



National Transportation Safety Board

Washington, D.C. 20594

AUG 18 2003

Office of the Vice Chairman

Mr. Samuel G. Bonasso
Acting Administrator
Research and Special Programs Administration
Washington, D.C. 20590

Dear Mr. Bonasso:

Thank you for the Research and Special Programs Administration's (RSPA's) June 3, 2003, response to the National Transportation Safety Board regarding Safety Recommendation A-98-80, stated below. This recommendation was issued to RSPA as a result of the Safety Board's investigation of the September 5, 1996, accident involving smoke in the cabin of a Federal Express airplane, which resulted in an emergency landing at Stewart International Airport, Newburgh, New York.

A-98-80

Require, within 2 years, that air carriers transporting hazardous materials have the means, 24 hours per day, to quickly retrieve and provide consolidated specific information about the identity (including proper shipping name), hazard class, quantity, number of packages, and location of all hazardous materials on an airplane in a timely manner to emergency responders.

The Safety Board notes that RSPA published the final rulemaking prepared in response to this recommendation on March 25, 2003. The Board appreciates RSPA's actions in requiring air carriers to have hazardous material information immediately available for emergency responders. However, we are disappointed that the requirement for a consolidated list was not included in the rulemaking. As was outlined in our original recommendation letter, the lack of a consolidated list was a significant safety problem identified during the investigation of the Newburgh, New York, accident. The need for the consolidated list was reiterated in the Board's comments on the notice of proposed rulemaking submitted to the docket on April 26, 2002.

Because the final rule was published without a requirement for air carriers to provide a consolidated list, Safety Recommendation A-98-80 is classified "Closed—Unacceptable Action." However, the Safety Board notes that RSPA commented in the final rule that it agrees with the need for a consolidated list. The Board encourages RSPA to consider additional rulemaking to incorporate such a requirement.

Sincerely,


Mark V. Rosenker
Vice Chairman

cc: Ms. Linda Lawson, Director
Office of Safety, Energy, and Environment
Office of Transportation Policy

