



U.S. Department
of Transportation

Research and
Special Programs
Administration

The Administrator

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

OCT 21 1993

The Honorable Carl W. Vogt
Chairman
National Transportation Safety Board
Washington, DC 20594

Dear Mr. Chairman:

This letter is in response to your request for an update on the status of seven rail-related National Transportation Safety Board (NTSB) safety recommendations. All of these recommendations are being addressed by the Research and Special Programs Administration and are in various stages of study, testing, research, rulemaking action or a combination of these options. A summary of the status of these recommendations is enclosed.

I will continue to keep you informed of the status of these and other NTSB safety recommendations.

Sincerely,

Rose A. McMurray
Rose A. McMurray
Acting Administrator

Enclosure



Status of NTSB Recommendations

R-85-61 recommends that RSPA, in consultation with the Federal Railroad Administration (FRA), conduct a full scale testing and evaluation program to develop a headshield to protect aluminum tank car heads from puncture and mandate installation of the headshield at an early date. The testing and evaluation program has been completed and the results were applied in an advance notice of proposed rulemaking (ANPRM) issued in May of 1990. Based on the results of the test program and comments to the ANPRM, a notice of proposed rulemaking (NPRM) under Docket HM-175A, that addresses headshield protection for aluminum tank cars, was published in the Federal Register on October 8, 1993.

R-85-70 recommends that RSPA establish safety standards and inspection procedures for loading facilities at petrochemical plants. In the process of addressing this recommendation, we have looked at many options to improve safety in tank car loading operations and believe that the most effective strategy is to 1) specify the employer and employee training requirements for critical functions relating to the transportation of hazardous materials (including the loading process) and 2) utilize safety regulations published by the Occupational Safety and Health Administration (OSHA) which require hazmat employers to develop and implement specific safety loading standards and procedures.

In May 1992, RSPA published a final rule under docket HM-126F which places the responsibility on each hazmat employer to train its hazmat employees regarding safe loading, unloading, handling, storing, and transporting of hazardous materials and emergency preparedness for responding to accidents involving the transportation of hazardous materials. The regulations (49 CFR §172.700) require a systematic training program that ensures that each hazmat employee has familiarity with the training regulations, is able to recognize and identify hazardous materials, has knowledge of the specific regulatory requirements applicable to the functions performed by the hazmat employee, and has knowledge of the related emergency response information.

Under OSHA regulations (29 CFR Section 1910.119; Process Safety Management of Highly Hazardous Materials), employers are required to provide written requirements and standards for critical processes, to prevent or minimize the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals. Under the regulations, the employer must develop and implement 1) written operating procedures for equipment, 2) written procedures to maintain the ongoing integrity of the equipment, 3) inspection and testing requirements, and 4) a block flow diagram of the process involved (e.g., the loading process).

We believe that this two-phase strategy of safety training and written safety standards and procedures is responsive to the objective of safety recommendation R-85-70. Therefore, we request that the recommendation be classified as "Closed-Acceptable Alternative Action".

R-87-17 recommends that RSPA change the current railroad hazardous materials car placement regulations in 49 CFR Part 174, to read "end of train" in lieu of "occupied caboose". This recommendation is being addressed in a rulemaking

under Docket HM-201A. We will be addressing the entire car placement process and the "cabooseless" train issue. Development of the car placement rulemaking has proven to be very complex, involving many technical, operational and economic factors. A supporting study, "Hazardous Materials Car Placement in a Train Consist," has been completed by Battelle, Columbus Division, and is currently under review. Due to the press of other higher priority rulemakings such as HM-175A (Tank Car Headshields and Thermal Protection) and HM-201 (Detection of Tank Car Defects), we do not plan to act on this matter until next year. Since a supporting study has been completed and we do have a rulemaking in progress that addresses the recommendation, we believe that our actions have been responsive and request that R-87-17 be reclassified from "Open-Unacceptable Action" to "Open-Acceptable Action".

R-87-18 recommends that a conspicuous weatherproof container be affixed at or near the rear-end marker of cabooseless trains carrying hazardous materials. This recommendation, which is classified as "Open-Acceptable Action", is a companion recommendation to R-88-17 described above.

R-89-53 recommends that RSPA assist and cooperate with FRA in amending Part 179 to require that closure fittings on hazardous materials rail tank cars be designed to maintain their integrity in accidents that are typically survivable by rail tank cars. RSPA and FRA requested the Tank Car Committee of the Association of American Railroads (AAR) to conduct tests and develop specifications to improve the integrity of tank car closure fittings. This activity has been underway for two years and is nearing completion. The results will be considered for inclusion in a rulemaking proposal.

R-89-54 recommends that RSPA assist and cooperate with FRA in requiring that tank car designers and manufacturers determine and provide the specifications to secure closure fittings, such as minimum torque values for sealing bolted closures and gasket specifications. This recommendation is also being addressed by the Tank Car Committee of the AAR and is nearing completion. The results will be considered for inclusion in a rulemaking proposal.

R-89-83 recommends that RSPA develop procedures to update and correct in a timely manner, errors in the Emergency Response Guidebook (ERG). In the review of RSPA's response to R-89-83, the NTSB stated that "RSPA should specify the types of errors that would be considered life threatening and outline how corrections to these errors would be developed, reviewed, and approved in a timely manner." A definition of "life threatening errors," which will aid in determining the proper corrective action, is being developed. The correction process will be handled by in-house staff with guidance and support from a group of technical advisors from industry and academia, which RSPA has used in the past.