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SEC

SERVICE DATE – NOVEMBER 21, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35106

UNITED STATES DEPARTMENT OF ENERGY—RAIL CONSTRUCTION AND  
OPERATION—CALIENTE RAIL LINE IN LINCOLN, NYE, AND ESMERALDA  
COUNTIES, NV

Decided: November 20, 2008

The Board will hold a public hearing concerning the application the Department of Energy filed in the above docket. The purpose of the hearing will be to allow interested persons to comment on the application. The hearing will take place on December 4, 2008, beginning at 9:00 a.m., at the Nuclear Regulatory Commission's Las Vegas Hearing Facility-Pacific Enterprise Plaza, Building No. 1, 3250 Pepper Lane, Las Vegas, NV 89120.

The Board announced the hearing by notice served on October 31, 2008, and published in the Federal Register on November 5, 2008 (73 FR 65922). This notice also established November 14, 2008, as the deadline for persons wishing to speak at the hearing to advise the Board of their intent to participate and request a time allotment. Based on those submissions, the Board is issuing this decision to set the schedule of speakers for the hearing.

The schedule of appearances and the time provided for each party appear in the Appendix to this decision.

Instructions for Attendance at Hearing.

All visitors to NRC's facility must present a valid form of government-issued photo identification and pass screening before being granted access into the building. Cameras are not permitted in the building. Visitors will have access to public areas only.

The maximum occupancy of the hearing room under applicable fire regulations is 300 occupants. Special needs accommodations for persons in wheelchairs will be made, as necessary. When the maximum occupancy figure is reached, the hearing room doors will be closed and the building lobby and hallways will not be used to accommodate any crowd overflow.

The NRC's facility is located near several Southern Nevada Regional Transportation Commission public transit lines, and visitors are encouraged to use public transportation. Parking on public streets near the building is very limited.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary

**APPENDIX**

<b>Party</b>	<b>Time Allotted</b>
 <b>Panel I(A): Government</b>	
The Honorable Shelley Berkley U.S. House of Representatives	10 minutes
 <b>Panel I(B): Government</b>	
State of Nevada, Agency for Nuclear Projects Robert Halstead, Agency Transportation Advisor	10 Minutes
State of Nevada, Office of the Attorney General Catherine Cortez Masto, Attorney General (or designated representative)	10 Minutes
State of California Susan Durbin, Deputy Attorney General	10 Minutes
 <b>Panel I(C): Government</b>	
Clark County, NV Susan Brager, Commissioner	10 Minutes
Nevada Counties of Nye, Churchill, Esmeralda, and Mineral Jeffrey D. VanNiel, Counsel for Nye County	10 Minutes
Lincoln County, NV Wade Poulson, Vice Chair of Lincoln County Commission	10 Minutes
White Pine County, NV Dr. Mike Baughman, Consultant to the White Pine County Nuclear Waste Project Office	10 Minutes

**Panel I(D): Government**

City of Caliente, NV 10 Minutes  
Kevin Phillips, Mayor of Caliente

City of Las Vegas, NV 10 Minutes  
Larry Brown, Councilman, or  
Brad Jerbic, City Attorney

City of Henderson, NV 10 Minutes  
James Gibson, Mayor of Henderson, and  
Gerri Schroder, Councilwoman

**Panel II: Native American Interests**

Western Shoshone National Council 10 Minutes  
Ian Zabarte, Secretary of State for the Western  
Shoshone National Council

Native Community Action Council 10 Minutes  
Margene Bullcreek, President

Timbisha Shoshone Tribe 10 Minutes  
Joe Kennedy, Chairman

**Panel III: Applicant**

Department of Energy 15 Minutes  
Mary Neumayr, Deputy General Counsel for  
Environment & Nuclear Programs

**Panel IV: Nuclear Utilities**

Nuclear Energy Institute 10 Minutes  
Paul Seidler, Senior Director, Nevada, and  
Everett Redmond II, Senior Project Manager

**Panel V: Businesses**

Caliente Hot Springs Resort 5 Minutes  
John Huston

John Uhalde Ranch 5 Minutes  
Gracian Uhalde

Nevada Central Railroad 5 Minutes  
Robert Alan Kemp

Triple Aught 5 Minutes  
Gene Kolkman

**Panel VI: Citizens & Community Groups**

Citizen Alert 5 Minutes  
Peggy Maze Johnson

Dia Art Foundation 5 Minutes  
TBD

9 Group 5 Minutes  
Jenna Morton

Nevada Nuclear Waste Task Force 5 Minutes  
Judy Treichel, Executive Director

Progressive Leadership Alliance of Nevada 5 Minutes  
Launce Rake

Rollin Kim Lee 5 Minutes

Moe Truman 5 Minutes