there is nothing inherent in a diesel engine that compels use of the POP Diesel product. Therefore, a standard premised on that product's use would presuppose or require a market outcome which need not occur and would be infeasible and arbitrary.

Even if EPA were to assume that POP Diesel's claim of lifecycle emissions reductions are valid, and considered setting a vehicle emissions standard that assumed or required use of the POP Diesel technology and fuel, POP Diesel admits this would in fact lead to an increase in the actual GHG emissions from the vehicle. The only decrease in emissions would come from the claimed reduction in lifecycle GHG emissions that POP Diesel says would occur with use of their fuel. That would amount to adopting a vehicle emissions standard to promote a vehicle technology that does not reduce but instead increases the GHG emissions of the vehicle. The vehicle emissions standard would take that approach solely as a mechanism to mandate the use of a certain diesel fuel, based on emissions impacts associated with the fuel, not the vehicle. This would dramatically distort the purpose and structure of the *vehicle* emissions standard program, largely turning it into a de facto fuel program. There is no good reason to consider such a result here, especially where there already is a separate fuel based program, the RFS program, that is directly aimed at achieving the result POP Diesel seeks—a fuel program that achieves a reduction in lifecycle GHG emissions associated with the diesel fuel used by motor vehicles, through a mandate to use certain renewable diesel fuels.

A further reason this heavy-duty rule does not regulate GHG emissions from a lifecycle perspective, or include explicit consideration of plant-based fuels like the one utilized by POP Diesel's technology, is that it would no longer be possible to establish harmonized, performance-based tailpipe GHG emissions standards (EPA) and fuel efficiency standards (NHTSA). As discussed throughout the final rule, close coordination in this first heavy-duty rule enabled EPA and NHTSA to promulgate complementary standards that appropriately allow manufacturers to build one set of vehicles to comply with both agencies' regulations. See, *e.g.,* 76 FR at 57107–108. This coordination was advocated by the President, *id.,* widely supported by stakeholders, and provides benefits for industry, government, and taxpayers by increasing regulatory efficiency and reducing compliance burdens.

D. Fleet-Wide Average Standards

Finally, the petition maintains that EPA should impose corporate fleet averages for GHG emissions, asserting that EPA did so only for medium-duty engines and vehicles. *Id.* p. 23. In fact, the standards are effectively corporate averages. See EPA, Heavy-Duty Diesel Greenhouse Gas Response to Comment Document at p. 16–149—explaining that the rule allows averaging, banking, and trading of credits within the same ''averaging set'', which means a manufacturer can comply through averaging across (for example) all of its vocational vehicles under 19,501 pounds GVWR; or all of its Class 6 and 7 vocational vehicles and tractors (that is, between all vehicles above 19,500 pounds GVWR and less than 33,001 pounds GVWR); or between all vehicles with GVWR greater than 33,000 pounds; or within the engine averaging sets (spark ignition engines, compression-ignition light heavy-duty engines, compression-ignition medium heavy-duty engines, and compression-ignition heavy heavy-duty engines). See sections 1036.740(a) and 1037.740(a). In any case, this issue again was one which was presented at proposal and addressed in the final rule. See 75 FR at 74250–54 (proposal) and 76 FR at 57238–240 (final). Consequently, POP Diesel has again failed to show why its objection can be raised outside the period for public comment, and in any case is mistaken. CAA section 307(d)(7)(B).

Accordingly, because POP Diesel has not stated grounds requiring or justifying reconsideration under section 307(d)(7)(B) EPA is denying its petition.

Dated: August 17, 2012.

Lisa P. Jackson,

Administrator.

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reflect a single means of generating electricity and so differs from POP Diesel's desired outcome, which is fuel specific. *See* 75 FR 25326, 25436–37 (May 7, 2010).

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 369

[Docket No. FMCSA–2012–0020]

RIN–2126–AB48

Rescission of Quarterly Financial Reporting Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Withdrawal of direct final rule.

SUMMARY: FMCSA withdraws its June 27, 2012, direct final rule eliminating the quarterly financial reporting requirements for certain for-hire motor carriers of property (Form QFR) and for-hire motor carriers of passengers (Form MP–1). After reviewing the adverse comment received from SJ Consulting Group in response to the direct final rule, the agency has determined that it would be inappropriate to allow the direct final rule to take effect. The FMCSA intends to publish a notice of proposed rulemaking in the near future proposing the elimination of the quarterly financial reporting requirements for Form QFR and Form MP–1.

DATES: The direct final rule published at 77 FR 38211, June 27, 2012 is withdrawn, effective August 27, 2012.

FOR FURTHER INFORMATION CONTACT: Ms. Vivian Oliver, Office of Research and Information Technology, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590; Telephone 202–366–2974; email *Vivian.Oliver@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation and Comments

A. Viewing Comments and Documents

To view comments, go to *http://www.regulations.gov/#!docketDetail;D=FMCSA-2012-0020.* If you do not have access to the Internet, you may also view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

B. Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

II. Background

On June 27, 2012, FMCSA published a direct final rule proposing to eliminate the quarterly financial reporting requirements for certain for-hire motor carriers of property (Form QFR) and for-hire motor carriers of passengers (Form MP–1), if no adverse comments were received by July 27, 2012. After

reviewing the one set of adverse comments received from SJ Consulting Group, the agency has determined that it would be inappropriate to allow the direct final rule to take effect.

SJ Consulting Group stated that it uses the quarterly financial information to advise motor carriers, shippers, and persons interested in buying motor carriers. It argued that the quarterly reports provide useful insight into the U.S. trucking industry, such as operating statistics that are not available from other public sources, particularly for private carriers. Although SJ Consulting conceded that says some data on general demand and pricing trends are available from other sources, it argued that quarterly data on the profitability of carriers are essential in providing safe and timely service to shippers, estimating future growth rates, and assessing opportunities for profitable investment in the trucking industry. SJ Consulting has used Form QFR reports for these purposes for many years.

FMCSA Response: SJ Consulting submitted an adverse comment with an explanation of why it disagrees with the direct final rule. For this reason, FMCSA withdraws the direct final rule of June 27, 2012, based on the adverse comments of SJ Consulting Group.

Issued on: August 15, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012–21021 Filed 8–24–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 375

[Docket No. FMCSA–2011–0313]

RIN 2126–AB41

Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations: Household Goods Motor Carrier Record Retention Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: FMCSA confirms the effective date for its July 16, 2012, direct final rule concerning the period during which household goods (HHG) motor carriers must retain documentation of an individual shipper's waiver of receipt of printed copies of consumer protection materials. The direct final rule harmonized the retention period with other document retention requirements applicable to HHG motor carriers. FMCSA also amended the regulations to clarify that a HHG motor carrier is not required to retain waiver documentation from any individual shippers for whom the carrier does not actually provide services. The Agency did not receive any comments in response to the direct final rule and confirms the November 13, 2012, effective date of the rule.

DATES: The effective date for the direct final rule published in the **Federal Register** on July 16, 2012 (77 FR 41699), is confirmed as November 13, 2012.

ADDRESSES: The docket for this rulemaking (FMCSA–2011–0313) is available for inspection at *http://www.regulations.gov/#!docketDetail;D=FMCSA-2011-0313.* If you do not have access to the Internet, you may also view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Mack, FMCSA, Household Goods Team Leader, Commercial Enforcement and Investigations Division at (202) 385–2400 or by email at *brodie.mack@dot.gov.*

SUPPLEMENTARY INFORMATION: On July 16, 2012, FMCSA published a direct final rule amending its regulations at 49 CFR part 375. The rule reduced the retention period in 49 CFR 375.213(e)(3) from three years to one year for signed receipts documenting an individual shipper's waiver of physical receipt of the consumer protection publications ''Your Rights and Responsibilities When You Move,'' and ''Ready to Move?—Tips for a Successful Interstate Move.'' The change harmonized this requirement with other requirements in part 375 that require HHG motor carriers to retain shipping documents for only one year. The rule also clarified a HHG motor carrier that obtains a signed waiver from a shipper is required to comply with the retention requirements in § 375.213(e)(3) only if the carrier actually provides moving services to the shipper.

FMCSA used the Agency's direct final rule procedures (75 FR 29915, May 28, 2010) because it was a routine and noncontroversial amendment, and the Agency did not expect any adverse comments. The direct final rule advised the public that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, was received by August 15, 2012, the Agency would provide notice confirming the effective date. Because the Agency did not receive any comments to the docket by August 15, 2012, the direct final rule will become effective November 13, 2012.

Issued on: August 20, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012–21031 Filed 8–24–12; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383 and 390

[Docket No. FMCSA–2012–0156]

RIN 2126–AB53

Gross Combination Weight Rating (GCWR); Definition

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) amends the definition of ''gross combination weight rating'' (GCWR) in our regulations. The definition currently prescribes how the GCWR is calculated if the vehicle manufacturer does not include the information on the vehicle certification label required by the National Highway Traffic Safety Administration (NHTSA). The Agency has determined the definition should not include what is essentially guidance that is difficult for the motor carrier and enforcement communities to use. Therefore, FMCSA amends this definition to state that the GCWR is the value specified by the commercial motor vehicle manufacturer.

DATES: This rule is effective October 26, 2012, unless an adverse comment or notice of intent to submit an adverse comment, is either submitted to our online docket via *http://www.regulations.gov* on or before September 26, 2012 or reaches the Docket Management Facility by that date. If an adverse comment or notice of intent to submit an adverse comment is received by September 26, 2012, we will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

ADDRESSES: You may submit comments identified by docket number FMCSA–