

fixed income, PHAs using streamlined income determinations must apply a COLA or COLAs to the family's sources of fixed income, provided that the family certifies both that 90 percent or more of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year. For non-fixed income, the PHA may choose, but is not required, to make appropriate adjustments pursuant to paragraph (a) of this section.

(ii) When less than 90 percent of a family's unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA to each of the family's sources of fixed income individually. The PHA must determine all other income pursuant to paragraph (a) of this section.

(4) *COLA rate applied by PHAs.* PHAs using streamlined income determinations must adjust a family's fixed income using a COLA or current interest rate that applies to each specific source of fixed income and is available from a public source or through tenant-provided, third-party-generated documentation. If no public verification or tenant-provided documentation is available, then the owner must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

(5) *Triennial verification.* For any income determined pursuant to a streamlined income determination, a PHA must obtain third-party verification of all income amounts every 3 years.

\* \* \* \* \*

**PART 982—SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM**

■ 9. The authority citation for part 982 continues to read as follows:

**Authority:** 42 U.S.C. 1437f and 3535(d).

■ 10. In § 982.516, revise paragraph (b) to read as follows:

**§ 982.516 Family income and composition: Annual and interim reexaminations.**

\* \* \* \* \*

(b) *Streamlined income determination*—(1) *General.* A PHA may elect to apply a streamlined income determination to families receiving fixed income as described in paragraph (b)(3) of this section.

(2) *Definition of "fixed income".* For purposes of this section, "fixed income" means periodic payments at reasonably predictable levels from one or more of the following sources:

(i) Social Security, Supplemental Security Income, Supplemental Disability Insurance.

(ii) Federal, state, local, or private pension plans.

(iii) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.

(iv) Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

(3) *Method of streamlined income determination.* A PHA using the streamlined income determination must adjust a family's income according to the percentage of a family's unadjusted income that is from fixed income.

(i) When 90 percent or more of a family's unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA or COLAs to the family's fixed-income sources, provided that the family certifies both that 90 percent or more of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year. For non-fixed income, the PHA may choose, but is not required, to make appropriate adjustments pursuant to paragraph (a) of this section

(ii) When less than 90 percent of a family's unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA to each of the family's sources of fixed income individually. The PHA must determine all other income pursuant to paragraph (a) of this section.

(4) *COLA rate applied by PHAs.* PHAs using streamlined income determinations must adjust a family's fixed income using a COLA or current interest rate that applies to each specific source of fixed income and is available from a public source or through tenant-provided, third-party-generated documentation. If no public verification or tenant-provided documentation is available, then the owner must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

(5) *Triennial verification.* For any income determined pursuant to a streamlined income determination, a PHA must obtain third-party verification of all income amounts every 3 years.

\* \* \* \* \*

Dated: November 8, 2017.

**Pamela H. Patenaude,**  
*Deputy Secretary.*

[FR Doc. 2017-26697 Filed 12-11-17; 8:45 am]

**BILLING CODE 4210-67-P; 5743-04-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2016-0574; FRL-9971-56-Region 3]

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs; Withdrawal of Direct Final Rule**

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

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

**SUMMARY:** Due to receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the September 25, 2017 direct final rule that approved two state implementation plan (SIP) revisions submitted by the State of West Virginia removing the Clean Air Interstate Rule (CAIR) annual nitrogen oxide (NO<sub>x</sub>) and annual sulfur dioxide (SO<sub>2</sub>) trading programs from the West Virginia SIP.

**DATES:** The direct final rule published at 82 FR 44525 on September 25, 2017 is withdrawn as of December 12, 2017.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814-2308, or by email at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** On July 13, 2016, the State of West Virginia, through the West Virginia Department of Environmental Protection (WVDEP), submitted three SIP revisions requesting that EPA remove from its SIP three regulations that implemented the CAIR (70 FR 25162, May 12, 2005) trading programs: Regulation 45CSR39—*Control of Annual Nitrogen Oxides Emissions*, Regulation 45CSR40—*Control of Ozone Season Nitrogen Oxides Emissions*, and Regulation 45CSR41—*Control of Annual Sulfur Dioxide Emissions*. The September 25, 2017 action pertained to the two submittals that requested removal of 45CSR39 and 45CSR41, the CAIR annual NO<sub>x</sub> and annual SO<sub>2</sub> trading programs, respectively, from the West Virginia SIP. The submittal pertaining to removal of the CAIR ozone season NO<sub>x</sub> trading program was not a part of that action and is being addressed in a separate action. In the direct final rule published on September 25, 2017 (82 FR 44525), EPA stated that if EPA received adverse comments by October 25, 2017, the rule would be withdrawn and not take effect. EPA subsequently received an adverse comment from an anonymous commenter.

Because an adverse comment was received, EPA is withdrawing the direct final rule approving the revisions to the West Virginia SIP that remove the CAIR annual trading programs for NO<sub>x</sub> and SO<sub>2</sub>. EPA will address the comment received in a subsequent final action based upon the proposed rulemaking action also published on September 25, 2017 (82 FR 44544), for the two July 13, 2016 SIP submissions. EPA will not institute a second comment period on this action.

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

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

Dated: November 22, 2017.

#### Cosmo Servidio,

Regional Administrator, Region III.

■ Accordingly, the amendments to § 52.2520(c) published on September 25, 2017 (82 FR 44525), which were to become effective December 26, 2017, are withdrawn as of December 12, 2017.

[FR Doc. 2017-26408 Filed 12-11-17; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R02-OAR-2017-0459; FRL-9971-83-Region 2]

### Approval and Promulgation of Implementation Plans; New York; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is conditionally approving a State Implementation Plan (SIP) submitted by the State of New York for purposes of implementing Reasonably Available Control Technology (RACT) for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) related to control of volatile organic compounds (VOCs) from industrial cleaning solvents. The EPA is approving New York's Ozone Transport Region RACT SIP as it applies to non-control technique guideline major sources of VOCs and major sources of oxides of nitrogen. The EPA is also approving the State of New

York's state-wide non-attainment new source review certification as sufficient for purposes of satisfying the 2008 8-hour ozone NAAQS. The EPA is approving New York's certification that there are no sources within the State for the following CTGs: Manufacture of Vegetable Oils and Application of Agricultural Pesticides. This action is being taken in accordance with the requirements of the Clean Air Act.

**DATES:** This final rule is effective on January 11, 2018.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID Number EPA-R02-OAR-2017-0459. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) 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 electronically through <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Anthony (Ted) Gardella, Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866, at (212) 637-3892, or by email at [Gardella.Anthony@epa.gov](mailto:Gardella.Anthony@epa.gov).

**SUPPLEMENTARY INFORMATION:** The SUPPLEMENTARY INFORMATION section is arranged as follows:

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- I. What is the background for this action?
- II. What comments were received in response to the EPA's proposed action?
- III. What action is the EPA taking?
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  - B. What Federal implementation plan provisions apply if a state fails to submit an approvable plan?
- V. Statutory and Executive Order Reviews

#### I. What is the background for this action?

On September 14, 2017 (82 FR 43209), the EPA published a Notice of Proposed Rulemaking that proposed to conditionally approve the State of New York's December 22, 2014 State Implementation Plan (SIP) submittal,<sup>1</sup> for purposes of implementing Reasonably Available Control Technology (RACT)<sup>2</sup> for the 2008

8-hour ozone National Ambient Air Quality Standard (NAAQS or standard). The EPA proposed to approve New York's Ozone Transport Region RACT SIP as it applies to non-control technique guideline major sources of VOCs and major sources of oxides of nitrogen. The EPA also proposed to approve the State of New York's state-wide non-attainment new source review certification as sufficient for purposes of satisfying the 2008 8-hour ozone NAAQS.<sup>3</sup> In addition, the EPA proposed to approve New York's certification that there are no sources within the State for the following CTGs: (a) Manufacture of Vegetable Oils and (b) Application of Agricultural Pesticides.

The proposed approval was conditioned on New York finalizing revisions to RACT requirements related sources subject to the industrial cleaning solvents control techniques guidelines (CTG). As the SIP submittal indicates, the RACT requirements for the 2008 ozone NAAQS have been fulfilled with the exception of sources subject to the industrial cleaning solvents CTG. In the SIP submittal, New York committed to address sources subject to this CTG through a timely revision to Title 6 of the New York Codes, Rules and Regulations Part 226 entitled, "Solvent Metal Cleaning Processes" (6 NYCRR Part 226). Therefore, consistent with section 110(k)(4) of the Clean Air Act (CAA), the EPA's September 14, 2017 rulemaking, signed September 6, 2017 and published September 14, 2017, proposed to conditionally approve New York's December 2014 SIP submittal. On September 6, 2017, New York supplemented its SIP submittal with a letter to the EPA committing to fulfill the requirements of the industrial cleaning solvents CTG by finalizing revisions to Part 226 by November 30, 2018. Therefore, based on the State's September 6, 2017 commitment letter, the EPA is conditionally approving New York's December 2014 SIP submittal, as it applies to CTG requirements for VOC major sources, for purposes of implementing RACT statewide for the 2008 8-hour ozone NAAQS.

The specific details of New York's December 2014 SIP submittal and the rationale for the EPA's approval action are explained in the EPA's proposed rulemaking and are not restated in this

capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979).

<sup>3</sup> New York's nonattainment new source review certification addresses both the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Jamestown nonattainment areas.

<sup>1</sup> New York supplemented its SIP submittal by letter dated September 6, 2017.

<sup>2</sup> The EPA has defined RACT as the lowest emission limitation that a particular source is