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**SURFACE TRANSPORTATION BOARD
WASHINGTON D.C.**

Finance Docket No. 35106

**Department of Energy-Certificate of Public Convenience and Necessity to Construct and
Operate a Rail Line in Lincoln, Nye, and Esmeralda Counties, Nevada**

**Comments of Lander County, Nevada
July 11, 2008**

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Lander County, Nevada hereby submits the following comments concerning DOE's requested authority to construct a spur rail line from Caliente, Nevada to the Yucca Mountain facility.

Nevada Rail Corridor SEIS and Rail Alignment EIS

Lack of Detailed Analysis of Impacts from Rail Line Construction

The Rail Alignment EIS did not contain sufficient information for the various resource impacts. There are only general descriptions of the resources being impacted. Furthermore, DOE postponed certain analysis until the construction phase. For example, impacts to cultural resources are largely unknown and will not be fully investigated until construction. Most subject areas are only given cursory treatment.

Many of the Lander County's original scoping comments were largely ignored in the EIS. The EIS ignored potential impacts to:

- Radiation Health and Safety The EIS has not examined potential direct, indirect and cumulative impacts to public health.
- Alternatives routes around the Walker River Reservation.
- Transportation options for generator sites that will not use rail DOE increased the estimates of shipments, but did not indicate where they would come from or how they would reach the proposed repository. This situation is a direct result of a decision to construct a rail line.
- Cumulative analysis of all potential future rail shipments to Yucca Mountain were largely ignored DOE needs to disclose the full potential of rail shipments to Yucca Mountain

The STB must require DOE to thoroughly analyze and quantify potential impacts from rail construction and operations. The SEIS and Rail Alignment EIS lacks sufficient detail about impacts. DOE has proposed mitigation boards as a means to address potential issues, but does not have the information in the SEIS and Rail Alignment EIS to determine whether mitigation is required. DOE has not evaluated all potential safety and health-related risks that may arise from its Caliente corridor. Additionally, DOE recognizes that its preferred route is not the optimum route for transporting rail shipments of spent fuel and high-level waste to the proposed repository.

Lacks specific Committed Mitigation and Monitoring Measures

The EIS lacks specific committed mitigation throughout the document. DOE needs to provide specific mitigation measures for resource impacts. DOE attempts to substitute Section 7.0 (Best Management Practices and Mitigation) as mitigation. It is simply a restatement of the regulatory framework already applicable to DOE activities with respect to rail construction. This is a major construction project affecting both public and private lands in both corridors.

The STB must require specific and dedicated mitigation and monitoring measures as a condition of this project.

A Through-Going Rail Line Increases Operational Efficiencies

A through going rail line provides significant benefits to the national and regional rail systems. Such a route would also allow spent fuel to flow into the repository from both the north and the south, reducing congestion along the rail line, enhancing the security for the individual shipments, and reducing the total number of shipments that will be passing through each point along the route. A through going route would better serve shipments from western generator sites.

The proposed Caliente spur line will provide rail service to individuals and companies that are currently not receiving rail service. However, the rail line will have extremely limited effect on the rail system efficiencies in Southern Nevada, and virtually no effect on the efficiencies or rail infrastructure outside Nevada.

The STB needs to consider the national and regional benefits of a through going rail line and consider options which maximize this potential.

CERTIFICATE OF SERVICE

I, Deborah Teske, hereby certify that a true and correct copy of the foregoing document was served on the following Parties of Record by (1) first-class mail, postage paid, (2) e-mail as shown, or (3) other expeditious method, this day of July 11, 2008.

A handwritten signature in cursive script, reading "Deborah Teske", is written over a horizontal line.

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