



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

The Administrator

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

MAR - 4 2002

The Honorable Marion C. Blakey
Chairman
National Transportation Safety Board
Washington, DC 20594

Dear Madam Chairman:

This letter provides an update on three National Transportation Safety Board (NTSB) Safety Recommendations issued to the Research and Special Programs Administration (RSPA) regarding the transportation of hazardous materials in cargo tank motor vehicles (CTMVs).

On December 4, 2001, RSPA published a notice of proposed rulemaking (NPRM) in the *Federal Register* under Docket HM-213, titled, "Hazardous Materials: Requirements for Cargo Tanks." On February 1, 2002 we extended the comment period until April 4, 2002. Copies of these publications are enclosed. The NPRM proposes revisions to the Hazardous Materials Regulations (HMR) to update and clarify the regulations on the construction and maintenance of CTMVs. It addresses three NTSB Safety Recommendations, as follows:

Recommendation H-90-91:

Require controls for internal shut-off valves for the discharge system to be installed at remote locations on all newly constructed and currently authorized DOT specification cargo tanks that are used for the transportation of any hazardous materials.

RSPA Action:

In a final rule published November 3, 1994 (HM-183C; 50 FR 55162), we adopted a requirement for MC 331 and MC 338 CTMVs constructed after January 1, 1995, to be equipped with on-truck remote shutoff devices.

For CTMVs constructed prior to January 1, 1995, we required each MC 330 and MC 331 CTMV used to transport flammable gas, flammable liquid, hydrogen chloride, refrigerated liquid, or anhydrous ammonia, and each MC 338 CTMV used to transport flammable ladings, to be retrofitted with an on-truck remote shutoff device.



In the December 4, 2001 NPRM, we are proposing to require all MC 330, MC 331, and MC 338 CTMVs to be retrofitted with an on-truck remote mechanical shutoff device that meets the requirements for the applicable specification.

The retrofit must be accomplished within three years from the effective date of a final rule.

Under this proposal, CTMVs used to transport only argon, carbon dioxide, helium, krypton, neon, nitrogen, or xenon are excepted from the requirement for on-truck remote shutoffs.

Recommendation H-93-34:

Require remote control mechanisms for internal shutoff valves to be marked for emergency use on all cargo tanks authorized for the transportation of hazardous materials.

RSPA Action:

In response to this recommendation, we are proposing to amend the HMR to require all manually activated on-truck remote shutoff devices for closure of the internal valve to be marked "Emergency Shutoff." The requirement would be effective two years after the publication date of a final rule.

Recommendation H-95-14:

Revise inspection/testing requirements for all cargo tanks constructed of mild and high-strength, low-alloy steel that are used to transport hazardous materials to require at least once each year or immediately when visual inspections indicate corrosion, measurement of the thickness of appurtenances (including ring stiffeners) that form air cavities adjacent to external cargo tank sheet material when cargo tank sheet material cannot be visually inspected. If the thickness of the appurtenance material has corroded to a predetermined percentage of its manufactured thickness, require that access to the tank sheet material within the air cavity be made and that the thickness of the tank sheet material to be measured.

RSPA Action:

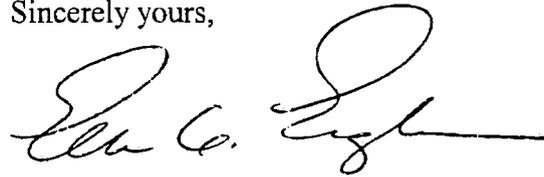
Consistent with the NTSB recommendation, we are proposing to require thickness testing of ring stiffeners and appurtenances on cargo tanks that are constructed of mild steel, high-strength, low-alloy steel, or aluminum. The testing will be required when the ring stiffeners and appurtenances are installed in a manner that precludes an external visual inspection.

Safety Recommendations H-93-94 and H-95-14 are currently classified as "Open Acceptable Response" and we request they remain at this classification.

Safety Recommendation H-90-91 is classified as "Open Unacceptable Response," and we request reclassification to "Open Acceptable Response," based on our prior rulemaking actions and the revisions we proposed under Docket HM-213. We thank you for consideration of our requests.

If you have any questions, please contact me or Ms. Suzanne Te Beau, Associate Administrator for Policy and Congressional Affairs, at (202) 366-4831.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ellen G. Engleman". The signature is fluid and cursive, with a large initial "E" and a long horizontal stroke at the end.

Ellen G. Engleman

Enclosures (2)