

contemplated that the ERG will be revised and redistributed at three year intervals if the program is continued following this proceeding.

4. (a) Is there another way to deal with ". . . emergency response problems posed by n.o.s. commodities . . ." as discussed by NTSB in Recommendation I-83-2? On May 22, 1980 MTB published a final rule under Docket HM-126B (preamble page—45 FR 34565) setting forth requirements for more specific identification of poisons, including those covered by n.o.s. entries in § 172.101. The purpose of the rule, which is set forth in § 172.203(k), is to make identification of poisons more specific for immediate response purposes. (b) Should MTB consider expanding the requirements to hazardous materials of all classes? Commenters should note that the present rule does not require the technical names of compounds or principal constituents if the entry on a shipping paper (in association with the n.o.s. entry coming from § 172.101) is a name in the NIOSH Registry (RTECS—Registry of Toxic Effects of Chemical Substances) which contains more than 59,000 substance entries. The reason for providing this option is the problem emergency response personnel could have in dealing with long and complex chemical names (with dozens of letters and numbers in some cases) and the fact that RTECS is a component of the NIH/EPA CIS computer system that may be accessed by CHEMTREC at any time specific identification of a material is necessary. At the time the rule was promulgated, MTB had determined that it was only essential for materials meeting the definition of a class B

poison (regardless of class precedence). Also, a different rule for identification of hazardous substances in mixtures was issued at the same time under Docket HM-145B. (c) What would be the burden of such a requirement? and (d), Can or should such a requirement be construed as deriving the same benefit as possession of a MSDS during transportation?

Commenters are not limited to responding to the questions raised above and may submit any facts and views consistent with the intent of this notice. In addition, commenters are encouraged to provide comments on "major rule" considerations under terms of Executive Order 12291, "significant rule" considerations under the DOT regulatory procedures (44 FR 11034), potential environmental impacts subject to the Environmental Policy Act, information collection burdens which must be reviewed under the Paperwork Reduction Act, and economic impact on small entities subject to the Regulatory Flexibility Act.

It is suggested (but not required) that commenters forward copies of their submissions in response to this notice, as appropriate, to the parties named above.

It is requested that each person who desires to present oral comments at the public hearing notify Mr. Metcalfe by letter or telephone before May 1, 1984.

#### List of Subjects in 49 CFR Part 172

Hazardous materials, Transportation, Communications.

(49 U.S.C. 1804, 49 CFR 1.53, App. A to Part 1 and paragraph (e)(4) of App. A to Part 106)

#### Special Note

Since it is expected that this notice will be widely disseminated by several organizations representing emergency services throughout the United States, I take this opportunity to emphasize an important point concerning use of the Emergency Response Guidebook (ERG). Included with NTSB's background to Recommendation I-83-2 is a discussion of the use of Guide 30 rather than Guide 26 in the ERG because the only entry with the term "divinyl" in the ERG was divinylether with a reference to Guide 30. Such a derivation process is contrary to the design and intent of the ERG and could result in serious misinformation and guidance concerning the hazard(s) of a material. On the first page of the ERG (DOT 5800.2) there is the following statement: "If the ID number or shipping name is not listed in this guidebook call CHEMTREC toll-free 800-424-9300." In fact, there are more than 50 references to CHEMTREC and its phone number in the ERG. However, CHEMTREC was not contacted by any emergency response personnel at the scene of the accident discussed above. In order to discourage use of the ERG without first reading the basic instructions for its use, MTB has placed "Read Instructions on First Page" conspicuously on the front cover of the 1984 ERG (DOT 5800.3).

Issued in Washington, D.C. on March 12, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-7029 Filed 3-15-84; 9:45 am]

BILLING CODE 4910-60-M