

could be accomplished using a variety of modes, including legal-weight truck, rail, heavy-haul truck, and possibly barge.

The Final EIS examined various national transportation scenarios and Nevada transportation implementing alternatives to estimate the range of potential environmental impacts that could occur. Two national transportation scenarios, referred to as the mostly legal-weight truck<sup>3</sup> scenario and the mostly rail<sup>4</sup> scenario, and three Nevada implementing alternatives, referred to as the legal-weight truck alternative, the rail alternative, and the heavy-haul truck<sup>5</sup> alternative are evaluated. In the Final EIS, the Department identified the mostly rail scenario as its preferred mode of transportation, both nationally and in the State of Nevada.

Implementation of the mostly rail scenario would require the construction of a rail line to connect the repository site at Yucca Mountain to an existing rail line in the State of Nevada. Accordingly, the Final EIS evaluated five rail corridors—Caliente, Carlin, Caliente-Chalk Mountain<sup>6</sup>, Jean and Valley Modified. The Department, however, did not identify a preferred rail corridor in the Final EIS.

#### Preferred Nevada Rail Corridor

After consideration of public comments, the analyses of the Final EIS and other information, the Department has identified the Caliente corridor as its preferred rail corridor with the Carlin Corridor as the secondary preference. The Department's preference for Caliente takes into consideration many factors, including its more remote location, the diminished likelihood of land use conflicts, concerns raised by Nevadans, and national security issues raised by the U.S. Air Force on the

these sites to the 77 sites listed above results in a total of 129 sites with spent nuclear fuel or high-level waste destined for repository disposal.

<sup>3</sup> A truck with a gross vehicle weight (truck and cargo) of less than 80,000 pounds having dimensions, axle spacing, and if applicable, axle loads within Federal and state limits.

<sup>4</sup> Rail is defined to include vehicles, such as locomotives and specialized freight cars, with steel wheels running on steel rails using standard gauge that is compatible with the U.S. freight rail network.

<sup>5</sup> A heavy-haul truck is an overweight, overdimension vehicle that must have permits from state highway authorities to use public highways. An intermodal transfer station is a facility at the junction of rail and road transportation used to transfer shipping casks containing radioactive materials from rail to truck, and empty casks from truck to rail.

<sup>6</sup> As stated in the Final EIS, DOE considers the Caliente-Chalk Mountain rail corridor to be non-preferred, because of adverse effects on the security and operations of the Nevada Test and Training Range.

Caliente-Chalk Mountain corridor. Approximately one-third of the Caliente and Carlin corridors overlap. Since the Carlin corridor has similar attributes overall, DOE has identified the Carlin corridor as the secondary preference in the event the Caliente corridor is not selected.

If the Department adopts the mostly rail mode, DOE will issue a Record of Decision selecting a rail corridor no sooner than 30 days after publication of this preference announcement. If the Department selects a rail corridor, DOE will issue a Notice of Intent in the **Federal Register** to initiate the preparation of a rail alignment EIS under NEPA to consider alternative alignments within the selected corridor for construction of a rail line.

Issued in Washington, DC, December 23, 2003.

**Margaret S.Y. Chu,**

*Director, Office of Civilian Radioactive Waste Management.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL04-11-000]

#### **CALifornians for Renewable Energy, Inc., (CARE), Complainant, v. Calpine Energy Services, L.P., and the California Department of Water Resources, Respondents; Notice of Complaint**

October 23, 2003.

Take notice that on October 20, 2003, CALifornians for Renewable Energy, Inc. (CARE) (Complainant) submitted a complaint against Calpine, a seller of long term contracts to the California Department of Water Resources (CDWR), a buyer, collectively (Respondents) alleging that the prices, terms, and conditions of such contracts are unjust and unreasonable, Calpine and CDWR failed to file their rates pursuant to Section 205 of the Federal Power Act (FPA), they abrogate the terms and conditions under their revised contract 2 product 1 requiring performance on specific construction milestones, to provide timely status reports and, to the extent applicable, are not in the public interest. Complainant alleges that Respondents obtained the prices, terms, and conditions in the contracts through the exercise of market power, in violation of the FPA, and that the rates charged do not serve the "public interest" under the FPA and are

in fact unduly preferential and discriminatory against third party customers, and impose an "excessive burden" on these customers among whom are CARE's members who CARE is representing. Complaint alleges Respondents' actions are causing injury to the citizens and ratepayers, including CARE's members that CARE is representing.

CARE states that copies of this filing were served upon Respondents and other interested parties.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at <http://www.ferc.gov>, using the eLibrary (FERRIS) link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

*Comment Date:* November 10, 2003.

**Linda Mitry,**

*Acting Secretary.*

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