



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY - 4 1998

The Honorable Jim Hall
Chairman
National Transportation Safety Board
Washington, DC 20594

Dear Mr. Chairman:

This letter addresses National Transportation Safety Board safety recommendations A-96-29 and A-96-30 issued to the Research and Special Programs Administration (RSPA). Recommendations A-96-29 and A-96-30 were issued as the result of the Safety Board's investigation of the accident involving ValueJet Flight 592 in the Everglades near Miami, Florida, on May 1, 1996. The recommendations state that RSPA should:

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.

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.

RSPA published a Final Rule (enclosed) on December 30, 1996 [61 FR 68952], Docket HM-224, permanently prohibiting the transportation of chemical oxygen generators as cargo on board passenger carrying aircraft. The rulemaking applies to both foreign and domestic passenger-carrying aircraft entering, leaving or operating in the United States, and to any person offering an oxygen generator for transportation on any passenger carrying aircraft. Based upon RSPA's action under Docket HM-224, I request that safety recommendation A-96-29 be classified as "Closed-Acceptable Action."

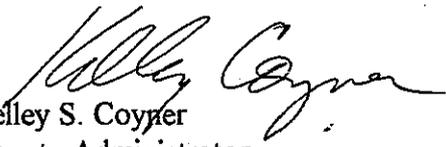
With regard to recommendation A-96-30, several rulemaking activities under Docket HM-224A have been published. Specifically, on August 20, 1997, RSPA published a Supplemental Notice of Proposed Rulemaking (enclosed) [62 FR 44375], proposing to prohibit oxidizers aboard aircraft. The effect of this prohibition would be to limit oxidizers to accessible locations on cargo aircraft. The comment period for Docket HM-224A was reopened in a notice (enclosed) on November 28, 1997, [62 FR 63306] to invite additional comments



concerning proposals to prohibit the transportation of oxidizers in passenger-carrying aircraft and in inaccessible locations on cargo aircraft. The comment period closed on February 13, 1998. An evaluation of the comments is being conducted at this time with an expected final rule in fiscal year 1998. I will keep you informed of our progress on Docket HM-224A, but request that safety recommendation A-96-30 remain classified as "Open-Acceptable Action."

If you have any questions, please contact me or Mr. William E. Vincent, Director of the Office of Policy and Program Support, at (202) 366-4831.

Sincerely,


Kelley S. Coyner
Deputy Administrator

Enclosures