Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1404

Expedited Arbitration

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Proposed rule.

SUMMARY: This proposed addition to the arbitration regulations is intended to create a new service known as ''expedited arbitration.'' This service will provide a streamlined arbitration process for non-precedential and non-complex grievance arbitration cases while encouraging the parties to select new arbitrators in order to enhance their career development. This new service is the result of specific recommendations of the Arbitration Focus Group convened by FMCS on March 27, 1997.

DATES: Comments must be received on or before August 4, 1997.

ADDRESSES: Written comments should be submitted to Peter L. Regner, Director of Program Services, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427. All comments will be available for inspection during work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Peter L. Regner, Director of Program Services, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 606–8181.

Executive Order 12291

This proposed rule is not a ''major rule'' under Executive Order 12291 because it is not likely to result in (1) an annual effect on the economy of $100 million or more (2) a major increase in costs or prices for consumers, individual industries. Federal, state, or local government agencies, or geographic regions; or (3) a significant decline in productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act Certification

The FMCS finds that this proposed rule will have no significant impact upon a substantial number of small entities within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 164 (5 U.S.C. 605(g)), and will so certify to the Chief Counsel for Advocacy of the Small Business Administration. This conclusion has been reached because the proposed rule does not, in itself, impose any additional economic requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 29 CFR Part 1404

Administrative practice and procedure, Labor management relations.

The Federal Mediation and Conciliation Service proposes to amend 29 CFR part 1404 to read as follows:

1. The authority citation for Part 1404 continues to read as follows:

Authority: 29 U.S.C. 172 and 29 U.S.C. 173 *et seq.*

2. By adding Subpart D to read as follows:

Subpart D—Expedited Arbitration

Sec.
1404.17 Policy.
1404.18 Procedures for Requesting Expedited Panels.
1404.19 Arbitration Process.
1404.20 Arbitrator Eligibility.
1404.21 Proper Use of Expedited Arbitration.

Subpart D—Expedited Arbitration

§ 1404.17 Policy.

In an effort to reduce the time and expense of some grievance arbitrations, FMCS is offering expedited procedures that may be appropriate in certain non-precedential cases or those that do not involve complex issues. Expedited Arbitration is intended to be a mutually agreed upon process whereby arbitrator appointments, hearings and awards are acted upon quickly by the parties, FMCS, and the arbitrators. The process is streamlined by mandating short deadlines and eliminating requirements for transcripts, briefs and lengthy opinions.

§ 1404.18 Procedures for Requesting Expedited Panels.

(a) With the exception of the specific changes noted in this subpart, all FMCS rules and regulations governing its arbitration services shall apply to Expedited Arbitration.

(b) Upon receipt of a joint Request for Arbitration Panel (Form R–43) indicating that expedited services are desired by both parties, the AOAS will refer a panel of arbitrators.

(c) A panel of arbitrators submitted by the OAS in expedited cases shall be valid for up to 30 days. Only one panel will be submitted per case. If the parties are unable to mutually agree upon an arbitrator or if prioritized selections are not received from both parties within the 30 days, the OAS will make a direct appointment of an arbitrator not on the original panel.

(d) If the parties mutually select an arbitrator, but the arbitrator is not available, the OAS will make a direct appointment of another arbitrator not listed on the original panel.

§ 1404.19 Arbitration Process.

(a) Once notified of the expedited case appointment by the OAS, the arbitrator must contact the parties within seven (7) calendar days.

(b) The parties and the arbitrator must attempt to schedule a hearing within 30 days of the appointment date.

(c) Absent mutual agreement, all hearings will be concluded within one day. No transcripts of the proceedings will be made and the filing of briefs will not be allowed.

(d) All awards must be completed within seven (7) working days after the hearing. These awards are expected to be brief, concise, and not require extensive written opinion or research time.

§ 1404.20 Arbitrator eligibility.

In an effort to increase exposure of new arbitrators, only those arbitrators who have been listed on the Roster of Arbitrators for a period of five years or less will be deemed automatically eligible for the Expedited Arbitration process. However, parties may jointly request a larger pool of arbitrators or a direct appointment of any arbitrator of their choice who is listed on the Roster.

§ 1404.21 Proper Use of Expedited Arbitration.

(a) FMCS reserves the right to cease honoring requests for Expedited

Arbitration if a pattern of misuse of this process becomes apparent. Misuse may be indicated by the parties' frequent delaying of the process or referral of inappropriate cases.

(b) Arbitrators who exhibit a pattern of unavailability for appointments or who are repeatedly unable to schedule hearings or render awards within established deadlines will, after written warning, be considered ineligible for appointment for this service.

John Calhoun Wells,

Director.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219–AB00

Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: MSHA is extending the comment period regarding the Agency's proposed rule for roof and rock bolts at metal and nonmetal mines and underground coal mines which was published in the **Federal Register** on April 28, 1997.

DATES: Comments must be received on or before July 14, 1997.

ADDRESSES: Comments on the proposed rule may be transmitted by electronic mail, fax, or mail. Comments by electronic mail must be clearly identified as such and sent to this e-mail address: psilvey@msha.gov. Comments by fax must be clearly identified as such and sent to: MSHA, Office of Standards, Regulations, and Variances, 703–235–5551. Send mail comments to: MSHA, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203–1984.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, phone 703–235–1910.

SUPPLEMENTARY INFORMATION: On April 28, 1997, MSHA published in the **Federal Register** (62 FR 22998) a proposed rule to revise the Agency's existing safety standards for roof and rock bolts at metal and nonmetal mines and underground coal mines by updating the reference to the American Society for Testing and Materials (ASTM) standard for roof and rock bolts and accessories. The comment period was scheduled to close on June 27, 1997. The Agency received a request from the mining community to extend the period for public comment.

MSHA has evaluated the request and is extending the comment period to July 14, 1997. The Agency believes that this extension will provide sufficient time for all interested parties to review and comment on the proposal. All interested parties are encouraged to submit comments on or prior to July 14, 1997.

Dated: June 25, 1997.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 97–17040 Filed 6–25–97; 3:06 pm]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 69

[FRL–5850–5]

Special Exemptions From Requirements of the Clean Air Act for the Territory of Guam

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

ACTION: Notice of proposed rulemaking.

SUMMARY: On February 11, 1997, the Governor of Guam submitted a petition (''Petition'') to the Administrator of EPA seeking a waiver of certain Clean Air Act (''CAA'') requirements which apply to two baseload diesel electric generators to be located at the Piti Power Plant on Guam. The Petition was submitted pursuant to section 325(a) of the CAA. The waiver will help to ease a serious and ongoing energy emergency on Guam. Based upon the information in the Petition, EPA is proposing to grant the waiver requested.

The waiver allows two 45 megawatt baseload slow speed diesel electric generators and associated waste heat recovery boilers with a steam generator to be constructed, but not operated, at the Piti Power Plant prior to the receipt of a final Prevention of Significant Deterioration permit. Comments on this proposed rulemaking action may be made to the EPA as described below.

DATES: Comments on this proposed rulemaking action must be received on or before July 30, 1997.

ADDRESSES: *Comments may be mailed to:* Norman Lovelace, Chief, Insular Area Program, Cross Media Division (CMD–5), U.S. Environmental Protection Agency, Region IX 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Norman Lovelace, Chief, Insular Area Program, Cross Media Division (CMD–5), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105. Telephone: (415) 744–1599.

SUPPLEMENTARY INFORMATION:

Background

Via a letter dated February 11, 1997, Governor Gutierrez of Guam submitted a petition (''Petition'') to the Administrator of EPA. The Petition seeks a waiver of certain Clean Air Act (''CAA'') requirements for the construction of two 45 megawatt baseload slow speed diesel electric generators and associated waste heat recovery boilers with a steam generator. These units will be part of the Piti Power Plant. The units will be designated as Piti Units No. 8 and No. 9.

The waiver application seeks to allow construction of Piti Units No. 8 and No. 9 prior to receipt of a Prevention of Significant Deterioration (''PSD'') permit. Neither of these Piti Units will operate prior to receipt of a final PSD permit.

Guam has experienced a longstanding shortage of electrical energy, repeatedly leading to rotating blackouts in areas of the Island. The background to this energy shortage is described in a previous waiver proceeding before EPA in 1993. 50 FR 15579, 15580. The Petition describes how the 1993 energy shortage has continued despite a substantial capital development program by the Guam Power Authority (''GPA''). The energy shortage was created originally because of very rapid growth in energy demand due to increased residential electrical consumption and a boom in tourism. The Petition describes how energy shortfalls are now exacerbated as a result of substantial facility outages caused by equipment failures and a continued growth in demand.

As EPA noted in the 1993 waiver proceeding, Guam is an isolated island. 58 FR 13580. GPA currently generates all commercial electric power used on the Island. Unlike power authorities on the mainland United States, GPA does not have the option of purchasing power from outside the Island. Guam is, and must remain, self sufficient with regard to electric power generation.

The Petition states that Guam's electric power shortfall has continued because of facility outages caused by