

Department of Transportation  
Office of the Chief Information Officer

Supporting Statement

Pipeline Safety: Response Plans for Onshore Oil Pipelines  
OMB Control No. 2137-0589  
Docket No. PHMSA-2018-0047

INTRODUCTION

The Pipeline and Hazardous Materials Safety Administration (PHMSA) requests approval from the Office of Management and Budget (OMB) for an extension and amendment of a currently approved collection entitled “Response Plans for Onshore Oil Pipelines” (OMB Control No. 2137-0589). The current expiration date for this information collection is June 30, 2022. The amendment of this information collection is necessary due to the following PHMSA action that will affect the current collection of information:

**Docket No. PHMSA-2018-0047 - Pipeline Safety: Regulatory Reform for Hazardous Liquid**

**Pipelines**

- Eliminates 3,564 burden hours for recordkeeping activities.

**Part A. Justification.**

1. Circumstances that make collection of information necessary.

This information collection request (ICR) pertains to the Department of Transportation's regulation in 49 CFR Part 194, titled “Response Plans for Onshore Oil Pipelines”. The requirements in Part 194 apply to the response planning relative transportation-related onshore oil pipelines, as mandated by the Oil Pollution Act of 1990 (OPA 90). The information collection activities contained in the requirements are intended to enhance private sector planning capabilities to minimize the impact of oil spills from pipelines.

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

The information is primarily used by operators to be prepared for emergency situations involving oil spills. This information collection is also used by PHMSA to determine if an operator is in compliance with the requirements in 49 CFR Part 194.

3. Extent of automated information collection.

The information required for a response plan is unique to each facility and may not be amenable to the use of electronic collection technology (*e.g.*, on-line submission of response plans). For example, the length and content of plans and the electronic software involved in the development of the response plans are expected to vary considerably depending on the geographic range, geographic location, and complexity of each facility. The use of automated information collection technologies would not address this set of issues and would not likely decrease burden on regulated facilities. There are no legal obstacles to reducing the burden if the operators choose to develop and send report electronically.

4. Efforts to identify duplication.

While initial plan development likely requires significant collection of “new” (*i.e.*, not readily available) data specific to each facility, certain operators may be required to provide similar information under additional regulations. For example, EPA's Oil Pollution Prevention regulation (also known as the Spill Prevention, Control, and Countermeasure (SPCC) program), requires planning capabilities for onshore non-transportation-related facilities that have the potential to discharge oil into the navigable waters or adjoining shorelines of the U.S. and meet certain storage capacity thresholds. Similarly, under OPA 90 the U.S. Coast Guard (USCG) requires facilities with pipelines in proximity to navigable waters to prepare plans detailing the ability to respond to spills into these waters. USCG also requires response plans for marine transportation-related facilities that could accidentally discharge oil into navigable waters.

Some facilities have both transportation- and non-transportation-related components (*e.g.*, pipelines and storage tanks) and many pipeline facilities are located near navigable waters. In these cases, facilities may be subject to either or both of the USCG and EPA regulations in addition to the DOT regulations under 49 CFR 194. While each of the regulations addresses a unique component or aspect of a facility, certain information provided by the facilities will be common to all response planning requirements.

5. Efforts to minimize the effects on small business.

No special efforts have been made to minimize the burden to small businesses.

6. Impact of less frequent collection of information.

Section 4202(a)(6) of OPA 90 requires facilities to update the response plan periodically and resubmit plans for approval with each significant change in operations. Under 49 CFR 194.121, pipeline operators are required to conduct a review of the response plan at least once every five years and submit changes to OPS. DOT has determined that requiring companies to review and update their response plans less frequently than once every five years would not support our efforts to ensure that facilities have an up-to-date plan at all times. For example, contact lists of

spill response personnel may require revision every year and possibly more frequently. Moreover, because the majority of information collection activities are related to initial preparation of the response plan, reducing the frequency of the information collection activities in subsequent years would have only a modest impact on the total burden.

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.

PHMSA issued a Notice of Proposed Rulemaking (NPRM) on March XX, 2020 (85 FR XXXX). The comment period ends 60 Days from the date OIRA receives this information collection.

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.

PHMSA doesn't have the authority to guarantee confidentiality.

11. Justification for collection of sensitive information.

Not applicable.

12. Estimate of burden hours for information requested.

**540 responses/ 70,416 burden hours**

Based on prior research and experience in collecting this information over the years, PHMSA has estimated that it takes operators an average of 137 hours to comply with the request of this data collection. During a recent review of the program, PHMSA determined that there are 540 active response plans for impacted facilities. PHMSA estimates the current burden of this collection to be 73,980 hours.

While the proposed rule would not reduce the number of required plan submissions, it would streamline some of the plan requirements, thereby reducing the burden hours per response. PHMSA expects the time to comply with this requirement to decrease from 137 hours per plan to 130.4 hours per plan – a decrease of 6.6 hours per operator. The proposed rule would reduce burden hours associated with justifying harm categories or preparing duplicate federal facility response plans in addition to state mandated response plans. PHMSA expects the **overall**

**burden on operators to be reduced by 3,564 hours.**

It should be noted that in some cases a single pipeline operator owns more than one regulated facility. The paperwork requirements under 49 CFR Part 194 consist of the initial preparation and submission of the response plan, submission of plan revisions to DOT on a five-year basis and as changes in operations occur, and annual recordkeeping activities.

As a result of the proposed changes, PHMSA estimates **540 annual responses and 70, 416 annual burden hours** for this information collection.

13. Estimate of total annual costs to respondents.

PHMSA expects the requested tasks to be completed by a senior engineer whose fully-loaded hourly cost (i.e., salary plus overhead) is estimated to be \$64.75. At this rate, PHMSA estimates the total annual cost to respondents will be \$4,790,205{64.75X x 73,980 hours/3years}. There are no additional costs beyond the labor cost cited above.

14. Estimate of cost to the Federal Government.

PHMSA does not anticipate any additional costs as a result of this collection of information.

15. Explanation of program changes or adjustments.

Under the Pipeline Safety: Regulatory Reform for Hazardous Liquid Pipelines proposed rulemaking, PHMSA proposes to streamline some of the plan requirements, thereby reducing the burden hours per response. The proposed revisions are intended to reduce burden hours associated with justifying harm categories or preparing duplicate federal facility response plans in addition to state mandated response plans. While the proposed rule would not reduce the number of required plan submissions, it would streamline some of the plan requirements, thereby reducing the burden hours per response. The proposed rule would reduce burden hours associated with justifying harm categories or preparing duplicate federal facility response plans in addition to state mandated response plans. Eliminating the expectation to submit paper copies of facility response plans will reduce reporting costs but not paperwork burden hours.

16. Publication of results of data collection.

The information will not be published.

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

Not applicable.

18. Exceptions to certification statement.

Not applicable.