requirements, but rather the ERG could be used as one of several alternatives to satisfy those requirements. Although businesses may incur additional paperwork burdens, due to the requirement for placement of emergency response information on transport vehicles, RSPA believes that those burdens are justified because the requirement will improve the availability of information at the scene of an incident involving hazardous materials and thereby enhance emergency response efforts during such incidents.

RSPA did not propose that drivers of motor vehicles or crews aboard aircraft or trains attempt themselves to take emergency response measures. Instead, RSPA believes that during the initial stages of an emergency, having this information immediately available aboard a transport vehicle is important to convey information concerning the risks of materials, the basic precautions to be taken by transportation workers, and to improve the effectiveness of the first on the scene emergency responders.

The Association of American Railroads (AAR) commented that the notice as written would require that emergency response information be maintained on each rail car or "transport vehicle." They stated that there is no place on a rail car for this information to be placed and that there is no reason for this information to be placed on each individual rail car.

To clarify our intent in regard to maintenance of and accessibility to emergency response information on "transport vehicles", the requirement addressing carriers' responsibility for maintenance of written emergency response information on transport vehicles, such as trucks, rail cars or vessels and barges, has been restated to require that emergency response information be carried in the same manner as prescribed for shipping papers.

The AAR stated that additional written emergency response information (e.g., ERG) is unnecessary for rail shipments because they have the "Hazardous or Dangerous Commodity Reports" for each hazardous material in a train, which they feel satisfies the emergency response information requirements. Although having the ERG available would satisfy the emergency response information requirements, other documents, for shipments by aircraft, vessel and rail, such as the ICAO "Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods", the IMO "Emergency Procedures for Ships Carrying Dangerous Goods", and the "Hazardous or Dangerous Commodity Reports", respectively, may be used to satisfy the requirements for emergency response information, as long as they contain the required emergency response information and are present on the transport vehicle for each commodity.

Representative of commenters supportive of carrying the ERG on-board vehicles was the National Private Trucking Association (NPTA). NPTA stated:

> There are several sound reasons for carrying a copy of the ERG on-board transit vehicles. First, even though a significant number of ERGs have been distributed to emergency response organizations and personnel throughout the country, it is extremely unlikely that every emergency responder has one, or that one would always be on-scene. The presence of an ERG on each transport vehicle should effectively remedy this. Second, and perhaps more important, currently when most incidents involving hazardous materials occur, there is a period of time between the occurrence and the arrival of trained first responders with, presumably, copies of an ERG and/or other essential information to enable them to initiate an effective response. Consequently, as a rule for the majority of shipments currently taking place, during that critical period of time, the truck driver, as well as any other passers-by who may happen on the scene, are without essential information concerning the risk(s) which the materials being transported may pose to them and the public generally, or how to provide immediate and effective first aid should contact with a material have occurred.

RSPA agrees with NPTA that having a copy of the ERG immediately available during a hazardous material emergency would be useful. However, compliance with a requirement that emergency response information be immediately available for responders' use may also be accomplished in a number of other ways, such as by having emergency response information printed on the shipping paper or use of an MSDS (if it contains all of the required information).

Several commenters suggested that DOT require the ERG to be carried on all emergency response vehicles. DOT does not have statutory authority to require carriage of the ERG on emergency response vehicles operated by public entities. However, it has been the goal of RSPA, since the early 1980's, that all emergency response vehicles carry a copy of the ERG. To this end, approximately 2.5 million copies of the ERG have been distributed, without charge, to emergency response organizations by RSPA.

Widespread support was expressed in the comments to the NPRM for requiring additional emergency response information to accompany hazardous materials in transportation. Most commenters stated the ERG was the preferred source for obtaining emergency response information. In this final rule, RSPA adopts a requirement essentially as proposed in the NPRM, that emergency response information be maintained on transport vehicles, in the same manner as prescribed for shipping papers, and at facilities involved in the transportation of hazardous materials. While use of the ERG would be one method of compliance, flexibility is provided to afford use of other means to satisfy this requirement.

B. N.O.S. Descriptions/Generic Descriptions

The Chemical Waste Transportation Council (CWTC) supported showing the technical name for n.o.s. descriptions. However, CWTC stated that the requirement poses special administrative problems for non-bulk shipments of wastes. The CWTC stated:

> Keep in mind that non-bulk shipments of hazardous waste, as opposed to hazardous pure product, are normally comprised of a variety of waste stream packages. The extent of this variety becomes most complex with regard to the shipment of waste material packaged in accordance with 49 CFR 173.12(b). Yet, the risk presented by these divergent but compatible waste streams is no greater, and for the most part is less hazardous, than its source material. Waste, after all, is often the dilute by-product or residue of a pure hazardous material product. This is especially true of wastes with an n.o.s. status.

The CWTC requested that DOT allow shippers of hazardous wastes to show waste stream numbers in place of technical names for n.o.s. entries as provided under the requirement in § 172.203(c) for hazardous substances. CWTC petitioned RSPA (petition number P-1033) to amend the HMR at 49 CFR 172.203(c)(1) and 172.324(a) to exclude materials packaged in accordance with the lab pack provisions in § 173.12 from the requirement of showing technical names for n.o.s. entries.

RSPA did not intend to make the additional description and marking requirements for emergency response information for hazardous waste materials, packaged in accordance with the lab pack provisions, more burdensome to the hazardous waste industry. On the contrary, RSPA agrees with CWTC comments that for hazardous waste materials, packaged in accordance with the lab pack provisions, inclusion of waste stream numbers rather than technical names for n.o.s. descriptions would meet the additional emergency response