DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2017–0018 (Notice No. 2017–01)]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on 11 information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget.

DATES: Interested persons are invited to submit comments on or before June 20, 2017.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2017–0018 (Notice No. 2017–01) by any of the following methods:

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.
• Fax: 1–202–493–2251.
• Mail: Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.

PHMSA requests comments on the following 11 information collections:


OMB Control Number: 2137–0612.

Summary: To assure public safety, shippers and carriers must take reasonable measures to plan and implement procedures to prevent unauthorized persons from taking control of, or attacking, hazardous materials shipments. Part 172 of the HMR requires persons who offer or transport certain hazardous materials to develop and implement written plans to enhance the security of hazardous materials shipments. The security plan requirements as prescribed in §172.800(b) apply to specific types of shipments. Such shipments include but are not limited to: Shipment greater than 3,000 kg (6,614 pounds) for solids or 3,000 liters (792 gallons) for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container; any quantity of a Division 1.1, 1.2, or 1.3 material; a large bulk quantity of a Division 2.1 material; or any quantity of a poison-by-inhalation material. A security plan will enable shippers and carriers to reduce the possibility that a hazardous materials shipment will be used as a weapon of opportunity by a terrorist or criminal.

Affected Public: Shippers and carriers of hazardous materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 54,999.
Total Annual Responses: 54,999.
Total Annual Burden Hours: 427,719.
Frequency of Collection: On occasion.

2. Title: Rulemaking, Special Permits, and Preemption Requirements.

OMB Control Number: 2137–0051.

Summary: This collection of information applies to procedures for requesting changes, exceptions, and other determinations in relation to the HMR. Specific areas covered in this
information collection include part 105, subparts A and B, "Hazardous Materials Program Definitions and General Procedures"; part 106, subpart B, "Participating in the Rulemaking Process"; part 107, subpart B, "Special Permits"; and part 107, subpart C, "Preemption." The Federal hazardous materials transportation law directs the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in commerce. PHMSA is authorized to accept petitions for rulemaking and appeals, as well as applications for special permits, preemption determinations, and waivers of preemption. The types of information collected include:

(1) Petitions for Rulemaking: Any person may petition PHMSA to add, amend, or delete a regulation in parts 110, 130, 171 through 180, or may petition the Office of the Chief Counsel to add, amend, or delete a regulation in parts 105, 106, or 107. Petitions submitted to PHMSA are required to contain information as required by §106.100 of the HMR.

(2) Appeals: Except as provided in §106.40(e), any person may submit an appeal to our actions in accordance with the Appeals procedures found in §§106.110 through 106.130.

(3) Applications for Special Permit: Any person applying for a special permit must include the citation of the specific regulation from which the applicant seeks relief, specification of the proposed mode or modes of transportation; detailed description of the proposed special permit (e.g., alternative packaging, test, procedure, or activity), including as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents, etc.

(4) Applications for Preemption Determination: With the exception of highway routing matters covered under 49 U.S.C. 5125(c), any person directly affected by any requirement of a State, political subdivision, or Indian tribe may apply to the Chief Counsel for a determination whether that requirement is preempted by §107.202(a), (b), or (c). The application must include the text of the State, political subdivision, or Indian tribe requirement for which the determination is sought; specify each requirement of the Federal hazardous materials transportation law, regulations issued under the Federal hazardous material transportation law, or hazardous material transportation security regulations or directives issued by the Secretary of Homeland Security with which the applicant seeks the State, political subdivision, or Indian tribe requirement to be compared;

explain why the applicant believes the State, political subdivision, or Indian tribe requirement should or should not be preempted under the standards of §107.202; and state how the applicant is affected by the State, political subdivision, or Indian tribe requirement.

(5) Waivers of Preemption: With the exception of requirements preempted under 49 U.S.C. 5125(c), any person may apply to the Chief Counsel for a waiver of preemption with respect to any requirement that: (1) The State, political subdivision thereof, or Indian tribe acknowledges to be preempted under the Federal hazardous materials transportation law, or (2) has been determined by a court of competent jurisdiction to be so preempted. The Chief Counsel may waive preemption with respect to such requirement upon a determination that such requirement affords an equal or greater level of protection to the public than is afforded by the requirements of the Federal hazardous materials transportation law or the regulations issued thereunder, and does not unreasonably burden commerce.

The information collected under these application procedures is used in the review process by PHMSA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for special permits, preemption determinations, and waivers of preemption to the HMR. The procedures governing these petitions for rulemaking and for reconsideration of rulemakings are covered in subpart B of part 106. Applications for special permits, preemption, determinations, and waivers of preemption are covered under subparts B and C of part 107. Rulemaking procedures enable PHMSA to determine if a rule change is necessary, is consistent with public interest, and maintains a level of safety equal to or superior to that of current regulations. Special permit procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by the HMR. Preemption procedures provide information for PHMSA to determine whether a requirement of a State, political subdivision, or Indian tribe is preempted under 49 U.S.C. 5125, or regulations issued thereunder, or whether a waiver of preemption should be issued.

Affected Public: Shippers, carriers, packaging manufacturers, and other affected entities.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 3,304
Total Annual Responses: 4,294
Total Annual Burden Hours: 4,899
Frequency of Collection: On occasion

Title: Requirements for United Nations (UN) Cylinders.

OMB Control Number: 2137–0621.

Summary: This information collection and recordkeeping burden is the result of efforts to amend the HMR to adopt standards for the design, construction, maintenance, and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transport of Dangerous Goods. Aligning the HMR with the UN Recommendations promotes flexibility, permits the use of technological advances for the manufacture of the pressure receptacles, provides for a broader selection of pressure receptacles, reduces the need for special permits, and facilitates international commerce in the transportation of compressed gases. Information collection requirements address domestic and international manufacturers of cylinders that request approval by the approval agency for cylinder design type. The approval process for each cylinder design type includes review, filing, and recordkeeping of the approval application. The approval agency is required to maintain a set of the approved drawings and calculations for each design it reviews and a copy of each initial design type approval certificate approved by the Associate Administrator for not less than 20 years.

Affected Public: Fillers, owners, users, and retesters of UN cylinders.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 50
Total Annual Responses: 150
Total Annual Burden Hours: 900
Frequency of Collection: On occasion

Title: Response Plans for Shipments of Oil.

OMB Control Number: 2137–0591.

Summary: In recent years, several major oil discharges damaged the marine environment of the United States. Under authority of the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990, PHMSA issued regulations in 49 CFR part 130 that require preparation of written spill response plans.

Affected Public: Carriers that transport oil in bulk, by motor vehicle or rail.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 8,000
Total Annual Responses: 8,000
On occasion

Frequency of Collection: On occasion

5. Title: Cargo Tank Specification Requirements.

OMB Control Number: 2137–0014.

Summary: This information collection consolidates and describes the information collection provisions in parts 107, 178, and 180 of the HMR involving the manufacture, qualification, maintenance, and use of all specification cargo tank motor vehicles. It also includes the information collection and recordkeeping requirements for persons who are engaged in the manufacture, assembly, requalification, and maintenance of DOT specification cargo tank motor vehicles. The types of information collected include:

(1) Registration Statements: Cargo tank manufacturers and repairers, as well as cargo tank motor vehicle assemblers, are required to be registered with DOT and must furnish information relative to their qualifications to perform the functions in accordance with the HMR. DOT uses the registration statements to identify these persons to ensure they possess the knowledge and skills necessary to perform the required functions and that they are performing the specified functions in accordance with the applicable regulations.

(2) Requalification and Maintenance Reports: These reports are prepared by persons who requalify or maintain cargo tanks. This information is used by cargo tank owners, operators and users, and DOT compliance personnel to verify that the cargo tanks are requalified, maintained, and in proper condition for the transportation of hazardous materials.

(3) Manufacturers’ Data Reports, Certificates, and Related Papers: These reports are prepared by cargo tank manufacturers and certifiers. They are used by cargo tank owners, operators, users, and DOT compliance personnel to verify that a cargo tank motor vehicle was designed and constructed to meet all requirements of the applicable specification.

Affected Public: Manufacturers, assemblers, repairers, requalifiers, certifiers, and owners of cargo tanks.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 41,366
Total Annual Responses: 132,600
Total Annual Burden Hours: 101,507
Frequency of Collection: On occasion

6. Title: Container Certification Statements.

OMB Control Number: 2137–0582.

Summary: Shippers of explosives, in freight containers or transport vehicles by vessel, are required to certify on shipping documentation that the freight container or transport vehicle meets minimal structural serviceability requirements. This requirement is intended to ensure an adequate level of safety for transport of explosives aboard vessel and consistency with similar requirements in international standards.

Affected Public: Shippers of explosives in freight containers or transport vehicles by vessel.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 650
Total Annual Responses: 890,000
Total Annual Burden Hours: 14,908
Frequency of Collection: On occasion

7. Title: Testing Requirements for Non-Bulk Packaging.

OMB Control Number: 2137–0572

Summary: This information collection consolidates and describes the information provisions in parts 173 and 180 of the HMR on the testing requirements for non-bulk packagings. This OMB control number covers performance-oriented packaging standards and allows packaging manufacturers and shippers more flexibility in selecting more economical packagings for their products. This information collection also allows customizing the design of packagings to better suit the transportation environment that they will encounter and encourages technological innovations, decreases packaging costs, and significantly reduces the need for special permits.

Affected Public: Each non-bulk packaging manufacturer that tests packagings to ensure compliance with the HMR.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 5,000
Total Annual Responses: 15,500
Total Annual Burden Hours: 32,500
Frequency of Collection: On occasion

8. Title: Testing, Inspection, and Marking Requirements for Cylinders.

OMB Control Number: 2137–0022

Summary: Requirements in § 173.301 for qualification, maintenance, and use of cylinders require that cylinders be periodically inspected and retested to ensure continuing compliance with packaging standards. Information collection requirements address registration of retesters and marking of cylinders by retesters with their identification number and retest date following the completion of required tests. Records showing the results of inspections and retests must be kept by the cylinder owner or designated agent until expiration of the retest period or until the cylinder is re-inspected or restested, whichever occurs first. These requirements are intended to ensure that retesters have the qualifications to perform tests and identify to cylinder fillers and users that cylinders are qualified for continuing use.

Information collection requirements in § 173.303 require that fillers of acetylene cylinders keep, for at least 30 days, a daily record of the representative pressure to which cylinders are filled.

Affected Public: Fillers, owners, users, and retesters of reusable cylinders.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 139,352
Total Annual Responses: 153,287
Total Annual Burden Hours: 171,462
Frequency of Collection: On occasion

9. Title: Flammable Cryogenic Liquids.

OMB Control Number: 2137–0542

Summary: Provisions in § 177.840(a)(2) specify certain safety procedures and documentation requirements for drivers of motor vehicles transporting flammable cryogenic liquids. This information allows the driver to take appropriate remedial actions to prevent a catastrophic release of the flammable cryogens should the temperature of the material begin to rise excessively or if the travel time will exceed the safe travel time. These requirements are intended to ensure a high level of safety when transporting flammable cryogens due to their extreme flammability and high compression ratio when in a liquid state.

Affected Public: Carriers of cryogenic materials.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 65
Total Annual Responses: 18,200
Total Annual Burden Hours: 1,213
Frequency of Collection: On occasion

10. Title: Approval for Hazardous Materials

OMB Control Number: 2137–0557

Summary: Without these requirements there is no means to: (1) Determine whether applicants who apply to become designated approval agencies are qualified to evaluate package design, test packages, classify hazardous materials, etc.; (2) verify that various containers and special loading requirements for vessels meet the requirements of the HMR; and (3) assure that regulated hazardous materials pose no danger to life and property during transportation.

There are several approval provisions contained in the HMR and associated procedural regulations. Responses to
these collections of information are required to obtain benefits, such as becoming an approval or certification agency, or to obtain a variance from packaging or handling requirements based on information provided by the respondent. These benefits and variances involve areas, for example, such as UN third-party certification; authorization to examine and test lighters; authorization to examine and test explosives; and authorization to requalify DOT cylinders.

Affected Public: Business and other entities who must meet the approval requirements in the HMR.

Annual Reporting and Recordkeeping Burden:
Number of Respondents: 10,723
Total Annual Responses: 11,074
Total Annual Burden Hours: 28,270
Frequency of Collection: On occasion

11. Title: Rail Carrier and Tank Car
Tanks Requirements. Rail Tank Car
Tanks—Transportation of Hazardous
Materials by Rail.

OMB Control Number: 2137–0559

Summary: This information collection consolidates and describes the
information provisions in parts 172, 173, 174, 179, and 180 of the HMR on
the transportation of hazardous materials by rail and the manufacture,
qualification, maintenance, and use of tank cars. The types of information
collected include:

(1) Approvals of the Association of
American Railroads (AAR) Tank Car
Committee: An approval is required
from the AAR Tank Car Committee for
a tank car to be used for a commodity
other than those specified in part 173
and on the certificate of construction.
This information is used to ascertain
whether a commodity is suitable for
transportation in a tank car. AAR
approval is also required for an
application for approval of designs,
materials and construction, conversion
or alteration of tank car tanks
constructed to a specification in part
179, or an application for construction
of tank cars to any new specification.
This information is used to ensure that
the design, construction, or
modification of a tank car or the
construction of a tank car to a new
specification is performed in accordance
with the applicable requirements.

(2) Progress Reports: Each owner of a
tank car that is required to be modified
to meet certain requirements specified
in § 173.31 must submit a progress
report to the Federal Railroad
Administration (FRA). FRA uses this
information to ensure that all affected
tank cars are modified before the
regulatory compliance date.

(3) FRA Approvals: An approval is
required from FRA to transport a bulk
packaging (such as a portable tank, IM
portable tank, intermediate bulk
carrier, cargo tank, or multi-unit tank
or tank car) containing a hazardous
material in container-on-flat-car or
trailer-on-flat-car service other than as
authorized by § 174.63. FRA uses this
information to ensure that the bulk
package is properly secured using an
adequate restraint system during
transportation. An FRA approval is also
required for the movement of any tank
that does not conform to the
applicable requirements in the HMR.
These latter movements are currently
being reported under the information
collection for special permit
applications.

(4) Manufacturer Reports and
Certificate of Construction: These
documents are prepared by tank car
manufacturers and used by owners,
users, and FRA personnel to verify that
tank car tanks conform to the applicable
specification.

(5) Quality Assurance Program:
Facilities that build, repair, and ensure
the structural integrity of tank cars are
required to develop and implement a
quality assurance program. This
information is used by the facility
and DOT compliance personnel to ensure
that each tank car is constructed or
repaired in accordance with the
applicable requirements.

(6) Inspection Reports: A written
report must be prepared and retained for
each tank car that is inspected and
tested in accordance with § 180.509 of
the HMR. Rail carriers, users, and FRA
use this information to ensure that rail
tank cars are properly maintained and
in safe condition for transporting
hazardous materials.

Affected Public: Manufacturers,
owners, and rail carriers of tank.

Annual Reporting and Recordkeeping
Burden:
Number of Respondents: 266
Total Annual Responses: 17,685
Total Annual Burden Hours: 2,834
Frequency of Collection: Annually

Issued in Washington, DC, on April 17,
2017.

William S. Schoonover,
Associate Administrator of Hazard Materials
Safety, Pipeline and Hazardous Materials
Safety Administration.

FOR FURTHER INFORMATION CONTACT:
For information regarding the application
from the Local 805 Pension Fund, please
contact Treasury at (202) 622–1534.

SUPPLEMENTARY INFORMATION: The
Multiemployer Pension Reform Act of
2014 (MPRA) amended the Internal
DEPARTMENT OF THE TREASURY
Multiemployer Pension Plan
Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Board of Trustees of the Teamsters Local 805 Pension and Retirement Fund (Local 805 Pension Fund), a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014. The purpose of this notice is to announce that the application submitted by the Board of Trustees of the Local 805 Pension Fund has been published on the Treasury Web site, and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and

Contributing employers of the Local 805 Pension Fund.

DATES: Comments must be received by
June 5, 2017.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at http://www.regulations.gov, in accordance with the instructions on that site. Electronic submissions through www.regulations.gov are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW., Room 1224, Washington, DC 20220. Attn: Eric Berger. Comments sent via facsimile and email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on www.regulations.gov upon request. Comments posted on the Internet can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Local 805 Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).