



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

#### **49 CFR Part 393**

**[Docket No. FMCSA-2025-0120]**

**RIN 2126-AC94**

#### **Parts and Accessories Necessary for Safe Operation; Auxiliary Fuel Tanks**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** FMCSA amends its fuel tank requirements to add an exception to the prohibition on gravity and syphon feeds for auxiliary pumps with a nominal fuel tank capacity of not more than five gallons mounted on the trailer chassis frame or trailer bed, for purposes other than operation of the motor vehicle, that are operated only when the motor vehicle is not in motion. This revision responds to a petition for rulemaking from the Truck Trailer Manufacturers Association (TTMA). The revision provides relief from a regulatory requirement without impacting safety.

**DATES:** Effective [Insert date 30 days after date of publication in the FEDERAL REGISTER].

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than [Insert date 30 days after date of publication in the FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, FMCSA, 1200 New Jersey Avenue S.E., Washington, D.C. 20590 0001; (202) 366-2551; [David.Sutula@dot.gov](mailto:David.Sutula@dot.gov). If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

## **SUPPLEMENTARY INFORMATION:**

FMCSA organizes this final rule as follows:

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### **I. AVAILABILITY OF RULEMAKING DOCUMENTS**

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0120/document> and choose the document to review. To view comments, click this final rule, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue S.E., Washington, D.C. 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

### **II. ABBREVIATIONS**

|        |                                             |
|--------|---------------------------------------------|
| CFR    | Code of Federal Regulations                 |
| CMV    | Commercial motor vehicle                    |
| DOT    | Department of Transportation                |
| FMCSA  | Federal Motor Carrier Safety Administration |
| FMCSRs | Federal Motor Carrier Safety Regulations    |
| FR     | Federal Register                            |
| NPRM   | Notice of proposed rulemaking               |

|               |                                         |
|---------------|-----------------------------------------|
| PIA           | Privacy Impact Assessment               |
| PTA           | Privacy Threshold Assessment            |
| The Secretary | The Secretary of Transportation         |
| TTMA          | Truck Trailer Manufacturers Association |
| U.S.C.        | United States Code                      |

### **III. LEGAL BASIS**

The provisions of 49 CFR 393.65 were adopted over 50 years ago on the basis of the Motor Carrier Act of 1935. As a result of subsequent recodifications of title 49, United States Code (U.S.C.), that authority is now found at 49 U.S.C. § 31502(b), which authorizes the Secretary of Transportation (the Secretary) to prescribe requirements for, among other things, the “safety of operation and equipment” of a motor carrier and the “standards of equipment” of a motor private carrier (49 U.S.C. § 31502(b)(1) and (2)).

The Motor Carrier Safety Act of 1984, as amended, required the Secretary to “prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that: (1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely...; (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators; and (5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section [which is the basis for much of the FMCSRs], or chapter 51 or chapter 313 of this title.”

This final rule is based on the authority of 49 U.S.C. § 31136(a)(1) to ensure that commercial motor vehicles (CMVs) are equipped and operated safely. It does not implicate the driver-centered requirements of 49 U.S.C. § 31136(a)(2) through (4). Because this final rule removes a restriction that would otherwise apply to certain motor

carriers, there is no obvious risk of coercion related to this final rule to which a driver might be subjected.

While 49 U.S.C. §§ 31502(b) and 31136(a)(1) authorize FMCSA to promulgate the rules in 49 CFR part 393 (Parts and Accessories Necessary for Safe Operation), they also allow the Agency to remove or modify regulations that are not needed for the safe operation of CMVs. For the reasons explained below, FMCSA believes that allowing an exception to section 393.65(d)—prohibiting fuel from being supplied by gravity or syphon feed directly to the carburetor or injector—will not adversely affect CMV safety under the circumstances specified in this final rule.

#### **IV. DISCUSSION OF PROPOSED RULEMAKING AND COMMENTS**

##### **A. Proposed Rulemaking**

On May 30, 2025, FMCSA published in the *Federal Register* (Docket No. FMCSA-2025-0120, 90 FR 22934) a notice of proposed rulemaking (NPRM) titled “Parts and Accessories Necessary for Safe Operation; Auxiliary Fuel Tanks.” The NPRM proposed to amend 49 CFR 393.65(d)(1) and (2) to add an exception to the prohibition on gravity and syphon feeds for auxiliary pumps with a fuel tank capacity of less than five gallons mounted on the trailer chassis frame or trailer bed, for purposes other than operation of the motor vehicle, that are operational only when the motor vehicle is not in motion.

##### **B. Comments and Responses**

FMCSA solicited comments concerning the NPRM for 60 days ending July 29, 2025. By that date, three comments were received from the following parties: the American Trucking Associations, the Owner-Operator Independent Drivers Association, and the Truck Trailer Manufacturers Association (TTMA).

All the comments were supportive of the NPRM. TTMA suggested some adjustments to the language FMCSA proposed to add to section 393.65. Specifically,

TTMA requested that the agency replace “a fuel tank capacity of less than five gallons” in proposed paragraph (d)(1) with “a nominal fuel tank capacity of not more than 5 gallons” instead. TTMA stated that the proposed language in the NPRM might prohibit a pump with a fuel tank nominally of five-gallon capacity but might hold just over five gallons because it includes air space for expansion and contraction of the fuel. In addition, TTMA stated that the proposed language in paragraph (d)(2), which read “The auxiliary pump shall be operational only when the motor vehicle is not in motion,” would require extensive modification to the pump or motor in order to prevent it from being operational while the vehicle in motion. TTMA suggested the word “operated” to replace “operational” so that it is clear that the pump is not actually being operated while the vehicle is in motion.

FMCSA agrees with the changes proposed by TTMA and believes that the revisions will help clarify the proposed exception.

## **V. CHANGES FROM THE NPRM**

FMCSA revises the proposed language in section 393.65(d)(1) and (2) to incorporate the recommended revisions from TTMA, as discussed in the comment section above. Specifically, in paragraph (d)(1) the Agency replaces “a fuel tank capacity of less than five gallons” with “a nominal fuel tank capacity of not more than five gallons.” In paragraph (d)(2), FMCSA replaces “operational” with “operated.”

## **VI. INTERNATIONAL IMPACTS**

Motor carriers and drivers are subject to the laws and regulations of the countries where they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences between nations.

## **VII. SECTION-BY-SECTION ANALYSIS**

This section-by-section analysis describes the changes to the regulatory text in numerical order.

## **Section 393.65 All fuel systems.**

FMCSA adds new paragraphs (d)(1) and (d)(2) which provide for an exception from the prohibition in paragraph (d).

## **VIII. REGULATORY ANALYSES**

### **A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures**

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Order 2100.6B.<sup>1</sup> The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866, and has not reviewed it under that E.O.

This final rule adds an exception to the prohibition on gravity and syphon feeds for auxiliary pumps with a nominal fuel tank capacity of not more than five gallons mounted on the trailer chassis frame or trailer bed when the motor vehicle is not in motion. This change will have no impact on safety. The prohibition against gravity or syphon feeds is primarily intended to prevent the continuous fueling of any fires that may occur. The exception only applies when the vehicle is not in motion and only for fuel tanks with a nominal capacity of not more than five gallons, mounted on the trailer chassis frame or trailer, when the risk of fire is mitigated. The final rule will result in cost savings for owners of eligible auxiliary pumps by eliminating the need to invest in

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<sup>1</sup> DOT Order 2100.6B is *available at* <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>.

upgrades to comply with the current requirement. FMCSA assumes any realized cost savings will be de minimis. FMCSA does not have data to estimate the reduction in costs that will result from this final rule.

## **B. E.O. 14192 (Unleashing Prosperity Through Deregulation)**

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”<sup>2</sup>

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.<sup>3</sup>

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rulemaking will have total costs less than zero, and therefore is considered an E.O. 14192 deregulatory action. As explained in the E.O. 12866 analysis section, the cost savings of this rulemaking could not be quantified.

## **C. Congressional Review Act**

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. §§ 801–808).<sup>4</sup>

## **D. Regulatory Flexibility Act**

The Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,<sup>5</sup> requires Federal agencies to

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<sup>2</sup> Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065-9067 (Feb. 6, 2025).

<sup>3</sup> OMB, *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,”* Memorandum M-25-20 (Mar. 26, 2025).

<sup>4</sup> A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. § 804(2)).

<sup>5</sup> Pub. L. No. 104-121, 110 Stat. 857 (Mar. 29, 1996).

consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* means small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. § 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule adds an exception to the prohibition on gravity and syphon feeds for auxiliary pumps with a nominal fuel tank capacity of not more than five gallons mounted on the trailer chassis frame or trailer bed when the motor vehicle is not in motion. By extending this regulatory relief, owners of eligible auxiliary pumps with a fuel pump capacity of not more than five gallons will experience cost savings that are expected to be de minimis.

Consequently, I certify that this action will not have a significant economic impact on a substantial number of small entities.

#### **E. Assistance for Small Entities**

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104-121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under FOR FURTHER INFORMATION CONTACT.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration’s Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1-888-REG-FAIR (1-888-734-3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

**F.      Unfunded Mandates Reform Act of 1995**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. §§ 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2024 levels) or more in any 1 year. Because this final rule will not result in such an expenditure, a written statement is not required.

**G.      Paperwork Reduction Act**

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501–3520).

**H.      E.O. 13132 (Federalism)**

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

FMCSA has determined that this final rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

## **I. Privacy**

The Consolidated Appropriations Act, 2005,<sup>6</sup> requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This final rule will not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. § 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,<sup>7</sup> requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this final rule. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the final rule might have on collecting, storing, and sharing personally identifiable information. The PTA was adjudicated by DOT's Privacy Officer on DATE.

## **J. E.O. 13175 (Indian Tribal Governments)**

This final rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial

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<sup>6</sup> Pub. L. No. 108-447, 118 Stat. 2809, 3268, note following 5 U.S.C. § 552a (Dec. 4, 2014).

<sup>7</sup> Pub. L. No. 107-347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

**K. National Environmental Policy Act of 1969**

FMCSA analyzed this final rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. § 4321 *et seq.*). This action falls under a published categorical exclusion and is thus excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,<sup>8</sup> Subpart B, subsection (e). Specifically, paragraph (e)(6)(bb), which covers regulations pertaining to vehicle operation safety standards, equipment approval, and/or equipment carriage requirements.

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

Highway safety, Motor carriers, Motor vehicle safety.

Accordingly, FMCSA amends 49 CFR Part 393 to read as follows:

**PART 393— PARTS AND ACCESSORIES NECESSARY FOR SAFE  
OPERATION**

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

Authority: 49 U.S.C. 31136, 31151, 31502; sec. 1041(b), Pub. L. 102-240, 105 Stat. 1914, 1993; secs. 5301 and 5524, Pub. L. 114-94, 129 Stat. 1312, 1543, 1560; and 49 CFR 1.87.

2. Amend section 393.65 by revising paragraph (d) to read as follows:

**§ 393.65 All fuel systems.**

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<sup>8</sup> Available at: <https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts>.

(d) *Gravity or syphon feed prohibited.* A fuel system must not supply fuel by gravity or syphon feed directly to the carburetor or injector, except—

(1) When an auxiliary pump with a nominal fuel tank capacity of not more than five gallons is mounted on the trailer chassis frame or trailer bed for purposes other than operation of the motor vehicle; and

(2) The auxiliary pump shall be operated only when the motor vehicle is not in motion.

\* \* \* \* \*

Issued under authority delegated in 49 CFR 1.87.

*Derek Barrs,*  
**Administrator.**

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