



National Transportation Safety Board

Washington, D.C. 20594

DEC 27 2010

Office of the Chairman

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

Dear Administrator Quarterman:

Thank you for your June 24, 2010, letter to the National Transportation Safety Board (NTSB) regarding Safety Recommendation H-98-27, stated below. This recommendation was issued to the Department of Transportation (DOT) on May 19, 1998, as a result of the NTSB's investigation of the October 9, 1997, collision of a tractor/cargo tank semitrailer and a passenger vehicle that resulted in a fire in Yonkers, New York.

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.

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.

We encourage PHMSA to act expeditiously to issue the NPRM by the end of 2010, as currently planned, and look forward to receiving an update on your progress. If you would like to submit your response electronically rather than in hard copy, you may send it to the following e-mail address: correspondence@ntsb.gov. If your response includes attachments that exceed 5 megabytes, please e-mail us at the same address for instructions on how to use our secure

mailbox. To avoid confusion, please use only one method of submission (that is, do not submit both an electronic copy and a hard copy of the same response letter).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hersman', followed by a horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

cc: Ms. Linda Lawson, Director
Office of Safety, Energy, and Environment
Office of Transportation Policy