

indicate that venue for challenges to be in the D.C. Circuit. Accordingly, the EPA is determining that this is a rule of nationwide scope or effect. In addition, pursuant to CAA section 307(d)(1)(V), the EPA is determining that this rulemaking action will be subject to the requirements of section 307(d). Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit Court within 60 days from the date final action is published in the **Federal Register**. Filing a petition for review by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. Thus, any petitions for review of this action must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 52

Approval and promulgation of implementation plans, Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations and Reporting and recordkeeping requirements.

Dated: January 4, 2013.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2013-00566 Filed 1-14-13; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

45 CFR Part 5b

[Docket Number NIH-2011-0001]

Privacy Act, Exempt Record System; Withdrawal

AGENCY: Department of Health and Human Services, National Institutes of Health.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Department of Health and Human Services (HHS) and the National Institutes of Health (NIH) published in the **Federal Register** of August 28, 2012, a direct final rule to exempt a new system of records from certain

provisions of the Privacy Act of 1974 in order to protect the integrity of NIH research misconduct proceedings and to protect the identity of confidential sources in such proceedings. The comment period for this direct final rule closed November 13, 2012. HHS is withdrawing the direct final rule because the agency has received significant adverse comment.

DATES: The direct final rule published at 77 FR 51933, August 28, 2012, is withdrawn effective January 10, 2013.

FOR FURTHER INFORMATION CONTACT:

Karen Pla, the NIH Privacy Act Officer, by email at KarenPla@nih.gov or by telephone on 301-402-6201; and/or Jerry Moore, the NIH Regulations Officer, by email at jm40z@nih.gov or by telephone on 301-496-4607.

SUPPLEMENTARY INFORMATION: HHS and NIH published in the **Federal Register** of August 28, 2012 (77 FR 51933), a direct final rule to exempt a new system of records, 09-25-0223, "NIH Records Related to Research Misconduct Proceedings, HHS/NIH," from certain provisions of the Privacy Act of 1974 in order to protect the integrity of NIH research misconduct proceedings and to protect the identity of confidential sources in such proceedings. HHS is withdrawing the direct final rule because the agency has received significant adverse comment.

Authority: Therefore, pursuant to 5 U.S.C. 301 and 552a, the direct final rule published on August 28, 2012 (77 FR 51933) is withdrawn.

Dated: January 10, 2013.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2013-00726 Filed 1-10-13; 4:15 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 21

[Docket No. FDA-2011-N-0252]

Office of the Secretary

45 CFR Part 5b

Privacy Act, Exempt Record System; Withdrawal

AGENCY: Office of the Secretary, Food and Drug Administration, HHS.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Department of Health and Human Services (HHS) and the Food

and Drug Administration (FDA) are withdrawing the direct final rule that August 28, 2012. HHS/FDA published the direct final rule to exempt scientific research misconduct proceedings records from certain requirements of the Privacy Act of 1974 in order to protect records compiled in the course of misconduct inquiries and investigations, and to safeguard the identity of confidential sources. The comment period closed on November 13, 2012. HHS/FDA is withdrawing the direct final rule because the Agency received significant adverse comment.

DATES: Effective Date: The direct final rule published at 77 FR 51910, August 28, 2012, is withdrawn effective January 10, 2013.

FOR FURTHER INFORMATION CONTACT:

Frederick Sadler, Division of Freedom of Information, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301-796-8975, Frederick.Sadler@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: HHS and FDA are withdrawing the direct final rule that published in the **Federal Register** of Tuesday, August 28, 2012 (77 FR 51910). HHS/FDA published the direct final rule to exempt scientific research misconduct proceedings records from certain requirements of the Privacy Act of 1974 in order to protect records compiled in the course of misconduct inquiries and investigations, and to safeguard the identity of confidential sources. The comment period closed on November 13, 2012. HHS/FDA is withdrawing the direct final rule because the Agency received significant adverse comment.

Authority: Therefore, under 5 U.S.C. 552a, the direct final rule published on Tuesday, August 28, 2012, 77 FR 51910, is withdrawn.

Dated: January 10, 2013.

Approved:

Kathleen Sebelius

Secretary, Department of Health and Human Services.

[FR Doc. 2013-00723 Filed 1-10-13; 4:15 pm]

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