

and shipping papers until October 1, 2007.

(6) Section 172.202(a)(6) requires the number and types of packages to be indicated on shipping papers. Until October 1, 2007, a person may elect to comply with the requirements for the number and type of packages in effect on September 30, 2003.

(7) Except for transport by vessel, the non-mandatory shipping paper provision to include the subsidiary hazard class or division number in accordance with §172.202(a)(2), in effect on September 30, 2003, is authorized until October 1, 2005.

(8) Until October 1, 2005, proper shipping names that did not identify specific isomers by numbers or letters preceding the chemical name prior to the final rule published on July 31, 2003 and effective on October 1, 2003, may continue to be marked on packagings and are authorized on shipping papers in place of the proper shipping names revised in the July 31, 2003 final rule.

(e) A Division 6.2 label conforming to specifications in §172.432 of this subchapter in effect on September 30, 2002, may be used until October 1, 2005.

(f) 49 CFR 175.33 sets out requirements regarding the availability of information for hazardous materials transported by aircraft. Until April 1, 2005, a person may elect to comply with either the applicable requirements of 49 CFR 175.33 in effect on September 30, 2003, and contained in 49 CFR Part 175 revised as of October 1, 2002, or the requirements of that section contained in 49 CFR Part 175 revised as of October 1, 2003. On April 1, 2005, all applicable regulatory requirements in 49 CFR 175.33 in effect on October 1, 2003 must be met.

[Amdt. 171-131, 59 FR 67406, Dec. 29, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §171.14, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) *General.* As soon as practical but no later than 12 hours after the occurrence of any incident described in paragraph (b) of this section, each person in physical possession of the hazardous

material must provide notice by telephone to the National Response Center (NRC) on 800-424-8802 (toll free) or 202-267-2675 (toll call). Notice involving an infectious substance (etiologic agent) may be given to the Director, Centers for Disease Control and Prevention, U.S. Public Health Service, Atlanta, GA, 800-232-0124 (toll free), in place of notice to the NRC. Each notice must include the following information:

- (1) Name of reporter;
- (2) Name and address of person represented by reporter;
- (3) Phone number where reporter can be contacted;
- (4) Date, time, and location of incident;
- (5) The extent of injury, if any;
- (6) Class or division, proper shipping name, and quantity of hazardous materials involved, if such information is available; and
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(b) *Reportable incident.* A telephone report is required whenever any of the following occurs during the course of transportation in commerce (including loading, unloading, and temporary storage):

- (1) As a direct result of a hazardous material—
 - (i) A person is killed;
 - (ii) A person receives an injury requiring admittance to a hospital;
 - (iii) The general public is evacuated for one hour or more;
 - (iv) A major transportation artery or facility is closed or shut down for one hour or more; or
 - (v) The operational flight pattern or routine of an aircraft is altered;
- (2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving a radioactive material (see also §176.48 of this subchapter);
- (3) Fire, breakage, spillage, or suspected contamination occurs involving an infectious substance other than a diagnostic specimen or regulated medical waste;
- (4) A release of a marine pollutant occurs in a quantity exceeding 450 L (119 gallons) for a liquid or 400 kg (882 pounds) for a solid; or

(5) 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 person in possession of the hazardous material, it should be reported to the NRC even though it does not meet the criteria of paragraph (b) (1), (2), (3) or (4) of this section.

(c) *Written report.* Each person making a report under this section must also make the report required by § 171.16 of this subpart.

NOTE TO § 171.15: Under 40 CFR 302.6, EPA requires persons in charge of facilities (including transport vehicles, vessels, and aircraft) to report any release of a hazardous substance in a quantity equal to or greater than its reportable quantity, as soon as that person has knowledge of the release, to DOT's National Response Center at (toll free) 800-424-8802 or (toll) 202-267-2675.

[68 FR 67759, Dec. 3, 2003]

§ 171.16 Detailed hazardous materials incident reports.

(a) *General.* Each person in physical possession of a hazardous material at the time that any of the following incidents occurs during transportation (including loading, unloading, and temporary storage) must submit a Hazardous Materials Incident Report on DOT Form F 5800.1 (01/2004) within 30 days of discovery of the incident:

(1) Any of the circumstances set forth in § 171.15(b);

(2) An unintentional release of a hazardous material or the discharge of any quantity of hazardous waste;

(3) A specification cargo tank with a capacity of 1,000 gallons or greater containing any hazardous material suffers structural damage to the lading retention system or damage that requires repair to a system intended to protect the lading retention system, even if there is no release of hazardous material; or

(4) An undeclared hazardous material is discovered.

(b) *Providing and retaining copies of the report.* Each person reporting under this section must—

(1) Submit a written Hazardous Materials Incident Report to the Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation,

Washington, DC 20590-0001, or an electronic Hazardous Material Incident Report to the Information System Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001 at <http://hazmat.dot.gov>;

(2) For an incident involving transportation by aircraft, submit a written or electronic copy of the Hazardous Materials Incident Report to the FAA Security Field Office nearest the location of the incident; and

(3) Retain a written or electronic copy of the Hazardous Materials Incident Report for a period of two years at the reporting person's principal place of business. If the written or electronic Hazardous Materials Incident Report is maintained at other than the reporting person's principal place of business, the report must be made available at the reporting person's principal place of business within 24 hours of a request for the report by an authorized representative or special agent of the Department of Transportation.

(c) *Updating the incident report.* A Hazardous Materials Incident Report must be updated within one year of the date of occurrence of the incident whenever:

(1) A death results from injury caused by a hazardous material;

(2) There was a misidentification of the hazardous material or package information on a prior incident report;

(3) Damage, loss or related cost that was not known when the initial incident report was filed becomes known; or

(4) Damage, loss, or related cost changes by \$25,000 or more, or 10% of the prior total estimate, whichever is greater.

(d) *Exceptions.* Unless a telephone report is required under the provisions of § 171.15 of this part, the requirements of paragraphs (a), (b), and (c) of this section do not apply to the following incidents:

(1) A release of a minimal amount of material from—

(i) A vent, for materials for which venting is authorized;

(ii) The routine operation of a seal, pump, compressor, or valve; or