



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

The Administrator

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

FEB 24 2000

The Honorable Jim Hall
Chairman
National Transportation Safety Board
Washington, DC 20594

Dear Mr. Chairman:

This letter addresses the National Transportation Safety Board's Safety Recommendations H-99-57 and H-99-58 issued to the Research and Special Programs Administration (RSPA). The recommendations were issued as the result of the Safety Board's investigation of a hazardous materials incident that occurred on August 9, 1998, in Biloxi, Mississippi. A truck driver employed by Premium Tank Lines, Inc. was transferring gasoline from a cargo tank to the underground storage tanks at a Fast Lane gasoline station-convenience store, when the underground storage tank containing gasoline overflowed. The gasoline ignited, fire engulfed three vehicles near the intersection, five persons died and another was seriously injured. The Board recommended that RSPA:

Promulgate regulations requiring motor carriers that transport hazardous materials in cargo tanks to develop and maintain specific written cargo loading and unloading procedures for their drivers. (H-99-57)

Require that a hazardous materials incident meeting the immediate notification requirements in 49 Code of Federal Regulations 171.15 be reported within a specified time period to federal authorities. (H-99-58)

RSPA, in coordination with the Federal Motor Carrier Safety Administration and industry, is evaluating the regulatory options related to safety recommendation H-99-57. Section 172.700 of Title 49 Code of Federal Regulations (CFR) contains general training requirements for training hazmat employees, and Section 177.816(b)(3) has specialized requirements for motor carriers that transport hazardous materials in cargo tanks. The specialized requirements include the loading and unloading procedures for operators of cargo tanks.

RSPA will address H-99-58 in the Notice of Proposed Rulemaking (NPRM) that is being developed under Docket HM-229, "Revisions to the Hazardous Materials Incident Reporting System," including Form 5800.1. RSPA anticipates the NPRM will be issued in the fall of 2000.



We request that you classify recommendations H-99-57 and H-99-58 as "Open Acceptable Action," pending further review. We thank you for your consideration of our request.

If you have any questions, please contact me or Jack Murray, Associate Administrator for Policy and Program Support, at (202) 366-4831.

Sincerely,



Kelley S. Coyner