

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

**Supporting Statement**

**Record keeping Requirements for Excess Flow Valves – Customer Notification  
OMB Control No. 2137-0593**

**INTRODUCTION**

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection entitled, "Record keeping Requirements for Excess Flow Valves – Customer Notification" (OMB Control No. 2137-0593, which is currently due to expire on November 30, 2008.

**Part A. Justification.**

1. Circumstances that make collection of information necessary.

The mandate in 49 U.S.C. 60110(c) requires the Secretary of Transportation to prescribe regulations requiring operators to notify customers in writing about EFV availability, the safety benefits derived from installation, and costs associated with installation. The regulations are to provide that, except where installation is already required by law, the operator will install an EFV that meets prescribed performance criteria at the customer's request, if the customer pays all costs associated with installation, maintenance, and replacement.

Excavation activities often sever gas service lines causing loss of life, injury, or property damage by fire or explosion despite the prevalence of one-call damage prevention programs. The National Transportation Safety Board (NTSB) has recommended excess flow valves (EFVs) as a means to mitigate the consequences of service line incidents. EFVs restrict the flow of gas by closing automatically when a service line is severed, thus mitigating the consequences. The Office of Pipeline Safety (OPS) is continuing to examine costs, benefits, and other factors relevant to deciding whether operators should be required to install EFVs as NTSB recommends.

Meanwhile, in response to a statutory mandate, OPS established 49 CFR 192.383, "Excess flow valve customer notification." This requirement specifies that before operators install or replace certain gas service lines, they must notify customers in writing that excess flow valves are available for installation if the customer agrees to pay for the related expenses. Operators also must keep records that include the notice currently in use and evidence that notices were sent during the previous 3 years.

Notifications giving customers information on EFVs may encourage the increased use of EFVs and lead to a reduction in fatalities, injuries, and property damage that can result from excavation-related incidents on gas service lines.

This information collection request supports DOT's safety performance goal of reducing total incidents for gas and hazardous liquid pipelines which directly supports the DOT's safety strategic objective of enhancing public health and safety by working toward the elimination of transportation-related deaths and injuries.

This information collection supports the DOT strategic goal of safety by reducing the number of fatalities, injuries, and amount of property damage.

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

Notices will be used by customers to decide if they would like to have EFVs installed at their expense on new or replaced service lines. Records will be reviewed by OPS and State agencies to investigate operators' compliance with the notification rule.

3. Extent of automated information collection.

Operators are free to use any means at their disposal to send customers written notices and keep records. They may use the latest information technology to reduce the additional burden. The operators do not submit any information to OPS but keep records that include a copy of the notice. Records will be reviewed by OPS and State agencies to investigate operators' compliance with the notification requirement. There are no legal obstacles to reducing the burden if the operators choose to keep record electronically.

4. Efforts to identify duplication.

No similar information.

5. Efforts to minimize the burden on small businesses.

Some trade associations as well as manufacturers of EFVs are assisting small operators in developing notices.

6. Impact of less frequent collection of information.

The notice only goes to customers once.

7. Special circumstances.

None of these circumstances exist in this collection.

8. Compliance with 5 CFR 1320.8.

The 60-day Federal Register Notice was published on May 22, 2008 (73 FR 29846). One comment was received from the American Public Gas Association (APGA). APGA suggests that the notification specified in this information collection would no longer be

required once PHMSA enacts a regulation in response to the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (PIPES Act). The PIPES Act requires PHMSA to issue rules requiring operators to install EFVs after June 1, 2008 in every case where § 192.383 would apply. Since the PHMSA regulation initiating this change has not been finalized, this information collection must be renewed. Once the regulation is finalized, PHMSA will take the appropriate actions to withdraw this information collection. The 30-day Federal Register Notice was published on September 10, 2008 (73 FR 52722).

9. Payments or gifts to respondents.

Not applicable.

10. Assurance of confidentiality.

No confidentiality is provided.

11. Justification for collection of sensitive information.

The information requested is not sensitive in nature.

12. Estimate of burden hours for information requested.

There are 1,540 gas distribution operators that would be subject to this rule.

The notification is only one page. The copying cost of this notice is estimated to be approximately \$0.10 per notice. Additionally, the mailing cost is approximately \$0.34 per notice. This notice is sent to approximately 900,000 customers annually. The material cost of the mailing is approximately \$38,000 annually ( $(\$0.10 + \$0.34) * 900,000 = \$396,000$ ). The labor cost to prepare and mail each notice is anticipated to take approximately 1 minute of a clerk who makes approximately \$20 per hour (including benefits) and cost \$300,000 ( $900,000 * \$20 * 1/60 = \$300,000$ ). The total cost of mailing is approximately \$696,000 ( $\$396,000 + 300,000 = \$696,000$ ). The labor time to mail the notice is approximately 15,000 burden hours ( $900,000 * 1/60 = 15,000$ ).

It is assumed that an estimated 10 percent of the customers receiving the notice will make a telephone inquiry. This will result in 90,000 telephone inquiries annually ( $900,000 * .1$ ). Each of these telephone calls last approximately 2 minutes, the total time annually spent on telephone inquiry will be 3,000 hours ( $90,000 * 1/30 = 3,000$ ). Telephone operators earn approximately \$40 (including benefits) an hour the annual cost of telephone inquiries is \$300,000 ( $3,000 * \$40 = \$120,000$ ). The annual cost of this rulemaking is estimated at \$816,000 ( $\$696,000 + \$120,000 = \$816,000$ ).

Given the recordkeeping requirements in §§ 192.16(d) and 192.383(e):

§ 192.16(d) "Each operator must make the following records available for inspection by the Administrator or a State agency participating under 49 U.S.C. 60105 or 60106:

(1) A copy of the notice currently in use; and

(2) Evidence that notices have been sent to customers within the previous 3 years."

§ 192.383(e) "*What records are required.* (1) An operator must make the following records available for inspection by the Administrator or a State agency participating under 49 U.S.C. 60105 or 60106:

(i) A copy of the notice currently in use; and

(ii) Evidence that notice has been sent to the service line customers set forth in paragraph (b) of this section, within the previous three years.

There is minimal additional hour of cost burden due to the recordkeeping. Therefore, the annual burden hour estimate is 18,000 (15,000 hours for mailing + 3,000 hours of telephone response time) or 11.7 hours per operator.

13. Estimate of total annual costs to respondents.

There are no additional costs beyond the paperwork expenses stated under item 12 above.

14. Estimate of cost to the Federal government.

Costs to the Federal Government are minimal. Reviewing operators' records to ensure that the notice contains the appropriate material and is being sent out as required is done during routine operator inspections and takes very little time.

15. Explanation of program changes or adjustments.

There is no change in burden due to the renewal of this information collection.

16. Publication of results of data collection.

The information will not be published for statistical purposes.

17. Approval for not explaining the expiration date for OMB approval.

OPS is not seeking such approval.

18. Exceptions to certification statement:

There is no exception.

Part B. Collections of Information Employing Statistical Methods.

This information collection does not employ statistical methods.

1. Describe potential respondent universe and any sampling selection method to be used.

There is no potential respondent universe or any sampling selection method being used.

2. Describe procedures for collecting information, including statistical methodology for stratification and sample selection, estimation procedures, degree of accuracy needed, and less than annual periodic data cycles.

There are no procedures for collecting information, including statistical methodology for stratification and sample selection, estimation procedures, degree of accuracy needed, and less than annual periodic data cycles.

3. Describe methods to maximize response rate.

There are no methods to maximize the response rate.

4. Describe tests of procedures or methods.

There are no tests of procedures or methods.

5. Provide name and telephone number of individuals who were consulted on statistical aspects of the information collection and who will actually collect and/or analyze the information.

There were no individuals consulted on statistical aspects of this information collection.