

FEB 6 1992

The Honorable James L. Kolstad
Chairman
National Transportation Safety Board
L'Enfant Plaza
Washington, D.C. 20594

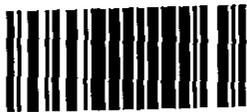
Dear Mr. Chairman:

The purpose of this letter is to address several NTSB safety recommendations which are classified as "Open-Unacceptable Action". We have reconsidered our initial proposals in light of your comments, and have made changes to our planned actions which we believe merit reclassification of the recommendations. Attached is a discussion of our proposed actions.

Sincerely,
ORIGINAL
SIGNED BY

Travis P. Dungan

Attachment



127

I-85-11

Status: Open-Unacceptable Action

Recommendation:

Revise the hazardous materials regulations to clearly describe shipper responsibilities for performing a sufficient analysis to determine that materials shipped are compatible with packaging materials to be used in transportation, and that particular emphasis is given to the unique hazards that waste material may present.

Response:

This recommendation was addressed under docket HM-181 Section 173.24(e) which specifically deals with the responsibility of the shipper to ensure the compatibility of the packaging with the lading including waste materials. This section on compatibility describes shipper responsibilities for the analyses and test procedures for packaging materials and their contents as applied to corrosivity, permeability, softening, premature aging, and embrittlement and is responsive to the objective of I-85-11. It is not necessary to give particular emphasis to the ... "unique hazards that waste material may present" because of the new classification system and performance oriented packaging requirements stipulated in HM-181. The hazards related to a hazardous material including a hazardous waste material are addressed through the classification system. A hazardous waste whose mixture is such that it does not come under a specific class such as 3.0, a flammable liquid, or 5.1, an oxidizer, is classified as hazardous waste, not otherwise specified (n.o.s.), and is assigned to hazard class 9 which is a miscellaneous category designated for such situations. Hazardous waste, n. o.s., is assigned to Packing Group III which takes into account any hazard that the waste material may have. Packing Group III is designed to safely contain a wide variety of hazards including flammable and combustible liquids, flammable solids, oxidizers, poisonous materials, and corrosives. Because of this step by step regulatory process, it is not necessary to give additional emphasis to waste materials to ensure compatibility between packagings and their contents. Because of this positive action taken in HM-181 it is requested that I-85-11 be reclassified as "Closed-Acceptable Action".

R-87-17

Status: Open-Unacceptable Action

Recommendation:

Change the current railroad hazardous material car placement regulations in 49 CFR Part 174, Subpart D, to read "end-of-train" in lieu of "occupied caboose."

Response:

To address this recommendation properly it became apparent and necessary to examine the total car placement process as well as the compatibility of various hazardous materials. RSPA and FRA are developing an ANPRM under docket HM-201A which addresses the operational and economic factors involved. Some of the areas for questions in the ANPRM include: cost implications and safety factors for various car separation distances, from the rear-end of a cabooseless train; car separation distances for incompatible materials; conflicts and costs arising from taking hazardous materials cars out of the normal station/destination order; handling and train placement restrictions for loaded vs. residue tank cars; and cost implications involved in switching hazardous materials tank cars in rail yards. We plan to publish the ANPRM in early 1992. We will keep the NTSB apprised of our progress in this area and request that R-87-17 be reclassified as "Open-Acceptable Alternative Action."

R-89-52

Status: Open-Unacceptable Action

Recommendation:

Establish procedures that require carriers reporting hazardous materials incidents under the provisions of 49 CFR 171.16 to notify shipper if hazardous materials shipments are involved.

Response:

Recently this recommendation was request that we reconsider the merits of this we have done. As a result of their implications we have decided to tank cars and consider other areas as to initiate action to develop a notification which will require carriers to notify when transporting hazardous materials have been a result of reconsidering the safety responsive action we request reclassification to "Open-Acceptable Alternative Action" status.

I-80-01

Status: Open-Unacceptable Action

Recommendation:

Amend 49 CFR 174.25 to include a requirement that the volume, in gallons, and the temperature at which the pressurized liquefied gases were loaded in tank cars be entered on bills of lading, waybills, and shipping orders.

Response:

We do not believe that having the volume, in gallons, and the temperature at which the pressurized liquified gas was loaded will provide emergency responders with information that is useful or practical at the scene of a tank car accident. However, we agreed in a meeting with the NTSB to re-examine I-80-01 and consider the costs and benefits of an amendment to 49 CFR 174.203(g) which would require the inclusion in shipping papers of such factors as the volume of the product in pounds or gallons at a standard temperature condition as opposed to the temperature at loading recommended in I-80-01. We propose to use 60°F as the temperature standard to be used for temperature - volume conversion on shipping papers. This temperature standard is derived from sections 49 CFR 173.314 (c) Note 1, and 173.315 (a)(1) Note 1, and is therefore consistent with our current regulations. This temperature standard will be less burdensome for shippers and provide a more practical measurement for emergency responders. We will include this amendment in our HM-166Y regulatory actions. As a result, we request that this recommendation be reclassified as "Open-Acceptable Alternate Action", pending an amendment to 49 CFR 172.203(g).

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