

- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rules, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping

requirements, Volatile organic compounds.

Dated: October 27, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(388)(i)(E)(3) and (4) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(388) \* \* \*

(i) \* \* \*

(E) \* \* \*

(3) Rule 218, "Architectural Coatings," amended October 14, 2010.

(4) Rule 234, "Automotive Refinishing Operations," adopted November 3, 1994 and amended October 14, 2010, effective July 1, 2011.

\* \* \* \* \*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 93

[EPA-HQ-OAR-2011-0393; FRL-9499-1]

**RIN 2060-AR03**

#### Transportation Conformity Rule: MOVES Regional Grace Period Extension

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Because EPA received adverse comments, we are withdrawing the direct final rule extending the

MOVES Regional Grace Period, published on October 13, 2011. The direct final rule would have extended the grace period to March 2013, before the Motor Vehicle Emission Simulator model (currently MOVES2010a) is required for regional emissions analyses for transportation conformity determinations ("regional conformity analyses").

**DATES:** Effective December 5, 2011, EPA withdraws the direct final rule published at 76 FR 63554, on October 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Meg Patulski, State Measures and Transportation Planning Center, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; *telephone number:* (734) 214-4842; *fax number:* (734) 214-4052; *email address:* patulski.meg@epa.gov.

**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comments, we are withdrawing the direct final rule for extending the MOVES regional conformity grace period, published on October 13, 2011 (76 FR 63554). We stated in that direct final rule that if we received adverse comments, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comments on that direct final rule. We will address those comments in a subsequent final action, which will be based on the parallel proposed rule also published on October 13, 2011 (76 FR 63575). As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.

Dated: November 29, 2011.

**Gina McCarthy,**

*Assistant Administrator for the Office of Air and Radiation.*

Accordingly, the amendments to the rule published on October 13, 2011 (76 FR 63554) are withdrawn as of December 5, 2011.

[FR Doc. 2011-31130 Filed 12-2-11; 8:45 am]

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