



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

NOV 6 2012

The Honorable Cynthia Quarterman
Administrator
U.S. Pipeline and Hazardous
Materials Administration
Washington, DC 20590

Dear Administrator Quarterman:

Thank you for your September 24, 2012, letter, updating the National Transportation Safety Board (NTSB) regarding action taken to address Safety Recommendation H-98-17, stated below. The NTSB issued this recommendation to the U.S. Department of Transportation (DOT) on May 18, 1998, as a result of our investigation of the October 9, 1997, collision of a tractor/cargo tank semitrailer and a passenger vehicle, and subsequent fire, at Yonkers, New York. This recommendation has been transferred from the DOT to the Pipeline and Hazardous Materials Administration (PHMSA).

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.

On April 27, 2011, based on information contained in PHMSA's June 24, 2010, letter, the NTSB classified Safety Recommendation H-98-27 "Open—Unacceptable Response," because of the length of time that had elapsed without PHMSA's completing the recommended action. Our letter stated the following:

The NTSB's April 26, 2010, letter indicated our satisfaction with PHMSA's change in position on this issue and its current actions to review incident reports, evaluate risk and the effectiveness of existing systems and technologies, and identify strategies to reduce risk. Our letter also described a July 1, 2009, accident in New Jersey illustrating the importance of rulemaking to prohibit the unsafe practice of transporting flammable materials in the external loading lines of cargo tanks.

The NTSB is encouraged by PHMSA's decision to pursue the recommended rulemaking. Nevertheless, we continue to believe that the age of this recommendation without completion of this action, especially in light of the recent accident, necessitates that Safety Recommendation H-98-27 remain classified "Open—Unacceptable Response," pending the publication of preliminary rulemaking to prohibit the practice of carrying hazardous materials in

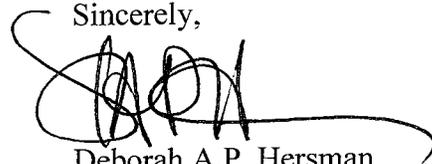
wetlines. Once a notice of proposed rulemaking (NPRM) has been published, the NTSB will reconsider the classification of this recommendation.

The NTSB understands that, on January 27, 2011, PHMSA published a notice of proposed rulemaking (HM-213D; 76 FR 4847) to amend the hazardous materials regulations (49 *Code of Federal Regulations* 171-180) to prohibit the transportation of flammable liquids in unprotected external product piping (“wetlines”) on a DOT-specification cargo tank motor vehicle. We further understand that on July 6, 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L.112-141), which includes the Division C, Title III-Hazardous Materials Transportation Safety Improvement Act of 2012 (HMTSIA), was signed into law. Under HMTSIA, the Government Accountability Office (GAO) is instructed to issue a report to Congress on an evaluation of the safety of transporting flammable liquids in the wetlines of a cargo tank motor vehicle.

Although the NTSB is disappointed that PHMSA will not be able to complete action to address Safety Recommendation H-98-27 until the completion of the GAO evaluation, we are encouraged that PHMSA plans to complete that action following PHMSA review of the GAO report. In the interim, because of the age of the recommendation, Safety Recommendation H-98-27 remains classified “Open—Unacceptable Response.”

We encourage you to submit future updates regarding progress to address Safety Recommendation H-98-27 electronically at the following e-mail address: correspondence@ntsb.gov. If a response, including attachments, exceeds 10 megabytes, please e-mail us at the same address for instructions. To avoid confusion, please do not submit both an electronic copy and a hard copy of the same response.

Sincerely,

A handwritten signature in black ink, appearing to read 'DAH', with a long horizontal flourish extending to the right.

Deborah A.P. Hersman
Chairman

cc: Ms. Camille Mittelholtz, Acting Director
Office of Safety, Energy, and Environment
Office of Transportation Policy

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