

SURFACE TRANSPORTATION BOARD TO HOLD DECEMBER 4 PUBLIC HEARING IN LAS VEGAS, NEVADA ON DEPARTMENT OF ENERGY APPLICATION TO BUILD 300-MILE RAIL LINE IN NEVADA

The Surface Transportation Board today announced that it will hold a public field hearing on **December 4, 2008**, in Las Vegas, Nevada, to hear public testimony relative to the U.S. Department of Energy's (DOE) application for authority to build the proposed "Caliente Line," a 300-mile rail line that would connect an existing rail line near Caliente, NV, to a proposed geologic repository at Yucca Mountain, Nye County, NV. DOE proposes to use the new line initially to transport materials needed to construct the repository, and, eventually, to transport spent nuclear fuel and high-level radioactive waste for disposal at the completed repository. DOE also has requested approval to operate the line as a "common carrier," which, if approved, would require that the line be accessible to other shippers engaged in interstate transportation.

On **Thursday, December 4** the public hearing will begin at **9:00 a.m. at the Nuclear Regulatory Commission's Las Vegas Hearing Facility-Pacific Enterprise Plaza, Building 1, 3250 Pepper Lane, Las Vegas, NV 89120**. Any person wishing to speak at the hearing in *United States Department of Energy—Rail Construction and Operation—Caliente Rail Line in Lincoln, Nye, and Esmeralda Counties, NV*, STB Finance Docket No. 35106, must file with the Board no later than **November 14, 2008**, a written notice of intent to participate identifying the party represented, the proposed speaker, and the minutes of speaking time requested. Notices should be sent to:

ATTN: FD 35106

**Anne Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001**

Notices may also be filed electronically via the Board's Web site, at <http://www.stb.dot.gov>, by clicking the "E-FILING" button on the home page then, when the "Welcome" page appears, by clicking the "**Public Hearings and Oral Arguments: Notices of Intent to Participate**" link at the bottom-right of the page. Basic name and address information is next requested, as well as an electronic "PDF" file of written and signed letters of intent. To fill in the final, "**Attach Letter of Intent***" box, filers need only click the "**Browse...**" button and select the name of their electronic PDF file from among the file names that will be displayed.

Following the Board's receipt of notices of intent, a schedule of speakers will be issued for the hearing. Speakers are not required to, but may bring written copies of their testimony to the hearing. In the event the Board receives more requests to participate than can reasonably be accommodated in a one-day hearing, the agency will give priority to elected officials and current parties of record (official participants) in the construction-application proceeding.

Construction of a new rail line for rail common carriage service on the interstate rail network requires Board approval. Under the law, 49 U.S.C. 10901(c), the agency will approve proposals to construct rail lines unless it finds that doing so would be inconsistent with the

"public convenience and necessity." This is a broad public-interest standard under which the Board considers such matters as safety and environmental concerns; the public demand or need for the proposed service; the applicant's financial fitness; and whether the proposed service is in the public interest and would not unduly harm existing service. Modifications or conditions may be placed on approval of any proposal by the Board at its discretion.

The Board is a decisionally independent federal regulatory agency with bipartisan members serving staggered five-year terms. This hearing is part of an extensive outreach and public comment process aimed at ensuring that the agency is fully informed and able to consider this application in an open, transparent manner. Board staff has already conducted 18 scoping meetings and public hearings in the environmental-review process, during which agency procedures were presented and explained in great detail to interested parties. Last August, Board staff also held a workshop with representatives from the State of Nevada and the Board of the County Commissioners, in Las Vegas, to explain the line-construction process and the agency's regulatory procedures.

The Board's decision announcing the public hearing and requiring the filing of written notice by those wishing to speak was issued today, October 31, 2008, in [STB Finance Docket No. 35106](#). That decision is available for viewing and downloading on the Board's Web site at <http://www.stb.dot.gov>, under "E-Library," then under "Decisions & Notices," beneath the date "10/31/08."

The hearing will not be webcast via the Board's Web site because of technical factors at the hearing site. However, the hearing will be recorded, archived, and at a later date made accessible via the home page of the agency's Web site, at <http://www.stb.dot.gov>, under "Information Center/Past Meetings."

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