



## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 194

[Docket No. PHMSA-2026-1519; Amdt. No. 194-6]

RIN 2137-AG23

#### Pipeline Safety: Electronic Retention of Part 194 Response Plans

**ACTION:** Direct final rule (DFR); request for comments.

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**SUMMARY:** This DFR will amend facility response plan regulations to allow operators of oil pipelines to keep electronic copies of onshore oil spill response plans or the “relevant portions” of those plans in lieu of paper copies.

**DATES:** The DFR is effective [INSERT DATE 100 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], unless adverse comments are received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. If adverse comments are received, notification will be published in the *Federal Register* before the effective date withdrawing the rule and publishing a notice of proposed rulemaking to provide an additional opportunity for public comment.

**ADDRESSES:** You may submit comments identified by the Docket Number PHMSA-2026-1519 using any of the following methods:

*E-Gov Web:* <https://www.regulations.gov>. This site allows the public to enter comments on any *Federal Register* notice issued by any agency. Follow the online instructions for submitting comments.

*Mail:* Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue S.E., West Building Ground Floor, Room W12-140, Washington, D.C. 20590-0001.

*Hand Delivery:* U.S. DOT Docket Management System: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue S.E., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Fax:* 1-202-493-2251.

For commenting instructions and additional information about commenting, see

SUPPLEMENTARY INFORMATION.

**FOR FURTHER INFORMATION CONTACT:** Brooks Tate, Transportation Specialist, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, 202-281- 5413, brooks.tate@dot.gov.

**SUPPLEMENTARY INFORMATION:**

**I. GENERAL DISCUSSION:**

Through this 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 “[e]ach 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.”

Comments submitted by American Petroleum Institute (API), Liquid Energy Pipeline Association (LEPA), and GPA Midstream on PHMSA’s recent “Unleashing American Energy” Advance Notice of Proposed Rulemaking (90 FR 23660 (June 4, 2025))<sup>1</sup> 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.”

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<sup>1</sup> API *et al.*, “Comments on Pipeline Safety: Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency” (June 4, 2025), <https://www.regulations.gov/comment/PHMSA-2025-0050-0058>.

For this reason, PHMSA is amending § 194.111 to allow a pipeline operator to maintain relevant portions of oil spill response plans electronically on a secured handheld device.

*Commenting Instructions:* Please include the docket number PHMSA-2026-1519 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

*Note:* Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

*Privacy Act:* In accordance with 5 U.S.C. § 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. § 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential;” (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Brooks Tate, Office of Pipeline Safety, Pipeline and Hazardous

Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue S.E., Washington, D.C. 20590-0001, or by e-mail at [brooks.tate@dot.gov](mailto:brooks.tate@dot.gov). Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the docket.

Alternatively, you may review the documents in person at the street address listed above.

## **II. REGULATORY ANALYSIS AND NOTICES:**

### *A. Legal Authority*

This direct final rule is published under the authority of the Secretary of Transportation as set forth in the Federal Pipeline Safety Laws (49 U.S.C. § 60101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97. Upon evaluation, and for the reasons explained above, PHMSA has determined that this direct final rule is unlikely to elicit significant adverse comment. *See* 49 U.S.C. § 60102(b)(6)(A) and 49 CFR 190.339. PHMSA similarly finds that publication of a proposed rulemaking on which comment is solicited would be “unnecessary” pursuant to section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. § 551 *et seq.*) because this rulemaking merely changes the form (rather than the content) of operator oil spill response plans to align better with industry and societal movement toward electronic (rather than hard copy) documentation.

### *B. Executive Order 12866*

E.O. 12866, *Regulatory Planning and Review*, as implemented by DOT Order 2100.6B (“Policies and Procedures for Rulemaking”) and DOT Order 2100.7 (“Ensuring Reliance upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities”), requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” In arriving at those conclusions, E.O. 12866 requires that agencies should consider “both quantifiable measures . . . and qualitative

measures of costs and benefits that are difficult to quantify” and “maximize net benefits . . . unless a statute requires another regulatory approach.” E.O. 12866 also requires that “agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the “least costly regulatory alternative that achieves the relevant objectives” unless required by law or compelling safety need. DOT Order 2100.6B also specifies that regulations should generally “not be issued unless their benefits are expected to exceed their costs.” DOT Order 2100.7 requires that “all rulemaking activities shall be based on sound economic principles and analysis supported by rigorous cost-benefit requirements.”

E.O. 12866 and DOT Order 2100.6B also require that PHMSA submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President’s Office of Management and Budget (OMB) for review. This DFR is a not significant regulatory action pursuant to E.O. 12866; OMB also has not designated this rule as a “major rule” as defined by the Congressional Review Act (5 U.S.C. § 801 *et seq.*).

PHMSA has complied with the procedural and analytical requirements in E.O. 12866 as implemented by DOT Order 2100.6B and DOT Order 2100.7. In so doing, PHMSA has determined that this direct final rule will result in some cost savings by reducing regulatory burdens for pipeline facility operators by allowing operators to maintain response plans electronically rather than in paper form. The cost savings of this rulemaking could not be quantified because PHMSA lacks information on how operators might adjust their records practices to incorporate electronic response plans and potential associated savings of resources thereof. PHMSA also determined that this rulemaking will not have any adverse safety effects.

### *C. Executive Orders 14192 and 14219*

This direct final rule is considered a deregulatory action pursuant to E.O. 14192, *Unleashing Prosperity Through Deregulation*. PHMSA estimates that the total costs of the rule on the regulated community will be less than zero. Nor does this rulemaking implicate any of the

factors identified in section 2(a) of E.O. 14219, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, indicative that a regulation is “unlawful . . . [or] that undermine[s] the national interest.”

#### *D. Energy-Related Executive Orders 13211, 14154, and 14156*

The President has declared in E.O. 14156, *Declaring a National Energy Emergency*, a national emergency to address America's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154, *Unleashing American Energy*, asserts a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from (inter alia) the removal of “undue burden[s]” on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional gasses and hazardous liquids. PHMSA finds this direct final rule is consistent with each of E.O. 14156 and E.O. 14154. The direct final rule will give affected pipeline operators cost savings by allowing operators to use modern technology for oil spill response plan maintenance and recordkeeping. PHMSA therefore expects the regulatory amendments in this direct final rule will in turn increase efficiencies and remove undue financial burdens.

However, this direct final rule is not a “significant energy action” under E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*, which requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.” Because this direct final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on the supply, distribution, or use of energy; OIRA has therefore not designated this direct final rule as a significant energy action.

#### *E. Executive Order 13132: Federalism*

PHMSA analyzed this direct final rule in accordance with the principles and criteria contained in E.O. 13132, *Federalism*, and the Presidential Memorandum (“Preemption”) published in the *Federal Register* on May 22, 2009. E.O. 13132 requires agencies to ensure

meaningful and timely input by State and local officials in the development of regulatory policies that may have “substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

While the direct final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. Section 60104(c) of the Federal Pipeline Safety Laws prohibits certain State safety regulation of interstate pipelines. Under the Federal Pipeline Safety Laws, States that have submitted a current certification under section 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments in this direct final rule is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

#### *F. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA, 5 U.S.C. § 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a final rule subject to notice-and-comment rulemaking, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule (*see* 5 U.S.C. §§ 603(a) and 604(a)). PHMSA is not required to publish a notice of proposed rulemaking for this DFR, so the RFA does not apply. However, the regulatory amendments introduced here are expected to reduce burdens on operators by clarifying that electronic documents satisfy PHMSA requirements for oil spill response plans. Further, PHMSA expects no affected operators will face significant costs

from the option to adopt the latest technology for ease of document submission. Therefore, PHMSA certifies that this DFR will not have a significant economic impact on a substantial number of small entities.

*G. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. § 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or direct final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of \$100 million or more in 1996 dollars (\$203 million in 2024 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This direct final rule does not impose unfunded mandates under UMRA because it does not result in costs of \$100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

*H. National Environmental Policy Act*

PHMSA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA, 42 U.S.C. § 4321 *et seq.*) and has determined it is categorically excluded under 23 CFR 771.117(c)(20), which applies to the promulgation of rules, regulations, and directives. Under section 9 of DOT Order 5610.1D (“DOT’s Procedures for Considering Environmental Impacts”), PHMSA may apply a categorical exclusion (CE) established in another Operating Administration’s (OA) procedures. PHMSA followed the requirements outlined in DOT Order 5610.1D to apply the Federal Highway Administration’s (FHWA) CE to this deregulatory action. This rule does not change substantive plan requirements and PHMSA therefore does not anticipate any adverse environmental impacts from this rule, and PHMSA has determined no unusual circumstances are present under 23 CFR 771.117(b). PHMSA’s Categorical Exclusion Determination memo for this action is available on PHMSA’s website.

### *I. Executive Order 13175*

PHMSA analyzed this direct final rule according to the principles and criteria in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*, and DOT Order 5301.1A (“Department of Transportation Tribal Consultation Policies and Procedures”). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the direct final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking’s regulatory amendments have a broad, national scope; therefore, this direct final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

### *J. Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create nor rescind any existing information collections; however, this rulemaking provides for a 30-day comment period. After the effective date of the final rule, PHMSA will request amendment of the pertinent information collections consistent with Paperwork Reduction Act requirements and implementing guidance.

*K. Executive Order 13609 and International Trade Analysis*

E.O. 13609, *Promoting International Regulatory Cooperation*, requires agencies to consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. No. 96-39), as amended by the Uruguay Round Agreements Act (Pub. L. No. 103-465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the direct final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

*L. Cybersecurity and Executive Order 14028*

E.O. 14028, *Improving the Nation's Cybersecurity*, directed the Federal Government to improve its efforts to identify, to deter, and to respond to “persistent and increasingly sophisticated malicious cyber campaigns.” PHMSA has considered the effects of the direct final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for pipeline facilities.

## List of Subjects in 49 CFR Part 194

Environmental protection, Hazardous materials transportation, Oil pollution, Petroleum, Pipeline safety, Pipelines, Reporting and recordkeeping requirements, Transportation, Water pollution control.

In consideration of the foregoing, PHMSA amends 49 CFR Part 194, as follows:

### **PART 194—RESPONSE PLANS OR ONSHORE OIL PIPELINES**

1. The authority citation for Part 194 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5) and (j)(6); sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.53.

2. In § 194.111, revise paragraph (a) to read as follows:

#### **§ 194.111 Response plan retention.**

(a) Each operator shall maintain relevant portions of its response plan at:

(1) The operator's headquarters and other locations from which response activities may be conducted, for example in field offices, supervisors' vehicles, or spill response trailers; or

(2) Electronic storage on a readily accessible secured portable device.

\* \* \* \* \*

Issued in Washington, D.C., on April 22, 2026, under the authority delegated in 49 CFR 1.97.

**Paul J. Roberti,**

*Administrator.*

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