Department of Transportation Office of the Chief Information Officer Supporting Statement

Cargo Tank Specification Requirements OMB Control No. 2137-0014

(Expiration Date: July 31, 2021)

Introduction

This is to request approval from the Office of Management and Budget (OMB) for a three-year extension for the information collection titled, "Cargo Tank Specification Requirements," under OMB Control No. 2137-0014, currently due to expire on July 31, 2021. This information collection addresses the burden associated with the provisions for cargo tanks under various provisions within the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The information collection resulted from a January 29, 1981, final rule [46 FR 9880; HM-167], titled "Intermodal Portable Tanks," which required an owner or manufacturer of an intermodal portable tank to apply for an approval. This request includes a non-substantive change in the burden hour estimate following a review of this information collection.

Part A. Justification.

1. Circumstances that make collection of information necessary

This is a request for an extension OMB Control No. 2137-0014 for reporting and recordkeeping requirements pertaining to the manufacture, certification, inspection, repair, maintenance, and requalification of Department of Transportation (DOT) specification cargo tank motor vehicles. The Pipeline and Hazardous Materials Safety Administration (PHMSA) has also adjusted the existing burden under this information collection following internal review to better estimate the amount of information collected.

Reporting and recordkeeping requirements contained in this request have been determined by PHMSA to be essential. The HMR prescribe requirements for the operation, maintenance, repair, and re-qualification of all DOT specification cargo tanks to decrease the probability and number of hazardous material releases due to an accident or tank failure. These requirements are based on ongoing research, petitions for rulemaking, and incident reports on the release of hazardous materials related to cargo tank motor vehicle transportation.

Cargo tank manufacturing, registration, and qualification and maintenance requirements are found in Part 178, Subpart J, Part 180, Subpart E, and Part 107, Subpart F, respectively. Manufacturers, assemblers, repairers, requalifiers, motor carriers, and operators of DOT specification cargo motor vehicles are subject to these reporting and recordkeeping requirements.

Rulemaking and current regulatory authority is from the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*).

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

Registration statements. Cargo tank manufacturers, repairers, and assemblers must register with the DOT and furnish information relevant to their qualifications to perform specified functions in accordance with the HMR. These registration statements are used by DOT, and state, and local agencies, as well as other interested parties to identify persons engaged in the manufacture, assembly, certification, inspection, and repair of cargo tanks or cargo tank motor vehicles. A copy of the registration must be retained at the registrants' place of business. The registration is used by DOT to verify that these persons are qualified to perform the specified functions and to monitor their compliance with the HMR. When a modification of the registration statement is required, the registration holder must submit the change to PHMSA within 30 days of the change.

<u>Design certificates</u>. Design certificates verify that a cargo tank design type meets the requirements of the applicable specification. They are issued to a cargo tank manufacturer or repairer and ensure that the cargo tank is prepared by a design certifying engineer. The approved paperwork (including sketches, drawings, and calculations) must be retained by the manufacturer or repairer. These certificates are necessary for cargo tank owners and enforcement personnel to verify that a cargo tank design meets the applicable specification. At a reasonable time and location, a copy of the design certificate may be requested by an approved entity of the DOT.

Manufacturer's data reports or certificate and related papers. These reports are used to ensure that DOT 406, 407 and 412 specification cargo tank motor vehicles conform to the requirements of the applicable specification contained in §§ 178.345, 178.346, 178.347 and 178.348, respectively. These records are prepared by cargo tank manufacturers and copies are provided to the cargo tank purchaser. These documents must be provided upon request by approved entities of the DOT at a reasonable time and location.

Requalification test and inspection reports. To ensure the continued integrity of cargo tank motor vehicles, certain periodic tests and inspections must be performed by qualified persons. The following test and inspections must be documented: pressure and leakage test; external and internal visual inspection; lining, tank shell, and head thickness tests; repairs or modifications; and cargo tanks in certain corrosive service. Records of the testing and inspection results are maintained by the cargo tank owner. If the vehicle is sold, these records are furnished to the purchaser. These records are used by owners, motor carriers, and DOT enforcement personnel to determine whether a cargo tank has been properly repaired and maintained in accordance with the HMR. Certain types of cargo tanks, such as the MC 338, are not subject to the requalification testing because these cargo tanks are leak and pressure tested before each trip.

3. Extent of automated information collection

The burden of this information collection has been made as simple as possible. The information is necessary to ensure safe operations and is considered critical in making evaluations and assuring safe transportation of hazardous materials. 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, dependent on the preference of those subject to these requirements and the information collection activity. For example, most cargo tank registrations are submitted electronically.

4. <u>Efforts to identify duplication</u>

This information collection has been in effect for many years and is unique to the HMR. PHMSA has done its due diligence to ensure that these requirements are not duplicated. Furthermore, PHMSA coordinates with its modal partners, such as the Federal Motor Carrier Safety Administration (FMCSA), to ensure that there is no duplication in this information collection.

5. Efforts to minimize the burden on small businesses

Each cargo tank is unique and the information cannot be duplicated. Applicable requirements have been made as general as possible to minimize burdens on affected persons while still providing for the safe transportation of hazardous materials. However, because the safety implications are the same no matter who is offering the hazardous material, PHMSA has determined that safety outweighs a reduction in specific small business burden.

6. Impact of less frequent collection of information.

Due to the hazards involved, if reporting and recordkeeping requirements were collected less frequently, there is a potential for the increased probability of incidents during transportation. A cargo tank which has been improperly constructed, repaired, or maintained may fail to contain its contents in the event of an incident or even in the normal course of transportation. Therefore, the collection requirements have been minimized as much as possible without impacting the safe transportation of hazardous materials.

7. <u>Special circumstances</u>.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. <u>Compliance with 5 CFR 1320.8</u>

PHMSA published a 60-Day Notice and Request for Comments under Docket No. PHMSA-2020-0159 (Notice No. 2021-01) on February 23, 2021 [86 FR 11052]. The notice requested public comment on the renewal of this and 2 other information collections. PHMSA received no comments in response to this notice

On June 2, 2021 PHMSA published a 30-Day Notice and Request for Comments under Docket No. PHMSA-2020-0159 [86 FR 29625; Notice No. 2021-05]. The notice requested public comment on the renewal of this and one other information collection. The third information collection that was included in the 60-day notice received an extension based on changes associated with a December 28, 2020, final rule.

9. Payments or gift to respondents

There is no payment or gift provided to respondents associated with this collection of information.

10. <u>Assurance of confidentiality</u>

None of the data collected contain personally identifiable information (PII) or business confidential information. No guarantees of confidentiality are provided to applicants.

11. <u>Justification for collection of sensitive information</u>

The information collected is not of a sensitive nature.

12. Estimate of burden hours for information requested.

Total Number of Respondents	Total Number of Annual Responses	<u>Total Annual</u> <u>Burden Hours</u>	Total Annual Salary Costs	Total Annual Burden Costs
6,274	178,146	82,345	\$5,642,368	\$0

Registration:

Cargo tank registration is required every 6 years. PHMSA estimates there are 145 cargo tank manufactures who must register, meaning approximately 24 cargo tank manufactures register each year (145 cargo tank manufacturers/6 years). PHMSA estimates there are 195 repair facilities who much register, meaning approximately 33 repair facilities must register each year (195 repair facilities/6 years). Lastly, PHMSA estimates that there are 6,600 design certifying engineers and registered inspectors who must register, meaning 1,110 design certifying engineers

and registered inspectors register each year (6,600 design certifying engineers) and registered inspectors/6 years). It is estimated to take 20 minutes to register for a total of 389 annual burden hours $(1,167 \text{ responses } \times 20 \text{ minutes})$. It is estimated to cost \$68.52\(^1\) per hour in employee salary to complete the registration for an annual salary cost or \$26,647 per year (389 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

Registration - § 107.503	Total Responde nts	Annual Responde nts	Respon se per Carrie r	Annual Respon ses	Minute s per Respon se	Annu al Burd en Hour §	Salar y Cost per Hour	Annu al Salar y Cost	Annu al Burd en Cost
CT							\$68.5		
Manufacturer	145	24	1	24	20	8	2	\$552	\$0
							\$68.5		
Repair Facilities	195	33	1	33	20	11	2	\$742	\$0
Design Cert. Eng. &									
Registered							\$68.5	\$25,3	
Inspectors	6,660	1,110	1	1,110	20	370	2	53	\$0
								\$26,6	
Total	7,000	1,167	3	1,167		389		47	\$0

It is estimated that 10% of registration statements are requested by enforcement officials and designated entities of the DOT for a total of 117 annual responses. Each response is estimated to take 15 minutes, for a total of 29 annual burden hours (117 responses x 15 minutes). At \$68.52 in hourly salary², this information collection is estimated to cost \$2,004 in salary (39 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

		<u>Response</u>	<u>Total</u>	<u>Minutes</u>	<u>Annual</u>	<u>Salary</u>	<u>Annual</u>	<u>Annual</u>
Registration -	<u>Number of</u>	<u>per</u>	<u>Annual</u>	<u>per</u>	<u>Burden</u>	<u>Cost per</u>	<u>Salary</u>	<u>Burden</u>
§ 107.504	<u>Respondents</u>	Registration	Responses	<u>Response</u>	Hours	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Recordkeeping	117	1	117	15	29	\$68.52	\$2,004	\$0

Cargo tank registration must be updated if there is any changes, such as a change in address. PHMSA estimates there are 145 respondents who modify their registration annually. PHMSA estimates is takes approximately 15 minutes to update a registration for approximately 36 burden hours (145 responses x 15 minutes). The salary cost is estimated at \$68.52 per hour³ for a total of \$2,484 salary cost (36 burden hours x \$68.52).

Updating a Cargo Tank	Number of	Response	Number of	Minutes	<u>Annual</u>	Salary	<u>Total</u>	<u>Total</u>	
Registration - § 107.503	Respondents	<u>per</u>	Responses	<u>per</u>	<u>Burden</u>	Cost per	Salary	<u>Burden</u>	

¹ Occupation labor rates based on 2020 Occupational and Employment Statistics Survey (OES) for "Health and Safety Engineers, Except Mining Safety Engineers and Inspectors (17-2111)" https://www.bls.gov/oes/current/oes172111.htm. The hourly mean wage for this occupation (\$46.80) 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).

² Ibid.

³ Ibid.

		<u>Carrier</u>		Response	<u>Hours</u>	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Reporting	145	1	145	15	36	\$68.52	\$2,484	\$0

Design Certificates:

It is estimated that 55 cargo tank prototype designs or design modifications will require a design certificate. PHMSA estimates it takes 2.5 hours to create a design certificate (55 design certificates x 2.5 hours), for a total of 138 annual burden hours. The salary cost is estimated at \$68.52 per hour⁴, for a total of \$9,422 in annual salary cost (138 burden hours x \$68.52). PHMSA estimates there are no out-of-pocket expenses.

		Response		Hours	<u>Annual</u>	<u>Salary</u>	<u>Total</u>	<u>Total</u>
Design Certificates for	Number of	<u>per</u>	Number of	<u>per</u>	<u>Burden</u>	Cost per	<u>Salary</u>	<u>Burden</u>
Prototypes - § 178.320(b)	Respondents	<u>Carrier</u>	Responses	<u>Response</u>	<u>Hours</u>	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Reporting	55	1	55	2.5	138	\$68.52	\$9,422	\$0

PHMSA estimates that the DOT requests copies of 7 design certificates each year. Each request is estimated to take 15 minutes, for a total of 2 annual burden hours (7 responses x 15 minutes). At a salary cost of \$68.52 per hour⁵, PHMSA estimates a total cost of \$120 (2 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

		Response		<u>Minutes</u>	<u>Annual</u>	<u>Salary</u>	<u>Total</u>	<u>Total</u>
Design Certificates for	Number of	<u>per</u>	Number of	<u>per</u>	<u>Burden</u>	Cost per	<u>Salary</u>	<u>Burden</u>
Prototypes - § 178.320(b)	<u>Respondents</u>	<u>Carrier</u>	Responses	<u>Response</u>	<u>Hours</u>	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Recordkeeping	7	1	7	15	2	\$68.52	\$120	\$0

Manufacturer's Data Reports or Certificate and Related Papers:

PHMSA estimates there are 145 respondents that prepare 48 manufacturer's data report or certificates and related papers each year for a total of 6,960 annual responses. PHMSA estimates that it will take approximately 30 minutes to prepare the report, for a total of 3,480 annual burden hours (6,960 responses x 30 minutes). PHMSA estimates \$68.52 per hour in salary cost⁶ for a total of \$238,454 (6,980 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

Manufacturer's Data Reports		Response	Number	Minutes	Annual	<u>Salary</u>	<u>Total</u>	<u>Total</u>
or Certificate and Related	Number of	<u>per</u>	<u>of</u>	<u>per</u>	<u>Burden</u>	Cost per	<u>Salary</u>	<u>Burden</u>
Papers - § 178.345-15	Respondents	<u>Carrier</u>	Responses	Response	Hours	<u>Hour</u>	Cost	<u>Cost</u>
Reporting	145	48	6,960	30	3,480	\$68.52	\$238,454	\$0

PHMSA requires these documents be provided as appropriate to DOT inspectors. PHMSA estimates that 700 of these reports are requested per year. PHMSA estimates it takes 15 minutes

⁵ Ibid.

⁴ Ibid.

⁶ Ibid.

to provide these documents, for a total of 175 annual burden hours (700 responses x 15 minutes). At \$68.52 per hour in salary cost, it is estimated to cost \$11,991 in annual salary cost (175 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

Manufacture's Data								
Reports or Certificate and	Number of	Response	<u>Number</u>	<u>Minutes</u>	<u>Annual</u>	<u>Salary</u>	<u>Total</u>	<u>Total</u>
Related Papers - § 178.345-	Respondent	<u>per</u>	<u>of</u>	<u>per</u>	<u>Burden</u>	Cost per	<u>Salary</u>	<u>Burden</u>
<u>15</u>	<u>s</u>	<u>Carrier</u>	Responses	Response	<u>Hours</u>	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Recordkeeping	700	1	700	15	175	\$68.52	\$11,991	\$0

PHMSA estimates there are 4,785 new cargo tanks and 1,015 remanufactured cargo tanks manufactured each year that require completion of a manufacturer's report. Each data report is estimated to take 30 minutes to complete for a total of 2,393 annual burden hours for new cargo tanks (4,785 new cargo tanks x 30 minutes) and 1,015 annual burden hours for remanufactured cargo tanks (1,015 remanufactured cargo tanks x 30 minutes). It is estimated to cost \$68.52 per hour in salary cost 8 for a total salary cost of \$163,937 for new cargo tanks (2,393 burden hours x \$68.52) and \$34,775 for remanufactured cargo tanks (1,015 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

		Response		<u>Minutes</u>	<u>Annual</u>	<u>Salary</u>	<u>Total</u>	<u>Total</u>
Completion of Manufacturer's	Number of	<u>per</u>	Number of	<u>per</u>	<u>Burden</u>	Cost per	<u>Salary</u>	<u>Burden</u>
Data Report - § 178.337-18	<u>Respondents</u>	<u>Carrier</u>	Responses	Response	Hours	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
New Cargo Tanks	145	33	4,785	30	2,393	\$68.52	\$163,937	\$0
Remanufactured Cargo Tanks	145	7	1,015	30	508	\$68.52	\$34,775	\$0
Total	290		5,800		2,900		\$193,531	\$0

PHMSA estimates that 580 reports will be requested by enforcement personnel annually. Each response is expected to take 15 minutes to complete, for a total of 145 annual burden hours (580 responses x 15 minutes). At a salary cost of \$68.52°, the total salary cost is estimated at \$9,936 (145 burden hours x \$68.52). PHMSA estimates that there are no out-of-pocket expenses.

Completion of		Response		Minutes	<u>Annual</u>	<u>Salary</u>	<u>Total</u>	<u>Total</u>
Manufacturer's Data Report	Number of	per	Number of	<u>per</u>	<u>Burden</u>	Cost per	Salary	<u>Burden</u>
- §§ 178.337-18, 178-337-19	Respondents	<u>Carrier</u>	Responses	Response	Hours	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Recordkeeping	145	4	580	15	145	\$68.52	\$9,936	\$0

PHMSA estimates there are 195 cargo tank facilities that must create a cargo tank repair or modification 77 times per year, for a total of 15,015 annual report. It is estimated that each of these reports takes 5 minutes to complete for a total of 1,251 annual burden hours (15,015 responses x 5 minutes). PHMSA estimates that the hourly salary cost is $$68.52^{10}$ per hour for a total of $85,737$ is salary cost (1,251 burden hours x \$68.52). PHMSA estimates there are no out-of-pocket expenses.

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<u>Cargo Tank</u>	<u>Number of</u>	<u>Response</u>	<u>Number</u>	<u>Minutes</u>	<u>Annual</u>	<u>Salary</u>	<u>Total</u>	<u>Total</u>

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

Repair/Modificatio								
n Reports -		<u>per</u>	<u>of</u>	<u>per</u>	<u>Burden</u>	Cost per	<u>Salary</u>	<u>Burden</u>
<u>§ 180.417</u>	Respondents	<u>Carrier</u>	Responses	Response	Hours	<u>Hour</u>	<u>Cost</u>	<u>Cost</u>
Reporting	195	77	15,015	5	1,251	\$68.52	\$85,737	\$0

Test and Inspection Reports:

PHMSA estimates there are approximately 123,000 cargo tank motor vehicles. PHMSA estimates that approximately 20% of the cargo tanks are annually visually inspected, for a total of 24,600 cargo tanks (123,000 cargo tanks x 20%), while all cargo tanks are externally visually inspected. PHMSA estimates it takes 30 minutes to generate the report after the test for a total of 12,300 annual burden hours for visual inspections (24,600 cargo tanks x 30 minutes) and 61,500 annual burden hours for external visual inspections (123,000 cargo tanks x 30 minutes). At \$68.52 per hour in salary costs, 11 PHMSA estimates a total of \$842,810 in salary cost for visual inspections (12,300 burden hours x \$68.52) and \$4,214,051 in salary cost for external visual inspections (61,500 burden hours x \$68.52). PHMSA does not estimate any out-of-pocket expenses.

Testing and Inspection of Cargo Tanks - § 180.407(d)	Cargo Tank Owners	Avg. Number of Cargo Tanks in Fleet	Total Number of Cargo Tanks	Percentage of Cargo Tanks Tested Annually	Number of Cargo Tanks Tested	Minutes per Response	Annual Burden Hours	Salary Cost per Hour	Total Salary Cost	Total Burden Cost
Visual										
Inspections	1,654	74	123,000	20%	24,600	30	12,300	\$68.52	\$842,810	\$0
External Visual										
Inspections	1.654	74	123,000	100%	123,000	30	61,500	\$68.52	\$4,214,051	\$0
Total					147,600		73,800		\$5,5056,862	\$0

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

Cargo tank registration statements are reviewed by the Federal Government. On average, there are 1,167 submission per year. Each review takes 30 minutes, for a total of 583 annual hours (1,167 registration x 30 minutes). Review by a GS-13 in Washington, D.C. is approximately \$72.74¹² per hour, for a total cost of \$42,430 to the Federal Government.

¹¹ Ibid.

¹² Based on the 2021 salary table (h.pdf) the hourly mean wage for a GS-13 in 2021 is \$49.68. The hourly salary 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).

Number of			Salary Cost	Total Salary	
<u>Submissions</u>	<u>Registration</u>	<u>Hours</u>	<u>per Hour</u>	<u>Cost</u>	
1,167	30	583	\$72.74	\$42,430	

In addition, FMCSA conducts approximately 120,000 inspections per year on cargo tanks, where they request information associated with this OMB Control Number. Each inspection takes approximately 45 minutes, for a total of 90,000 hours (120,000 inspections x 45 minutes). At a salary of \$72.74 per hour¹³ this collection costs \$6,546,413 cost to the Federal Government.

Number of	Minutes per	Annual	Salary Cost	<u>Total Salary</u>
Inspections	Inspections	Hours	per Hour	<u>Cost</u>
120,000	45	90,000	\$72.74	\$6,546,413

15. Explanation of program changes or adjustments

There have been adjustments made to this collection, based on PHMSA's and FMCSA's evaluation of current data collection to more accurately reflect the burdens associated with these information collections.

16. Publication of results of data collection

A list of facilities that report information in this information collection can be found on the FMCSA website (http://mcmis.volpe.dot.gov/mcs150t/pkg ct public.prc ct public search). No other information collection reporting requirements are posted or published by the Federal Government. There are no statistical techniques involved in this information collection.

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."

18. Exceptions to certification statement

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

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¹³ Ibid.