

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

**Inspection and Testing of Portable Tanks and Intermediate Bulk Containers
OMB Control No. 2137-0018**

Introduction

This information collection was originally initiated as a result of the HM-181 series of rulemakings issued throughout the 1980s and culminating in a consolidated final under Dockets HM-181, HM-181A, HM-181B, HM-181C, HM-181D, and HM-204 [55 FR 52402; December 21, 1990]. That final rule comprehensively revised the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with respect to hazard communication, classification, and packaging requirements, and established a framework for the testing and inspection of performance-oriented packagings. This specific information collection addresses the burden associated with the provisions for documenting qualifications, inspections and tests pertaining to the manufacture and use of portable tanks and intermediate bulk containers under various provisions within the HMR. This information is maintained at the location where the tests are performed (i.e., manufacturing facility) and is to be produced during an enforcement inspections, or in the case of a hazardous materials incident. This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, "Inspection and Testing of Portable Tanks and Intermediate Bulk Containers," OMB Control No. 2137-0018, which is currently due to expire on October 31, 2010.

Part A. Justification.

1. Circumstances that make collection of information necessary.

This is a request for renewal without change of an approved collection under OMB No. 2137-0018 on provisions for documenting qualifications, inspections and tests pertaining to the manufacture and use of portable tanks and intermediate bulk containers under various provisions in parts 173, 178, and 180 of the HMR. 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 is the information used.

The information collection is needed to ascertain whether portable tanks and intermediate bulk containers have been qualified, inspected and retested in accordance with the HMR. For example, 49 CFR 173.32 requires that portable tanks be periodically retested and prescribes both retest markings, and retention of records as a demonstration of compliance. The information is used by Department of Transportation personnel to verify that portable tanks and intermediate bulk containers meet required performance standards prior to being authorized for initial use or reuse as bulk packagings for hazardous materials.

Manufacturing, qualification, maintenance and use of portable tanks other than specification IM portable tanks.

Each portable tank container used for transportation of hazardous materials must conform to the requirements of the specification and regulations for the transportation of the particular commodity (except as otherwise provided in this section).

Manufacture

A manufacturer's data report of the portable tanks must be procured and retained in the files of the owner during the time that such portable tanks is used for such service (except for specification 56 and 57 portable tanks).

Requalification and maintenance.

Each portable tank used for the transportation of a hazardous material must be successfully retested before further use - § 180.605.

Marking. The date of the most recent periodic retest must be marked on the tank, on or near the metal certification plate. Markings must be in accordance with § 178.3.

Records retention. The owner of the tank or his authorized agent must retain a written record indicating the date and results of all required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

Periodic testing and inspection of specification IM portable tanks.

Each specification IM portable tank and all piping, valves and accessories, except pressure-relief devices, will be hydrostatic tested. After successful completion of the hydrostatic test, the witnessing approval agency must apply its name, identifying mark or identifying number and the date of the test on the tank.

Each portable tank and all piping, valves and accessories will be visually inspected at intervals not exceeding two and one-half years. After successful completion of the visual re-inspection, the inspector will mark the date of the visual re-inspection on the tank. Required markings on the tank must be legible.

Marking. The month and year of the last hydrostatic test, the identification markings of the approval agency witnessing the test and the date of the last visual inspection must be durably and legibly marked on or near the metal identification plate in letters not less than 3 mm (0.118 inches) high when on the metal identification plate and 32 mm (1.25 inches) high when on the tank.

Record retention. The owner of each portable tank or his authorized agent will retain a written record of the date and results of all required tests, (including visual inspections), and the name

and address of the person performing the test, until the next retest has been satisfactorily completed and recorded.

Requirements for design and construction of specification 60 steel portable tanks.

Tanks must be designed and constructed in accordance with and fulfill all the requirements of the American Society of Mechanical Engineers (ASME) Code.

Name plate. In addition to the markings required by the ASME Code, every tank shall bear permanent marks as least 1/8-inch high stamped into the metal near the center of one of the tank heads or stamped into a plate permanently attached to the tank by means of brazing or welding or other suitable means the information specified in § 178.255-14.

Report. A copy of the manufacturer's data report required by the ASME Code under which the tank is fabricated will be furnished to the owner for each new tank.

Records of the qualification for specification 60 portable tanks must be retained for at least 5 years by the tank manufacturer and made available to duly identified representatives of the Department of Transportation or the owner of the tank.

Marking of intermediate bulk containers (IBCs), § 178.703.

The manufacturer will mark every immediate bulk container in a durable and clearly visible manner (applied in a single line or in multiple lines provided the correct sequence is followed) with the information and sequence presented in (a) of this section. In addition, each IBC must be marked with the information specified in paragraph (b) of this section in a place near the markings required in paragraph (a) of this section.

Testing intermediate bulk containers (IBCs), § 178.801.

The test prescribed test procedures are intended to ensure that IBCs containing hazardous materials can withstand normal conditions of transportation and are considered minimum requirements. Each packaging must be manufactured and assembled to be capable of successfully passing the prescribed tests and of conforming to § 173.24 at all times while in transportation.

Design qualification testing. The packaging manufacturer must achieve successful results for the design qualification testing at the start of production of new or different intermediate bulk container design. Application of the certification mark by the manufacturer will constitute certification that the IBC design type passed the prescribed tests.

Periodic design re-qualification testing. Periodic design re-qualification must be conducted on each qualified IBC design type if the manufacturer is to maintain authorization for continued production. IBC manufacturers will achieve successful test results at sufficient frequency to

ensure each packaging produced is capable of passing the design qualification tests. The test must be conducted at least once every 12 months.

Record Retention. The person who certifies an IBC design type must keep records of design qualification tests for each IBCs design type and for each periodic design re-qualification. These records must be maintained at each location where the IBCs is manufactured and at each location where design qualification and periodic design re-qualification testing is performed.

These records must be maintained for as long as IBCs are manufactured in accordance with each qualified design type and for at least 2.5 years after. The records must include the information specified in paragraph (k)(1) of § 178.801.

Drop test, § 178.810.

The drop test must be conducted for the qualification of all IBC design types and performed periodically as specified in § 178.801(e). The person who certifies each IBC must make all records of design qualification tests and periodic design requalification tests available for inspection by a representative of the Department on request.

Qualification and maintenance of intermediate bulk containers IBCs), § 180.352.

These requirements are applicable to any person responsible for the continuing qualification, maintenance or periodic retesting of an IBC. Each IBC constructed in accordance with a UN standard for which a test or inspection specified above is required may not be filled and offered for transportation or transported until the test or inspection has been successfully completed.

Test and inspections for metal, rigid plastic and composite IBCs. The leakproofness test prescribed in § 178.813 must be conducted every 2.5 years starting from the date of manufacture marked on each IBC intended to contain liquids or solids that are loaded or discharged under pressure.

An external visual inspection must be conducted initially after production and every 2.5 years starting from the date of manufacture on each IBCs to ensure, among other requirements, that the IBCs is marked in accordance with § 178.703. Missing or damaged markings, or markings difficult to read must be restored or returned to original condition.

Initial visual inspection for flexible, fiberboard, or wooden IBCs. Each IBC must be visually inspected prior to first use by the person who places hazardous materials in the IBC to assure, among other requirements, that the IBC is marked in accordance with requirements in § 178.703. Additional marking allowed for each design type may be present.

Retest date. The date of the most recent periodic retest must be marked as provided in § 178.703(b).

Record retention. The IBC owner or lessee must keep records of periodic retests and initial and periodic inspections, and test performance on the IBC if it has been repaired. Records must

include design types and packaging specifications, test and inspection dates, name and address of test and inspection facilities, names or name of any persons conducting tests or inspections, and test or inspection specifics and results. Records must be kept for each packaging at each location where periodic tests are conducted until such tests are successfully performed again or for at least 2.5 years from the date of the last test. These records must be available for inspection by a representative of the Department on request.

3. Extent of automated information collection.

The burden has been made as simple as possible. The information requested is necessary to ascertain whether portable tanks and intermediate bulk containers have been qualified, inspected and retested in accordance with the HMR. The inspection and testing requirements, noted under Item 2 above, are clearly specified in the HMR in the applicable sections (i.e., portable tanks or intermediated bulk containers). This information must be maintained by the persons responsible for testing, but are not submitted to PHMSA. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Industry is encouraged to use any type of technology to meet the information collection and recordkeeping requirements as long the required information can be retrieved when necessary. Electronic filing and recordkeeping is authorized; however, the Pipeline and Hazardous Materials Safety Administration (PHMSA) does not require these records to be submitted to us, so is not practicable.

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 material 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. The owner of each portable tank or his authorized agent must retain a written record of the date and results of all required tests, (including visual inspections), and the name and address of the person performing the test, until the next retest (at least 2.5 years from the date of the last test has been satisfactorily completed and recorded). The IBC owner or lessee must keep records of periodic retests and initial and periodic inspections, and test performance on the IBC if it has been repaired. Records must include design types and packaging specifications, test and inspection dates, name and address of test and inspection facilities, names or name of any persons conducting tests or inspections, and test or inspection specifics and results. Records must be kept for each packaging at each location where periodic tests are

conducted until such tests are successfully performed again or for at least 2.5 years from the date of the last test. These records must be available for inspection by a representative of the Department on request.

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 notice and request for comments on the renewal of this information collection was published in the Federal Register on August 20, 2010 [75 FR 51520] under Docket No. PHMSA-2010-0178 (Notice No. 10-3). The comment period closed on October 19, 2010. No comments were received for this information collection. A notice and request for comments was published in the Federal Register on October 27, 2010 [75 FR 66185] also under Docket No. PHMSA-2010-0178 (Notice No. 10-8) inviting public comment on the renewal of this information collection. The comment period closes on November 26, 2010. No comments were received for this information collection.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

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

11. Justification for collection of sensitive information.

Not applicable. Information is not of a sensitive nature.

12. Estimates of burden hours for information requested.

We estimate that the total population of respondents affected by this information collection is approximately 8,770 persons, each averaging approximately slightly less than 10 responses (9.8), or 86,100 responses.

Annual Burden Hours

Estimate of annual burden: 66,390: 150 hours for information collection and 65,940 hours for recordkeeping for a total of 66,390 annual burden hours. (150 + 13 + 67 + 152.5 + 1.3 + 66.7 + 65,940).

The information collection burden for portable tanks and IBCs is based on the following:

Approximately 20 manufacturers will each have an average of 2 designs or modifications submitted to independent test facilities annually. Each submission takes approximately 3.75 hours to test (or retest) and mark.

20 manufacturers x 2 designs x 3.75 hours = 150 annual burden hours.

The recordkeeping burden is based on the following:

Nine (9) approval agencies filing a total of 40 prototype design qualifications and 2,000 certificates, @ 20 minutes per application and 2 minutes per certificate.

40 applications x 20 minutes = 800 minutes / 60 min/hr = 13 hours.

2,000 certificates x 2 minutes = 4,000 minutes / 60 min/hr = 67 hours.

13 hours + 67 hours = 80 annual burden hours.

Manufacturers' data report including testing for 15 tanks annually for each manufacturer x 20 manufacturers. Each report takes approximately 30.5 minutes to complete.

15 tanks x 20 manufacturers x 30.5 minutes = 9,150 minutes / 60min/hr = 152.5 annual burden hours.

Filing of prototype designs and test reports by manufacturers @ 2 minutes per prototype design x 40, and 2,000 certificates @ 2 minutes = 68 hours. Annual burden total is 68 hours.

40 applications x 2 minutes = 80 minutes / 60 min/hr = 1.3 hours

2,000 certificates x 2 minutes = 4,000 minutes / 60 min/hr = 66.7 hours

1.3 hours + 66.7 hours = 68 annual burden hours.

Approximately 345 inspectors, each testing on average (96) 95.565 tanks with inspection and testing taking approximately 2 hours per tank.

345 inspectors/testers x 96 (95.565) tanks x 2 hours = 65,940 hours.

Annual Burden Costs

Estimate of annual cost to respondents: \$10,235,000.00 (\$10,176,000 + \$1,000.00 + \$8,000.00 + \$50,000).

Portable tank inspections and tests will cost \$10,176,000 annually. Based on conversations with the regulated community and OHMS staff, it is estimated that 345 inspectors will each inspect and test approximately 96 portable tanks annually at an average cost of approximately \$307.24 per tank.

345 respondents x 96 portable tanks x \$307.24 = 10,175,788, or approximately \$10,176,000.

Intermediate bulk containers will average approximately \$50.00 per request with approximately 20 requests annually. The annual cost to respondents is \$1,000.00.

20 requests x \$50.00 = \$1,000.00.

Two prototypes per manufacturer per year x 20 manufacturers - 40 prototypes per year. Average cost per prototype is \$200.

2 prototypes x 40 manufacturers x \$200.00 = \$8,000.00

100 tanks from each prototype annually for each manufacturer, x 20 manufacturers = 2,000 tanks approved annually. Annual cost \$25 per prototype. Total annual cost is \$50,000.

100 tanks x 20 manufacturers x \$25.00 = \$50,000.

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 annualized cost to the Federal government.

There is no cost to the Federal government.

15. Reasons for change in burden.

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

16. Plans for tabulation, statistical analysis and publication.

There is no publication for statistical use.

17. Display of expiration date of OMB Approval.

No information associated with this information collection is submitted, however, this information collection OMB Control number (OMB Control No. 2137-0018) is prominently displayed in the HMR, specifically under § 171.6, entitled, "Control Numbers under the Paperwork Reduction Act."

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

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

Attachments:

Part B. Collections of Information Employing Statistical Methods.

This information collection does not employ statistical methods.

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

There is no potential respondent universe or any sampling selection method being used.

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.

There are no 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.

3. Describe methods to maximize response rate.

There are no methods to maximize the response rate.

4. Describe tests of procedures or methods.

There are no tests of procedures or methods.

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.

There were no individuals consulted on statistical aspects of this information collection.