

**Justification for Change**  
**“Approvals for Hazardous Materials”**  
**2137-0557**

**Request**

In response to the COVID-19 public health emergency, PHMSA is publishing a Notice of Administrative Discretion and Guidance for requalification identification number (RIN) holders seeking renewal of their approvals who are not able to obtain the Independent Inspection Agency (IIA) pre-approval inspection required by 49 CFR 107.805. In this Notice, PHMSA is authorizing an alternative means to obtain a RIN number when the IIA pre-approval inspection cannot be conducted due to the COVID-19 public health emergency. PHMSA expects the information collection burden required for this alternative means of seeking an approval renewal in lieu of the current requirements will not change the overall information collection burden under OMB Control No. 2137-0557.

**Background**

In order to inspect, test, certify, repair, or rebuild certain types of cylinders and pressure receptacles, a person must be approved by PHMSA under 49 CFR 107.805. This approval is issued in the form of a RIN approval number. As part of this approval request, an applicant must arrange for an IIA to perform a review of its inspection or requalification operation. The IIA review is used in PHMSA’s evaluation when issuing the RIN approval. When PHMSA grants a RIN approval, it generally expires five years from the date of issuance.

At the onset of the COVID-19 public health emergency, due to the travel restrictions and quarantine requirements imposed by various government agencies, it was not possible for many RIN holders to have an IIA visit their facilities. Therefore, the IIA’s inspection and pre-approval report required by 49 CFR 107.805(b) could not be completed and an applicant could not submit a completed application for renewal of its RIN approval. Initially, PHMSA responded by issuing 6-month extensions for these approvals. These short-duration extensions are now reaching their expiration dates.

Since the IIAs were not able to travel and conduct inspections during the initial months of the public health emergency, IIAs developed a backlog of inspections, which they are still working to clear. Some RIN holders are still experiencing difficulty obtaining the required IIA inspections and associated pre-approval inspection report.

A number of RIN holders, including those seeking both normal and short-duration approvals, have advised PHMSA that due to the ongoing COVID-19 public health emergency and the backlog of inspections at IIAs, they still are unable to schedule an IIA pre-approval inspection. Consequently, the RIN holders are unable to comply with the requirements of 49 CFR 107.805 to submit a pre-approval inspection report and recommendation from an authorized IIA, which will be evaluated in accordance with 49 CFR 107.709.

In response, in the Notice, PHMSA is waiving compliance with the requirement of an IIA review as specified in 49 CFR 107.805(b) for RIN holders when requesting renewal of their approval if

they are unable to obtain an IIA inspection prior to applying for renewal of their approval. In lieu of complying with the IIA inspection requirement and its associated cost, PHMSA requests:

- A general explanation of the reasons why an inspection could not be conducted in a timely manner.
- Documentation showing that at least 60 days prior to the expiration date of their current approval, the applicant has made a reasonable attempt to schedule an inspection with an IIA. This could be demonstrated by providing documentation that shows a minimum of 2 IIAs were contacted to set up an inspection and that the IIAs were unable to perform the required inspection in a timely manner. If the 60-day requirement cannot be met, PHMSA will evaluate the reasoning provided and render a decision in accordance with § 107.709(c).
- Documentation of standard operating procedures used for requalifying cylinders and current training records in accordance with the requirements of § 172.704. This training review would normally be performed by the IIA; however, without IIA verification, this information must be submitted for PHMSA review.

If a renewal is granted under these provisions, it will only be granted for twelve months and not for the usual five-year period. In addition, the renewal will not relieve the RIN holder from the requirement to obtain an inspection from an IIA prior to any subsequent renewal. This alternative procedure provides an approval holder additional time in scheduling and obtaining inspection by an approved IIA. All applications for renewal of RINs processed under this guidance will be reviewed by PHMSA’s Field Operations staff for fitness review prior to issuance of a renewed approval.

The information collection for RIN approvals is currently captured under OMB Control Number 2137-0557. This collection currently requires RIN applicants to submit for approval their RIN application and the pre-approval inspection report generated by an IIA. However, as previously discussed, the Notice is authorizing alternative documentation in lieu of the pre-approval inspection report, when an IIA inspection cannot be completed. Therefore, PHMSA is submitting a request for a non-substantive change to this burden request.

Currently Approved Associated Information Collection:

<u>Information Collection</u>	<u>Number of Respondents</u>	<u>Responses 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 of cylinder and pressure receptacle requalifiers	7,130	1	7,130	1.105	7,879	\$79.06	\$622,909	\$0

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RIN Approval for Cylinders (International Shipments)	3,500	1	3,500	0.852	2,982	\$79.06	\$235,766	\$0