

**List of Subjecta****49 CFR Part 171**

General information, Regulations, Definitions.

**49 CFR Part 175**

Hazardous material transportation, Air carriers.

In consideration of the foregoing, 49 CFR Part 171 and Part 175 would be amended as follows:

**PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS**

1. The authority citation for Part 171 would continue to read as follows:

Authority: 49 U.S.C. 1802, 1803, 1804, 1808; 49 CFR Part 1, unless otherwise noted.

2. In § 171.15, paragraph (a)(6) would be revised and paragraphs (a)(7), (a)(8) and (a)(9) would be added to read as follows:

**§ 171.15 Immediate notice of certain hazardous materials incidents.**

(a) \* \* \*

(6) One or more properties adjacent to the property on which the incident takes place are evacuated.

(7) One or more major transportation facilities are closed or shut down for one hour or more.

(8) An aircraft is forced to deviate from its planned course, or is required to make an unscheduled landing.

(9) A situation exists of such a nature that, in the judgment of the carrier, it

should be reported in accordance with paragraph (b) of this section, even though it does not meet the criteria of paragraph (a)(1), (2), or (3) of this section; e.g., a continuing danger to life exists at the scene of the incident.

\* \* \* \* \*

3. In § 171.16, paragraph (b) and the first sentence in paragraph (a) would be revised 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 F 5800.1 to the Department within 30 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) or any quantity of hazardous waste has been discharged during transportation. \* \* \*

\* \* \* \* \*

(b) Each carrier making a report under this section shall send that report to: Director, Office of Hazardous Materials Transportation (Attention: DHM-63), Research and Special Programs Administration, Department of Transportation, Washington, DC 20590; a copy of that report shall be retained at

the carrier's principal place of business for a period of two years.

\* \* \* \* \*

4. In Part 171, a new § 171.21 would be added to read as follows:

**§ 171.21 Assistance in investigations and special studies.**

(a) A carrier of hazardous materials must make all records and information pertaining to any incident available to an authorized representative or special agent of the Department of Transportation upon request. A carrier of hazardous materials must give an authorized representative or special agent of the Department of Transportation all reasonable assistance in the investigation of any incident.

(b) If the Department of Transportation makes an inquiry to a carrier of hazardous materials in connection with a study of incidents, the carrier must—

(1) Respond to the inquiry within 15 days after its receipt or within such other time as the inquiry may specify; and

(2) Provide a full, true, and correct answer to any questions included in the inquiry.

5. The incident reporting form (DOT Form F. 5800.1) would be revised to read as indicated below.

**Note.**—The Hazardous Materials Incident Report form will not be shown in the Code of Federal Regulations.

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