

registration, if the registered entity failed to show good cause why its registration should not be suspended. Second, the Agency Official may enter an order directing the registered entity to come into compliance, if the Agency Official determines that corrective action is more appropriate than suspension. The compliance order informs the carrier or broker that willful failure to comply may result in suspension or revocation of registration. Third, the Agency Official may determine that suspension is not appropriate and enter an order terminating the proceeding. This mirrors the procedure the Agency follows when taking action under 49 U.S.C. 13905 to suspend, amend or revoke operating authority registration generally, for non-HHG motor carriers as well as HHG carriers. See 77 FR 46147, 46149 (Aug. 2, 2012).

In determining whether to initiate a registration suspension for hostage load violations FMCSA generally considers a motor carrier's six-year compliance history. The six-year period is consistent with FMCSA's penalty assessment policies regarding "history of prior offenses" under 49 U.S.C. 521(b)(2)(D) and "pattern of violations" warranting assessment of maximum civil penalties under section 222 of MCSIA, see 69 FR 77828 (Dec. 28, 2004) and 74 FR 14184 (Mar. 30, 2009), and its determinations under 49 U.S.C. 13902 and 13905 on willingness and ability to comply with applicable regulations. See 77 FR 46147, 46144–46149 (Aug. 2, 2012). Accordingly, FMCSA may suspend the registration of a carrier or broker found holding a shipment hostage for a first time for no less than 12 months pursuant to 49 U.S.C. 14915. If a carrier or broker commits a second hostage load violation within 6 years of the first violation, FMCSA may suspend its registration for 24 months. If a carrier or broker commits a third violation within 6 years of the first violation, FMCSA may suspend its registration for 36 months.

Issued on: September 18, 2012.

William A. Bronrott,
Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 536

[NHTSA–2010–0131; EPA–HQ–OAR–2010–0799; FRL–9706–5]

RIN 2127–AK79; RIN 2060–AQ54

2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final rule regulation which was published in the **Federal Register** of Monday, October 15, 2012 (77 FR 62624). The final rule established fuel economy standards for light-duty vehicles under the Energy Policy and Conservation Act (EPCA), as amended by the Energy Independence and Security Act (EISA), 49 U.S.C. 32901 *et seq.*

DATES: *Effective Date:* This correcting amendment is effective on December 14, 2012.

FOR FURTHER INFORMATION CONTACT: Rebecca Yoon, Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–2992.

SUPPLEMENTARY INFORMATION:

Background

NHTSA and EPA published in the **Federal Register** of October 15, 2012, final rules to establish coordinated standards to improve fuel economy and reduce greenhouse gas emissions for vehicles manufactured for sale in the United States in model years 2017 and beyond. The final rules, consistent with President Obama's directive to the agencies on May 21, 2010, respond to the country's critical need to reduce oil consumption and address global climate change.

Need for Correction

As published, the final regulations inadvertently misprinted one of the values for "VMT_u," which represents lifetime vehicle miles traveled for the model year and compliance category in which a traded or transferred credit is used for compliance in 49 CFR part 536. The value printed for passenger cars in model year 2011 was "152,922," when the value intended to be printed, consistent with prior rulemakings, is "150,922." To correct the mistake, NHTSA is replacing the value in the table to alleviate any confusion.

List of Subjects in 49 CFR Part 536

Fuel economy, Reporting and recordkeeping requirements.

Accordingly, 49 CFR part 536 is corrected by making the following correcting amendments:

PART 536—TRANSFER AND TRADING OF FUEL ECONOMY CREDITS

- 1. The authority citation for part 536 continues to read as follows:

Authority: 49 U.S.C. 32903, delegation of authority at 49 CFR 1.50.

- 2. Revise § 536.4(c) to read as follows:

§ 536.4 Credits.

* * * * *

(c) *Adjustment factor.* When traded or transferred and used, fuel economy credits are adjusted to ensure fuel oil savings is preserved. For traded credits, the user (or buyer) must multiply the calculated adjustment factor by the number of its shortfall credits it plans to offset in order to determine the number of equivalent credits to acquire from the earner (or seller). For transferred credits, the user of credits must multiply the calculated adjustment factor by the number of its shortfall credits it plans to offset in order to determine the number of equivalent credits to transfer from the compliance category holding the available credits. The adjustment factor is calculated according to the following formula:

$$A = \frac{VMT_u * MPG_{ae} * MPG_{se}}{VMT_e * MPG_{au} * MPG_{su}}$$

Where:
A = Adjustment factor applied to traded and transferred credits.

$VMTC_e$ = Lifetime vehicle miles traveled as provided in the following table for the model year and compliance category in which the credit was earned;

$VMTC_u$ = Lifetime vehicle miles traveled as provided in the following table for the model year and compliance category in which the credit is used for compliance;

Model year	Lifetime vehicle miles traveled (VMT)						
	2011	2012	2013	2014	2015	2016	2017–2025
Passenger Cars	150,922	177,238	177,366	178,652	180,497	182,134	195,264
Light Trucks	172,552	208,471	208,537	209,974	212,040	213,954	225,865

MPG_{sc} = Required fuel economy standard for the originating (earning) manufacturer, compliance category, and model year in which the credit was earned;

MPG_{ac} = Actual fuel economy for the originating manufacturer, compliance category, and model year in which the credit was earned;

MPG_{su} = Required fuel economy standard for the user (buying) manufacturer, compliance category, and model year in which the credit is used for compliance; and

MPG_{au} = Actual fuel economy for the user manufacturer, compliance category, and

model year in which the credit is used for compliance.

Daniel C. Smith,
Senior Associate Administrator for Vehicle Safety, National Highway Traffic Safety Administration, Department of Transportation.

[FR Doc. 2012–25641 Filed 10–17–12; 8:45 a.m.]

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