



# National Transportation Safety Board

Washington, D.C. 20594

OCT 4 1995

Office of the Chairman

Honorable D. K. Sharma  
Administrator  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590



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Dear Dr. Sharma:

The National Transportation Safety Board has reviewed your letter of July 28, 1995, responding to Safety Recommendations I-90-5, -6, and -8 through -11. These recommendations were issued on March 23, 1990, as a result of the Safety Board's investigation of the puncture of a cylinder containing hazardous materials following the overturn of a tractor-semitrailer in Collier County, Florida, on November 30, 1988.

Safety Recommendation I-90-5 asked that the Research and Special Programs Administration (RSPA) require all manufacturers of Department of Transportation (DOT) specification containers that were not tested and inspected in accordance with regulatory requirements or that were properly tested but failed to meet regulatory requirements to retest randomly selected containers from each lot of these identified containers in accordance with DOT regulatory procedures and to direct the owners of containers in lots that fail the tests to remove DOT specification markings. Safety Recommendation I-90-6 urged that RSPA modify the compliance program to ensure that containers are removed from use in transportation of hazardous materials when those containers are identified as not meeting specification requirements. The Safety Board notes that RSPA, in responding to these two recommendations, has developed formal procedures for examining and testing containers that do not comply with DOT specifications and for analyzing results to determine the risk associated with the areas of noncompliance. Depending on the level of risk involved, RSPA intends to remove these containers from service or take some action to remove the hazard, such as retrofitting, derating, or requiring additional operational controls. While these procedures do not require strict compliance with Federal regulations, RSPA's focus on ensuring the safety of DOT specification containers through examination, testing, and risk analysis meets the intent of these recommendations. Therefore, Safety Recommendations I-90-5 and -6 are classified "Closed-Acceptable Alternate Action."

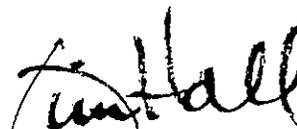
Safety Recommendations I-90-8 through -10 requested that RSPA take regulatory action to address various safety issues. Safety Recommendation I-90-8 requested that RSPA require hazardous materials cargo to be secured in transportation with adequate cargo restraint systems to prevent ejection of cargo from vehicles. We note that your letter of May 3, 1994, stated that RSPA intended to publish a "notice of petition of rulemaking" by the end of 1994. Your current

letter does not mention the status of this petition. It states that you intend to address the issue by rulemaking, but no publication date is provided. Safety Recommendation I-90-9 requested that RSPA require independent inspections of new and reconditioned low-pressure cylinders that are consistent with the present independent inspection requirements for high-pressure cylinders. RSPA's letter of September 24, 1990, discussed developing an advance notice of proposed rulemaking (ANPRM). Your letter of May 3, 1994, said that this ANPRM would be published in 1994. Your current letter does not mention the status of the ANPRM but indicates that RSPA plans to conduct rulemaking in this area this calendar year. Safety Recommendation I-90-10 requested that RSPA amend inspection and testing requirements for pressure cylinders to make the requirements clear and consistent. Your letter of May 3, 1994, stated that an ANPRM would be published concerning this recommendation. Your current letter does not mention the status of this ANPRM; however, it states that a notice of proposed rulemaking will be published by the end of this year.

The Safety Board is concerned that RSPA has not followed up on its prior commitments and has not made noticeable progress on the safety issues addressed by Safety Recommendations I-90-8 through -10 in more than 5 years. RSPA indicates support for these recommendations but has demonstrated no substantive progress. Therefore, Safety Recommendations I-90-8 through -10 will remain classified "Open--Unacceptable Response."

Safety Recommendation I-90-11 asked RSPA to develop and implement requirements for improving the visibility and effectiveness of hazardous materials placards, considering the orientation of vehicles after accidents. RSPA published an ANPRM in June 1992 and an NPRM in August 1994. The Safety Board commented on both rulemakings and supported requirements to improve the effectiveness of placards. However, RSPA stated that it does not plan to make changes in placarding requirements based on comments received to the ANPRM. Therefore, Safety Recommendation I-90-11 is classified "Closed--Unacceptable Action."

Sincerely,

  
Jim Hall  
Chairman

cc: Dr. Donald R. Trilling  
Director  
Office of Transportation Regulatory Affairs