



**MAR - 6 2001**

The Honorable Carol J. Carmody  
Acting Chairman  
National Transportation Safety Board  
Washington, D.C. 20594

Dear Madam 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) as the result of the Safety Board's investigation of an August 9, 1998, hazardous materials incident in Biloxi, Mississippi. 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 of 49 CFR 171.15 be reported within a specified time frame to federal authorities. (H-99-58)

The recommendations are currently classified as "Open -- Acceptable Response." As requested by your letter dated January 5, 2001, this letter provides an update on our progress in addressing the safety issues highlighted by these two recommendations.

H-99-57

The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) include general training requirements for hazmat employees. In addition to general awareness and safety training, each hazmat employee must be provided function-specific training concerning the requirements of the HMR applicable to the function or functions the employee performs (§ 172.704) and must be tested (§ 172.702). Hazmat employers must also retain training records of their hazmat employees (§ 172.704(d)). Thus, hazmat employees who load or unload cargo tanks must be trained to perform such loading or unloading operations in accordance with applicable HMR requirements. Further, the HMR include specialized requirements applicable to motor carriers that transport hazardous materials in cargo tanks.

These specialized requirements include training for drivers of cargo tank motor vehicles covering all aspects of cargo tank operation, including loading and unloading procedures



(§ 177.816(b)). The training requirements in Part 172 and Part 177 of the HMR allow motor carriers the flexibility to devise training programs tailored to specific operations and situations. The training requirement may be fulfilled through classroom instruction, written procedures, on-the-job training, videotaped presentations, or any other method or combination of methods appropriate to the needs and circumstances of the motor carrier.

In addition, the HMR require each operator of a cargo tank motor vehicle transporting a liquefied compressed gas to carry on the cargo tank motor vehicle a written emergency discharge control procedure (§ 177.840(l)). This requirement was developed as part of a negotiated rulemaking process that resulted in a comprehensive program to improve the safety of liquefied compressed gas unloading operations. Such unloading operations are frequently conducted by personnel at a consignee facility rather than the driver of the cargo tank motor vehicle, and this requirement assures that information on handling an emergency that occurs during unloading is readily available to the person performing the unloading operation.

For the past year, a joint industry-government task force has been working to develop a recommended standard for loading and unloading MC 306 and DOT 406 cargo tank motor vehicles, which are primarily used to transport gasoline and other petroleum products. The joint task force included representatives of the Petroleum Marketers Association of America, the National Association of Convenience Stores, the Society of Independent Gasoline Marketers of America, the American Petroleum Institute, the National Tank Truck Carriers, the Federal Motor Carrier Safety Administration, and RSPA. The result is a new consensus standard, American Petroleum Institute (API) Recommended Practice 1007 – Loading and Unloading MC 306/DOT406 Cargo Tank Motor Vehicles.

The new consensus standard identifies specific steps for loading and unloading gasoline and petroleum products transported in MC 306 or DOT 406 cargo tank motor vehicles. It includes loading and unloading procedures for both bottom- and top-loading tank trucks and for unloading into both underground and above ground storage tanks. The consensus standard provides step-by-step instructions for loading and unloading operations, including procedures for inspection, fire protection, emergency shut-down, attendance, hose and piping connection and disconnection, vapor and ignition control, and spill prevention. In addition, the consensus standard requires operators to be familiar with the color-symbol system used to mark equipment and vehicles for product identification at service stations and distribution terminals.

Given current HMR requirements and the industry's adoption of API Recommended Practice 1007 governing cargo tank loading and unloading operations, we do not believe it is necessary to promulgate new federal regulations for such operations at this time. We will strongly encourage the regulated industry to adopt and implement API Recommended Practice 1007. If necessary, we will reevaluate the need to issue a federal regulation based on the degree to which Recommended Practice 1007 becomes an accepted industry operating standard. Taken together, the HMR requirement applicable to liquefied compressed gases and the API standard

applicable to gasoline and petroleum products address those loading and unloading operations of cargo tank motor vehicles most likely to pose significant risks to the public.

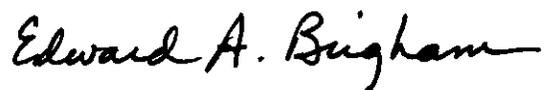
H-99-58

We will address H-99-58 in a notice of proposed rulemaking (NPRM) currently being developed under Docket HM-229. We expect to issue the NPRM in the spring of 2001.

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

If we can be of further assistance, please contact me or Patricia Klinger, Director of External Communications, at (202) 366-4831.

Sincerely,



Edward A. Brigham  
Acting Deputy Administrator