U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUN 19 2007

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L 'Enfant Plaza, SW
Washington, DC 20594

Dear Chairman Rosenker:

Thank you for your April 3, 2007 letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) concerning National Transportation Safety Board (NTSB) safety recommendations I-02-1 and I-02-2. The recommendations were issued following the NTSB investigation of a rail tank car accident on July 14, 2001 in Riverview, Michigan. The recommendations state:

I-02-1

> *Develop, with the assistance of the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA), safety requirements that apply to loading and unloading of railroad tank cars, highway cargo tanks, and other bulk containers that address the inspection and maintenance of cargo transfer equipment, emergency shutdown measures, and personal protection requirements.*

I-02-2

> *Implement, after the adoption of safety requirements developed in response to Safety Recommendation I-02-1, an oversight program to ensure compliance with these requirements.*

Your letter also relates to NTSB safety recommendation R-04-10. This recommendation was issued to PHMSA's predecessor organization, the Research and Special Programs Administration, following the NTSB investigation of a rail tank car incident on September 13, 2002 in Freeport, Texas. The recommendation states:

R-04-10

> *In cooperation with [OSHA] and [EPA], develop regulations that require safe operating procedures to be established before hazardous materials are heated in a*

railroad tank car for unloading; at a minimum the procedures should include the monitoring of internal tank pressure and cargo temperature.

As noted in your April 3, 2007 letter, PHMSA is reexamining the loading and unloading issue using a system safety approach. This follows our review of bulk loading and unloading incidents over the past decade that suggests roughly one quarter to one half of overall hazardous materials transportation risk may be attributable to loading and unloading operations.

PHMSA is using an enterprise approach to examine the benefits of best practices or consensus standards on the bulk loading and unloading of hazardous materials and additional potential actions to reduce hazardous materials transportation risk. PHMSA personnel discussed this new initiative for bulk loading and unloading of hazardous materials at a March 29, 2007 meeting with NTSB staff. Working group meetings, in which NTSB participated, were part of the initial phase of this effort.

We plan to host a public workshop on June 14, 2007 as the next step. The workshop will review the adequacy of an initial draft best practice document and seek public comments on additional topic areas and directions. Other approaches to address bulk loading and unloading risks will also be discussed.

We are discussing our plans for this workshop with key stakeholders in government, industry, and the emergency response community to determine the proper structure for this activity and the appropriate expertise to include. Advice is being sought from OSHA and EPA in this regard. The workshop will be open to the public and transcribed for the docket. All interested persons are invited to submit written comments to the docket. We also seek continued NTSB participation in and support for this effort.

We request that you classify NTSB Recommendations I-02-1, I-02-2, and R-04-10 as "Open – Acceptable Action" while the efforts outlined above are underway.

If you have any questions, please contact me at (202) 366-4433.

Sincerely,

Stacey Gerard
Assistant Administrator/Chief Safety Officer