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

Deputy Administrator

1200 New Jersey Avenue, SE
Washington, DC 0590

August 27, 2014

The Honorable Christopher A. Hart
Acting Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Acting Chairman Hart:

This letter is in response to the National Transportation Safety Board's (NTSB) Safety Recommendations A-07-108 and A-07-109 issued December 17, 2007. On February 7, 2006, a United Parcel Service company aircraft (Flight 1307), landed at its destination at Philadelphia International Airport, in Philadelphia, PA after an inflight cargo fire was initiated from an unknown source. Fortunately, flight crewmembers sustained minor injuries; however, the aircraft and most of the cargo were destroyed by fire after landing. The NTSB issued recommendations to the Pipeline and Hazardous Materials Safety Administration (PHMSA) as a result of its investigation of that incident. The recommendations resulting from the NTSB's investigation of this incident included A-07-108 and A-07-109.

A-07-108
Analyze the causes of all thermal failures and fires involving secondary and primary lithium batteries and, based on this analysis, take appropriate action to mitigate any risks determined to be posed by transporting secondary and primary lithium batteries, including those contained in or packed with equipment, on board cargo and passenger aircraft as cargo; checked baggage; or carry-on items.

A-07-109
Eliminate regulatory exemptions for the packaging, marking, and labeling of cargo shipments of small secondary lithium batteries (no more than 8 grams equivalent lithium content) until the analysis of the failures and the implementation of risk-based requirements asked for in Safety Recommendation A-07-108 are completed.

In its December 26, 2012 letter to PHMSA, the NTSB indicated that the 2013-2014 International Civil Aviation Organization Technical Instructions (ICAO TI) on the Transport of Dangerous by Air provisions for lithium battery transport by air are responsive to recommendations A-07-108 and A-07-109 and PHMSA would satisfy the recommendations if it were to incorporate the

ICAO TI provisions for lithium battery transport into the HMR. This was reiterated in its September 6, 2013 letter to PHMSA, in which the NTSB specifically states that it believes that a mandate for compliance with the 2013-2014 ICAO TI provisions for lithium battery transport is needed for PHMSA's actions to constitute an acceptable alternate solution to the problem. Accordingly, on August 6, 2014, PHMSA published a final rule (HM-224F; 79 FR 46011) revising the HMR requirements applicable to the transportation of lithium cells and batteries by air to make them consistent with the ICAO TI. The rulemaking is available at our website at www.phmsa.dot.gov/hazmat or at www.federalregister.gov. PHMSA will continue to monitor incidents and analyze the causes of thermal failures and fires involving lithium metal and lithium ion batteries for possible future safety improvements, bearing in mind the statutory limitation to not be more stringent than the ICAO TI, except under certain conditions.

PHMSA appreciates the NTSB's continued efforts to improve safety in transporting lithium batteries by air. If we can be of further assistance please contact Dirk Der Kinderen, NTSB Program Manager at 202-366-8553 or by email at Dirk.DerKinderen@dot.gov.

Sincerely,

Timothy Butters