■ 2. In § 171.7, add paragraph (d)(8) to read as follows:

§ 171.7 Reference material.

* * * * *

(d) * * *

(8) ANSI/ASHRAE 34–2019, Designation and Safety Classification of Refrigerants, 2019, into §§ 173.306; 173.307.

* * * * *

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 § 173.307, revise paragraph (a)(4)(iii) to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) * * *

(4) * * *

(iii) Except when offered or transported by air, 12 kg (25 pounds) or less of a flammable, non-toxic gas; or except when offered or transported by air or vessel, 20 kg (44 pounds) or less of a flammable, non-toxic gas, classified as a United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (IBR, see § 171.7 of this subchapter), Category 1B or American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHREA) A2L refrigerant as specified in ANSI/ASHRAE Standard 34–2019 (IBR, see § 171.7 of this subchapter);

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171 and 173

[Docket No. PHMSA–2025–0102 (HM–268N)]

RIN 2137–AG16

Hazardous Materials: Adoption of Department of Transportation Special Permit 21379

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes to adopt the provisions of DOT special permit (SP) 21379 into the hazardous materials regulations to streamline the transportation of large refrigerating machines filled with flammable gases.

DATES: Comments must be received on or before September 2, 2025.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2025–0102 using any of the following methods:

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

Mail: Docket Management System: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

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

Fax: 1–202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0102 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *https://www.regulations.gov.*

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

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

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. You may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Ryan Larson, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, or by email at *ryan.larson@dot.gov.* Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Ryan Larson, Transportation Regulations Specialist, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, *ryan.larson@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. General Discussion

PHMSA is proposing to revise § 173.306 to provide an exception from the Hazardous Materials Regulations (HMR; Parts 171–180) for certain specification packaging requirements for large refrigerating machines containing certain flammable gases. The American Innovation and Manufacturing Act (AIM),[1] signed into law in December 2020, required manufacturers to transition from higher Global Warming Potential (GWP) refrigerants, such as American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Group A1 gasses, currently classified as Division 2.2 non-flammable gases, to more environmentally friendly refrigerants with lower GWP. A majority of these

[1] Public Law 116–260, Division S, Sec. 103.

lower GWP refrigerants are flammable, but fall within the lower flammability category or may only propagate flame front at temperatures >23 C. All of the low GWP liquefied gases (refrigerants) described in this notice fall within GHS Category 1B and therefore ASHRAE Class 2L.

Currently, § 173.306(e)(1) and (2) provide an exception for refrigerating machines containing Group A1 refrigerant, as classified in ANSI/ASHRAE Standard 15, or not more than 50 pounds of refrigerant other than Group A1, from the specification packaging requirements of the HMR. Adopting DOT–SP 21379 into the HMR would expand the existing 5,000 lb. limit for Group A1 refrigerant, as classified in ANSI/ASHRAE Standard 15, to 5,000 lb. for low flammability gases meeting the criteria of the United Nations Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (Seventh Revised Edition) Category 1B, or the equivalent found in American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) A2L Standard 34. Additional transport conditions such as vehicle type and markings are proposed for transporting refrigerating machines containing flammable gases. PHMSA does not expect the proposed revisions to have any adverse impact on safety.

II. Regulatory Analysis and Notices

A. Legal Authority

This proposed 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 Orders 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (''Regulatory Planning and Review''),[2] as implemented by DOT Order 2100.6B (''Policies and Procedures for Rulemaking''), 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.'' DOT Order 2100.6B specifies that regulations should generally ''not be issued unless their benefits are expected to exceed their costs.'' In arriving at those conclusions, E.O. 12866 requires that agencies should consider ''both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify'' and ''maximize net benefits . . . unless a statute requires another regulatory approach.'' E.O. 12866 also requires that ''agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.'' DOT Order 2100.6B directs that PHMSA and other Operating Administrations must generally choose the ''least costly regulatory alternative that achieves the relevant objectives'' unless required by law or compelling safety need.

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

PHMSA has complied with the requirements in E.O. 12866 as implemented by DOT Order 2100.6B and made a preliminarily determination that this proposed rule would result in cost savings by reducing regulatory burdens and regulatory uncertainty for shippers of refrigerating machines by allowing for their transportation without the need for a special permit. PHMSA expects those cost savings would also 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

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.[3] PHMSA seeks data that would be helpful to generate an estimate of the cost savings from this rule. PHMSA's initial estimates are that the total costs of the rule on the regulated community would be less than zero. Nor does this proposed rule does implicate any of the factors identified in section 2(a) of E.O. 14219 indicative of a regulation that is ''unlawful . . . [or] that undermine[s] the national interest.'' [4]

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

The President has declared in E.O. 14156 (''Declaring a National Energy Emergency'') [5] a national emergency to address the United States's inadequate energy development production, transportation, refining, and generation capacity. Similarly, E.O. 14154 (''Unleashing American Energy'') [6] asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of ''undue burden[s]'' on the identification, development, or use of domestic energy resources such as PHMSA-jurisdictional hazardous materials shippers and carrier. PHMSA preliminarily finds this proposed rule is consistent with each of E.O. 14156 and E.O. 14154 because it would not hinder or unduly burden the transportation or production of energy or energy-related products.

However, this proposed rule is not a ''significant energy action'' under E.O. 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''),[7] which requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' Because this proposed rule is not a significant action under E.O. 12866, it would not have a significant adverse effect on supply, distribution, or energy use; and OIRA has therefore not designated this proposed rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132 (''Federalism'') [8] and the Presidential Memorandum (''Preemption'') published in the **Federal Register** on May 22, 2009.[9] 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] 58 FR 51735 (Oct. 4, 1993).

[3] 90 FR 9065 (Jan. 31, 2025).

[4] 90 FR 10583 (Feb. 19, 2025).

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

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

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

[8] 64 FR 43255 (Aug. 10, 1999).

[9] 74 FR 24693 (May 22, 2009).

(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 proposed rule addresses covered subject items listed in paragraph 1 above and would preempt state, local, and Tribal requirements not meeting the ''substantively the same'' standard. While the proposed 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 proposed 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 an Initial Regulatory Flexibility Analysis (IRFA) for a proposed rule subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the proposed rule in the rulemaking would not have a significant economic impact on a substantial number of small entities. E.O. 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') [10] obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act. DOT posts its implementing guidance on a dedicated web page.[11] This proposed rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. The proposed rule is expected to reduce burdens. Therefore, PHMSA certifies the proposed rule 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 direct final rule that includes a Federal mandate that may result in the expenditure by state, local, and Tribal governments, in the aggregate of $100 million or more (in 1996 dollars) in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This proposed 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

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment.

PHMSA analyzed this proposed rule in accordance with NEPA and has preliminarily determined that the rulemaking would not adversely affect safety and therefore would not significantly affect the quality of the human and natural environment. The public is invited to comment on the impact of the proposed action.

I. Executive Order 13175

PHMSA analyzed this proposed rule according to the principles and criteria in E.O. 13175 (''Consultation and Coordination with Indian Tribal Governments'') [12] and DOT Order 5301.1A (''Department of Transportation Tribal Consultation Policies and Procedures''). E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship or distribution of power between the Federal government and Tribes.

PHMSA assessed the impact of the proposed 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 proposed rule would not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking 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: 10.

Decrease in Annual Responses: 10.

Decrease in Annual Burden Hours: 14.

Decrease in Annual Burden Cost: $0.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this NPRM. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this NPRM. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this NPRM. Notwithstanding any other provision of law, no person is required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number.

Please direct your requests for a copy of this information collection to Steven Andrews, Office of Hazardous Materials Standards (PHH–12), Pipeline and

[10] 67 FR 53461 (Aug. 16, 2002).

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

[12] 65 FR 67249 (Nov. 9, 2000).

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

Similarly, the Trade Agreements Act of 1979 (Pub. L. 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 proposed 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'')[14] directed the Federal government to improve its efforts to identify, deter, and respond to ''persistent and increasingly sophisticated malicious cyber campaigns.'' PHMSA has considered the effects of the proposed rule and has determined that its regulatory amendments would not materially affect the cybersecurity risk profile for affected entities.

List of Subjects

49 CFR Part 171

Definitions and abbreviations, Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

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

For the reasons set forth above, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITION

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note; 49 CFR 1.81 and 1.97.

■ 2. In § 171.7, add paragraph (d)(8) to read as follows:

§ 171.7 Reference material.

* * * * *

(d) * * *

(8) ANSI/ASHRAE 34–2019, Designation and Safety Classification of Refrigerants, 2019, into §§ 173.306; 173.307.

* * * * *

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 173.306:

■ a. Revise paragraphs (e)(1)(i) and (ii);

■ b. Add paragraph (e)(1)(ix);

■ c. Revise paragraph (e)(2)(i) introductory text; and

■ d. Add paragraphs (e)(3) and (e)(4)

To read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(e) * * *

(1)(i) Each pressure vessel may not contain more than 5,000 pounds of Group A1 refrigerant as classified in ANSI/ASHRAE Standard 15, more than 5,000 pounds of GHS Category 1B or equivalent ASHRAE A2L refrigerant, or not more than 50 pounds of refrigerant other than those specified above.

(ii) Machines or components having two or more charged vessels may not contain an aggregate of more than 2,000 pounds of Group I refrigerant; an aggregate of more than 2,000 pounds of GHS Category 1B or equivalent ASHRAE A2L Standard 34–2019 refrigerant (IBR, see § 171.7 of this subchapter); or more than 100 pounds of refrigerant other than those specified above.

* * * * *

(ix) Each new (unused) refrigerating machine or component thereof containing a Division 2.1 gas must be transported:

(A) On a motor vehicle utilizing an open flat-bed trailer;

(B) On an open flat-bed rail car; or

(C) In a well-ventilated closed transport vehicle (such as a trailer or rail car).

* * * * *

(2) *Used refrigerating machines*—(i) *Packaging.* Reconditioned (used) refrigerating machines (UN2857, Div. 2.2 or UN3358, Div. 2.1) may be excepted from the marking requirements of § 172.302(c) of this subchapter and transported by motor vehicle when they conform to the requirements prescribed in paragraph (e)(1) of this section, are secured or permanently attached to the motor vehicle, and are:

* * * * *

(3) Each refrigerating machine or component thereof containing a Division 2.1 gas must be marked on each side and each end with the identification number marking in accordance with the requirements of § 172.302 of this subchapter.

(4) For a refrigerating machine or component thereof containing a Division 2.1 gas contained in or on a transport vehicle or rail car, if the identification number marking on the refrigerating machine or component thereof in accordance with § 172.302(a) of this subchapter is not visible, the transport vehicle or rail car must be marked as required by § 172.332 of this subchapter on each side and each end with the identification number.

* * * * *

Issued in Washington, DC, on June 26, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,

Acting Administrator.

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

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