

Aviation Group Client Update

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PHMSA PROPOSES AMENDMENTS TO THE HMR

Today, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a [notice of proposed rulemaking](#) (NPRM) in the Federal Register. PHMSA proposes to amend the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, to update, clarify, or provide relief from miscellaneous regulatory requirements.

Specifically, PHMSA proposes the following regulatory changes:

- Revise 49 CFR 178.3 to clearly indicate that a manufacturer or third-party laboratory mark may not be used when continued certification of a packaging is conducted by someone other than the original manufacturer or third-party testing laboratory, unless specifically authorized by the original manufacturer or third-party testing laboratory;
- Revise 49 CFR 178.601(l), 178.801(l) and 178.955(i) to relax the record retention requirements for package test reports and provide a chart to clearly identify the retention requirements;
- Revise the Hazardous Materials Table (HMT; 49 CFR 172.101) by removing the listing for “Gasohol, gasoline mixed with ethyl alcohol, with not more than 10 % alcohol, NA1203”; and remove reference to gasohol in Sections 172.336(c)(4) and 172.336(c)(5) as a gasohol is a blend of gasoline with not more than 10% ethyl alcohol and the listing for gasoline includes gasoline mixed with ethyl alcohol, with not more than 10% alcohol;
- Revise 49 CFR 172.101 to refer to 173.151 to harmonize internationally and provide a limited quantity exception for 4.1, Self-reactive solids and Self-reactive liquids Types B through F;
- Address a petition that asks that we extend the relief provided by Special Permit DOT-SP-14652 by incorporating it in the HMR and allowing the transport of certain hazardous materials in IM101 portable tanks under T Codes in effect on September 30, 2001;
- Allow smokeless power classified as a Division 1.4C material to be reclassified as a Division 4.1 material to relax the regulatory requirements for these materials without compromising safety;
- Add a reference in 49 CFR 178.601(c)(4) and 178.801(c)(7) to ASTM D4976-06 Standard Specification for Polyethylene Plastics Molding and Extrusion Materials to provide a range of acceptable resin tolerances in the plastic drum and Intermediate Bulk Container (IBC) material; and

- Provide greater flexibility by allowing the Dangerous Cargo Manifest (DCM) to be in locations designated by the master of the vessel besides “on or near the vessel’s bridge” while the vessel is in a United States port to ensure that the DCM is readily available to communicate to emergency responders and enforcement personnel the presence and nature of the hazardous materials on board a vessel.

PHMSA seeks comments regarding the proposed amendments. Comments must be received on or before **July 23, 2012**. Please contact our office for additional information or for assistance with the preparation and submission of comments.

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