

Department of Transportation
Office of the Chief Information Officer

Requirements for United Nations (UN) Cylinders

OMB Control No. 2137-0621
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, "Requirements for United Nations (UN) Cylinders," OMB Control No. 2137-0621, which is currently due to expire on May 31, 2008.

Part A. Justification

1. Circumstances that make the collection of information necessary.

This is a request for renewal without change of a current information collection and recordkeeping burden under OMB No. 2137-0621, "Requirements for United Nations (UN) Cylinders." This information collection and recordkeeping burden is the result of efforts to amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to adopt standards for the design, construction, maintenance and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transport of Dangerous Goods. Aligning the HMR with the UN Recommendations will promote flexibility, permit the use of technological advances for the manufacture of these pressure receptacles, provide for a broader selection of pressure receptacles, reduce the need for exemptions, and facilitate international commerce in the transportation of compressed gases. This information collection supports the Departmental Strategic Goal for Safety. The HMR are promulgated in accordance with U.S.C. 5110, the Federal hazardous materials transportation law.

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

The UN Model Regulations establish international standards for the safe transportation of hazardous materials. The UN Model Regulations are not regulations, but rather recommendations issued by the UN Committee of Experts on the Transport of Dangerous Goods (UN Committee of Experts). These recommendations are amended and updated biennially by the UN Committee of Experts. They serve as the basis for national, regional, and international modal regulations, including the International Maritime Dangerous Goods (IMDG) Code issued by the International Maritime Organization and the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the ICAO Dangerous Goods Panel. The HMR authorize domestic transportation of hazardous materials shipments prepared in

accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations, and the transportation of hazardous materials shipments prepared in accordance with the ICAO Technical Instructions for transportation by aircraft and by motor vehicle either before or after being transported by aircraft.

Since 1999, the UN Committee of Experts has been working to develop international standards for the design, construction, inspection, and testing for cylinders and other pressure receptacles for inclusion in the UN Model Regulations. The objective was to develop requirements that can be globally accepted for international transportation, storage, and use. The UN Committee of Representatives from the European Industrial Gases Association, the Compressed Gas Association, the European Cylinder Makers Association, the International Standards Organization Technical Committee 58 (ISO/TC 58), and many specialist government officials, including cylinder experts from DOT, participated in the UN Sub-Committee of Experts' Efforts.

The sub-committee developed standards for cylinders and other gas receptacles that address manufacture, approval, filling, and use. The cylinders and other gas receptacles must be constructed according to ISO standards for design, manufacture, and testing; constructed of materials that are compatible with the gas to be contained in the cylinder, as established in ISO standards; and periodically inspected according to ISO standards. The standards were adopted by the UN Committee of Experts in 2001 and 2004, and are included in the 13th and 14th Editions of the UN Model Regulations. Cylinders manufactured in accordance with these requirements are marked with the internationally recognized UN mark, which ensures that the cylinders are acceptable world-wide.

The continually increasing amount of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible. Harmonization serves to facilitate international transportation and at the same time ensures the safety of people, property and the environment. While the intent of the harmonization rulemakings is to align the HMR with international standards, we review and consider each amendment on its own merit. Each amendment is considered on the basis of the overall impact on transportation safety and the economic implications associated with its adoption into the HMR. Our goal is to harmonize without sacrificing the current HMR level of safety and without imposing undue burdens on the regulated public. To this end, we adopted UN standards for cylinders (seamless pressure receptacles limited to a water capacity of 150 L), tubes (seamless pressure receptacles with a water capacity exceeding 150 L and not more than 3,000 L capacity), cylinder bundles (cylinders held together in a frame and manifolded together up to a total water capacity of 3,000 L or 1,000 L for toxic gases), and MEGCs into the HMR. However, we did not remove pre-existing requirements for DOT specification cylinders; rather, we incorporated the UN standards as an additional means of compliance. A shipper may choose to use either a DOT specification cylinder or a UN standard pressure receptacle as appropriate for individual gases and circumstances. We believe these actions promote flexibility and permit the use of advanced technology for the

manufacture and use of pressure receptacles, provide for a broader selection of authorized pressure receptacles, reduce the need for exemptions, and facilitate international transportation.

Accordingly, we have amended the HMR to incorporate:

- Design, construction and testing requirements for refillable seamless aluminum alloy cylinders conforming to ISO 7866;
- Design, construction and testing requirements for refillable seamless steel cylinders conforming to ISO 9809-1, ISO 9809-2, and ISO 9809-3;
- Design, construction and testing requirements for non-refillable metallic cylinders conforming to ISO 11118;
- Design, construction and testing requirements for composite cylinders conforming to ISO 11119-1, 11119-2, and 1119-3 with certain limitations;
- Design, construction and testing requirement for refillable seamless steel tubes with a water capacity between 150 L and 3000 L conforming to ISO 11120;
- Design, construction and testing requirements for UN acetylene cylinders conforming to applicable ISO standards, except the cylinders must be refillable, made of steel; and Requalification requirements for UN pressure receptacles and elements of MEGCs conforming to applicable ISO standards.

We also implemented a conformity assessment system for UN cylinders consistent with the UN Model Regulations. In addition, we revised the procedures and application criteria in § 107.809 of the HMR for persons seeking to be approved as cylinder requalifiers to also apply to persons seeking to be approved as UN pressure receptacle requalifiers. The burden for the procedures and application criteria is reflected in this information collection.

3. Extent of automated information collection.

The information required is particular and unique. Industry is encouraged to use any type of technology to meet the information collection and recordkeeping requirements provided the required information can be retrieved when necessary. 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, we do not require any information to be submitted to PHMSA, so this is not applicable.

4. Efforts to identify duplication.

There is no duplication as the information requested is not required by any other source. Each response is unique, and information derived from one may not be inferred to another.

5. Efforts to minimize the burden on small businesses.

Because this information is unique, similar information is unavailable. However, 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 involved.

6. Impact of less frequent collection of information.

Due to the hazards involved, if collection of information and recordkeeping was required less frequently, the hazards to public safety would increase due to the probability of incidents during transportation.

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 Federal Register Notice (Notice No. 07-11) was published November 30, 2007 [72 FR 67782] requesting comments from the public on the renewal of this information collection. The 60-day comment period closed January 29, 2008. No comments were received on the renewal of this information collection.

A notice and request for comments will be published under Docket HM-220E, "Hazardous Materials; Requirements for UN Cylinders," Notice of Proposed Rulemaking, in the Federal Register on March 9, 2005, under inviting public comment on this information collection. The comment period will close July 9, 2005.

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. The PHMSA Privacy Officer and the information collection subject matter experts completed initial privacy identification, assessing whether this information collection requires a Privacy Impact Assessment (PIA). As an existing information collection that does not contain public Personally Identifiable Information (PII), this information collection does not require a PIA.

11. Justification for collection of sensitive information.

Not applicable. Information is not of a sensitive nature.

12. Estimates of burden hours for information requested.

This information collection and recordkeeping burden request is the result of procedures and application criteria in § 107.809 of the HMR for persons seeking to be approved as cylinder requalifiers to also apply to persons seeking to be approved as UN pressure receptacle requalifiers for the design, construction, maintenance and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the UN Recommendations on the Transport of Dangerous Goods.

Annual Burden Hour Estimate: 900 hours

The total annual burden hours for information collection and recordkeeping is estimated to be 900 total burden hours.

Annual Burden Cost Estimate: \$ 22,500.00.

The total annual cost burden for information collection and recordkeeping is estimated to be approximately \$ 22,500.00.

We estimate there are approximately 50 domestic and international manufacturers of cylinders will be affected by this information collection. We estimate each manufacturer will request approval for approximately 3 cylinder design types per year. In addition, we estimate the approval process for each design type will require approximately 6 hours, which includes review, filing, and recordkeeping of the approval application.

50 manufacturers x 3 approval requests per manufacturer per year =
150 requests per year x 6 hours = 900 burden hours.

We estimate the average hourly wage of the person responsible for administering the approval process to be \$25.00 per hour. The total annual burden cost for approval application process is estimated at \$22,500.

900 hours x \$25.00 per hour = \$22,500.00.

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.

The estimated annualized cost to the Federal Government for the proposed regulations is \$3,750.00.

An average of 150 requests per year will be received. Each request costs an average of approximately \$ 25.00 per hour for review and processing. Therefore, the total costs for these requests is approximately \$3,750.00.

15. Explanation of program changes or adjustments.

There is no change in burden resulting from the renewal of this information collection.

16. Publication of results of data collection.

There is no publication for statistical 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.

Attachments:

Not applicable.

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.