

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7041-6]

Proposed Settlement, Clean Air Act Citizen Suit**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree that was lodged with the United States District Court for the District of Arizona by the United States Environmental Protection Agency ("EPA") on July 31, 2001 to address a lawsuit filed by three Phoenix, Arizona residents pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a). The lawsuit addresses EPA's alleged failure to meet a mandatory deadline under section 110(k) of the Act, 42 U.S.C. 7410(k), to take final action to approve or disapprove the Serious Area PM-10 Plan for the Phoenix metropolitan PM-10 nonattainment area submitted by the State of Arizona to EPA on February 23, 2000. *Bahr et al. v. Whitman*, Case No. CV-01-835-PHX-ROS (D. Ariz.)

DATES: Written comments on the proposed consent decree must be received by September 24, 2001.

ADDRESSES: Written comments should be sent to Jan Taradash, Office of Regional Counsel, U.S. Environmental Protection Agency Region 9, 75 Hawthorne Street, San Francisco, CA 94105. Copies of the proposed consent decree are available from Jan Taber, (415) 744-1341.

SUPPLEMENTARY INFORMATION: The Clean Air Act requires EPA to take action to approve or disapprove a state implementation plan ("SIP") revision within 12 months of a determination by the Administrator that such revision is complete. See section 110(k)(1)-(4), 42 U.S.C. 7410(k)(1)-(4). On February 23, 2000, Arizona submitted to EPA the Serious Area PM-10 Plan for the Phoenix metropolitan PM-10 nonattainment area ("Serious Area Plan") as a proposed revision to the Arizona SIP. EPA found the plan, which addresses both the 24-hour and annual PM-10 national ambient air quality standards, to be complete pursuant to section 110(k)(1)(B), 42 U.S.C. 7410(k)(1)(B), on February 25, 2000. On April 13, 2000, EPA proposed to approve the provisions of the Serious Area Plan addressing the annual PM-10 standard. 65 FR 19964. The proposed

consent decree provides that EPA shall sign on or before September 14, 2001, a proposed rule for publication in the **Federal Register** approving or disapproving, pursuant to section 110(k) of the Act, 42 U.S.C. 7410(k), the 24-hour provisions of the Serious Area Plan. The proposed consent decree further provides that EPA shall sign on or before January 14, 2002, a final rule for publication in the **Federal Register** approving or disapproving the Serious Area Plan.

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed consent decree from persons who were not named as parties to the litigation in question. 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. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will then be executed by the parties.

Dated: August 14, 2001.

Alan W. Eckert,

Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7042-2]

EPA Science Advisory Board; Underground Storage Tanks (UST) Cleanup and Resource Conservation Recovery Act (RCRA) Subtitle C Program Benefits, Costs and Impacts Review Panel Request for Nominations

ACTION: Notice. Request for nominations to the Underground Storage Tanks (UST) Cleanup and Resource Conservation and Recovery Act (RCRA) Subtitle C Program Benefits, Costs and Impacts Review Panel of the Environmental Protection Agency's (EPA) Science Advisory Board (SAB).

SUMMARY: The U.S. Environmental Protection Agency (EPA) Science Advisory Board is announcing the formation of an Underground Storage Tanks (UST) Cleanup and Resource Conservation and Recovery Act (RCRA) Subtitle C Program Benefits, Costs and Impacts Review Panel (hereinafter, the "Panel") and is soliciting nominations

to this Panel. The EPA Science Advisory Board was established to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA regulations. In this sense, the Board functions as a technical peer review panel.

Any interested person or organization may nominate qualified individuals for membership on the Panel. Nominees should be identified by name, occupation, position, address, telephone number, and e-mail address. To be considered, all nominations must include a current resume, preferably in electronic format, providing the nominee's background, experience and qualifications.

Background:

In 1996, the Office of Solid Waste and Emergency Response (OSWER) began to develop methodologies to better characterize the costs and benefits (including environmental, health, and other human welfare benefits) and other impacts of its various environmental programs. The OSWER draft documents to be reviewed as an advisory by the Panel address the proposed benefits, costs and impacts review methodology for two pilot programs in a coordinated fashion, namely the Underground Storage Tank (UST) Cleanup and Resource Conservation and Recovery Act (RCRA) Subtitle C prevention programs. The purpose of these draft documents is to present a range of potential methods OSWER could use to characterize or quantify each of the relevant attributes for the UST Cleanup and RCRA Subtitle C Programs, together with the advantages, disadvantages, and uncertainties. The methods range from relatively simple to more complex, resource-intensive methods.

The Proposed Charge

The Office of Solid Waste and Emergency Response (OSWER) is requesting that the EPA Science Advisory Board (SAB) review the following draft documents dated October 2000: "Approaches to Assessing the Benefits, Costs, and Impacts of the Office of Underground Storage Tanks Cleanup Program," and "Approaches to Assessing the Benefits, Costs, and Impacts of the RCRA Subtitle C Program." The draft Charge to the SAB is:

(1) Does the "OSWER Attributes Matrix" (Exhibit 1-1 in both reports) provide a good list of program attributes that could appropriately be used to describe OSWER program benefits, costs, impacts, and other key factors