Department of Transportation
Office of the Chief Information Officer

Supporting Statement

Gas Pipeline Safety Program Performance Progress Report and Hazardous Liquid Pipeline Safety Program Performance Progress Report

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) three-year approval of the information collection "Gas Pipeline Safety Program Performance Progress Report and Hazardous Liquid Pipeline Safety Program Performance Progress Report" under OMB Control No. 2137-0584. PHMSA requests an extension, without change, to the currently approved collection. The current approval expires on 3/31/2022.

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.   <u>How, by whom, and for what purpose is the information used.</u>

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.   <u>Extent of automated information collection.</u>

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.   <u>Efforts to identify duplication.</u>

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.

PHMSA published a 60 Day Notice in the Federal Register on December 15, 2021 (86 FR 71317). PHMSA received no comments in response to this information collection request.

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 does not have the authority to grant confidentiality.

11.   Justification for collection of sensitive information.

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

12.   Estimate of burden hours for information requested.

Estimated Annual Burden: 117 responses and 4,473 burden hours.

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 currently receives annual certification reports from 51 gas pipeline programs and 15 hazardous liquid pipeline programs. PHMSA expects each program's submission to take approximately 58.5 hours to complete. This brings the total reporting burden to 66 (51+15) responses and 3,861 (66*58.5) hours.

PHMSA requires states who receive Federal grant funding to have adequate damage prevention plans in place. In addition to the burden for completing the annual progress report, PHMSA estimates 51 programs will take approximately 12 hours to compile and maintain records associated with damage prevention recordkeeping requirements resulting in a burden of 612 hours (12 hours * 51 respondents.)

The total overall burden associated with this collection is 117 responses (66 reporting +51 recordkeeping) and 4,473 hours (3,861 currently approved+612 recordkeeping)

13.   Estimate of total annual costs to respondents.

There is no additional cost to respondents to comply with the new recordkeeping requirements.

14.   Estimate of cost to the Federal Government.

There is no additional cost to the Federal government associated with this recordkeeping requirement.

15.   Explanation of program changes or adjustments.

There are no program changes affecting this information collection request.

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.