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.

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)

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

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

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) 21478 to allow empty intermediate bulk containers (IBCs) that only contain the residue of a hazardous material to be transported without shipping papers, placards, and United Nations (UN) identification (ID) numbers.

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

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

I. PHMSA Action

A. What action is PHMSA taking in this final rule?

PHMSA is adopting the provisions of DOT SP 21478 into the Hazardous Materials Regulations (HMR: 49 CFR parts 171–180) by revising 49 CFR 173.29 to add a new subparagraph (d) that authorizes the transportation of ''empty'' IBCs only containing a residue of a hazardous material in a manner similar to what is already allowed for empty non-bulk packaging in 49 CFR 173.29(c). PHMSA is also making conforming revisions to 49 CFR 172.331, 172.504, and 172.514. These revisions include amending 49 CFR 172.514 to make clear that IBCs shipped in accordance with the conditions of the empty packaging exception are not subject to placarding. The new provisions will require a document (in paper or electronic form) to accompany the IBCs that denotes the phrase ''Residue IBC(s)'' and indicates the number of IBCs containing hazardous materials for each Class or Division of material transported on a transport vehicle.

B. Does this action apply to me?

Effective 30 days after publication of this final rule, holders of DOT SP 21478 will no longer need a special permit to transport ''empty'' IBCs in accordance with 49 CFR 173.29.

C. Why is PHMSA taking this action?

PHMSA is taking this action in response to commenter feedback and to provide relief to stakeholders from certain requirements in the HMR for the transportation of ''empty'' IBCs containing only the residue of hazardous materials. This final rule will allow the transportation of empty IBCs in a manner similar to what is already permitted for non-bulk packagings. Specifically, the relief provided for an ''empty'' non-bulk packaging in § 173.29(c) states that non-bulk packaging containing only the residue of hazardous materials covered by Table 2 of § 172.504—a table of comparatively lower hazard Classes and Divisions of materials—are excepted from certain hazard communication requirements of the HMR. These packages do not need to be included in determining the need for placarding and are not subject to the shipping paper requirements when collected and transported by a for-hire or private carrier for reconditioning, remanufacture, or reuse.

PHMSA issued DOT–SP 21478 to grant relief from the requirement to offer for transportation and transport IBCs containing only residue of hazardous materials in a similar manner to that offered to non-bulk packagings. PHMSA has authorized this widely-utilized special permit for years with a proven track record for 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–268P,* to gather feedback on adopting DOT SP 21478 into the HMR.[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.
AECOM Technical Services, Inc.	PHMSA–2025–0104–0011
Alliance for Chemical Distribution	PHMSA–2025–0104–0008
American Fuel & Petrochemical Manufacturers	PHMSA–2025–0104–0010
Commercial Vehicle Safety Alliance (CVSA)	PHMSA–2025–0104–0009
Dangerous Goods Advisory Council	PHMSA–2025–0104–0007
Industrial Packaging Association of North America	PHMSA–2025–0104–0006
Institute of Makers of Explosives	PHMSA–2025–0104–0005
Reusable Industrial Packaging Association	PHMSA–2025–0104–0003
William Forbes	PHMSA–2025–0104–0004

A majority of NPRM commenters submitted feedback in favor of the proposed revisions. However, some commenters had additional questions or suggestions related to the NPRM proposal.

William Forbes and CVSA commented that the quantity limits in the proposal are unenforceable and may not maintain safety. Both commenters state that enforcement personnel will have no practical means to determine whether the residue quantity limits are being met. PHMSA acknowledges these concerns but notes that the quantity limits as proposed can be effectively verified through established oversight practices such as routine inspections and documentation reviews.[2] These enforcement tools have a proven track record of ensuring compliance and mitigating potential safety risks. PHMSA also notes that by limiting the capacity of the IBCs, the safety concerns surrounding the actual quantities of residue are further mitigated. In addition, more than 40 entities have been approved to transport hazardous material residues under DOT SP 21478 since its issuance in 2021, and PHMSA has never received any reports of safety incidents related to its use. This operational history provides strong

[1] 90 FR 28566 (Jul. 1, 2025).

[2] PHMSA evaluated the safety hazards associated with the hazard communication exceptions and determined that there is an equivalent level of safety between transportation of ''empty'' IBCs and ''empty'' non-bulk packages. PHMSA also notes that, comparatively, the typical quantities of residue in these IBCs are less than the quantities that the Environmental Protection Agency (EPA) considers for a container to be empty under its Resource Conservation and Recovery Act regulations for residues of hazardous waste. EPA defines this amount as 0.3 percent or less of material by weight of the total capacity for a container greater than 119 gallons—the cutoff for a packaging to be considered non-bulk. *See* 40 CFR 261.7(b)(1)(iii)(B).

evidence that the permit conditions are both enforceable and effective in maintaining an appropriate level of safety.

CVSA expressed additional concerns that the NPRM no longer requires shipping papers, placards, and identification numbers to be displayed on the transport vehicle for residue IBCs. CVSA highlighted that under the NPRM, IBCs containing hazardous materials that are prohibited from being shipped together according to 49 CFR 177.848—which governs the segregation of hazardous materials—could inadvertently be transported together. CVSA also notes that shipping papers serve as a practical and effective means for verifying compliance with segregation requirements. Consequently, CVSA believes that eliminating the requirement for shipping papers on the transport vehicle introduces a significant safety risk by decreasing the ability of inspectors and emergency responders to verify proper segregation of hazardous materials.

PHMSA acknowledges CVSA's concerns regarding the elimination of the requirement for a traditional shipping paper under part 172 to accompany transport vehicles containing residue IBCs. However, PHMSA has determined that the proposed revisions to 49 CFR 173.29 provide an equally effective mechanism for communicating necessary hazard information while reducing unnecessary regulatory burden. As proposed, the driver must maintain—in either paper or electronic form—a document that accompanies the IBCs and includes the phrase ''Residue IBC(s)'' along with the number of IBCs containing hazardous materials for each hazard class or division transported. This documentation ensures that inspectors and emergency responders can quickly identify the type and quantity of hazardous materials present, thereby enabling verification of applicable segregation requirements without imposing the full shipping paper requirements of part 172. PHMSA has determined that this approach maintains safety by ensuring critical hazard communication while providing regulated entities with greater flexibility in meeting documentation requirements.

For these reasons, PHMSA concludes that the revisions as proposed will maintain appropriate levels of safety and authorize reasonable flexibilities. As such, PHMSA is adopting the provisions of DOT SP 21478 into 49 CFR 173.29 and making conforming revisions in 49 CFR 172.331, 172.504, and 172.514 in this final rule. PHMSA does not expect these revisions to have substantial 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 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.'' [3] 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 providing relief from undue regulatory requirements to those offering and transporting empty IBCs containing only hazardous materials residue or from the need to apply for a relevant special permit. PHMSA expects that cost savings will result in reduced costs for the public to whom those entities generally transfer a portion of their compliance costs.

C. Executive Orders 14192 and 14219

PHMSA has determined that this final rule is an E.O. 14192 (*Unleashing Prosperity Through Deregulation*) deregulatory action.[4] 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.'' [5]

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*).[6] 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.'' [7] Because this final rule is not a significant action under E.O.

[3] 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*).

[4] 90 FR 9065 (Feb. 6, 2025).

[5] 90 FR 10583 (Feb. 25, 2025).

[6] 90 FR 8433 (Jan. 29, 2025); 90 FR 8353 (Jan. 29, 2025).

[7] 66 FR 28355 (May 22, 2001).

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.[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 (1), (2), and (3) above and may 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 would 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.[9] DOT posts information on a dedicated web page to help small businesses understand and navigate Federal regulatory processes.[10] 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.[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 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 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

[8] 64 FR 43255 (Aug. 10, 1999): 74 FR 24693 (May 22, 2009).

[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, *Implementing Procedures for Considering Environmental Impacts* (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).

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: 11.

Decrease in Annual Responses: 11.

Decrease in Annual Burden Hours: 16.

Decrease in Annual Burden Cost: $0.

This final rule also creates a requirement for shippers using the new provisions in 49 CFR 173.29 to have a document—in paper or electronic form—in lieu of a shipping paper, accompanying the IBCs that denotes the phrase ''Residue IBC(s)'' and indicates the number of IBCs containing hazardous materials for each Class or Division of material transported on transport vehicle. PHMSA estimates that 44 respondents will ship 50 shipments per year under this provision resulting in 2,200 shipments per year. PHMSA estimates it will take 30 seconds each for offerors to create this certification resulting in 19 burden hours (2,200 responses × 30 seconds per response). PHMSA will place this information collection under OMB Control Number 2134–0034 ''Shipping Papers and Emergency Response Information.'' PHMSA estimates there is no additional burden associated with this information collection.

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 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.''[14] 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.*

[13] 77 FR 26413 (May 4, 2012).

[14] 86 FR 26633 (May 17, 2021).

List of Subjects

49 CFR Part 172

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

49 CFR Part 173

Hazardous materials transportation, packaging and containers, radioactive materials, uranium, 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 § 172.331, add paragraph (d) to read as follows:

§ 172.331 Bulk packagings other than portable tanks, cargo tanks, tank cars and multi-unit tank car tanks.

* * * * *

(d) Transport vehicles or freight containers used to transport empty IBCs in accordance with § 173.29(d) of this subchapter are not subject to identification number marking requirements.

■ 3. In § 172.504, revise paragraph (d) to read as follows:

§ 172.504 General placarding requirements.

* * * * *

(d) *Exceptions for empty packages.* (1) *Non-bulk.* Except for hazardous materials subject to § 172.505, a non-bulk packaging that contains only the residue of a hazardous material covered by Table 2 of paragraph (e) of this section need not be included in determining placarding requirements.

(2) *IBCs.* Transport vehicles or freight containers used to transport empty IBCs in accordance with § 173.29(d) of this subchapter are not subject to placarding requirements of this part.

* * * * *

■ 4. In § 172.514, revise paragraph (b) to read as follows:

§ 172.514 Bulk packagings.

* * * * *

(b) Each bulk packaging that is required to be placarded when it contains a hazardous material, must remain placarded when it is emptied, unless it—

(1) Is sufficiently cleaned of residue and purged of vapors to remove any potential hazard;

(2) Is refilled, with a material requiring different placards or no placards, to such an extent that any residue remaining in the packaging is no longer hazardous;

(3) Contains the residue of a hazardous substance in Class 9 in a quantity less than the reportable quantity, and conforms to § 173.29(b)(1) of this subchapter; or

(4) Is an empty IBC transported in accordance with § 173.29(d).

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 5. 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.

■ 6. In § 173.29, redesignate current paragraphs (d) through (h) as paragraphs (e) through (i) and add new paragraph (d) to read as follows:

§ 173.29 Empty packagings.

* * * * *

(d) A steel, rigid plastic, or composite IBC not exceeding 2,100 L (550 gallons) containing only the residue of hazardous materials in packing group II or III of hazard Class or Division 3, 4.1, 5.1, 6.1, 8, and 9, is excepted from subpart C (shipping papers). Furthermore, transport vehicles and freight containers are not subject to the subpart F (placarding) of Part 172 of this subchapter and the marking requirements in § 172.331 (UN ID Number), provided the following conditions are met:

(1) Prior to shipment, the offeror must ensure that no more than 0.3 percent by weight of the total capacity of the IBC remains in the packaging;

(2) IBCs must be transported in a fully enclosed transport vehicle or freight container;

(3) Transportation is only authorized to a reconditioning, remanufacturing, requalification, disposal, or repair facility;

(4) A document (in paper or electronic form) must accompany the shipment of IBCs that denotes the phrase ''Residue IBC(s)'' and indicates the number of IBCs containing hazardous materials for each Class or Division of material transported;

(5) IBCs shall be marked and labeled in accordance with subpart D (marking) and subpart E (labeling) of Part 172 of this subchapter; and

(6) Transportation is authorized for only motor vehicle or rail.

* * * * *

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.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 173

[Docket No. PHMSA–2025–0094 (HM–268F)]

RIN 2137–AG08

Hazardous Materials: Reducing Burdens by Allowing Continued Use of Department of Transportation Special Permit Packagings

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 for the continued use of packagings authorized under a manufacturing special permit for the useful life of the package. Manufacturing special permits typically authorize the manufacture, mark, sale, and use of the packaging authorized by the special permit.

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

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

I. PHMSA Action

A. What action is PHMSA taking in this final rule?

PHMSA is revising 49 CFR 173.23 to allow for the continued use of a U.S. Department of Transportation (DOT) special permit (SP) packaging (*i.e.,* packaging associated with a manufacturing special permit) for which the SP has expired but the packaging remains otherwise safe and usable. Specifically, PHMSA is allowing DOT SP packagings to be used for the duration of their usable life regardless of the status of the grantee and whether the SP was not renewed—*e.g.,* when the original grantee has gone out of business but some of their packagings remain in commerce because a shipper has yet to use it for hazardous material shipment.

B. Does this action apply to me?

Effective 30 days after publication of this final rule, persons with a DOT SP packaging that is compliant with the requirements in 49 CFR 173.23 and the conditions of the most recent DOT SP on file with PHMSA may continue to use the packaging in hazardous materials service.

C. Why is PHMSA taking this action?

PHMSA is taking this action in response to commenter feedback and to allow the use of otherwise safe and usable packaging. Prohibiting the use of these packages solely because the original manufacturer (*i.e.,* the original special permit holder) has gone out of business or chose not to renew an SP is unnecessary. Authorizing the continued use of such packagings relieves an economic burden without compromising public safety.

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

PHMSA published a notice of proposed rulemaking (NPRM), cited as *HM–268F,* to gather feedback on revising the HMR to allow conditional continued use of packagings authorized under a manufacturing special permit for the duration of its useable life.[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.
Commercial Vehicle Safety Alliance (CVSA)	PHMSA–2025–0094–0013

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