



U.S. Department of Transportation  
**Pipeline and Hazardous Materials Safety  
Administration**  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**DATE 04/21/2026**

**MEMO TO FILE**

**From: Carolyn Nelson, P.E.**  
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**Subject: Categorical Exclusion Determination**  
**Pipeline Safety: Electronic Retention of Part 194 Response Plans**

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#### **FINAL ACTION**

Through this Direct Final Rule (DFR), PHMSA is expressly permitting hazardous liquid operators to maintain electronic versions of onshore pipeline oil spill response plans required by 49 CFR 194.111. Currently, § 194.111 states that “each operator shall maintain relevant portions of its response plan at the operator’s headquarters and at other locations from which response activities may be conducted, for example, in field offices, supervisors’ vehicles, or spill response trailers.”

Recently submitted public comments by API, LEPA, and GPA Midstream on PHMSA’s “Unleashing American Energy” Advance Notice of Proposed Rulemaking (90 FR 23660, Docket No. PHMSA-2025-0050-0058) have requested PHMSA update § 194.111 to allow for electronic copies of response plans, as “today’s phones and devices [can be used as] plan storage and response checklists with more capabilities than a paper document. Allowing electronic storage and access would nullify the need for copies to be kept in vehicles or trailers,” and “could also increase security protections of these critical documents.” For this reason, PHMSA is amending § 194.111 to allow pipeline operators to maintain relevant portions of its oil spill response plans electronically on a secured handheld device.

#### **APPLICABLE CATEGORICAL EXCLUSION**

Categorical exclusions (CE) are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or an environmental impact statement (EIS). [DOT Order 5610.1D](#), DOT’s current National Environmental Policy Act (NEPA) procedures, notes in paragraph 9(f) that “[a]n OA may apply a CE established in another OA’s procedures.” PHMSA coordinated with the Federal Highway Administration (FHWA) to determine that the following

FHWA CE is applicable to the action described above and can be used by PHMSA per Section 9(f) of DOT Order 5610.1D:

*Promulgation of rules, regulations, and directives.*<sup>1</sup>

#### **UNUSUAL CIRCUMSTANCES**

Based on the scope of the action, PHMSA has determined that this rulemaking action does not meet the criteria for unusual circumstances listed in 23 CFR 771.117(b), which would require PHMSA to conduct appropriate environmental studies to determine if the CE classification is proper.

#### **DETERMINATION**

PHMSA analyzed the DFR and determined that the rulemaking will not adversely affect safety and will not significantly affect the quality of the human and natural environment. Based on the information provided in the final rule, including a review of unusual circumstances, PHMSA finds the DFR qualifies as a Categorical Exclusion in accordance with Section 102 of the National Environmental Policy Act, 42 U.S.C. § 4332, DOT Order 5610.1D, Departmentwide National Environmental Policy Act Implementing Procedures, and 23 CFR 771.

**Approved by the Environmental Analysis and Compliance Division:**

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<sup>1</sup> 23 CFR 771.117(c)(20)