

Supporting Statement – Part A

Proposed Emergency Survey to Supplement the EIA-805 Weekly Bulk Terminal Report in PADD 1 (East Coast) and PADD 3 (Gulf Coast)

OMB No. XXXX - XXXX

Introduction

The U.S. Energy Information Administration (EIA) is the statistical and analytical agency within the Department of Energy (DOE). EIA's mission is to collect, analyze, and disseminate independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment. EIA is the Nation's premier source of energy information and, by law, its data, analyses, and forecasts are independent of approval by any other officer or employee of the United States Government. EIA conducts a relevant, reliable, and timely data collection program that covers the full spectrum of energy sources, end uses, and energy flows; generates short- and long-term domestic and international energy projections; and performs informative energy analyses. EIA communicates its statistical and analytical products primarily through its website and customer contact center.

To meet this obligation, EIA's Office of Energy Production, Conversion & Delivery (EPCD) conducts surveys that collect information about petroleum supply activities from entities along the supply chain for crude oil and petroleum products. EIA requests that the Office of Management and Budget (OMB) approve a mandatory proposed emergency survey to assess stocks at terminal blenders as supply chains continue to be impacted by the lingering effects of the cyberattack which had halted fuel movement on the Colonial petroleum pipeline, primarily in the Lower Atlantic (PADD 1C), but also impacting the Central Atlantic (PADD 1B) and Gulf Coast (PADD 3). Colonial Pipeline, a major delivery system spanning from the U.S. Gulf Coast to the East Coast for transportation fuels and other refined petroleum products, halted operations from May 7 – May 12, to contain the effects of a cyberattack.

If approved, data collection could begin as soon as June 8, 2021, and would be conducted an additional one day per week for up to 98 days for PADD 1 and PADD 3, dependent on the lingering impacts of the colonial pipeline cybersecurity event and consumer demand. EIA would collect data from terminal blenders in PADD 1 and PADD 3, using the existing samples from Form EIA-805, "Weekly Bulk Terminal Report". There are 767 respondents in the EIA-805 weekly sample, but this request would affect only the 404 respondents in PADD 1 and PADD 3. On or before September 6th, 2021, EIA would reassess fuel supply chain disruptions caused by the lingering effects of the cyberattack on the Colonial petroleum pipeline and determine if it is necessary to collect data for an additional period of time and send a supplemental request to OMB. If EIA finds that less frequent data collection satisfies the need for information about the recovery of crude oil and petroleum products supply along the supply chain, we would reduce the frequency of data collection.

SECTION A.

1. Legal Justification

The authority for this mandatory information collection is provided by the following general provisions:

- Title 15 U.S. Code §772, which established the mandatory requirement of owners and operators of businesses in the U.S. to report energy supply and consumption data to the EIA Administrator.
- Title 15 U.S. Code §764, which established the EIA Administrator's powers to plan, direct, and conduct mandatory and voluntary energy programs that are designed and implemented in a fair and efficient manner. These powers include duties to collect, evaluate, assemble, and analyze energy information on U.S. reserves, production, demand, and related economic data, while obtaining the cooperation of business, labor, consumer, and other interests.
- Title 15 U.S. Code §790a, which established the National Energy Information System (NEIS) that is the enclave containing the energy data collected by EIA, which allows EIA to describe and analyze energy supply and consumption in the U.S. NEIS allows EIA to perform statistical and forecasting activities to meet the needs of the U.S. Department of Energy and Congress, as well as the needs of the States to the extent required by the Natural Gas Act [Title 15 U.S. Code §717 et seq.] and the Federal Power Act [Title 16 U.S. Code §791a et seq.].

Authority for this information collection is supported by the following additional provision(s) specific to this information collection:

- Title 42 U.S. Code §6274, which established the joint powers of the Secretary of Energy and the Secretary of State to work together to transmit data collected on the U.S. energy industry to the International Energy Agency, subject to limitations on the disclosure of identifiable information.

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.

There is precedent for EIA conducting approved emergency fuel surveys on a daily basis during supply chain or distribution interruptions directly caused by emergencies or the lingering effects of emergencies. For example, the EIA-878 survey provided daily estimates from April 29, 1996, through August 2, 1996, to Congress, Federal officials, and the transportation industry in order to monitor rapid price increases at both regional and national levels. During the 1991 Iraq war, the data were used by Congress and Federal officials to monitor the retail price of gasoline on a daily basis. After Hurricane Sandy in 2012, the EIA-878 and EIA-888 were used to evaluate the availability of gasoline and diesel in the New York City metropolitan area. In addition, the New York State Energy

Research Development Authority used the EIA-878 retail gasoline price estimates for New York State to monitor supply conditions and price levels in the State.

An example of previous uses for emergency fuel survey data collection include:

https://www.eia.gov/special/disruptions/archive/hurricane/sandy/gasoline_updates.php

Upon receipt of the data from the proposed emergency survey, EIA would publish the aggregate statistics for crude oil and petroleum products for PADD 1 (including the sub-PADDs 1a (New England), 1b (Central Atlantic), 1c (Lower Atlantic)) and PADD 3 (Gulf Coast). The Secretary of Energy routinely uses data produced by the EIA-805 to monitor crude oil and petroleum products supply on the data in her reports to the Congress and the White House. EIA would conduct this collection to better inform the government and public as it relates to the effects on supply as an outgrowth of the cyberattack which had halted fuel movement on the Colonial petroleum pipeline.

- 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.**

In an effort to reduce respondent burden and to provide for timelier processing of filings, EIA offers multiple modes of data collection. Automated reporting of the data is accepted, provided such reports are prepared and transmitted to EIA in the same format as the data collection form. Data are submitted by the Internet using secure file transfer, the PC Electronic Data Reporting Option (PEDRO), by email when submitting PDF forms only, and by facsimile.

EIA encourages its survey respondents to transmit data using the Secure File Transfer System of a Microsoft Excel® spreadsheet through the Internet. The Secure File Transfer System encrypts (scrambles) the spreadsheet data into a code that is not readable to anyone without the key to decipher the code. The secure hypertext transfer protocol (HTTPS) is a communications protocol designed to transfer encrypted information between computers over the Internet.

As part of data collection enhancements, EIA is introducing Electronic Data Extraction System (EDES) on some of these surveys. This technology will allow electronic extraction of the information submitted via Excel spreadsheets. EDES will reduce manual data entry and keying errors; therefore, reducing program costs, reporting burden, and non-sampling errors.

- 4. Describe efforts to identify duplication.**

Comparable data for selected petroleum balance components are produced by other organizations, but EIA is the only source of complete volumetric balance data required to estimate demand for petroleum products. There is no other known source of data to replace what is collected on the EIA-805.

To minimize duplication with the existing EIA-805, this proposed emergency survey will not be fielded during the normal weekly data collection of that survey.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Minimizing burden to small businesses is a primary concern to EIA. Alternative modes of data collection seek to reduce respondent burden. For example, some respondents provide data which can be uploaded, and thus reducing the need for data entry. EIA uses the cut-off sampling method to minimize reporting burden on the weekly surveys. The use of PEDRO or the Internet by respondents reduces reporting burden by eliminating paperwork and reducing the need for follow-up calls and resubmissions of the forms. EIA staff members are available during normal business hours to provide assistance by telephone.

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.

Colonial Pipeline, a major delivery system spanning from the U.S. Gulf Coast to the East Coast for transportation fuels and other refined petroleum products, halted operations from May 7 – May 12, to contain the effects of a cyberattack. This proposed emergency survey is necessary to measure fuel supplies to enhance situational awareness that can help inform decision making and continue to actively monitor the state supply; necessary to communicate across relevant state agencies to discuss status and any actions needed at state or local level; and necessary to share information with the public about the nature, severity, and duration of the lingering impacts on fuel supply to maintain rumor control and avoid actions that may exacerbate the situation (e.g., panic buying, price gouging, and hoarding.) Even after the pipeline resumed operation, fuel supply has been volatile for weeks due to the lagging effects of the supply disruptions on the retail markets. Because of the uncertainty of the nature of this volatility, EIA has determined that the collection of information on a twice weekly basis is required to adequately monitor the lingering impacts of this emergency on these markets. In addition, this information is needed to inform potential policy decisions to increase supply distribution, such as the “hours of service” regulations found in [49 CFR 395](#).

If this proposed emergency survey is not conducted twice per week, then these statistics will continue to be published only on a weekly basis. As a result, data from terminal blenders for the days in between collections will not be available to inform the federal government, state government and the public for as many as 10 days after a change has occurred. This would lead to a lack of timely data necessary for policymakers to monitor supplies in the affected region and inform their decisions for weeks after the pipeline resumes operation.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner requiring respondents to report information to the agency more often than quarterly;

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If this proposed emergency survey is not conducted twice per week, then these statistics will continue to be published only on a weekly basis. As a result, data from terminal blenders for the days in between collections will not be available to inform the federal government, state government and the public for as many as 10 days after a change has occurred. This would lead to a lack of timely data necessary for policymakers to monitor supplies in the affected region and inform their decisions for weeks after the pipeline resumes operation.

8. 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

This is an emergency survey request and there is currently no Federal Register Notice.

9. Explain any decision to provide any payment or gift to respondents.

EIA will not provide any payments or gifts to respondents.

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

The data collected in the EIA-805 are used by EIA for statistical purposes, however the information may be made available, upon request, to other federal agencies authorized by

law to receive such information for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

PROVISIONS REGARDING CONFIDENTIALITY OF INFORMATION

“The information reported on the EIA-805 will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552(b), the Department of Energy (DOE) regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the EIA to provide company-specific data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another DOE component; to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

Disclosure limitation procedures are not applied to the statistical data published from this survey's information. Thus, there may be some statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to estimate the information reported by a specific respondent. Company specific data are also provided to other DOE offices for the purpose of examining specific petroleum operations in the context of emergency response planning and actual emergencies.”

11. Provide additional justification for any questions of a sensitive nature.

No questions of a sensitive nature are anticipated in this proposed emergency data collection.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

Selected terminal blenders would consist of those currently in the EIA-805 sample that are located in PADD 1 and PADD 3.

The total burden is estimated to be 9,696 hours, i.e., 1.6 hours per terminal blender times 15 days times 404 terminal blenders. The estimated total additional cost to respondents for the burden hours is estimated to be \$791,678 dollars, i.e., 9,696 hours times \$81.65 per hour. (The average loaded salary plus benefits for an EIA employee is \$81.65 per hour). In fact, the actual burden to respondents may be less as this information is already reported on the existing EIA-805; and, because no data collection is necessary once supplies have stabilized to normal levels in PADD 1 and PADD 3.

Table 1.

Number of Terminal Blenders	Burden Hours	Frequency	Duration	Total Burden Hours
404	1.6 hours	One additional day per week	15 weeks	9,696

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

There are no capital/startup or ongoing operation/maintenance costs associated with this proposed emergency data collection as the information requested already matches existing record keeping practices of the respondents that report on the EIA-805.

14. Provide estimates of annualized cost to the Federal government; provide a description of the method used to estimate cost which should include quantification of hours, operational expenses (equipment, overhead, printing, and staff), and any other expense that would not have been incurred without this collection of information.

The estimated cost to the federal government to conduct this emergency survey is \$200,000.

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

This is a new collection request.

16. For collections of information whose 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.

Upon receipt of these data, EIA would publish on its website the aggregate statistics for crude oil and petroleum products for PADD 1 (including the sub-PADDs 1a (New England), 1b (Central Atlantic), 1c (Lower Atlantic)) and PADD 3 (Gulf Coast). The Secretary of Energy routinely uses data produced by the EIA-805 to monitor crude oil and petroleum products supply on the data in her reports to the Congress and the White House. EIA would conduct this collection to better inform the government and public as it relates to the effects on supply as an outgrowth of the cyberattack which had halted fuel movement on the Colonial petroleum pipeline.

- 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.**

EIA will display the expiration date for OMB approval on the information collection instrument(s).

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

No exceptions to the Certification Statement should be required. If so, OMB approval will be requested in advance of conducting the survey.