

since, in the case of a cargo tank, it may be reported to the Bureau of Motor Carrier Safety as a motor vehicle accident.

Two further and related distinctions concern the "severity" and "frequency" of hazmat accident/incident events. These distinctions lead to the four-fold typology of:

High consequence—high frequency events.

High consequence—low frequency events.

Low consequence—high frequency events.

Low consequence—low frequency events.

Of the four types of events, the first two are considered of greater inherent concern, even though the remaining two types cannot be completely ignored, because certain types of low consequence events may have the potential for producing very high consequences under certain circumstances.

Just what type or arrays of data are to be generated is a function of the objectives of the users of the data, their data requirements, and a host of other considerations, including the cost associated with collecting, storing, and analyzing the data. Cost is a particularly important consideration, since many people find that certain data are "essential" for their purposes, only so long as they do not bear the cost of obtaining and maintaining the data.

With respect to the users of hazmat data and their objectives, the review team found, perhaps not surprisingly, that MTB is now and will continue to be the "primary" user of such data; that its program data requirements have priority over other user requirements; and that, although other user requirements should be accommodated to the extent possible, the hazmat data base cannot be all things to all possible users.

With respect to the primary objectives to be served from the vast array of data that can be generated by a hazmat accident/incident event, the review team found that these data should (1) serve as an aid in evaluating the effectiveness of the existing regulations, (2) assist in determining the need for regulatory changes to cover transportation safety problems, and (3) determine the major problem areas in hazmat transportation so that the attention of the Department may be more suitably directed to those areas.

To accomplish these objectives, the general nature of the data to be reported to MTB should have the following characteristics:

(A) The data should be *essential*, not merely "desirable." Indeed, the essential

nature of the data is implied by the term "requirement."

(B) Because the data are essential, they must to be collected on a *routine basis*, rather than on a one-time, or intermittent, basis.

(C) Because it is a routine procedure, it is not practical that each separate report be of an extremely detailed nature. Extremely detailed data should be obtained through special studies or surveys (follow ups). The data should, therefore, be *general purpose data*, which maximizes their *usefulness* and *actual* (as against potential) *utilization*.

(D) The data should be *non-duplicative* with respect to the existence of other data of the same or similar nature and with respect to the *volume* of data (e.g., 100 incident reports may provide as much information as 1,000 reports) if each report contains essentially the same data.

Change Under Consideration

On the basis of the foregoing discussion, MTB is considering changing § 171.16, with respect to criteria for reporting incidents and the content and format of the report form (DOT Form F 5800.1). Under this change, carriers would be required to submit detailed written reports for incidents having the following characteristics:

(A) All incidents involving telephonic notifications required under § 171.15.

(B) All incidents involving bulk packagings.

(C) All incidents involving transportation aboard aircraft.

(D) All incidents involving property damage from the incident, including cleanup and decontamination, resulting in costs equal to or in excess of \$1,000, incurred or anticipated to be incurred within 15 days of the incident.

(E) All incidents involving the evacuation of people.

(F) All incidents involving materials or packages shipped under MTB's exemption program.

(G) All incidents involving the release of hazardous waste.

Under this approach, § 171.16(a) would read as follows:

(a) Each carrier who transports hazardous materials shall report in writing, in duplicate, on DOT Form F 5800.1 to the Department within 15 days of the 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; and all unintentional releases of hazardous materials involving:

(1) Bulk packagings;

(2) Shipments aboard aircraft or in air terminals;

(3) Property damage, including cleanup and decontamination, resulting in costs equal to or in excess of \$1,000 incurred or reasonably anticipated to be incurred within 15 days of the incident;

(4) The evacuation of people;

(5) Packages or hazardous materials shipped under an exemption; and

(6) Any quantity of hazardous waste that has been discharged during transportation.

The current § 171.16(a)(1) and 171.16(a)(2) requirements pertaining to hazardous waste would be retained and redesignated as §§ 171.16(a)(6)(i), and 171.16(a)(6)(ii).

To assist in the selection of appropriate criteria for the submission of detailed, written reports on hazmat incidents, MTB invites interested persons to participate in this rulemaking. In particular, MTB requests comments addressed to the following questions and submission of any substantiating information:

1. In terms of the foregoing discussion and proposed reporting criteria identified herein, are there other criteria that should be considered for purposes of submitting detailed written reports on accidents or incidents involving hazardous materials? If so, what are they?

2. Does the current DOT incident report form (DOT Form F 5800.1) provide an adequate basis for:

a. Identifying major safety performance trends in the transportation of hazardous materials?

b. Providing a source of data for small packages and bulk packages safety design information and optimization in the transportation environment?

3. Should a separate incident report form be developed to focus exclusively on small package failure mechanisms in the transportation environment (in contrast to the present report form, DOT Form F 5800.1, which is used to describe hazmat incident data involving both packages, e.g., cargo tanks and small package incidents)? What data fields or failure mechanisms might such a report form include?

4. Is a \$1,000 damage figure an adequate criterion for determining a threshold for reporting hazmat incidents that are otherwise without consequence? What is an appropriate property damage reporting criterion? Should an environmental damage criterion be included?

5. If no other formal proposal is made to the present incident reporting system, what changes do you recommend to the format and content of the present