

Testing Requirements for Non-Bulk Packaging
(Formerly Testing Requirements for Packaging)
(Expiration date: July 31, 2007)

Justification #2137-0572

1. Circumstances that make the collection necessary.

This information collection was previously submitted to the Office of Management and Budget (OMB) in May, 2004, under the Docket HM-224B “Hazardous Materials: Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft,” Notice of Proposed Rulemaking (NPRM). At that time, OMB requested this information collection be re-submitted at the final rule stage of Docket HM-224B. The Final Rule for Docket HM-224B is currently in the process of being cleared through OMB for publication without change as submitted at the NPRM stage. In addition, PHMSA has not received any information collection-related comments following the publication of the NPRM. It should also be noted that an additional information collection package affecting OMB Control No. 2137-0572 will be submitted to OMB in the near future under the Docket HM-231 “Miscellaneous Packaging Amendments” NPRM.

Docket HM-224 Final Rule revisions:

Docket HM-224B Final Rule is revising the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to require that compressed oxygen and packages of chemical oxygen generators be placed in an outer packaging that meets certain flame penetration and thermal resistance requirements when transported aboard an aircraft. This new packaging requirement will require package design testing and recordkeeping in order to increase the level of safety associated with transportation of these materials aboard aircraft. It was found that use of an outer packaging may significantly lengthen the time that a cylinder will retain its contents when exposed to fire or heat. An unprotected oxygen cylinder or oxygen generator can quickly and violently release its contents when exposed to temperatures that can be expected from an aircraft cargo compartment fire. An outer packaging that is designed to provide both thermal protection and flame penetration would provide additional protection. No information collection-related comments were received during the NPRM stage and no additional revisions affecting information collections were made in the Final Rule since our initial submission of the ICR under the NPRM. Therefore, the amendments to the HMR of the HM-224B Final Rule consist of the following:

- (1) Requires that cylinders of compressed oxygen and other oxidizing gases and packages of chemical oxygen generators be placed in an outer packaging that meets certain flame penetration and thermal resistance requirements when transported aboard an aircraft;

(2) Revises the pressure relief device (PRD) setting limit on cylinders of compressed oxygen and other oxidizing gases transported aboard aircraft;

(3) Limits the types of cylinders authorized for transporting compressed oxygen aboard aircraft; and

(4) Converts most of the provisions of an oxygen generator approval into requirements in the HMR.

PHMSA is issuing this final rule in cooperation with the Federal Aviation Administration (FAA) to increase the level of safety associated with transportation of these materials aboard aircraft. The goal is to promote safety in transport through the use of better materials classification and packaging through performance-oriented packaging. This information collection supports the Departmental Strategic Goal for Safety. Copies of applicable sections are contained in Attachment I. These regulations are set forth under the Federal hazardous materials transportation law (49 U.S.C. 5101-5127).

2. How, by whom and for what purpose the information is to be used.

Performance-oriented packaging standards allow packaging manufacturers and shippers more flexibility in selecting more economical packagings for their products, customizing the design of packagings to better suit the transportation environment that they will encounter, encourage technological innovations, decrease packaging costs, and significantly reduce the need for exemptions.

3. Consideration of improved information technology.

The burden has been made as simple as possible. The information requested is necessary to ensure safe operations. Information is considered critical in evaluating the definitive requirements, tying a particular packaging or packaging system to an individual hazardous material. Because of the inherent dangers during transport, it is necessary to verify that the packagings and methods being used are safe and will adequately protect both life and property during transportation.

The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Electronic filing and recordkeeping is authorized. However, PHMSA does not require these records to be submitted to us, so it is not applicable.

4. Efforts to identify duplication.

There is no duplication, as the information is unique to specific situations.

5. Methods used to minimize burden on small businesses or other small entities.

The collection of this information is reviewed periodically to ensure that the requirements involving safety in the transportation of hazardous materials are kept to the necessary standards to protect all parties involved.

6. Consequences to Federal program or policy activities if collection were conducted less frequently.

These requirements are necessary to ensure that packaging containing hazardous materials are meeting prescribed safety standards for transportation in commerce.

7. Special circumstances affecting conduct of information collection activity.

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 1320.5 (d)(2).

8. Efforts to consult with persons outside the agency to obtain their views.

A Notice of Proposed Rulemaking under Docket HM-224B, "Hazardous Materials: Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft" was published in the Federal Register on May 6, 2004 (69 FR 25470) inviting public comment on the revision of this information collection. The comment period originally closed on August 13, 2004, but was extended until December 13, 2004. No information collection-related comments were received.

9. Explanation of decision to provide any payment or gift to respondents.

There is no payment or gift to respondents associated with this collection of information.

10. Assurance of confidentiality provided to respondents.

None of the data collected contain personally identifiable information (PII) or business confidential information. Therefore, no guarantees of confidentiality are provided to applicants.

11. Additional information for questions for a sensitive nature.

Not applicable. Information is not of a sensitive nature.

12. Estimates of Burden for collection of information.

Estimate of annual responses:

Additional responses resulting from HM-224B:	500 responses
Annual responses prior to HM-224B:	<u>15,000</u> responses
Revised annual responses:	15,500 responses

HM-224B Final Rule changes:

It is estimated that approximately 10 packaging firms will take approximately 5 hours to test and record an average of 50 packaging design types each year for the first year, and, approximately 3 packaging design types thereafter. The design type may be for a single packaging, or a series of packagings made to the same design. Therefore, a test record is not required to be completed for each packaging, but of each design.

10 packaging firms x 50 packaging design types =
10 x 50 =
500 additional annual responses.

Estimate of annual responses prior to HM-224B Final Rule changes:

It is estimated that 5,000 packaging firms will take approximately 2 hours to test and record an average of 3 packaging design types each year. The design type may be for a single packaging, or a series of packagings made to the same design. Therefore, a test record is not required to be completed for each packaging, but of each design.

5,000 packaging firms x 3 packaging design types =
5,000 x 3 =
15,000 annual responses.

Estimate of annual burden hours:

Additional burden hours resulting from HM-224B:	2,500 hours
Annual burden hours prior to HM-224B:	<u>30,000</u> hours
Revised annual burden hours:	32,500 hours

HM-224B Final Rule changes:

Docket HM-224 Final Rule is requiring that compressed oxygen and packages of chemical oxygen generators be placed in an outer packaging that meets certain flame penetration and thermal resistance requirements when transported aboard an aircraft.

This new packaging requirement will require package design testing and recordkeeping in order to increase the level of safety associated with transportation of these materials aboard aircraft.

It is estimated that approximately 10 packaging firms will take approximately 5 hours to test and record an average of 50 packaging design types each year for the first year, and, approximately 3 packaging design types thereafter. The design type may be for a single packaging, or a series of packagings made to the same design. Therefore, a test record is not required to be completed for each packaging, but of each design.

10 packaging firms x 50 packaging design types x 5 hrs to test and record =
10 x 50 x 5 =
2,500 annual burden hours (first year).

10 packaging firms x 3 packaging design types x 5 hrs to test and record =
10 x 3 x 5 =
150 annual burden hours (subsequent years).

Estimate of annual burden hours prior to HM-224B Final Rule changes:

It is estimated that 5,000 packaging firms will take approximately 2 hours to test and record an average of 3 packaging design types each year. The design type may be for a single packaging, or a series of packagings made to the same design. Therefore, a test record is not required to be completed for each packaging, but of each design.

5,000 packaging firms x 3 packaging design types x 2 hours to test and record =
5,000 x 3 x 2 =
30,000 annual burden hours.

Estimate of cost of annual burden hours:

Additional burden costs resulting from HM-224B:	\$ 62,500
Annual burden costs prior to HM-224B:	<u>\$ 750,000</u>
Revised annual burden costs:	\$ 812,500

HM-224B Final Rule changes:

It is estimated that 10 packaging firms will spend approximately \$25 per hour x 5 hours to comply with testing and recordkeeping requirements for an average of 50 packaging design types the first year.

10 packaging firms x \$25 per hour x 5 hours x 50 design types =

$10 \times \$25 \times 5 \times 50 =$
\$62,500 annual burden cost (first year).

Thereafter, 10 packaging firms will spend \$25 per hour x 5 hours complying with testing and recordkeeping requirements for an average of 3 packaging design types thereafter.

$10 \text{ packaging firms} \times \$25 \text{ per hour} \times 5 \text{ hours} \times 3 \text{ design types} =$
 $10 \times \$25 \times 5 \times 3 =$
\$3,750 annual burden cost (subsequent years).

Estimate of annual burden costs prior to HM-224B Final Rule changes:

An estimated 5,000 packaging firms will spend approximately \$25 per hour x 2 hours complying with testing and recordkeeping requirements for an average of 3 packaging designs each year.

$5,000 \text{ packaging firms} \times \$25 \text{ per hour} \times 2 \text{ hours} \times 3 \text{ design types} =$
 $5,000 \times \$25 \times 2 \times 3 =$
\$750,000.00 annual burden cost (subsequent years).

13. Total annual cost burden to respondents resulting from collection of information.

There is no cost burden to respondents except those identified in item 12 above.

14. Estimate of annualized cost to the Federal government.

There is no cost to the Federal government.

15. Reasons for change in burden.

The change in burden is the result of the finalization of changes that were adopted as proposed in the Docket HM-224B NPRM.

16. Plans for tabulation, statistical analysis and publication.

There is no publication for statistical use and no statistical techniques are involved.

17. Display of expiration date of OMB Approval.

Approved OMB number is prominently displayed in the text of 49 CFR 171.6.

18. Exceptions to certification statement (OMB Form 83-I, Item 19).

There is no exception to PHMSA=s certification of this request for information collection approval.