

**Department of Transportation
Office of the Chief Information Officer**

Container Certification Statements

OMB Control No. 2137-0582
Supporting Statement

Introduction

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, "Container Certification Statements," OMB Control No. 2137-0582, which is currently due to expire on November 30, 2007.

Part A. Justification.

1. **Circumstances that make collection of information necessary.**

This is a request for renewal without change of an existing approval under OMB No. 2137-0582. U.S. regulations as contained in Title 49 CFR section 176.27 (c) are harmonized with the International Maritime Dangerous Goods (IMDG) Code concerning the requirement that the person responsible for packing or loading a freight container or transport vehicle containing hazardous materials provide a container packing certificate for transport on board a vessel. Additionally, the regulations as contained in section 176.172(c) are harmonized with the IMDG Code with respect to the requirement that a structural serviceability statement be provided for each freight container or transport vehicle containing Class 1 (explosives) materials on board vessels. This information collection supports the Departmental Strategic Goal for Safety.

Under the authority of the Secretary of Transportation, the Pipeline and Hazardous Materials Safety Administration (PHMSA) administers and enforces the laws and regulations promoting the safe transport of hazardous materials in domestic and international commerce. With the assistance of the United States Coast Guard (USCG), PHMSA has participated in the development of recommended international hazardous materials transportation regulations embodied in the IMDG Code. The IMDG Code has been adopted by most nations that are trading partners of the U.S. as the national hazardous materials regulations. U.S. domestic regulations are in conformance with the IMDG Code in most respects in order to facilitate trade.

49 CFR 176.27(c) requires that the person responsible for packing or loading a freight container or transport vehicle containing hazardous materials for transportation by a manned vessel in ocean or coastwise service, must provide the

vessel operator, at the time the shipment is offered for transportation by vessel, with a signed container packing certificate stating: the container is serviceable for the materials loaded therein, contains no incompatible goods, and is properly marked, labeled, or placarded as applicable. The certification may appear on a shipping paper or on a separate document.

In addition, 49 CFR 176.172(c) specifies that each person who ships Class 1 (explosives), other than those in Division 1.4, must prepare a statement that the freight container has been inspected and meets the structural serviceability provisions of section 176.172. This statement must be on the shipping documentation.

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

Coast Guard port safety personnel in U.S. ports and hazardous materials enforcement officers in foreign ports ensure that the freight container provides the level of safety needed to transport explosives and other hazardous materials by vessel. Use of freight containers which do not comply with the serviceability and packing certification provisions prescribed by §§ 176.27 and 176.172 could result in serious marine casualties.

3. Extent of automated information collection.

The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. It is not anticipated that “improved information technology” could be used effectively because of the nature of this information collection. Written certification is required on shipping documentation on container serviceability; therefore, full electronic filing and recordkeeping is not practicable.

4. Efforts to identify duplication.

There is no duplication as the information requested is not required by any other source.

5. Efforts to minimize the burden on small businesses.

For safety reasons, all intermodal freight containers used to transport Class 1 (explosives) materials must meet standards of structural serviceability. In addition, all freight containers and transport vehicles carrying hazardous materials for vessel transport must be certified that they have been properly packed, marked, labeled, or placarded, as applicable. The burden imposed on small entities cannot, therefore, be lessened relative to the burden on larger entities. To minimize the burden on all businesses and other entities regardless of size, PHMSA has not specified any particular language, form, or location for the structural serviceability or packing certification statements. Shipper certification is

addressed in 49 CFR 172.204 for hazardous materials shipments, and therefore, would not impose significant additional recordkeeping burden for these container certification statements.

6. Impact of less frequent collection of information.

Information would not be collected at any set frequency or schedule. The structural serviceability statement is required to be provided when a shipper offers an intermodal freight container of Class 1 (explosives) material to an ocean carrier. A packing certification statement must be provided for any freight container or transport vehicle carrying hazardous materials by ocean carrier.

7. Special circumstances.

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

8. Compliance with 5 CFR 1320.8.

A 60-Day notice and request for comments was published in the Federal Register on February 26, 2007 under Docket No. PHMSA-2007-27181 (Notice No. 07-1) (72 FR 8421) inviting public comment on the request for renewal of this information collection. The comment period closed on April 27, 2007. No comments pertaining to this information collection were received.

A 30-Day notice and request for comments was published in the Federal Register on May 23, 2007 under Docket No. PHMSA-2007-27181 (Notice No. 07-2) (72 FR 29033) inviting public comment on the request for renewal of this information collection. The comment period closed on June 22, 2007. No comments pertaining to this information collection were received.

9. Payments or gift to respondents.

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

10. Assurance of confidentiality.

All information to be collected complies with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular A-108.

11. Justification for collection of sensitive information.

Not applicable. Information is not of a sensitive nature.

12. Estimates of burden hours for information requested.

Estimate of total annual burden hours: 14,908 hours.

Using data from the American Association of Port Authorities, it is estimated that approximately 1.78 million freight containers carrying hazardous materials are moving through U.S. ports annually. Of that number, approximately one-half (890,000) are assumed to be export shipments and to involve approximately 620 shippers. Container packing certification statements are required for all freight containers or transport vehicles that carry hazardous materials for vessel transport from U.S. ports as mandated by Title 49, Code of Federal Regulations, Section 176.27(c).

A separate certification is necessary when transporting shipments of Class 1 (explosives materials. Section 176.172(c) requires that all shipments of Class 1 (explosives) materials, except those in Division 1.4, must be accompanied by a statement that the freight container or vehicle is structurally serviceable. It is estimated that no more than 30 shippers offering approximately 4,532 containers are affected by this information collection annually. Of these, the DOD is by far the largest shipper with all other shippers offering no more than 1,000 container loads annually.

Frequency of submissions:

(1) When a shipper offers a hazardous material freight container or transport vehicle to an ocean carrier; or

(2) When a shipper offers an intermodal freight container or transport vehicle of Class 1 (explosives), except for Division 1.4, to an ocean carrier.

Approximately time per submission: 1.0 min/container

Approximate total annual recordkeeping burden: 14,908 hours (14,833 + 75).

Information Collection For Freight Container Packing Certification- Estimates for Hours:

Estimated recordkeeping burden is 14,833 hours.

$1.0 \text{ min.} \times 890,000 \text{ containers} = 890,000 \text{ minutes} / 60 \text{ min per hour} = 14,833 \text{ hours}$

Information Collection for Class 1 (explosives) Container Structural Serviceability Statement - Estimates for Hours:

Estimated recordkeeping burden is 75 hours.

$1.0 \text{ min/container} \times 4,532 \text{ containers} = 4,532 \text{ minutes} / 60 \text{ min per hour} = 75 \text{ hours}$

Approximate total annual recordkeeping burden: $14,833 + 75 = 14,908 \text{ hours}$.

Estimate of total annual burden cost: \$219,697.06 (\$218,584.00 + \$1,113.06).

Information Collection for Freight Container Packing Certification-Estimates for Cost:

Annual Estimates for Cost: \$218,584.00

890,000 hazardous materials containers (export)

620 respondents = 1435 containers/respondent/year

Professional:

0.5 minute @ \$17.00/hour = \$0.1416 (approximate minimum cost/container)

Clerical:

0.5 minute @ \$12.50/hour = \$0.104 (approximate minimum cost/container)

\$0.1416 x 890,000 containers = \$126,024.00

\$0.104 x 890,000 containers = \$92,560.00

Total Annual Cost to Respondents = \$218,584.00

Information Collection for Class 1 (Explosives) Container Structural Serviceability Statement-Estimates for Cost:

Annual Estimates for Cost: \$1,113.06

30 respondents

4,532 containers with Class 1 Explosives

Professional:

0.5 minute @ \$17.00/hour = \$0.1416 (approximate minimum cost/container)

Clerical:

0.5 minute @ \$12.50/hour = \$0.104 (approximate minimum cost/container)

\$0.1416 Professional/container x 4532 containers = \$641.73

\$0.104 Clerical/container x 4532 containers = \$471.33

Total Annual Cost to Respondents = \$1,113.06

13. Estimate of total annual costs to respondents.

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

14. Estimate of cost to the Federal government.

There is no cost to the Federal government.

15. Explanation of program changes or adjustments.

There is no change in burden as a result of this request for renewal.

16. Publication of results of data collection.

There are no plans for statistical analysis use and no statistical techniques are involved.

17. Approval for not displaying the expiration date of OMB approval.

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

18. Exceptions to certification statement.

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

Part B. Collections of Information Employing Statistical Methods.

1. Describe potential respondent universe and any sampling selection method to be used.

Not applicable.

2. Describe procedures for collecting information, including statistical methodology for stratification and sample selection, estimation procedures, degree of accuracy needed, and less than annual periodic data cycles.

Not applicable.

3. Describe methods to maximize response rate.

Not applicable.

4. Describe tests of procedures or methods.

Not applicable.

5. Provide name and telephone number of individuals who were consulted on statistical aspects of the information collection and who will actually collect and/or analyze the information.

Not applicable.