

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

Inspection and Testing of Meter Provers
OMB Control No. 2137-0620

(Expiration Date: May 31, 2020)

Introduction

This is to request the Office of Management and Budget's (OMB) 3-year renewal of the information collection titled, "Inspection and Testing of Meter Provers," [OMB Control No. 2137-0620] that is currently due to expire on May 31, 2020. This information collection was initiated as result of a January 24, 2005, final rule [Docket No. RSPA-03-16370, HM-233, 70 FR 3302] titled, "Hazardous Materials; Incorporation of Exemptions into Regulations," which amended the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) by incorporating the provisions of certain widely-used exemptions that have established a history of safety and that may be converted into regulations for general use. One of the provisions contained in this rulemaking was for the transportation of mechanical displacement meter provers, which requires information collection.

Part A. Justification

1. Circumstances that make collection of information necessary.

This is a request for a renewal without change of a current information collection and recordkeeping burden under OMB Control No. 2137-0620, titled "Inspection and Testing of Meter Provers." This information collection is the result of efforts to incorporate the use, inspection, and maintenance of mechanical displacement meter provers (meter provers) used to check the accurate flow of liquid hazardous materials into bulk packagings, such as portable tanks and cargo tank motor vehicles, under 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.

Meter provers are used to ensure that the proper amount of liquid hazardous materials is being loaded and/or unloaded into bulk packagings, such as cargo tanks and portable tanks. These meter provers consist of a gauge and several pipes that always contain small amounts of the liquid hazardous material in the pipes as residual material. Therefore, they must be inspected and maintained in accordance with the HMR to ensure they are in

proper calibration and good working order. These meter provers are not subject to the specification testing and inspection requirements in Part 178. However, they must be visually inspected annually and pressure tested every 5 years in order to ensure they are properly working as specified in § 173.5a of the HMR.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has authorized the transportation of meter provers under special permits for several years with a safe and satisfactory transportation experience. Meter provers are excepted from the specification packaging requirements when they: (1) have a capacity not over 1,000 gallons; (2) are permanently mounted on a truck chassis or a trailer; and (3) contain only the residue of a Class 3 or Division 2.1 material. The meter prover must be designed and constructed in accordance with American Society of Mechanical Engineers (ASME) Standard B31.4 and is subject to periodic visual inspection and hydrostatic retesting. This information collection is necessary in order to ascertain whether meter provers are manufactured, inspected, and maintained in accordance with the HMR. The information is used to verify that meter provers meet required performance standards prior to being authorized for use with bulk packagings used in the transportation of liquid hazardous materials. In addition, the HMR require that meter provers be visually inspected annually and hydrostatically (pressure) tested every 5 years.

1. Annual Visual Inspection - § 173.5a(b)(3)(i)

This information collection requires that each meter prover must undergo and pass an external visual inspection annually to ensure that the meter provers used in the flow of liquid hazardous materials into bulk packagings are accurate and in conformance with the performance standards in the HMR.

As required in the HMR, meter provers must be visually inspected once a year; and pressure-tested once every 5 years at not less than 75% of design pressure. Each meter prover successfully completing the test and inspection must be marked in accordance with § 173.5a(b)(7). The marking must be on the side of a tank or the largest piping component in letters 1.25 inches high on a contrasting background. All required markings must be maintained in a legible manner. The owner must retain a record of the most recent visual inspection and pressure test until the meter prover is requalified.

The test or inspection report must include the following:

- (a) Serial number or other meter prover identifier;
- (b) Type of test or inspection performed;
- (c) Test date (month/year);
- (d) Location of defects found and method used to repair each defect;
- (e) Name and address of person performing the test or inspection; and
- (f) Disposition statement, such as “Meter Prover returned to service” or “Meter Prover removed from service.”

2. Hydrostatic Pressure Test - § 173.5a(b)(3)(ii)

This information collection requires that each meter prover must undergo and pass a hydrostatic pressure test at least every 5 years to ensure that the meter provers used in the flow of liquid hazardous materials into bulk packagings are accurate and in conformance with the performance standards in the HMR.

3. Extent of automated information collection.

The information required is particular and unique. 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. 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, we do not require any information to be submitted to PHMSA, so this is not applicable.

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.

7. Special circumstances.

This collection of information is 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 [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.

9. Payments or gift 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, no guarantees of confidentiality are provided to applicants.

11. Justification for collection of sensitive information.

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

12. Estimate 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>
500	500	175	\$11,272	\$0

Annual visual inspection - § 173.5a(b)(3)(i)

Based on historical data, it is estimated that 250 annual inspections of meter provers are completed each year. PHMSA estimates that paperwork burden for each inspection will take 30 minutes to complete for a total of 125 burden hours (250 responses x 30 minutes per response). Each person completing this information collection is expected to make \$64.41 per hour,¹ for a total salary cost of \$8,051 (\$64.41 x 125 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 “17-2141 Mechanical Engineers.” <https://www.bls.gov/oes/2017/may/oes172141.htm> The hourly mean wage for this occupation (\$43.99) 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>Information Collection</u>	<u>Regulation</u>	<u>Total Respondents</u>	<u>Reponses per Respondent</u>	<u>Annual Responses</u>	<u>Minutes per Response</u>	<u>Annual Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Annual Burden Cost</u>
Annual Visual Inspection	§ 173.5a(b)(3)(i)	250	1	250	30	125	\$64.41	\$8,051	\$0

Hydrostatic Pressure Test - § 173.5a(b)(3)(ii)

Based on historical data, it is estimated that 250 hydrostatic pressure tests are conducted each year. PHMSA estimates that documenting the hydrostatic pressure test will take 12 minutes per response, for a total of 50 annual burden hours (250 responses x 12 minutes per response). Each person creating the report is expected to make \$64.41 per hour,² for a total salary cost of \$3,221 (\$64.41 x 50 burden hours). There are no out of pocket cost associated with this information collection.

<u>Information Collection</u>	<u>Regulation</u>	<u>Total Respondents</u>	<u>Reponses per Respondent</u>	<u>Annual Responses</u>	<u>Minutes per Response</u>	<u>Annual Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Annual Burden Cost</u>
Hydrostatic Pressure Test	§ 173.5a(b)(3)(ii)	250	1	250	12	50	\$64.41	\$3,221	\$0

13. Estimate of total annual costs to respondents.

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

14. Estimate of cost to the Federal government.

There is no cost to the Federal government.

15. Explanation of program changes or adjustments.

During PHMSA’s review of the burden, it was noted that historically the information collections were grouped into a single collection. Previously the burden for this information collection was approved as:

Information Collection	Respondents	Responses	Burden Hours
Inspection and Testing of Meter Provers	250	250	175

Following this review, PHMSA has adjusted this burden to two different information collections. Because of this adjustment and a review of the most current incident data available to PHMSA, there has been a change to the number of respondents and

² Ibid.

responses. Previously PHMSA had considered the information collection as one response, when it should have been two separate responses. This information collection now appears as follows:

Information Collection	Respondents	Responses	Burden Hours
Annual Visual Inspection	250	250	125
Hydrostatic Pressure Test	250	250	50

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, and titled, “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.