

January 22, 2008

The Honorable Carl T. Johnson
Administrator
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Avenue, SE
East Building, 2nd Floor, PH
Washington, D.C. 20590

Dear Mr. Johnson:

Thank you for the October 23, 2007, letter from Ms. Stacey L. Gerard, Assistant Administrator/Chief Safety Officer, concerning Safety Recommendations P-07-7 through -9, stated below. The National Transportation Safety Board issued these recommendations to the Pipeline and Hazardous Materials Administration (PHMSA), on June 25, 2007, as a result of the Safety Board's investigation of the October 27, 2004, anhydrous ammonia pipeline rupture that occurred near Kingman, Kansas.

P-07-7

Require in 49 *Code of Federal Regulations* 195.52 that a pipeline operator must have a procedure to calculate and provide a reasonable initial estimate of released product in the telephonic report to the National Response Center [NRC].

P-07-8

Require in 49 *Code of Federal Regulations* 195.52 that a pipeline operator must provide an additional telephonic report to the National Response Center if significant new information becomes available during the emergency response.

The Safety Board is aware that current regulations require operators to notify PHMSA in writing about significant changes in accidents they have reported, and is pleased that 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 NRC. The Board notes that PHMSA is considering a requirement for the submission of updated information regarding the estimated amount of released product through PHMSA's telephonic notification management system, which builds on the initial telephonic reports to the NRC.

Because PHMSA is reviewing various options to implement the intent of the recommendations, Safety Recommendations P-07-7 and -8 are classified “Open—Acceptable Response.”

P-07-9

Require an operator to revise its pipeline risk assessment plan whenever it has failed to consider one or more risk factors that can affect pipeline integrity.

The Safety Board notes PHMSA’s willingness to review the regulations that require operators to develop a comprehensive risk analysis process and to consider all relevant risk factors. The Board also notes that PHMSA has found that 37 percent of hazardous liquid operators have failed to comply with the regulations and has taken appropriate enforcement action to address deficiencies. Although PHMSA believes its current regulations contain explicit risk analysis criteria, the Board is pleased that PHMSA will consider modifying the language in its enforcement actions to explicitly require the operator to ensure that it addresses all risk factors. Therefore, pending further information from PHMSA regarding this issue, Safety Recommendation P-07-9 is classified “Open—Acceptable Response.”

Thank you for your commitment to pipeline safety. We would appreciate receiving periodic updates on action taken to implement these safety recommendations.

Sincerely,

Original Signed By:

Mark V. Rosenker
Chairman

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

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