

Aviation Group Client Update

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PHMSA PROPOSES MISCELLANEOUS AMENDMENTS TO THE HMR

Last week, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a [notice of proposed rulemaking](#) (NPRM) in the Federal Register, which outlines miscellaneous proposed amendments to the Hazardous Materials Regulations (HMR).

PHMSA's proposed amendments to the HMR are designed to promote safer transportation practices; eliminate unnecessary regulatory requirements; address a petition for rulemaking; incorporate a special permit into the HMR; facilitate international commerce; and simplify the regulations.

PHMSA proposes to:

- Permit designated agents for non-residents to submit designation requests by electronic mail in addition to traditional mail.
- Add the Sulphur Institute (TSI) "Molten Sulphur Rail Tank Car Guidance" document to the list of informational materials not requiring incorporation by reference in 40 CFR 171.7.
- Revise the Hazardous Materials Table (HMT) in 49 CFR 172.101 to correct an error in the transportation requirements for entries listed under the proper shipping name, "Hydrazine Dicarboxylic Acid Diazide."
- Revise the HMT in 49 CFR 172.101 to remove the entry for "Zinc ethyl, see Diethylzinc" which was superseded by the proper shipping names adopted in a previous rulemaking.
- Revise special provision 138 in 49 CFR 172.102 to clarify the lead solubility calculation utilized for classification of material as a Marine Pollutant.
- Remove references to special provision B72 and B74 in 49 CFR 172.102 because these provisions were removed in a previous rulemaking; however, twelve entries in the 49 CFR 172.101 still contain references to these special provisions.
- Revise the shipping paper requirements in 49 CFR 172.203(e) to permit the phrase "Residue last contained" to be placed before or after the basic shipping description sequences, or for rail shipments, directly preceding the proper shipping name in the basic shipping description.

- Update the training recordkeeping requirements in 49 CFR 172.704 to specify that a hazardous materials (hazmat) employer must make hazmat employee training records available upon request at a reasonable time and location, to an authorized official of the Department of Transportation (DOT) or Department of Homeland Security (DHS).
- Clarify that the material of trade exception in 49 CFR 173.6 may be used when transporting Division 2.1 and 2.2 gases in Dewar flasks.
- Clarify the lab pack provisions in 49 CFR 173.12 pertaining to temperature controlled materials contained in a lab pack.
- Clarify the exceptions for external emergency self-closing valves on cargo tank motor vehicles (CTMV) in 49 CFR 173.33(g) to specify that external emergency self-closing valves on MC 338 cargo tanks containing cryogenic liquids may remain open during transportation.
- Correct an inadvertent deletion of the packaging requirements in 49 CFR 173.62 for explosives.
- Incorporate special permit DOT SP13556 into 49 CFR 173.134, to authorize the transportation by motor vehicle of certain regulated medical wastes, designated as sharps, in non-DOT specification container fitted into wheeled racks.
- Revise the requirements for cargo air transport of alcoholic beverages in 49 CFR 173.150 to harmonize with the International Civil Aviation Organization's (ICAO) Technical Instructions (TI).
- Clarify the exceptions in 49 CFR 173.159a for non-spillable batteries secured to skids or pallets.
- Revise 49 CFR 178.2(c) to clarify the applicability of the notification requirements for packages containing residues.
- Clarify the inspection record requirements in 49 CFR 180.416 for discharge systems of cargo tanks transporting liquefied compressed gases.
- Clarify the requirements for the Flame Penetration Resistance test required for chemical oxygen generators and certain compressed gases in Appendix E to 49 CFR Part 178.

Comments on the NPRM must be received by **June 25, 2012**. Please contact our office for additional information or assistance with the preparation and submission of comments.

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