

sent in registered First-Class Package International Service shipments.

**Stanley F. Mires,**

*Attorney, Federal Compliance.*

[FR Doc. 2017-26143 Filed 12-4-17; 8:45 am]

**BILLING CODE 7710-12-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2017-0413; FRL-9971-40-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2015 Ozone National Ambient Air Quality Standards; Withdrawal of Direct Final Rule

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

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

**SUMMARY:** Due to receipt of adverse comment, the Environmental Protection Agency (EPA) is withdrawing the direct final rule published on Monday, October 16, 2017, to approve revisions to the West Virginia state implementation plan (SIP). The revisions updated the effective date by which the West Virginia regulations incorporate by reference the national ambient air quality standards (NAAQS), additional monitoring methods, and additional equivalent monitoring methods.

**DATES:** The direct final rule published at 82 FR 47981, on October 16, 2017, is withdrawn as of December 5, 2017.

**FOR FURTHER INFORMATION CONTACT:** Joseph Schulingkamp, (215) 814-2021, or by email at [schulingkamp.joseph@epa.gov](mailto:schulingkamp.joseph@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 13, 2017, West Virginia submitted a SIP revision to update the State's incorporation by reference of federal standards, ambient air monitoring reference methods, and equivalent monitoring reference methods. The SIP revisions updated the effective date by which the West Virginia regulations incorporate by reference the national ambient air quality standards (NAAQS), additional monitoring methods, and additional equivalent monitoring methods. This update was intended to add effectively the following to the West Virginia SIP: The 2015 ozone NAAQS; monitoring reference and equivalent methods pertaining to fine particulate matter (PM<sub>2.5</sub>), carbon monoxide (CO), and coarse particulate matter (PM<sub>10</sub>); a revised ozone monitoring season; the

Federal Reference Method (FRM); the Federal Equivalent Method (FEM); and the Photochemical Assessment Monitoring Stations (PAMS) network. The effective date of the incorporation by reference changed from June 1, 2013 to June 1, 2017. The SIP revision also sought to change a reference from the "West Virginia Department of Environmental Protection," to the "Division of Air Quality."

In the direct final rule published on Monday, October 16, 2017 (82 FR 47981), EPA stated that if we received adverse comment by November 15, 2017, the rule would be withdrawn and not take effect. EPA subsequently received adverse comment. EPA will address the comments received in a subsequent final rulemaking action based upon the proposed action, also published on Monday, October 16, 2017 (82 FR 48033). EPA will not institute a second comment period on this action.

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: November 17, 2017.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

■ Accordingly, the amendments to 40 CFR 52.2520(c) published on October 16, 2017 (82 FR 47981) are withdrawn as of December 5, 2017.

[FR Doc. 2017-26077 Filed 12-4-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R02-OAR-2017-0425, FRL-9971-25-Region 2]

#### Approval of Air Quality Implementation Plans; New York; Cross-State Air Pollution Rule; NO<sub>x</sub> Annual and SO<sub>2</sub> Group 1 Trading Programs

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is conditionally approving a revision to the New York State Implementation Plan (SIP) addressing requirements of the Cross-State Air Pollution Rule (CSAPR). Under the CSAPR, large electricity generating units in New York are subject to Federal Implementation Plans (FIPs)

requiring the units to participate in CSAPR federal trading programs for annual emissions of nitrogen oxides (NO<sub>x</sub>), ozone season emissions of NO<sub>x</sub>, and annual emissions of sulfur dioxide (SO<sub>2</sub>). This action conditionally approves into New York's SIP the State's regulations that replace the default allowance allocation provisions of the CSAPR federal trading programs for annual NO<sub>x</sub> and SO<sub>2</sub> emissions. EPA is conditionally approving New York's regulations for annual NO<sub>x</sub> and SO<sub>2</sub> emissions because, while the submitted rules do not fully conform to CSAPR, New York is in the process of making further revisions to its rules and has provided a commitment to finalize and submit them by December 29, 2017. Upon timely meeting of this commitment, EPA will propose to convert the conditional approval of the SIP revision to a full approval.

**DATES:** This rule is effective December 5, 2017.

**ADDRESSES:** EPA has established a docket for this action under Docket ID number EPA-R02-OAR-2017-0425. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov), or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Fradkin, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-3702, or by email at [fradkin.kenneth@epa.gov](mailto:fradkin.kenneth@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. What action is EPA taking?
- II. Background on CSAPR and CSAPR-Related SIP Revisions
- III. What comments were received in response to EPA's proposed action?
- IV. What is EPA's conclusion?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

#### I. What action is EPA taking?

EPA is conditionally approving portions of New York's December 1,