U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

FEB - 8 2005

The Honorable Ellen G. Engleman Conners
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Chairman Engleman Conners:

This letter provides an update on Safety Recommendation H-98-27 issued by the National Transportation Safety Board (NTSB) to the Department of Transportation (DOT). Safety Recommendation H-98-27 was issued to DOT as a result of the Safety Board's investigation of the collision of a DOT MC-306 cargo tank semi-trailer and a private passenger car and subsequent fire in Yonkers, New York, on October 9, 1997. After completion of its investigation, NTSB made the following recommendation to the Secretary of Transportation:

Safety Recommendation H-98-27:

> Prohibit the carrying of hazardous materials in external piping of cargo tanks, such as loading lines, that may be vulnerable to failure in an accident.

RSPA Action:

On December 30, 2004, the Research and Special Programs Administration published a notice of proposed rulemaking (NPRM) in the Federal Register titled, "Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids" under docket HM-213B. A copy of the NPRM is enclosed. In this NPRM we propose to amend the Hazardous Materials Regulations (HMR) prohibiting flammable liquids from being transported in unprotected piping (i.e., "wetlines") on all newly constructed and existing DOT specification cargo tank motor vehicles (CTMVs). This action is consistent with both the current prohibition for all other hazardous liquids under § 173.33(e) of the HMR and NTSB Safety Recommendation H-98-27.

Our proposal requires that newly constructed CTMVs must meet the performance standard no later than two years after publication of a final rule and, for all existing CTMVs, no later than the date of their first five-year pressure test following the two-year transition period. This rule does, however, propose to except truck-mounted CTMVs (e.g., "straight trucks"), combustible liquids, and non-DOT specification CTMVs from the wetlines prohibition based on inherent safety features and risks posed. The NPRM offers a 60-day public comment period that will close on February 28, 2005.

Based on publication of the HM-213B NPRM which meets the intent of Safety Recommendation H-98-27, we request that the recommendation continue to be classified as "Open-Acceptable Action." We will keep you informed of our progress.

If you have any questions or concerns, please contact me or James Wiggins, Director, Office of Policy and Program Support at (202) 366-4831.

Sincerely,

Samuel G. Bonasso
Deputy Administrator

Enclosure