



## National Transportation Safety Board

Washington, D.C. 20594

Office of Railroad, Pipeline,  
and Hazardous Material

April 17, 2023

VIA EMAIL

James.batchelor@steelcar.com

James Batchelor, P.Eng.  
Managing Director, Quality Assurance  
National Steel Car Ltd.  
Hamilton, Ontario, Canada

Re: Party status of National Steel Car in National Transportation Safety Board Investigation  
RRD23LR006

Dear Mr. Batchelor:

This letter confirms our conversation today in which I informed you that the National Transportation Safety Board (NTSB) has determined that National Steel Car Ltd. shall no longer be a party participant in the investigation of the March 4, 2023, mixed freight train derailment near Springfield, Ohio.

In accordance with Title 49 Code of Federal Regulations (CFR) § 831.11, as the Investigator-in-Charge (IIC) for this investigation, I designated National Steel Car Ltd. as a party to the investigation, based on the involvement of National Steel Car railcars in the accident and the interest in National Steel Car's mounting of certain wheelsets, and because your organization could provide suitable qualified technical personnel who could actively assist in the investigation. You were identified as the party coordinator for your organization. Although the NTSB values the technical expertise that manufacturers can provide during the course of an investigation, participants in the investigation must be responsive to the direction of Board representatives or party organizations may lose party status if they do not comply with both the limitations on their activities and with instructions regarding assigned duties in the investigation. Parties may also be removed if they conduct themselves in a manner prejudicial to the investigation.


Participation by invited parties is governed by NTSB regulations as well as the Certification of Party Representative and associated guidance provided to all parties (copies attached). The actions of National Steel Car in recent days have evidenced a lack of cooperation and adherence to our party processes and prevent your continued participation in the investigation. Specifically, on April 14, 2023, National Steel issued a press release in which it claimed the wheelsets were cleared from involvement in the derailment. CEO Gregory J. Aziz said, "We are very pleased indeed that the cancellation of AAR EI-0033 completely exonerates National, in all respects, regarding this derailment." In fact, at this point in the investigation, the NTSB has not ruled out the role that the wheelsets may have played. NTSB investigations are comprehensive, independent, and thorough, and

are exacting by nature. Transparency in the investigative process is achieved through the NTSB's coordinated public release of on-scene information, preliminary reports, the public docket, public board meetings, and the public release of reports.

As the party coordinator for your organization, you certified that you would take all reasonable steps to ensure that members of your organization would comply with the requirements of party status, including limitations on the dissemination of investigative information. You also received a copy of guidelines related to party status, which included the warning that no information may be passed to others within the party's organization, beyond those individuals actually participating in the NTSB investigation, without the approval of the IIC. It would appear that investigative information was passed on to your organization's CEO, even though he was not actually participating in the NTSB investigation, and that he, in turn, chose to make that information public by revealing it in a press release. Prior to the NTSB's adoption of the final report regarding this accident, only appropriate NTSB personnel are authorized to publicly disclose investigative findings and, even then the release will be limited to verified factual information identified during the course of the investigation. Mr. Aziz not only provided factual investigative information, but also speculated on the cause of the accident.

For these reasons – release of information by party representatives involved in the investigation to non-party representatives within your organization, and release of information by your party organization to media sources – National Steel Car has been removed as a party to this investigation.

Sincerely,

A handwritten signature in cursive script that reads "James A. Southworth".

James Southworth  
Investigator-in-Charge