U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 16 2005

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

Dear Acting Chairman Rosenker:

Thank you for your September 14, 2005 letter concerning safety recommendation R-04-10 to the Pipeline and Hazardous Materials Safety Administration (PHMSA). 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. 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.*

In response to your recommendation, we are working with the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) to develop an appropriate strategy for addressing the safety problem NTSB has identified. Because the Department of Transportation, EPA and OSHA share responsibility for the regulation of tank car unloading operations, we agree with NTSB that clarity in safe operating procedures for tank car unloading is important. In the interest of explaining clear directions, we will develop a single guideline for monitoring rail tank cars that are heated to prepare the hazardous material contained in the tank car for unloading or transloading.

Accordingly, PHMSA, the Federal Railroad Administration, OSHA, and EPA are developing a safety advisory notice that would be published jointly by the three agencies and posted on each agency's web site. The agencies will explain in the safety advisory how each agency's regulations or standards apply to heating operations and will specify procedures for companies to assure they conduct such operations safely. For example, the safety advisory notice will address: (1) sampling of the material to ascertain the heat input to be applied; (2) monitoring of both the heat input applied to the tank car and the pressure inside the tank car to ensure that the heating process does not result in over-

pressurization of the tank car; (3) development of written procedures for monitoring the heating process; and (4) designation of a responsible, qualified employee who is trained on the nature and properties of the product contained in the tank car and procedures to be followed in the event of an emergency. The advisory notice will also discuss how the three agencies will monitor compliance with these procedures. We expect to publish the safety advisory notice in early 2006.

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, Associate Administrator, Office of Governmental, International, and Public Affairs, at (202) 366-4831.

Sincerely,

Brigham A. McCown
Acting Administrator