



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

JUL 21 2009

The Honorable Mark Rosenker  
Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

Dear Chairman Rosenker:

This letter provides an update on Safety Recommendations A-07-106 and A-07-107 issued by the National Transportation Safety Board (NTSB) to the Department of Transportation (DOT). The Safety Board issued these recommendations as a result of its investigation of a hazardous materials incident on February 7, 2006, at the Philadelphia International Airport. In that incident, United Parcel Service Company flight 1307 landed at the airport after a cargo smoke indication in the cockpit. The airplane and most of the cargo were destroyed by a fire. The Safety Board recommended that PHMSA:

A-07-106

*Require aircraft operators that transport hazardous materials to immediately provide consolidated and specific information about hazardous materials on board an aircraft, including proper shipping name, hazard class, quantity, number of packages, and location, to on-scene emergency responders upon notification of an accident or incident.*

A-07-107

*Require commercial cargo and passenger operators to report all incidents involving primary and secondary lithium batteries, including those contained in or packed with equipment, that occur either on board or during loading or unloading operations and retain the failed items for evaluation purposes.*

On January 14, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule under Docket No. HM-215J/HM-224D entitled "Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (74 FR 2200; copy enclosed). In this final rule, we amended the Hazardous Materials Regulations (HMR) to require aircraft operators that transport hazardous materials to

provide immediate and specific information about hazardous materials on board an aircraft, including proper shipping name, hazard class, quantity, number of packages, and location, to an authorized official of a Federal, State, or local government agency, including on-scene emergency responders in the event of an accident or incident. This requirement represents a proactive approach to information dissemination similar to that in the International Civil Aviation Organization's Technical Instructions.

The January 14, final rule also amended the HMR to include a comprehensive incident reporting requirement for batteries and battery-powered devices. As specified in the final rule, incidents involving batteries and battery powered devices that result in a fire, violent rupture, explosion, or dangerous evolution of heat must be reported. In addition to the written incident report, the final rule requires immediate telephonic reporting of incidents involving batteries and battery-powered devices in air transportation.

We agree that an examination of failed batteries and associated electronic devices and equipment will provide valuable data and information as we continue to assess the transportation risks associated with these items. To that end, we are working with the Federal Aviation Administration and airlines to establish a cooperative program for effectively securing and preserving evidence and passenger information when incidents occur. We are developing a standard protocol to be used by aircraft operators in the event of an incident. This protocol will include procedures for: (1) immediate reporting of the incident to DOT; (2) preservation of the batteries and/or electronic equipment that failed and transfer to appropriate authorities for analysis and evaluation; and (3) obtaining relevant information from passengers and crewmembers, including contact information for follow-up interviews as necessary.

Based on the actions outlined above, we request that Safety Recommendations A-07-106 and A-07-107 be classified as "Closed – Acceptable Action." We appreciate your consideration of this request.

Sincerely,



Cynthia Douglass  
Acting Deputy Administrator

Enclosure