

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

Hazardous Materials Security Plans  
OMB Control No. 2137-0612

(Expiration Date: July 31, 2021)

**Introduction:**

This is to request a three-year renewal with change of the information collection titled “Hazardous Materials Security Plans” (OMB Control No. 2137-0612), which is due to expire on July 31, 2021. This information collection was initially created when the Research and Special Programs Administration (RSPA)—the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) predecessor—published a final rule titled “Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials” on March 25, 2003 [HM-232; 68 FR 14509]. The HM-232 final rule revised Part 172 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to require offerors and transporters of hazardous materials to develop and maintain security plans (Part 172, Subpart I). This information collection specifically addresses the burden associated with the provisions to develop and maintain a hazardous materials security plan.

The requested change stems from a final rule published on July 24, 2020, titled “Hazardous Materials: Liquefied Natural Gas by Rail” [HM-264; 85 FR 44994], which included a requirement for expanded security plan requirements when liquefied natural gas is transported by rail.

**Part A. Justification:**

1. Circumstances that make collection of information necessary.

This is a request for renewal with change of an existing approval under OMB Control No. 2137-0612 for information and recordkeeping requirements of security plans. Security plan requirements, which are outlined in Part 172, Subpart I, protect the health and safety of the public, property, and environment. Additionally, this information collection supports the Departmental Strategic goal for safety. These regulations are promulgated in accordance with the Federal hazardous materials transportation law, 49 U.S.C. 5101-5127.

As previously mentioned, the change in this request is due to publication of the HM-264 final rule on July 24, 2020. This final rule results in an increase in two information collections, specifically focused on primary route analysis and alternate route analysis requirements.

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

The HMR<sup>1</sup> require that each person in commerce, who offers for transportation or transports one or more of the following hazardous materials, develop and adhere to a transportation security plan:

- 1) Any quantity of a Division 1.1, 1.2, or 1.3 material;
- 2) A quantity of a Division 1.4, 1.5, or 1.6 material requiring placarding in accordance with Part 172, Subpart F;
- 3) A large bulk quantity of Division 2.1 material;
- 4) A large bulk quantity of Division 2.2 material with a subsidiary hazard of 5.1;
- 5) Any quantity of a material poisonous by inhalation, as defined in § 171.8;
- 6) A large bulk quantity of a Class 3 material meeting the criteria for Packing Group I or II;
- 7) A quantity of desensitized explosives meeting the definition of a Division 4.1 or Class 3 material requiring placarding in accordance with Part 172, Subpart F;
- 8) A large bulk quantity of a Division 4.2 material meeting the criteria for Packing Group I or II;
- 9) A quantity of a Division 4.3 material requiring placarding in accordance with Part 172, Subpart F;
- 10) A large bulk quantity of a Division 5.1 material in Packing Groups I and II; perchlorates; or ammonium nitrate, ammonium nitrate fertilizers, or ammonium nitrate emulsions, suspensions, or gels;
- 11) Any quantity of organic peroxide, Type B, liquid or solid, temperature controlled;
- 12) A large bulk quantity of a Division 6.1 material (for a material poisonous by inhalation see above);
- 13) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR Part 73 or the United States Department of Agriculture under 9 CFR Part 121;
- 14) A quantity of uranium hexafluoride requiring placarding under § 172.505(b);
- 15) International Atomic Energy Agency (IAEA) Code of Conduct Category 1 and 2 materials including Highway Route Controlled quantities as defined in § 173.403 or known as radionuclides in forms listed as RAM-QC by the Nuclear Regulatory Commission;
- 16) A large bulk quantity of Class 8 material meeting the criteria for Packing Group I.

The HMR prescribe general requirements for the components of a security plan in accordance with § 172.802. These requirements are performance standards that provide offerors and carriers the flexibility necessary to develop security plans addressing their individual circumstances and operational environments. Accordingly, each security plan will differ based on the individualized assessment of the security risks associated with the hazardous materials either offered for transportation or transported in commerce.

A security plan must include an assessment of the transportation security risks, to include site-specific or location-specific risks associated with facilities at which the specified hazardous materials are prepared for transportation, stored, or unloaded incidental to movement. Therefore, each location (i.e., multiple facilities) where the specified hazardous materials are offered for

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<sup>1</sup> See § 172.800

transportation or transported must have an individualized security plan. Additionally, a security plan must include the appropriate measures to address the assessed risks.

The HMR also require a security plan to address personnel security, unauthorized access, and en route security:

- Personnel security: The security plan must include measures on how to confirm that a newly-hired candidate, who has responsibilities involving access to and handling of the hazardous materials, provided correct information on their job application. This security measure must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.
- Unauthorized access: The security plan must include measures addressing the assessed risk of unauthorized persons gaining access to the hazardous materials or transport conveyances being prepared for transporting the hazardous materials.
- En route security: The security plan must include measures on how to address the assessed security risks of shipments of the hazardous materials from origin to destination, including shipments stored incidental to movement.

Furthermore, the HMR<sup>2</sup> prescribe additional security plan requirements when the following hazardous materials are transported by rail:

- 1) More than 2,268 kg in a single carload of a Division 1.1, 1.2, or 1.3 explosive;
- 2) A quantity of a material poisonous by inhalation in a single bulk packaging;
- 3) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in § 173.403;
- 4) A high-hazard flammable train (HHFT) as defined in § 171.8; or
- 5) A quantity of UN1972 (Methane, refrigerated liquid or Natural gas, refrigerated liquid) when transported in a rail tank car.

The additional rail security plan requires each rail carrier to conduct route analysis, alternative route analysis, route selection, a plan for storage and delays in transportation, and recordkeeping requirements. In accordance with § 172.820(b), the rail carrier must compile commodity data from the previous calendar year for the hazardous materials outlined in § 172.820(a) no later than 90 days after the end of each calendar year. The rail carrier is required to aggregate this commodity data by route, line segment, or series of line segments. This information is used to help rail carriers develop a rail transportation route analysis, as detailed in § 172.820(c). Specifically, the route analysis analyzes the safety and security risks for the transportation route(s) and railroad facilities along the routes, including switching yards, storage facilities, and non-private sidings. The rail carrier is required to seek relevant information from appropriate State, local, and Tribal officials regarding security risks to high-consequence targets along or in proximity to the routes.

Furthermore, § 172.820(d) details requirements for an alternative route analysis in which the rail carrier must also identify practicable alternative routes over which it has authority to operate, if an alternate route exists. This alternate analysis considers safety and security risks; comparison

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<sup>2</sup> See § 172.820

of the alternative route to the primary route for safety and security risks, including the risk of catastrophic release from a shipment; any remediation or mitigation measures on the primary or alternative route; and potential economic effects of using the alternative route. Similar to the route analysis, the alternative analysis requires the rail carrier to obtain relevant information from State, local, and Tribal officials regarding security risks to high-consequence targets along or in proximity to the alternative route.

As detailed in § 172.820(e), the rail carrier uses the route and alternative route analyses to select the most appropriate route. This route selection must be reviewed annually to ensure that the route poses the least overall safety and security risk. The route review and selection decision documentation must be maintained in writing. As required in § 172.820(f), the completed route analysis must be completed no later than the end of the calendar year following the year to which the analyses apply.

A rail carrier must identify a point-of-contact for routing issues and provide information in the security plan to state and/or regional Fusion Centers located within the area encompassed by the rail carrier's rail system, as outlined in § 172.820(g). This information must also be provided to State, local, and Tribal officials in jurisdictions that may be affected by a rail carrier's routing decisions.

In addition to route analysis and selection, each rail carrier, in accordance with § 172.820(h), must ensure that there: (1) is a procedure to minimize the duration of time that the hazardous material is stored incidental to movement, (2) are measures to prevent unauthorized access to the materials during storage or delays in transit, (3) are measures to mitigate risk to population centers associated with in-transit storage, (4) are measures to be taken in the event of an escalated threat level for materials stored in transit, and (5) are procedures for notifying the consignee in the event of a significant delay during transport. When necessary, a consignee must be notified within 48 hours after the carrier has identified the delay and must be provided a revised delivery schedule.

Lastly, as required in § 172.820(i), a rail carrier must maintain this information for a minimum of two years in a manner that restricts distribution and accessibility of the information, except to those on a need-to-know basis.

### 3. Extent of automated information collection.

The security plan requirements do not prescribe a specific form or content. Rather, a company should implement a plan that is appropriate to its individual circumstances, considering the types and amounts of hazardous materials offered for transportation or transported and the modes used for transportation. PHMSA developed a security template—the Risk Management Self-Evaluation Framework (RMSEF)<sup>3</sup>—to assist hazardous materials offerors, shippers, carriers, regulators, and emergency response personnel in examining their operations, evaluating the risks, and implementing measures to better manage those risks. RMSEF illustrates how risk

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<sup>3</sup> The RMSEF security template can be found online at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/risk-and-regulatory-analysis/rmsef-security-template>

management methodology can be used to identify points in the transportation process where security procedures should be enhanced within the context of an overall risk management strategy.

Additionally, PHMSA's Office of Outreach and Training has developed and published guides for preparing security plans in English<sup>4</sup> and Spanish.<sup>5</sup> Both versions are available on PHMSA's website. The English version may be requested as a hard copy.<sup>6</sup>

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, PHMSA does not require these records to be submitted to us. An offeror or carrier may select to have an electronic or paper security plan, whichever is most practicable for their business.

#### 4. Efforts to identify duplication.

PHMSA authorizes<sup>7</sup> the use of security plans that conform to regulations, standards, protocols, or guidelines issued by other Federal agencies, international organizations to satisfy the requirements in Part 172, Subpart I, provided it addresses the specified requirements. In addition, and in efforts to avoid duplication, PHMSA has done due diligence to identify that this is not a requirement for any other agency.

#### 5. Efforts to minimize burden on small business.

The collection of this information is reviewed periodically to ensure that the requirements involving security plans and hazardous materials transportation safety maintain the necessary standards to protect people, property, and the environment. Security plan requirements are based on the applicability of the HMR, and not business size. Due to the security risk posed by the these types of hazardous materials, PHMSA asserts that the benefits to safety outweigh a reduction in small business burden.

#### 6. Impact of less frequent collection of information.

The requirement for certain hazardous materials shippers and carriers to develop and implement a security plan reduces the possibility that a hazardous materials shipment will be used as a weapon of opportunity by a terrorist or criminal. Periodic updates to a security plan ensure information is up-to-date and that it addresses the appropriate level of threat. Most of the information collection activity involves initial preparation of the security plan; therefore, a

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<sup>4</sup> The English version is available at: <https://www.phmsa.dot.gov/training/hazmat/security-requirements-brochure-english>

<sup>5</sup> The Spanish version is available at: <https://www.phmsa.dot.gov/training/hazmat/security-requirements-brochure-spanish>

<sup>6</sup> The free English publication can be ordered at: [https://hazmatonline.phmsa.dot.gov/services/Pub\\_Free.aspx](https://hazmatonline.phmsa.dot.gov/services/Pub_Free.aspx).

<sup>7</sup> See § 172.804

reduction in the frequency of the information collection would not significantly reduce the overall burden of this collection.

#### 7. Special circumstances.

The collection of this information is generally conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2). However, it is not possible to substantially reduce or eliminate the requirements contained in this collection and still maintain standards necessary to assure safe transportation.

#### 8. Compliance with 5 CFR 1320.8.

PHMSA published a notice of proposed rulemaking (NPRM) on October 24, 2019, [85 FR 56964] and a final rule on July 24, 2020, [85 FR 44994] both titled “Hazardous Materials: Liquefied Natural Gas by Rail” [HM-264]. In development of the final rule, PHMSA added requirements that increased the information collection burden associated with OMB Control No. 2137-0612. However, as the HM-264 final rule contained revisions that were not proposed in the NPRM, PHMSA published a 60-day and 30-day notice to provide an opportunity for public comment on the estimated increase in burden.

PHMSA published a 60-Day Notice and Request for Comments on July 31, 2020, in the *Federal Register* [Notice No. 2020-05, 85 FR 46220] requesting public comment on the increase burden in OMB Control Number 2137-0612. PHMSA received four comments; all comments were in opposition to the final rule and were not related to the increase in information collection. The comments were:

- Submitted August 11, 2020 from Anonymous
- Submitted August 17, 2020 from Anonymous
- Submitted August 24, 2020 from Anonymous
- Submitted August 25, 2020 from Anonymous

In addition, PHMSA published a 30-Day Notice and Request for Comments on November 16, 2020, in the *Federal Register* [85 FR 73128] requesting public comment on the increase burden to OMB Control Number 2137-0612.

#### 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.

The data collected does not 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.

This is not applicable, as the information collected is not of a sensitive nature.

12. Estimate of burden hours for information requested.

Total estimate of annual burden hours:

<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>	<u>Total Burden Cost</u>
43,134	56,005	428,399	\$13,421,800	\$0

Calculation of burden hours and cost:

49 CFR 172.800 – Purpose and applicability, 49 CFR 172.801 – Components of a security plan

Not all hazardous materials shippers or carriers are subject to the requirement to develop a security plan. The security plan requirement applies only for a specific list of hazardous materials (see § 172.800(b)). Shippers and carriers submitting a hazardous materials registration statement<sup>8</sup> are asked if they offer or transport certain hazardous materials subject to the security plan requirement. From this data, PHMSA estimates about 41,000 shippers and carriers are subject to the security plan requirement. In addition, about 1,000 shippers apply to the Centers for Disease Control and Prevention each year for permission to transport select agents, which are subject to the security plan requirement.

The burden of creating a security plan is reduced because many companies have implemented elements of the security plan as part of their standard operating procedures. In addition, many industry associations have developed guidance and model security plans for use by its members. Furthermore, PHMSA has developed RMSEF, which helps companies examine their operations and consider how they assess and manage risk. Additionally, a security plan may not require a sophisticated or complicated analyses because the hazardous materials subject to the security plan requirement may only be offered or transported on an occasional basis.

New Security Plan:

As required by the HMR, an individualized security plan is required for each location the specified hazardous materials are offered for transportation or transported. PHMSA estimates that large companies have three separate locations, while small business have one location. As

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<sup>8</sup> See 49 CFR Part 107

mentioned, this burden is only associated with companies shipping the specified hazardous materials for the first time.

It is estimated that there are 30 large companies and 170 small companies developing new security plans annually. Additionally, PHMSA estimates that a large company, using information available from PHMSA and industry associations, will require about 50 hours to develop a security plan, while a smaller company will average about 25 hours. PHMSA assumes that the salary cost to develop a security plan is \$25.59/hour.<sup>9</sup> Therefore, a large company will require 4,500 burden hours (30 companies x 3 locations/company x 50 hours/response) and \$115,168 (4,500 total burden hours x \$25.59) in salary cost. Small businesses will require 4,250 burden hours (170 companies x 25 hours/response) and \$108,770 (4,250 total burden hours x \$25.59) in salary cost. PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

	<u>Number of Companies</u>	<u>Number of Locations per Company</u>	<u>Total Number of New Plans</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Large	30	3	90	50	4,500	\$25.59	\$115,168	\$0.00	\$0
Small	170	1	170	25	4,250	\$25.59	\$108,770	\$0.00	\$0
<b>Total</b>	<b>200</b>		<b>260</b>		<b>8,750</b>		\$223,939		<b>\$0</b>

#### Annual Security Plan Update:

Each security plan must be updated annually to account for any changes in security measures. As with the creation of new security plans, PHMSA estimates that each large company has three separate locations offering for transportation or transporting the specified hazardous materials, while small businesses have one location. Based on historical data, PHMSA estimates there are 6,300 large companies and 35,700 small companies updating security plans annually. We estimate large companies require approximately 10 hours to update a security plan and small companies require approximately 5 hours. PHMSA assumes that the salary cost for updating a security plan is \$25.59/hour.<sup>10</sup> Therefore, large companies will have a total annual burden of 189,000 hours (6,300 companies x 3 locations/company x 10 hours/response), and small companies will have a total annual burden of 178,499 hours (35,700 companies x 5 hours/response). The total salary cost for large businesses is \$4,837,067 (189,000 burden hours x \$25.59) and for small businesses is \$4,568,327 (178,499 burden hours x \$25.59). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

<sup>9</sup> Occupation labor rates based on 2019 Occupational and Employment Statistics Survey (OES) for “Office Clerks, General (43-9061).” <https://www.bls.gov/oes/current/oes439061.htm> The hourly mean wage for this occupation (\$17.48) 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).

<sup>10</sup> Ibid.



	<u>Number of Companies</u>	<u>Number of Locations per Company</u>	<u>Total Number of New Plans</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Large	6,300	3	18,900	10	189,000	\$25.59	\$4,837,067	\$0.00	\$0
Small	35,700	1	35,700	5	178,499	\$25.59	\$4,568,327	\$0.00	\$0
<b>Total</b>	<b>42,000</b>		<b>54,600</b>		<b>367,499</b>		<b>\$9,405,394</b>		<b>\$0</b>

#### 49 CFR 172.820 – Additional planning requirements for transportation by rail

Each rail carrier transporting any of the hazardous materials listed in § 172.820(a) is subject to additional safety and security route planning requirements. This information collection is an additional burden for rail carriers, who are also subject to the previously mentioned security plan requirements. Therefore, while the following information collection adds additional burden, it does not include any new respondents.

Each information collection is broken down between Class I, II, and III Railroads. These railroad classes are defined by the Federal Railroad Administration and are differentiated by operating revenue, with Class I Railroads generating the most revenue and Class III generating the least revenue. PHMSA estimates that there are 7 Class I Railroads, 32 Class II Railroads, and 100 Class III Railroads.

#### Compilation of Commodity Data:

Section 172.820(b) requires that rail carriers subject to additional planning requirements must collect and compile commodity data for the specified hazardous materials by route, line segment, or series of line segments. PHMSA estimates that each railroad will require 40 burden hours to compile this data at a salary of \$72.72/hour.<sup>11</sup> Therefore, the estimated amount of time it will take to compile this data is 280 hours for Class I Railroads (7 railroads x 40 hours/railroad), 1,280 hours for Class II Railroads (32 railroads x 40 hours/railroad), and 4,000 hours for Class III Railroads (100 railroads x 40 hours/railroad). The estimated salary cost to Class I Railroads is \$20,363 (280 burden hours x \$72.72), to Class II Railroads \$93,086 (1,280 burden hours x \$72.72), and to Class III Railroads is \$290,893 (4,000 burden hours x \$72.72). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

	<u>Number of Railroads</u>	<u>Burden Hours per Railroad</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Class I Railroads	7	40	280	\$72.72	\$20,363	\$0.00	\$0
Class II Railroads	32	40	1,280	\$72.72	\$93,086	\$0.00	\$0
Class III Railroads	100	40	4,000	\$72.72	\$290,893	\$0.00	\$0
<b>Total</b>	<b>139</b>		<b>5,560</b>		<b>\$404,341</b>		<b>\$0</b>

<sup>11</sup> Occupation labor rates based on 2019 Occupational and Employment Statistics Survey (OES) for “Transportation, Storage, and Distribution Managers (11-3071)” in the Transportation and Warehousing industry. <https://www.bls.gov/oes/current/oes113071.htm> The hourly mean wage for this occupation (\$49.67) 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).

Primary Route Analysis:

In accordance with § 172.820(c), each rail carrier subject to the additional routing requirements must develop analysis for the routes identified in the commodity data. This analysis accounts for the safety and security risks of the routes and railroad facilities along the route. Based on historical data, PHMSA estimates that there are 62 Class I Railroad routes, 129 Class II Railroad routes, and 201 Class III Railroad routes that are analyzed with this requirement. Additionally, PHMSA estimates that route analysis for Class I and II Railroads will require 80 burden hours per route, while route analysis for Class III railroads will require 40 burden hours. Therefore, it is estimated that the annual burden for Class I Railroads will be 4,960 hours (62 routes x 80 hours/route), for Class II Railroads will be 10,320 hours (129 routes x 80 hours/route), and for Class III Railroads will be 8,040 hours (201 routes x 40 hours/route). It is estimated to cost each railroad \$72.72/hour<sup>12</sup> in salary to analyze the primary route. Therefore, the total salary cost estimate for a Class I Railroad is \$360,707 (4,960 burden hours x \$72.72), for a Class II Railroad is \$750,504 (10,320 burden hours x \$72.72), and for a Class III Railroad is \$584,695 (8,040 burden hours x \$72.72). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

This reflects an increase in burden from the HM-264 final rule.

	<u>Number of Railroads</u>	<u>Number of Routes per Railroad</u>	<u>Number of Routes</u>	<u>Burden Hours per Route</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Class I Railroads	7	8.85	62	80	4,960	\$72.72	\$301,717	\$0.00	\$0
Class II Railroads	32	4.04	129	80	10,320	\$72.72	\$750,504	\$0.00	\$0
Class III Railroads	100	2.01	201	40	8,040	\$72.72	\$584,695	\$0.00	\$0
<b>Total</b>	<b>139</b>		<b>392</b>		<b>23,320</b>		<b>\$1,695,907</b>		<b>\$0</b>

Alternate Route Analysis:

Rail carriers are subject to analysis for alternative routes, as detailed in § 172.820(d). The analysis is similar to that of the primary route analysis and considers safety and security risks of the alternate route. PHMSA estimates that Class I railroads have 62 alternate routes, Class II Railroads have 97 alternate routes, and Class III Railroads have 51 alternate routes. This analysis involves additional comparison of safety and security between the primary and alternate routes; therefore, the burden on railroads is greater than the primary analysis. PHMSA estimates that Class I and II Railroads require 120 hours per route, while Class III Railroads require 40 hours per route. Therefore, Class I Railroads have a total burden of 7,440 hours (62 routes x 120 hours/route), Class II Railroads have a total burden of 11,640 hours (97 routes x 120 hours/route), and Class III Railroads have a total burden of 2,040 hours (51 routes x 40 hours/route). As with the primary route analysis, PHMSA estimates a salary of \$72.72/hour<sup>13</sup> for each railroad. Therefore, the total salary cost estimate for a Class I Railroad is \$541,061 (7,440 burden hours x \$72.72), for a Class II Railroad is \$846,499 (11,640 burden hours x

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

\$72.72), and for a Class III Railroad is \$148,355 (2,040 burden hours x \$72.72). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

This reflects an increase in burden from the HM-264 final rule.

	<u>Number of Railroads</u>	<u>Number of Routes per Railroad</u>	<u>Number of Routes</u>	<u>Burden Hours/Route</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Class I Railroads	7	8.85	62	120	7,440	\$72.72	\$452,575	\$0.00	\$0
Class II Railroads	32	3.03	97	120	11,640	\$72.72	\$846,499	\$0.00	\$0
Class III Railroads	100	0.51	51	40	2,040	\$72.72	\$148,355	\$0.00	\$0
<b>Total</b>	<b>139</b>		<b>210</b>		<b>21,120</b>		\$1,535,916		<b>\$0</b>

#### Route Selection, Completion of Route Analysis, and Recordkeeping:

Following data compilation, primary route analysis, and alternate route analysis, railroads must select the appropriate route, in accordance with § 172.802(e); complete the route analysis, in accordance with § 172.820(f); and maintain the security plans and accompanying data, in accordance with § 172.820(i). This information is required to be retained in writing and is restricted on a need-to-know basis. PHMSA estimates this burden is 16 hours for each Class I and II Railroad and 8 hours for each Class III Railroad. Therefore, PHMSA estimates 112 total burden hours for Class I Railroads (7 railroads x 16 hours/railroad), 512 hours for Class II Railroads (32 railroads x 16 hours/railroad), and 800 hours for Class III Railroads (100 railroads x 8 hours/railroad). Similar to other rail security plan requirements, PHMSA estimates a salary of \$72.72/hour<sup>14</sup> for this analysis. The estimated salary cost is \$8,145 for Class I Railroads (112 burden hours x \$72.72), \$37,234 for Class II Railroads (512 burden hours x \$72.72), and \$58,179 for Class III Railroads (800 burden hours x \$72.72). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

	<u>Number of Railroads</u>	<u>Burden Hours per Railroad</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Class I Railroads	7	16	112	\$72.72	\$8,145	\$0.00	\$0
Class II Railroads	32	16	512	\$72.72	\$37,234	\$0.00	\$0
Class III Railroads	100	8	800	\$72.72	\$58,179	\$0.00	\$0
<b>Total</b>	<b>139</b>		<b>1,424</b>		\$103,558		<b>\$0</b>

#### Storage, Delays in Transit, and Notification:

In addition to route analysis, rail carriers must ensure that the safety and security plan includes: (1) a procedure to minimize the duration of time that the hazardous material is stored incidental to movement, (2) measures to prevent unauthorized access to the materials during storage or delays in transit, (3) measures to mitigate risk to population centers associated with in-transit storage, (4) measures to be taken in the event of an escalated threat level for materials stored in transit, and (5) procedures for notifying the consignee in the event of a significant delay during transport. PHMSA estimates that this requirement imposes 8 hours of burden for Class I and II

<sup>14</sup> Ibid.

Railroads and 4 burden hours for Class III Railroads. It costs each railroad in salary, \$72.72/hour<sup>15</sup> to complete this information collection. Therefore, this burden totals 56 hours for Class I Railroads (7 railroads x 8 hours/railroad) at \$4,073 (56 burden hours x \$72.72); 256 burden hours for Class II Railroads (32 railroads x 8 hours/railroad) at \$18,617 (256 burden hours x \$72.72); and 400 burden hours for Class III Railroads (100 railroads x 4 hours/railroad) at \$29,089 (400 burden hours x \$72.72). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

	<u>Number of Railroads</u>	<u>Burden Hours per Railroad</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Class I Railroads	7	8	56	\$72.72	\$4,073	\$0.00	\$0
Class II Railroads	32	8	256	\$72.72	\$18,617	\$0.00	\$0
Class III Railroads	100	4	400	\$72.72	\$29,089	\$0.00	\$0
<b>Total</b>	<b>139</b>		<b>712</b>		<b>\$51,779</b>		<b>\$0</b>

Notification of a Consignee in the Event of a Significant Delay:

As required by § 172.820(h)(5), railroads are required to notify consignees within 48 hours of any delay with a revised delivery schedule. This delay compromises the safety or security of the hazardous materials or delays in the shipment beyond normal or planned shipping time. PHMSA estimates Class I and II Railroads notify consignees 12 times per year and that Class III Railroads notify consignees 2 times per year. Each notification requires 30 minutes. Therefore, this information collection requires 6 burden hours for Class I and II Railroads (12 notifications x 0.5 hour/notification) and 1 hour for Class III Railroads (2 notifications x 0.5 hour/notification). At a salary of \$72.72/hour,<sup>16</sup> Class I and II Railroads each spend \$436 for this requirement (6 burden hours x \$72.72) and Class III Railroads spend \$73 (1 burden hour x \$72.72). PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

	<u>Number of Railroads</u>	<u>Number of Routes per Railroad</u>	<u>Number of Notifications</u>	<u>Burden Hours per Notification</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
Class I Railroads	7	1.714	12	0.50	6	\$72.72	\$436	\$0.00	\$0
Class II Railroads	32	0.375	12	0.50	6	\$72.72	\$436	\$0.00	\$0
Class III Railroads	100	0.02	2	0.50	1	\$72.72	\$73	\$0.00	\$0
<b>Total</b>	<b>139</b>		<b>26</b>		<b>13</b>		<b>\$945</b>		<b>\$0</b>

Recordkeeping:

In accordance with §§ 172.802(d) and 172.820(i), each company subject to a security plan must maintain a copy (or an electronic file) at its principal place of business. While not required to be submitted to PHMSA for approval or review, the security plan must be made available upon request, at a reasonable time and location, to an authorized official of the Department of Transportation or the Department of Homeland Security. During each enforcement visit, a PHMSA enforcement official will request a copy of the company's the security plan. Based on

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

historical data, PHMSA estimates that each year, 100 companies subject to security plan requirements are inspected and required to provide a copy of its security plan. For these recordkeeping efforts, PMHSA estimates it takes approximately 0.008 hours (30 seconds) to provide each security plan at a salary of \$25.59/hour.<sup>17</sup> Therefore, the total burden hours for the inspection is 1 burden hours (100 companies x 0.008 hours/response) and a total salary cost of \$21 (1 burden hour x \$25.59). This recordkeeping requirement is inclusive for the large and small business requirements, including the additional railroad routing requirements. PHMSA estimates there is no out-of-pocket expenses for offerors and carriers.

<u>Number of Companies</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
<b>100</b>	0.008	<b>1</b>	\$25.59	\$21	\$0.00	<b>\$0</b>

13. Estimate of total annual costs to respondents.

The total annual cost to respondents is \$0. See Q.12 (“Estimate of burden hours for information requested”) for calculation justification and explanation that there are no out-of-pocket costs.

14. Estimate of cost to the Federal government.

There is no cost to the Federal government.

15. Explanation of program changes or adjustments.

This information collection request reflects an increase in responses, burden hours and salary cost. The increase stems from a final rule published on July 24, 2020, titled “Hazardous Materials: Liquefied Natural Gas by Rail” [HM-264; 85 FR 44994], which included a requirement for expanded security plan requirements when liquefied natural gas is transported by rail. Specifically, this increase is to two information collections as an additional hazardous material commodity is subject to routing requirements.

16. Publication of results of data collection.

There is no publication for statistical use.

17. Approval for not displaying the expiration date of OMB approval.

This information collection OMB Control number is prominently displayed in 49 CFR 171.6 as “Control Numbers under the Paperwork Reduction Act.”

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<sup>17</sup> Ibid.

18. Exceptions to certification statement.

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