

additional collection requirements under the Paperwork Reduction Act which are subject to further review by OMB.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

2. Section 1.102 is amended by revising the introductory text of paragraph (e) to read as follows:

§ 1.102 Advancement of examination.

\* \* \* \* \*

(e) A request for prioritized examination under this paragraph (e) must comply with the requirements of this paragraph (e) and be accompanied by the prioritized examination fee set forth in § 1.17(c), the processing fee set forth in § 1.17(i), and if not already paid, the publication fee set forth in § 1.18(d). An application for which prioritized examination has been requested may not contain or be amended to contain more than four independent claims, more than thirty total claims, or any multiple dependent claim. Prioritized examination under this paragraph (e) will not be accorded to international applications that have not entered the national stage under 35 U.S.C. 371, design applications, reissue applications, provisional applications, or reexamination proceedings. A request for prioritized examination must also comply with the requirements of paragraph (e)(1) or (2) of this section. No more than 12,000 requests for such prioritized examination will be accepted in any fiscal year.

\* \* \* \* \*

Dated: August 27, 2019.

Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2019-18994 Filed 8-30-19; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA 2018; FRL-9997-86-Region 4]

Air Plan Approval; Georgia; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Georgia state implementation plan (SIP). The regulations affected by this update have been previously submitted by Georgia and approved by EPA. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This action is effective September 3, 2019.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303; and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html. To view the materials at the Region 4 Office, EPA requests that you email the contact 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: Richard Wong, 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. Mr. Wong can be reached by telephone at (404) 562-8726 or via electronic mail at wong.richard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52 "Approval and Promulgation of Implementation Plans," title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation or specified changes to the given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on proposed revisions containing new and/or revised state regulations. A submission from a state can revise one or more rules in their entirety or portions of rules, or even change a single word. The state indicates the changes in the submission (such as, by using redline/strikethrough) and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on www.regulations.gov.

On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each state SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52,

streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain "SIP Compilations" that contain the federally-approved regulations and source specific permits submitted by each state agency. These SIP Compilations are updated primarily on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular state. EPA applied the 1997 revised procedures to Georgia on May 21, 1999 (64 FR 27699).

## II. EPA Action

This action represents EPA's publication of the Georgia SIP Compilation update, appearing in 40 CFR part 52: Specifically, the materials of paragraph (c) and (d) at 40 CFR 52.570. In addition, this notice also corrects typographical errors and provides notice of the following corrections to Table (c) of § 52.570, as described below:

### *Changes Applicable to EPA-Approved Georgia Regulations*

1. Under the "EPA approval date" column, the period is removed after the **Federal Register** citation.

2. Under Rule 391-3-1-.02(2)(ooo), "Heavy-Duty Diesel Engine Requirements" the entry was deleted from the table because EPA previously approved removal of this provision from the SIP. See 82 FR 22079 (May 12, 2017).

3. Under Rule 391-3-.20, "Enhanced Inspection and Maintenance" the State effective date was revised to read "6/19/2014" and EPA approval date was revised to read "4/10/2017, 82 FR 17128."

4. Under Rules 391-3-1-.02(2)(a), 391-3-1-.02(7), 391-3-1-.03(2), and 391-3-1-.03(8), the explanation column was revised to clarify the effect of previous EPA actions on Georgia's SIP submittals.

## III. Good Cause Exemption

EPA has determined that this action falls under the "good cause" exemption under section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately

(thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs and makes typographical/ministerial revisions to the tables in the CFR. Under section 553(b)(3)(B) of the APA, an agency may find good cause where public participation procedures are "impracticable, unnecessary, or contrary to the public interest." Public comment for this administrative action is "unnecessary" and "contrary to the public interest" since the codification (and typographical corrections) only reflect existing law and the revisions are ministerial in nature. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Georgia SIP Compilation and notice of typographical corrections and ministerial changes to the Georgia "Identification of Plan" portion of the **Federal Register**. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR "Identification of plan" section (which includes table entry corrections).

## IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of previously EPA-approved regulations promulgated by Georgia and federally-effective prior to October 1, 2018. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this notice of administrative change does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 action 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**. 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).

EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Georgia SIP compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA believes judicial review of this action under section 307(b)(1) is not available.

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

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

Dated: July 29, 2019  
**Mary S. Walker**,  
*Regional Administrator, Region 4.*  
 40 CFR part 52, is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority for citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart L—Georgia**

■ 2. In § 52.570, paragraphs (b), (c), and (d) are revised to read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to October 1, 2018, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal**

**Register**. Entries in paragraph (c) and (d) of this section with EPA approval dates after October 1, 2018, for Georgia will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street SW, Atlanta, GA 30303. To obtain the material, please call (404) 562-9022. You may inspect the material with an EPA approval date prior to October 1, 2018, for Georgia at the National Archives and Records Administration. For information on the availability of this material at NARA go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) *EPA Approved Georgia Regulations.*

**EPA APPROVED GEORGIA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
391-3-1-.01 .....	Definitions .....	7/20/2017	12/4/2018, 83 FR 62466.	
391-3-1-.02 .....	Provisions			
391-3-1-.02(1) .....	General Requirements.	3/20/1979	9/18/1979, 44 FR 54047.	
391-3-1-.02(2) .....	Emission Standards			
391-3-1-.02(2)(a)	General Provisions	8/1/2013	7/28/2017, 82 FR 35106.	Except for paragraph 391-3-1-.02(2)(a)1 (as approved on 3/16/2006).
391-3-1-.02(2)(b)	Visible Emissions ...	1/17/1979	9/18/1979, 44 FR 54047.	
391-3-1-.02(2)(c) ..	Incinerators .....	8/9/2012	4/9/2013, 78 FR 21065.	
391-3-1-.02(2)(d)	Fuel-burning Equipment.	7/20/2005	2/9/2009, 75 FR 6309.	
391-3-1-.02(2)(e)	Particulate Emission from Manufacturing Processes.	8/1/2013	7/28/2017, 82 FR 35106.	
391-3-1-.02(2)(f) ..	Normal Superphosphate Manufacturing Facilities.	1/17/1979	9/18/1979, 44 FR 54047.	
391-3-1-.02(2)(g)	Sulfur Dioxide .....	7/17/2002	7/9/2003, 68 FR 40786.	
391-3-1-.02(2)(h)	Portland Cement Plants.	1/17/1979	9/18/1979, 44 FR 54047.	
391-3-1-.02(2)(i) ...	Nitric Acid Plants ...	1/17/1979	9/18/1979, 44 FR 54047.	
391-3-1-.02(2)(j) ...	Sulfuric Acid Plants	1/17/1979	9/18/1979, 44 FR 54047.	

## EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(k) ..	Particulate Emission from Asphaltic Concrete Hot Mix Plants.	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(n)	Fugitive Dust .....	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(p)	Particulate Emissions from Kaolin and Fuller's Earth Processes.	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(q)	Particulate Emissions from Cotton Gins.	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(r) ..	Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.	1/27/1972	5/31/1972, 37 FR 10842.	
391–3–1–.02(2)(t) ..	VOC Emissions from Automobile and Light Duty Truck Manufacturing.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(u)	VOC Emissions from Can Coating.	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(v) ..	VOC Emissions from Coil Coating.	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(w)	VOC Emissions from Paper Coating.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(x) ..	VOC Emissions from Fabric and Vinyl Coating.	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(y) ..	VOC Emissions from Metal Furniture Coating.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(z) ..	VOC Emissions from Large Appliance Surface Coating.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(aa)	VOC Emissions from Wire Coating.	9/16/1992	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(bb)	Petroleum Liquid Storage.	1/9/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(cc)	Bulk Gasoline Terminals.	1/9/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(dd)	Cutback Asphalt .....	1/17/1979	9/18/1979, 44 FR 54047.	
391–3–1–.02(2)(ee)	Petroleum Refinery	1/9/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(ff)	Solvent Metal Cleaning.	5/29/1996	4/26/1999, 64 FR 20186.	
391–3–1–.02(2)(gg)	Kraft Pulp Mills .....	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(hh)	Petroleum Refinery Equipment Leaks.	6/24/1994	2/2/1996, 61 FR 3817.	
391–3–1–.02(2)(ii) ..	VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(jj) ..	VOC Emissions from Surface Coating of Flat Wood Paneling.	3/7/2012	9/28/2012, 77 FR 59554.	

EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(kk)	VOC Emissions from Synthesized Pharmaceutical Manufacturing.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(ll) ..	VOC Emissions from the Manufacture of Pneumatic Rubber Tires.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(mm).	VOC Emissions from Graphic Arts Systems.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(nn)	VOC Emissions from External Floating Roof Tanks.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(oo)	Fiberglass Insulation Manufacturing Plants.	12/18/1980	11/24/1981, 46 FR 57486.	
391–3–1–.02(2)(pp)	Bulk Gasoline Plants.	6/8/2008	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(qq)	VOC Emissions from Large Petroleum Dry Cleaners.	4/3/1991	10/13/1992, 57 FR 46780.	
391–3–1–.02(2)(rr)	Gasoline Dispensing Facilities—Stage I.	6/8/2008	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(ss)	Gasoline Transport Systems and Vapor Collection Systems.	8/1/2013	7/28/2017, 82 FR 35106.	
391–3–1–.02(2)(tt)	VOC Emissions from Major Sources.	6/8/2008	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(uu)	Visibility Protection	10/31/1985	1/28/1986, 51 FR 3466.	
391–3–1–.02(2)(vv)	Volatile Organic Liquid Handling and Storage.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(yy)	Emissions of Nitrogen Oxides from Major Sources.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(ccc)..	VOC Emissions from Bulk Mixing Tanks.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(ddd).	VOC Emissions from Offset Lithography and Letterpress.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(eee).	VOC Emissions from expanded Polystyrene Products Manufacturing.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(fff)	Particulate Matter Emissions from Yarn Spinning Operations.	6/15/1998	12/2/1999, 64 FR 67491.	
391–3–1–.02(2)(hhh).	Wood Furniture Finishing and Cleaning Operations.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(jjj)	NO <sub>x</sub> Emissions from Electric Utility Steam Generating Units.	3/12/2007	11/27/2009, 74 FR 62249.	
391–3–1–.02(2)(kkk).	VOC Emissions from Aerospace Manufacturing and Rework Facilities.	4/12/2009	9/28/2012, 77 FR 59554.	

## EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(lll)	NO <sub>x</sub> Emissions from Fuel-burning Equipment.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(mmm).	NO <sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.	5/4/2014	9/1/2015, 80 FR 52627.	
391–3–1–.02(2)(nnn).	NO <sub>x</sub> Emissions from Large Stationary Gas Turbines.	2/16/2000	7/10/2001, 66 FR 35906.	
391–3–1–.02(2)(rrr)	NO <sub>x</sub> Emissions from Small Fuel-Burning Equipment.	4/12/2009	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(vvv).	VOC Emissions from Coating Miscellaneous Plastic Parts and Products.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(yyy).	VOC Emissions from the use of Miscellaneous Industrial Adhesives.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(zzz).	VOC Emissions from Fiberglass Boat Manufacturing.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(2)(aaaa).	Industrial Cleaning Solvents.	3/7/2012	9/28/2012, 77 FR 59554.	
391–3–1–.02(3) .....	Sampling .....	6/15/1998	12/2/1999, 64 FR 67491.	
391–3–1–.02(4) .....	Ambient Air Standards.	7/20/2017	12/4/2018, 83 FR 62466.	
391–3–1–.02(5) .....	Open Burning .....	7/13/2006	2/9/2010, 75 FR 6309.	
391–3–1–.02(6) .....	Source Monitoring ..	8/1/2013	7/28/2017, 82 FR 35108.	
391–3–1–.02(7) .....	Prevention of Significant Deterioration of Air Quality (PSD).	7/20/2017	12/14/2018, 83 FR 64285.	<p>Except for the automatic rescission clause at 391–3–1–.02(7)(a)(2)(iv), which EPA disapproved on March 4, 2016.</p> <p>Except for portions of Rule 391–3–1–.02(7) incorporating by reference 40 CFR 52.21(b)(1)(i)(a), 40 CFR 52.21(b)(1)(iii)(t), 40 CFR 52.21(b)(2)(v), and 40 CFR 52.21(b)(3)(iii)(c), because those CFR provisions were indefinitely stayed by the Fugitive Emissions Rule in the March 30, 2011 rulemaking and have not been approved into the Georgia SIP.</p> <p>Except for portions of Rule 391–3–1–.02(7) incorporating by reference the exemption of ethanol production facilities that produce ethanol by natural fermentation from the requirement to include fugitive emissions in determining major source applicability at 40 CFR 52.21(b)(1)(i)(a) and 40 CFR 52.21(b)(1)(iii)(t). Those provisions have not been approved into the Georgia SIP.</p>

EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
.....	.....	.....	.....	On September 9, 2011 Georgia's PSD Rule 391-3-1-.02(7) incorporates by reference the regulations found at 40 CFR 52.21 as of June 3, 2010, with changes. This EPA action is approving the incorporation by reference with the exception of the following provisions: (1) The provisions amended in the Ethanol Rule which exclude facilities that produce ethanol through a natural fermentation process from the definition of "chemical process plants" in the major NSR source permitting program found at 40 CFR 52.21(b)(1)(i)(a) and (b)(1)(iii)(f); and (2) the administrative regulations amended in the Fugitive Emissions Rule. Additionally, this EPA action is not approving the "automatic rescission clause" provision at 391-3-1.02(7)(a)2.(iv). This rule contains NO <sub>x</sub> as a precursor to ozone for PSD and NSR.
391-3-1-.02(11) ....	Compliance Assurance Monitoring.	6/15/1998	12/2/1999, 64 FR 67491.	
391-3-1-.02(12) ....	Cross State Air Pollution Rule NO <sub>x</sub> Annual Trading Program.	7/20/2017	10/13/2017, 82 FR 47930.	
391-3-1-.02(13) ....	Cross State Air Pollution Rule SO <sub>2</sub> Annual Trading Program.	7/20/2017	10/13/2017, 82 FR 47930.	
391-3-1-.02(14) ....	Cross State Air Pollution Rule NO <sub>x</sub> Ozone Season Trading Program.	7/20/2017	10/13/2017, 82 FR 47930.	
391-3-1-.03 .....	Permits			
391-3-1-.03(1) .....	Construction (SIP) Permit.	8/17/1994	8/30/1995, 60 FR 45048.	Except subparagraph (e), which is not approved into the SIP.
391-3-1-.03(2) .....	Operating (SIP) Permit.	12/26/2001	7/11/2002, 67 FR 45909.	
391-3-1-.03(3) .....	Revocation, Suspension, Modification or Amendment of Permits.	2/23/1979	9/18/1979, 44 FR 54047.	
391-3-1-.03(4) .....	Permits not Transferable.	11/20/1975	8/20/1976, 41 FR 35184.	
391-3-1-.03(5) .....	Permits Public Records.	10/28/1992	2/2/1996, 61 FR 3819.	
391-3-1-.03(6) .....	Exemptions .....	8/9/2012	4/9/2013, 78 FR 21065.	
391-3-1-.03(7) .....	Combined Permits and Applications.	2/23/1979	9/18/1979, 44 FR 54047.	
391-3-1-.03(8) .....	Permit Requirements.	8/1/2013	10/16/2017, 82 FR 47993.	Except subparagraph (g), which was approved into the SIP with a state-effective date of 9/13/2011.
391-3-1-.03(11) ....	Permit by Rule .....	7/20/2005	2/9/2010, 75 FR 6309.	
391-3-1-.03(12) ....	Generic Permit .....	8/17/1994	8/30/1995, 60 FR 45048.	
391-3-1-.03(13) ....	Emission Reduction Credits.	9/11/2008	3/14/2019, 84 FR 9240.	Except subparagraph 391-3-1-.03(13)(f), which was approved into the SIP with a state-effective date of 7/18/2001, and subparagraphs (b), (c), (e), (g), and (i), which were approved into the SIP with a state-effective date of 2/16/2000.
391-3-1-.04 .....	Air Pollution Episodes.	11/20/1975	8/20/1976, 41 FR 35184.	
391-3-1-.07 .....	Inspections and Investigations.	11/20/1975	8/20/1976, 41 FR 35184.	
391-3-1-.08 .....	Confidentiality of information.	11/20/1975	8/20/1976, 41 FR 35184.	
391-3-1-.09 .....	Enforcement .....	11/22/1992	2/2/1996, 61 FR 3819.	
391-3-1-.10 .....	Continuance of Prior Rules.	11/22/1992	2/2/1996, 61 FR 3819.	

## EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391-3-1-.15 .....	Georgia Transportation Conformity and Consultation Interagency Rule.	10/6/2010	6/15/2012, 77 FR 35866.	
391-3-20 .....	Enhanced Inspection and Maintenance.	6/19/2014	4/10/2017, 82 FR 17128.	

## (d) EPA-Approved State Source Specific Requirements

## EPA APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Georgia Power Plant Bowen.	EPD-AQC-180 .....	11/17/1980	8/17/1981, 46 FR 41498.	
Georgia Power Plant Harllee Branch.	4911-117-6716-0 .....	4/23/1980	5/5/1981, 46 FR 25092.	
ITT Rayonier, Inc ...	2631-151-7686-C .....	11/4/1980	8/14/1981, 46 FR 41050.	
Georgia Power Plant Bowen.	EPD-AQC-163 .....	5/16/1979	1/3/1980, 45 FR 781.	
Union Camp .....	2631-025-7379-0 .....	12/18/1981	4/13/1982, 47 FR 15794.	
Blue Bird Body Company.	3713-111-8601 .....	1/27/1984	1/7/1985, 50 FR 765.	
Plant McDonough ..	4911-033-5037-0 conditions 10 through 22.	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates .....	4911-038-4838-0 conditions 19 through 32.	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates .....	4911-038-4839-0 conditions 16 through 29.	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates .....	4911-038-4840-0 conditions 16 through 29.	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Yates .....	4911-038-4841-0 conditions 16 through 29.	12/27/1995	3/18/1999, 64 FR 13348.	
Plant Atkinson .....	4911-033-1321-0 conditions 8 through 13.	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson .....	4911-033-1322-0 conditions 8 through 13.	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson .....	4911-033-6949 conditions 5 through 10.	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson .....	4911-033-1320-0 conditions 8 through 13.	11/15/1994	3/18/1999, 64 FR 13348.	
Plant Atkinson .....	4911-033-1319-0 conditions 8 through 13.	11/15/1994	3/18/1999, 64 FR 13348.	
Plant McDonough ..	4911-033-6951 conditions 5 through 10.	11/15/1994	3/18/1999, 64 FR 13348.	
Atlanta Gas Light Company.	4922-028-10902 conditions 20 and 21	11/15/1994	3/18/1999, 64 FR 13348.	
Atlanta Gas Light Company.	4922-031-10912 conditions 27 and 28	11/15/1994	3/18/1999, 64 FR 13348.	
Austell Box Board Corporation.	2631-033-11436 conditions 1 through 5.	11/15/1994	3/18/1999, 64 FR 13348.	
Emory University ....	8922-044-10094 conditions 19 through 26.	11/15/1994	3/18/1999, 64 FR 13348.	
General Motors Corporation.	3711-044-11453 conditions 1 through 6 and Attachment A.	11/15/1994	3/18/1999, 64 FR 13348.	
Georgia Proteins Company.	2077-058-11226 conditions 16 through 23 and Attachment A.	11/15/1994	3/18/1999, 64 FR 13348.	
Owens-Brockway Glass Container, Inc.	3221-060-10576 conditions 26 through 28 and Attachment A.	11/15/1994	3/18/1999, 64 FR 13348.	

EPA APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Comments
Owens-Corning Fiberglass Corporation.	3296-060-10079 conditions 25 through 29.	11/15/1994	3/18/1999, 64 FR 13348.	

\* \* \* \* \*  
 [FR Doc. 2019-18590 Filed 8-30-19; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R10-OAR-2019-0403; FRL-9998-96-Region 10]

**Air Plan Approval: ID; Update to CRB Fee Billing Procedures**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve state implementation plan (SIP) revisions submitted by the State of Idaho’s Department of Environmental Quality on June 5, 2019. The revisions implement changes to the timing of when fees for open burning of crop residue are paid. The changes provide Idaho Department of Environmental Quality a more streamlined administrative process and were based on recommendation from Idaho’s Crop Residue Advisory Committee.

**DATES:** This rule is effective on November 4, 2019, without further notice, unless the EPA receives adverse comment by October 3, 2019. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OAR-2019-0403 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the

official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Randall Ruddick at (206) 553-1999, or [ruddick.randall@epa.gov](mailto:ruddick.randall@epa.gov), U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Suite 155-15-H13, Seattle, WA 98101-3188.

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

**Table of Contents**

- I. Background
- II. Analysis of Rule Updates
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Background**

In 2013, the EPA approved revisions related to Idaho’s open burning and crop residue burning requirements that established a streamlined permitting process for spot burns, baled agricultural residue burns, and propane flaming. The revisions also made minor changes to the existing crop residue burning rules to update cross references and clarify certain administrative information. More information regarding the revisions that the EPA approved in 2013 can be found in the EPA’s proposed and final actions on the state’s 2011 SIP submittal. See 78 FR 2359 (January 11, 2013) and 78 FR 16790 (March 19, 2013).

**II. Analysis of Rule Updates**

On June 5, 2019, Idaho submitted a SIP revision request to the EPA. The SIP submittal contains two revisions to the federally-approved crop residue burning (CRB) rules. The two revisions were conducted through Idaho’s negotiated rulemaking process involving persons

having an interest in the development of the revisions and based on recommendations from the Idaho Crop Residue Advisory Committee. Specifically, the June 5, 2019, SIP submittal contains revisions to IDAPA 58.01.01.620.01, .02, and Idaho Code 39-114.

Fee due dates in IDAPA 58.01.01.620.01 were changed from “at least seven (7) days prior to the proposed burn date” to “within thirty (30) days following the receipt of the annual burn fee invoice.” This revision does not change the burn fee amounts, rather it only changes when the fee is due. Idaho revised IDAPA 58.01.01.620.02 to clarify that IDEQ will not accept or process registration for a permit by rule to burn for any person having burn fees delinquent, in full or in part. Idaho Code 39-114 (codification of Idaho Senate Bill 1024, Section 4) was revised by removing the requirement that fees be paid for acres “to be burned” and the requirement that payment be made “prior to burning” to align with revisions to IDAPA 58.01.01.620.01.

These revisions do not change fee structure amounts and do not change the timing of the fee payment for spot and bale burn permits required under IDAPA 58.01.01.624.02.a. All other CRB requirements remain unchanged.

**III. Final Action**

EPA is approving, and incorporating by reference in Idaho’s SIP, revisions to Idaho’s CRB fee regulations as requested by Idaho on June 5, 2019 to the following provisions:

- IDAPA 58.01.01.620 (Burn Fee, state effective April 11, 2019); and
- Idaho Code 39-114 (Open Burning of Crop Residue, state effective February 26, 2019).

We have determined that the submitted SIP revisions are consistent with section 110 of the Clean Air Act (CAA).

**IV. Incorporation by Reference**

In this rule, the EPA is approving regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are incorporating by reference the provisions described above in