

the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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 rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 19, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action revising Maryland's general administrative provisions related to certain definitions and terms as well as ambient air quality standards 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 20, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 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 VV—Maryland

2. Section 52.1070 is amended by adding paragraphs (c)(164) and (c)(165) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *
(164) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 and May 14, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.
(A) Letter of May 14, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.01 (General Administrative Definitions).
(B) The following revised provisions of COMAR 26.11.01.01, effective June 20, 1994:

(1) 26.11.01.01A.
(2) 26.11.01.01B(1) through .01B(20), except for .01B(3) and .01B(13).
(3) 26.11.01.01B(24) through .01B(36), except for .01B(25).

(4) 26.11.01.01B(38) through .01B(53).
(C) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.01 (General Administrative Definitions).

(D) Revised COMAR 26.11.01.01B(43) [definition of "source"], effective June 30, 1997.

(ii) Additional Material.
(A) Remainder of May 14, 2001 submittal.

(B) Remainder of February 6, 1998 submittal related to the revised definition of "source."

(165) Revisions to the Maryland State Implementation Plan submitted on June 12, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.
(A) Letter of June 12, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.04 (Ambient Air Quality Standards).

(B) The following revised provisions of COMAR 26.11.04, effective May 8, 1995:

(1) Revised chapter title of COMAR 26.11.04.
(2) New 26.11.04.03 through .09 (formerly COMAR 26.11.03.01 through .07 [State-Adopted National Ambient Air Quality Standards and Guidelines], effective prior to May 8, 1995).
(3) Addition of COMAR 26.11.04.02.

(ii) Additional Material.
(A) Remainder of June 12, 2001 submittal.

[FR Doc. 01-20782 Filed 8-17-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY130-200117(a); FRL-7036-8]

Approval and Promulgation of Implementation Plans Commonwealth of Kentucky: Approval of Revisions to the 1-Hour Ozone Maintenance State Implementation Plan for Marshall and a Portion of Livingston Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the 1-hour ozone maintenance state implementation plan (SIP) for Marshall and a portion of Livingston Counties, Kentucky (i.e., the Paducah area), submitted on June 14, 2001, by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet to correct/revise the original motor vehicle emissions budgets (MVEBs) approved by EPA. Once EPA's approval is effective, the revised MVEBs must be used for transportation conformity purposes in the Paducah area.

DATES: This direct final rule is effective October 19, 2001 without further notice, unless EPA receives adverse comment by September 19, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Mr. Richard A. Schutt, Chief, Regulatory Planning Section, EPA, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Contact: Mr. Richard A. Schutt, (404) 562-9033, schutt.dick@epa.gov.

Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky, 40601. (502) 573-3382.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Schutt, (404) 562-9033, schutt.dick@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

EPA designated Marshall and a portion of Livingston Counties, Kentucky, (i.e., the Paducah area) nonattainment under the 1-hour ozone National Ambient Air Quality Standard (NAAQS) effective January 6, 1992 (56 FR 56694). Furthermore, EPA classified

the area as “marginal” under Title I Part D Subpart 2 of the Clean Air Act Amendments of 1990. EPA approved the Paducah area’s redesignation request and maintenance SIP effective April 10, 1995 (60 FR 7124). The maintenance SIP contained emissions inventories and projections for volatile organic compounds (VOC) and nitrogen oxides

(NO_x) from all sources for the 1990 base year through 2004, including every three years in the interim. The on-road mobile source VOC and NO_x projections established MVEBs for transportation conformity purposes for the Paducah area. The original MVEBs are shown in Table 1.

TABLE 1.—ORIGINAL PADUCAH AREA MVEBS
[tons/day]

Pollutant	County	1990	1993	1996	1999	2002	2004
VOC	Livingston (Portion)	0.15	0.14	0.15	0.13	0.13	0.13
	Marshall	3.01	2.82	2.90	2.59	2.54	2.54
VOC MVEB		3.16	2.96	3.05	2.72	2.67	2.67
NO _x	Livingston (Portion)	0.14	0.14	0.14	0.13	0.13	0.13
	Marshall	2.93	2.84	2.89	2.71	2.64	2.63
NO _x MVEB		3.07	2.98	3.03	2.84	2.77	2.76

On June 14, 2001, the Commonwealth of Kentucky submitted a revision of the Paducah area maintenance SIP to correct the original MVEBs. Specifically, the MVEBs were revised to reflect corrected assumptions about daily vehicle-miles traveled (DVMT) for the years 1990–2004 in Marshall and Livingston Counties supplied by the Kentucky Transportation Cabinet (KYTC). The revised MVEBs are shown in Table 2.

TABLE 2.—REVISED PADUCAH AREA MVEBS
[tons/day]

Pollutant	County	1990	1993	1996	1999	2002	2004
VOC	Livingston (Portion)	0.20	0.13	0.12	0.12	0.12	0.12
	Marshall	5.03	3.32	3.00	2.98	3.01	3.05
VOC MVEB		5.23	3.45	3.12	3.10	3.13	3.17
NO _x	Livingston (Portion)	0.14	0.14	0.13	0.14	0.14	0.14
	Marshall	3.68	3.66	3.40	3.43	3.54	3.57
NO _x MVEB		3.82	3.8	3.53	3.57	3.68	3.71

The SIP revises only the on-road mobile source emissions estimates and forecasts. The emissions inventories and forecasts for all other sources were not revised. The revised total VOC and NO_x emissions from all sources are shown in Tables 3 and 4, respectively.

TABLE 3.—REVISED PADUCAH AREA TOTAL VOC EMISSIONS
[tons/day]

	1990	1993	1996	1999	2002	2004
Point	96.47	94.03	83.80	84.47	85.13	85.58
Area	1.85	1.87	1.88	1.90	1.91	1.93
Mobile	5.23	3.45	3.12	3.10	3.13	3.17
Non-Road	1.29	1.30	1.31	1.32	1.34	1.34
Total	104.84	100.66	90.12	90.79	91.51	92.02

TABLE 4.—REVISED PADUCAH AREA TOTAL NO_x EMISSIONS
[tons/day]

	1990	1993	1996	1999	2002	2004
Point	5.88	5.93	5.97	6.02	6.07	6.10
Area	0.11	0.11	0.11	0.11	0.11	0.11
Mobile	3.82	3.80	3.53	3.57	3.68	3.71
Non-Road	1.34	1.35	1.37	1.38	1.39	1.40
Total	11.15	11.19	10.98	11.08	11.25	11.32

The Commonwealth of Kentucky forecasted slight increases in total NO_x

of 0.10 tons per day in 2002 and 0.17 tons per day in 2004 compared to the

1990 level. The original maintenance plan for the Paducah area was based on

maintaining total emissions at or below the 1990 levels, a year during which the area met the 1-hour ozone NAAQS. However, EPA believes that these slight emissions increases will not adversely impact maintenance of the 1-hour ozone NAAQS in the Paducah area. In addition, the forecasted excess emissions will likely be offset by reductions from federal measures that were enacted and implemented since approval of the original maintenance plan, but for which the Commonwealth of Kentucky did not take credit in the SIP revision. Specifically, NO_x emissions reductions from the Tier 2/ Gasoline Sulfur Rule (65 FR 6697), federal locomotive standards (63 FR 18977), nonroad diesel engine standards (63 FR 56967), and new gasoline spark-ignition marine engine standards (61 FR 52087) should be sufficient to offset the forecasted emissions increases in the SIP.

Per section 175A.(b) of the Clean Air Act, the Commonwealth of Kentucky must submit a revision of the Paducah area maintenance SIP to EPA by April 10, 2003. The revision will update the

SIP to maintain the 1-hour ozone NAAQS in the Paducah area for 10 years after the expiration of the current plan. EPA expects the Commonwealth of Kentucky to update all emissions source categories in the revision to the maintenance SIP and to incorporate any applicable Clean Air Act and federal measures that have been enacted since the original maintenance plan was developed.

Once EPA's approval of this SIP revision is effective, the revised MVEBs in Table 2 must be used for transportation conformity purposes in the Paducah area.

II. Analysis of State's Submittal

The procedure for estimating on-road mobile source emissions consists of multiplying together: (1) The level of travel activity (e.g., DVMT), and (2) the emissions factors (e.g., grams of pollutant emitted per mile driven). KYTC collects and forecasts DVMT data for the Paducah area, and the Kentucky Division for Air Quality (DAQ) calculates the corresponding mobile source emissions factors using EPA's MOBILE model.

In developing the original maintenance SIP, KYTC utilized statewide average Highway Performance Monitoring System (HPMS) data to estimate and forecast DVMT in the Paducah area. Since that time, KYTC's supporting data and analytical procedures for DVMT estimation have been upgraded. In the revised maintenance SIP, KYTC's DVMT estimates are based on county-specific travel activity, and the forecasts are based, in part, on county-specific population forecasts. KYTC believes that the revised DVMT estimates and forecasts are more reliable than those used in the development of the original maintenance SIP. The SIP revision documents the new procedures, and EPA finds the procedures to be reasonable for estimating and forecasting DVMT in the Paducah area. The revised DVMT totals for the Paducah area are roughly 20 to 25 percent higher than the original totals. The original and revised DVMT estimates are shown in Tables 5 and 6, respectively.

TABLE 5.—ORIGINAL PADUCAH AREA DVMT

County	1990	1993	1996	1999	2002	2004
Livingston	306,000	327,469	350,000	373,296	398,276	415,097
Marshall	847,000	906,084	968,000	1,033,178	1,102,950	1,149,926
Total DVMT	1,153,000	1,233,553	1,318,000	1,406,474	1,501,226	1,565,023

TABLE 6.—REVISED PADUCAH AREA DVMT

County	1990	1993	1996	1999	2002	2004
Livingston	293,000	327,000	350,000	386,000	422,000	446,000
Marshall	1,070,000	1,176,000	1,198,000	1,323,000	1,461,000	1,550,000
Total DVMT	1,363,000	1,503,000	1,548,000	1,709,000	1,883,000	1,996,000

DAQ used the same MOBILE input assumptions in the development of the revised maintenance SIP (e.g., ambient temperature, registration distributions, fuel volatility, average vehicle speeds) as were used in the original maintenance plan. In addition, for the revised SIP, DAQ included the effects of the 2004 NO_x emissions standard for heavy-duty diesel engines (MOBILE5 Information Sheet #5, <http://www.epa.gov/oms/models/mobile5/m5info5.pdf>) in 2004 and the National Low Emission Vehicle standard for light-duty gasoline fueled vehicles in years 2002 and 2004 (MOBILE5 Information Sheet #6, <http://www.epa.gov/oms/models/mobile5/m5info6.pdf>), both of which were

approved by EPA after the original maintenance plan was developed.

III. Final Action

EPA is approving the aforementioned changes to the SIP because the revision meets all applicable Clean Air Act statutory and regulatory requirements.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 19, 2001

without further notice unless the Agency receives adverse comments by September 19, 2001.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 19, 2001 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the

absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the United States Senate, the United States 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 19, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 3, 2001.

Russell Wright,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *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 S—Kentucky

2. In § 52.920 paragraph (e) the table is amended by adding a new entry “21.” to read as follows:

§ 52.920 Identification of plan.

*	*	*	*	*
(e)	*	*	*	

Appendix	Title/subject	State effective date	EPA approval date	Federal Register Notice
21.	Maintenance Plan Revision for Marshall and a Portion of Livingston CO.	06/14/01	08/20/01	08/20/01

[FR Doc. 01-20784 Filed 8-17-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA-4142a; FRL-7037-7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_x RACT Determinations for Eight Individual Sources in the Pittsburgh-Beaver Valley Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for eight major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x). These sources are located in the Pittsburgh-Beaver Valley ozone nonattainment area (the Pittsburgh area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 4, 2001 without further notice, unless EPA receives adverse written comment by September 19, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the *Federal Register* and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400

Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT:

Catherine Magliocchetti at (215) 814-2174, or Ellen Wentworth (215-814-2034), at the EPA Region III address above or by e-mail at magliocchetti.catherine@epa.gov or wentworth.ellen@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_x sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR).

Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are:

- (1) all sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment;
- (2) all sources covered by a CTG issued prior to November 15, 1990; and
- (3) all major non-CTG sources. The regulations imposing RACT for these non-CTG major sources were to be submitted to EPA as SIP revisions by November 15, 1992 and compliance required by May of 1995.

The Pennsylvania SIP already includes approved RACT regulations for all sources and source categories covered by the CTGs. On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_x and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_x RACT requirements. In the Pittsburgh area, a major source of VOC is defined as one having the potential to emit 50 tons per year (tpy) or more, and a major source of NO_x is defined as one having the potential to

emit 100 tpy or more. Pennsylvania's RACT regulations require sources, in the Pittsburgh area, that have the potential to emit 50 tpy or more of VOC and sources which have the potential to emit 100 tpy or more of NO_x comply with RACT by May 31, 1995. The regulations contain technology-based or operational "presumptive RACT emission limitations" for certain major NO_x sources. For other major NO_x sources, and all major non-CTG VOC sources (not otherwise already subject to RACT under the Pennsylvania SIP), the regulations contain a "generic" RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by-case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_x RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) certifies that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements currently known to PADEP; or (2) demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_x RACT regulations by submitting 485 case-by-case VOC/NO_x RACT determinations as SIP revisions and making the demonstration described as condition 2, above. EPA determined that Pennsylvania's April 22, 1999 submittal satisfied the conditions imposed in its conditional limited approval published on March 23, 1998. On May 3, 2001 (66 FR 22123), EPA published a rulemaking action removing the conditional status of its approval of the Commonwealth's generic VOC and NO_x RACT regulations on a statewide basis. The regulation currently retains its limited approval status. Once EPA has approved the case-by-case RACT determinations submitted by PADEP to satisfy the conditional approval for subject sources located in Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties; the limited approval of Pennsylvania's generic VOC and NO_x