



National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

February 4, 2013

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

Dear Administrator Quarterman:

Thank you for your August 7 and 16, 2012, letters to the National Transportation Safety Board (NTSB) regarding Safety Recommendations H-12-2 through -6, stated below. We also appreciate the assistance of Mr. Dirk DerKinderen, Transportation Regulations Specialist, Standards and Rulemaking Division, Office of Hazardous Materials Safety, in providing further details regarding the Pipeline and Hazardous Material Safety Administration's (PHMSA) actions to address these safety recommendations. We issued these recommendations to PHMSA on May 4, 2012, as a result of our investigation of a July 15, 2009, cargo hose rupture and release of anhydrous ammonia during the offloading of a cargo tank motor vehicle near Swansea, South Carolina. I apologize for the delay in responding.

H-12-2

With the Federal Motor Carrier Safety Administration [FMCSA], jointly issue a safety advisory bulletin to inform cargo tank motor vehicle owners and operators, registered inspectors of these vehicles, and transfer facility operators about the circumstances of this accident and actions needed to prevent the occurrence of a similar accident.

We are pleased that PHMSA worked with the FMCSA to update the recommended safety notice and that the updated notice was posted on the FMCSA website and distributed to motor carriers and industry associations involved in the transport of compressed and flammable gases. As these actions satisfy the intent of Safety Recommendation H-12-2, it is classified "Closed—Acceptable Action."

H-12-3

Require cargo tank motor vehicle carriers and transfer facilities to verify (1) that cargo transfer hose assemblies, whether carried on the vehicle or provided by the facility, are chemically compatible with the hazardous material to be transferred and (2) that drivers verify hoses are marked as compatible with the material to be transferred before either loading or unloading operations begin.

We note that PHMSA has promulgated rulemaking that should provide the recommended guidance to cargo tank motor vehicle carriers and transfer facilities. Pending publication of a final rule that satisfies Safety Recommendation H-12-3, the recommendation is classified “Open—Acceptable Response.”

H-12-4

Amend the provisions of Title 49 *Code of Federal Regulations* [CFR] 173.315(n)(2) to require that passive emergency shutdown control systems for highway cargo tanks activate in the event of a partial or complete failure of a cargo hose assembly.

We issued this recommendation because our investigation found that the current hazardous materials regulations do not address incidents caused by a partial failure, such as that which occurred in the Swansea accident. We are disappointed that PHMSA does not intend to promulgate rulemaking to address this void in the regulations. We respectfully urge PHMSA to reconsider its position on this recommendation and to require the use of passive emergency shutdown control systems that activate in the event of either a partial or complete cargo hose assembly failure. In the meantime, Safety Recommendation H-12-4 is classified “Open—Unacceptable Response.”

H-12-5

Publish and disseminate a formal interpretation of Title 49 *Code of Federal Regulations* 180.416(d) that includes the criteria used to determine when a cargo transfer hose assembly is “in service.”

We are pleased that PHMSA has developed and posted on its website an interpretation of *CFR* §180.416(d) that clarifies inspection criteria for “in service” hose assemblies. As this action satisfies the intent of Safety Recommendation H-12-5, the recommendation is classified “Closed—Acceptable Action.”

H-12-6

Issue guidance to motor carriers and registered inspectors that clarifies the testing and the recordkeeping requirements of Title 49 *Code of Federal Regulations* 180.407 for cargo hose assemblies and cargo tanks that are used to transport liquefied compressed gases to ensure that all hose assemblies are tested for leaks on an annual basis.

We issued this recommendation because our investigation found that the current hazardous materials regulations do not require the hose test to be performed concurrent with the vehicle test or the vehicle to be equipped with hose assemblies as part of the annual leakage testing. We are disappointed that PHMSA does not intend to provide the recommended testing guidance for motor carriers and registered inspectors. The NTSB respectfully urges PHMSA to

reconsider its position on this recommendation and publish the discussion contained in the last paragraph on page 4 of your August 7, 2012, letter to us. This paragraph states:

The NTSB's understanding is not a misinterpretation. A cargo hose assembly not permanently attached may be tested at a time other than during the time the cargo tank is leakage tested. A final rule under docket HM-225A (May 24, 1999; 64 FR 28030) adopted new inspection, maintenance, and testing requirements for cargo tank discharge systems, including cargo hose assemblies. In the final rule preamble, we stated that the annual hose inspection must be conducted by a Registered Inspector as part of the leakage test procedures already required by the HMR. For cargo hose assemblies not permanently attached to the CTMV, the annual hose test does not necessarily have to be done by the same Registered Inspector or at the same time as the leakage test for the cargo tank (64 FR 28034). This accommodates situations where a hose may not be available at the time of the cargo tank leakage test (e.g., it is under repair) or where a CTMV may have multiple hoses assigned to the vehicle. As long as a cargo hose assembly is successfully tested within 12 months from the date of the last leakage test documented by the Registered Inspector as part of the written record of inspection, it can be used regardless of the date of leakage test of the cargo tank.

In the meantime, until PHMSA has clarified the testing and the recordkeeping requirements of *CFR* §180.407, Safety Recommendation H-12-6 is classified "Open—Unacceptable Response."

We encourage you to respond electronically to this letter and to submit future updates regarding your progress in addressing the remaining open recommendations at the following e-mail address: correspondence@ntsb.gov. If a response, including attachments, exceeds 10 megabytes, please e-mail us at the same address for instructions. To avoid confusion, please do not submit both an electronic copy and a hard copy of the same response.

NTSB staff is available to meet with members of your staff to further discuss the implementation of Safety Recommendations H-12-3, -4, and -6. To arrange such a meeting, please contact Ms. Julie Perrot, Safety Recommendations Specialist, Office of the Managing Director, at (202) 314-6180.

Sincerely,

Chairman

cc: Ms. Camille Mittelholtz, Acting Director
Office of Safety, Energy, and Environment
Office of Transportation Policy