

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

SUMMARY: PHMSA is confirming the effective date for a DFR titled “Pipeline Safety: Electronic Retention of Part 194 Response Plans,” which published in the **Federal Register** on April 24, 2026. The DFR amended oil spill response plan requirements to clarify that operators may maintain the plans electronically.

DATES: The effective date of the DFR is August 3, 2026.

FOR FURTHER INFORMATION CONTACT: Brooks Tate, General Engineer, by phone at 202–281–5413 or by email at brooks.tate@dot.gov.

SUPPLEMENTARY INFORMATION: On April 24, 2026, PHMSA published a DFR (91 FR 22036) amending part 194 requirements for oil spill response plans to clarify that operators may maintain them electronically. Section 194.111 requires that a copy of the response plan be maintained at the operator’s headquarters and at other locations where response activities may be conducted.

The DFR amended § 194.111(a) to clarify that operators may maintain the response plan on an electronic device readily accessible at those locations. The Pipeline Safety Trust (PST) commented emphasizing the importance of having the response plan accessible and agreeing that electronic availability could improve access. PST also questioned whether the DFR could result in a lack of access if internet connectivity is limited.¹

PHMSA believes that PST’s concern regarding accessibility was addressed through the language of the DFR itself, which requires “electronic storage” not contingent on internet connectivity. This may require downloading a copy or taking other measures to ensure the response plan is stored and available on the portable device regardless of internet connection. While PST is concerned that electronic devices are susceptible to “fire, explosion, rupture, or power outage,” PHMSA notes that the paper record alternative would be equally, if not more, at risk of destruction under similar circumstances.

PST’s concern that electronic devices are vulnerable to a cybersecurity incident that could impact internet access has also been addressed. In

addition to requiring “electronic storage,” the DFR requires the device be “secured,” which further obligates the operator to ensure the portable device is protected from such external threats. In this way, secured electronic devices can be more durable than paper records.

PST commented that the DFR required notice and comment as a change that could impact safety. PHMSA disagrees that the DFR represents a substantive change that could have such an effect. Section 194.111(a) does not specify the manner or format in which the response plan should be maintained. As stated in the DFR, PHMSA is merely “expressly permitting” maintenance in a form the agency understands already to be allowed, while imposing additional guardrails.²

PHMSA does not agree that PST’s comment satisfies the adversity standard in § 190.339(c). Section 190.339(c) states, in relevant part, that “an adverse comment is one which explains why the rule would be inappropriate, including a challenge to the rule’s underlying premise or approach, or would be ineffective or unacceptable without a change.” Section 190.339(c) further states that “[c]omments that are frivolous or insubstantial will not be considered adverse under this procedure.” The DFR addressed PST’s concerns, and PST has not otherwise shown how the DFR is inappropriate, ineffective, or unacceptable.

PHMSA issued the DFR under the procedures set forth at 49 CFR 190.339. In accordance with those procedures, PHMSA stated in the DFR that, if no adverse comments were received, the DFR would become effective on August 3, 2026. PHMSA did not receive any comments that warranted withdrawal of the DFR; therefore, this rule will become effective as scheduled.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Keith J. Coyle,
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 195

[Docket No. PHMSA–2026–1535]

RIN 2137–AG39

Pipeline Safety: Standards Update—ASME B31.4

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

ACTION: Withdrawal of direct final rule (DFR).

SUMMARY: PHMSA is withdrawing the DFR titled “Pipeline Safety: Standards Update—ASME B31.4,” which published on April 24, 2026.

DATES: Effective July 31, 2026, PHMSA withdraws the DFR published at 91 FR 22039 on April 24, 2026.

FOR FURTHER INFORMATION CONTACT: Brianna Wilson, Transportation Specialist, by phone at 771–215–0969 or by email at brianna.wilson@dot.gov.

SUPPLEMENTARY INFORMATION: PHMSA is withdrawing the DFR titled “Pipeline Safety: Standards Update—ASME B31.4,” which published on April 24, 2026 (91 FR 22039). A comment on the DFR provided technical justification to recommend that PHMSA await clarification by the standard developing organization to the expansion stress provisions in the 2022 edition of the standard.¹ Because PHMSA received adverse comment, PHMSA is withdrawing the DFR in accordance with 49 CFR 190.339.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety

■ Accordingly, as of July 31, 2026, PHMSA withdraws the DFR amending 49 CFR Part 195, which published at 91 FR 22039 on April 24, 2026.

Issued in Washington, DC under authority delegated in 49 CFR 1.97.

Keith J. Coyle,
Chief Counsel.

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¹ PST, Comments, Docket ID PHMSA–2026–1519–0002 (June 23, 2026) (“Pipeline Safety Trust agrees that having spill response plans electronically available is a net benefit to improving operator access to these plans”).

² See PST, Comments, Docket ID PHMSA–2026–1519–0002, at 2 (asserting that the DFR was a “change in content, not form”).

¹ American Petroleum Institute & Liquid Energy Pipeline Association, Comments, Docket ID PHMSA–2026–1535–0003 (June 23, 2026). Pipeline Safety Trust also commented opposing the DFR. Comments, Docket ID PHMSA–2026–1535–0002 (June 23, 2026).