

[49 CFR Parts 171, 173, 174, 175,
176, 177, 180]

[Docket No. HM-36; Notice No. 69-29]

TRANSPORTATION OF HAZARDOUS MATERIALS

Reports of Hazardous Materials Incidents

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to include (1) a requirement for the immediate reporting of serious incidents involving hazardous materials and (2) a requirement for the reporting of certain information concerning all hazardous materials incidents whether or not an immediate notification is required.

On April 1, 1969, the National Transportation Safety Board submitted to the Secretary of Transportation a study titled, "Uniform Reporting System for All Modes of Transportation in Reporting Incidents and Accidents Involving the Shipment of Hazardous Materials" (copies may be obtained from the National Transportation Safety Board, 1626 K Street NW., Washington, D.C. 20591). In setting forth the background for its study the NTSB stated:

In the process of reviewing a number of hazardous materials accidents in the past year, the National Transportation Safety Board has become aware of the need for a centralized and coordinated system within the Department of Transportation to collect, process, and disseminate information among the modes pertaining to improving the safety of hazardous materials transport in all its phases in all modes. In its background summary, the Board further stated:

The effective use of data is of prime importance in developing hazardous materials regulations—data from both accidents and incidents (which require definition)—but under existing reporting requirements and procedures it is virtually impossible to consolidate and compare analytically such information on a cross-modal basis. Each mode is essentially concerned only with itself, and hazardous materials accident or incident reports, where submitted, do not contain information appropriate in character, depth, or detail to have much value in preventing hazardous materials accidents in other modes. There is no satisfactory system now for collecting and analyzing such data so that all modes may to a maximum degree benefit from the experience of each.

After reviewing the present reporting requirements (or lack thereof) in each of this Department's operating administrations, the NTSB concluded:

A unified data system, based on uniform definitions of terms, utilizing a common reporting form to be submitted by carriers, with a flow of reports and supplemental information designed to be channeled to a common data center, and with the processed data (and results of special studies) being made available to all Administrations, would be a logical and necessary prerequisite toward solving many of the problems now confronting all Administrations in the transport of hazardous materials. The increase in traffic, the increase in demand for materials classified as hazardous, and the increasing need for intermodal coordination make this essential not only as an economic necessity, but for the safety of all concerned.

The National Transportation Safety Board then made the following recommendations to the Secretary of Transportation:

1. That the term "hazardous materials incident" be defined in regulations governing transport of such materials in all transportation modes, and that the definitions of hazardous materials accidents, now established independently for each mode, be revised for greater standardization across all transportation modes.

2. That a uniform, cross-modal reporting form be developed, appropriate for automatic data processing purposes, for hazardous materials incidents and accidents.

3. That a centralized reporting system be established within the Department of Transportation, coordinating the handling of reports of all hazardous materials incidents and accidents by carriers to the Administrations and the Coast Guard (as applicable), to operate through a central "clearinghouse" where such data would be collected and evaluated to determine whether greater emphasis should be directed to shipper and carrier compliance with existing requirements, or to the need for change in containers, in hazardous classifications, or in handling requirements.

4. That the Department's Hazardous Materials Regulations Board expedite its action to amend or to revise existing Federal Regulations. It should develop uniform regulations for all modes of transport relating to the shipment and carriage of hazardous materials, as may be necessary to assure substantial uniformity among all modes as to reporting requirements, and processing of incident and accident reports involving hazardous materials, so that a centralized and unified hazardous materials reporting system and clearinghouse might function effectively. If this cannot be done within the existing statutory framework, consideration should then be given to seeking legislation which would authorize the issuance of one regulation applicable to all modes by the Secretary, following appropriate consultation with the Administrations and the Coast Guard.

The Hazardous Materials Regulations Board has for sometime been working on a centralized and unified system for collecting information about accidents and incidents involving hazardous materials. The Board agrees with the NTSB's statements as to the importance of accident and incident data in evaluating the effectiveness of existing regulations and in developing new hazardous materials regulations. At present, the little information which is being received is often inaccurate or incomplete; therefore, it is difficult for the Department to properly respond to such occurrences.

This proposal covers two primary areas. The first is a requirement that carriers (including private carriers) make immediate reports to the Department by telephone when incidents of a specified severity occur (the word "incident" is used in the proposed regulations to cover all reportable occurrences that involve hazardous materials). The single telephone number to be provided in the regulations will be for a telephone that is attended by personnel of the Department on a 24-hour basis. While notification by telephone is specified in this notice, comments are requested on the feasibility of using other means of communication to accomplish the required notification with

the immediacy that the Board considers necessary. The immediate report would cover the essential items of information necessary for the operating administrations of the Department and the National Transportation Safety Board to determine what immediate action should be taken by them, if any. The immediate notification requirement proposed would also apply to the transportation of liquids by pipeline now covered by Part 180 of this chapter.

The second part of the proposal is a routine reporting requirement that would require the submission of reports in a prescribed format to the Office of Hazardous Materials in those instances where an immediate report is required and also in any case where there has been an unintentional release of hazardous materials from a package. The proposed report (copies of which may be obtained from the Secretary, Hazardous Materials Regulations Board at the address set forth below), which is to be submitted within 15 days of occurrence of discovery of an incident, would provide information and data such as: Hazardous materials involved, consequences, packaging information, probable cause of packaging failure, shipper and consignee identification, and a narrative account explaining the incident. The information derived from these reports will be used by the Department: (1) As an aid in evaluating the effectiveness of the existing regulations; (2) to assist in determining the need for regulatory changes to cover changing transportation safety problems; and (3) to determine the major problem areas so that the attention of the Department may be more suitably directed to those areas.

This centralized reporting system would amend or replace the existing reporting requirements presently provided for in §§ 173.11, 174.506, 174.508, 174.565, 174.588, 175.660, 176.707, 177.807, 177.814, 177.861, and add an immediate reporting requirement to Part 180.

One effect of this proposal would be to eliminate the requirement that is now contained in several of these sections that the Bureau of Explosives of the Association of American Railroads must be notified in certain circumstances. Elimination of this requirement would not prevent carriers from voluntarily notifying the Bureau of Explosives but this notification would no longer be required by Federal regulation.

Interested persons are invited to give their views on the proposal discussed herein. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before January 12, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend the Department of Transportation's Hazardous Materials Regulations as set forth below.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on October 23, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

Issued in Washington, D.C., on October 23, 1969.

E. H. HOLMES,
Acting Federal
Highway Administrator.

I. Part 171 would be amended as follows:

(A) In Part 171, Table of Contents, §§ 171.15, 171.16 would be added to read as follows:

- Sec.
171.15 Immediate notice of certain hazardous materials incidents.
171.16 Detailed hazardous materials incident reports.

(B) § 171.15 would be added to read as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) Each carrier who transports hazardous materials shall report to the Department by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which as a direct result of the hazardous materials any of the following occurs:

- (1) A person is killed.
- (2) An injured person needs medical attention away from the scene of the incident.
- (3) Estimated carrier or other property damage exceeds \$5,000.
- (4) A continuing danger to life exists following the incident.
- (5) The incident is of such a nature that it is estimated that the resumption of normal operation of the transportation facility involved (e.g., highway, railroad) will be prevented for 2 hours or more.

(b) The following information shall be furnished in each report required by this section:

- (1) Name of reporting person.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of injuries, if any.
- (6) Classification, name, and quantity of hazardous materials involved, if such information is available.
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each person making a report under this section shall also make the report required by § 171.16.

(C) § 171.16 would be added to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

(a) Each carrier who transports hazardous materials shall report in writing in duplicate on DOT Form _____ to the Department within 15 days of the date of discovery each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which as a direct result of the hazardous materials any of the circumstances set forth in § 171.15(a) occurs or there has been an unintentional release of hazardous materials from a package (including a tank).

(b) Each person making a report under this section shall make that report to the Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(c) Copies of DOT Form _____ are available without charge upon request to the above address. Additional copies in the prescribed format may be reproduced and used if in the same size and kind of paper.

[Docket No. HM-36; Notice 69-29, CGFR-69-106—Proposed Information Requirements for Hazardous Materials Incident Reports]

DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS INCIDENT REPORT

Submit in duplicate to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. If the space provided for any item is not adequate, continue in "Remarks" keying to the item number. Copies of this form will be supplied without charge upon request to the foregoing address. Additional copies in this format may be reproduced using the same size, and kind of paper.

- A. Reporting Carrier or Company:
1. Name of Agency, Company, or Individual submitting the report _____
2. Address _____
3. Date and time of incident: Month _____ Day _____ Year _____ Time _____
4. Location of incident _____
5. Type of vehicle or facility _____
B. Hazardous Material Involved:
6. Shipping name _____
7. Hazard classification _____
8. Trade name as shown on packages _____
C. Probable Causes(s) of Packaging Failure: (Check one or more as applicable and describe in item No. 30 "Remarks.")
9. _____ External punctures.
_____ Crushed by other freight.
_____ Weld failures.
_____ Loose fitting valves or closures.
_____ Defective fitting valves or closures.
_____ Corrosion or rust.
_____ Bottom failures.
_____ Chime failures.
_____ Body or side failures.
_____ Dropped in handling.
_____ Water damage.
_____ Damage from other liquids.
_____ Ruptured due to internal pressure.
_____ External heat.
_____ Freezing.
_____ Failure of inner receptacles.
_____ Other conditions.

D. Consequences Due to Hazardous Materials Involved:

10. Number of persons killed _____
11. Number of persons injured _____
12. Estimated loss and property damage in dollars (including cleanup cost): \$ _____
- E. Packaging Information:
13. Type of packaging (steel drums, wooden box, cylinder, etc.) _____
14. Capacity or weight per package (55 gallons, 56 lbs., etc.) _____
15. Number of packages from which material escaped _____
16. Number of packages damaged from external cause _____
17. Number of packages of same type in vehicle or facility _____
18. DOT Specification number(s) on packages (21P, 17E, 3AA1800, etc., or none) _____
19. Other DOT packaging markings (49 CFR Part 178) Example: (18-55-69) (STC) _____
20. Name or symbol of packaging manufacturer _____
21. If reconditioned drum(s) show name or symbol of reconditioner and date _____
22. Show last test date if cylinder or tank _____
23. Type label(s) on package _____
24. DOT Special permit number (if any) _____

F. Shipping Information:

25. Name of shipper _____
26. Origin address of hazardous materials shipment involved _____
27. Name of consignee _____
28. Destination address of hazardous materials shipment involved _____
29. Shipping paper identification and number _____

G. Remarks:

30. Describe essential facts of incident including but not limited to defects, damage, probable cause, stowage, action taken at the time discovered, and action taken to prevent future incidents. Include any recommendations to improve packaging, handling, or transportation of hazardous materials. Photographs and diagrams should be submitted when necessary for clarification.

(More space will be provided on the final form.)

31. Date report prepared _____
32. Name of person preparing report _____ Telephone No. _____

[F.R. Doc. 69-12876; Filed, Oct. 28, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 95]

[Docket No. 18705; FCC 69-1146]

CITIZENS RADIO FREQUENCY FOR
EMERGENCY COMMUNICATIONS
Notice of Proposed Rule Making

In the matter of amendment of § 95.41 (d) of the Commission's rules to reserve a citizens radio frequency for emergency communications, Docket No. 18705, RM-1095, RM-1131, RM-1323.

1. Notice of proposed rule making is hereby given in the above-entitled matter.