



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 17 2000

Honorable Kelley S. Coyner
Administrator
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590



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Dear Ms. Coyner:

Thank you for your December 23, 1999, letter in response to the National Transportation Safety Board's Safety Recommendations H-92-4 and -5. These recommendations were issued to the Research and Special Programs Administration (RSPA) as a result of the Safety Board's special investigation on cargo tank rollover protection.

H-92-4

Safety Recommendation H-92-4 asked RSPA to promulgate performance standards for rollover protection devices that are based on the engineering modeling and analysis conducted in response to Safety Recommendation H-92-3.

H-92-5

Safety Recommendation H-92-5 asked RSPA to phase 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.

The Safety Board understands that RSPA published in the November 16, 1999, *Federal Register*, an Advance Notice of Proposed Rulemaking (ANPRM), Docket HM-213A, seeking comments on the validity of the University of Michigan Transportation Research Institute (UMTRI) study and soliciting ideas about formulating performance-based rollover protection regulations based on the study results.

As stated in our letter of September 8, 1999, following the completion of the UMTRI report, the next steps are the implementation of performance standards for rollover protection devices and phasing out from hazardous materials service the use of all cargo tanks that fail to meet the new performance standards. The Safety Board is concerned about the length of time that has elapsed and the continual delays since these recommendations were issued. Although the issuance of the ANPRM demonstrates an awareness of the problem, RSPA has allowed a 6-month comment period in lieu of the standard 60- or 90-day comment period. Thus, the time

schedule has again slipped another 4 or 5 months. Since it appears that the promulgation of performance standards for rollover protection devices is not a high priority item, Safety Recommendations H-92-4 and -5 will remain classified "Open—Unacceptable Response."

Sincerely,


Jim Hall
Chairman

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