



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

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MEMO TO FILE

From: Carolyn Nelson, P.E.
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Subject: **Categorical Exclusion Determination**
Pipeline Safety: Editorial Correction to 49 CFR 195.9

FINAL ACTION

In this final rule, PHMSA is making an editorial correction to the requirements for pipelines on the Outer Continental Shelf (OCS). Specifically, 49 CFR 195.9 requires operators of pipelines on the OCS to identify the specific point at which operating responsibility transfers to a producing operator. In cases where adjoining operators have not agreed on a transfer point by September 15, 1998, § 195.9 states the Regional Director and the MMS Regional Supervisor will make a joint determination of the transfer point. The MMS, formally known as the Minerals Management Service, has since changed its name to the Bureau of Ocean Energy Management, Regulation and Enforcement, or BOEMRE. PHMSA is therefore revising the text in § 195.9 to reflect this change.

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.*¹

UNUSUAL CIRCUMSTANCES

¹ 23 CFR 771.117(c)(20)

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 final rule 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 final action 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:
