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.'' [15] PHMSA has considered the effects of the final rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

M. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process better. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.* DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, or on DOT's website at *http://www.dot.gov/privacy.*

List of Subjects in 49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR Chapter I as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 2. In § 172.800, paragraph (c) is revised to read as follows:

§ 172.800 Purpose and applicability.

* * * * *

(c) *Exceptions.* Transportation activities of a farmer, who generates less than $825,000 in 2025 dollars annually in gross receipts from the sale of agricultural commodities or products, are not subject to this subpart if such activities are:

(1) Conducted by highway or rail;

(2) In direct support of their farming operations; and

(3) Conducted within a 150-mile radius of those operations.

Issued in Washington, DC, on July 31, 2026, under the authority delegated in 49 CFR 1.97.

Paul J. Roberti,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2026–15814 Filed 8–3–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 172 and 173

[Docket No. PHMSA–2025–0090 (HM–268B)]

RIN 2137–AG04

Hazardous Materials: Reducing Costs to Domestic Shippers and Carriers of Limited Quantities

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

ACTION: Final rule.

SUMMARY: This final rule removes undue regulatory burdens by allowing regulated entities to use a reduced sized marking for limited quantity shipments of hazardous materials by highway, rail, or vessel.

DATES: This final rule is effective September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Jose Cajar, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, *jose.cajar@dot.gov.*

I. PHMSA Action

A. What action is PHMSA taking in this Final Rule?

Currently, 49 CFR 172.315 specifies the marking requirements for limited quantities of hazardous materials, with paragraph (a)(2) of this section detailing the minimum size requirements. PHMSA is revising 49 CFR 172.315(a)(2) to allow regulated entities to use a reduced sized limited quantity marking on a package shipping label for certain shipments of hazardous materials in modes other than aircraft. PHMSA is also revising 49 CFR 173.25(a)(6) to specifically state that this marking is not authorized on an overpack.

B. Does this action apply to me?

Effective 30 days after publication of this final rule, persons subject to the limited quantities requirements in 49 CFR 172.315(a) will be allowed to use a reduced sized marking on packages containing limited quantities of hazardous materials transported by modes other than aircraft.

C. Why is PHMSA taking this action?

PHMSA is taking this action in response to commenter feedback and to reduce undue regulatory burdens on certain limited quantity shipments of hazardous materials. This final rule gives affected entities regulatory flexibility by authorizing the use of a reduced size limited quantity marking on certain packages. PHMSA expects this action will reduce costs and provide shippers and carriers of hazardous materials more options when transporting consumer products.

II. Summary of Comments Received in Response to the Notice of Proposed Rulemaking

PHMSA published a notice of proposed rulemaking (NPRM), cited as *HM–268B,* to gather feedback on revising the Hazardous Materials Regulations (HMR) to authorize reduced sized limited quantity markings.[1] Please refer to the NPRM for background and discussion of the proposed change.

The following table alphabetically lists commenters to the NPRM:

Commenter name	Docket No.
Amazon.com, Inc. (Amazon)	PHMSA–2025–0090–0009
Council on Safe Transportation of Hazardous Articles, Inc. (COSTHA)	PHMSA–2025–0090–0006
Dangerous Goods Advisory Council	PHMSA–2025–0090–0008
Household & Commercial Products Association	PHMSA–2025–0090–0007
Medical Device Transport Council	PHMSA–2025–0090–0005
Nuclear Energy Institute	PHMSA–2025–0097–0002
Sporting Arms and Ammunition Manufacturers' Institute	PHMSA–2025–0090–0004

[15] 86 FR 26633 (May 17, 2021).

[1] 90 FR 28571 (Jul. 1, 2025).

All commenters supported the proposed amendments to reduce costs to domestic shippers and carriers of limited quantities of hazardous materials transported by modes other than aircraft. However, Amazon and COSTHA had additional questions or suggestions related to the NPRM proposal.

Amazon expressed support for the proposal but requested additional amendments to 49 CFR parts 172, 173, and 176 to remove the shipping paper requirement for vessels. PHMSA did not include these additional amendments in the NPRM and cannot finalize them at this time. PHMSA may consider including these proposals in a future rulemaking.

COSTHA expressed support for the proposal but requested clarification on whether the quarterly reporting requirement in DOT–SP 21015 would also be incorporated into the HMR. COSTHA noted that numerous members found this reporting requirement to be administratively burdensome and unrelated to the original underlying safety basis for DOT–SP 21015. In this final rule, PHMSA is clarifying that the quarterly reporting requirement found in DOT–SP 21015 was only a condition of the special permit and is not required as part of this regulatory provision.

Having considered the comments received, PHMSA is revising 49 CFR 172.315(a) to allow for a reduced size limited quantity marking that is capable of communicating to carriers that the package contains hazardous materials shipped under a limited quantity exception and by the authorized mode of transportation. In addition, PHMSA is revising 49 CFR 173.25(a)(6) to specifically state that the reduced sized limited quantity marking is not authorized on overpacks. PHMSA does not expect these revisions to have any adverse impact on safety.

III. Regulatory Analysis and Notices

A. Legal Authority

This final rule is published under the authority of the Secretary of Transportation set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (*Regulatory Planning and Review*), as implemented by 49 CFR part 5, subpart B, 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.'' [2] 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.'' Pursuant to 49 CFR part 5, subpart B, 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. In addition, 49 CFR part 5, subpart B specifies that regulations should generally ''not be issued unless their benefits are expected to exceed their costs.''

E.O. 12866 and 49 CFR part 5, subpart B 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 NPRM is not a significant regulatory action pursuant to E.O. 12866 and has not been designated as a ''major rule'' as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by 49 CFR part 5, subpart B and determined that this final rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for hazardous materials shippers and carriers. The final rule will eliminate the need for a separate limited quantity label, as the hazard communication information will be embedded in the shipping label, producing cost savings for the transportation industry and the public to whom those entities generally transfer a portion of their compliance costs. These cost savings are not quantified because PHMSA lacks comprehensive data for limited quantity shipments across all surface modes of transportation.

[2] 58 FR 51735 (Oct. 4, 1993); 91 FR 22431 (Apr. 27, 2026); DOT Order 2100.7 (*Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities*); *see also* DOT Order 2100.6B (*Policies and Procedures for Rulemakings*).

C. Executive Orders 14192 and 14219

PHMSA has determined that this final rule is an E.O. 14192 (*Unleashing Prosperity Through Deregulation*) deregulatory action.[3] PHMSA finds the total costs of the rule on the regulated community will be less than zero. This final rule does not implicate any of the factors identified in section 2(a) of E.O. 14219 (*Ensuring Lawful Governance*) indicative of a regulation that is ''unlawful . . . [or] that undermine[s] the national interest.'' [4]

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

PHMSA has analyzed this final rule in accordance with the principles and criteria contained in E.O. 14156 (*Declaring a National Energy Emergency*) and E.O. 14154 (*Unleashing American Energy*).[5] The President has declared a national emergency to address America's inadequate energy development production, transportation, refining, and generation capacity and asserted 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. PHMSA finds this final rule to be consistent with E.O. 14156 and E.O. 14154 because it will not hinder or unduly burden the transportation or production of energy or energy-related products.

In addition, this 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.'' [6] Because this final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; accordingly, OIRA has not designated this final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this 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.[7] E.O. 13132 requires agencies to

[3] 90 FR 9065 (Feb. 6, 2025).

[4] 90 FR 10583 (Feb. 25, 2025).

[5] 90 FR 8433 (Jan. 29, 2025); 90 FR 8353 (Jan. 29, 2025).

[6] 66 FR 28355 (May 22, 2001).

[7] 64 FR 43255 (Aug. 10, 1999); 74 FR 24693 (May 22, 2009).

assure 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.'' The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts State, local, and Tribal requirements on certain covered subjects, unless the non-Federal requirements are ''substantively the same'' as the Federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This final rule addresses items covered in Paragraph 2 above and will preempt State, local, and Tribal requirements not meeting the ''substantively the same'' standard. Though the 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. The preemptive effect of the regulatory amendments in this final rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a final rule that has been subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the final rule in the rulemaking will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (*Proper Consideration of Small Entities in Agency Rulemaking*) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act.[8] DOT posts information on a dedicated web page to help small businesses understand and navigate Federal regulatory processes.[9] PHMSA developed this final rule in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. Because the final rule is expected to reduce burdens, PHMSA certifies that it does not have a significant 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 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) in any given year, the agency must prepare, among other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This 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, PHMSA may apply a categorical exclusion (CE) established in another Operating Administration's procedures. PHMSA followed the requirements outlined in DOT Order 5610.1D to apply the Federal Highway Administration's CE to this deregulatory action. 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.[10]

I. Executive Order 13175

PHMSA analyzed this 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*).[11] Executive Order 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 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 final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on 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) require 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, amend, or rescind any existing information collections. However, this rulemaking eliminates the need for persons to renew a special permit, resulting in a decrease in paperwork burden for special permit holders. PHMSA estimates the inventory reduction for this OMB control number as follows:

OMB Control No. 2137–0051: Rulemaking, Special Permits, and Preemption Requirements

Decrease in Annual Number of Respondents: 8.

Decrease in Annual Responses: 8.

[8] 67 FR 53461 (Aug. 16, 2002).

[9] DOT, *Rulemaking Requirements Related to Small Entities* (last accessed Sept 3, 2024), available at: *https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities.*

[10] PHMSA, *Implementing Procedures, https://www.phmsa.dot.gov/planning-and-analytics/environmental-analysis-and-compliance/implementing-procedures.*

[11] 65 FR 67249 (Nov. 9, 2000).

Decrease in Annual Burden Hours: 12.

Decrease in Annual Burden Cost: $0.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, 2nd Floor, Washington, DC 20590–0001.

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.[12] 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. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 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 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."[13] PHMSA has considered the effects of the final rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

[12] 77 FR 26413 (May 4, 2012).

[13] 86 FR 26633 (May 17, 2021).

M. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.* DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, or on DOT's website at *http://www.dot.gov/privacy.*

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Training, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR Chapter I as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 2. In § 172.315, add paragraph (a)(2)(iii) to read as follows:

§ 172.315 Limited quantities.

* * * * *

(a) * * *

(2) * * *

(iii) *Reduced size marking on shipping labels.* Except for the shipment of radioactive materials and hazardous materials transported by air or international vessels, the shipper may place a reduced size limited quantity marking on the package shipping label regardless of the size of packaging. Each marking must be a minimum of 25 mm on each side and the width of the border forming the square-on-point must be readily visible. The square-on-point must be durable, legible, readily visible, and displayed on a background of sharply contrasting color. Each shipping label must be capable of electronically communicating to carriers that the package contains hazardous materials shipped under a limited quantity exception and the authorized modes of transportation.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 3. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 4. In § 173.25, revise paragraph (a)(6) to read as follows:

§ 173.25 Authorized packagings and overpacks.

(a) * * *

(6) For limited quantities, the overpack is marked with a limited quantity marking prescribed in § 172.315 of this subchapter, unless a limited quantity marking representative of the hazardous material in the overpack is visible. The reduced size marking (25 mm x 25 mm) is not authorized for use on the outside of an overpack.

* * * * *

Issued in Washington, DC, on July 31, 2026, under the authority delegated in 49 CFR 1.97.

Paul J. Roberti,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2026–15805 Filed 8–3–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 172 and 173

[Docket No. PHMSA–2025–0104 (HM–268P)]

RIN 2137–AG18

Hazardous Materials: Adoption of Department of Transportation Special Permit 21478

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