

**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) renewed three-year approved clearance for the information collection entitled, "Gas and Hazardous Liquid Pipeline Safety Program Certifications" under OMB Control No. 2137-0584. This information collection is currently due to expire on July 31, 2014.

**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.

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.

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:

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

States are required to complete the application for certification via FedSTAR - an online tool. All applications must be certified by signature prior to submission. Although PHMSA is capable of receiving digital signatures, not all states delegate signature authority to the person completing the application. PHMSA estimates that 10 respondents will completely submit electronically.

4. Efforts to identify duplication.

OPS is not aware of any other entity or effort to collect this information.

5. Efforts to minimize the burden on small businesses.

Because this information collection applies only to states and not individual businesses, this question is not applicable.

6. Impact of less frequent collection of information.

If this information was collected less frequently, 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.

An NPRM was published on April 2, 2012 [77 FR 19800] No comments were received.

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.

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.

(3) Excavation Damage Recordkeeping Requirement:

Of the aforementioned states PHMSA estimates 51 will take approximately 12 hours to compile and maintain records associated with the damage prevention recordkeeping requirement resulting in a total burden of 612 hours (12 hours \* 51 respondents.)

$2,983.5 + 936 + 612 = 4,531.5$  or approximately 4,532 total burden hours.

$4,532$  burden hours x an average hourly wage of  $\$30.00/\text{hr} = \$135,960.00$  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.

The cost to run the program (including preparation, reviewing state submissions for accuracy and completeness; extracting information from certification/agreement attachments for use in allocation grants and post-reporting analysis) is  $\$51,750$ .

The cost to maintain the FedSTAR system (updates, modifications, repairs, etc.) is  $\$15,000$ .

Total Estimate of Annualized Federal Cost:  $\$66,750$ . ( $\$51,750 + \$15,000$ )

15. Explanation of program changes or adjustments.

On April 2, 2012, PHMSA published a Notice of Proposed Rulemaking [77 FR 19800] seeking to revise the Pipeline Safety Regulations to establish criteria and procedures for determining the adequacy of state pipeline excavation damage prevention law enforcement programs. Currently, a state must submit an annual certification to assume responsibility for regulating intrastate pipelines, and certain records must be maintained to demonstrate that the state is ensuring satisfactory compliance with the pipeline safety regulations. PHMSA uses that information to evaluate a state's eligibility for Federal grants.

As a result of this proposed rule, PHMSA will require states who receive Federal grant funding to have adequate damage prevention plans in place. These plans may be reviewed during scheduled inspections. PHMSA understands that retaining this information will result in an additional recordkeeping burden. The currently approved collection accounts for an overall burden of 3,920 hours. As a result of this program change, PHMSA estimates an additional 612 hours will be added to that burden for an overall burden of 4,532 hours.

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

There is no exception.