



U.S. Department of Transportation
**Pipeline and Hazardous Materials Safety
Administration**
1200 New Jersey Avenue, SE
Washington, DC 20590

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MEMO TO FILE

From: Carolyn Nelson, P.E.
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Subject: Categorical Exclusion Determination
HM-268N: Adopting DOT-SP 21379 into the Hazardous Materials
Regulations

FINAL ACTION

In this final rule, PHMSA is amending the Hazardous Materials Regulations (HMR) by adopting the provisions of Department of Transportation (DOT) special permit (SP) 21379, which expands eligibility criteria for exception from certain regulations for refrigerating machines to include low flammability refrigerants. Specifically, PHMSA is allowing up to 5,000 lbs. of low flammability refrigerants in refrigerating machines if they are a Category 1B refrigerant, as specified in the Globally Harmonized System of Classification and Labelling of Chemicals, or a Group A2L refrigerants as specified in American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ANSI/ASHRAE) Standard 34. PHMSA is also incorporating by reference ANSI/ASHRAE 34-2024, "Designation and Safety Classification of Refrigerants," which refers users to the list of flammable gases eligible for this exception.

APPLICABLE CATEGORICAL EXCLUSION

Categorical exclusions (CE) are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or an environmental impact statement (EIS). [DOT Order 5610.1D](#), DOT's current National Environmental Policy Act (NEPA) procedures, notes in paragraph 9(f) that "[a]n OA may apply a CE established in another OA's procedures." PHMSA coordinated with the Federal Highway Administration (FHWA) to determine that the following FHWA CE is applicable to the action described above and can be used by PHMSA per Section 9(f) of DOT Order 5610.1D:

*Promulgation of rules, regulations, and directives.*¹

UNUSUAL CIRCUMSTANCES

Based on the scope of the action, PHMSA has determined that this rulemaking action does not meet the criteria for unusual circumstances listed in 23 CFR 771.117(b) which would require PHMSA to conduct appropriate environmental studies to determine if the CE classification is proper.

DETERMINATION

PHMSA analyzed the final rule and determined that the rulemaking will not adversely affect safety and will not significantly affect the quality of the human and natural environment. Based on the information provided in the final rule, including a review of unusual circumstances, PHMSA finds the final action qualifies as a Categorical Exclusion in accordance with Section 102 of the National Environmental Policy Act, 42 U.S.C. § 4332, DOT Order 5610.1D, Departmentwide National Environmental Policy Act Implementing Procedures, and 23 CFR 771.

Approved by the Environmental Analysis and Compliance Division:

¹ 23 CFR 771.117(c)(20)