

**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**

(Expiration Date: September 30, 2017)

**Introduction**

This is to request the Office of Management and Budget's (OMB) renewed 3-year approved clearance for the information collection titled, "Inspection and Testing of Portable Tanks and Intermediate Bulk Containers," OMB Control No. 2137-0018 that is currently due to expire September 30, 2017. This information collection was originally initiated as result of the HM-181 series of rulemakings issued throughout the 1980s and culminating in a consolidated final rule 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 (IBC) 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 inspection, or in the case of a hazardous materials incident.

**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 Control No. 2137-0018 on provisions for documenting qualifications, inspections, and tests pertaining to the manufacture and use of portable tanks and IBCs 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 the Federal hazardous materials transportation law (U.S.C. 5110).

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

The information collection is needed to ascertain whether portable tanks and IBCs 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 (DOT) personnel to verify that portable tanks and IBCs 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 owner's files during the time that such portable tank is used for such service (except for specification 56 and 57 portable tanks).

### Re-qualification and maintenance.

Each portable tank used for the transportation of a hazardous material must be successfully retested before further use in accordance with § 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/her authorized agent will retain a written record indicating the date and results of all required tests, as well as 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 test date on the tank.

Each portable tank and all piping, valves, and accessories will be visually inspected at intervals not exceeding 2.5 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 12 mm (0.47 inches) high when on the tank.

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

as 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 at 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 DOT or the owner of the tank.

### **Marking of intermediate bulk containers (IBC), § 178.703.**

The manufacturer will mark every IBC 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 IBCs, § 178.801.**

The 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 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 IBC designs. 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 IBC design type and for each periodic design re-qualification. These records must be maintained at each location where the IBC 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 years after. The records must include the information specified in § 178.801(l)(1).

### **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 re-qualification tests available for inspection by a DOT representative on request.

### **Qualification and maintenance of IBC, § 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 United Nations (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 IBC to ensure, among other requirements, that the IBC 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, 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 DOT representative 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 IBCs 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 IBCs). This information must be maintained by the persons responsible for testing but is not submitted to the Pipeline and Hazardous Materials Safety Administration (PHMSA). The Government Paperwork Elimination Act directs agencies to allow the option for 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 provided the required information can be retrieved when necessary. Electronic filing and recordkeeping is authorized; however, 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/her authorized agent must retain a written record of the date and results of all required tests (including visual inspections), as well as 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, 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 DOT representative 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.

PHMSA published a 60-Day Notice and Request for Comments [81 FR 15785] on the renewal of this information collection in the *Federal Register* March 24, 2016, under Docket No. PHMSA-2016-0027 (Notice No. 2016-2). The comment period closed May 23, 2016. No comments were received for this information collection.

PHMSA published a 30-Day Notice and Request for Comments [81 FR 39326] in the *Federal Register* June 16, 2016, also under Docket No. PHMSA-2016-0027 (Notice No. 2016-9). 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 contains 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:

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 Office of Hazardous Materials Safety 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.

IBCs 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.

2 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.

This information collection's OMB control number is prominently displayed in the HMR, specifically under § 171.6, and titled, "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.