

(v) One or more major transportation arteries or facilities are closed or shut down for one hour or more; or

(vi) The operational flight pattern or routine of an aircraft is altered; or

(2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material (see also §§ 174.45, 175.45, 176.48, and 177.807 of this subchapter); or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(4) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of paragraph (a) (1), (2) or (3) of this section.

3. In § 171.16, paragraphs (a) and (b) are revised, and a "Note" is added at the end of the section 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 (Rev. 6/89) to the Department within 30 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading, and temporary storage) in which 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. If a report pertains to a hazardous waste discharge:

(1) A copy of the hazardous waste manifest for the waste must be attached to the report; and

(2) An estimate of the quantity of the waste removed from the scene, the name and address of the facility to which it was taken, and the manner of disposition of any removed waste must be entered in Section IX of the report form (Form F 5800.1) (Rev. 6/89).

(b) Each carrier making a report under this section shall send the report to the Information Systems Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590; a copy of the report shall be retained, for a period of two years, at the carrier's principal place of business, or at other places as authorized and approved in

writing by an agency of the Department of Transportation.

Note: A guideline document for assisting in the completion of DOT Form F 5800.1 (Rev. 6/89) may be obtained from the Office of Hazardous Materials Transportation, DHM-51, U.S. Department of Transportation, Washington, DC 20590.

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

§ 171.21 Assistance in investigations and special studies.

(a) A carrier who is responsible for reporting an incident under the provisions of § 171.16 shall make all records and information pertaining to the incident available to an authorized representative or special agent of the Department of Transportation upon request. The carrier shall give an authorized representative or special agent of the Department of Transportation reasonable assistance in the investigation of the 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 shall—

(1) Respond to the inquiry within 30 days after its receipt or within such other time as the inquiry may specify; and

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

5. The incident reporting form (DOT Form F. 5800.1) is revised to read as indicated in the attached exhibit #1. (The form will not appear in the Code of Federal Regulations.)

PART 175—CARRIAGE BY AIRCRAFT

6. The authority citation for Part 175 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

7. In § 175.45, paragraph (a), the introductory text of paragraph (b) and the first sentence of paragraph (c) are revised to read as follows:

§ 175.45 Reporting hazardous materials incidents.

(a) Each operator who transports hazardous materials shall report to the nearest FAA Civil Aviation Security Office by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which—

(1) As direct result of hazardous materials—

(i) A person is killed; or

(ii) A person receives injuries requiring hospitalization; or

(iii) Estimated carrier or other property damage, exceeds \$50,000; or

(iv) An evacuation of the general public occurs lasting one or more hours; or

(v) One or more major transportation arteries or facilities are closed or shutdown for two hours or more; or

(vi) The operational flight pattern or routine of an aircraft is altered; or

(2) Fire, breakage, or spillage or suspected radioactive contamination occurs involving shipment of radioactive materials (see § 175.700(b)); or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents (in addition to the report required by paragraph (a) of this section, a report on an incident involving etiologic agents should be telephoned directly to the Director, Center for Disease Control, U.S. Public Health, Atlanta, Georgia, area code 404-633-5313); or

(4) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of paragraph (a) (1), (2) or (3) of this section.

(b) If the operator conforms to the provisions of this section, the carrier requirements of § 171.15, except § 171.15(c), of this subchapter shall be deemed to have been satisfied. The following information shall be furnished in each report.

(c) Each operator who transports hazardous materials shall report in writing, in duplicate, on DOT Form F 5800.1 (Rev. 6/89) within 30 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading or storage incidental thereto) in which any of the circumstances set forth in paragraph (a) of this section occurs or there has been unintentional release of hazardous materials from a package. * * *

Issued in Washington, DC on May 23, 1989, under the authority delegated in 49 CFR Part 1.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

Exhibit 1

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