



STATE OF NEW MEXICO

Transportation Department

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Mike T.*

OFFICE OF THE SECRETARY

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April 1, 1986

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RADIATION PROTECTION BUREAU

Mr. Allen I. Roberts
Office of Hazardous Materials Regulations
Department of Transportation
Washington, D.C. 20590

Dear Mr. Roberts:

The New Mexico Transportation Department appreciates the opportunity to comment on Docket No. 9573-N, Chevron Resources Company's Application for Exemption from 49 CFR Part 173 which provides for the covering of rail cars transporting hazardous material and uranium ore.

While this Department has no regulatory authority for interstate rail transport of hazardous substances, it nonetheless remains vitally concerned with the issue in general terms and, therefore, offers the following comment.

Inasmuch as bulk uranium ore is classified as a hazardous material (49 CFR 173), the Transportation Department supports all state and federal requirements which pertain to the safe transit of that and any other so designated material. To consent to any relaxation of those safeguards could conceivably jeopardize public health and safety and at the same time raise serious state liability concerns, once sanctioned.

The issue of rail transport of hazardous materials, and especially of a radioactive nature, has been a major area of concern for this Department. The Waste Isolation Pilot Plant (WIPP) has become a focal point for significant concern among numerous state and federal agencies with regard to transportation. Should the Santa Fe Railway Company, a primary potential transporter of nuclear waste to WIPP, be permitted relaxation of federal hazardous material transit restrictions through the granting of this and future restrictions, the possibility of a precedent being established exists.

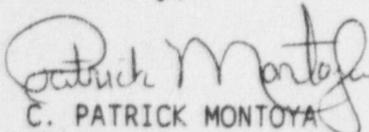
It should also be noted that the route from Grants, New Mexico to Panna Maria, Texas is, in fact, not sparsely populated as the request suggests, and we would expect communities along the route to be notified prior to shipment.

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Please know that this office shares the concern of all parties involved in the action and appreciates the opportunity to comment. Do continue to apprise me of events associated with the request.

Sincerely,


C. PATRICK MONTOYA
Secretary

CPM:FSF:ms

cc: J. H. Reynolds
Chevron Resources Company
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Grants, NM 87020

✓ Michael Brown
Environmental Improvement Division
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