U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

AUG - 7 2009

The Honorable Deborah A. P. Hersman
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, DC 20594

Dear Chairman Hersman:

Thank you for your January 22, 2008 letter, in part addressing the National Transportation Safety Board (NTSB) Recommendations P-07-07 and P-07-08, in which you noted that the Board was pleased that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is examining solutions to obtain more accurate and timely information, including the feasibility of having operators provide both initial and updated estimates of released product in telephonic reports to the National Response Center (NRC). Safety Recommendations P-07-07 and P-07-08 were issued to PHMSA in response to the NTSB's investigation of an October 27, 2004 hazardous liquid pipeline rupture that occurred near Kingman, Kansas. The NTSB recommended that PHMSA require an operator to have a procedure to calculate and provide a reasonable initial estimate of released product in the telephonic report to the NRC and require an operator to provide an additional telephonic report to the NRC if significant new information becomes available during the emergency response.

PHMSA issued a Notice of Proposed Rulemaking (Federal Register /Vol. 74, No. 126 /Thursday, July 2, 2009) titled "Pipeline Safety: Updates to Pipeline and Liquefied Natural Gas Reporting Requirements" that addresses these two recommendations. We anticipate a Final Rule by Spring 2010. Included in the NPRM is the requirement that an operator must have a written procedure to calculate and provide a reasonable initial estimate of the amount of released product. Also contained in the NPRM is the requirement that an operator must provide an additional telephonic report to the NRC if significant new information becomes available during the emergency response phase of a reported event. We take our responsibilities to the NTSB seriously and, as we hope this letter documents, we are making good progress on implementing the Board's recommendations.

Based on the above PHMSA action, this letter requests the status of Safety Recommendations P-07-07 and P-07-08 stay classified as "Open-Acceptable Response." If you have questions, please feel free to contact me at 202-366-4433.

Sincerely,

Cynthia Douglass
Acting Deputy Administrator