



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

**MAY 31 2001**

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

Dear Madam Chairman:

This letter addresses the National Transportation Safety Board's (NTSB) Safety Recommendations R-01-03 and I-01-01, issued to the Research and Special Programs Administration (RSPA) as a result of the Safety Board's investigation of a February 18, 1999 railroad tank car incident near Clymers, Indiana. The Board recommended that RSPA:

Evaluate, with the assistance of the Federal Railroad Administration (FRA), the Association of American Railroads (AAR), and the Railway Progress Institute (RPI), the deterioration of pressure relief devices through normal service and then develop inspection criteria to ensure that the pressure relief devices remain functional between regular inspection intervals. Incorporate these inspection criteria into the U.S. Department of Transportation Hazardous Materials Regulations. (R-01-03)

Develop and implement policies and procedures to ensure that comprehensive reports concerning all significant failures of U.S. Department of Transportation specification tank cars, highway cargo tanks, and intermodal bulk containers containing hazardous materials are provided to the Research and Special Programs Administration. (I-01-01)

The Safety Board also reiterated Safety Recommendation I-00-6 [sic I-00-06]:

Within one year 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. (I-00-6) [sic I-00-06]



Safety Recommendation R-01-03

Several measures have been taken to resolve the concerns raised on pressure relief devices. On August 7, 2000, RSPA issued exemption DOT-E 12095, to authorize an alternative tank car qualification program to that prescribed in Title 49 Code of Federal Regulations, Part 180, Subpart F. Developed by the AAR and FRA, this program permits the owner to establish different tank car operating procedures or test intervals based on the results of a damage-tolerance evaluation or service reliability assessment. Recently, RSPA, FRA, Transport Canada, RPI, and AAR-member companies formed a federal government and industry task force to study the issues surrounding the Clymers, Indiana, tank car failure and develop a test and inspection protocol. FRA also issued a research grant to South Carolina University to develop a generic reliability model for tank cars. RSPA and FRA are monitoring these measures to determine the need for further action.

Safety Recommendation I-01-01

On March 23, 1999, RSPA published an advance notice of proposed rulemaking under Docket HM-229. A copy is enclosed. In this notice, we asked a series of questions and solicited comments regarding revision of the current incident reporting requirements in the Hazardous Materials Regulations. We also requested comments on two NTSB recommendations (R-89-52, concerning shipper notification of hazardous materials incidents, and H-92-6, concerning identification of patterns of cargo tank equipment failures, including the reporting of all incidents involving DOT specification cargo tanks). The comment period closed on June 21, 1999. We have since evaluated all comments received and developed a notice of proposed rulemaking (NPRM). We expect to publish the notice by the summer of 2001. We will consider Safety Recommendation I-01-01 in this NPRM.

Safety Recommendation I-00-6 [sic I-00-06]

In an April 5, 2001 letter, we provided you with an update on the Docket HM-223 rulemaking. A copy is enclosed. We anticipate publication of an NPRM 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 expect to publish a final rule under Docket HM-223 early in 2002.

We request that you classify recommendations R-01-03 and I-01-01 as "Open - Acceptable Action" pending further review, and re-classify recommendation I-00-6 [sic I-00-06] to "Open-Acceptable Action." We thank you for consideration of our request.

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

Sincerely yours,

*Edward A. Brigham*

Edward A. Brigham  
Acting Deputy Administrator

Enclosures