



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

April 19, 2005

The Honorable Mark V. Rosenker  
Acting Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

Dear Acting Chairman Rosenker:

This letter is in response to your letter of December 15, 2004 concerning safety recommendation R-04-10. The recommendation was issued following the National Transportation Safety Board's (NTSB) investigation of a rail tank car incident on September 13, 2002, in Freeport, Texas. In the incident, a tank car containing about 6,500 gallons of hazardous waste ruptured at a transfer station. The car had been steam-heated to permit the transfer of the waste to a cargo tank motor vehicle for subsequent disposal. As a result of the accident, 28 people received minor injuries, and residents living within 1 mile of the accident site had to shelter in place for 5-1/2 hours. The recommendation states:

*In cooperation with the Occupational Safety and Health Administration and the Environmental Protection Agency, develop regulations that require safe operating procedures to be established before hazardous materials are heated in a railroad tank car for unloading; at a minimum, the procedures should include the monitoring of internal tank pressure and cargo temperature.*

As the letter notes, the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) do not include requirements specifically applicable to the heating of cargo in tank cars. Currently, the HMR include procedures for tank car unloading operations in § 174.67. These procedures address: (1) securing access to the tank car being unloaded, (2) safety precautions to be taken while opening valves and manholes, (3) attachment of unloading connections, and (4) monitoring of the unloading operation. In addition, the unloading facility must maintain written safety procedures governing all aspects of the unloading operation. These requirements currently apply to all tank car unloading operations. Further, since many rail tank car unloading operations are actually part of manufacturing processes at fixed facilities, standards promulgated by the Occupational Safety and Health Administration (OSHA) include a number of requirements governing such activities. Similarly, Environmental Protection Agency (EPA) requirements for environmental protection that relate to unloading operations may also apply. After June 1, 2005, the HMR requirements will apply to transloading operations, including the transfer of a hazardous material directly from a rail tank car to a cargo tank motor vehicle for continued transportation in commerce. After June 1, 2005, rail tank car unloading operations

conducted after transportation in commerce is concluded will be subject only to applicable OSHA and EPA regulations.

We are currently evaluating the safety issues highlighted in your letter. Once we have determined the extent and severity of any potential safety problem, we will work with OSHA and EPA to develop an appropriate strategy for addressing the problem.

We request that you classify recommendation R-04-10 as "Open – Acceptable Action." We thank you for consideration of our request.

If you have any questions, please contact me or James Wiggins, Office of Governmental, International, and Public Affairs, at (202) 366-4831.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey L. Gerard". The signature is fluid and cursive, with a large initial "S" and "G".

Stacey L. Gerard  
Acting Assistant Administrator/Chief Safety Officer