

developing a separate incident report form tailored to the hazardous materials package/incident environment unique to each mode. It will also aid in ensuring consistency and uniformity of the information obtained, and significantly benefit future safety analyses devoted to special conditions peculiar to each mode.

Part VI: Packaging Information; Part VII, Description of Packaging Failure. These two parts of the proposed report form are also closely tied together; their basic purpose is to identify the *number* and *type* of packages which resulted in a spill of hazardous materials, and the specific causes associated with each package that failed.

Other than providing more examples and clarifications of the information required, Part VI of the proposed report form is essentially the same as the current report form. As with the current form, columns a, b, and c may be used to convey a variety of information. The report form can convey the details of as many as three different types of packages that failed; or three packages of the same type but of different capacities; or three packages of the same type and size but made by three different manufacturers; or three different categories of packages involving numerous failure, with each category involving the same type of package and the same general failure mechanisms.

A brief example will serve to illustrate these matters. Suppose that an incident involved a shipment of hazardous materials in 40 DOT-12B fiberboard boxes, containing 4 glass jars per box; and due to the improper blocking of other freight, 4 boxes were crushed and 16 jars were cracked, spilling their contents. Then, in item A of Part VI, type of packaging from which material escaped, the entries would be "glass jar" in column a, and "fiberboard box" in column b. In item C, number of packages of same type which failed in identical manner, the entries would be "16" in column a, and "4" in column b. In item D, number of packages of same type in shipment, the entries would be "160" in column a, and "40" in column b. As this example indicates, columns a and b (and c, if necessary) may be used to indicate the details associated with failures involving multilayered packages (e.g., glass jars within fiberboard boxes). If columns a, b, and c are not adequate to describe the number of packages involved in the spillage of hazardous materials, then a separate sheet, or sheets, must be attached to the report form to provide the packaging

information required by Parts VI and VII.

Part VII of the proposed report form expands the choices available to describe the failure mechanisms of the packages involved in an incident, and is expected to facilitate the accurate filling out of the report form, and to improve the analyses of packaging failures. With the current report form, ambiguities arise concerning the attribution of failure causes when an incident involves more than one package. The proposed form should obviate this problem.

The failure mechanisms associated with each package identified in columns a, b, and c of Part VI of the report form are to be identified in the corresponding columns a, b, and c of Part VII. Continuing with the example given above of glass bottles in 12B boxes crushed because of improper blocking, in item A.12. of Part VII, action causing packaging failure, improper blocking, the blocks under columns a and b would be marked to indicate this as a failure cause common to both packages involved in the incident; the same would be done for item B.1., object causing damage, other freight. In item C, how package(s) damaged, under column a, then block cracked would be marked, and under column b, the block crushed would be checked. Item D, where package(s) damaged may or may not be applicable in this example, and can be taken to illustrate the fact that not all the failure cause categories appearing in Part VII need be checked; nor are they intended to provide an exhaustive listing of how, where and why packagings can fail. In item E, what failed on package(s), "basic package material" seems to be the most appropriate descriptive term, and the "1" boxes under columns a and b would be checked.

Part VIII, Remarks. This part of the proposed report form is essentially the same as the current form, with one exception. Whereas the current form states that photographs and diagrams of the incident should be submitted when necessary for clarification, the proposed report form requires the submission of photographs of damage to packagings and a brief description of the incident when the incident involves bulk packaging such as portable tanks, rail tank cars or tank trucks, and the incident results in a fatality or an injury due to the hazardous material. The need for this type of information is based on the fact that since incidents involving fatalities and injuries requiring hospitalization are relatively rare events, it is important to obtain as much information concerning such events as is

practicable. Photographs are one way to obtain such information. RSPA does not believe that this proposed requirement would impose a significant burden on industry. For one thing, incidents of such a nature usually result in photographs being produced for liability and insurance claims purposes. Furthermore, over the past 15 years, the number of incidents involving fatalities have averaged only 14 per year, with the largest number of such incidents never having exceeded 23. At the same time, RSPA currently receives approximately 75 photographs per year of incidents of all types, as a result of the present wording in the report form on this subject. Many, if not all, of these incidents include the incidents for which RSPA is now proposing that photographs be required to be submitted, in addition to the report form.

### Administrative Notices

#### A. Paperwork Reduction Act

This proposed rulemaking contains information collection requirements in the following sections: Sections 171.15 and 171.16 and a new proposed § 171.21. These requirements will be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980 (44 U.S.C., Chapter 35).

#### B. Executive Order 12291

This proposed rule does not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule; however, it is a significant rule under the regulatory procedures of the Department of Transportation (44 CFR 11034). This proposal rule does not require a Regulatory Impact Analysis, or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). A regulatory evaluation is available for review in the Docket.

#### C. Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modifications as a result of the review of comments received in response to this proposal.