



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC - 9 2022

THE ADMINISTRATOR

### MEMORANDUM

**SUBJECT:** New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability: Rescission of 2017 Memorandum

**FROM:** Michael S. Regan

A handwritten signature in black ink, reading "Michael S. Regan", is placed over the printed name.

**TO:** Regional Administrators

This memorandum rescinds in its entirety the December 7, 2017, memorandum from former Administrator E. Scott Pruitt to the regional administrators, titled "New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability."

The U.S. Environmental Protection Agency will continue to implement the New Source Review provisions of the Clean Air Act to protect public health and welfare as authorized by the statute and in accordance with the applicable regulations. This memorandum is not a rule, a regulation or a final agency action, and it is not legally enforceable. This memorandum does not change or substitute for any law, regulation or final agency action nor does it preclude any future such action or guidance.