



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 20 1993

Ms. Rose A. McMurray
Acting Administrator
Research and Special Programs Administration
Washington, D.C. 20590



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Dear Ms. McMurray:

Thank you for your letter dated October 21, 1993, responding to the National Transportation Safety Board's letter dated June 21, 1993, which requested an update on the status of Safety Recommendations R-85-61, R-85-70, R-87-17 and -18, R-89-53 and-54, and R-89-83.

The Safety Board notes that the head shield testing and evaluation program requested in Safety Recommendation R-85-61 has been completed, and that a Notice of Proposed Rulemaking (NPRM) under docket HM-175A was published on October 8, 1993. The proposal that tank cars constructed of aluminum and nickel be required to have full head shield protection would satisfy the intent of the recommendation, if implemented. Pending publication of the final rule under docket HM-175A, Safety Recommendation R-85-61 is classified "Open--Acceptable Response."

Regarding Safety Recommendation R-85-70, the Safety Board notes that RSPA published regulations under docket HM-126F that require training for any employee involved in any aspect of the transportation of hazardous materials, including cargo transfer operations. Under these regulations, employees must receive training about any job-related activities involving the transportation of hazardous materials. Also, the regulations of the Occupational Safety and Health Administration cited in your letter should provide a framework to enhance the development and implementation of safety standards for loading and offloading operations. The Safety Board agrees that these regulations meet the objective of Safety Recommendation R-85-70, and therefore it is classified as "Closed--Acceptable Alternate Action."

Safety Recommendations R-87-17 and -18, which were issued on June 25, 1987, address the placement of cars transporting hazardous materials in caboosless trains, and the need for a copy of the current consist to be carried in a weatherproof container near the rear-end marker of a caboosless train. The Safety Board notes that RSPA is reviewing a study on the placement of cars transporting hazardous materials in a train, and intends to initiate a rulemaking addressing these issues next year. However, in the 6 years since these recommendations were issued, RSPA has taken no regulatory action. The Safety Board previously expressed concern

about the lack of activity on these recommendations in 1988 and 1989. The Safety Board believes that RSPA has had sufficient time to initiate rulemaking action even with the need to direct attention to higher priority projects. Safety Recommendations R-87-17 and -18 are, therefore, classified "Closed--Unacceptable Action."

Safety Recommendations R-89-53 and -54 asked RSPA to work with the Federal Railroad Administration (FRA) to amend 49 CFR Part 179 to require that closure fittings on tank cars be designed to maintain their integrity in accidents that are survivable by the tank, and to require that tank car designers and manufacturers determine and provide the specifications to secure closure fittings on tank cars. The Safety Board notes that the Association of American Railroad's (AAR) Tank Car Committee is completing its studies on these issues, and that RSPA will consider the results of the AAR studies for a rulemaking proposal. We request that RSPA provide periodic updates on the progress of the Tank Car Committee, and the status of any resulting rulemaking action. Safety Recommendations R-89-53 and -54 remain classified "Open--Acceptable Response."

Safety Recommendation R-89-83, which was issued on February 12, 1990, as a result of the Safety Board's investigation of the collision and derailment of a Montana Rail Link freight train with locomotive units at Helena, Montana, on February 2, 1989, asked that RSPA develop procedures to update and correct, in a timely manner, errors in the Emergency Response Guidebook. The Safety Board notes that RSPA is working to develop criteria to identify errors in the guidebook that could create life-threatening situations for emergency responders and the public. The Board recognizes the need to develop such criteria, as previously discussed in our letter of November 6, 1990. However, the Safety Board is concerned about the lack of progress in completing these criteria in the nearly 4 years since the recommendation was issued. The Safety Board believes that there has been sufficient time to implement this recommendation, and urges RSPA to expedite action on the recommendation. Pending your response, Safety Recommendation R-89-83 is classified "Open--Unacceptable Response."

Sincerely,



Carl W. Vogt
Chairman

cc: Dr. Donald R. Trilling, Director
Office of Transportation Regulatory Affairs