**DEPARTMENT OF TRANSPORTATION**

**OFFICE OF THE CHIEF INFORMATION OFFICER**

**SUPPORTING STATEMENT**

**“Incident Reports for Natural Gas Pipeline Operators”**

**OMB Control No. 2137-0635**

**Docket No. PHMSA-2021-0039**

**RIN 2137-AF51**

Introduction

The Pipeline and Hazardous Materials Safety Administration (PHMSA) requests approval from the Office of Management and Budget (OMB) for the revision of a currently approved information collection entitled “Incident Reports for Natural Gas Pipeline Operators” under OMB Control No. 2137-0635. The current expiration date for this information collection is October 31, 2024.

The revision of this information collection is necessary due to the following PHMSA action that will affect the current collection of information.

Pipeline Safety: Gas Leak Detection and Repair Proposed Rule:

* Requires gas pipeline operators to report intentional and unintentional releases of gas with a volume of 1 MMCF or greater.
* Adds 593 responses and 7,116 hours to the estimated burden for this information collection for reporting activities.

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Part A. Justification

1. Circumstances that make the collection of information necessary.

The reports contained within this information collection support the Department of Transportation’s strategic goal of safety. Gas pipeline releases can cause human injuries, fatalities, economic losses, and environmental damage. Rapid reporting, detailed incident reports, and annual summary reports all help to inform PHMSA and the public of release incident risks and trends. The National Transportation Safety Board (NTSB), the U.S. Department of Transportation’s Office of the Inspector General, and the General Accounting Office all urged PHMSA to collect this information. The information is an essential part of PHMSA’s overall effort to minimize natural gas transmission, gathering, and distribution pipeline failures.

The requirements for reporting incidents are in 49 CFR Part 191. The PHMSA delegation of authority is found in 49 CFR 1.97 which allows for PHMSA to exercise the authority vested in the Secretary in under Chapter 601 of title 49, U.S.C. The specific legislative authority cites for the requirements in 49 CFR Part 191 include49 U.S.C. 60102, 60103, 60104, 60108, 60117, 60118, 60124 and the recently revised 60139.

1. How, by whom, and for what purpose is the information to be used.

PHMSA uses this information to gather incident and failure information from gas pipeline operators, which includes operators of both gas distribution and gas transmission pipelines, and operators of liquefied natural gas facilities. These operators are required to provide immediate notification, in accordance with § 191.5, following pipeline incidents as defined in § 191.3. PHMSA uses these immediate notifications to address ongoing safety issues related to an incident.

In addition, PHMSA requires gas pipeline operators to submit incident reports anytime an event occurs that meets the definition of a reportable incident in accordance with § 191.3. These incident reports enable PHMSA to identify and evaluate existing and potential pipeline safety problems and perform safety trend analyses. The information is also essential for FERC reporting compliance.

The incident reports are identified as follows:

Gas Distribution Incident Report

Gas Transmission Incident Report

LNG Incident Report

Type R Reporting-Regulated Gas Gathering Incident Report

The information from incident reports are used for identifying existing or potential pipeline safety problems, to develop statistical and data/safety reports, and to develop benefit-cost analyses pertaining to pipeline safety.

1. Extent of automated information collection.

PHMSA requires operators to submit all required reports electronically with an exception for those operators to whom electronic submissions would pose an undue burden and hardship. PHMSA estimates that approximately 95% of submissions are completed electronically. Pipeline operators are encouraged to file the incident reports on-line at www. phmsa.dot.gov.

1. Efforts to identify duplication.

PHMSA is the only federal agency that collects information related to distribution pipeline failures. No similar information is requested by the government or industry on distribution pipeline failures that occur between the point-of-sale to a distribution company and a customer’s meter.

The information collection on gas transmission and gathering pipelines is extremely limited in terms of scope and population of gas pipeline operators covered. The Department of Interior (DOI) collects information that is in some ways similar to that collected by PHMSA, but the information DOI collects does not cover all gas transmission or gathering pipelines.

1. Efforts to minimize the burden on small businesses.

For PHMSA to be able to effectively carry out its legislative mandate and monitor natural gas pipeline safety, it is essential that both large and small operators of pipelines provide incident and annual reports. For those operators to whom electronic submissions would pose an undue burden and hardship, PHMSA allows alternative options for submission.

1. Impact of less frequent collection of information.

Incident Reporting: PHMSA would not be able to assess the rate and locations of incidents to the gas distribution/transmission and gathering pipelines without this information collection.

1. Special Circumstances.

There are no special circumstances within this request.

1. Compliance with 5 CFR 1320.8(d).

On May 18, 2023, PHMSA published a Noticed of Proposed Rulemaking (88 FR 31890) to seek public comments on the proposed data collection.

On May 5, 2021, PHMSA held a two-day virtual Pipeline Leak Detection, Leak Repair and Methane Emission Reductions public meeting to engage stakeholders on gas pipeline leak detection and repair issues as an important step in fulfilling the requirements of Sections 113 and 114 of the PIPES Act of 2020 ("Act"). During the meeting, stakeholders —including environmental and public safety groups, Federal and state governments, and the pipeline industry shared perspectives on improving gas pipeline leak detection and repair. Topics discussed included the scope of the current problem, as well as advanced technologies and practices to address methane emissions from natural gas pipeline systems.

Additionally, PHMSA maintains an “open-door” policy with its stakeholders where continual engagement on ways to improve pipeline safety are routine. In this vein, PHMSA participates in various discussions where updates on this information collection are provided. PHMSA includes updates on this information collection in its regulatory updates presentation that is used to update stakeholders on the status of pending actions. PHMSA takes all feedback received into consideration in the proposed adjustments.

1. Payment or gifts to respondents.

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

1. Assurance of confidentiality.

PHMSA does not have the authority to guarantee confidentiality, however, this information collection does not include anything of a sensitive nature or of any matters considered private.

1. Justification for collection of sensitive information.

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

1. Estimate of burden hours for information requested.

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| --- | --- |
| Current Number of Reponses: 999 | Proposed Number of Responses: 1,592 |
| Current Burden Estimate: 4,456 hours | Proposed Burden Estimate: 11,572 hours |

*Incident Reporting for Gas Distribution, Gas Transmission, and LNG Operators w/ 344 responses (4,128 hours)*

PHMSA estimates to receive 344 (122 gas distribution, 154 gas transmission, 67 Type R, and 1 LNG) incident report submissions annually. PHMSA expects each operator to spend 12 hours preparing and submitting each incident report. This includes the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. This results in an overall annual burden of 4,128 hours (344 reports \*12 hours per report) for gas incident reporting.

*Large Volume Gas Release Report w/ 593 Responses (7,116 hours)*

PHMSA is creating a new form, PHMSA F 7100.5 to collect data on intentional and unintentional releases of gas with a volume of 1 MMCF or greater. PHMSA estimates that it will receive 593 of these new reports on average each year (139 gas transmission, 254 gas gathering, and 200 gas distribution) with each report estimated to require 12 hours to prepare. This will result in an additional 593 responses and 7,116 burden hours for this information collection.

*Immediate Notice of Incidents (Section 191.5) w/ 655 Responses (328 hours)*

Gas Pipeline operators are required to provide immediate notification of incidents as detailed in § 191.5. Based on previous years’ reporting trends, PHMSA expects to operators to make 655 of these notifications. PHMSA estimates that it will take operators approximately 30 minutes to complete these notifications. As such, PHMSA estimates the total burden associated with this information collection to be approximately 328 hours (= 655 notifications x 0.5 hours).

This results in an overall annual burden of 4,456 hours for this information collection.

**Table 1: Estimated Burden**

|  |  |  |  |
| --- | --- | --- | --- |
| **IC** | **Responses** | **Burden Per Response** | **Total Burden** |
| Gas Distribution Incident Report | 122 | 12 hours | 1,464 hours |
| Gas Transmission and Gathering Incident Report | 154 | 12 hours | 1,848 hours |
| Type R Reporting Regulated Incident Report | 67 | 12 hours | 804 hours |
| LNG Incident Report | 1 | 12 hours | 12 hours |
| Large Volume Gas Release Report | 593 | 12 hours | 7,116 |
| Immediate Notice of Incidents | 655 | 0.5 hours | 328 hours |
| **Total** | **1,592 annual responses** |  | **11,572 annual burden hours** |

1. Estimate of the total annual costs burden.

Preparing incident reports will require input from a diverse array of occupations, including technical input, legal review, database development/entry, and senior executive approval. PHMSA developed a weighted average labor cost based on wage rates for several relevant occupational categories that are likely to be involved in the reporting process. Table 2 below shows the calculations used to derive the average labor cost utilized by PHMSA.

**Table 2: Estimated Labor Costs (2021 $)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Occupation Code** | **Occupation Category** | **Mean Wage Rate** | **Total Labor Cost** | **Estimated % of Reporting Hours** |
|
|
| 13-1041 | Compliance Officers | $36.45 | $52.44 | 40% |
| 23-1011 | Lawyers | $71.17 | $102.40 | 20% |
| 17-2171 | Petroleum Engineers | $70.06 | $100.80 | 20% |
| 11-1000 | Top Executives | $59.31 | $85.33 | 10% |
| 15-1240 | Database and Network Administrators and Architects | $52.50 | $75.53 | 10% |
| Total | Average Loaded Wage Rate | $57.89 | $83.30 | 100% |

Source: U.S. Department of Labor’s BLS May 2021 Occupational Employment and Wage Statistics (2018 Data), [www.bls.gov/oes/tables.htm](http://www.bls.gov/oes/tables.htm). [NAICS code: 486200 - Pipeline Transportation of Natural Gas]

Note: The wage rate was scaled upward to account for the total cost of performing these tasks. Wages composed an estimated 69.5% of total employee costs for private industry workers https://www.bls.gov/news.release/archives/ecec\_06182019.pdf

For each category of labor cost, PHMSA calculated those values based on the BLS data indicating that wages constitute 69.5 percent of total labor cost. For example, the total labor cost for compliance officers (second row of Table 2) is computed as follows: $36.45 / 69.5% = $52.44.

Based on these calculations, PHMSA estimates an average loaded wage rate of $83.30 per hour. This figure was calculated from the wage rates for the various occupation codes in North American Industry Classification System (NAICS) 486200 – Pipeline Transportation of Natural Gas.

The cost burden associated with this information collection is estimated to $83.30 x 11,572 hours = $963,947.60.

1. Estimates of costs to the Federal Government.

PHMSA spends an estimated cost of $184,445 to operate and maintain this information collection. Operations and maintenance includes PRA compliance, interface improvements, database management, planning, revisions, and customer service.

**Table 3: Costs to the Federal Government**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Cost Category** | **Monthly Average (Hrs)** | **Hourly Rate** | **Annual Hours** | **Total Costs** |
| Salary Costs | 7 | $38.82/hr | 84 | $3,260 |
| Contracting Costs-  Gas Incident Forms  (GT, GD, LNG) | 117.5 | $128.50/hr | 1,410 | $181,185 |
| Total | 124.5 hours | 167.32/hr | 1,494 hours | $184,445 |

1. Explanation of the program change or adjustments.

PHMSA proposes to revise this information collection in conjunction with proposed regulatory changes made in the Pipeline Safety: Gas Leak Detection and Repair NPRM. The revision includes the creation of a new form, PHMSA F 7100.5, the Large Volume Gas Release Report, designed to collect data on intentional and unintentional releases of gas with a volume of 1 MMCF or greater. The creation of this new form will increase the burden of this information collection by 593 responses and 7,116 hours annually.

1. Publication of results of data collection.

The results of the accident reports will be summarized and posted on PHMSA’s website.

1. Approval for not displaying the expiration date of OMB approval.

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

1. Exceptions to the certification statement.

There is no exception to PHMSA’s certification of this request for information collection approval.