

SERVICE DATE – JULY 30, 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: July 30, 2008

On March 17, 2008, the Department of Energy (DOE) filed an application seeking authority to construct and operate an approximately 300-mile rail line. The line, to be known as the Caliente Line, would connect an existing Union Pacific Railroad Company line near Caliente, NV, to a proposed geologic repository at Yucca Mountain, Nye County, NV. The purpose of this proposed rail line is to allow DOE to transport spent nuclear fuel and high-level radioactive waste to the proposed geologic repository for disposal, as well as to provide common carrier rail service to communities situated along the proposed line.

On April 16, 2008, the Board published notice in the Federal Register (73 FR 20748), announcing DOE's application. In the notice, the Board, on its own motion, established a procedural schedule with due dates for filings more expansive than those set forth in the Board's regulations.<sup>1</sup> See 49 CFR 1150.10(g) and (h). The schedule made it clear that comments in support or opposition to DOE's application would be due on or before July 15, 2008. Numerous parties submitted comments on or before July 15, 2008. One of these parties was the Office of the District Attorney of Clark County, NV, who filed on behalf of Clark County on July 15, 2008.

On July 18, 2008, after the comment period had already expired, the Board of County Commissioners for Clark County, NV (County Commission), late-filed a request to extend the due date for comments on DOE's application. The County Commission asks that the Board extend the due date for comments by 60 days to provide time for the public to better understand the Board's processes before filing comments on DOE's application.

The County Commission has not shown that an extension of time to file comments is warranted, nor has it explained why its extension request was late-filed. DOE's application has been available on this agency's website since March. The procedures governing the proceeding were served and placed on the Board's website on April 11, 2008, and were published in the Federal Register on April 16, 2008. A public fact sheet about the Board's processes also has

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<sup>1</sup> Under Board regulations, comments on DOE's application would have been due 35 days after its March 17, 2008 filing date.

been available on the Board's website. The public thus has had ample time to become familiar with the Board's processes. Therefore, the County Commission's request for an extension will be denied.<sup>2</sup>

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

It is ordered:

1. The County Commission's request that the Board extend the due date for comments is denied.
2. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary

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<sup>2</sup> The Board may accept late-filed comments where a particular party seeks leave to file such comments and shows good cause for their acceptance.