



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

May 7, 1999

The Honorable James E. Hall
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Mr. Chairman:

Thank you for your letter addressing the status of Safety Recommendations H-92-6 and H-98-27. Safety Recommendation H-92-6 states that the Research and Special Programs Administration (RSPA) should implement, in cooperation with the Federal Highway Administration, a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents involving Department of Transportation (DOT) specification cargo tanks. Safety Recommendation H-98-27, which was the result of the collision of an MC-306 cargo tank semi-trailer and a private passenger car in Yonkers, New York, on October 9, 1997, states that DOT should prohibit the carrying of hazardous materials in external piping of cargo tanks, such as loading lines, that may be vulnerable to failure in an accident.

With regard to Safety Recommendation H-92-6, RSPA is seeking ways to collect better and more information when cargo tank motor vehicles have been involved in incidents, whether or not a release of hazardous materials occurred, and to more accurately describe the patterns and causes of cargo tank failures. RSPA recently published an Advance Notice of Proposed Rulemaking in the Federal Register for this purpose (enclosed). RSPA would revise DOT Form F 5800.1, Hazardous Materials Incident Report, through this rulemaking. A top priority is to increase the usefulness of data collected for risk analysis and risk management purposes. Accomplishing this objective, we believe, will meet the intent of the Board's recommendation. Fundamental to this approach is finding ways to make changes to the form (last revised in 1989) to collect additional information on more critical hazardous material transportation situations while holding reporting burdens to a reasonable level.

As we advised in our August 31, 1998, letter to you regarding Safety Recommendation H-98-27, relative to the cargo tank external piping issue, RSPA has completed a preliminary Risk/Benefit-Cost Analysis (also enclosed) to help determine potential courses of action and to justify any possible rulemaking if warranted.



Notwithstanding the possibility that there may be underreporting of noncatastrophic incidents involving wet line breaching, it appears that a total prohibition of wet lines may not be cost beneficial. However, other strategies for responding may be feasible. Thus, RSPA has decided to modify a rulemaking currently under development. RSPA expects to issue a notice of proposed rulemaking in the next few months.

We believe we are now making progress on Safety Recommendations H-92-6 and H-98-27 discussed above. We will keep you informed of further developments. We request the recommendations be classified as "Open-Acceptable Action" while our efforts proceed.

If you have any questions or concerns, please contact me or RSPA Administrator Kelley S. Coyner at (202) 366-4461.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodney E. Slater".

Rodney E. Slater

Enclosures