, said: "Ms. Bodine understands both the internal

side of the agency and the proper balance of enforcement and would be a 'standup person.'"

Ben Grumbles, a former George W. Bush Assistant Administrator and currently the Maryland Secretary of the Environment, said: "She is tough and fair and committed to public service."

Elliott Laws, a former Clinton Assistant Administrator, said: "Bringing in someone with her knowledge of the agency and the issues facing it can only be a positive."

John Cruden, a former Obama Justice Department Assistant Attorney General for the Environment and Natural Resources Division, said: "Susan is dedicated to the rule of law, a lawyer with great integrity, and she understands the critical importance of effective and timely enforcement."

I will now turn to Ranking Member Carper for his statement.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE TOM CARPER, A UNITED STATES SENATOR
FROM THE STATE OF DELAWARE

Senator Carper. Thank you, Mr. Chairman.

I want to start off by welcoming each of our four witnesses to today's hearing. I want to welcome your families as well, your spouses, sons and daughters, mothers and any other friends and family that might be in the room.

Several of our witnesses, Mr. Chairman, have talked about their core values and where they came from. They actually remind me a lot of ours. So, Ms. Irene, thank you for raising this kid and sending him our way.

Thank each of you for your past public service and for your continued willingness to serve in these new capacities. For Christine, it is not a new capacity, but to continue to serve. The jobs to which you have been nominated are very important to the health and safety of the American people.

Mr. Chairman, as we have discussed, I am concerned that we do not have parity in the Nuclear Regulatory Commission nominees before us today. It is critical for the Commission to have consistent leadership from both political parties, especially as the industry faces a challenging future.

I hope we can find a path, as we discussed, to ensure that the White House re-nominates Commissioner Jeff Baran and that the committee pairs consideration of his nomination with some or

all of the NRC nominees before us.

Having said that, Mr. Chairman, the minority members of this committee remain deeply disappointed, not with these witnesses or their families, but disappointed that the committee has not received complete written responses from Administrator Pruitt to eleven oversight letters that Democratic Members have sent the EPA this year.

In fact, we recently learned that the White House has instructed federal agencies not to respond at all to oversight requests from Senators who are not chairmen. Such a directive harms both parties and takes us further from the truth.

You do not have to take my word for it. Our colleague, Senate Judiciary Committee Chairman Chuck Grassley, sent a letter to President Trump just this past Friday admonishing the directive noting: "It harms not just the members who happen to be in the Minority party at the moment, but also members in the Majority party who are not currently chairmen. It obstructs what ought to be the natural flow of information between agencies and the committees which frustrates the constitutional function of legislating."

I am sure that my colleagues on both sides of this dais can agree that preventing Senators from performing their oversight responsibilities is simply unacceptable. In fact, this committee has a tradition of ensuring that oversight requests

receive responses as part of the confirmation process. I would like to share two short examples with you this morning.

First, in 2013, Republicans insisted on responses to five requests as part of former Administrator Gina McCarthy's confirmation process. The Republican Minority sought information on the agency's compliance with the Freedom of Information Act, the availability of outside scientific research, the use of economic analysis, and lawsuit settlements.

Republican members of EPW boycotted the first business meeting on Administrator McCarthy's nomination because they believed that the EPA had not been responsive to their requests. We may have another poster here. On that day, Mr. Chairman, you noted: "The new nominee to be EPA Administrator has been extremely unresponsive with the information we requested." You went on to add: "We're simply requesting that Ms. McCarthy and this Administration honor its commitment to transparency -- that's what they promised."

In order to help obtain this information, at that time, I personally called the EPA and implored the agency to respond to Senator Vitter and to the Republican members of this committee. Ultimately, EPA did so.

By the time the McCarthy nomination reached the Senate Floor, EPA had sent at least five letters and provided more than 1,300 pages of documents and data. In the end, after 136 days,

Gina McCarthy was confirmed without a filibuster.

Second, in 2009, Republican requests for information and economic analysis delayed Senate Floor consideration of Bob Perciasepe's nomination to be Deputy EPA Administrator for almost six months. Last Congress, I am told that Republicans sent at least 156 oversight letters to EPA's Air Office alone and that all of them received responses.

We have another chart that refers to EPA's 2015 responses. Additionally, in calendar year 2015, EPA received 884 letters from lawmakers seeking a response from the agency. That same year, EPA received 60 document requests from Congress and one subpoena. The agency also made EPA officials available to testify at 40 hearings.

In 2015 alone with all of those incoming requests, EPA, under Gina McCarthy's leadership, sent 276,510 pages of documents to Congress. One more time, that is 276,510 pages.

Colleagues, while our asks may not be welcomed by this Administration, I do not believe they are unreasonable, nor are they unprecedented.

Oversight should not be a partisan issue. As Senator Inhofe and then-Chairman Inhofe noted in 2015, lack of timely and complete responses from agencies "frustrate[s] Congress' ability to fulfill its constitutional duty to perform oversight of the Executive Branch." Mr. Chairman, I would say you were

right then and you are right today.

Absent a heartfelt commitment by EPA to provide complete and timely responses to our current information requests, I will find it very difficult to support moving forward with the consideration of any EPA nominees.

I do not make such a statement lightly, I make it with no sense of joy, but the nominations we are discussing today are important ones. They deserve our attention, just as our inquiries from the Minority side deserve the attention of this Administration.

Let me close by saying, the EPA's Office of Enforcement and Compliance Assurance is an indispensable "cop on the beat," safeguarding the public's health and our Country's environment. The office's actions drive reductions in toxic air pollution as well as the clean-up of our land and our waterways. Last year, I am told EPA's enforcement work required companies to invest \$13.7 billion dollars in such actions.

Turning to the NRC, following the lead of former Committee Chairman Jim Inhofe, Mr. Chairman, you and I have worked to strengthen the "culture of safety" within the U.S. nuclear energy industry for years.

In part due to our collective efforts, the NRC leadership, and the Commission's dedicated staff, the NRC continues to be the world's gold standard for nuclear regulatory agencies.

However, that does not mean we can become complacent when it comes to nuclear safety and our NRC oversight responsibilities, a perspective that I am certain is shared by every member of this committee.

In closing, I look forward to hearing how each of the nominees before us today will fulfill the responsibilities of the positions to which they are nominated. I hope they will share with the committee their commitment to ensure that these agencies remain vigilant and devoted to the protection of all Americans and that you will be responsive to the legitimate questions we may ask of you from time to time.

Thank you all for joining us today.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

As you and I have discussed, I believe the Administration should and has a responsibility to answer members' questions. The Obama Administration, I believe, went out of its way to avoid answering my specific oversight requests, responses that I never received and I found it very disturbing.

With respect to the committee's oversight function, I believe it is critically important. I agree the Executive Branch agencies must be required to respond to the committee's reasonable oversight requests.

I understand that so far the EPA, this is the Trump Administration, so far has received 416 letters and has answered 386 to date. That is only since January 20, 2017. That is what I understand and we will get the specific breakdown.

As Chairman, I am going to work to ensure that the Executive Branch agencies under the current Administration work diligently and expeditiously to respond to the committee's reasonable oversight requests in compliance with all laws, rules, policies, precedents and practices.

Senator Inhofe.

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

Senator Inhofe. Thank you, Mr. Chairman.

Let me just say that I appreciate the fact that I can say some things about two of my favorite people, whom I have worked with for a long period of time. I have to say this, by comparison with the responsive attitude they have always had, some of the other people did not look so good in the past.

Yet, we have watched people like Pruitt, for example, having gone through this thing and not only being grilled and asked questions to an unreasonable extent, but when it came time for his questions on the record, he had to endure 1,600 questions. That is unheard of. You guys are not going to have to do this. That would not be fair at all.

Let me say this. I have worked with both Annie Caputo and Susan Bodine for many, many years. I have noticed, Annie, you have your husband, AJ, with you, and your son, Owen. I see that cute little girl, hold your hand up. That is Abbey. I remember when Abbey was born. That is how long I have known these people.

Annie joined my EPW staff in 2007. Because her experience and expertise in the nuclear area is so well known, she has been called upon by members of the Democratic Party as well as the Republican Party. Her expertise was valuable to me in the

aftermath of the nuclear accident at Fukushima and in my work to ensure the NRC issued timely decisions on new nuclear plant licenses. Most recently, she has been central in developing the bipartisan Nuclear Innovation Act.

Similarly, Susan Bodine has been so valuable to me. As a staffer, she was the general counsel for our committee for the last few years. Prior to that, she had experience and tenure in the EPA during the George W. Bush Administration. She was critical to me and my staff when we worked on the famous Tar Creek Superfund site in northeastern Oklahoma. I think, at the time, that was the most devastating superfund site in America and we waded through that.

In the last Congress, Susan was a large part of the team that put together the FAST Act, the Water Infrastructure Act and the Chemical bill. In fact, we had a meeting at 12:15 p.m. every Wednesday with the leader of the Senate, Mitch McConnell and the chairmen of the committees. When my turn came, I would say, "Now a report on the committee that actually does things," and that is this committee. That is true. We did.

Susan will be an asset to the agency where she previously worked. She knows the laws that govern the EPA.

I thank you again for allowing me to speak on behalf of these two individuals that have served the committee and me so faithfully over the years.

[The prepared statement of Senator Inhofe follows:]

Senator Barrasso. Thank you very much, Senator Inhofe.

We would now like to welcome, congratulate and hear from our nominees. I want to remind each of you that your full written testimony will be made a part of the record. I look forward to hearing the testimony. We ask that you keep your comments to five minutes.

We will hear first from Ms. Svinicki. Please proceed.

STATEMENT OF KRISTINE SVINICKI, NOMINATED TO BE CHAIRMAN,
NUCLEAR REGULATORY COMMISSION (REAPPOINTMENT)

Ms. Svinicki. Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee.

I am grateful to President Trump for nominating me to a third term of service on the Commission and was humbled by his request of me earlier this year to assume the role of the Commission's Chairman.

If the Senate acts favorably on my nomination, I would, once again, be privileged to continue this work, alongside my currently serving colleagues, Commissioners Baran and Burns.

I also congratulate my fellow nominees to the Commission and wish them well in this confirmation process. I know them both to be individuals of great capacity and commitment and am confident that, if confirmed, they will apply themselves in full measure to supporting the NRC's important mission.

According to those keeping records at the NRC, this is my eighteenth appearance as a witness before this committee; my third as a nominee. In light of that, the record of my views on relevant matters is well established.

With the exception of Senators new to the committee, it is likely that the votes I have taken and the positions I have established over this span of years provide adequate terrain for both agreement and disagreement with elements of my record.

I state with sincerity that my appearances before your committee and the exchange of sometimes pointed differences on issues have shaped me as a Commissioner. The members of this committee have routinely challenged me to examine all dimensions of the issues, to apply the highest rigor to my consideration of all matters, and to continue to stay open to new information and new insights.

These exchanges reinforce the importance of never becoming complacent in my work, of maintaining an inquiring attitude, and being mindful always of the full weight of the solemn responsibilities entrusted to me. If you honor me with your approval of my nomination, I commit myself to continuing to approach my duties in this way.

Of course, any contributions I have made to the NRC during my time there would not have been achieved without the hard work and commitment of the women and men of the NRC and their sustained efforts to advance the NRC's mission under the law, that of ensuring adequate protection of public health and safety and promoting the common defense and security.

Nearly 10 years into this journey, their commitment to this shared goal is what inspires and motivates me each day. Once again, I would like to take this opportunity to convey my personal gratitude to each of them for their contributions to whatever achievements I have had along the way and for their

engagements with me over the years, which have helped to shape and form my views on so many important matters before the agency.

Chairman Barrasso, Senator Carper, and members of the committee, thank you. I appreciate the opportunity to appear today and look forward to the committee's questions.

[The prepared statement of Ms. Svinicki follows:]

Senator Barrasso. Thank you so much for your comments.

Ms. Caputo.

STATEMENT OF ANNIE CAPUTO, NOMINATED TO BE A MEMBER OF THE U.S.
NUCLEAR REGULATORY COMMISSION

Ms. Caputo. Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee.

I have been very thankful for the opportunity to work for Chairman Barrasso this year, continuing my service to the members of the EPW Committee under his leadership.

I am also grateful to President Trump for nominating me to serve on the Nuclear Regulatory Commission. Public service is a privilege. If the Senate confirms my nomination, I will be honored to serve and very humbled to serve with such esteemed fellow colleagues as Chairman Svinicki, Commissioner Baran, Commissioner Burns and, my fellow nominee, David Wright.

Before I begin, I would like to acknowledge my family. I want to thank AJ, my husband of 19 years, for his constant support of my public service and our children, Owen and Abigail, who are our greatest blessings and who assured me they would be on their best behavior today.

In preparing for today, I have spent time reflecting on what it would mean to take on the responsibility of the position of commissioner and how key experiences in my life have prepared me for such a role.

What I realized is several experiences closely echo the NRC's mission, values, and principles of good regulation.

First, my mother not only taught me right from wrong, but to distinguish between what is right and what is popular. This is a lesson that would guide me in the position to which I have been nominated.

It is a lesson I believe is well articulated in the NRC's Principle of Independence which states: "All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests involved must be considered. Final decisions must be based on objective, unbiased assessments of all information."

Second, my brief service as a volunteer firefighter and emergency medical technician for the Snowmass Wildcat Fire Department showed me the importance of dedication to public health and safety, professionalism, teamwork, and the satisfaction of serving the community. It was here that the seed of public service was planted and took root. These are values that guide me to this day and are in keeping with the NRC values of commitment, respect, cooperation, and service.

Third, my first job after graduating with my nuclear engineering degree was with Commonwealth Edison in Chicago. At the time, half of their nuclear plants were on the NRC's "watch list" due to safety concerns.

A man named Oliver Kingsley took on the role of president

and transformed the organization's performance based on the principle that safety and operations are inextricably linked: that operations excellence depends on a dedication to safety.

If a nuclear plant is not maintained with disciplined focus on safety, it will not run well. Safety is first. That is what I learned from Oliver Kingsley and that is the mission of the Nuclear Regulatory Commission.

I have been privileged to serve in both the House and Senate for twelve years, the majority of my career. In these roles, I have been continually challenged by members to learn as much as I can. In doing so, I have seen the impressive expertise and professionalism of the NRC staff in action. I have no doubt the staff's caliber and commitment is why the NRC is considered the gold standard for nuclear safety the world over. I have much to learn and they have much to teach me if I am confirmed.

Lastly, members have directed me to seek out the best policy and to work with bipartisanship to accomplish their goals. These experiences have developed my ability to work collegially to find agreement among different views and to craft solutions by working together.

By sharing these experiences with you, I hope to provide you with insight into my character and how my values would guide my conduct as a commissioner, if confirmed. It is humbling to

be considered for such a serious responsibility. I would strive to execute that responsibility with integrity and professionalism, in a manner that earns the public's trust, and in keeping with NRC's mission, principles, and values.

I appreciate the opportunity to appear today and look forward to your questions.

[The prepared statement of Ms. Caputo follows:]

Senator Barrasso. Thank you so much for your comments.
Now I would like to turn to Mr. Wright. You are next.

STATEMENT OF DAVID WRIGHT, NOMINATED TO BE A MEMBER OF THE U.S.
NUCLEAR REGULATORY COMMISSION

Mr. Wright. Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee for the opportunity to appear before you today.

I would be remiss if I did not also thank Senator Lindsey Graham for his kind introduction earlier.

I am humbled and honored to appear before you today as the nominee of the President to serve as a commissioner on the Nuclear Regulatory Commission. It is an honor and privilege, not just for me personally, but also for my family, my church, my community, my State, and all of the people I have worked and served with over the years.

Mr. Chairman and members of the committee, if I may, I would like to recognize my mother, Irene Wright, who is sitting behind me today. She gave birth to me on her 24th birthday and next month, we will both celebrate the 62nd anniversary of her 24th birthday. I will let you all do the math. She is truly one of God's angels living on this earth and I get to call her Mom.

June is a busy time of year for the Wright Family. My oldest daughter, Kimberly, is wrapping up her year as a kindergarten teacher. My second daughter, Courtney, works for the State of South Carolina. She and her husband, Ray, are

raising three wonderful children, my grandchildren.

Senator Boozman, my oldest son, Austin, is a nursing home administrator working in Cabot, Arkansas. I believe I shared that with you. My youngest son, Andrew, a rising college sophomore, is in his last week as a Young Life Summer Camp counselor at Sharp Top Cove in Jasper, Georgia. Although the rest of my family is not able to be here in person today, I can feel each of them and their support.

Mr. Chairman and members of the committee, if confirmed, I look forward to working closely with my fellow nominees, Chairman Kristine Svinicki and Annie Caputo, as well as Commissioners Steve Burns and Jeff Baran, in carrying out the NRC's mission of protecting public health and safety, promoting the common defense and security and protecting the environment.

I pledge to work closely with each member of the Commission in the spirit of collegiality. I believe we will work very well together. I look forward to developing a good working relationship with this committee as you also fulfill your important oversight role.

I have a broad and varied professional background in private business and in public life. Having been self-employed the majority of my adult life, I have also served in various elected positions in local and state government.

Although we are all shaped by the entirety of the events

and experiences in our lives, I am confident I find myself before you today because of my service on the South Carolina Public Service Commission. Since first elected in 2004, I served as a South Carolina Commissioner for nearly ten years, where I also had the privilege to serve as chairman.

During my tenure as a commissioner, in 2008, I was diagnosed with Stage 3 colon cancer. I had surgery and went through months of chemotherapy, but I did not miss very much time at the commission. It was during that time that I made the decision to do things I had not previously considered and to challenge myself in ways I might not have had it not been for that trial in my life.

As a commissioner, I was already active within the National Association of Regulatory Utility Commissioners, NARUC, where I was serving as chairman of the Subcommittee on Nuclear Issues and Nuclear Waste for three years. In June 2008, I was elected to serve as president of the 11-state Southeastern Association of Regulatory Utility Commissioners.

In 2011, following a year serving as First Vice President, I was elected by my fellow commissioners to serve as the President of NARUC, the highest professional honor of my life until today.

During my years as a commissioner, including my service in leadership roles at the regional and national levels, I have

been successful in building bridges and building consensus on issues, and in the creation and adoption of policy.

If given the honor to serve the Country in this position, I will approach my service as a commissioner at the NRC no differently. I believe my regulatory background at the State level, along with my experiences in business and elected office, provide a sound foundation for considering matters that will come before me as a member of the Commission.

If confirmed, I will approach my work as a commissioner with an open mind and in a collegial manner. I will listen to all parties and all points of view, seek clarification where needed, endeavor to establish a complete record, base my decision on the facts before me, and work to build consensus among the commissioners whenever possible.

Chairman Barrasso, Ranking Member Carper, and members of the committee, thank you for the opportunity to appear before you today.

[The prepared statement of Mr. Wright follows:]

Senator Barrasso. Thank you so very much for your
comments.

Ms. Bodine.

STATEMENT OF SUSAN BODINE, NOMINATED TO BE ASSISTANT
ADMINISTRATOR, OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE,
U.S. ENVIRONMENTAL PROTECTION AGENCY

Ms. Bodine. Chairman Barrasso, Ranking Member Carper and members of the committee, thank you for the privilege of appearing before you today as the nominee for the position of Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance.

I am honored that President Trump, Administrator Pruitt and this committee are considering me for this position.

I would also like to thank my family. They are not here today because they are all at work. They did come 12 years ago which was the last time I actually had a confirmation hearing before this committee. My sons, at that time, were 11 and 14. They are now 23 and 26. Thankfully, they are gainfully employed.

I would also like to thank my many current and former colleagues for their support and friendship.

I have worked on environmental issues for my entire professional career, as a practicing attorney, as a member of the professional staff of the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, as a former EPA Assistant Administrator, and as a member of the professional staff of this committee.

If confirmed as the Assistant Administrator for OECA, I would bring with me an extensive background in the environmental laws that OECA enforces. I strongly support those laws and the goals of protecting public health and the environment.

I also would bring my past experience in managing an EPA headquarters office and my deep respect for the career staff who do the day-to-day work of implementing our environmental laws and carrying out the responsibilities that Congress has given EPA.

I appreciate that our laws are built around the framework of cooperative federalism. Under cooperative federalism, States and the Federal Government both have important and complementary roles in implementing our laws.

I also fully appreciate that we cannot protect public health and the environment unless the regulated community knows what they are supposed to do. Enforcement is a critical tool to achieve compliance. Compliance by everyone also creates a level playing field for the regulated community. By enforcing environmental laws, OECA helps to create that level playing field.

Of course, to comply with the law, the regulated community needs to understand what is expected of them. Sometimes our statutes and regulations are less than clear. OECA plays an important role in making sure that there is clarity and

consistency in how our environmental laws are interpreted, and providing assistance when the laws are less than clear. If confirmed, I look forward to working with the EPA program offices and States to provide that clarity and consistency.

Those who have worked with me know that I have a collaborative and inclusive approach to tackling complex environmental issues. For the Assistant Administrator of OECA, this means collaboration and coordination with States that are authorized to carry out federal laws. It also means collaboration and coordination with the EPA program offices that write the regulations and implement the statutes that Congress writes.

I also understand the need to communicate. That means not just talking but also listening. Communication with the environmental professional staff at EPA is an important managerial responsibility. Communication with State agencies is a critical component of cooperative federalism. Communication with the regulated community and environmental groups provides important feedback. Finally, communication with the public and Congress provides support for the agency's mission.

If confirmed by the Senate, I would embrace the responsibility for assuring compliance with environmental laws. I know we all share the goal of protecting public health and the environment. I know we share the goal of making environmental

regulations clear and understandable.

I am very excited about the opportunity to work with Administrator Pruitt as a member of his team to achieve those goals.

In closing, thank you for this opportunity. I look forward to any questions you or your colleagues may have.

[The prepared statement of Ms. Bodine follows:]

Senator Barrasso. I want to thank all of the nominees for your testimony.

Throughout this hearing and with questions for the record, the committee members will have an opportunity to learn more about your commitment to public service of our great Nation. I would ask throughout this hearing that you please respond to the questions today and those for the record.

With that said, I have the following questions to ask that we ask all nominees on behalf of the committee. I will ask each of you to respond individually.

Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities?

Ms. Svinicki. Yes, I do.

Ms. Caputo. Yes, I do.

Mr. Wright. Yes.

Ms. Bodine. Yes.

Senator Barrasso. Do you agree to ensure that testimony, briefings, documents in electronic and other forms of communication of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. Svinicki. Yes.

Ms. Caputo. Yes.

Mr. Wright. Yes.

Ms. Bodine. Yes.

Senator Barrasso. Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Ms. Svinicki. No, I do not.

Ms. Caputo. I do not.

Mr. Wright. No, sir.

Ms. Bodine. No.

Senator Barrasso. I will not ask any questions because at this time I am going to reserve the balance of my time to be used during the hearing.

With that, I will pass to Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

For the benefit of some of you here, we have a bit of a problem in that two of the other members seated to my right have the same problem I do. We are currently meeting at the same time with the Senate Armed Services Committee. In fact, we have Secretary Mattis as a witness, so we will have to go back and forth.

First of all, let me mention that I have been engaged in oversight for the NRC now for a number of years, since 1996. In 1996, I was made the Chairman of the subcommittee. At that

time, we had gone four years without any kind of an oversight. This is something you cannot do with any bureaucracy. You have to have oversight. We immediately started doing that and started anticipating and expecting response on a regular basis.

I will start with you, Ms. Caputo. If you are confirmed, will you commit to continue these reports and work with the committee on any revisions to improve their usefulness and also to respond to an oversight hearing on a regular basis?

Ms. Caputo. Yes, I will.

Senator Inhofe. Ms. Bodine, you mentioned OECA several times. I have been a bit disturbed by some of the measures that I would refer to as performance measures. For example, targeting a specific number of enforcement actions sounds like a quota to me. Does it sound that way to you also?

Ms. Bodine. That is an issue I would like to look into if I am confirmed as the Assistant Administrator. Enforcement is a tool. It is a critical tool, but it is not an end to itself. Our goal, of course, is compliance.

I want to sit down with EPA staff and look over the performance measures and make sure OECA employees are getting credit for their work, whether or not they take a formal enforcement action, because we all want compliance with the law.

Senator Inhofe. You would look into that anyway in that capacity if you are confirmed?

Ms. Bodine. Yes.

Senator Inhofe. That is what we expect.

Most of our superfund sites are cleaned up by private parties. We have had problems in the past with that. Can you discuss how OECA helps achieve getting these things done through the private sector?

Ms. Bodine. Yes. The superfund statute is a very forceful law. It does make sure that parties responsible for contamination can be held liable. OECA is the office that holds their feet to the fire and brings action against them so that private parties do clean up. They have been tremendously successful.

Senator Carper, you gave us the statistics from the commitments of cleanup work, over \$1 billion from last year. In addition, OECA collects funds and puts it into what we call special accounts so that private parties can pay money instead of doing the work.

Right now, we actually \$3.5 billion in special accounts that is there, available, not subject to appropriation and is available to carry out cleanup work at the sites in the cases where OECA has brought the enforcement action.

Senator Inhofe. Thank you, Ms. Bodine.

Lastly, Administrator Pruitt wants the EPA to embrace cooperative federalism. How does that apply to enforcement?

Ms. Bodine. In the enforcement context, in my view, that means respecting State interpretations of their own law. It means dividing the work between States and not taking duplicative enforcement actions. It means coordinating with States so we let States know when, for example, OECA enforcement officers are coming into their States to take action.

I would like to point out that just yesterday the Environmental Council of the States, the organization that represents the State Environmental Commissioners, put out a statement entitled, "Cooperative Federalism 2.0," which I guess is a white paper.

There they speak exactly to this issue and talk about how a State should be the primary enforcement authority for programs delegated to the States and have the ability to access federal enforcement authorities when needed or appropriate.

Senator Inhofe. Ms. Svinicki, I have no questions for you because you have been around a long time. I have always agreed with what you have done. I am just glad you are willing to continue doing this.

Mr. Wright, you are fairly new to me but you have a very interesting background. I think it is the kind of background that requires cooperation. It is something you cannot just have out there and command because you have to get along with the other side. I think that is a great asset that you have.

I will certainly look forward to working with you and your talents and building consensus. I think you are going to be of great value. Is there any statement you want to make about how consensus has served you well?

Mr. Wright. Thank you, Senator.

I do not believe I would have risen to the level that I did within the National Association of Regulatory Utility Commissioners had I not been able to work across beliefs, party lines, you name it, because it is a consensus organization. They do not do anything except by resolution and through the committee process.

You have to be able to work with people. That is a skill that is learned over time. I look forward to using that because I believe I have a certain skill set that will benefit the Commission.

Senator Inhofe. That is great. I look forward to working with you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Inhofe.

Senator Carper.

Senator Carper. I am going to yield to Senator Gillibrand. I think several of us have other hearings.

Senator Gillibrand. Thank you, Ranking Member.

I am concerned that the NRC's decommissioning rule will

potentially set up a process by which the emergency planning zone and associated requirements for nuclear plants will be automatically reduced with a plant's shutdown operations while there is still fuel remaining in the spent fuel pool.

There is currently no maximum amount of time that fuel can remain in a spent fuel pool. A major driver for shrinking the emergency planning zone during decommissioning is the cost to the licensee.

My first question to the panel is, is it appropriate to factor the cost to the licensee into the decision on the size and scope of emergency planning activities, why or why not?

Ms. Svinicki. Thank you for the question, Senator.

As you know, the NRC has a rulemaking underway on this topic right now. It is my understanding that the staff analysis has not developed the draft rule yet but they have published something called a regulatory basis.

They are looking at sizing the emergency planning zone to the extent of the risk or hazard. I do not believe it is an economic analysis. If I am wrong about that, I can correct that for the record.

Senator Gillibrand. That would be great largely because if you have a pool of unspent fuel sitting 50 miles from New York City, it becomes a national security risk that is real. It also is an environmental hazard.

Does anyone else have further thoughts on that question?

Ms. Caputo. If confirmed, this is certainly an issue that I would like to look into and focus on and certainly be briefed by the staff.

Senator Gillibrand. I would be very grateful.

Mr. Dwight. I have nothing to add to what Annie just told you.

Senator Gillibrand. Susan?

Ms. Bodine. Not on that issue, nothing.

Senator Gillibrand. Thank you.

If anyone has a thought, should there be limits placed on the amount of time that spent fuel can remain in a spent fuel pool, particularly if you do have an environmental or national security issue?

Ms. Svinicki. Senator, again, thank you for that question.

NRC looks closely at the hazard posed in making these safety determinations, although it has been NRC's established position that spent fuel pool storage is safe and equally safe to the dry cask storage, the other alternative.

Senator Gillibrand. I think of safe as a measure of what. When you are looking at national security concerns and location, I think you have to maybe augment that definition of what is safe.

My second question is for Susan Bodine. It has been

reported that during your time as partner at the law firm of Barnes and Thornburg, you represented the plastics company Saint-Gobain.

As you may know, Saint-Gobain was responsible for polluting the drinking water in Hoosick Falls, New York with PFOA. The Saint-Gobain facility in Hoosick Falls has been proposed for listing as a federal superfund site. That proposed listing is still pending at the EPA. Could you please describe the work you did on behalf of Saint-Gobain?

Ms. Bodine. Thank you, Senator Gillibrand.

First, let me say that I would have no problem bringing an enforcement action against any company whatsoever, whether I worked for them in the past or not.

Second, I have never worked for the performance plastics company that you are referring to. I did work with a company called Saint Gobain Containers, headquartered in Muncie, Indiana. They make glass containers. For example, they have a facility in Milford, Massachusetts that makes 1.2 million beer bottles a day.

Their issue is that they wanted to increase the amount of glass that was recycled because if they use recycled glass instead of raw material, they can reduce their energy cost and their emissions. My entire representation for them was associated with encouraging recycling.

Senator Gillibrand. In your written testimony, you bring up the term "cooperative federalism" several times. How do you envision the EPA role versus the role of States in enforcing federal environmental statutes?

Ms. Bodine. As I mentioned earlier, many of our environmental statutes authorize or delegate to States the responsibility for carrying out those laws. I think we need to have close coordination with the authorized States to the delegated States so that we are not duplicating action and are both conserving our resources to the greatest extent.

That does not say that there is no role for OECA at all. Of course there are some matters that EPA and the Enforcement Office at EPA are uniquely qualified to carry out whether it is going after sector initiatives or companies with facilities in multiple States. It is more efficient to take an action that involves multiple facilities and criminal enforcement as well. EPA has unique capabilities in that area.

Senator Gillibrand. Finally, the Trump budget proposes to cut the funding of the Office of Enforcement and Compliance Assurance by 24 percent. What impact do you expect that will have on the ability of the EPA to hold polluters accountable?

Ms. Bodine. Again, I expect to work with the enforcement staff and with States to go after the highest priority and the most egregious polluters. States are going to implement the

day-to-day enforcement but EPA is going to maintain an enforcement presence, certainly create the deterrent effect, and take these high profile cases.

Senator Gillibrand. Thank you, Mr. Chairman.

Senator Barrasso. Thank you very much.

Before turning to Senator Ernst, I would like to introduce for the record a letter of support for Ms. Bodine's nomination from Stanley Meiburg, the EPA's Acting Deputy Administrator in the Obama Administration, supporting her nomination with the quote "Ms. Bodine's presence as a confirmed nominee will strengthen the voice of enforcement in that agency."

Without objection, that will be admitted.

[The referenced information follows:]

Senator Barrasso. Senator Ernst.

Senator Ernst. Thank you, Mr. Chair. Thank you, panelists and witnesses, for being here today.

Ms. Bodine, I have some questions for you related to how you will manage and conduct the Office of Enforcement and Compliance Assurance at EPA because I think this will be a crucial part of EPA's effort to win back the trust of many Americans.

As you know, regulations and their standards are not always clear. We can see that through WOTUS and so many other examples that are not always clear on what they require.

Do you believe it is part of EPA's job to make sure regulated parties, like farmers and manufacturers who want to comply, know how they can comply?

Ms. Bodine. Yes, Senator, I very much believe that is a role that EPA plays. That means that the Enforcement Office needs to work with the States and the EPA program offices so that we all have a consistent understanding of what the law requires and that we communicate that to the farmers, industry and municipalities.

Senator Ernst. Wonderful. Consistent understanding and communication, I love that. I think that is very, very important.

To briefly follow up, what do you believe should be the

primary goal of enforcement in addressing so many of our compliance problems? Do you believe it is EPA's role, not just to levy fines against people, but to also go in and assist them with actual compliance?

Ms. Bodine. The goal is compliance. The goal is not enforcement. Enforcement is not an end to itself; it is an important tool to make sure that our environmental laws are complied with. So, yes, compliance assistance is another tool and I think also a very important tool.

Senator Ernst. Very good because I believe if we are to solve any of our issues, we have to get to the root cause of the problem, that is assistance with compliance to make sure we all fall within that compliance and move toward the goal of those regulations.

Thank you very much. I yield back my time.

Senator Barrasso. Thank you very much, Senator.

Senator Carper.

Senator Carper. Senator Whitehouse was here earlier. He is a busy fellow this morning, so I am going to yield to him for whatever questions he would like to ask.

Senator Whitehouse. I thank the Ranking Member and I welcome all the witnesses. To the candidates who are here for the Nuclear Regulatory Commission, we have had our discussion already. I will not re-litigate any of those issues here.

We stand extremely ready to work with you to speed up the processes of the Nuclear Regulatory Commission so that next generation nuclear facilities can be appropriately brought on line here with, to me, the most particular and ultimate goal to find technologies that will allow us to turn our existing nuclear waste stockpile, which has to be a multi-trillion dollar liability on the books of the United States if properly accounted for, into an asset by allowing it to be used to create power, to create electrons.

In the meantime, I look forward to working with you to try to find ways to enable our safely operating nuclear plants, to continue to safely operate rather than shut them down because they are not adequately compensated for the carbon-free nature of their power. We said that already. We can keep going.

My concern mostly is with Ms. Bodine. I am sorry about the circumstance you find yourself in because I think that the Environmental Protection Agency has, in a nutshell, been captured by a corporate polluter raiding party and now is under the direction of agents of the big polluters that it was intended to regulate.

The founding fathers' word for this would, I think, have been corruption. Teddy Roosevelt would probably have had far stronger words. The polluter raiding party, I am sorry to say, can bet on zero oversight from the EPW Committee majority which

would not even require the incoming Administrator's disclosure of his conflicts of interest arising from his dark money political fund-raising operation.

Because dark money is a bizarre new phenomenon in our political world, this set of appointees was the first to raise this conflict of interest question. This committee fell down on its duty to get the requisite disclosure to understand what those conflicts of interest might be.

Therefore, I am very worried that the EPA will not do much enforcing of environmental laws during this Administration. As you know already, Ms. Bodine, Scott Pruitt's record on environmental enforcement is abysmal. He eliminated the Environmental Protection Unit in the Oklahoma Attorney General's Office; did not participate in the Oklahoma Environmental Crime Task Force which is predecessor led; could not list a single environmental enforcement achievement during his confirmation; and stopped reporting the enforcement that his predecessor had reported, including numbers of criminal investigations, federal and State environmental prosecutions, felony convictions of individuals, jail time, fines and other basic enforcement statistics.

If you are doing a terrible job, I suppose the first thing you want to do is get rid of the reporting. Refusing to release those statistics recurred again. He would not report even to us

during his confirmation, again, I think knowing perfectly well that the Majority was not going to require any information from him.

The agency you will come in to lead has an impressive history of enforcing environmental statutes. Let me ask, first, if you will continue the process of reporting that has been the tradition of that part of EPA?

Ms. Bodine. Yes, Senator, absolutely.

Senator Whitehouse. You will not follow the Pruitt model of closing the reporting to cover up the fact that there is no enforcement left?

Ms. Bodine. OECA has always issued its annual enforcement numbers. If confirmed, OECA will continue to release its annual enforcement numbers.

Senator Whitehouse. If you are told by the Administrator to go light or to back off or to take it easy or to let it go, how will we know that is taking place and how will we know that you did not say okay?

Ms. Bodine. Senator, I cannot accept that premise.

Senator Whitehouse. Okay. Change it to the President. What if the President tells you that? We know he said to let Flynn go. Why wouldn't he say let some polluter go?

Ms. Bodine. Enforcement has always been non-partisan and independent at EPA. If confirmed, I would make sure that

continued to be true.

Senator Whitehouse. One of the things people do when asked to do things that are inconsistent with their duties is to push back or resign. Would you be prepared to do that if the pressure from the Administrator was, in your view, inconsistent with the duties and obligations of the agency?

Ms. Bodine. Again, Senator, I cannot imagine that circumstance coming up, but, yes, I have my own integrity but so does Administrator Pruitt. I am not at all concerned that the circumstance would ever arise.

Senator Whitehouse. Wow, because that runs wildly contrary to his entire record.

My time has expired.

Senator Barrasso. Thank you very much.

I would like to point out to the committee that any questions relating to potential conflicts for Administrator Pruitt have been fully addressed by the Office of Government Ethics on January 17, 2017.

Walter Schaub, who is the Director of the Office of Government Ethics, responded to a letter from the Ranking Member and other EPW Democrats regarding Scott Pruitt and potential conflicts of interest, "If OGE, the Office of Government Ethics, has transmitted a certified financial disclosure report and an ethics agreement to the Senate, it means that OGE is satisfied

that all financial conflicts of interest have been identified and resolved.”

This follows Administrator Pruitt’s OGE financial disclosure report and ethics agreement that was transmitted to this committee on January 4, 2017. His letter states, “We,” the OGE, “believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.”

I ask unanimous consent to enter these two letters into the record.

Senator Whitehouse. I would object and ask unanimous consent also to enter into the record, along with it, the correspondence we have had with OGE about how the dark money operation was not actually considered by them and therefore, was never looked at and was not a part of that OGE response.

Senator Barrasso. Without objection.

Senator Whitehouse. Thank you. No objection then on my side.

[The referenced information follows:]

Senator Barrasso. Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman.

I just want to make a few comments based on my good friend, Senator Whitehouse's comments. And he is my good friend and we work on a lot of things together, but we all agree that we need clean water and clean air. Really important, whether you are from New Jersey or Alaska or Rhode Island.

We also need an EPA that follows the law, that actually follows the law, reads statutes and follows the law. With all due respect to my colleagues on the other side of the aisle, there are many people in my State, Democrats and Republicans, that believe the last administrator of the EPA didn't follow the law at all. So one of the refreshing things about Administrator Pruitt is that he is going to follow the law. The EPA has to follow the law.

Would you agree with that, Ms. Bodine?

Ms. Bodine. Yes, absolutely, Senator.

Senator Sullivan. And I think, and you don't have to comment on this, but as a former AG who also sued the EPA, they didn't follow the law a lot, particularly during the last four years. So I think it is a breath of fresh air that we have a new administrator who actually wants to follow the law and work with States. If you are confirmed, will you commit to work with the States, States like Alaska or Rhode Island or New Jersey or

Illinois, to work with us to clean up hazardous sites, to clean up pollution, other things that are the core mission of the EPA?

Ms. Bodine. Yes, Senator, absolutely.

Senator Sullivan. Let me go into a specific issue that relates to Alaska. There was a hearing here recently on contaminated lands that we have with Alaska Native Land Claims Settlement Act. This is millions of acres of lands that were transferred to Alaska Natives. We had a very powerful witness just a couple months ago, Ms. Lukin, who is an Alaska Native, who talked about this kind of Catch-22 that Alaska Native corporations are in with regard to CERCLA requirements and the cleanup. They are being required to now clean up lands that were transferred to them by the Federal Government.

You are very familiar with this issue; we have talked about it. Do you care to comment on that briefly?

Ms. Bodine. Yes, Senator. Yes, I am familiar with that issue. Currently, EPA enforcement uses its enforcement discretion to not seek to compel the Alaska Native villages to clean up the lands because, of course, the contamination was caused by the Federal Government.

Senator Sullivan. Right.

Ms. Bodine. But right now it is an enforcement discretion policy, it is not statute.

Senator Sullivan. First of all, I think, Mr. Chairman, the

Ranking Member, my colleagues on the other side of the aisle, I actually believe there is a bipartisan sense that we can hopefully fix this from a statutory perspective on this Committee and in the Senate.

But, as we work through that, can you commit to me to continue that kind of discretion on an issue that would essentially bankrupt these companies through no fault of their own?

Ms. Bodine. Yes, sir.

Senator Sullivan. And would you commit to work with the Committee to help us try to maybe get to a place where the Administration and, in a bipartisan way, this Committee can work to craft a statutory resolution?

Ms. Bodine. Yes, sir.

Senator Sullivan. Let me turn to another issue. In Chicken, Alaska, I believe you are familiar with what happened to my constituents during a raid conducted by the EPA: assault weapons, body armor, the whole nine yards. It was like the U.S. Marines invading a rural community in Alaska, EPA officials armed with weapons to look for clean water violations that they never found. Are you familiar with that?

Ms. Bodine. Yes, I am.

Senator Sullivan. Do you believe that EPA should have agents that are trained to be armed when we have Federal

marshals or local, State, and Federal officials that can execute warrants or execute enforcement actions just as easily, better trained than EPA agents armed and coming in and scaring the heck out of law-abiding Alaskans who haven't done anything wrong?

Ms. Bodine. Senator Sullivan, if I am confirmed, I would like to review the guidance and policies for when EPA agents would be armed.

Senator Sullivan. Thank you. I had a bill that would disarm the EPA. The first 20 years of its existence the EPA had no armed agents. I don't think they need them now. I think it is a waste of taxpayer money and it encourages abuses like you saw in Chicken, Alaska. So I would like to work with you on that as well.

By the way, I think you are highly qualified. I think you are going to make an outstanding addition to the EPA's leadership. I look forward to voting for your confirmation.

Let me just ask a final question of our other witnesses. How can we assure that we continue the highest levels of safety with regard to our civilian nuclear energy capacity as we look to move forward and actually move forward on perhaps building new reactors that have the capacity to bring clean energy to our power generation for the United States?

Open up to any of the panelists who are up for confirmation on the Nuclear Regulatory Commission.

Ms. Svinicki. Thank you, Senator Sullivan. It has been my philosophy, in being a member of this Committee for nearly 10 years, that our safety determinations need to be rooted in the facts, in analysis, need to have rigorous cost-benefit analyses behind them, and be developed in a transparent way with stakeholder and public involvement; and I think that leads to the most informed decisions.

Senator Sullivan. Thank you.

Ms. Caputo. I think that history and that track record sets the stage for future reviews. I think timeliness and efficiency is one aspect of that so there is predictability for companies who may embark on development of advanced nuclear.

Senator Sullivan. Great. Thank you.

Mr. Wright. And I think vigilance. You have to pay attention to it every day, and don't accept anything at face value. You have to just review it all the time. Safety is number one.

Senator Sullivan. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Sullivan.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman. Let me yield to my time, at this point, to Senator Booker.

Senator Booker. I wanted to go really quickly here.

Chairman Svinicki, as my colleague said, it is really exciting; billions of dollars of investment, private investment, are really invested in advanced nuclear reactors. It is incredible. The next generation of reactors is going to be more safe, more efficient. I worry, though, the NRC has a lot of experience in licensing water-cooled reactors, but limited experience with advanced non-water-cooled designs.

Yes or no, do you think the NRC should move forward to a more technologically inclusive risk-informed regulatory framework for advanced reactor licensing?

Ms. Svinicki. Yes, and we have begun to develop that, but we have work yet to do.

Senator Booker. A lot of work, in my opinion. And I am grateful for the work you are putting in.

These advanced reactors, these sub-critical reactors, these advanced fusion reactors are, to me, very, very exciting. Do you believe, yes or no, that the NRC should subject these technologies to the existing regulatory framework design, or would you expect the NRC, instead, to quickly develop a more appropriate risk-based regulation for these types of inherently safer technologies?

Ms. Svinicki. Senator, we should move forward on the development of a new framework, but if a designer comes in and seeks approval now, although it might be inefficient, I think we

should try to get started. So we should do both at the same time.

Senator Booker. I am grateful for that. Just wanted to get that on the record.

Ms. Bodine, I just want to switch to you because I have a great degree of alarm at the state of our Country's environmental well-being, especially as it affects the poorest amongst us, minorities, Tribal communities. In fact, 50 years of research reveals that these minority, low-income and Tribal communities, are more likely to be exposed to really serious environmental contaminants, public health hazards.

I have begun to visit these around the United States of America and it is literally stunning, the condition of some communities, as you know. Even Reuters just released a report about lead poisoning with communities, over 1,000 communities having more than twice the lead poisoning blood levels than even Flint does.

And this is why I am really alarmed. You all will, in OECA, have EPA's environmental justice program which is charged with identifying these problems and health disparities for minority and low-income populations. That falls underneath the purview of OECA. So I was stunned with President Trump proposed to eliminate funding in 2018 for the Office of Environmental Justice. So I just have three quick questions.

One is, do you believe that there is a problem in America with certain communities that are adversely affected by outrageous circumstances of environmental injustice?

Ms. Bodine. Yes, I believe there can be adverse effects on low-income or minority populations.

Senator Booker. So, yes, there is a persistent problem with environmental injustice in this Country in certain communities. Yes, correct?

Ms. Bodine. Yes.

Senator Booker. All right. So, if confirmed, will you commit, in a Nation where we literally swear an oath, you and I, that we will be a Country of liberty and justice for all, will you commit to making environmental justice a top priority to alleviate the injustice going on in certain poor and minority communities?

Ms. Bodine. Environmental justice is important to all the EPA program offices, and the President's budget states that each program office will continue to incorporate environmental justice into their programs. That includes the enforcement program.

Senator Booker. And that will be a priority for you?

Ms. Bodine. Yes.

Senator Booker. Okay. I don't have much more time. Because if it is my children living in places with cancer

alleys, higher instances of respiratory diseases -- right now I live in Newark, New Jersey. We have Superfund sites in our community, at a time where there is no resources to clean them up. And I have seen the longitudinal data. I hope you have studied it. Children born in those areas, if you are a pregnant woman, 20 percent higher rates of autism, 20 percent higher rates of birth defects. It should be a priority and it should be an urgency.

So will you commit to me right now that your office will advocate within the Administration for the environmental justice office to remain funded at least at 2017 levels so we as a Nation can pursue, fight for, and establish environmental justice in our Nation?

Ms. Bodine. So that office hasn't always been located in OECA and, according to the President's budget request, the cross-program functions of that office are going to be carried out out of the Office of Policy and the Office of the Administrator. And each program office is going to continue to carry out their environmental justice functions.

I used to head up the office that carried out Superfund and RCRA, and we had environmental justice considerations very front and center in carrying out the decisions of whether it was Superfund or the hazardous waste sites.

Senator Booker. So you are telling me that you don't think

it is your purview to be pursuing environmental justice in these communities that are so adversely impacted?

Ms. Bodine. I didn't say that, Senator.

Senator Booker. So will you explain to me? Because I am going to have to vote on your confirmation, which I will not do unless I know you are going to be a champion for communities of color and communities of poverty.

Ms. Bodine. Yes, I will be a champion for communities of color and communities of poverty; and those functions are going to be carried out, under the President's budget, both in the program offices, which includes the enforcement office, as well as out of the administrator's office, which would, I assume, continue to support the advisory committee, as well as there is a tool that is called EJSCREEN that is a GIS-based tool that you can go and look and see where there might be populations that are either low income or are also minority populations.

To me, the most important component of carrying out these environmental justice responsibilities, is talking to people so that you know where there might be these disproportionate impacts, because our environmental laws are set to protect everyone, but there can be disproportionate impacts based on location, and we have a screening tool that allows us to examine that. We also need to talk to the communities so we understand what people's exposures are. That is something that is

important across the board.

Senator Booker. My time has expired.

Senator Sullivan. Thank you, Senator Booker.

I would like to introduce for the record a letter from an Obama Administration EPA general counsel under Administrator Gina McCarthy, Avi Garbow, who writes, "Based on my experience, Ms. Bodine possesses a strong intellect, a keen understanding of environmental law and policy, and is respectful and responsive. She is a seasoned environmental lawyer and a skilled advocate."

I ask unanimous consent to enter this into the record. It is a June 12, 2017 EPA.

Senator Carper. I object. No, I am just kidding.

[Laughter.]

Senator Barrasso. Thank you.

Senator Carper. I don't object.

Senator Barrasso. You don't? Thank you.

[Laughter.]

Senator Carper. You have to liven things up here just a little bit. Loosen them up, anyway.

[The referenced information follows:]

Senator Barrasso. Question for the Nuclear Regulatory Commission nominees. The State of Wyoming is in the process of applying to become what is known as an agreement State in order to regulate uranium recovery. It is home to over 60 percent of the Nation's uranium production, and I anticipate Wyoming is going to submit its application sometime later this year.

If confirmed, will you ensure that the Commission gives this application fair consideration and makes a timely decision?

Ms. Svinicki. Yes, Senator, I will. And there is funding requested to support our part of that review in the Fiscal Year 2018 budget.

Ms. Caputo. Yes, I will, Senator.

Mr. Wright. Yes, sir.

Senator Barrasso. Thank you.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

Let me yield to Senator Duckworth and thank her for coming today.

Senator Duckworth. I thank the Ranking Member. Thank you, Mr. Chairman.

I would like to start by submitting an op-ed co-authored by Mary Gade, former Administrator of EPA Region 5 under President Bush, and also Howard Lerner, from the Chicago Sun-Times for the record. It is called "Trump EPA Plan Endangers a Global Gem -

our Great Lakes.”

Senator Barrasso. Without objection.

Senator Duckworth. Thank you.

[The referenced information follows:]

Senator Duckworth. The article explains why eliminating or moving EPA Region 5 would be a grave mistake. As these authors describe it, closing the region would be "penny-wise and pound foolish, just like the flawed choice to seek short-term cost savings that resulted in the Flint contaminated water tragedy."

Ms. Bodine, I am interested in understanding your view on this. I know we discussed this during our meeting, but your answer focused on the process of closing offices, not on your opinions as an enforcer. Do you believe eliminating EPA Region 5 would improve or harm enforcement?

Ms. Bodine. Senator, I haven't seen any analysis that would support that. And as I observed to you in your office, Region 5 is a very large region. I also further note that there is no request in the President's budget for any funding to eliminate any regions.

Senator Duckworth. But given the size of Region 5, if it were eliminated, would it make it easier or harder to enforce rules and regulations that help protect our environment?

Ms. Bodine. So, again, without understanding how the resources would be picked up, I don't have an answer to your question.

Senator Duckworth. Okay. Well, I understand that you are not the --

Ms. Bodine. But I am also not aware of any plan. I am not

aware of any plan to close Region 5.

Senator Duckworth. So I am trying to figure out your view on this from a pure enforcement perspective. Would it increase or decrease enforcement if Region 5 were to be shut down?

Ms. Bodine. If all the resources were simply transferred to another region, it would be the same. But, again, I haven't seen any plan to do any of that.

Senator Duckworth. But you just said how large Region 5 is. If you move the EPA office for Region 5 somewhere else, the EPA certainly would not be able to respond rapidly to instances when they are needed. For example, we had tornadoes all throughout Illinois, and oftentimes EPA is among the first to respond. But if you shut down Region 5 and you moved it somewhere else, say Kansas or somewhere else, do you think that you could still respond adequately to any type of enforcement requirement?

Ms. Bodine. Some of our other large regions actually have separate offices, they have State offices, like the Montana office. Obviously, there is an Alaska office. Now, I would observe that maybe that would be less efficient if we had to open up other offices but, again, my assumption would be any plan, and again there is none, but if there were to be a plan, it would have to examine all of those issues, including that very valid issue you just raised about response time.

Senator Duckworth. Well, I will certainly hold you to that.

As the chief enforcement officer, you will be responsible for setting the enforcement goals for the Agency, and this Agency is tasked with safeguarding communities against pollution. What goals will you set and what areas do you think would demand your attention?

Ms. Bodine. Thank you, Senator Duckworth. As I said earlier in response to Senator Inhofe, I want to look at the performance measures because I want to help focus on outcomes. So I want to sit down with the enforcement staff at EPA and talk about what goals they think would be appropriate to achieve the environmental outcome; that is compliance, that is reduction in pounds of pollutants, that is pounds and cubic yards of waste that is being cleaned up. Those type of outcome measures are ones that I would like to focus on.

Senator Duckworth. So how would you be able to achieve those types of measures, those types of goals, with the diminished resources that the Trump Administration is proposing; budget cuts, hiring freezes, regional office closures? How would you be able to do your job?

Ms. Bodine. Again, EPA's enforcement is going to be working with the States and, if confirmed, I would want to work with the States to make sure that they are carrying out the base

programs and that EPA would be focusing on the larger cases, the cases where they have facilities crossing State lines, the criminal enforcement cases, again, targeting the most egregious cases, targeting the cases with the greatest return. And by taking those actions it still creates an enforcement deterrent because EPA is out there taking these actions.

Senator Duckworth. So you basically are saying you are going to hand over many of those routine functions, say, to make sure that there is no lead in the water supply onto the States. That didn't work out very well in Michigan at all. In fact, it failed miserably, and there are children now living with long-term effects of that, and I don't think that is acceptable.

Ms. Bodine. So you are describing what is already true under our statutes. A State like Michigan, for example, is a primacy State under the Safe Drinking Water Act and does have primary enforcement responsibilities. EPA has a responsibility to make sure that States are carrying out those functions. There is something called the state review framework, where EPA and the States get together and they evaluate the other States.

Senator Duckworth. But that obviously failed in Michigan and obviously it did not work. EPA had the ability to step in and stop what was happening in Flint and did not, and failed to do so. And I have Galesburg, Illinois, that has lead in the water supply right now. We have lead in water in Chicago, and I

am fearful that EPA, under you, is not going to do its job in regulating and making sure that we hold people accountable.

Ms. Bodine. May I respond, Senator? Flint wasn't a normal situation, and, if I am confirmed, I would want to make absolutely certain that the EPA staff who are enforcement staff in the regions, as well as the headquarters, that if they see a situation like that where, as you point out, it was a tragedy, children were being affected by lead, that they need to report up, because we need to know about it.

Senator Duckworth. My problem is that the Trump Administration cuts the budget to have those staff on the ground, so you won't have anybody there in order to do that.

I am way over time, Mr. Chairman. I apologize. I yield back.

Senator Barrasso. Thank you, Senator Duckworth. I appreciate your comments.

I had a question for the Nuclear Regulatory Commission nominees. I would like each of you to tell me what you think the biggest challenge is today for the Nuclear Regulatory Commission, what it currently faces and how, if confirmed, you would address it.

Ms. Svinicki. I would, in this moment, identify that enhancing our agility is a significant challenge for the agency. When I joined the Commission in 2008, there was an envisioned

nuclear renaissance. Many new reactors were envisioned being under construction, and it is hard, in a large organization, when we don't face those circumstances today, to size ourselves and adjust our processes for the energy system that we have today, not the energy system that the United States predicted 10 years ago. So, as an agency, we need to be able to resource and size ourselves in an agile way.

Senator Barrasso. Ms. Caputo?

Ms. Caputo. I would agree with that. One of the challenges I think that we have watched certainly here in this Committee is, like the Chairman said, the shift from burgeoning growth in the industry to now a decrease, and yet we will see more change coming as advanced reactors blossom and develop and begin to seek licenses at the agency. So, as she said, agility and being able to position staff to manage those workload changes I think remains the biggest challenge.

Senator Barrasso. Mr. Wright?

Mr. Wright. I totally agree that right-sizing the agency and streamlining is important. Obviously, we need to make sure that our human capital is used the right way and that we have the right expertise to do what we need to do.

Senator Barrasso. Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

Senator Markey has been in and out several times.

Senator Markey, why don't you go ahead?

Senator Markey. Have you gone yet?

Senator Carper. Go ahead, go ahead.

Senator Markey. I appreciate it. Thank you.

Let me start with a major issue facing the Nuclear Regulatory Commission: how to ensure the safety of spent nuclear fuel. According to an article in Science Magazine by physicists from the Union of Concerned Scientists and Princeton University, the NRC has drastically underestimated the risks from a fire at a spent fuel pond. The NRC's analysis has underestimated both the probability of a spent fuel fire and its consequences. As a result, the NRC has understated the benefit to the public of moving fuel from risky pools over to safer, dry cast.

One of the Princeton authors of the new study ran a simulation of the area that could be irradiated by a spent fuel pool fire at the Pilgrim Power Station in Massachusetts if such a fire occurred under summer weather conditions when beach season is getting started. As you can see from the orange contour, the impact of that fire would be devastating. Across Massachusetts, Rhode Island, Connecticut, the consequences of such an event would be absolutely catastrophic.

The scientists who did the analysis indicated that the cost of the fire could be upwards of \$2 trillion nationally, an

economic disruption. By contrast, the Nuclear Regulatory Commission's estimate of the financial consequences was 20 times less. And the Commission used that estimate to dismiss the benefit of dry cast storage, which would only cost \$50 million per reactor.

So, by dramatically reducing the cost that would occur if such a fire did hit a nuclear power plant, the NRC, in its cost-benefit analysis, is able to avoid forcing the utilities to move from the spent fuel pools over to dry cast.

Do any of you disagree that the NRC should apply state-of-the-art science when making decisions about safety?

Ms. Svinicki. Senator, of course I am in agreement that the correct science should be applied. The NRC staff has done a quick review of the article that you referenced. They have looked at whether it presents different scenarios that were unanalyzed by the NRC. They did not identify anything in this preliminary review, but their look is ongoing, so if I may respond for the record if there is additional comparative details that they can provide.

Senator Markey. Well, it is a pretty blistering, scalding indictment. It basically concludes that there was an underestimation of the time to clean up after that kind of contamination hit such an area; it failed to account for the risk of a terrorist attack at a nuclear power plant that would

seek to ignite a fire with these spent fuel pools; and it actually failed to consider the economic consequences broadly of what the impact would be, including after Fukushima, the shutdown of nuclear power plants, whether or not that same thing would occur in our own Country.

So your staff has not done you a good service if they have evaluated the article and not come back, then, with the analysis of these vulnerabilities that have been identified by the Princeton scientists in the evaluation done by the Nuclear Regulatory Commission.

Have you had a chance to read that Science Magazine article?

Ms. Svinicki. I have not, Senator.

Senator Markey. Have any of you read the Science Magazine article?

Ms. Caputo. I wasn't aware of it.

Senator Markey. Well, again, this just goes to the whole issue of what the impact is, ultimately, on an area when a fire like that could occur. So I recommend to you that you read it, because I am going to keep coming back on it in terms of the impact.

Ms. Bodine, last year I did a report entitled "The ABCs of PCBs, A Toxic Threat to America's Schools." We have up to 14 million students nationwide, nearly 30 percent of America's

school-aged population may be exposed to PCBs for hours every day in their schools. In the President's budget, President Trump cuts the budget by 34 percent to be able to deal with these issues.

How will it be possible, Ms. Bodine, for the Trump Administration to deal with this kind of exposure to PCBs of students in cities and towns all across our Country if there is a 34 percent reduction in the EPA budget to be able to ensure that there is compliance?

Ms. Bodine. Senator Markey, if confirmed, I would look into the issue you are raising about the PCBs in schools and, again, as I said earlier, OECA, the Federal EPA enforcement is going to continue to focus on cases with the most impact. That might be one of them. And the delegated States, authorized States are going to carry out the core basic mission, which they are already doing. ECOS likes to put out the statistic that 96 percent of the environmental statutes and work is being carried out by States already.

Senator Markey. Well, here President Trump is going to make sure that children in schools all across the Country are going to be more exposed to PCBs in their classrooms, and saying to States and local communities good luck, you take it over. The EPA had responsibility. So to the extent to which there is a 34 percent reduction in the Trump EPA budget for that issue,

you can be sure that the States will try to intervene, but the reason there is a Federal program is because it is so pervasive, so hard, and actually part of a policy back in the 1950s and 1960s, all the way up to 1979, when PCBs were kind of given a free pass. And I blame the Federal Government on that, which is why we had to upgrade the Toxic Substances Control Act last year.

Mr. Chairman, I want to compliment you, Mr. Chairman, on the rewrite of TSCA last year, but this 34 percent cut in this budget is just disgraceful. It really is going to put children all over our Country at great unnecessary risk that could have been avoided if the President didn't cut that budget for children to be protected.

Mr. Chairman, I have other questions for the witnesses that I will submit to you for the record and with my hope that the witnesses will answer them. Thank you, Mr. Chairman.

Senator Inhofe. [Presiding.] Thank you, Senator Markey.

Senator Carper, let me put four things into the record.

Senator Carper. Go right ahead.

Senator Inhofe. So I won't forget.

Ask unanimous consent a June 12, 2017 EPA press release that includes statements in support of the EPA nominee from six Democrats, six Republicans, and two association leaders.

Without objection.

The six letters in support of the EPA nominee, two letters in support of the NRC nominees, one statement for the record from Senators Heller and Cortez Masto. Without objection, I ask that they be made a part of the record.

[The referenced information follows:]

Senator Inhofe. Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

I know several of my colleagues have drilled down on the question of funding for EPA, particularly funding for the efforts of the agency that you would lead if confirmed, Ms. Bodine.

I asked my staff to go back and to share with me, and I will share with you, what happened to EPA funding overall in the last Administration. Some people would say, well, it probably went up. Well, it didn't. In fact, it was reduced overall for those eight years by about 20 percent, about 3 percent a year, something like that. So this Administration has not inherited a robust budget level of funding for EPA.

The Administration would further reduce overall in their budget proposal funding for the EPA by about a third overall. For the agency that, if confirmed, you would lead, reduction would be about another roughly 24 percent. And the States in this program are what we call a policy of cooperative federalism, the States who share responsibility with the Federal Government on making sure the environment is clean and safe. This Administration would reduce the budget for the States to do their share by almost half.

Now, that may not concern you. As a former governor, it concerns me. It concerns me. We are talking basically by

reducing by half over the last 10 years, 9 years, reducing by half the resources available to do the job in your agency, and also by half for States to do their share in enforcement.

Does that trouble you? Does that concern you?

Ms. Bodine. So I don't believe that the State cooperative federalism grant budget is being cut in half. I don't have the exact number in front of me.

Senator Carper. I believe it is 44 percent. Forty-four percent.

Ms. Bodine. I will have to look at those numbers.

Senator Carper. Can't make this stuff up.

Ms. Bodine. I would point out that the environmental counsel of the States, their report on cooperative federalism that they issued yesterday, they point out that they are calling for a recalibration of State and Federal roles, and they say that that can lead to more effective environmental management at lower cost.

Senator Carper. We are going to move off of this, but this is a source of real concern, certainly to our side of the aisle, and we will come back to this later.

You were all asked three questions before you testified, and one of the questions you were asked, I think it was the second question asked, was, do you agree to ensure the testimony, briefings, documents, and electronic and other forms

of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner? Each of you said yes. Each of you said yes. I want to take you at your word. I know a couple of you pretty well. I know Ms. Svinicki very well, have a high regard for her.

But I am going to come back and sort of ask that question, Ms. Bodine, in a different way. You are a current Senate staffer and one who is, I think, highly regarded.

I am troubled in this situation. I think other folks on our side are troubled. I think Republicans would be troubled if we had a situation, if they faced a situation, our Republican friends faced a situation where Democrats were a majority in the House, majority in the Senate, and also had the presidency, the White House, and our Republican friends wanted to get their questions answered from this administration, from a Democratic administration; and that Democratic administration basically would put out direction from the administration to say you don't have to respond to the minority. You don't have to respond to the minority.

How do you think the Republicans would take that? You have been around here for a while. How do you think they would take that?

Ms. Bodine. I have worked for Congress for thirteen and a half years in my career, and I have deep respect for the

oversight responsibility of Congress. If confirmed, my bias would always be to respond to any member of Congress, whether the majority or the minority, and certainly would not see that there would be any change in practice from EPA.

Senator Carper. I don't have much time left. One second. I hope the Chairman will be generous with me.

He cares a lot about oversight. I do as well. When you have one team, whether it is all Democrat or Republican, whoever is on the outs, whoever is in the minority, they are more likely to do real oversight.

There is almost an inclination if you happen to be Republican, the White House, the House and the Senate are all Republican, there is less of an inclination to do the kind of tough oversight that is needed, and it falls to the minority. And when the minority can't have our questions responded to, as has turned out to be the case repeatedly here, and especially when the White House itself says don't answer those guys, you don't have to answer those guys, that is deeply troubling, I think for any of us. I don't care what party we are part of.

Let me ask a question, if I can. I will come to the Chairman of the NRC, if I could. A lot of questions have been asked of you already. Is there a question that we should have asked, that we should have asked that hasn't been asked? Is there a question that you think ought to be asked that hasn't

been asked? I have several more, but what do you think?

Ms. Svinicki. I don't know that it is a very good strategy for me to propose a question that is particularly tricky, because the tricky questions are the ones you should be asking, but maybe why I am here for a third term, which I never could have conceived of, to tell you the truth, Senator. But I have developed a strong commitment and devotion to the NRC and its people. Candidly, this is a town of great opportunity if you are a hard worker, but I couldn't think of anything that was a better application of what I know right now.

So, again, if the Senate acts favorably on my nomination, I am very, very honored to continue. I have had some friends and family question my sanity, but I am very committed to this work if I am allowed to continue.

Senator Carper. Well, Senator Inhofe and I have sat here in these seats in the past, and you sat there, and we have watched some very, very difficult questioning and a lot of, frankly, discomfort among the five NRC commissioners, and things seem to have, I will say, quieted down and there seems to be a more collaborative willingness to develop consensus. How do you explain how this has happened?

Ms. Svinicki. I don't know, but I would observe that we appear to be bucking the trend. I think that we have, again, people of strong care and commitment. We had another Senate

hearing last week and Senator Alexander remarked upon he observed from the dais the same collegiality amongst the serving members of the Commission. I indicated that to us collegiality is separate and distinct from agreeing, necessarily, on any particular matter; that collegiality is the overriding behavior, and we may disagree on individual matters, but collegiality is the imperative, and I think it is a shared value.

Senator Carper. Mr. Chairman, I was out in California during the Memorial Day recess and met with a bunch of companies out there between San Francisco and San Jose doing exciting and interesting things with technology and innovation and job creation. I asked one of the big electric utilities out there, I said, where do you see growth? Because that particular utility, PG&E, they are actually providing a lot of incentives for their customers, business and otherwise, to use less electricity.

I said, how do you consider your stay in business and be profitable. You know what they said? They said there is, over the horizon, a huge demand for electricity that is going to come from electric vehicles. Electric vehicles. And I was at a place where they were making buses, huge buses that carry like 50 people, and they go 300 miles between charges. Three hundred miles.

So there is a huge, going to be, I think, growing demand

for electricity, actually part of the vehicles, trucks, and buses that they would ride in, and I think, in order to meet that need, part of that generation of electricity has to come from nuclear; and we are seeing one plant after the other after another close and be noticed for foreclosure.

As we all know, nuclear doesn't put out any sulfur dioxide or nitrogen oxide or carbon dioxide, no mercury; and it has to be part of our solution, and we just want to work with you to continue to address that need and to make sure that nuclear is an important part of the mix.

Mr. Chairman, I would like to submit for the record, if I could, a survey done by the National Association of Clean Air Agencies, which shows State agencies are deeply troubled by the Trump budget cuts, and it will impact what States can do in regards to clean air. I ask for unanimous consent.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Carper. Again, we thank you all for being with us today. Especially thank your families. Annie, I would just say that your children have been very well behaved and your husband unusually well behaved.

Ms. Caputo. Thank you.

[Laughter.]

Senator Carper. We applaud them all.

Thank you very much.

And let me just say to your mom, Mr. Wright, David, Ms. Wright, my mom and her mom were born on the same day. Same day, August 18th. I always called my mom on her birthday, but I always call my mom on my birthday, too, which is January 23rd, just to thank her for bringing me into the world. Those are some of the most memorable conversations I think I have ever had.

Mr. Wright. I agree.

Senator Carper. Thank you.

I want to thank your mom for having your back today.

Mr. Wright. She has always had my back. I brought her as my body guard today.

Senator Inhofe. Well, let me just make a comment.

I do agree with a couple of the things that my good friend, Senator Carper, has said, and I disagree with some, obviously. One of the things I have learned, and we talked about this a

couple hours ago, was the first subcommittee that I chaired was 1996, and it was this subcommittee, and the subcommittee, at that time, was relieved that they were actually going to get oversight. You don't expect that, really, from a bureaucracy. But they had had no oversight for four years, so they really didn't have any direction. It was as if nobody cared and no one was looking.

Right now it is a different environment altogether. I think people realize that this kind of resistance to nuclear energy that has been out there has been overcome to a great extent. It is going to have to be part of the mix. When I have said all of the above, it has always include that. By the way, we do have some deadlines that we have to meet so that we will be able to continue our operations.

Is it all right if I go ahead with our final remarks?

Well, if there are any more questions for today, members may submit follow-up written questions for the record. They are called QFRs. We are not talking about 1,600 like Pruitt had to go through, but questions for Ms. Svinicki by the close of business today, Tuesday, the 13th of June. Ms. Svinicki should respond to those questions by close of business tomorrow, Wednesday, June 14th.

With the agreement of Ranking Member Carper, I am expediting the QFR process regarding Ms. Svinicki's nomination

because the Committee will vote on her nomination this Thursday. By reporting her quickly, it is our hope that we can expedite her confirmation through the full Senate so that the Nuclear Regulatory Commission does not lose its quorum when her current term expires at the end of June.

Senator Carper. Mr. Chairman, just for clarification, how long would she have to respond?

Senator Inhofe. I am going to go back and reread this, because this was an agreement that the Chairman that I am sitting in for right now came to.

Senator Carper. Our staff says one day, so that would be like noon tomorrow? Close of business tomorrow. Okay, we are fine with that.

Senator Inhofe. It is my understanding that was an agreement that was had.

Senator Carper. Sounds good.

Senator Inhofe. Members may also submit follow-up questions, follow-up written QFRs for Ms. Caputo, Mr. Wright, and Ms. Bodine by close of business this Thursday, June 15th. The nominees should respond to those questions by close of business the following Thursday, June 22nd.

All right, I want to thank the nominees for their time and their testimony today, and we are adjourned.

[Whereupon, at 11:50 a.m. the committee was adjourned.]