National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

NOV 13 2000

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

Dear Ms. Coyner:

Thank you for the Research and Special Programs Administration's (RSPA) July 20, 2000, and August 29, 2000, responses to the National Transportation Safety Board's Safety Recommendation A-98-80, stated below. This recommendation was issued to RSPA on August 12, 1998 as a result of the Safety Board's investigation of the inflight fire and emergency landing in Newburgh, New York, on September 5, 1996, of Federal Express (Fed Ex) flight 1406, a Douglas DC-10.

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 and 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.

In its letters of September 30, 1998, and July 20, 2000, RSPA stated that it was working with the Federal Aviation Administration (FAA) to develop an Advance Notice of Proposed Rulemaking (ANPRM) to seek public comment on this recommendation. RSPA stated that an ANPRM is the vehicle for receiving the extensive public input that is needed to appropriately evaluate the means and costs of implementing the recommendation. RSPA's August 29, 2000, letter transmits a copy of the ANPRM was published on August 15, 2000; the Board notes that the comment period closes November 13, 2000.

Although pleased that RSPA has taken initial steps towards rulemaking, the Board is disappointed and concerned that, in the 2 years since RSPA's September 30, 1998, letter, little or no progress appears to have been made to satisfy the intent of this recommendation. On July 25, 2000, the Safety Board met to review the aircraft accident report on the July 31, 1997, crash-while-landing of Fed Ex flight 14, an MD-11, at Newark International Airport. In that accident, emergency responders needed to quickly identify any hazardous material present, but were unable to obtain this information in a timely manner. Safety Recommendation A-98-80 was issued to address just such situations as the one at Newark. Because of RSPA's delay in

implementing this recommendation, the Board reclassified Safety Recommendation A-98-80 "Open—Unacceptable Response," at its July 25 Board meeting. Pending issuance and review of a final rule, Safety Recommendation A-98-80 remains classified "Open—Unacceptable Response."

Sincerely,

Jim Hall
Acting Chairman

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