

## FINAL RULE SUMMARY

### **HM-219C: Hazardous Materials: Adoption of Miscellaneous Petitions to Reduce Regulatory Burdens**

**Status:** Final rule

**Dates:** 12/28/2020 (effective), 12/28/2020 (IBR effective), 11/26/2021 (delayed compliance<sup>1</sup>)

#### **Incorporates by reference (IBR):**

- Incorporating by reference updated editions of multiple Compressed Gas Association (CGA) publications into § 171.7.
- Incorporating by reference the 2017 edition of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPVC) Sections II (Parts A and B), V, VIII (Division 1), and IX into § 171.7.
- Revising § 171.7(r) to update the address of the Institute of Makers of Explosives (IME) and to incorporate by reference the Association of Energy Service Companies (AES)C/IME Jet Perforating Gun (JPG) Standard, also known as the “Guide to Obtaining DOT Approval of Jet Perforating Guns using AES)C/IME Perforating Gun Specifications,” Ver. 02, dated September 1, 2017<sup>2</sup>.

#### **Changes to HMR:**

- IBR listed above.
- Revising § 173.31 to prohibit the use of tank cars with shells or heads constructed of non-normalized steel in the transportation of poison-by inhalation hazard (PIH) materials by rail after December 31, 2020.
- Harmonizing availability of limited quantity shipping exceptions for more than 100 entries for corrosive materials in the Hazardous Materials Table (HMT, § 172.101).
- Revising § 172.302(b)(2) to allow a minimum height of 12 mm (0.47 inches) for a proper shipping name marked on a portable tank with a capacity of less than 3,785 L (1,000 gallons).
- Revising § 173.28(c)(1)(i) to allow for regulatory flexibility for cleaning metal drums for reuse and clarifying the existing cleaning standard.

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<sup>1</sup> Except as provided by the compliance timelines set forth in this final rule in connection with petitions for rulemaking P-1646, P-1691 and P-1692 (all related to railroad tank cars)

<sup>2</sup> IME [petition P-1710](#)

- Revising § 173.5b to allow for the continued use of portable and mobile refrigerator systems placed into service prior to 1991 that are rated to a minimum service pressure of 250 pounds per square inch (psig).
- Removing the reference to special provision 103 in § 172.101 from Column (7) for four HMT entries (limits net explosive mass on packages containing certain 1.4B detonators)<sup>3</sup>.
- Removing the words “manufactured before September 1, 1995” from § 180.417(a)(3) to allow for an alternative report for cargo tanks manufactured after September 1, 1995.
- Revising the basis weight tolerance provided in § 178.521 from ±5 percent to ±10 percent from the nominal basis weight reported in the initial design qualification test report for paper shipping sacks.
- Revising § 173.308(d)(3) to harmonize with the International Maritime Dangerous Goods (IMDG) Code by removing the requirement for a closed transport container to have the warning mark “WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING” when transporting lighters.
- Revising §§ 173.244(a)(2) and 173.314(c) to make the “interim” rail tank car specifications the “final” specifications for the transportation of PIH materials.
- Revising § 173.31 to prohibit the use of certain rail tank cars for the transportation of PIH materials after December 31, 2027.
- Allowing all waste materials to be managed in accordance with the lab pack exception and associated paragraphs in § 173.12 irrespective of whether they meet the definition of a hazardous waste per Environmental Protection Agency (EPA) regulations implementing the Resource Conservation and Recovery Act (RCRA).<sup>3</sup>
- Revising §§ 171.23, 173.302, and 173.304 to permit the import of filled pi-marked foreign pressure receptacles for intermediate storage, transport to point of use, discharge, and export as well as the import of certain pi-marked foreign pressure receptacles for filling, intermediate storage, and export.
- Revising § 172.101(c) to clarify that the word “stabilized” must be included as part of the proper shipping name when stabilization is required for transportation.

#### **IME Issues addressed by HM-219C:**

This final rule addresses two petitions submitted to PHMSA by IME:

1. [P-1681](#) – Request to remove Special Provision 103 that limits the net explosive mass per package containing certain 1.4B HMT entries:
  - UN 0361 - Detonator assemblies, non-electric, for blasting
  - UN 0365 - Detonators for ammunition
  - UN 0255 - Detonators, electric, for blasting

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<sup>3</sup> IME [petition P-1681](#)

- UN 0267 - Detonators, non-electric, for blasting

The IME request was accepted by PHMSA and SP 103 has been removed from the HMR.

2. [P-1710](#) – Update IME address in 49 CFR 171.7(r) to IME’s current address and incorporates by reference the AESC/IME JPG Standard. These IME requests were accepted by PHMSA and:
  - The IME address has been updated
  - The IBR of the AESC/IME JPG Standard has been added as 49 CFR 171.7(r)(3) and new section § 173.67 has been added to codify the JPG Standard allowing expedited PHMSA processing under § 173.56.
  - A reference to the new § 173.67 has been added to § 173.56.