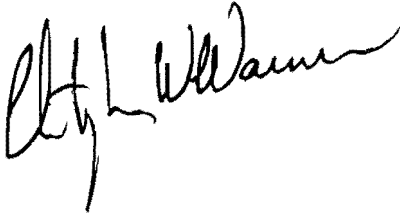




U.S. Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Board Members
From: Christopher W. Warner 
Cc: Leadership Team
Subject: Board Action Report – Notation Item 600
Date: January 8, 2008

On December 18, 2007, the Board approved Notation Item 600, thereby determining:

- (1) that the July 25, 2007, incident at the Southwest Industrial Gases, Inc. facility in Dallas, Texas, and the August 7, 2007, incident at the Hughes Christensen Co. facility outside Houston, Texas, are to be considered “transportation related chemical accident[s]” for the purposes of the CSB Memorandum of Understanding with the National Transportation Safety Board; and
- (2) to cancel the CSB’s own investigation into the incident at Southwest and any related assessment of the Hughes incident.

A Board Member’s editorial comments are attached to this memorandum.

Voting Summary – Notation Item 600

Disposition: APPROVED

Disposition date: December 18, 2007

	Approve	Disapprove	Calendar	Withhold	Not Participating	Date
G. Visscher	X					12/19/2007
W. Wark	X					12/18/2007
W. Wright	X					12/17/2007

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Subject: Southwest and Hughes

chemical accident under the jurisdiction of the NTSB, the CSB will defer to the NTSB and will not conduct a separate or joint investigation;”

9. On September 26, 2007, CSB investigative staff met with their NTSB counterparts. The NTSB indicated that it was pursuing a full investigation of the Southwest and Hughes incidents, and the CSB briefed the NTSB on issues of interest to the CSB relating to these particular incidents;
10. On November 28, 2007, CSB investigators briefed the Board on the Southwest and Hughes incidents and recommended that the Board cancel both investigations (see attachment); and
11. Board Order 028 provides, in pertinent part that, the Chairperson exercises the authority to authorize the initiation of investigations, “subject to a vote by the Board to recall the investigators and cancel the investigation.”

Therefore, pursuant to its authority under Board Order 028, the Board has determined 1) that the Southwest and Hughes incidents are to be considered “transportation related chemical accident[s]” for purposes of its MOU with NTSB; and 2) to cancel the CSB’s own investigation into the incident at Southwest and any related assessment of the Hughes incident.

- I **APPROVE** this notation item **AS PRESENTED**.
 Minor editorial suggestions are marked on attached pages.
- I **CALENDAR** this notation item for discussion at a Board meeting.
 Some of my concerns are discussed below or on the attached memorandum.
- I **DISAPPROVE** this notation item.
 A dissent is attached.
 I will not file a dissent.
- I am **NOT PARTICIPATING**.

Note: An urgent notation item is either adopted or disapproved when the affirmative or negative votes of a majority of the participating members are received by the Office of General Counsel.

Date: 12/18/07

Member: William B. Work

Note: Please be sure the Dallas City Manager, Police, EMD and Fire are “given heads” up before this is announced publicly.