

Responses to Written Questions Submitted by Honorable Dean Heller to Marty Oberman

*Question 1.* As you know, the Department of Energy has an application before the Surface Transportation Board for a certificate of public convenience and necessity to build the Caliente railroad to Yucca Mountain. Given Congress' repeated refusal to fund the Yucca Mountain project, I do not believe the Surface Transportation Board should act on this application knowing that the project is not funded and that it is not going to be funded.

Do you believe the Surface Transportation Board should act on this application regardless of whether Yucca Mountain has been funded?

Response. I do not believe that the Surface Transportation Board should act on this application if the Yucca Mountain project has not been funded and is not going to be funded.

*Question 2.* If confirmed, will you commit to continuing the Surface Transportation Board's practice of not getting out in front of other agencies when it is not the lead agency on a particular matter?

Response. If confirmed, I commit to continuing the Surface Transportation Board's practice of not getting out in front of other agencies when it is not the lead agency on a particular matter.

*Question 3.* Under the Nuclear Waste Policy Act, the federal government is looking at shipping 9,495 rail casks in 2,800 trains and 2,650 trucks hauling one cask each to Yucca Mountain over 50 years. These shipments would use 22,000 miles of railways and 7,000 miles of highways and cross over 44 states. Under previous questioning from me at this Committee, Federal Railroad Administrator Ronald Batory and Pipeline and Hazardous Materials Safety Administrator Howard Elliott confirmed that a transportation accident with an ensuing radiological release was possible.

Given the significant number of proposed shipments, the sheer distance to be traveled, and the 50-year duration of these shipments, do you agree with Mr. Batory and Mr. Elliott that there is a real risk of at least one transportation accident with an ensuing radiological release occurring?

Response. The Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration have primary jurisdiction and expertise concerning the safety of the transport of spent nuclear fuel by rail. I defer to Mr. Batory and Mr. Elliott's findings on the risk of rail transportation accidents and the potential for radiological release.