

# **INFORMATION COLLECTION SUPPORTING STATEMENT**

## **Critical Facility Information of the Top 100 Most Critical Pipelines**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. (Annotate the CFR parts/sections affected).**

Section 1557 (b) of the Implementing the Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53 (121 Stat. 266, 475, 08/03/2007) (9/11 Act), specifically tasks TSA to develop and implement a plan for inspecting certain critical facilities of the 100 most critical pipeline systems. One significant criterion used to determine the top 100 most critical pipeline systems is the quantity of hazardous liquid or natural gas product that is transported through a pipeline in one year (annual through-put). Using annual through-put data from trade journals, TSA has selected the top 125 pipeline systems. TSA is requesting annual whole system product through-put and a listing of critical facilities information from these top 125 pipeline systems, in order to ensure that our selection of the top 100 for inspection reflects the most recent throughput data and is as accurate as possible.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

TSA will be the sole user of this information. TSA will use annual product through-put values as a significant factor in determining the most critical systems. The lists of a system's critical facilities and amplifying information are determined by the individual pipeline system owners or operators for their respective systems through their own site assessment process, and are needed by TSA in order to develop a plan for TSA to inspect these sites.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden. [Effective 03/22/01, your response must SPECIFICALLY reference the Government Paperwork Elimination Act (GPEA), which addresses electronic filing and recordkeeping, and what you are doing to adhere to it. You must explain how you will provide a fully electronic reporting option by October 2003, or an explanation of why this is not practicable.]**

Both the request for information sent by TSA and the responses from subject pipeline system owners or operators will be conducted electronically via electronic mail.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

TSA has direct knowledge that critical facility information is tightly guarded by individual owners or operators and to date has not been requested by, or provided to, any outside entity. TSA must collect and evaluate this information from the owners and operators of pipeline systems in order to fulfill the 9/11 Act mandate to inspect the critical facilities of the top 100 pipeline systems.

The annual through-put values are reported to the Federal Energy Regulatory Commission (FERC) and, in some cases, to various industry trade journals. Although TSA uses trade journal through-put values to roughly estimate the top pipeline systems, direct reports of through-put from the pipeline system owners or operators is necessary in order to validate the published information and ensure that the most accurate figures are used in the process. Further, the information on through-put collected by FERC is not always reported in a manner consistent with that needed by TSA. In many instances, this information may be reported to FERC using pipeline business units or segments based on transportation tariff collected, rather than the annual whole system throughput, and is not useful for TSA's purposes.

- 5. If the collection of information has a significant impact on a substantial number of small businesses or other small entities (Item 5 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.**

There will be no impact on pipeline owner or operator companies that could be considered small businesses. This information request targets the largest (top 125) systems. None of the owners or operators of these pipeline systems or their parent companies could be categorized as small businesses. They are large petroleum or natural gas product companies, identified as such in trade journals. In addition, as reflected in Item 12, the burden of providing the requested information is minimal.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Without this information, TSA could not adequately determine the top 100 most critical systems. Additionally, without the collection of each system's critical facility information, TSA could not create a site inspection plan. Consequently, TSA would not be able to meet the mandated requirements, and hence, would fail to comply with the 9/11 Commission Act of 2007, Pub.L. 110-53, sec. 1557(b).

- 7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).**

There are no special collection circumstances.

- 8. Describe efforts to consult persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Through the Corporate Security Review (CSR) program, TSA visits pipeline companies in an effort to understand the pipeline transportation domain and the state of security at individual companies. To date, approximately 70 of these CSRs have been conducted. As part of the CSR process, TSA requests a copy of the company's corporate security plan and information on its pipeline's critical facilities. Some companies are hesitant in providing information on critical facilities. Although a large majority of companies have complied with our request, some have only allowed verbal description of their critical facilities. Furthermore, with the passage of time, much of the information on critical facilities has become outdated or invalid. Therefore, TSA has no alternative but to collect and use the most current and complete information on critical facilities and annual system through-put in order to meet the mandates of the 9/11 Act. The Federal Register 60 Day Notice 73 FR 20700 was published on April 16, 2008, TSA received no comments.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

To the extent that the information provided by owners or operators is Security Sensitive Information (SSI), it will be protected in accordance with procedures meeting the transmission, handling and storage requirements set forth in 49 CFR parts 15 and 1520.

- 11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of sensitive nature.

- 12. Provide estimates of hour burden of the collection of information.**

TSA is requesting information from only 125 systems, and the information is readily available within the companies. System through-put is a figure already determined and

frequently used by pipeline companies for various business, financial, and operations performance purposes. Per guidance set forth in the “Pipeline Security Circular September 4, 2002” (2002 Guidelines) issued by the U.S. Department of Transportation’s Pipeline and Hazardous Material Safety Administration (PHMSA), formerly the Office of Pipeline Safety, pipeline companies determined critical facilities in accordance with guidance provided in that circular by December 31, 2003. Therefore, very little additional burden will be incurred by the pipeline companies in determining or developing this information. The burden to owners or operators lies only in compiling, reviewing, and transmitting the existing information to TSA. TSA will request the information from the top 125 pipeline systems. TSA estimates that system owners and operators would spend a maximum of four hours per system to collect, review, and submit the information to TSA. Thus, TSA estimates the total annual burden to the public would be (125 owner or operators) x (4 hours per owner or operator) = 500 total hours per year.

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.**

TSA is not imposing any record keeping requirements. Also, there is no additional cost incurred by the pipeline system owners or operators since they already produce this information. The added cost in expended hours would lie solely in retrieving the information and sending it to TSA. Given the minimal amount of time that TSA estimates that system owners and operators will spend collecting information, TSA estimates the cost for this time expenditure is negligible.

**14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, and other expenses that would not have been incurred without this collection of information.**

No additional costs would have been incurred.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

There are no program changes or adjustments because this is a new collection.

**16. For collections of information for which results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The results of this collection of information will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

TSA is not seeking such approval.

**18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.**

TSA is not seeking any exceptions.