

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

Supporting Statement

Gas and Hazardous Liquid Pipeline Safety Program Certifications

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) approval to revise the information collection entitled, "Gas and Hazardous Liquid Pipeline Safety Program Certifications" under OMB Control No. 2137-0584. The revision will primarily incorporate an information collection tool that is used by the respondents. This information collection is currently due to expire on January 30, 2012.

Part A. Justification.

1. Circumstances that make collection of information necessary.

Chapter 601, Title 49, United States Code (49 U.S.C.) authorizes the U.S. Department of Transportation (DOT) to regulate pipeline transportation. While DOT is primarily responsible for developing, issuing, and enforcing minimum pipeline safety regulations, Chapter 601, 49 U.S.C., provides for state assumption of all or part of the regulatory and enforcement responsibility for intrastate pipelines.

Section 60105 of 49 U.S.C. sets forth specific requirements a state must meet to qualify for certification status to assume regulatory and enforcement responsibility for intrastate pipelines, i.e., state adoption of minimum federal safety standards, state inspection of pipeline operators to determine compliance with the standards, and state provision for enforcement sanctions substantially the same as those authorized by Chapter 601, 49 U.S.C. A participating state must annually submit a Section 60105(a) Gas Pipeline Safety Program Certification and/or a Hazardous Liquid Pipeline Safety Program Certification to the Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety (OPS) signifying compliance with the terms of the certification.

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

The information provided by a state annually on the certification/agreement instruments is used by OPS for the following purposes:

- o As confirmation that the state wishes to continue to participate in the pipeline safety program for another year.

- o As a source of information for preparation and submission of the Annual Report on Pipeline Safety due to Congress August 15 each year as mandated in Chapter 601, 49 U.S.C. These sections require that the annual report include a compilation of the certifications/agreements in effect during the year, along with information on the number and qualifications of state pipeline safety inspectors, pipeline accidents, research activities, judicial actions, and information dissemination efforts.
- o As a measure of state program performance that can be used to calculate the state grant allocation each year. (The certification/agreement attachments are used primarily to determine the State agency's compliance with program requirements (e.g., extent of jurisdiction, inspector qualifications, number of inspectors, number of inspection person-days, adoption of applicable Federal regulations and attendance at Federal/State meetings). A State agency's performance is the major factor considered in allocating grant-in-aid funds each year.)
- o As a means of demonstrating to Congress the value of the cooperative Federal/state pipeline safety program and of justifying the appropriation of funds for pipeline safety grants.

If this information were not collected on the certification/agreement instruments, there would be no way of systematically knowing if a state intends to continue its participation in the pipeline safety program. Additionally, a major source of information for preparation of the annual report to Congress would not be available. Information indicating state program performance for calculating state grant allocations would be limited. And finally, there would be no readily available basis for estimating appropriation levels for grant funding.

3. Extent of automated information collection.

OPS continues to seek greater use of computer technology to reduce the burden on the states.

4. Efforts to identify duplication.

There is no other similar information available.

5. Efforts to minimize the burden on small businesses.

This area is not applicable.

6. Impact of less frequent collection of information.

Information used to calculate the annual state grant allocations would not be timely or accurate, possibly resulting in an inequitable distribution of funds.

7. Special circumstances.

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

8. Compliance with 5 CFR 1320.8.

A 60-Day Notice requesting comments was published in the Federal Register on October 15, 2009 [74 FR 52996]. PHMSA received comments on the proposed revisions to the information collection from Carolinas AGC, Florida Public Service Commission, and the National Association of Pipeline Safety Representatives (NAPSR). Each of these entities expressed concerns regarding changes to the performance factors (questions with points) or the weights of each factor (score) in the overall scoring of the certification part of the grant allocation formula for the pipeline safety grant program. PHMSA is not making any changes to these areas. PHMSA does not see any reason to revise performance factors/scoring which have been in place for several years.

A 30-Day Notice requesting comments was published in the Federal Register on April 7, 2010 [75 FR 17825]. The comment period has not ended.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

The recordkeeping requirements of this information collection do not include anything of a sensitive nature or of any matters considered private. Therefore, we do not foresee any need to assure confidentiality of the information to be collected.

11. Justification for collection of sensitive information.

The recordkeeping requirements of this information collection do not involve questions of a sensitive nature.

12. Estimate of burden hours for information requested.

An estimate of the burden for the collection of information on the certificates follows:

(1) Gas Pipeline Safety Program Certification/Agreement (w/attachments):

51 respondents x 58.5 hours = 2,983.5 hours.

(2) Hazardous Liquid Pipeline Safety Program Certification/Agreement (w/attachments):

16 respondents x 58.5 hours = 936 hours.

2,983.5 + 936 = 3,819 or approximately 3,920 total burden hours.

3,920 burden hours x an average hourly wage of \$30.00/hr = \$117,600.00 total burden costs.

13. Estimate of total annual costs to respondents.

There is no cost burden to respondents except those identified in item 12 above.

14. Estimate of cost to the Federal Government.

Time preparing certification/agreement statements and attachments:

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30 hrs x \$40/hr = \$1,200.00.

Time spent reviewing state submissions for accuracy and completeness:

4 hrs x \$100/hr = \$400.00

Time spent extracting information from certification/agreement attachments for use in allocation grants:

60 hrs x \$40/hr = \$2,400.00.

Total Estimate of Annualized Federal Cost: \$4,000.00.

15. Explanation of program changes or adjustments.

PHMSA is revising this information collection to incorporate the information collection tools that are used by the respondents. The tools are known as the certification statements which includes a number of “attachments”. These tools were used under the previously approved collection period but were not specifically included as “information collection tools”. The burden hour increase is a result of the addition of questions within Attachment 10 of the Certification statement. The added questions focus on damage prevention and result in a burden increase of an estimated 1.49 hours/respondent which adds a total of approximately 100 hours (67.5 respondents * 1.49 hrs) to the information collection.

16. Publication of results of data collection.

The information will not be published for statistical purposes.

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

OPS is not seeking approval to not display the expiration date.

18. Exceptions to certification statement.

There are no exceptions.

ATTACHMENTS:

There are no attachments.

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.