

failing to meet indirect source review requirements contained in § 51.12, which no longer exists. Furthermore, this provision has been suspended since shortly after its creation per § 52.22(b)(16). Finally, Section 110(a)(5)(A) of the CAA provides that the Administrator may not require the states to include indirect source review programs in their plans as a condition of plan approval. These provisions establish such prohibited requirements, and thus are obsolete. Accordingly, § 52.22(b) is being removed from the CFR.

**40 CFR 52.06(c) Legal authority.** Section 52.06(c) deals with requirements for establishing transportation and land use controls. These have been superseded by the completeness criteria in Appendix V of Part 51 under the 1990 amendments to Section 110(k). In addition, the CAA now restricts EPA's authority to require or impose certain transportation control measures in state plans. See Sections 110(c)(2) and 110(a)(5) of the CAA. Accordingly, EPA is removing § 52.06(c) from the CFR.

**Part 52 Appendix A: Interpretive rulings for § 52.22(b) regulation for review of new or modified indirect sources.**

Appendix A includes interpretive rulings for § 52.22(b), which is being deleted today as superseded by Section 110(a)(5)(A). Accordingly, EPA is removing Appendix A from the CFR.

**(ii) Regional Rules.**

The following rules implement the provisions of 40 CFR 52.22(b) and Appendix A to part 52, and accordingly EPA is deleting them from the CFR:

**REGION 1 (Massachusetts)**

§ 52.1124 (a), (b) Review of new sources and modifications

**REGION 2 (New Jersey, Puerto Rico)**

§ 52.1578 (a), (b) Review of new sources and modifications

§ 52.2724 Review of new sources and modifications

**REGION 3 (Delaware, Pennsylvania)**

§ 52.426 Review of new sources and modifications

§ 52.2448 Review of new sources and modifications

**REGION 4 (Georgia, Mississippi, South Carolina, Tennessee)**

§ 52.574 Review of new sources and modifications

§ 52.1276 Review of new sources and modifications

§ 52.2125 Review of new sources and modifications

§ 52.2228 (a), (b) Review of new sources and modifications

**REGION 5 (Wisconsin)**

§ 52.2579 Review of new sources and modifications

**REGION 7 (Kansas, Missouri)**

§ 52.878 Review of new sources and modifications

§ 52.1328 Review of new sources and modifications

**REGION 9 (Arizona, Hawaii)**

§ 52.129 (e), (f) Review of new sources and modifications

§ 52.629 Review of new sources and modifications

**REGION 10 (Alaska)**

§ 52.78 Review of new sources and modifications

**3. State-Specific Regulations Without National Counterparts**

The following set of rules includes rules applicable only on a state-specific basis, unaccompanied by any counterpart national rule. EPA has reviewed these rules and found them to be legally obsolete or superseded for the reasons set forth below. These rules are grouped by the EPA Regional Office responsible for administering them.

**REGION 2 (New York, Puerto Rico)**

**40 CFR 52.1675(f) Control strategy and regulations for sulfur oxides.** This rule establishes temporary fuel variances which have expired by their own terms many years ago and have no current effect. Accordingly this rule may be removed from the CFR.

**40 CFR 52.2730 Compliance schedules.** This regulation sets forth final compliance dates for various sources in Puerto Rico, ranging from 1973 to 1974. These dates are now more than twenty years old, and have been rendered obsolete by the subsequently applicable emission-limiting requirements. Accordingly, this rule may be removed from the CFR.

**REGION 3 (Pennsylvania, Virginia, West Virginia)**

**40 CFR 52.2055(c) Review of new sources and modifications.** Section 52.2055 provides that special permit requirement regulations for Pennsylvania are approved on the condition that certain revisions are submitted to EPA. Section 52.2055 was originally promulgated on March 19, 1981 (46 FR 17552 (July 13, 1981)). Pennsylvania submitted revisions which addressed the deficiencies cited by EPA in § 52.2055(c). On February 26, 1982 (47 FR 8358), EPA approved these revised sections as part of the Pennsylvania SIP, and codified the approval at § 52.2020(c)(41). At the same time, EPA modified § 52.2055(a) to

reflect EPA's approval of these previously conditionally approved or unapproved regulations. Since § 52.2020(c)(41) reflects EPA's current assessment that the 1981 amendments are fully approvable, § 2055(c) is obsolete, and is being removed from the CFR.

**40 CFR 52.2424 General requirements.** Section 52.2424 provides that the requirements of § 51.110 (b) and (d) are not met because the Virginia SIP does not provide for CO and ozone attainment as expeditiously as practicable, as evidenced by the State's failure to propose sufficient interim control measures to be implemented during the two-year period for which an extension to attain the national standards was requested. This rule has been superseded by new plan submission requirements and attainment dates in the 1990 amendments to the CAA, and accordingly may be removed from the CFR.

**40 CFR 52.2522(a) Approval status.** Section 52.2522(a) approves a consent order for a period of three years until July 6, 1985, after which affected sources must comply with the applicable SIP. Since the term of the approval has expired, this rule is obsolete and accordingly may be deleted.

**40 CFR 52.2522(d).** Section 52.2522(d) provides, among other things, that continued satisfaction of the requirements of Part D for the ozone portion of the West Virginia SIP depends on the submittal of RACT requirements by July, 1980 for sources covered by CTGs. This section has been superseded by the RACT provisions of the 1990 CAA, as described above. Accordingly, EPA is removing § 52.2522(d) from the CFR.

**40 CFR 52.2531 Control strategy: hydrocarbons.** Section 52.2531 conditionally approves the West Virginia ozone plan for Kanawha Valley on the condition that the state adopt an adequate test method for a certain regulation. The revised test method in state regulation XXIII (for bulk gasoline loading terminals) referred to in this section was submitted by West Virginia on November 6, 1980, approved by EPA on November 20, 1981 (46 FR 57044) and codified at § 52.2425(c)(16). Thus § 52.2531 is obsolete, and accordingly, EPA is removing it from the CFR.

**40 CFR 52.2532: Control strategy: particulate matter.** Section 52.2532 states that West Virginia does not have approved plans for attaining secondary TSP standards in certain areas. EPA may no longer require development of control strategies designed to attain the