

number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on December 27, 2019.

**Rick Domingo,**

*Executive Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

#### *Effective 30 January 2020*

Chevak, AK, Chevak, RNAV (GPS) RWY 2, Amdt 1  
Chevak, AK, Chevak, RNAV (GPS) RWY 20, Amdt 1  
Chevak, AK, Chevak, Takeoff Minimums and Obstacle DP, Amdt 2  
Coolidge, AZ, Coolidge Muni, VOR RWY 5, Amdt 1  
Tucson, AZ, Tucson Intl, ILS OR LOC RWY 11L, Amdt 14B  
Tucson, AZ, Tucson Intl, RNAV (GPS) RWY 11R, Orig-C  
Tucson, AZ, Tucson Intl, RNAV (GPS) RWY 21, Orig-C  
Tucson, AZ, Tucson Intl, RNAV (GPS) Z RWY 29R, Amdt 2E  
Tucson, AZ, Tucson Intl, VOR OR TACAN RWY 29R, Amdt 2F  
Monterey, CA, Monterey Rgnl, LOC RWY 28L, Amdt 5  
Gainesville, FL, Gainesville Rgnl, VOR RWY 25, Orig-D, CANCELLED  
Gainesville, FL, Gainesville Rgnl, VOR RWY 29, Orig-E, CANCELLED  
Gainesville, FL, Gainesville Rgnl, VOR/DME RWY 7, Orig-D, CANCELLED  
Gainesville, FL, Gainesville Rgnl, VOR/DME RWY 11, Orig-D, CANCELLED  
Honolulu, HI, Daniel K Inouye Intl, ILS RWY 8L, Amdt 24  
Honolulu, HI, Daniel K Inouye Intl, LDA RWY 26L, Amdt 6  
Honolulu, HI, Daniel K Inouye Intl, RNAV (GPS) Y RWY 4R, Amdt 3  
Honolulu, HI, Daniel K Inouye Intl, RNAV (GPS) Y RWY 8L, Amdt 3

Honolulu, HI, Daniel K Inouye Intl, RNAV (RNP) Z RWY 4R, Amdt 2  
Honolulu, HI, Daniel K Inouye Intl, RNAV (RNP) Z RWY 8L, Amdt 3  
Chicago, IL, Chicago Midway Intl, RNAV (GPS) Z RWY 22L, Amdt 1  
Chicago, IL, Chicago Midway Intl, RNAV (RNP) Y RWY 22L, Amdt 3  
Louisville, KY, Louisville Muhammad Ali Intl, LOC RWY 29, Amdt 1  
Salisbury, MD, Salisbury-Ocean City Wicomico Rgnl, RNAV (GPS) RWY 14, Amdt 1B  
Salisbury, MD, Salisbury-Ocean City Wicomico Rgnl, VOR RWY 5, Amdt 10A  
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM Y RWY 4L (CLOSE PARALLEL), Amdt 1C  
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM Y RWY 22R (CLOSE PARALLEL), Amdt 1B  
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM Z RWY 4L (CLOSE PARALLEL), ILS PRM Z RWY 4L (CLOSE PARALLEL) (CAT II), ILS PRM Z RWY 4L (CLOSE PARALLEL) (CAT III), Orig-B  
Detroit, MI, Detroit Metropolitan Wayne County, ILS PRM Z RWY 22R (CLOSE PARALLEL), ILS PRM Z RWY 22R (CLOSE PARALLEL) (SA CAT I), ILS PRM Z RWY 22R (CLOSE PARALLEL) (SA CAT II), Orig-B  
Detroit, MI, Detroit Metropolitan Wayne County, ILS Y RWY 4L, Amdt 1C  
Detroit, MI, Detroit Metropolitan Wayne County, ILS Y RWY 22R, Amdt 1B  
Detroit, MI, Detroit Metropolitan Wayne County, ILS Z OR LOC RWY 4L, ILS Z RWY 4L (CAT II), ILS Z RWY 4L (CAT III), Amdt 4C  
Detroit, MI, Detroit Metropolitan Wayne County, ILS Z OR LOC RWY 22R, ILS Z RWY 22R (SA CAT I), ILS Z RWY 22R (SA CAT II), Amdt 4B  
Lansing, MI, Capital Region Intl, ILS OR LOC RWY 28L, Amdt 28  
Cuba, MO, Cuba Muni, RNAV (GPS) RWY 36, Orig-D  
Harlowton, MT, Wheatland County at Harlowton, RNAV (GPS) RWY 9, Orig  
Harlowton, MT, Wheatland County at Harlowton, Takeoff Minimums and Obstacle DP, Orig  
Lake Placid, NY, Lake Placid, RNAV (GPS)-A, Amdt 2A  
Toledo, OH, Toledo Express, ILS OR LOC RWY 7, Amdt 29  
Shawnee, OK, Shawnee Rgnl, ILS OR LOC RWY 17, Amdt 3  
Dubois, PA, Dubois Rgnl, RNAV (GPS) RWY 7, Amdt 2  
Dubois, PA, Dubois Rgnl, RNAV (GPS) RWY 25, Amdt 1A  
Brownsville, TX, Brownsville/South Padre Island Intl, RNAV (GPS) RWY 31, Orig  
El Paso, TX, El Paso Intl, RNAV (RNP) X RWY 8R, Orig  
El Paso, TX, El Paso Intl, RNAV (RNP) Y RWY 8R, Orig  
Waco, TX, Mc Gregor Executive, VOR RWY 17, Amdt 11  
Baraboo, WI, Baraboo-Wisconsin Dells Rgnl, LOC RWY 1, Amdt 3  
Baraboo, WI, Baraboo-Wisconsin Dells Rgnl, RNAV (GPS) RWY 19, Amdt 3  
Baraboo, WI, Baraboo-Wisconsin Dells Rgnl, VOR-A, Amdt 13

#### *Rescinded*

On November 29, 2019 (84 FR 65673), the FAA published an Amendment in Docket No. 31283, Amdt No. 3879, to Part 97 of the Federal Aviation Regulations under sections 97.27, 97.29, 97.33, 97.37. The following entries for Cloquet, MN, Pierre, SD, and Mineral Wells, TX, effective January 30, 2020, are hereby rescinded in its entirety: Cloquet, MN, Cloquet Carlton County, NDB RWY 18, Amdt 4B  
Cloquet, MN, Cloquet Carlton County, NDB RWY 36, Amdt 5B  
Cloquet, MN, Cloquet Carlton County, Takeoff Minimums and Obstacle DP, Amdt 3  
Pierre, SD, Pierre Rgnl, RNAV (GPS) RWY 31, Amdt 1  
Mineral Wells, TX, Mineral Wells Rgnl, ILS OR LOC RWY 31, Amdt 1A

#### *Rescinded*

On December 12, 2019 (84 FR 67862), the FAA published an Amendment in Docket No. 31285, Amdt No. 3881, to Part 97 of the Federal Aviation Regulations under sections 97.23. The following entry for Syracuse, NY, effective January 30, 2020, is hereby rescinded in its entirety: Syracuse, NY, Syracuse Hancock Intl, VOR RWY 15, Amdt 23B, CANCELLED

[FR Doc. 2020–00329 Filed 1–15–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2019–0963]

**RIN 1625–AA00**

#### **Safety Zone; Morro Bay Harbor Entrance; Morro Bay, California**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The U.S. Coast Guard is establishing a temporary safety zone in the navigable waters of the Morro Bay Harbor Entrance. This temporary safety zone is being established to reduce significant hazards subject to the vessels, the harbor, and the public during periods of poor weather conditions. Entry of persons or vessels into this temporary safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP), Los Angeles-Long Beach, or her designated representative.

**DATES:** This rule is effective without actual notice from January 16, 2020 until 11:59 p.m. on March 15, 2020. For purposes of enforcement, actual notice will be used from 12:01 a.m. on January 15, 2020 through January 16, 2020. The

safety zone will be enforced when the COTP or her designated representative deems it necessary because of hazardous, breaking, or rough bar conditions, which will be broadcasted via local Broadcast Notice to Mariners.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2019–0963 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rulemaking, call or email the Waterways Management Branch, U.S. Coast Guard Sector Los Angeles-Long Beach; telephone (310) 521–3860, email [D11-SMB-SectorLALB-WWM@uscg.mil](mailto:D11-SMB-SectorLALB-WWM@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
E.O. Executive order  
FR Federal Register  
LLNR Light List Number  
NPRM Notice of proposed rulemaking  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Publishing an NPRM and responding to comments would be impracticable in this case due to the short notice of the severe weather predictions that may affect the Morro Bay Harbor Entrance beginning on or around January 15th, 2020.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**, as delaying the effective date of this rule would be impracticable because the weather conditions are expected to begin on or around January 15th, 2020 and we need to have this rule in place

to protect vessels and persons transiting the area.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port (COTP), Los Angeles-Long Beach has determined that potential hazards exist during certain weather conditions from January, 2020 to March, 2020, for all recreational and commercial vessels operating in the vicinity of the Morro Bay Harbor Entrance. This temporary safety zone is necessary to ensure the safety of, and reduce the risk to, the persons and vessels that operate on and in the vicinity of the Morro Bay Harbor Entrance.

##### IV. Discussion of the Rule

This rule establishes a temporary safety zone from January 15th, 2020 through March 15th, 2020, encompassing all navigable waters from the surface to the sea floor near the inside and outside of the mouth of the Morro Bay Harbor entrance; within the following coordinates, in approximate position: From a point on the shoreline at 35°22.181” N 120°52.207” W, thence westward to 35°22.181” N 120°52.538” W, thence southward to 35°21.367” N 120°52.538” W, thence eastward to a point on the shoreline at 35°21.366” N 120°51.717” W, thence northward along the shoreline to a point inside the Morro Bay Harbor to 35°22.153” N 120°51.698” W, thence northwestward to a point on land at 35°22.233” N 120°51.847” W, thence southward along the shoreline to the beginning. These coordinates are based on North American Datum of 1983. The Coast Guard will turn on the Morro Bay Rough Bar Warning Light (LLNR 3877; 35°22.256” N 120°51.526” W) to signify to mariners that rough bar conditions are taking place at the entrance. No vessel or person would be permitted to operate in the safety zone without obtaining permission from the COTP or her designated representative. The safety zone will only be enforced when the COTP or her designated representative deems it necessary because of the rough bar conditions, and enforcement will cease immediately upon conditions returning to safe levels. Sector Los Angeles-Long Beach may be contacted on VHF–FM Channel 16 or (310) 521–3801. The general boating public will be notified prior to the enforcement of the temporary safety zone via Broadcast Notice to Mariners.

##### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders (E.O.s) related to

rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

E.O.s 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits including potential economic, environmental, public health and safety effects, distributive impacts, and equity. E.O.13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (“Reducing Regulation and Controlling Regulatory Costs”), directs agencies to reduce regulation and control regulatory costs and provides that “for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.”

We expect the economic impact of this rule will not rise to the level of necessitating a full Regulatory Evaluation. This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which will impact a small designated area of Morro Bay Harbor, CA, as required, for approximately 2 months and during a time of year when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the safety zone may be small entities, for the

reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect 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. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR**

**FURTHER INFORMATION CONTACT** section above.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f) and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a temporary safety zone, limited in duration, when required by significant safety hazards. This rule is categorically excluded from further review under paragraph L60(c) of Section L of the Department of Homeland Security Instruction Manual 023–01–001–01 (series). An environmental analysis checklist supporting this determination and Record of Environmental Consideration (REC) are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–015 to read as follows:

#### § 165.T11–015 Safety Zone; Morro Bay Harbor Entrance; Morro Bay, California.

(a) *Location.* The following area is a safety zone: All navigable waters from the surface to the sea floor near the inside and outside of the mouth of the Morro Bay Harbor entrance; within the following coordinates, in approximate position: From a point on the shoreline at 35°22.181″ N 120°52.207″ W, thence westward to 35°22.181″ N 120°52.538″ W, thence southward to 35°21.367″ N 120°52.538″ W, thence eastward to a point on the shoreline at 35°21.366″ N 120°51.717″ W, thence northward along the shoreline to a point inside the Morro Bay Harbor to 35°22.153″ N 120°51.698″ W, thence northwestward to a point on land at 35°22.233″ N 120°51.847″ W, thence southward along the shoreline to the beginning. This coordinate is based on North American Datum of 1983.

(b) *Definitions.* For the purposes of this section:

*Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Los Angeles-Long Beach (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, hail Coast Guard Sector Los Angeles-Long Beach on VHF–FM Channel 16 or call at (310) 521–3801. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 12:01 a.m. January 15, 2020, to 11:59 p.m. March 15, 2020. The Coast Guard will turn on the Morro Bay Rough Bar Warning Light (Light List Number (LLNR) 3877; 35°22.256″ N 120°51.526″ W) to signify to mariners that rough bar conditions are taking place at the entrance. No vessel or person would be permitted to operate in the safety zone without obtaining

permission from the COTP or her designated representative. The safety zone will only be enforced when the COTP or her designated representative deems it necessary because of the rough bar conditions, and enforcement will cease immediately upon conditions returning to safe levels. General boating public will be notified prior to the enforcement of the temporary safety zone via Broadcast Notice to Mariners.

Dated: January 7, 2020.

**R.E. Ore,**

*Captain, U.S. Coast Guard, Acting Captain of the Port, Los Angeles-Long Beach.*

[FR Doc. 2020-00375 Filed 1-15-20; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2018-0710; FRL-10004-19-Region 4]

### Air Plan Approval; GA; Nonattainment New Source Review

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision provided by the State of Georgia, through the Georgia Environmental Protection Division (GA EPD) of the Department of Natural Resources, via a letter dated July 2, 2018. Specifically, EPA is approving changes to Georgia's Nonattainment New Source Review (NNSR) permitting rules. This action is being finalized pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

**DATES:** This rule will be effective February 18, 2020.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2018-0710. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation

Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9043. Mr. Lakeman can also be reached via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The New Source Review (NSR) program is a preconstruction permitting program that requires certain stationary sources of air pollution to obtain permits prior to beginning construction. The NSR permitting program applies to new construction and to modifications of existing sources. New construction and modifications that emit "regulated NSR pollutants" over certain thresholds are subject to major NSR requirements, while smaller emitting sources and modifications may be subject to minor NSR requirements.

Major NSR permits for sources that are located in attainment or unclassifiable areas are referred to as Prevention of Significant Deterioration (PSD) permits. Major NSR permits for sources located in nonattainment areas and that emit pollutants above the specified thresholds for which the area is in nonattainment are referred to as NNSR permits.

A new stationary source is subject to major NSR requirements if its potential to emit (PTE) a regulated NSR pollutant exceeds certain emission thresholds. If it exceeds the applicable threshold, the NSR regulations define it as a "major stationary source." An existing major stationary source triggers major NSR permitting requirements when it undergoes a "major modification," which occurs when a source undertakes a physical change or change in method of operation (*i.e.*, a "project") that would result in (1) a significant emissions increase from the project, and (2) a significant net emissions increase from the source. *See, e.g.*, 40 CFR 52.21(b)(2)(i) and (b)(52). Georgia Rule 391-3-1-.03(8)—*Permit Requirements*

contains the State's NNSR permitting requirements and identifies the counties subject to those requirements.

Effective January 6, 1992, EPA designated 13 counties surrounding Atlanta, Georgia, as nonattainment for the 1-hour ozone NAAQS and classified them as a "serious" nonattainment area (hereinafter referred to as the Atlanta 1-hour Ozone Area).<sup>1</sup> *See* 56 FR 56694 (November 6, 1991). Effective January 1, 2004, the Atlanta 1-hour Ozone Area was reclassified as a "severe" nonattainment area. *See* 68 FR 55469 (September 26, 2003). This classification requires, among other things, that a "major source" and a "major stationary source" be defined to include certain sources that emit or have the potential to emit 25 tons or more of nitrogen oxides (NO<sub>x</sub>) or volatile organic compounds (VOC) and that emissions offsets apply at a ratio of at least 1.3 or 1.2:1 (depending on the criteria in CAA section 182(d)(2)).<sup>2</sup> EPA redesignated the Atlanta 1-hour Ozone Area to attainment for the 1-hour ozone NAAQS, effective June 14, 2005. *See* 70 FR 34660 (June 15, 2005). Effective June 15, 2005, EPA revoked the 1-hour ozone NAAQS. *See* 69 FR 23951 (April 30, 2004) and 70 FR 44470 (August 3, 2005).

Effective June 15, 2004, 20 counties surrounding Atlanta were designated as nonattainment and classified as a "marginal" nonattainment area for the 1997 8-hour ozone NAAQS (hereinafter referred to as the Atlanta 1997 8-hour Ozone Area).<sup>3</sup> *See* 69 FR 23858 (April 30, 2004). Effective April 7, 2008, the Atlanta 1997 8-hour Ozone Area was reclassified as a "moderate" nonattainment area. *See* 73 FR 12013 (March 6, 2008). This classification requires, among other things, that a "major source" and a "major stationary source" be defined to include certain sources that emit or have the potential to emit 100 tons or more of NO<sub>x</sub> or VOC and that emissions offsets apply at a ratio of at least 1.15:1. The Atlanta 1997

<sup>1</sup> The Atlanta 1-hour Ozone Area consisted of the following counties: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale. The 1-hour ozone NAAQS was set at 0.12 parts per million (ppm) with attainment defined when the expected number of days per calendar year, with maximum hourly average concentration greater than 0.12 ppm, is equal to or less than one.

<sup>2</sup> For ozone, the offset ratio is the ratio of the total emissions reductions of NO<sub>x</sub> or VOCs to the total increased emissions of those pollutants.

<sup>3</sup> The Atlanta 1997 8-hour Ozone Area consisted of the following counties: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton. The 1997 8-hour ozone NAAQS was set at 0.08 ppm based on an annual fourth-highest daily maximum 8-hour average concentration averaged over three years.