



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 22, 2023

The Honorable Maria Cantwell  
Chair  
Committee on Commerce, Science, and Transportation  
United States Senate  
Washington, DC 20510

Dear Chair Cantwell:

This letter constitutes the annual letter report required by Section 6(b)(2) of the Norman Y. Mineta Research and Special Programs Improvement Act (Pub. L. No. 108-426). The letter report provides details on the one remaining open safety recommendation, H-04-23, issued by the National Transportation Safety Board (NTSB), as listed in the October 2005 Department of Transportation Office of Inspector General (OIG) report<sup>1</sup> developed in response to Section 6(a)(1) of the law.

The NTSB safety recommendation directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to “require periodic nondestructive testing of nurse tanks to identify material flaws that could develop and grow during a tank’s service and result in a tank failure.” PHMSA, in coordination with the Federal Motor Carrier Safety Administration (FMCSA) and industry representatives, participated in a cargo tank working group that covered subjects such as requalification testing of nurse tanks. Furthermore, the FMCSA has funded research on development of nondestructive testing methods for nurse tanks. Preliminary results have identified a manufacturing process, known as post-weld heat treatment, which could largely eliminate the formation of stress corrosion cracks. The final report on Phase IV of the FMCSA-sponsored research was published in June 2022. PHMSA and FMCSA are reviewing the report in consideration of introducing any additional proposed changes to the hazardous materials regulations to address nurse tank safety, such as periodic nondestructive testing of nurse tanks or post-weld heat treatment for nurse tank construction. PHMSA will update the NTSB on the status of actions to address this safety recommendation. All other recommendations included in the OIG report have been completed.

The Department works diligently to close NTSB safety recommendations by exercising a variety of regulatory and non-regulatory approaches, within the timelines allowed by technical assessment, notice and comment rulemaking, public comment, and due diligence.

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<sup>1</sup> *Actions Taken and Needed in Implementing Mandates and Recommendations Regarding Pipeline and Hazardous Materials Safety*; Report #AV2006003.

The Honorable Maria Cantwell

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A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure; and the Chair and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

A handwritten signature in black ink, reading "Tristan H. Brown". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Tristan H. Brown  
Deputy Administrator



U.S. Department  
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1200 New Jersey Avenue, SE  
Washington, DC 20590

December 22, 2023

The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate  
Washington, DC 20510

Dear Ranking Member Cruz:

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Sincerely,

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Tristan H. Brown  
Deputy Administrator



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December 22, 2023

The Honorable Sam Graves  
Chairman  
Committee on Transportation, and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Graves:

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The Honorable Sam Graves

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Sincerely,

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Tristan H. Brown  
Deputy Administrator



U.S. Department  
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1200 New Jersey Avenue, SE  
Washington, DC 20590

December 22, 2023

The Honorable Rick Larsen  
Ranking Member  
Committee on Transportation, and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Ranking Member Larsen:

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Tristan H. Brown  
Deputy Administrator





U.S. Department  
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1200 New Jersey Avenue, SE  
Washington, DC 20590

December 22, 2023

The Honorable Cathy McMorris Rodgers  
Chair  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chair McMorris Rodgers:

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