

**List of Subjects in 49 CFR Part 171**

Hazardous materials transportation, incident reporting.

It is requested that persons who desire to present oral comments at the public hearing notify Mr. Nalevanko or Mr. Abis by letter or telephone before April 30, 1984.

**Note.**—The Materials Transportation Bureau has determined that this document will not result in a significant regulation under DOT's regulatory policy and procedures (44 FR 11034). A preliminary economic evaluation of several alternatives is available for review in the docket.

(49 U.S.C. 1804, 1806; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Issued in Washington, D.C., on March 12, 1984.

Alan I. Roberts,

Associate Director for Hazardous, Materials Regulation, Materials Transportation Bureau.

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**49 CFR Part 172**

[Docket No. HM-126C; Notice 84-2]

**Required Use Of Emergency Response Guidebooks and Material Safety Data Sheets**

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Advance Notice of Proposed Rulemaking and Notice of Public Hearing.

**SUMMARY:** This Notice solicits comments on the potential benefits and consequences of required use of Emergency Response Guidebooks (ERG) and/or Material Safety Data Sheets (MSDS's) to communicate information on the hazards of materials while they are moving in commerce. This solicitation is intended not only to address emergency situations involving significant discharges of hazardous materials, but what must be known about them when they are present in transport vehicles (including vessels and aircraft), and facilities associated with transportation such as terminals, piers, warehouses and other places where hazardous materials may be kept during the course of transportation.

**DATES:** A public hearing pertaining to the matters raised by this notice will be held on May 2, 1984, from 9:30 a.m. to 5:00 p.m. in room 2230 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Interested persons are invited to participate in the public hearing. The closing date for

submission of written comments is June 26, 1984.

**ADDRESS:** Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Lee E. Metcalfe, Chief, Regulations Development Branch, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590; (202) 426-2075.

**SUPPLEMENTARY INFORMATION:** The National Transportation Safety Board (NTSB) has recommended that the Department of Transportation determine, by mode of transportation, the feasibility of requiring comprehensive product-specific emergency response information such as MSDS's for hazardous materials moving in bulk quantities. The American Trucking Associations, Inc. (ATA) has petitioned MTB for a rule requiring placement of Emergency Response Guidebooks in certain transportation facilities. Comments that relate to the ATA petition have been received from other parties. This notice solicits comments on the potential benefits and consequences of required use of the ERG and/or MSDS's to communicate information on the hazards of materials while they are moving in commerce.

This notice contains a substantial amount of material that is directly quoted. Primary sources of the quoted material are as follows:

**NTSB**—National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594, James E. Burnett, Chairman

**ATA**—American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C. 20036, Robert A. Hirsch, Attorney and Richard M. Doyle, Hazardous Materials Specialist

**IBT**—International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, 25 Louisiana Avenue, NW., Washington, D.C. 20001, R. V. Durham, Director, Department of Safety and Health

**WTA**—Wyoming Trucking Association, Inc., 109 Rancho Avenue, Casper, Wyoming 82602, Larry E. Meredith, Managing Director.

The following are also referenced in this notice:

**CIS**—NIH/EPA Chemical Information System, CIS User Support Group, Computer Sciences Corporation, P.O. Box 2227, Falls Church, VA 22042, Katherine Noble, Project Manager

**CHEMTREC**—Chemical Transportation Emergency Center, Chemical Manufacturers Association, 2501 M Street, NW., Washington, D.C. 20037, Joe J. Mayhew, Director

**NFPA**—National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, Robert W. Grant, President

**AAR**—Association of American Railroads, Washington, D.C., Thomas Phemister, Director, Bureau of Explosives

**ERG**—Emergency Response Guidebook, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590, Alan I. Roberts, ERG Project Manager

As background to its Safety Recommendation I-83-2, issued November 29, 1983, NTSB stated the following:

\* \* \* \* \*

About 11:00 a.m., e.s.t., on October 13, 1982 an eastbound tractor/cargo-tank semitrailer, owned and operated by Matlack, Incorporated, overturned when its driver took evasive action to avoid a head-on collision with a westbound pickup truck with another pickup truck in tow that crossed the centerline on State Route 299 approximately one-fourth mile west of Odessa, Delaware. The tank-trailer contained 5,600 gallons of divinylbenzene (DVB), 150 gallons of which leaked from the tank through a clean-out cap and a pressure relief device in the dome. As a result of the accident, five persons were treated for injuries at a local hospital; four (including the two Matlack drivers) were released and one was admitted for further treatment. In addition, 48 emergency response persons were treated and released for respiratory problems and skin rashes associated with exposure to the DVB.

Police officers were notified of a highway accident but were not informed that a hazardous material was involved. Upon arrival, police and ambulance crews devoted their activities to site security and first-aid to the crash victims.

The first arriving police officers reviewed the shipping papers and then returned them to the driver. The shipping papers described the cargo as "5,600 gallons of COMBUSTIBLE LIQUID, not otherwise specified (n.o.s.) (Divinylbenzene, 55, Inhibited) NA 1993." The truck was properly placarded in accordance with Department of Transportation regulations.

Approximately 100 emergency response personnel responded to the accident, but none of them had either previous experience