

concerning gasoline fuel pumps. The FMCSR mandates that these vehicles be capable of receiving fuel at twice the maximum rate that these pumps are allowed to dispense fuel by EPA regulations. The FMCSA also continues to believe that a revision to the fuel fill rate requirements should not present a safety problem because the vehicles using the fill pipe and fueling system designs under consideration here are not likely to be fueled at locations where fuel could be dispensed at the higher rate.

The FMCSA believes that the other existing regulatory requirements, including a restricted fuel-pump dispensing rate, fuel fill rate for many (if not most) of these light-duty vehicles and light-duty trucks, plus required spitback and on-board refueling tests adequately address the safety of fueling these vehicles. (These requirements are discussed in detail under the above heading "Related EPA Regulations.") Therefore, the FMCSA proposes to require gasoline- and methanol-fueled vehicles with a GVWR of 8,500 pounds (3,744 kg) or less to comply with the applicable spitback and onboard refueling regulations of the Environmental Protection Agency under 40 CFR parts 86 and 88 (part 88 concerns clean-fuel vehicles). For gasoline- and methanol-fueled vehicles with a GVWR of 14,000 pounds (6,400 kg) or less, the FMCSA proposes to require that the vehicle comply with the applicable fuel-spitback prevention regulations and onboard refueling regulations of the Environmental Protection Agency under 40 CFR part 86.

Applicability of FMVSS 301 to Certain Additional CMVs

The FMCSA periodically codifies published regulatory guidance. Therefore, this NPRM also proposes to place in the FMCSRs previously published FMCSA regulatory guidance concerning the applicability of FMVSS 301 (Fuel System Integrity) to CMVs that have a GVWR of 10,000 lbs or less. In addition to the concern raised about the Ford and GM vehicles, there is another family of vehicles that fall under the definition of CMVs: Passenger vehicles designed or used to transport between 9 and 15 passengers (including the driver), in interstate commerce, and similar vehicles carrying placardable amounts of hazardous materials.

The existing Regulatory Guidance, published on April 4, 1997 (65 FR 16369, at 16417), reads as follows:

Question: Must a motor vehicle that meets the definition of a "commercial motor

vehicle" in § 390.5 because it transports hazardous materials in a quantity requiring placarding under the Hazardous Materials Regulations (49 CFR parts 171–180) comply with the fuel system requirements of Subpart E of Part 393, even though it has a gross vehicle weight rating (GVWR) of 10,000 pounds or less?

Guidance: No. FMVSS No. 301 contains fuel system integrity requirements for passenger cars and multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 0 deg. Celsius (32 deg. Fahrenheit). Subpart E of part 393 was issued to provide fuel system requirements to cover motor vehicles with a GVWR of 10,001 or more pounds. FMVSS No. 301 adequately addresses the fuel systems of placarded motor vehicles with a GVWR of less than 10,001 pounds and compliance with subpart E of part 393 would be redundant. However, commercial motor vehicles that are not covered by FMVSS No. 301 must continue to comply with subpart E of part 393.

Motor vehicles that meet the fuel system integrity requirements of NHTSA § 571.301 would be exempt from the requirements of FMCSA Subpart E of Part 393. The FMCSA proposes to include this provision under § 393.67 rather than § 393.65. Since the NHTSA standard deals with the overall integrity of liquid fuel systems, referencing it in the FMCSRs would take the place of a set of component-oriented standards for the class of smaller vehicles that are considered CMVs under the FMCSRs.

Rulemaking Analyses and Notices

Regulatory Notices

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FMCSA has determined that this proposed regulatory action is not significant within the meaning of Executive Order 12866 and under the regulatory policies and procedures of the DOT.

This proposed rule would revise the regulations concerning the fuel systems of certain light-duty vehicles used as CMVs. First, it would exclude from the fuel system integrity requirements of the FMCSRs certain light-duty vehicles that

are required to comply with the fuel system integrity requirements of FMVSS 301. Second, it would revise the requirements of section 393.67, Fill pipe, to bring them into conformity with EPA regulations. The FMCSA believes these changes would simplify motor carriers' ability to comply with the FMCSRs, and would not diminish the safe operation of these vehicles.

Based on the information presented here, FMCSA anticipates that this rulemaking will have minimal economic impact on the interstate motor carrier industry. Unless a motor carrier operates pumps that are used exclusively to fuel heavy-duty vehicles, motor carriers have been required to comply with the limitation on fueling rate since January 1, 1998.

Under provisions of The National Traffic and Motor Vehicle Safety Act ("Vehicle Safety Act") (49 U.S.C. 30101, *et seq.*, codified at 49 U.S.C. 30112) and NHTSA's implementing regulations, vehicles must be certified to meet all applicable FMVSSs at the time of their manufacture. Since the fuel systems of vehicles under 10,000 lbs GVWR are required to comply with FMVSS 301, there is no need for the FMCSA to require a separate fuel certification label on the fuel tanks of these vehicles.

This rulemaking imposes no requirements that would generate new costs for motor carriers. Those entities would see no change to their operations, provided they ensure that their CMVs with GVWRs of up to 10,000 pounds already comply with FMVSS 301, and their gasoline- and methanol-fueled CMVs comply with the applicable EPA regulations. This rulemaking is being proposed to harmonize the fuel system integrity requirements of FMCSA with those of the NHTSA and the EPA.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612) the FMCSA has evaluated the effects of this proposed rulemaking on small entities. Motor carriers would not be subject to any new requirements under this proposal. Generally, they would only have access to vehicles that comply with the FMVSSs and the EPA requirements. As a result, motor carriers may incur only minimal new costs, considerably less than the guideline of \$100 million or more in any one year.

Therefore, the FMCSA has preliminarily determined that this regulatory action would not have a significant economic impact on a substantial number of small entities. The FMCSA invites public comment on this determination.