

suggested that a separate incident report form might be desirable for each of the several modes, with each form tailored to describe the failure mechanisms unique to each mode.

RSPA has carefully evaluated these comments and has decided to continue to use only one report form for the reporting of incidents for all modes. RSPA does agree that there is a need for more and better descriptive statistics about hazardous materials incidents, and the causative and consequence factors involved with such incidents. RSPA believes that this objective can be best accomplished through appropriate changes in the format and information content of the current report form, and by requiring that all carriers involved in a hazardous materials incident provide assistance to DOT in any follow-up investigations or special studies which DOT might undertake in connection with the incident.

In addition to raising the question of whether a separate incident report form might be desirable for each of the several modes involved in a hazardous materials incident, the ANPRM requested comments on the clarity and usefulness of the data fields and organizational format of the current report form. While none of the commenters suggested deleting any of the information items contained in the current report form, several suggested that new data fields be added, or that existing data requirements be clarified.

Several commenters stated that data should be provided on the identity of the agencies and persons notified as a result of an incident, or the first responders arriving at the scene of an incident, including their addresses and telephone numbers. RSPA has decided not to include this data in its proposed change to the current report form. This type of information, while relevant to establishing the effectiveness of emergency response programs, is not, in itself, sufficient for this purpose. Describing all factors that characterize emergency response actions at the scene of a hazardous materials incident is more appropriately obtained through special studies specifically directed to this area.

One commenter stated that the hazardous materials identification number (i.e., UN number) and RQ (Reportable Quantity) number, if shown on the shipping paper, should be included in the report form. This suggestion has been adopted and is a part of the proposed new report form, since it will aid in the cross-referencing of hazardous materials incident reports.

One commenter stated the Environmental Protection Agency's

generator, transporter, disposal facility and waste manifest numbers should be included as data fields on the report form. This information must currently be submitted along with the hazardous materials incident report form, by § 171.16(a)(1), which states that a copy of the hazardous waste manifest must be attached to the incident report form when the incident involves a hazardous waste.

One commenter suggested that the incident report form should explicitly differentiate between bulk and non-bulk packages. Although the current report form already provides a means of differentiating between bulk and non-bulk packaging (e.g., by requiring the identification of the DOT specification number of the package involved in the incident), the proposed new report form makes this differentiation even more explicit.

One commenter suggested that information be provided on the report form to indicate if the incident occurred while the package was being loaded or unloaded by shippers or consignees, as distinct from carriers; and that, in this situation, it is the shipper or consignee, rather than the carrier, who is required to submit the incident report. This suggestion represents a misunderstanding of the regulations. Section 171.16(a) requires the carrier to submit the incident report, whether or not the carrier was actually involved in the loading or unloading of the hazardous material. The incident reporting system is not intended to establish liability or facilitate settling insurance damage claims. Nor do incidents resulting from vandalism, or the negligence or actions of other parties, relieve carriers from the obligation to report incidents occurring during the course of transportation, including temporary storage incidental thereto. The current form provides, and the proposed new form would continue to provide, space for any remarks a carrier may wish to make concerning who was engaged in loading or unloading the package when the incident occurred.

One commenter suggested that the name, age, and social security number of the driver of the vehicle, or person loading or unloading the vehicle, be included in all incident reports. Although RSPA does not agree that this information is useful in all cases, the proposed change to the current incident report would capture some of this information when the incident involves a motor carrier accident.

Finally, the suggestion by one commenter that weather conditions at the time of the incident (e.g.,

temperature) be indicated on the report form is being adopted in part by RSPA, since many hazardous materials can be extremely sensitive to temperature variations.

Incident Reporting Requirements: Specific Proposed Revisions.

Sections 171.15(a) and 175.45(a) would be amended to require the immediate (i.e., as soon as practicable) notification of RSPA of incidents involving the evacuation of one or more properties adjacent to the property on which the incident occurs. If people in any residences or buildings adjacent to the private property on which the spill occurs are not evacuated, the incident does not require immediate notification.

Sections 171.15(a) and 175.45(a) would also be amended to require the immediate (i.e., as soon as practicable) notification of RSPA of incidents involving the closure shutdown of one or more major transportation arteries or facilities for one hour or more. Here, "major transportation arteries or facilities" include, at the minimum, interstate highways; bridges or tunnels providing access to interstate highways; airports where scheduled turbojet passenger operations are conducted; commercially navigable waterways; and railroad main line track.

Sections 171.15(a) and 175.45(a) would also be amended to require the immediate notification of RSPA of all incidents in which an aircraft is forced to deviate from its planned course, or is required to make an unscheduled landing.

In accordance with these proposed amendments, § 175.45(a)(7) would also be deleted. Currently, if an aircraft operator conforms to the provisions of § 175.45, the carrier requirements of § 171.15, except § 171.15(c), are deemed to have been satisfied. Under the proposed amendments, aircraft operators would be required to notify both RSPA and the Federal Aviation Administration (FAA) of those incidents meeting the proposed reporting criteria of § 171.15(a).

RSPA recognizes that the proposed wording for these reporting requirements may not exhaustively cover all situations, but believes that the information required is sufficient to include most significant incidents.

The current 15-day period for submitting incident report forms would be increased to 30 days to provide more time for gathering data and completing the report form as accurately as possible.

A new section—§ 171.21, Assistance in Investigations and Special Studies—is