

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

Container Certification Statements  
OMB Control No. 2137-0582

(Expiration Date: May 31, 2018)

**Introduction**

This is to request approval from the Office of Management and Budgets (OMB) for a three-year extension with adjustment for the information collection titled, "Container Certification Statements," OMB Control No. 2137-0582, which is currently due to expire on May 31, 2018. This information collection was originally initiated as a result of a December 21, 1990, rulemaking [55 FR 52402; HM-181B], titled "Performance-Oriented Packaging Standards; Hazard Communication, Packaging and Handling Requirements Based on UN Standards and Agency Initiative," which required a statement 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; HM-215G], titled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods (IMDG) Code, and International Civil Aviation Organization's (ICAO) Technical Instructions (TI)," which adopted a requirement from the IMDG Code 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."

There are no changes to the total number of burden hours for the renewal of this OMB Control Number. However, there is an adjustment in the number of responses. During review of this burden, the Pipeline and Hazardous Materials Safety Administration (PHMSA) noted it has historically consolidated all reporting requirements into one information collection. As demonstrated throughout this justification, PHMSA is now separating the information collections into two different reporting requirements. This adjustment increases the number of responses. However, this did not adjust the number of total burden hours, because no changes were made to the container certification requirements.

**Part A. Justification.**

1. Circumstances that make collection of information necessary

This is a request for an extension with adjustment of an existing approval under OMB No. 2137-0582. The adjustment is due to an increase in the number of reporting requirements, which was historically consolidated as one requirement. This adjustment

increased the total number of responses, but did not revise the total burden hours, because PHMSA did not amend any of the container certification requirements.

Title 49 CFR Section 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. The certification may appear on a shipping paper or on a separate document. This information collection supports the Departmental Strategic Goal for Safety.

In addition, § 176.172(c) specifies that each person who ships Class 1 hazardous materials (explosives), other than Division 1.4, must prepare a statement that the freight container has been inspected and meets the structural serviceability provisions of § 176.172. This statement must be on the shipping documentation.

Under the authority of the Secretary of Transportation, 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 their respective national hazardous materials regulations. U.S. domestic regulations are in conformance with the IMDG Code in most respects in order to facilitate trade.

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

Coast Guard port safety personnel in U.S. ports and hazardous materials enforcement officers in foreign ports ensure that a 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. Therefore, this documentation is required to assist in the proper communication of Class 1 (explosive) materials.

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. PHMSA does not currently authorize the use of electronic certification, because the assurance that an enforcement official will easily be able to retrieve the information, outweighs the ease of electronic collection.

4. Efforts to identify duplication

PHMSA has done its due diligence to ensure that there is no duplication in this requirement. Furthermore, PHMSA regularly coordinates with its modal partners, specifically the USCG for requirements for vessel transportation, to ensure that duplication does not occur.

5. Efforts to minimize the burden on small businesses

For safety reasons, all intermodal freight containers used to transport Class 1 (explosive) materials must meet standards of structural serviceability. In addition, all freight containers and transport vehicles carrying hazardous materials for vessel transport must be certified to have been properly packed, marked, labeled, or placarded, as applicable. Because of the safety implications, this burden is not lessened for small businesses relative to the burden on larger entities.

6. Impact of less frequent collection of information

The structural serviceability statement is required to be provided at the time a shipper offers an intermodal freight container of Class 1 (explosives) material to an ocean carrier, the least frequent collection of information that still ensures the safe transportation of hazardous materials.

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 under Docket No. PHMSA 2017 0018 (Notice No. 2017 01) on April 21, 2017, in the Federal Register [82 FR 18828] requesting public comment on the renewal of this information collection, along with 10 other information collections. PHMSA received one comment related to another information collection and one comment that was outside the scope of the 60-day notice.

PHMSA published a 30-Day Notice and Request for Comments under Docket No. PHMSA 2017 0018 (Notice No. 2017 05) on September 28, 2017, in the Federal Register [82 FR 45356] requesting public comment on the renewal of this information collection.

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. 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.

<u>Total Number of Respondents</u>	<u>Total Number of Annual Responses</u>	<u>Total Annual Burden Hours</u>	<u>Total Annual Salary Costs</u>
650	894,500	14,908	\$322,311

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. Approximately 620 shippers offer for transportation one-half (890,000) of these shipments with hazardous materials. These shippers are subject to the freight container certification statement outlined in § 176.27(c). It is estimated that the certification statement requirements 1 minute per response for a total of 14,833 total burden hours (890,000 responses x 1 minute). At an estimate of \$21.62<sup>1</sup> salary cost, it is expected to cost \$320,689 for salary of this requirement.

<u>Number of Respondents</u>	<u>Response per Carrier</u>	<u>Number of Responses</u>	<u>Minutes per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
620	1,435.48	890,000	1	14833	\$21.62	\$320,689

A separate certification is necessary when transporting shipments of Class 1 (explosive) materials. Section 176.172(c) requires that all shipments of Class 1 (explosive) 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

<sup>1</sup> Cargo and Freight Agents mean hourly wage per BLS (<https://www.bls.gov/oes/current/oes435011.htm>)

shippers offer 150 containers for a total of 4,500 annual responses (30 shippers x 150 response per carrier). Each response is estimated to take 1 minute for a total of 75 burden hours (4,500 responses x 1 minute). At an estimate of \$21.62<sup>2</sup> in salary cost, it is expected to cost \$1,622 in salary costs.

<u>Number of Respondents</u>	<u>Response per Carrier</u>	<u>Number of Responses</u>	<u>Minutes per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
30	150	4,500	1	75	\$21.62	\$1,622

13. Estimate of total annual costs to respondents

PHMSA estimates there are no out-of-pocket expenses, and therefore there is no annual cost to respondents.

14. Estimate of cost to the Federal government

Because there is no submission to the Federal government, so it is estimated that there is no cost to the Federal government for this information collection.

15. Explanation of program changes or adjustments

There are no changes to the total number of burden hours for the renewal of this OMB Control Number. However, there is an adjustment in the number of responses. During review of this burden, PHMSA noted it has historically consolidated of all reporting requirements into one information collection. As demonstrated throughout this justification, PHMSA is now separating the information collections into two different reporting requirements. This adjustment increases the number of responses. However, this did not change the number of total burden hours, because no changes were made to the container certification requirements.

16. Publication of results of data collection

There is no publication of the response plans 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, titled, “Control Numbers under the Paperwork Reduction Act.”

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<sup>2</sup> Cargo and Freight Agents mean hourly wage per BLS (<https://www.bls.gov/oes/current/oes435011.htm>)

18. Exceptions to certification statement

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