

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 this deregulatory action 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 will 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, and may be viewed on DOT's website at <http://www.dot.gov/privacy>.

List of Subjects

49 CFR Part 173

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

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

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 1. 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.

■ 2. Amend § 173.6 by:

- a. Adding paragraph (a)(7)(iii);
- b. Revising paragraph (b)(3);
- c. Adding paragraph (b)(6);
- d. Revising paragraph (c)(4);
- e. Adding paragraph (c)(5); and
- f. Revising paragraph (d).

The revisions to read as follows:

§ 173.6 Materials of trade exceptions.

(a) * * *

(7) * * *

(iii) Except when the cell or battery is contained in equipment, cells and batteries described in 173.185 of this part may not exceed 30 kg (66 pounds) net weight for each cell or battery and 500 kg (1102 pounds) aggregate net weight on a motor vehicle. Cells and batteries, including when contained in or packed with equipment, must be of the type proven to meet the criteria in part III, sub-section 38.3 of the UN Manual of Tests and Criteria (IBR; see § 171.7 of this subchapter).

* * * * *

(b) * * *

(3) Outer packagings are not required for receptacles (*e.g.*, cans and bottles), articles, or batteries that are secured against shifting in cages, carts, bins, boxes, or compartments or by other means.

* * * * *

(6) Cells and batteries, including cells and batteries contained in equipment, must be packaged or secured in a manner to prevent:

(i) Short circuits;

(ii) Damage caused by shifting or placement within the package, if applicable; and

(iii) Accidental activation of the equipment.

* * * * *

(c) * * *

(4) Cells or batteries, including when contained in or packed with equipment, in packages exceeding 30 kg (66 pounds) net weight of batteries must be labeled with the Class 9 label as specified in § 172.447 and marked with the four-digit UN identification number, as applicable.

(5) The operator of a motor vehicle that contains a material of trade must be informed of the presence of the hazardous material (including whether the package contains a reportable quantity) and must be informed of the requirements of this section.

(d) *Aggregate gross weight.* Except for a material of trade authorized by paragraphs (a)(1)(iii) and (a)(7)(iii) of this section, the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

* * * * *

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. 2026–15823 Filed 8–3–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 177

[Docket No. PHMSA–2025–0100 (HM–268L)]

RIN 2137–AG14

Hazardous Materials: Adoption of Department of Transportation Special Permits 12412 and 11646 Into the Hazardous Materials Regulations

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

ACTION: Final rule.

SUMMARY: PHMSA is amending the Hazardous Materials Regulations to adopt the provisions of U.S. Department of Transportation (DOT) special permit (SP) 12412 and DOT SP 11646. These amendments will provide greater regulatory flexibility and eliminate the need for special permit renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an equivalent level of safety.

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

FOR FURTHER INFORMATION CONTACT: Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, ryan.larson@dot.gov.

I. PHMSA Action

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

PHMSA is adopting the provisions of DOT SPs 12412 and 11646 into the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). The adoption of these special permits will authorize the discharge (*i.e.*, emptying) of certain hazardous materials from specified packaging types without first removing the packaging from the vehicles on which they are transported. These special permits have been in place for over 20 years and have a well-established safety record.

¹³ 86 FR 26633 (May 17, 2021).

B. Does this action apply to me?

Effective 30 days after publication of this final rule, persons transporting the specified classes of materials in the specified packaging types by motor vehicle will no longer be required to remove those packages from their vehicles prior to discharging their contents. Furthermore, stakeholders will no longer need to expend the time and resources associated with obtaining a special permit.

C. Why is PHMSA taking this action?

PHMSA is taking this action in response to commenter feedback and to improve the affected entities' ability to provide abundant, reliable, and affordable products in response to residential, commercial, and industrial demand. PHMSA is also taking this action as part of its ongoing review of special permits that are appropriate for adoption into the HMR based on their safety record and positive impact on stakeholders.

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

PHMSA published a notice of proposed rulemaking (NPRM), cited as *HM-268L*, to gather feedback on adopting the provisions of DOT SPs 12412 and 11646 into the HMR.¹ Please refer to the NPRM for background and discussion of the proposed changes.

The following table alphabetically lists commenters to the NPRM:

Commenter name	Docket No.
Alliance for Chemical Distribution	PHMSA-2025-0100-0010
Dangerous Goods Advisory Council	PHMSA-2025-0100-0008
Household & Commercial Products Association (HCPA)	PHMSA-2025-0100-0005
Industrial Packaging Association of North America (IPANA)	PHMSA-2025-0100-0007
Rex Railsback	PHMSA-2025-0100-0002
William Forbes	PHMSA-2025-0100-0006

PHMSA received six sets of comments in response to the NPRM, five of which were supportive of adopting both DOT SPs 12412 and 11646 into the HMR. However, some supporters of the proposed revisions also provided recommendations concerning the implementation of these (and other related) special permits.

First, IPANA provided comments supporting the adoption of both special permits but added that PHMSA should consider referencing 49 CFR 177.837—which provides instructions for bonding and grounding containers (other than cargo tanks) prior to and during transfer of lading. PHMSA concurs with IPANA's comment to reference 49 CFR 177.837 to remind stakeholders of the existing requirements for the proper bonding and grounding of containers transferring Class 3 materials. As such, PHMSA is adding a reference to the bonding and grounding requirements in the new paragraphs (h)(1) and (h)(2) in 49 CFR 177.834.

Second, Rex Railsback provided comments suggesting that PHMSA should additionally adopt the provisions of DOT SP 21260, which authorizes the offloading of materials not covered by DOT SPs 12412 and 11646. Mr. Railsback noted that the adoption of DOT SP 21260 would improve compliance and safety by providing greater visibility in the HMR as compared to a special permit. PHMSA acknowledges the recommendation to adopt DOT SP 21260 into the HMR. However, DOT SP 21260 imposes stricter compliance requirements for high-hazard materials, including requiring packaging outlets to

meet the same standards as cargo tanks. Because PHMSA did not propose such changes in the NPRM, further evaluation and stakeholder input is needed. PHMSA may consider adopting this recommendation in a future rulemaking.

Third, HCPA provided comments on a provision of DOT SP 12412 being adopted in this final rule as new paragraph 49 CFR 177.834(h)(2). This provision states that hypochlorite solutions and fluorosilicic acid may be loaded on the same vehicle and transported in separate Intermediate Bulk Containers (IBCs) provided certain safety precautions are taken, even though these two materials could create unsafe conditions if mixed. HCPA recommended that PHMSA consider expanding this exception to include additional materials, such as permitting certain acids to be transported on the same vehicle as alkaline materials, provided additional safety measures are in place. PHMSA acknowledges HCPA's comment regarding additional exceptions. However, PHMSA did not propose such changes in the NPRM. PHMSA declines to make such revisions in this final rule without further evaluation by subject matter experts and an opportunity for stakeholder comment.

Lastly, William Forbes opposed the proposed adoption of DOT SPs 12412 and 11646. Mr. Forbes commented that additional measures are needed to prevent the commercial use of IBCs to deliver gasoline to consumer vehicles. PHMSA acknowledges the safety concerns regarding the use of IBCs for mobile refueling operations. PHMSA

notes that DOT SP 12412, as adopted in this final rule, does not authorize gasoline as one of the specified materials because gasoline is a Class 3 Packing Group II material. However, PHMSA recognizes that DOT SP 11646, as also adopted in this final rule, does not explicitly prohibit the discharge of gasoline from drums situated on a motor vehicle. Because PHMSA does not intend for the adoption of DOT SP 11646 to serve as justification for mobile refueling platforms, this final rule amends 49 CFR 177.834(h)(1) to specify that these provisions do not apply to petroleum distillate fuels. In addition, Mr. Forbes also expressed concern that this final rule will lead to IBCs and portable tanks replacing cargo tanks without equivalent safety controls. PHMSA acknowledges this concern regarding the substitution of these packagings for cargo tanks. However, PHMSA has not proposed any new materials for transport in these types of packaging; therefore, PHMSA does not anticipate any impact on the cargo tank market. On the contrary, this final rule will improve safety by reducing the hazards associated with removing fully loaded packagings from a motor vehicle prior to discharge. By adopting the special permits' provisions that allow for the discharge of contents from a motor vehicle, PHMSA is adopting specific safety controls that have established a successful safety record over many years of widespread use.

For these reasons, PHMSA is revising 49 CFR 177.834 to allow the unloading of certain hazardous materials from certain packagings while remaining on the motor vehicle but requiring safety

¹ 90 FR 28581 (Jul. 1, 2025).

controls, including attendance by a qualified person during unloading, not allowing the manifolding of multiple packages, and requiring that hoses are not attached to outlets during transportation.

III. Regulatory Analysis and Notices

A. Legal Authority

This final rule is published under the authority of the Secretary of Transportation as 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 final rule 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 affected entities by reducing the time and manpower necessary for entities needing to unload these materials efficiently and safely without the need for special permits. PHMSA finds these cost savings will also result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs. In addition, the final rule will produce cost savings to the Federal Government, hence taxpayers, due to the reduction of special permit applications that would otherwise need to be processed by PHMSA personnel.

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*)⁷ and the Presidential Memorandum (*Preemption*) published in the **Federal Register** on May 22, 2009.⁸ E.O. 13132 requires agencies to 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 would preempt State, local, and Tribal requirements not meeting the “substantively the same” standard. Although the final rule may (when finalized) operate to preempt some State requirements, it would not impose any regulation that has substantial direct

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).

⁸ 74 FR 24693 (May 22, 2009).

² 58 FR 51735 (Oct. 4, 1993).

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 Administrative Procedure Act 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*)⁹ obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts information on a dedicated web page to help small businesses understand and navigate Federal regulatory processes.¹⁰ This final rule was developed 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 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.¹¹

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*).¹² 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 final rule and determined that it would 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 would 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 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 would 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 reduction in information collection burden as follows:

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

Decrease in Annual Number of
Respondents: 77.

Decrease in Annual Responses: 77.

Decrease in Annual Burden Hours:
115.

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.¹³ 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

⁹ 67 FR 53461 (Aug. 16, 2002).

¹⁰ DOT, *Rulemaking Requirements Related to Small Entities* (last accessed Sept 3, 2024), available at: <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities>.

¹¹ DOT, PHMSA, *Implementing Procedures* (Aug. 28, 2025), available at: <https://www.phmsa.dot.gov/planning-and-analytics/environmental-analysis-and-compliance/implementing-procedures>.

¹² 65 FR 67249 (Nov. 9, 2000).

¹³ 77 FR 26413 (May 4, 2012).

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 would 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."¹⁴ PHMSA has considered the effects of the final rule and 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 177

Hazardous materials transportation, motor carriers, radioactive materials, reporting, and recordkeeping requirements.

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

PART 177—CARRIAGE BY PUBLIC HIGHWAY

■ 1. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; sec. 112 of Pub. L. 103–311, 108 Stat. 1673, 1676

(1994); sec. 32509 of Pub. L. 112–141, 126 Stat. 405, 805 (2012); 49 CFR 1.81 and 1.97.

■ 2. In § 177.834, revise paragraph (h) to read as follows:

§ 177.834 General requirements.

* * * * *

(h) *Precautions concerning containers in transit; fueling road units.* Reasonable care should be taken to prevent undue rise in temperature of containers and their contents during transit. There must be no tampering with such container or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, IM portable tank, or packaging authorized in paragraphs (h)(1) and (h)(2) of this section, must not be made prior to removal from the motor vehicle. Nothing contained in this paragraph shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction or maintenance.

(1) *Drums.* For the purpose of this section only, Class 3 (PG II and III other than petroleum distillate fuels), Division 6.1 (PG II and III), Class 8 (PG II and PG III), and Class 9 materials are authorized. For liquids authorized under this section, the following conditions apply—

(i) Product transfer must be through pumps mounted on the motor vehicle or with an injection system indirectly mounted on a motor vehicle;

(ii) The drums must be attended at all times during unloading operations by a qualified person. For the purposes of this requirement, "attended" and "qualified" have the meanings described in paragraphs (i)(3) and (i)(4) of this section, respectively;

(iii) Hoses shall not be attached to container outlets during transportation;

(iv) Drums shall not be manifolded together during transportation;

(v) Each reused drum must meet the requirements prescribed in § 173.28 or an active special permit, as applicable; and

(vi) For Class 3 materials, see § 177.837(b).

(2) *IBCs and DOT specification 57 portable tanks.* For liquids other than Class 3 (PG II); Class 3 (PG III with a flash point of less than 100 °F (38 °C)); Division 5.1 (PG II); or Division 6.1 (PG II) authorized to be transported in metal, rigid plastic, and composite UN standard IBCs or DOT Specification 57 portable tanks, the following conditions apply—

(i) Transportation is limited to private or contract motor vehicle;

(ii) IBC design types authorized are UN 31A, 31B, 31N, 31H1, 31H2, and 31HZ1;

(iii) If the IBC or portable tank is pressurized, it must be equipped with a pressure relief device set to open at not higher than two-thirds of the test pressure or 9 psig for a metal IBC;

(iv) Except for hypochlorite solutions and fluorosilicic acid, two or more materials may not be loaded on the same vehicle if any mixture of the materials would cause an unsafe condition. Hypochlorite solutions and fluorosilicic acid may be loaded on the same vehicle and transported in separate IBCs provided—

(A) No more than two IBCs are transported on a motor vehicle;

(B) Each IBC has a capacity not exceeding 1703 L (450 gallons);

(C) The materials shall not be discharged at the same time; and

(D) The hazardous materials are used for water treatment purposes only.

(v) Packagings shall not be manifolded together or have discharge outlets permanently connected to any part of the vehicle, including its discharge system. Hoses shall not remain attached to IBCs or portable tanks (e.g., discharge outlets) during transportation (movement) of the motor vehicle;

(vi) The packagings must be attended at all times during unloading operations by a qualified person. For the purposes of this requirement, "attended" and "qualified" have the meanings described in paragraphs (i)(3) and (4) of this section, respectively;

(vii) Each IBC or DOT specification 57 portable tank must be discharged by—

(A) Using a mechanical pump with a positive means of stopping the flow of liquid from the pump;

(B) Gravity; or

(C) Pressurizing the IBC or portable tank.

(viii) Before starting each transfer of product to a receiving system, the person performing that function must determine that each component of the discharge system (including the hose) is of sound quality, free of leaks, and that connections are secure. A hose or associated equipment that shows signs of leakage, significant bulging, or other defects may not be used;

(ix) Packages shall not be filled or refilled while on a motor vehicle unless filled or refilled on the private property of the shipper, filler, or refiller. Prior to refilling, each IBC and its service equipment must be visually inspected in accordance with the provisions of §§ 173.35(b) and 180.352 and each DOT specification 57 portable tank and its service equipment must be visually

¹⁴ 86 FR 26633 (May 17, 2021).

inspected in accordance with the provisions of § 180.605;

(x) Prior to reentering transportation, all hazardous materials must be purged from the pump, if equipped, the piping, and the discharge hose, as far as practicable; or all free-flowing hazardous material must be removed from the pump, if equipped, piping and the discharge hose in accordance with § 173.33(e). Residue remaining in these devices after product draining is not subject to this requirement provided these devices are capped and secured during transportation;

(xi) If the IBC or portable tank is unloaded using a pump, or if it is pressurized for unloading, prior to using a new or repaired transfer hose assembly (hose and associated fittings), the hose assembly must be subjected to a pressure test. The pressure test must be performed at no less than the pressure the hose is expected to be subjected to during product transfer. This test must be performed with all hose and hose fittings arranged in the configuration to be employed during transfer operations. Burst pressure must be at least four times the service pressure of the pump; and

(xii) For Class 3 materials, see § 177.837(b).

* * * * *

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. 2026–15816 Filed 8–3–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration

49 CFR Part 180
[Docket No. PHMSA–2025–0103 (HM–2680)]
RIN 2137–AG17

Hazardous Materials: Adoption of Department of Transportation Special Permit 14175
AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).
ACTION: Final rule.

SUMMARY: This final rule removes undue regulatory burdens by adopting the provisions of U.S. Department of Transportation (DOT) special permit (SP) 14175 to authorize a 10-year requalification period and the ultrasonic examination (UE) testing method for DOT specification 3A and 3AA cylinders in flammable and non-flammable, nonpoisonous gas service. This adoption reflects advances in testing technology and will relieve stakeholders of the burden of performing more frequent cylinder requalification.

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

FOR FURTHER INFORMATION CONTACT: Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, ryan.larson@dot.gov.

I. PHMSA Action
A. What action is PHMSA taking in this final rule?
PHMSA is adopting the provisions of DOT SP 14175 into the Hazardous Materials Regulations (HMR; 49 CFR

parts 171–180) by adding new paragraph (b)(2) to 49 CFR 180.209. This change will authorize a 10-year requalification interval (rather than five years) when either UE testing or hydrostatic testing with visual inspection is used for DOT specification 3A and 3AA cylinder bundles in flammable and non-flammable, nonpoisonous gas service.

B. Does this action apply to me?

Effective 30 days after publication of this final rule, holders of DOT SP 14175 will no longer need a special permit to requalify DOT specification 3A or 3AA cylinder bundles used in flammable and non-flammable, nonpoisonous gas service using UE.

C. Why is PHMSA taking this action?

PHMSA is taking this action in response to commenter feedback and to provide relief to stakeholders by allowing longer requalification intervals for the specified cylinder types when used in certain types of service. Allowing for the use of a 10-year requalification interval with UE testing or hydrostatic testing with visual inspection will reduce costs and provide greater efficiencies while also maintaining safety. PHMSA is also taking this action as part of its ongoing review of special permits that are appropriate for adoption into the HMR based on their safety record and positive impact on stakeholders.

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

PHMSA published a notice of proposed rulemaking (NPRM), cited as *HM–2680*, to gather feedback on adopting DOT SP 14175 into the HMR.¹ Please refer to the NPRM for background and discussion of the proposed changes.

The following table alphabetically lists commenters to the NPRM:

Commenter name	Docket No.
Compressed Gas Association (CGA)	PHMSA–2025–0103–0003
Dangerous Goods Advisory Council	PHMSA–2025–0103–0004

Both commenters supported adopting DOT SP 14175 into the HMR. However, CGA had additional questions or suggestions related to the NPRM proposal.

First, CGA argued that if UE and hydrostatic testing are treated as equals, the NPRM proposal to add text to Table 1 to Paragraph (a) in 49 CFR 180.209

and 49 CFR 180.209(b)(2) requiring UE to be performed by a valid Requalification Identification Number (RIN) holder for DOT 3A and 3AA cylinders is unnecessary. PHMSA concurs with CGA’s comment that the proposed text requiring a valid RIN holder to perform UE could cause confusion since no similar requirement

is stated for the other test methods—such as hydrostatic pressure testing. In addition, PHMSA notes that 49 CFR 180.205 already requires a valid RIN holder for all requalification functions. PHMSA is therefore removing the text in Table 1 to Paragraph (a) and Paragraph (b)(2) of 49 CFR 180.209

¹ 90 FR 28585 (July 1, 2025).