

**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: May 31, 2020)**

Introduction

This is to request the Office of Management and Budget's (OMB) 3-year renewal 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 May 31, 2020. This information collection was initiated because of the HM-181 series of rulemakings issued throughout the 1980s and culminating in a consolidated final rule published on December 21, 1990 [Dockets HM-181, HM-181A, HM-181B, HM-181C, HM-181D, and HM-204, 55 FR 52402]. This 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.

During PHMSA's review of the burden, it was noted that historically the information collections were grouped into a single collection. Following this review, PHMSA has adjusted this burden to eleven different information collections. Because of this adjustment, there has been a change to the number of respondents and responses and a slight change to the amount of annual burden hours due to a better accounting of current burden hours.

Part A. Justification

1. Circumstances that make collection of information necessary.

This is a request for revision 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.

1) Design qualification testing for IBCs - Applications for the Certification Mark - § 178.801(d)

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. The testing requirements in § 178.801(d) ensure that the packaging manufacturer achieves successful test results for the design qualification testing at the start of production of each new or different IBC design type. The service equipment selected for this design qualification testing shall be representative of the type of service equipment that will be fitted to any finished IBC body under the design. Application of the certification mark by the manufacturer shall constitute certification that the IBC design type passed the prescribed tests in this subpart.

2) Periodic design requalification testing of IBCs - Submission of Changes to test frequency to the Associate Administrator - § 178.801(e)

This information collection accounts for the periodic design re-qualification that must be conducted on each qualified IBC design type if the manufacturer is to maintain authorization for continued production. IBC manufacturers 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.

3) Applications for Approval of Equivalent Packaging – IBCs - § 178.801(i)

An IBC differing from the standards outlined in the HMR may be used if approved by the Associate Administrator. Such IBCs must be shown to be equally effective, and testing methods used must be equivalent. This information collection accounts for the approval of equivalent packaging applications submitted by the regulated community to PHMSA.

4) Reporting Requirements for retest and inspection of 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 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. Each IBC constructed in accordance with a UN standard for which a test

or inspection is required may not be filled and offered for transportation or transported until the testing and inspection has been successfully completed. This information collection reflects the creation of the report identifying the testing and inspection of IBCs.

5) Recordkeeping for IBC Testing - §§ 178.801 and 180.352(g)(1)

This information collection accounts for recordkeeping requirements associated with IBC testing in §§ 178.801 and 180.352. 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.

6) Manufacturers Data Report (ASME) for Portable Tanks - § 178.255-15

This information covers tanks designed and constructed in accordance with, and fulfill all the requirements of, the American Society of Mechanical Engineers (ASME) Code. 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.

7) Approval Applications for Specification UN portable tank Design - §178.273

This information collection requires an owner or manufacturer of a portable tank to apply for approval to a designated approval agency authorized to approve new portable tanks designs. Each modification application for approval must contain the following information:

- (i) Two complete copies of all engineering drawings, calculations, and test data necessary to ensure that the design meets the relevant specification.
- (ii) The manufacturer's serial number that will be assigned to each portable tank.
- (iii) A statement as to whether the design type has been examined by any approval agency previously and judged unacceptable. Affirmative statements must be documented with the name of the approval agency, reason for nonacceptance, and the nature of modifications made to the design type.

This information collection accounts for the number of approval applications submitted for a new UN portable tank design.

8) Applications for Modifications to Portable Tank Designs - § 178.273

This information collection requires an owner or manufacturer of a portable tank to apply for approval to a designated approval agency authorized to approve the modifications to portable

tanks designs. Each modification application for approval must contain the following information:

(i) Two complete copies of all engineering drawings, calculations, and test data necessary to ensure that the design meets the relevant specification.

(ii) The manufacturer's serial number that will be assigned to each portable tank.

(iii) A statement as to whether the design type has been examined by any approval agency previously and judged unacceptable. Affirmative statements must be documented with the name of the approval agency, reason for nonacceptance, and the nature of modifications made to the design type.

This information collection accounts for the number of approval applications submitted for a modified UN portable tank design.

9) Portable Tanks - Approval Agency Retention of Documents - § 178.273(b)(2)

Approval agencies review all drawings and calculations to ensure that the design is in compliance with the relevant specification. This information collection requires the approval agency to maintain drawings and approval records for as long as the portable tank remains in service. This information must be provided to the DOT upon request.

10) Portable Tanks - Manufacturers Retention of Documents - § 178.273(c)(4)

This information collection requires that records of the qualification for specification 60 portable tanks 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. The owner of each portable tank or their 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. 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). This information including the drawings and records must be provided to the DOT upon request.

11) Recordkeeping for the Testing of Portable Tank - §180.605(l)

This information collection requires that the owner of the portable 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. This information must be provided to the DOT upon request.

3. Extent of automated information collection.

PHMSA has made this burden as simple as possible and requests information that is necessary to ensure safe operation. Specifically, this information is considered critical in ensuring that rail

cars containing crude oil are transported safely. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. PHMSA authorize electronic filing and recordkeeping, nonetheless requiring these records to be available upon request.

4. Efforts to identify duplication.

There is no duplication as the information is unique to specific situations. Each response is unique, and information derived from one may not be inferred to another. PHMSA has done its best effort to avoid duplication, while still ensuring that all requirements comply with application State requirements.

5. Efforts to minimize the burden on small businesses.

PHMSA periodically reviews the collection of this information to ensure that the amount of information needed is kept to a minimum.

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 their 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 11320.5(d)(2).

8. Compliance with 5 CFR 1320.8.

PHMSA published a 60-Day Notice and Request for Comments [85 FR 2809] on the renewal of this information collection in the Federal Register January 16, 2020, under Docket No. PHMSA-2019-0221 (Notice No. 2019-12). The comment period closed March 16, 2020. No comments were received for this information collection.

PHMSA published a 30-Day Notice and Request for Comments also under Docket No. PHMSA-2019-0221 (Notice No. 2020-03).

9. Payments or gifts to respondents.

This collection of information provides no payment or gift to respondents.

10. Assurance of confidentiality.

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

11. Justification for collection of sensitive information.

Not applicable. This collection of information requires no sensitive information.

12. Estimates of burden hours for information requested.

<u>Total Number of Respondents</u>	<u>Total Number of Responses</u>	<u>Total Burden Hours</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
1,470	202,775	56,142	\$4,523,377	\$0

Section 178.801(d) - Design qualification testing for IBCs - Applications for the Certification Mark

Based on historical data, it is estimated that 494 requests are submitted annually for design qualification testing for IBCs. PHMSA estimates that each application will take 3 hours for a total of 1,482 burden hours. (494 responses x 3 hours per response). Each application is expected to cost \$80.57 per hour¹ in salary, for a total salary cost of \$119,406 (\$80.57 x 1,482 burden hours). There are no out of pocket cost associated with this information collection.

¹ Occupation labor rates based on 2018 Occupational and Employment Statistics Survey (OES) for “Chemical Engineers (17-2041).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$55.03) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<u>Regulation</u>	<u>Information Collection Request</u>	<u>Number of Respondents</u>	<u>Response per Respondent</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Design qualification testing for IBCs - Applications for the Certification Mark	§ 178.801(d)	13	38	494	3	1,482	\$80.57	\$119,406	\$0

Section 178.801(e) - Periodic design requalification testing of IBCs - Submission of Changes to test frequency to the Associate Administrator

Based on historical data, it is estimated that 494 requests are submitted annually for periodic design qualification testing for IBCs. PHMSA estimates that each application will take 3 hours for a total of 1,482 burden hours (494 responses x 3 hours per response). Each application is expected to cost \$80.57 per hour² in salary, for a total salary cost of \$119,406 (\$80.57 x 1,482 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Periodic design requalification testing of IBCs - Submission of Changes to test frequency to the Associate Administrator	§ 178.801(e)	13	38	494	3	1,482	\$68.58	\$101,636	\$0

Section 178.801(i) - Applications for Approval of Equivalent Packaging - IBCs

Based on historical data, it is estimated that 5 applications for the approval of equivalent packaging are submitted annually. PHMSA estimates that each application will take 3 hours for a total of 15 burden hours (5 responses x 3 hours per response). Each application is expected to cost \$80.57 per hour³ in salary, for a total salary cost of \$1,209 (\$80.57 x 15 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Applications for Approval of Equivalent Packaging - IBCs	§ 178.801(i)	5	1	5	3	15	\$80.57	\$1,209	\$0

Section 180.352 - Reporting Requirements for retest and inspection of IBCs

Based on historical data, it is estimated that 100,000 reports for the retest and inspection of IBCs are produced annually. PHMSA estimates that each application will take 15 minutes for a total of 25,000 burden hours (100,000 responses x 15 minutes per response). Each report is expected to

² Ibid

³ Ibid

cost \$80.57 per hour⁴ in salary, for a total salary cost of \$2,014,275 (\$80.57 x 25,000 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</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>	<u>Total Burden Cost</u>
Reporting Requirements for retest and inspection of IBCs	§ 180.352	1,000	100	100,000	15	25,000	\$80.57	\$2,014,275	\$0

Sections 178.801 and 180.352(g)(1) - Recordkeeping for IBC Testing

Based on historical data, it is estimated that 150 testing reports are requested by DOT inspectors annually. PHMSA estimates that it takes 15 minutes to produce each report for a total of 38 burden hours (150 responses x 15 minutes per response). Each person producing the report make approximately \$80.57 per hour⁵, for a total salary cost of \$3,021 (\$80.57 x 38 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</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>	<u>Total Burden Cost</u>
Recordkeeping for IBC Testing	§§ 178.801, 180.352(g)(1)	150	1	150	15	38	\$80.57	\$3,021	\$0

Section 178.255-15 - Manufacturers Data Report (ASME) for Portable Tanks

Based on historical data, it is estimated that 50,000 data reports are produced annually for ASME portable tanks. PHMSA estimates that each application will take 15 minutes for a total of 12,500 burden hours (50,000 responses x 15 minutes per response). Salary for each person preparing the data report are estimated at \$80.57 per hour⁶, for a total salary cost of \$1,007,138 (\$80.57 x 12,500 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</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>	<u>Total Burden Cost</u>
Manufacturers Data Report (ASME) for Portable Tanks	§ 178.255-15	50	1,000	50,000	15	12,500	\$80.57	\$1,007,138	\$0

Section 178.273 - Approval Applications for Specification UN portable tank Design.

Based on historical data, it is estimated that 494 approval applications are submitted for UN portable tank design each year. PHMSA estimates that each application will take 3 hours for a

⁴ Ibid

⁵ Ibid

⁶ Ibid

total of 1,482 burden hours (494 responses x 3 hours per response). Each person filing an application is expected to make \$80.57 per hour⁷, for a total salary cost of \$119,406 (\$80.57 x 1,482 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Approval Applications for Specification UN portable tank Design.	§ 178.273	13	38	494	3	1,482	\$80.57	\$119,406	\$0

Section 178.273 - Applications for Modifications to Portable Tank Designs

Based on historical data, it is estimated that 494 applications per year are submitted for modifications to portable tank design. PHMSA estimates that each application will take 3 hours to complete for a total of 1,482 burden hours (494 responses x 3 hours per response). Each person completing an application is expected to make \$80.57 per hour⁸, for a total salary cost of \$119,406 (\$80.57 x 494 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</u>	<u>Number of Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Applications for Modifications to Portable Tank Designs	§ 178.273	13	38	494	3	1,482	\$80.57	\$119,406	\$0

Section 178.273(b)(2) - Portable Tanks - Approval Agency Retention of Documents

Based on historical data, it is estimated that 494 entities will have to retain documents for portable tank approvals. PHMSA estimates that each application will take 15 minutes for a total of 124 burden hours (494 responses x 15 minutes per response). For this information collection, it is expected to cost \$80.57 per hour⁹ in salary costs, for a total of \$9,951 (\$80.57 x 124 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</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>	<u>Total Burden Cost</u>
Portable Tanks -	§ 178.273(b)(2)	13	38	494	15	124	\$80.57	\$9,951	\$0

⁷ Ibid

⁸ Ibid

⁹ Ibid

Approval Agency Retention of Documents									
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Section 178.273(c)(4) - Portable Tanks - Manufacturers Retention of Documents

Based on historical data, it is estimated that 50,000 manufactures will need to maintain documents related to portable tank testing. PHMSA estimates that each application will take 15 minutes for a total of 12,500 burden hours (50,000 responses x 15 minutes per response). The salary cost for this burden is estimated at \$80.57 per hour¹⁰, for a total salary cost of \$1,007,138 (\$80.57 x 12,500 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</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>	<u>Total Burden Cost</u>
Portable Tanks - Manufacturers Retention of Documents	§ 178.273(c)(4)	50	1,000	50,000	50	12,500	\$80.57	\$1,007,138	\$0

Section 180.605(l) - Recordkeeping for the Testing of Portable Tanks.

Based on historical data, it is estimated that 150 entities will present records to PHMSA. PHMSA estimates that each record will take 15 minutes to produce for a total of 38 burden hours (150 responses x 15 minutes per response). Each person providing documentation is expected to make \$80.57 per hour, for a total salary cost of \$3,021 (\$80.57 x 38 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection Request</u>	<u>Regulation</u>	<u>Number of Respondents</u>	<u>Response per Respondent</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>	<u>Total Burden Cost</u>
Recordkeeping for the Testing of Portable Tanks.	§ 180.605(l)	150	1	150	15	38	\$80.57	\$3,021	\$0

13. Estimate of total annual costs to respondents.

PHMSA does not estimate any out-of-pocket expenses as identified above.

14. Estimate of annualized cost to the Federal government.

There is no cost to the Federal government.

15. Reasons for change in burden.

¹⁰ Ibid

During PHMSA's review of the burden, it was noted that historically the information collections were grouped into a single collection. Following this review, PHMSA has adjusted this burden to eleven different information collections. Because of this adjustment, there has been a change to the number of respondents and responses and a slight change to the amount of annual burden hours due to a better accounting of current burden hours.

16. Plans for tabulation, statistical analysis, and publication.

There is no publication for statistical use, and no statistical techniques are involved.

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 the certification of this request for information collection approval.