

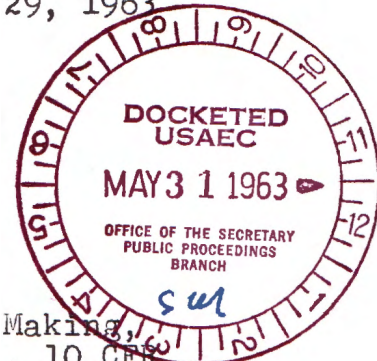
NEW YORK CENTRAL SYSTEM

466 Lexington Avenue
New York 17, N. Y.

May 29, 1963

Mr. Woodford B. McCool, Secretary
U. S. Atomic Energy Commission
Washington 25, D. C.

Dear Sir:



Please refer to the Notice of Proposed Rule Making, relative to the shipment of special nuclear material, 10 CFR Part 71, published in the Federal Register for Tuesday, March 5, 1963, and particularly to Section 71.66(b) of said proposed rule.

Presumably, the proposed regulations apply only to shippers of said commodities that are licensees of the A.E.C., and do not apply, nor are they intended to apply, to transportation agencies. If this presumption is correct, the comments set forth herein are gratuitous. However, if it is the intention that the proposed regulations should be applicable to carriers, and particularly to carriers by railroad subject to the jurisdiction of the Interstate Commerce Commission, this company has a vital interest in seeing that Section 71.66(b) is amended.

Generally speaking, railroad tracks in multiple track territory are built on 14 ft. centers, although there are some yard tracks that may be constructed on as little as 13 ft. centers. Under these circumstances, if shipments governed by Section 71.66(b) are moved by rail it would be essential that such shipments move in trains that are permitted to "own the road", or at least are transported under such special handling conditions as to permit an analysis and control of all traffic moving over the same line in either direction, so as to prevent contact between the shipment in question and any of the other classes of material prescribed in Section 71.66(b). Furthermore, in order to comply with the 20 ft. limitation, a railroad would be required, in yards, to so switch its traffic that at least one track intervened between shipments of commodities listed in Section 71.66(b). This from the point of view of normal railroad operations (particularly in automatic yards) is wholly impractical. Accordingly, if the 20 ft. limitation set forth in Section 71.66(b) is a requirement of safety, it all but bars the movement of such shipments over railroads.

Adjacent sides of cars traveling on parallel tracks in normal operations can be separated by as little as 3 feet, depending upon type of car, train speed and degree of track curvature. From a practical economical operating standpoint, it would be all but impossible for a railroad to police a car involving shipments of materials specified in Section 71.66(b) so as to assure that shipments named in this section did not physically approach each other within the prescribed 20 feet.

Under these circumstances, it would appear that the distance limitation set forth in Section 71.66(b) should be limited to 3 feet, either by reducing the amount of material per shipment, or decreasing the degree of moderation governing such shipments. (See Section 71.62).

Yours very truly,



Robert D. Brooks
General Solicitor

RDB:fjc

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NEW YORK CENTRAL SYSTEM

OFFICE OF GENERAL SOLICITOR

466 LEXINGTON AVENUE

NEW YORK 17, N. Y.



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Washington 25, D. C.