



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

APR - 5 2001

The Honorable Carol J. Carmody  
Acting Chairman  
National Transportation Safety Board  
Washington, DC 20594

Dear Madam Chairman:

Thank you for your letter of February 20, 2001 concerning an update on safety recommendation I-00-6 issued to the Research and Special Programs Administration. The recommendation states:

*Within one year of the issuance of this safety recommendation, complete rulemaking on Docket HM-223 "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage," to establish, for all modes of transportation, safety requirements for loading and unloading hazardous materials.*

As we explained in our July 21, 2000 letter, we initiated the rulemaking to better define the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to loading, unloading, and storage operations at fixed facilities and to clarify the relationships among federal, state, local, and tribal agencies involved in the regulation of hazardous materials. Clarifying the applicability of the HMR will reduce confusion on the part of the regulated public concerning where transportation requirements apply and where other federal and non-federal requirements for hazardous materials at fixed facilities apply. This should result in improved compliance with the separate regulatory requirements of federal and non-federal agencies and, thus, enhance hazardous materials transportation safety, reduce risks to the environment from hazardous materials, and promote workplace safety at facilities that manufacture or handle hazardous materials.

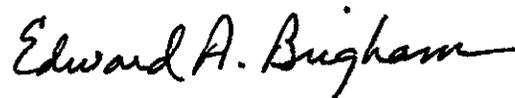
During the second half of 2000, we worked closely with the Occupational Safety and Health Administration and the Environmental Protection Agency to assure that the notice of proposed rulemaking (NPRM) clearly articulates the relationship between the HMR and regulations applicable to environmental and worker protection. In addition, we worked with the Department's operating administrations to address applicability issues unique to specific modes of transportation. The NPRM is currently under Departmental review in accordance with the January 20, 2001 memorandum from the President's Chief of Staff entitled Regulatory Review Plan. We anticipate publication by mid-2001. After publication, we will likely host at least two public meetings to provide interested persons with an opportunity to comment on the proposals



outlined in the NPRM. Because of the significance of this rulemaking, we expect that we will receive a substantial number of comments from the regulated industry, state and local government public safety and environmental agencies, and the general public. We hope to publish a final rule under Docket HM-223 early in 2002.

If you have any questions, please contact me or Ms. Patricia Klinger, Director of External Communications, at 202-366-4831.

Sincerely,

A handwritten signature in black ink that reads "Edward A. Brigham". The signature is written in a cursive style with a long horizontal stroke at the end.

Edward A. Brigham  
Acting Deputy Administrator