

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement
Subsidiary Hazard Class and Number/Type of Packagings
OMB Control No. 2137-0613**

(Expiration Date: November 30, 2012)

Introduction

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, "Subsidiary Hazard Class and Number/Type of Packagings" (OMB Control No. 2137-0613), which is currently due to expire on November 30, 2012. This information collection was originally initiated as a result of the July 31, 2003 (68 FR 44992) Final Rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organizations (ICAO) Technical Instructions (TI)." In this rulemaking, the Research and Special Programs Administration (RSPA) (later, the Pipeline and Hazardous Materials Safety Administration (PHMSA)) added requirements in § 172.202 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to provide the subsidiary hazard on a shipping paper. In addition, this rulemaking added the requirements for the number and type of packages to be included with the shipping paper. This OMB control number was first approved on June 25, 2003.

Part A. Justification.

1. Circumstances that make collection of information necessary.

This is a request for a renewal without change of an information collection and recordkeeping approval pertaining to descriptions on hazardous materials shipping papers under the HMR. Specifically, this information collection is associated with the requirement in § 172.202(a)(3) to provide the subsidiary class on a shipping paper. In addition, this information collection covers the requirement in § 172.202(a)(7) to provide the number and type of packages on the shipping paper. This information collection supports the Departmental Strategic Goal for Safety. These regulations are promulgated under the Federal hazardous material transportation law, 49 U.S.C. 5101-5127.

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

The subsidiary hazard and package type and quantity on a shipping paper is considered a hazard communication tool when transporting hazardous materials. It is the mechanism by which an aircraft operator knows the nature and potential of hazardous cargo on board the aircraft. It informs railroad employees of the potential hazards of the materials and is the primary means of communicating information leading to required car handling and placement in trains. Shipping papers communicate information on cargo compatibility to motor carrier personnel, and advises the vessel master where hazardous material cargo should be stowed to assure compatibility and accessibility. Consequences which could result from not having the required information on shipping papers include:

- A) Co-mingling of hazardous materials in a shipment that could react chemically, causing explosion, fire, poison gas, or other types of reactions in the event of a container failure or accident.
- B) Contamination of foodstuffs and feed by poisons being shipped on the same transport vehicle.
- C) Shipment of radioactive materials in the same transport vehicle in quantities which could exceed criticality safety controls, resulting in excessive exposure to vehicle operators/crew or passengers, or with non-radioactive materials (such as x-ray film) that could be contaminated by the radiation emitted from packages of radioactive materials.
- D) Shipment of hazardous materials greater than authorized to be carried in passenger carrying vehicles.
- E) Shipment of forbidden materials aboard passenger carrying aircraft, the release of which could cause death or illness to passengers and crew due to contamination of the air system of an aircraft or structural damage to an aircraft.
- F) Injury, death, and/or severe environmental damage due to lack of accurate emergency response communication information.
- G) Incorrect emergency response procedures resulting from lack of sufficient information regarding the hazards of the materials being transported. For example, firefighters may attempt to extinguish fires with water leading to catastrophic consequences if they are not advised by shipping papers and emergency response information that the materials are water reactive.

The only option is a detailed listing of the hazardous materials on shipping papers meeting the requirements in Subparts C and G in Part 172.

3. Extent of automated information collection.

The Department of Transportation's (DOT) emphasis is on the information displayed on shipping papers, consistency, and quick recognition. Any document, meeting the definition of a shipping paper in § 171.8 and the requirements in Subpart C and G of Part 172, used in the normal course of business is a shipping paper. 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 practicable.

4. Efforts to identify duplication.

DOT hazardous materials shipping paper and emergency response information requirements do not duplicate any other documentation system for identifying hazardous materials transported in commerce. DOT and the Environmental Protection Agency (EPA) coordinated the hazardous waste manifest requirements to avoid duplication. EPA agreed that DOT regulations prevail for

carriers of hazardous wastes and revised their manifest requirements so the required entries could be made on one document to comply with both EPA hazardous waste requirements and DOT shipping paper and emergency response information requirements.

To a limited degree, some of the information required on the shipping papers is already available through required markings on the outside of packages. However, it would be very difficult to accomplish effective communication for emergency response and compliance with various transportation requirements by using only the markings on packages. In most cases, the packages are not visible during transportation and would not serve the same benefit as the shipping paper and emergency response information in providing effective communication.

5. Efforts to minimize the burden on small businesses.

Unless specifically excepted in the HMR, shipping papers and emergency response information must be prepared by all persons offering hazardous materials for transportation. Some kind of shipping document is issued in all normal business transactions; therefore, the DOT hazardous materials shipping paper requirements are not considered duplicative to documents already used in commerce.

6. Impact of less frequent collection of information.

This is a one-time requirement each time a hazardous material shipment is offered for transportation in commerce.

7. Special circumstances.

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

- A) It is not possible to eliminate or shorten the information required by the HMR for shipping papers and still provide the information necessary for emergency response personnel, carriers, and transport workers.
- B) Shipping paper retention for one year was mandated by Congress and was self-executing as of August 26, 1994 under the HMTAA of 1994. Shipping papers are already required to be retained by other Federal and state requirements, and therefore, are not considered duplicative. PHMSA has no discretion regarding this requirement.
- C) Hazardous materials shipping paper and emergency response information is also required when transporting hazardous materials in international commerce.

8. Compliance with 5 CFR 1320.8.

A 60-Day Notice requesting comments was published in the Federal Register on September 14, 2011 [76 FR 56872]. No comments pertaining to this information collection were received. A 30-Day Notice requesting comments was published in the Federal Register on November 29, 2011 [76 FR 73775]. No comments pertaining to this information collection were received.

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.

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. Estimate of burden hours for information requested.

Estimate of annual burden hours: 17,604 hours

It is estimated that there are as many as 260 million shipments per year (1 million/day x 5 days/week x 52 weeks) of hazardous materials in the United States. We have taken into consideration the additive requirements to the existing railroad waybill system, the dangerous cargo manifest required on vessels, the uniform manifest, and the emergency response communications requirements.

It is estimated that approximately 250,000 shippers/carriers of hazardous materials (including hazardous waste and hazardous substances) will prepare an average of 1,040 shipping papers annually, or 260,000,000 shipping papers. We estimate that approximately 20% of these 260,000,000 or 6,337,500 shipping papers will be required to indicate a subsidiary hazard class or division and number and type of packagings used for each hazardous material. Each shipping paper will take approximately 10 seconds to add this information. Therefore, the total annual burden is approximately 17,604 hours.

250,000 respondents x 1,040 responses per respondent = 260,000,000 total annual responses.

260,000,000 divided by 20% = 6,337,500 responses.

6,337,500 x 10 seconds/60 seconds divided by 60 minutes = 17,604 burden hours.

Estimate of annual cost for the burden hours: \$216,705.00

The cost to respondents to indicate a subsidiary hazard class or division and number and type of packagings used for each hazardous material is as follows:

17,604 hours x \$12.31 clerical worker compensation = \$216,705.00 burden cost.

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.

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.

This information collection OMB Control number is prominently displayed in the HMR, specifically under § 171.6, entitled, "Control Numbers under the Paperwork Reduction Act."

18. Exceptions to certification statement.

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

ATTACHMENTS:

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.