



# National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

OCT 25 2002

Honorable Ellen G. Engleman  
Administrator  
Research and Special Programs Administration  
Washington, D.C. 20590

Dear Ms. Engleman:

Thank you for your July 1, 2002, letter regarding Safety Recommendations H-92-1, -2, -4, -5, and -6, stated below, which were issued to the Research and Special Programs Administration (RSPA) on March 20, 1992, as a result of the National Transportation Safety Board's hazardous materials special investigation report on cargo tank rollover protection. These recommendations were also discussed at our recent meeting regarding the Safety Board's open safety recommendations. The status of each recommendation is discussed below.

#### H-92-1

Provide cargo tank manufacturers with specific written guidance about (a) the factors and assumptions that must be considered when calculating the loads on cargo tank rollover protection devices in determining compliance with existing Department of Transportation [DOT] performance standards; and (b) acceptable means to shield and protect the top-mounted closure fittings on all bulk liquid cargo tanks.

The Safety Board notes that RSPA has requested that the Truck Trailer Manufacturers Association (TTMA) reissue Recommended Practice (RP) Number 87-92, titled "DOT 106, DOT 407 and DOT 412 Cargo Tank Rollover Accident Damage Protection," and that the TTMA Engineering Committee is considering appropriate revisions to the recommendations in RP No. 87-92. The Board would appreciate being informed of the results of the June 25 meeting with the TTMA mentioned in your letter and the timeframe contemplated for reissuing RP No. 87-92. In the meantime, Safety Recommendation H-92-1 remains classified "Open—Acceptable Response."

#### H-92-2

Assist the Federal Highway Administration to evaluate the design of the rollover protection devices installed on all cargo tanks manufactured by the Acro Trailer Company and by New Progress, Incorporated, to determine if the cargo tanks comply with existing Department of Transportation standards. [Note: This



recommendation was reassigned to the Federal Motor Carrier Safety Administration (FMCSA) after it was issued.]

The Safety Board notes that with respect to cargo tanks manufactured by Acro Trailer Company, RSPA's review revealed that 13 cargo tanks were built with rollover protection devices identical to the design used on the cargo tank involved in the Albuquerque, New Mexico, crash; this design did not conform to the MC 312 specification. RSPA reports that the FMCSA received verification that 10 cargo tanks have either been modified to meet the applicable specification requirements or are no longer represented as DOT specification cargo tanks. RSPA further reports that it contacted Acro Trailer Company and was informed that the three remaining cargo tanks are believed to be in Mexico, and that Acro has no practical way to locate them. Because the remaining three cargo tanks have not been located, the FMCSA published a notice in the *Federal Register* to alert persons that these cargo tanks may not be used to transport hazardous materials unless the rollover protection devices are modified to meet applicable requirements. The Board further notes that the cargo tanks manufactured by New Progress were tested by RSPA to verify the adequacy of the rollover protection devices and were found to exceed the requirements. RSPA's efforts, in conjunction with the FMCSA, to follow up on the cargo tanks in question are responsive to the recommendation. Accordingly, Safety Recommendation H-92-2 is classified "Closed—Acceptable Action."

#### H-92-4

Assist the Federal Highway Administration to improve the performance of the rollover protection devices on bulk liquid cargo tanks by promulgating performance standards for rollover protection devices that are based on the engineering modeling and analysis conducted in response to Safety Recommendation H-92-3. [Note: This recommendation was reassigned to the FMCSA after it was issued.]

#### H-92-5

Assist the Federal Highway Administration to improve the performance of the rollover protection devices on bulk liquid cargo tanks by phasing out from hazardous materials service the use of all cargo tanks that fail to meet the new performance standards promulgated in response to Safety Recommendation H-92-4. [Note: This recommendation was reassigned to the FMCSA after it was issued.]

RSPA indicates that the FMCSA issued an Advance Notice of Proposed Rulemaking in 1999 requesting comments on a 1998 University of Michigan Transportation Research Institute study on cargo tank rollover protection. The FMCSA subsequently contracted with Battelle Memorial Institute to address the comments received, but this effort is not expected to be completed until 2004, at which time RSPA will evaluate the need for the recommended performance standards. Given the time that has elapsed since the recommendations were issued and that final rulemaking, if completed, is not likely to occur until several years after the Battelle

research is completed, Safety Recommendations H-92-4 and -5 remain classified "Open—Unacceptable Response."

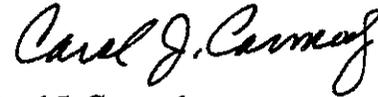
H-92-6

Implement, in cooperation with the Federal Highway Administration, a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents involving a Department of Transportation specification cargo tank. [Note: This recommendation was reassigned to the FMCSA after it was issued.]

RSPA indicates that it will issue a final rule by the end of this year to revise the current hazardous materials incident reporting requirements and the hazardous materials incident report form. Because the proposed revisions to the reporting requirements are in line with the objective of the Safety Board's safety recommendation, H-92-6 remains classified "Open—Acceptable Response" pending publication of the final rule.

We appreciate RSPA's ongoing efforts to address the Safety Board's open recommendations.

Sincerely,



Carol J. Carmody  
Acting Chairman

cc: Mr. Robert Clarke, Safety and Health Team Leader  
Office of Transportation Policy Development