

Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Unfunded Mandates

This proposed rule would not impose a Federal mandate resulting in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (2 U.S.C. 1531 *et seq.*). The FMCSA merely seeks to implement a regulation that is inherently a design requirement for the vehicle and does not lend itself to roadside verification. Persons performing inspections at the roadside would likely receive orientation on this proposal (if it becomes a rule) as part of their regular in-service training. However, they would not be trained, equipped, or expected to check fuel tank fill rates at the roadside. Also, since the FMCSA is proposing to codify an existing exemption that had already been provided for light-duty CMVs with certain VINs, the agency anticipates that minimal, if any, additional training would be required. The inspectors would only need to refer to a reference card listing those grandfathered VINs. To the extent that States incur costs due to implementation of this proposal, they would be minimal and covered under the existing MCSAP grant program.

#### List of Subjects in 49 CFR Part 393

Highway and roads, Motor carriers, Motor vehicle equipment, Motor vehicle safety.

In consideration of the foregoing, the FMCSA proposes to amend title 49, CFR, subchapter B, chapter III, part 393 as follows:

#### PART 393—[AMENDED]

1. The authority citation for part 393 would continue to read as follows:

**Authority:** Sec. 1041(b) of Pub. L. 102-240, 105 Stat. 1914; 49 U.S.C. 31136 and 31502; and 49 CFR 1.73.

2. Section 393.67 is proposed to be amended by adding new paragraphs

(a)(7) and (f)(4), and revising paragraph (c)(7) to read as follows:

#### § 393.67 Liquid Fuel Tanks.

(a) \* \* \*

(7) Motor vehicles that meet the fuel system integrity requirements of 49 CFR 571.301 are exempt from the requirements of this subpart, as they apply to the vehicle's fueling system.

\* \* \* \* \*

(c) \* \* \*

(7) *Fill pipe.*

(i) Each fill pipe must be designed and constructed to minimize the risk of fuel spillage during fueling operations and when the vehicle is involved in a crash.

(ii) For diesel-fueled vehicles, the fill pipe and vents of a fuel tank having a capacity of more than 25 gallons (94.75 L) of fuel must permit filling the tank with fuel at a rate of at least 75.8 L/m (20 gallons per minute) without fuel spillage.

(iii) For gasoline- and methanol-fueled vehicles with a GVWR of 8,500 pounds (3,744 kg) or less, the vehicle must permit filling the tank with fuel dispensed at the applicable fill rate required by the regulations of the Environmental Protection Agency under 40 CFR 80.22.

(iv) For gasoline- and methanol-fueled vehicles with a GVWR of 14,000 pounds (6,400 kg) or less, the vehicle must comply with the applicable fuel-spitback prevention and onboard refueling vapor recovery (ORVR) regulations of the Environmental Protection Agency under 40 CFR part 86.

(v) Each fill pipe must be fitted with a cap that can be fastened securely over the opening in the fill pipe. Screw threads or a bayonet-type point are methods of conforming to the requirements of paragraph (c) of this section.

\* \* \* \* \*

(f) \* \* \*

(f)(4) *Exception.* The following previously exempted vehicles are *not* required to carry the certification and marking specified in Paragraphs (f)(1) through (3) of this section:

(i) First group of Ford E-Series vehicles identified as follows: The vehicle identification numbers (VINs) contain E30, E37, E39, E40, or E47 codes in the fifth, sixth, and seventh positions. The fuel tanks are marked with Ford part numbers F3UA-9002-G\*, F3UA-9002-H\*, F4UA-9002-V\*, F4UA-9002-X\*, F5UA-9002-V\*, F5UA-9002-X\*, F6UA-9002-Y\*, F6UA-9002-Z\*, F7UA-9002-C\*, and F7UA-9002D\* where the asterisk (\*) represents a "wild card" character (any character of the alphabet).

(ii) Second group of Ford E-Series vehicles identified as follows: The VINs contain E35 or E55 codes in the fifth, sixth, and seventh positions. The fuel tanks are marked with Ford part numbers F3UA-9002-G\*, F3UA-9002-H\*, F4UA-9002-V\*, F4UA-9002-X\*, F5UA-9002-V\*, F5UA-9002-X\*, F6UA-9002-Y\*, F6UA-9002-Z\*, F7UA-9002-C\*, F7UA-9002D\*, YC25-9002-D\* (a new fuel tank for E37 series vehicles), or 2C24-9002-E\* (a new fuel tank for E55 series vehicles) where the asterisk (\*) represents a "wild card" character (any character of the alphabet).

(iii) Ford F-Series vehicles identified as follows: The VINs contain an F53 code in the fifth, sixth, and seventh positions. The fuel tanks are marked with part numbers 1C34-9K007-F\*, 1C34-9K007-G\*, and 1C34-9K007-H\* where the asterisk (\*) represents a "wild card" character (any character of the alphabet).

(iv) GM G-Vans (Chevrolet Express and GMC Savanna) and full-sized C/K trucks (Chevrolet Silverado and GMC Sierra) with gross vehicle weight ratings over 10,000 pounds identified as follows: The VINs contain either a "J" or a "K" in the fourth position. In addition, the seventh position of the VINs on the G-Van would contain a "1."

\* \* \* \* \*

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Administrator.

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