

SURFACE TRANSPORTATION BOARD ADOPTS PROCEDURAL SCHEDULE FOR DEPT. OF ENERGY APPLICATION TO BUILD 300-MILE RAIL LINE IN NEVADA

The Surface Transportation Board (Board) announced today that it has adopted a procedural schedule concerning the United States Department of Energy's (DOE) application seeking authority to construct and operate an approximately 300-mile railroad line in Nevada in the Board proceeding entitled *United States Department of Energy—Rail Construction and Operation—Caliente Rail Line in Lincoln, Nye, and Esmeralda Counties, NV*, STB Finance Docket No. 35106.

To be known as the Caliente Line, the proposed rail line would connect an existing line near Caliente, NV to a proposed geologic repository at Yucca Mountain, in Nye County, NV. The proposed line would allow DOE to transport spent nuclear fuel and high-level radioactive waste for disposal at the proposed geologic repository, and to provide common carrier rail service to communities situated along the proposed line.

The Board's review of rail-line construction applications is governed by Section 10901 of Title 49, *United States Code* (49 U.S.C. 10901), and by the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370d) and related environmental laws. Section 10901 requires that the Board grant a construction application unless the agency finds that a proposal is inconsistent with the public convenience and necessity. Because the DOE application is extensive and replies to it may be numerous, the Board finds that the standard construction-application timetable is inappropriate. Accordingly, the Board has established a longer schedule that will provide all parties ample time and opportunity for the submission of comments. The schedule also will better enable the agency to determine whether the proposed construction meets the criteria of Section 10901.

The Board published its Notice of Construction and Operation Application and provided a procedural schedule [in its decision today, April 11, in STB Finance Docket No. 35106](#). That decision is available for viewing and downloading, via the agency's Web site at <http://www.stb.dot.gov>, under "E-Library," then under "Decisions & Notices," beneath the date "4/11/08."

The procedural schedule is as follows:

April 16, 2008: Publication of *Federal Register* notice adopting procedural schedule.

April 28, 2008: Due date for certification by DOE that it has published newspaper notices announcing this procedural schedule.

May 7, 2008: Due date for notices of intent to participate as a party of record (i.e., official participant)

July 15, 2008: Due date for comments in support of or opposition to the application.

August 29, 2008: Due date for DOE's reply.

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