

permits under the National Pollution Discharge Elimination System, or Records of Decision for cleanup of Superfund sites).

In selecting the five standards for review and reevaluation EPA will consider a variety of factors including any new information since the standards were originally promulgated, as follows:

- New scientific information or new data regarding adverse health effects on children;
- New understanding of routes of exposure to children;
- Whether the regulated substance/pollutant is persistent and bioaccumulative;
- New methodologies of evaluating human health risks;
- New epidemiology studies;
- New toxicity studies; and
- New environmental monitoring studies.

As part of this effort, EPA will convene a balanced, broad-based external Advisory Committee, chartered under the Federal Advisory Committee Act, Public Law 92-463, to give advice to the Administrator on various issues of children's environmental health protection. Notice of the establishment of this Children's Health Protection Advisory Committee (CHPAC) was published on September 9, 1997 (62 FR 47494). CHPAC will consider recommendations received by EPA as a result of this notice and other information. Comments and other information received as a result on this notice will be placed in a docket that will be established for CHPAC. EPA will ask the Committee to recommend five standards that EPA should reevaluate with respect to children's health protection. CHPAC meetings will be announced in the **Federal Register** and open to the public. The Administrator will consider the Committee's recommendations and the recommendations and comments received in response to this Notice. EPA intends to announce the five selected standards in a **Federal Register** notice in early Summer of 1998.

This EPA effort will help fulfill President Clinton's Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, signed on April 21, 1997. This Order, in part, directs each Federal agency to set as a high priority the identification and assessment of environmental health risks and safety risks that may disproportionately affect children; and ensure that its policies, programs, activities, and standards address disproportionate risks to

children that result from environmental health risks or safety risks.

Dated: September 26, 1997.

**E. Ramona Trovato,**

*Director, Office of Children's Health Protection.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5902-8]

### Consent Decree: Phoenix Federal Implementation Plan for Carbon Monoxide

**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 ("Act"), notice is hereby given of a proposed consent decree in litigation instituted against the Environmental Protection Agency ("EPA") regarding implementation of the contingency measure provisions of the Carbon Monoxide (CO) Federal Implementation Plan (FIP) for Phoenix, Arizona.

EPA originally promulgated CO FIP contingency measures for Phoenix in 1991 pursuant to a court order in *Delaney v. EPA*, 898 F.2d 687 (9th Cir. 1990). 56 FR 5458 (Feb. 11, 1991). In 1996 EPA approved CO contingency measures submitted by the State of Arizona, and withdrew the previously promulgated FIP contingency measures for Phoenix. 61 FR 51599 (Oct. 3, 1996). This action was challenged by the Arizona Center for Law in the Public Interest (ACLPI), and was recently overturned by the Ninth Circuit Court of Appeals. *DiSimone v. Browner*, 1997 U.S. App. LEXIS 19796 (July 31, 1997).

Subsequently, ACLPI filed an action in District Court to compel implementation of the FIP contingency provisions. *DiSimone v. Browner*, No. CIV 97-1987 PHXRGs, D. Ariz. In order to resolve this matter without protracted litigation, ACLPI and EPA have reached agreement on a proposed consent decree which has been signed by the parties and lodged with the court on Sept. 25, 1997. The consent decree provides that, unless EPA previously approves a state submitted attainment demonstration for CO for Phoenix, EPA will sign an initial notice of proposed rulemaking pursuant to the FIP contingency provisions by no later than Nov. 26, 1998, and will complete the remainder of the requirements of the FIP contingency

provisions according to the timeframes specified in those procedures.

For a period of thirty [30] days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree. EPA or the Department of Justice may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Copies of the proposed consent decree are available from Sara Schneeberg, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 260-5145. Written comments should be sent to Sara Schneeberg at the above address and must be submitted on or before November 3, 1997.

Dated: September 26, 1997.

**Scott C. Fulton,**

*Acting General Counsel.*

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5484-8]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or (202) 564-7153.

Weekly receipt of Environmental Impact Statements Filed September 22, 1997 Through September 26, 1997 Pursuant to 40 CFR 1506.9.

EIS No. 970372, DRAFT EIS, FRC, MT, Missouri-Madison Hydroelectric (FERC No. 2188) Project, Issuing a New licence (Relicence) for Nine Dams and Associated Facilities, MT, Due: December 2, 1997, Contact: John McEachern (202) 219-3056.

EIS No. 970373, FINAL EIS, AFS, UT, Western Uinta Basin Oil and Gas Leasing, Implementation, Federal Oil and Gas Estate on Land Administrated by the Uinta and Ashley National Forests in the western portion of the Uinta Basin, Wasatch and Duchesne Counties, UT, Due: November 3, 1997, Contact: Laura Jo West (801) 781-5167.

EIS No. 970374, DRAFT EIS, COE, CA, San Francisco Bay to Stockton Phase III (John F. Baldwin) Navigation Channel Project, Construction and Operation, For Deliver of Petroleum to Refineries, Storage Terminals and