



JUL 16 1996

The Honorable James E. Hall
Chairman, National Transportation
Safety Board
490 L'Enfant Plaza East, SW.
Washington, DC 20594

Dear Mr. Chairman:

This is in response to Safety Recommendations A-96-25 through -28 issued to the Federal Aviation Administration (FAA) and Safety Recommendations A-96-29 and -30 issued to the Research and Special Programs Administration (RSPA). These safety recommendations were issued by the Board on May 31, 1996, as a result of the Board's investigation of an accident on May 11, 1996, involving a McDonnell Douglas DC-9-32, N904VJ, that crashed into the Everglades swamp shortly after takeoff from Miami International Airport, Miami, Florida. The airplane was operated by ValuJet Airlines, Inc., as ValuJet flight 592.

A-96-25. Immediately evaluate the practices of and training provided by all air carriers for accepting passenger baggage and freight shipments (including company materials) and for identifying undeclared or unauthorized hazardous materials that are offered for transport. This evaluation should apply to any person, including ramp personnel, who accepts baggage or cargo for transport on passenger and cargo aircraft.

FAA Comment. The FAA agrees with this safety recommendation and has initiated an immediate evaluation of air carrier hazardous materials manuals and training programs to determine if methods are included to identify undeclared or unauthorized hazardous materials. During the first phase of the evaluation, the FAA will review all 155 air carriers certificated under 14 CFR Part 121. This effort will result in the evaluation of those air carriers which transport 95 percent of the passengers in the United States domestic market. The FAA will also review a random sampling of 150 other certificated air carriers. The FAA expects to complete this phase within 120 days. Following the initial phase of the evaluation, the FAA will conduct follow-up field inspections of these air carriers to ensure that appropriate employees are following proper procedures.

Based on the results of the initial evaluation, the FAA will assess the need to require all 3,705 operators to provide methods to identify undeclared hazardous materials. The FAA



will keep the Board apprised of its progress on this safety recommendation.

A-96-26. Require all air carriers, based on the evaluation performed under Safety Recommendation A-96-25, to revise as necessary their practices and training for accepting passenger baggage and freight shipments and for identifying undeclared or unauthorized hazardous materials that are offered for transport.

FAA Comment. The FAA agrees with this safety recommendation and will initiate action to revise, as necessary, any practices and training for accepting passenger baggage and freight shipments that may arise as a result of the evaluation.

The FAA will apprise the Board of the FAA's course of action to address this safety recommendation as soon as the evaluation is completed.

A-96-27. In cooperation with the Research and Special Programs Administration, permanently prohibit the transportation of chemical oxygen generators as cargo on board any passenger or cargo aircraft when the generators have passed expiration dates, and the chemical core has not been depleted.

A-96-29. In cooperation with the Federal Aviation Administration, permanently prohibit the transportation of chemical oxygen generators as cargo on board any passenger or cargo aircraft when the generators have passed expiration dates, and the chemical core has not been depleted.

FAA/RSPA Comment. On May 24, 1996, RSPA published an interim final rule that prohibits the offering for transportation and the transportation of all chemical oxygen generators as cargo on passenger-carrying aircraft. The interim final rule requests comments within 60 days on the prohibition. This prohibition is broader than the Board's recommendation for passenger aircraft because it prohibits transportation of all generators, not only those that have passed expiration dates. With regard to the Board's recommendations, the interim final rule does not extend the prohibition to cargo aircraft. However, this will be considered as part of the oxidizer rulemaking initiative referenced in Safety Recommendations A-96-28 and -30. RSPA and FAA will consider these safety recommendations, along with comments received as a result of the interim final rule, to determine whether additional rulemaking action should be taken. RSPA is placing a copy of the recommendation and this response in the public docket.

We will apprise the Board of the future course of action to address these safety recommendations as soon as the comments have been reviewed. It is anticipated that this review will be completed by the end of the year.

A-96-28. In cooperation with Research and Special Programs Administration, prohibit the transportation of oxidizers and oxidizing materials (e.g., nitric acid) in cargo compartments that do not have fire or smoke detection systems.

A-96-30. In cooperation with the Federal Aviation Administration, prohibit the transportation of oxidizers and oxidizing materials (e.g., nitric acid) in cargo compartments that do not have fire or smoke detection systems.

FAA/RSPA Comment. The hazardous materials regulations currently forbid the air transportation of the highest risk oxidizing materials (including nitric acid) on board passenger-carrying aircraft. RSPA has in place extensive regulations which limit the amount of permissible oxidizing materials that may be carried in air transportation and which set requirements for labeling, packaging, and handling of these materials. This regulatory scheme greatly reduces the risks associated with the transportation of these materials.

However, because of the issues raised concerning the transportation of oxidizers by air, RSPA, with advice from the FAA, has initiated a rulemaking project to propose a prohibition of the transportation of oxidizers in Class D cargo compartments on both passenger and cargo aircraft. Additionally, the FAA will initiate a separate rulemaking project to require air carriers to clearly label cargo compartments as Class C or D. It is anticipated the notice of proposed rulemaking will be published by October 1996. We are also examining the current regulations authorizing use of other classes of compartments and authorizing other classes of hazardous materials aboard aircraft.

We will keep the Board apprised of the progress on these projects.

Sincerely,



David R. Hinson
Administrator
Federal Aviation
Administration



Dr. D. K. Sharma
Administrator
Research and Special
Programs Administration