

BUSINESS MEETING

MEETING
OF THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

—————
JUNE 14, 2023
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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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SHELLEY MOORE CAPITO, West Virginia, *Ranking Member*

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BUSINESS MEETING

WEDNESDAY, JUNE 14, 2023

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:04 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Sanders, Whitehouse, Merkley, Markey, Stabenow, Kelly, Padilla, Fetterman, Cramer.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. Good morning, everybody. Welcome to the Environment and Public Works Committee. We are going to have a two-part show. In the beginning of it we will have a short business meeting to consider the nomination of Jeff Baran to serve a third term as Commissioner of the Nuclear Regulatory Commission. Once we have disposed of his nomination, we will turn to our hearing.

We have been joined by Shailen Bhatt, who is the head of the Federal Highway Administration. We welcome him and others who have joined us.

We need enough people to start talking, and when we get a few more people we will start voting on Jeff Baran. I thank everybody for coming.

Over the course of his tenure, Jeff Baran has played a critical role in ensuring that the Nuclear Regulatory Commission (NRC) maintains its status as the world's gold standard for a nuclear regulatory agency. People ask me what the NRC does, they ensure safety with respect to all these nuclear power plants across the Country that are providing about half the carbon-free electricity for our Country.

I commend Commissioner Baran for his efforts to help safely advance our energy security and address climate change through the work of the Nuclear Regulatory Commission. These include ensuring the safe licensing and operation of carbon-free nuclear technologies, such as the next generation of nuclear reactors and fusion energy as well.

Mr. Baran has also worked to provide opportunities for engagement and input from all stakeholders, especially those in disadvantaged and underserved communities. In addition, maintaining a full panel of commissioners will help the NRC to continue to carry out its responsibilities effectively and efficiently.

With all that in mind, I will vote yes on Jeff Baran's nomination. I urge our colleagues to join me in doing the same.

Let me yield at this point to Senator Capito. Senator Capito, please.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman. We are here again this morning to consider, as we heard, the renomination of Jeff Baran to serve as a member of the Nuclear Regulatory Commission.

Two weeks ago, the committee supported the bipartisan Accelerating Deployment of Versatile Advanced Nuclear for Clean Energy, the ADVANCE Act, by a resounding 16 to 3 votes. So we are committed to the ADVANCE Act, which will help position the United States as the undisputed global leader of nuclear energy, including the next generation of advanced reactors.

Commissioner Baran's nearly 9-year record shows that he is not the right person for the NRC, especially at this critical time for nuclear energy and the emergence of new technologies. His votes and positions simply do not align with enabling the safe use of nuclear technologies that the NRC is expected to undertake in the coming years.

Throughout his past nomination processes, he has a history of telling the committee he supports advanced nuclear and then not doing so once he is in office. I will not belabor the point now, but I believe that it has been made before, including at the last business meeting.

Instead, I ask unanimous consent for my opening statement from our last business meeting and as well as a letter of opposition from several pro-nuclear organizations to be entered into the record.

Senator CARPER. Without objection, so ordered.

[The referenced information follows:]

Business Meeting:
Opening Statement of
Ranking Member Shelley Moore Capito

Wednesday, May 31, 2023
10:00 AM in 406 Dirksen

[Introductory remarks from Chairman Carper to call business meeting to order.]

Good Morning – Chairman Carper – and thank you for calling this business meeting.

Let me begin by remarking upon Chairman Carper’s recent announcement that he is not seeking another term in the Senate.

Chairman Carper is a true public servant.

He served as Delaware’s State Treasurer – served five terms in the House of Representatives – was then elected Delaware’s governor – and finally to four terms in the United States Senate.

It is well known that both of us are native West Virginians – but perhaps a lesser-known fun fact is that we both have served as members of this Committee for our **entire** Senate careers.

Both of us joined the E-P-W Committee as soon as we became Senators – because we value the important role the Committee plays in environmental protection and advancing our nation’s infrastructure.

Over the last two decades – Chairman Carper’s passion for the work of this Committee – workhorse mentality – and can-do attitude has enabled one success after another – and I could not ask for a better partner.

We worked together and delivered on bipartisan legislation – most notably the Infrastructure Investment and Jobs Act – even in a very narrowly divided Senate and a polarized political atmosphere.

That willingness to collaborate is why this Committee has been among the most productive in Congress over the last two years in achieving legislative victories.

Without further ado – and recognizing we have much work ahead and many more opportunities to celebrate our Chairman – let’s move on to the task at hand: considering today’s nuclear legislation.

Nuclear energy is critical to strengthening our energy and national security – providing for energy reliability – and achieving our environmental goals.

Our geostrategic rivals are offering long-term nuclear energy deals to establish energy-dependent relationships around the globe – and dominate the nuclear energy landscape in the 21st century.

America can – and should – lead in nuclear energy.

That is why I introduced S. 1111 – the “Accelerating Deployment of Versatile Advanced Nuclear for Clean Energy” – ADVANCE – Act.

The ADVANCE Act is a bipartisan bill – with 16 cosponsors – including Chairman Carper – Senator Lummis – Senator Whitehouse – Senator Ricketts – Senator Cardin – Senator Graham – and Senator Kelly – Members of this Committee.

The ADVANCE Act will reassert America’s global leadership in nuclear energy.

The legislation will assist states – like our home state of West Virginia – to repurpose brownfield sites by deploying advanced nuclear reactors at

previously developed facilities like decommissioned conventional power plants.

The bill incentivizes nuclear innovators to rapidly develop new technologies.

The bill requires the Nuclear Regulatory Commission to identify and resolve key regulatory issues – like advanced manufacturing and construction techniques – advanced nuclear fuel licensing – and non-electric uses of nuclear – to enable greater use of technologies.

It extends a key federal policy to provide backstop insurance coverage to help deploy more nuclear energy.

The bill reduces excess regulatory costs and cumbersome red tape.

The Carper-Capito Manager's Amendment makes targeted improvements to the introduced bill based on bipartisan feedback from our colleagues.

The Amendment supports early licensing work to enable the deployment of advanced nuclear reactors at critical national security infrastructure sites.

The Amendment adds clarity to the N-R-C's new authority to hire and retain expert staff to ensure licensing reviews are successfully completed.

In short – the bipartisan ADVANCE Act will jumpstart the deployment of new, safe, and reliable nuclear technologies.

As the ADVANCE Act moves forward – I hope we will continue to work together to incorporate additional bipartisan policies that arise to enable efficient, safe licensing reviews.

The N-R-C is tasked with licensing and regulating nuclear material to ensure reasonable assurance of adequate protection of public health and safety – to promote the common defense and security – protect the environment – and improve the general welfare.

Advancement of the N-R-C's important mission is why I so strongly support the aptly named ADVANCE Act – but why I oppose the other business item we consider today – the re-nomination of Jeff Baran (pronounced “*barren*”) to serve as a Commissioner.

We stand at a pivotal moment – ready to accelerate the liftoff of new advanced reactors and renew American leadership in nuclear.

Unfortunately, Commissioner Baran is not the right fit for this moment.

N-R-C Commissioners establish the standards and safety regulations to enable America’s nuclear companies to fulfill our nation’s established nuclear energy policy goals.

Since Commissioner Baran joined the Commission in 2014, he has pursued policies supporting his regulatory philosophy.

That philosophy has frustrated the mission of the N-R-C.

Mr. Baran has called for unjustifiably increasing regulatory burdens and reducing regulatory predictability.

His record supports ratcheting up regulations – and associated compliance costs – to no useful end.

During his re-nomination hearing – he tried to distance himself from that record – espousing priorities that are 180 degrees removed from how he has actually voted during two terms on the Commission.

I am considering his re-nomination based on his record – and continued service of Commissioner Baran on the Commission – in my view – would impede America’s advancement towards a future of nuclear energy leadership – to the benefit of Russia and China geostrategic plans – and would limit access to clean baseload generation at home and abroad.

For these reasons I cannot support – and urge my colleagues to oppose – Commissioner Baran’s nomination.

I thank Chairman Carper for scheduling this business meeting.

And to end on a positive note – I look forward to working with you to get the ADVANCE Act signed into law.

With that – I yield back.

June 12, 2023

Sen. Tom Carper, Chairman
Committee on Environment and Public Works
United States Senate
513 Hart Senate Office Building
Washington, DC 20510

Sen. Shelley Moore Capito, Ranking Member
Committee on Environment and Public Works
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

As Congress considers a forthcoming vacancy at the U.S. Nuclear Regulatory Commission (NRC), we urge Congress to carefully consider the qualifications and record of any nominee.

We oppose confirming Commissioner Jeff Baran to another five-year term. Commissioner Jeff Baran's term ends on June 30, 2023. Commissioner Baran's voting record shows a strong preference for overly burdensome regulations that hinder the deployment of new nuclear energy, and harm the environment in the process.

Nuclear energy has tremendous bipartisan support — specifically new advanced reactor technologies that are rapidly approaching demonstration and deployment. Congress has provided billions of dollars in funding to preserve and expand nuclear energy, and the Biden-Harris administration has identified advanced nuclear as an essential component of its ambitious climate strategy. These next five years will be crucial to the successful rapid deployment of nuclear energy.

The purpose of the NRC is to license and regulate the use of radioactive material in the United States to provide reasonable assurance of adequate protection of public health and the environment. Over the long course of his tenure at the Commission, Commissioner Baran's record demonstrates that he interprets that mission as justifying an excessive degree of precaution and duplicative processes that delay or discourage the construction and operation of nuclear plants, without offering a significant benefit to public safety. Recently, he has expressed strong support for modernization, but his well-established voting record contradicts those words and shows a clear resistance to risk-informed regulation. For specific examples, see the attached fact sheet.

The NRC has been implementing a strategy for modernization since 2016 — entirely during Baran's tenure. Commissioner Baran is often the sole dissenting vote on risk-informed policies to enable the safe use of advanced nuclear technologies. On multiple occasions, Commissioner

Baran not only opposes common sense staff recommendations to establish efficient and effective regulatory policies, he has supported reversing previous staff and Commission decisions or adding new costly requirements that would do nothing to improve nuclear safety.

Commissioner Baran has served for nearly 9 years. It is not common for someone to serve for a third term as a Commissioner. Only two of the 33 past Commissioners have served longer than 10 years. If re-appointed for another 5-year term, he could become the longest-serving Commissioner in the history of the NRC. Such a long tenure should be reserved for an exemplary Commissioner, who is driving and preparing the NRC for the future.

The status quo is not acceptable, and the NRC needs to be led by Commissioners who acknowledge the evolution of nuclear energy technologies and, in turn, the importance of modernizing the NRC to provide an informed, thorough, and timely review of regulatory matters to maximize the general welfare of the public. Continued service of Commissioners who inhibit modernization should be a thing of the past.

We disagree with calls to rush through the confirmation process to avoid a vacancy at the Commission. The primary objective should be to nominate the best candidate for the position.

In light of the increasing threat of public health impacts, energy security, and climate change, regulatory practices that unnecessarily deter carbon-free energy can no longer be considered harmless. Going forward, NRC Commissioners must fully internalize the irrefutable fact that unwarranted delays to nuclear deployment pose risks to the public and the environment they are sworn to protect. Rather than confirm Commissioner Baran, we strongly support considering an alternative candidate with the necessary vision, qualities, and character to lead the NRC into the future and address the imminent challenges faced by our country and the world.

Thank you,



Senator CAPITO. Based on his record, I will oppose his nomination. Thank you.

Senator CARPER. Let me thank everybody for joining us today. We will address the nomination of Commissioner Baran to serve another term. We have a quorum, so let's get started.

I call up Presidential Nomination 547, Jeff Baran of Virginia, to continue serving as a member of the Nuclear Regulatory Commission. I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator CARDIN. Second.

Senator CARPER. It has been moved and seconded. The Clerk will call the roll.

The CLERK. Mr. Boozman.

Senator CAPITO. No by proxy.

The CLERK. Mrs. Capito.

Senator CAPITO. No.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CRAMER. No.

The CLERK. Ms. Graham.

Senator CAPITO. No by proxy.

The CLERK. Mr. Kelly.

Senator KELLY. Aye.

The CLERK. Ms. Lummis. Senator Capito. No by proxy.

The CLERK. Mr. Merkley.

Senator MERKLEY. Aye.

The CLERK. Mr. Markey.

Senator MARKEY. Aye.

The CLERK. Mr. Padilla.

Senator PADILLA. Aye.

The CLERK. Mr. Mullin.

Senator CAPITO. No by proxy.

The CLERK. Mr. Ricketts.

Senator CAPITO. No by proxy.

Senator RICKETTS. I am here.

[Laughter.]

The CLERK. Mr. Sanders.

Senator SANDERS. Aye.

The CLERK. Ms. Stabenow.

Senator STABENOW. Aye.

The CLERK. Mr. Sullivan.

Senator CAPITO. No by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator CAPITO. No by proxy.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. The ayes are 10, the nays are 9.

Senator CARPER. The nomination is favorably reported. My thanks to everyone who changed their schedule to be here so we could get this done.

Now we are going to have the hearing with Shailen Bhatt, the Federal Highway Administration. Thanks, everyone for joining us. This concludes the committee's votes as part of the business meeting today. I thank all the members for their participation.

I will now recognize any member who would like to speak on the matter we have voted. Does anyone want to speak on what we just voted on, the nomination of Mr. Baran?

Hearing no requests, in closing, I am delighted that our committee has voted to report to the Senate the nomination of Jeff Baran to continue to serve on the Nuclear Regulatory Commission.

I would like to ask unanimous consent to submit additional materials related to this morning's vote for the record, including letters of support for Mr. Baran's nomination.

I also ask unanimous consent that the staff have the authority to make technical and conforming changes to the matters approved today. I would repeat those unanimous consent requests. Is there objection?

Hearing no objection, so ordered.

[The referenced information follows:]



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900 Seventh Street, NW
Washington, DC 20001
202.833.7000
www.ibew.org

KENNETH W. COOPER
International President

PAUL A. NOBLE
International
Secretary-Treasurer

February 6, 2023

VIA EMAIL

President Joseph R. Biden
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Re: Nuclear Regulatory Commission Reappointment of Jeff Baran

Dear President Biden:

On behalf of the 775,000 active and retired members of the International Brotherhood of Electrical Workers (IBEW), I write to request that you appoint Nuclear Regulatory Commission (NRC) member Jeff Baran to another five-year term. His current seat on the NRC expires on June 30, 2023. Commissioner Baran's personal contribution to the work of this critical agency should continue unabated due to the challenges and opportunities facing the nuclear industry at this moment.

Issues of worker and plant safety are critical to IBEW members working in operations, construction of new facilities and periodic maintenance of existing reactors. Several matters before the NRC warrant Commissioner Baran's continued service on its governing board. These include next-generation nuclear technology, licensing renewal for nuclear reactors and a focus on the human side of this highly regulated industry that is necessary to meet the carbon reduction goals your administration is pursuing with the urgency the climate challenge demands.

A full panel of commissioners is essential for the NRC to address regulatory matters while performing its duty to protect the public. Nuclear generation is the country's single largest source of emissions-free energy. While nuclear power represents 20 percent of the country's electric generation, it accounts for about half of all emission-free energy produced in the United States. The recent policy focus on nuclear power, however, cannot overcome the years of indifference toward developing nuclear technologies of the future. In short, the United States has much ground to recover.



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President Joseph R. Biden
February 6, 2023
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Thanks to the support of recently enacted legislation, several advanced nuclear demonstration projects are moving forward. The NRC is playing an important role in the domestic development of the supply chain to fuel this burgeoning technology. In addition, the NRC is overseeing the decommissioning of some legacy nuclear plants while relicensing others.

Through his dedicated service and leadership, Commissioner Baran has demonstrated the right kind of approach to resolving the complex technical and legal issues affecting the safe operation of the nation's nuclear energy industry.

Commissioner Baran's voice championing the rank-and-file employees inside nuclear facilities is noticeably singular. Indeed, meetings prioritized at every plant he visits include non-management workers like IBEW members. While they often herald the work of the operating companies, these workers present an essential side of the labor-management structure that might otherwise go unnoticed. This perspective should be considered crucial to the federal agency regulating the nuclear fleet.

With nearly two full terms of experience on the NRC, Jeff Baran represents a strong, seasoned voice on the Commission in an industry that employs over 14,000 IBEW members with good paying union jobs and contributes to the country's low emission goals while facilitating the reliability and resiliency of the grid. For all of these reasons, I respectfully request that you appoint him to serve another five-year term on the Nuclear Regulatory Commission.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kenneth W. Cooper".

Kenneth W. Cooper
International President

KWC:kas

Senator CARPER. With that, our business meeting is adjourned. We will be getting ready to start the second half of the day-night header. Hopefully it will not extend into the nighttime. I do not think it will.

[Whereupon, at 10:10 a.m., the committee proceeded to other business.]

Commissioner Baran Voting Record Fact Sheet

Commissioner Baran has proven on multiple occasions that he prioritizes the unnecessary overregulation of nuclear energy above the protection of the environment. This fact sheet contains several examples of his voting record that show Commissioner Baran being the sole vote against reasonable steps to improve the efficiency of the NRC's regulations, hindering the deployment of new nuclear, which is necessary for combating climate change.

- (1) Commissioner Baran was the sole¹ vote against² updating NRC's guidance for siting smaller and safer advanced nuclear reactors that would allow advanced reactors to more easily replace shut-down fossil-fuel power plants.**

Transitioning old coal-fired power plants to cleaner nuclear power plants is an essential step for environmental justice because it provides a healthy pathway to stability for a community that is dependent upon a power plant, while decarbonizing US energy use. Current NRC regulations were developed with large light water reactors in mind, and may be a barrier to replacing fossil-fueled plants that existed closer to people, regardless of the safety risks (or lack thereof) of operating a specific type of reactor in more densely populated areas.

- (2) Commissioner Baran was the sole vote against³ an NRC staff proposal to align emergency preparedness requirements with the reduced risk associated with advanced reactors.**

Imposing the same emergency planning requirements on smaller, safer reactors as what is applicable to today's large reactors is not technically justified and would impose extra costs on new reactors. The Advisory Committee on Reactor Safeguards (ACRS) found⁴ that there are "no technical obstacles at this time to the rulemaking and recommend that it move forward."

¹ [NRC ADAMS Accession Number: ML22194A890](#)

² [NRC ADAMS Accession Number: ML22194A869](#)

³ [NRC ADAMS Accession Number: ML19351C728](#)

⁴ [NRC ADAMS Accession Number: ML18291B248](#)

(3) Commissioner Baran was the sole⁵ vote against⁶ developing a commonsense environmental review document for advanced reactors.

The NRC staff proposed, and the Commission approved, the development of a Generic Environmental Impact Statement (GEIS) for advanced reactors to provide for a faster and more efficient environmental review process by taking into account the reduced environmental impacts (such as reduced water use or modular construction techniques) associated with new reactor technologies compared to today's large, light-water reactor technologies.

(4) Commissioner Baran opposed⁷ streamlining environmental regulations

Commissioner Baran seems to believe that any effort to streamline environmental reviews would be problematic. He wrote:

I do not support guidance changes aimed at reducing the length and detail of National Environmental Policy Act environmental reviews. The agency has often struggled with including sufficient detail in these important reviews. Efforts to "streamline" environmental impact statements would be counterproductive and could have significant adverse unintended consequences.

(5) Commissioner Baran supported⁸ planning for extremely unlikely hypothetical accidents.

The NRC staff found in NUREG-2161 that a release from a spent fuel pool accident after a severe earthquake at a reference plant could occur about one time in 10 million years or lower. While Commissioner Baran accepts those findings,⁹ he nevertheless comes to the conclusion that such events should be taken into account during radiological emergency planning.

⁵ [NRC ADAMS Accession Number: ML20265A151](#)

⁶ [NRC ADAMS Accession Number: ML20252A162](#)

⁷ [NRC ADAMS Accession Number: ML19283C650](#)

⁸ [Questions for the Record for Jeffery Baran, Senate Committee on Environment and Public Works Hearing Entitled, "Hearing on the Nomination of Jeffery Baran to be a Member of the Nuclear Regulatory Commission" May 10, 2023](#)

⁹ [Questions for the Record for Jeffery Baran, Senate Committee on Environment and Public Works Hearing Entitled, "Hearing on the Nomination of Jeffery Baran to be a Member of the Nuclear Regulatory Commission" May 10, 2023](#) at p. 2

(6) Commissioner Baran supported¹⁰ basing¹¹ the new 10 CFR Part 53 on the current 10 CFR Parts 50 and 52, even though the new framework was supposed to be innovative.

The Nuclear Energy Innovation and Modernization Act (NEIMA) directed the NRC to develop a new technology-inclusive regulatory framework for advanced reactors. The current nuclear reactor regulations were developed with one type of technology in mind: large light-water reactors. As such, a departure from the status quo was required to meet the mandate in NEIMA; however Commissioner Baran approved a rulemaking plan that would base the new regulatory framework on the existing frameworks and guidance.

(7) Commissioner Baran supported unnecessarily increasing regulations on the current fleet of reactors

One of Commissioner Baran's repeatedly stated concerns is that new, advanced reactor designs do not have any operating experience, yet even with the legacy fleet of reactors with decades of experience, he votes for increasing regulatory burden and oversight. For example, he voted to increase inspection frequency on the currently operating fleet.¹²

¹⁰ [NRC ADAMS Accession Number: ML20254A149](#)

¹¹ [NRC ADAMS Accession Number: ML19340A056](#)

¹² [NRC ADAMS Accession Number: ML22202A422](#)

*We stand at a pivotal moment ready to accelerate the liftoff of new advanced reactors and renew American leadership in nuclear.
Commissioner Baran is not the right fit for this moment.*

OPPOSE NUCLEAR REGULATORY COMMISSION NOMINEE – JEFFERY BARAN

Commissioner Baran's record is one of supporting policies that will impair and perhaps prevent the licensing and deployment of new nuclear energy generation.

- Advanced nuclear technologies are expected to be smaller, safer, and more affordable than today's nuclear power plants. For those future reactors to be successfully licensed and built, the NRC must set risk-informed regulations that reflect the increased safety of these new technologies.
- Commissioner Baran has consistently opposed the NRC's efforts to establish risk-informed, useable safety rules that will enable the deployment of advanced nuclear technologies. He routinely is an outlier on Commission decisions relating to advanced reactor due to his support for more onerous policies and rules. For example, Commissioner Baran:
 - supports imposing costly and unnecessary additional regulatory requirements on advanced nuclear reactor technologies as part of the Commission's "Part 53" rulemaking.
 - was the sole vote against updating the NRC's guidance for siting advanced nuclear reactor technologies to provide greater optionality to site and operate new reactors.
 - was the sole vote against an NRC staff proposal to scale emergency planning requirements for advanced nuclear reactor technologies to account for reduced risk and increased safety.
 - was the sole vote against the NRC's development of a Generic Environmental Impact Statement (GEIS) to help streamline the review process to account for smaller advanced nuclear reactor designs.

Commissioner Baran's regulatory philosophy deviates from the NRC's statutory authority.

- The Atomic Energy Act (AEA) establishes America's fundamental nuclear energy policy, including to improve the general welfare and promote the common defense and security. The AEA provides NRC's foundational authority and "reasonable assurance of adequate protection of public health and safety" regulatory standard.
- Commissioner Baran's record consistently undercuts the role of nuclear energy and ignores the AEA's direction that nuclear energy should be utilized to improve the general welfare. For example, Commissioner Baran:
 - rationalizes his record to unnecessarily go beyond the NRC's "reasonable assurance of adequate protection" standard by applying an undefined "public perception" or subjective benefits.
 - supports an expansion of the NRC's environmental justice (EJ) activities, in ways that are not found in the Agency's statutory authority.

Commissioner Baran's record supports increasing regulatory burdens, reducing regulatory predictability, ratcheting up regulations, and associated compliance costs, to no useful end.

- The NRC's regulatory activities are guided by the "Principles of Good Regulation: Independence, Openness, Efficiency, Clarity, and Reliability." These principles provide the framework for both the NRC and its licensees in how the NRC fulfills its mission.
- Commissioner Baran's record consistently disregards the Principles of Good Regulation in his support for increasing regulatory burden and costs without demonstrable benefits, and favoring more regulations without a commensurate or justifiable safety benefit. For example, Commissioner Baran:
 - Supports reversing established Commission policies to impose new more burdensome requirements, contrary to the "Reliability" principle.
 - Opposed commonsense updates to the NRC's regulations that reflect reactor experience, performance trends, and safety initiatives contrary to the "Efficiency" principle
 - Prevented the NRC career staff from implementing minor efficiency improvements to NRC's primary reactor inspection program – an authority that is generally delegated to the NRC staff – contrary to the "Efficiency" principle.



NOMINATION REFERENCE AND REPORT

PN547

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 25, 2023.

Ordered, That the following nomination be referred to the Committee on Environment and Public Works:

Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2028. (Reappointment)

June 14th, 2023.
(Date)

Reported by Mr. Carper Tom Carper
(Signature)

with the recommendation that the nomination be confirmed.

The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.