

The adequate particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>) MVEBs are provided in Table 1.

TABLE 1—ON-ROAD MVEBS CONTAINED IN THE BALTIMORE, MD 1997 PM<sub>2.5</sub> NONATTAINMENT AREA MAINTENANCE PLAN FOR THE 1997 PM<sub>2.5</sub> NAAQS

Year	Motor vehicle emissions budget for PM <sub>2.5</sub> on-road emissions (tons per year)	Mobile vehicle emissions budget for NO <sub>x</sub> on-road emissions (tons per year)
2017 .....	1,218.60	29,892.01
2025 .....	1,051.39	21,594.96

Transportation conformity is required by section 176(c) of the Clean Air Act (CAA). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which EPA determines whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA described the process for determining the adequacy of submitted SIP budgets in a July 1, 2004 preamble starting at 69 FR 40038 and used the information in these resources in making this adequacy determination. The State of Maryland did not provide emission budgets for sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs), or ammonia for the Baltimore Maintenance Plan because it concluded that emissions of these precursors from motor vehicles are not significant contributors to the Area's PM<sub>2.5</sub> air quality problem. The transportation conformity rule provision at 40 CFR 93.102(b)(2)(v) indicates that conformity does not apply for these precursors, due to the lack of motor vehicle emissions budgets for these precursors and state's conclusion that motor vehicle emissions of SO<sub>2</sub>, VOCs, and ammonia do not contribute significantly to the area's PM<sub>2.5</sub> nonattainment problem. This provision of the transportation conformity rule predates and was not disturbed by the January 4, 2013 decision in the litigation on the PM<sub>2.5</sub> implementation rule.<sup>1</sup> EPA has

<sup>1</sup> EPA issued conformity regulations to implement the 1997 PM<sub>2.5</sub> NAAQS (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005, respectively). Those actions were not part of the final rule recently remanded to EPA by the Court of Appeals for the District of Columbia in *NRDC v. EPA*, No. 08–1250 (January 4, 2013), in which the Court remanded to EPA the implementation rule for the PM<sub>2.5</sub> NAAQS because it concluded that EPA must implement that

preliminarily concluded that Maryland's decision to not include budgets for SO<sub>2</sub>, VOCs, and ammonia is consistent with the requirements of the transportation conformity rule. That decision does not affect EPA's adequacy finding for the submitted PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs for the Baltimore Maintenance Plan.

Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudice EPA's ultimate approval action for the SIP. Even if EPA finds the budgets for the Baltimore Maintenance Plan adequate, the SIP could later be disapproved. The finding and the response to comments are available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: July 11, 2014.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**[FRL–9914–60–OGC]**

**Proposed Consent Decree, Clean Air Act Citizen Suit**

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

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or the “Act”), notice is hereby given of a proposed consent decree to address a lawsuit filed by the Center for Biological Diversity in the United States District Court for the Northern District of California: *Center for Biological Diversity v. McCarthy*, Civil Action No.

NAAQS pursuant to the PM-specific implementation provisions of subpart 4 of Part D of Title I of the CAA, rather than solely under the general provisions of subpart 1.

4:13–cv–5142–SBA (N.D. Cal.). On November 5, 2013, Plaintiff filed a complaint; on January 28, 2014, Plaintiff filed a first amended complaint; and on January 30, 2014, Plaintiff filed a second amended complaint. Plaintiff alleged that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency (“EPA”), failed to: (a) Perform a mandatory duty to find that certain states failed to submit nonattainment state implementation plans (“SIPs”) for named areas designated nonattainment for the 2006 fine particulate matter, or PM<sub>2.5</sub>, National Ambient Air Quality Standard (“NAAQS”); and (b) take timely final action to approve or disapprove, in whole or in part, certain 2006 PM<sub>2.5</sub> NAAQS nonattainment SIP submissions addressing nonattainment new source review from states for named areas. The proposed consent decree would establish deadlines for EPA to take some of these actions.

**DATES:** Written comments on the proposed consent decree must be received by September 2, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–HQ–OGC–2014–0553, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Karen Bennett Bianco, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460;

telephone: (202) 564-3298; fax number: (202) 564-5603; email address: [bennett.karen@epa.gov](mailto:bennett.karen@epa.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit filed by the Center for Biological Diversity seeking to compel the Administrator to take actions under CAA sections 110(k)(1)-(4). Under the terms of the proposed consent decree, EPA would agree to sign a notice of final rulemaking to approve, disapprove, or approve in part and disapprove in part, certain nonattainment new source review plans no later than the date indicated for the following areas designated nonattainment for the 2006 PM<sub>2.5</sub> NAAQS: (a) Los Angeles—South Coast, California area by April 15, 2015; (b) San Joaquin Valley, California area by September 1, 2014; and (c) Fairbanks, Alaska area by December 31, 2014. If either California or Alaska withdraws a listed submittal, then EPA's obligation to take the required action is automatically terminated.

Under the terms of the proposed consent decree, EPA will deliver notice of each action to the Office of the Federal Register for review and publication within 15 days of signature. In addition, the proposed consent decree outlines the procedure for the Plaintiff to request costs of litigation, including attorney fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the consent decree will be affirmed.

### II. Additional Information About Commenting on the Proposed Consent Decree

#### A. How can I get a copy of the consent decree?

The official public docket for this action (identified by OGC-2014-0553) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information

(OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](http://www.regulations.gov) to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search".

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at [www.regulations.gov](http://www.regulations.gov) without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

#### B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical

difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the [www.regulations.gov](http://www.regulations.gov) Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through [www.regulations.gov](http://www.regulations.gov), your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: July 23, 2014.

**Lorie J. Schmidt**,  
Associate General Counsel.

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## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523-5843 or by email at [OTI@fmc.gov](mailto:OTI@fmc.gov).

Daisy Mae Concepcion Viva Taleon dba DMT Global Logistics (NVO & OFF), 634 N. Poplar Street, Unit H, Orange, CA 92868, Officers: Daisy V. Taleon, Managing Member (QI), Catherine V. Guevara, Member, Application Type: