



National Transportation Safety Board

Washington, D.C. 20594

AUG 6 2002

Office of the Chairman

Honorable Ellen G. Engleman
Administrator
Research and Special Programs Administration
400 Seventh St., S.W.
Washington, D.C. 20590

Dear Ms. Engleman:

Thank you for your March 4, 2002, response to the National Transportation Safety Board regarding Safety Recommendations H-90-91, H-93-34, and H-95-14, stated below. The Board has reviewed RSPA's notice of proposed rulemaking (NPRM) "Hazardous Materials: Requirements for Cargo Tanks," Docket No. RSPA-98-3554 (HM-213), which was published at 66 *Federal Register* 233 on December 4, 2001, and addresses these recommendations. Safety Recommendation H-90-91 was issued to the Research and Special Programs Administration (RSPA) on September 12, 1990, as a result of the Safety Board's investigation of the cargo tank accident near Ashland, Virginia, on December 28, 1988.

H-90-91

Require controls for internal shut-off valves for the discharge system to be installed at remote locations on all newly constructed and currently authorized Department of Transportation specification cargo tanks that are used for the transportation of any hazardous materials.

The Safety Board notes that in the December 4, 2001, NPRM, RSPA proposes to require all MC 330, MC 331, and MC 338 cargo tank motor vehicles (CTMVs) to be retrofitted with an on-truck remote mechanical shutoff device. The Board supports RSPA's proposal, which addresses Safety Recommendation H-90-91. Whenever an emergency occurs that involves the transfer of a hazardous material from a cargo tank, an operator must have the ability to stop the flow of product from the cargo tank through the discharge system to minimize threats to public safety. Although more than 10 years have passed since this recommendation was issued, it appears that the proposed rulemaking will satisfy the intent of the recommendation. Accordingly, Safety Recommendation H-90-91 is classified "Open—Acceptable Response," pending review and issuance of the final rule.

Safety Recommendation H-93-34, stated below, was issued to RSPA on October 4, 1993, as a result of the Safety Board's investigation of the tank truck transfer accident near Rockville, Maryland, on May 12, 1993.

H-93-34

Require that the remote control mechanisms for internal shutoff valves be marked for emergency use on all cargo tanks authorized for the transportation of hazardous materials.

The Safety Board supports RSPA's proposal to require that all manually activated on-truck remote controls for the internal shutoff valve be marked "emergency shutoff" as requested in Safety Recommendation H-93-34. Although the Board notes that RSPA intends to amend the hazardous materials regulations to address this recommendation, the Board is concerned that more than 8 years have passed without any action being taken to address this recommendation and that the requirement will not become effective for 2 years after the issuance of the final rule. Again, we urge RSPA to expedite the necessary rulemaking to require that the remote control mechanisms for internal shutoff valves be marked for emergency use. Pending issuance of a final rule, Safety Recommendation H-93-34 remains classified "Open—Acceptable Response."

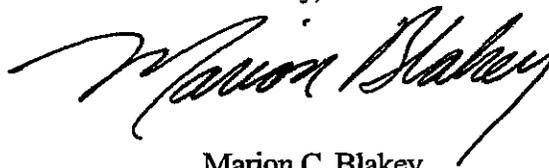
Safety Recommendation H-95-14, stated below, was issued to RSPA on August 1, 1995, as a result of the Safety Board's investigation of the cargo tank semitrailer accident near Deltona, Florida, on September 6, 1994.

H-95-14

Revise inspection and testing requirements for all cargo tanks constructed of mild and high-strength, low-alloy steel that are used to transport hazardous materials to require at least once each year, or immediately when visual inspections indicate corrosion, measurement of the thickness of appurtenances (including ring stiffeners) that form air cavities adjacent to external cargo tank sheet material when the cargo tank sheet material cannot be visually inspected. If the thickness of the appurtenance material has corroded to a predetermined percentage of its manufactured thickness, require that access to the tank sheet material within the air cavity be made and that the thickness of the tank sheet material be measured.

The Safety Board supports RSPA's December 4, 2001, NPRM to require inspection and testing of cargo tanks in areas covered by ring stiffeners and appurtenances as requested in Safety Recommendation H-95-14. However, the Safety Board notes that RSPA has proposed inspections every 2 years instead of every year as stated in Safety Recommendation H-95-14. The Safety Board believes annual inspections will provide greater protection against catastrophic failures than inspections conducted every 2 years. The Safety Board urges RSPA to require annual inspections as originally recommended. Pending completion of the rulemaking action, Safety Recommendation H-95-14 remains classified "Open—Acceptable Response."

Sincerely,



Marion C. Blakey
Chairman

