

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.”

## II. Additional Information About the Proposed Consent Decree

This case pertains to EPA’s duty to promulgate a FIP or FIPs to address certain nonattainment plan requirements for the for the San Joaquin Valley area of California for the 1997, 2006, and 2012 PM<sub>2.5</sub> NAAQS. EPA’s duty at issue in this case arises from a finding of failure to submit that the agency made on December 6, 2018, and that was effective on January 7, 2019. Since that time, however, California submitted two State Implementation Plan (SIP) submissions intended to address the relevant nonattainment plan requirements for all of these PM<sub>2.5</sub> NAAQS simultaneously. Through a series of rulemakings, EPA has taken action on portions of these SIP submissions for specific iterations of the PM<sub>2.5</sub> NAAQS that have reduced the original scope of its FIP duty. The proposed consent decree would establish deadlines for EPA to take actions to address the remaining portions of its FIP duty.

Specifically, the proposed consent decree would establish deadlines for EPA to take action pursuant to the CAA to sign a notice or notices of a proposed and final FIP by no later than July 31, 2023, and September 30, 2024, respectively, to address the contingency measures element of the: (1) nonattainment plan for the section 189(d) requirements for the 1997 annual PM<sub>2.5</sub> NAAQS, (2) nonattainment plan for the Serious area requirements for the 2006 24-hour PM<sub>2.5</sub> NAAQS, and (3) nonattainment plan for Moderate area requirements for the 2012 PM<sub>2.5</sub> annual NAAQS. In addition, the proposed consent decree would establish a deadline for EPA to sign a notice or notices of a final FIP by no later than September 30, 2024, to address all plan elements, except for the contingency measures element and the baseline emissions inventory element, for the nonattainment plan for the section 189(d) requirements for the 1997 annual PM<sub>2.5</sub> NAAQS.

The proposed consent decree also provides that if California submits and EPA fully approves a SIP submission or submissions that satisfy any of the specific plan requirements above, then EPA’s obligation to promulgate a proposed or final FIP under the consent decree with respect to the satisfied nonattainment plan element is

automatically terminated, and Plaintiffs’ claim as to that plan element is moot. Also, if EPA issues a clean data determination, *i.e.*, a determination that the air quality of an area has attained the NAAQS, for the San Joaquin Valley with respect to 1997 annual PM<sub>2.5</sub> NAAQS, the 2006 24-hour PM<sub>2.5</sub> NAAQS, or the 2012 PM<sub>2.5</sub> annual NAAQS, in accordance with 40 CFR 51.1015, then EPA’s obligation under the consent decree to take the action or actions required with respect to that NAAQS is automatically terminated.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. 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.

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

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0894, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received in its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> 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. 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://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be

received by scheduled appointment only.

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. 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 <https://www.regulations.gov> website 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.

Please ensure that you submit your comments 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.

**Gautam Srinivasan,**  
*Associate General Counsel.*

[FR Doc. 2022–25603 Filed 11–22–22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA–R02–OAR–2022–0715; FRL–10145–01–R2]

### Adequacy Status of Motor Vehicle Emissions Budgets for the New York Portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 2008 8-Hour Ozone Nonattainment Area

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, the EPA is notifying the public that it has found that the 2020 motor vehicle emissions budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>), submitted by the New York State Department of Environmental

Conservation on November 29, 2021, for the 2008 national ambient air quality standard (NAAQS) for ozone (the Budgets), are adequate for transportation conformity purposes for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area. This revision to the SIP included 2020 summer day VOC and NO<sub>x</sub> Budgets associated with the SIP's reasonable further progress demonstration.

**DATES:** This finding is effective December 8, 2022.

**ADDRESSES:** Publicly available docket materials, identified by Docket ID Number EPA-R02-OAR-2022-0715, are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal holidays). For further information on the EPA Docket Center services and the current status, see: <https://www.epa.gov/dockets>. You may access this **Federal Register** document electronically from <https://www.federalregister.gov/documents/current>. This finding will also be available at the EPA's conformity website: <https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa#newyork-ny-nj-ct>.

**FOR FURTHER INFORMATION CONTACT:** Lily Black, Environmental Protection Agency Region 2, Air and Radiation Division, 290 Broadway, 25th Floor, New York, New York 10007–1866; (212) 637–3884, [black.lily@epa.gov](mailto:black.lily@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, whenever “we,” “us,” or “our” is used, we mean the EPA.

Today's notice is an announcement of a finding that we have already made. EPA Region 2 sent a letter to the New York Department of Environmental Conservation on July 26, 2022, stating that the 2020 motor vehicle emissions budgets (“Budgets”) are adequate for transportation conformity purposes.

The transportation conformity rule requires that the EPA conduct a public process and make an affirmative decision on the adequacy of these budgets before they can be used by metropolitan planning organizations in transportation conformity determinations.

As a result of this finding, upon the effective date of this notice of adequacy, the New York Metropolitan Transportation Council (NYMTC) must use the Budgets in future transportation

conformity determinations. The Budgets are associated with the reasonable further progress milestone demonstration.

We announced availability of the plan and related Budgets on the EPA's transportation conformity website on March 8, 2022, requesting comments by April 8, 2022. We received no comments in response to the adequacy review posting.

The Budgets are provided in Table 1.

**TABLE 1—MOTOR VEHICLE EMISSIONS BUDGETS FOR NYMTC**  
[tons per day]

Year	NO <sub>x</sub>	VOC
2020 .....	89.07	54.51

Transportation conformity is required by Clean Air Act section 176(c), 42 U.S.C. 7506(c). The EPA's conformity rule requires that long-range transportation plans, transportation improvement programs, and transportation projects conform to a state's air quality SIP and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. *See id.* at section 7506(c)(1)(B).

The criteria the EPA uses to determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4).<sup>1</sup> And we have described our process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f). Under 40 CFR 93.104(e), within 2 years of the effective date of this notice, NYMTC and the U.S. Department of Transportation will need to demonstrate conformity to the Budgets. To do so, the on-road motor vehicle emissions from implementation of the long-range transportation plan should be projected consistently with the Budgets.

*Authority:* 42 U.S.C. 7401–7671q.

**Lisa Garcia,**

*Regional Administrator, Region 2.*

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<sup>1</sup> An adequacy review is separate from the EPA's completeness review and should not be used to prejudice the EPA's ultimate action on the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA–HQ–OAR–2022–0079; FRL–10448–01–OMS]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Commercial Ethylene Oxide Sterilization and Fumigation Operations (Renewal)**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Commercial Ethylene Oxide Sterilization and Fumigation Operations (EPA ICR Number 1666.12, OMB Control Number 2060–0283), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through January 31, 2023. Public comments were previously requested, via the **Federal Register**, on April 8, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before December 23, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0079, to EPA online using <https://www.regulations.gov/> (our preferred method), or by email to [docket@epa.gov](mailto:docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to