

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement
Container Certification Statements
OMB Control No. 2137-0582**

(Expiration Date: May 31, 2011)

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 May 31, 2011. This information collection was originally initiated as a result of a December 21, 1990 rulemaking [55 FR 52402], entitled "Performance-Oriented Packaging Standards; Hazard Communication, Packaging and Handling Requirements Based on UN Standards and Agency Initiative", under HM 181B, which required a statement that assuring that the container is suitable for the carriage of explosives. In addition, further requirements were added as a result of a December 20, 2004 rulemaking [69 FR 76044], entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" under Docket HM-215G, which adopted from the IMDG, a requirement for shipments by vessel to place a certification statement on the shipping paper which reads "It is declared that the packing of the container has been carried out in accordance with the applicable provisions of the IMDG code."

Part A. Justification.

1. Circumstances that make collection of information necessary.

This is a request for an extension without change of an existing approval under OMB No. 2137-0582. 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.

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.

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.

We published a 60-Day Notice and Request for Comments under Docket No. PHMSA–2010–0373 (Notice No. 10–10) on December 29, 2010, in the Federal Register [75 FR 82142] requesting public comment on the renewal of this information collection. The comment period closed on February 28, 2011. No comments pertaining to this information collection were received.

We published a 30-Day Notice and Request for Comments under Docket No. PHMSA–2010–0373 (Notice No. 11–2) on March 30, 2011, in the Federal Register [76 FR 17748]. The comment period closed on April 29, 2011. 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.

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.

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.