

**Section 1404.19 Arbitration Process**

Subsection (c). The language has been clarified to state that "post hearing" will not be allowed. This permits the parties to present pre-hearing summaries or briefs of their positions. One comment expressed concern that the "no transcript" provision of the rule might be interpreted to mean that the arbitrator could not tape the hearing for his/her own use. This is not the intention of the rule. Arbitrators may tape the proceedings, if both parties agree, as a supplement to his/her notes.

**Section 1404.20 Arbitrator Eligibility**

Eight of the nine individuals submitting comments about the proposed rule objected to the policy of having only arbitrators with five (5) years or less experience on the FMCS Roster automatically placed on the expedited arbitration panels. Some argued fairness, others stated that in order to be able to render quick decisions, more arbitration experience was required. FMCS has modified its policy to that at least two more senior arbitrators will be listed on every expedited panel. Given the number of arbitrators with five (5) years of less listing on the Roster, it is possible that many, if not most, expedited arbitration panels will contain more than two more senior arbitrators. The parties continue to have the right to jointly request any special qualifications that they feel necessary.

The Federal Mediation and Conciliation Service amends 29 CFR part 1404 as follows:

**PART 1404—ARBITRATION SERVICES**

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and expense of some grievance arbitrators, FMCS is offering expedited procedures that may be appropriate in certain non-precedential cases or those that do not involve complex or unique issues.

Expedited Arbitrator 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 excepting 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 OAS will require 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 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 parties may select a second name from the same panel or 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 post-hearing briefs will not be allowed.

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

**§ 1404.20 Arbitrator eligibility.**

In an effort to increase exposure for new arbitrators, those arbitrators who have been listed on the Roster of Arbitrators for a period of five (5) years or less will be automatically placed on expedited panels submitted to the parties. However, all panels will also contain the names of at least two more

senior arbitrators. In addition, the parties may jointly request a larger pool of arbitrators or a direct appointment of their choice who is listed on the Roster.

**§ 1404.21 Proper use of expedited arbitration.**

(a) FMCS reserves the right to cease honoring request for Expedited Arbitration if a pattern of misuse of this becomes apparent. Misuse may be indicated by the parties' frequent delay of the process or referral of inappropriate cases.

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

**John Calhoun Wells,**

*Director.*

[FR Doc. 97-24727 Filed 9-17-97; 8:45 am]

BILLING CODE 6732-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 62**

[OR-1-0001; FRL-5891-5]

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon; Correction**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule; correction.

**SUMMARY:** On December 19, 1995, pursuant to sections 111 and 129 of the Clean Air Act (Act), the EPA promulgated new source performance standards (NSPS) applicable to new Municipal Waste Combustors (MWCs) and Emission Guidelines applicable to existing MWCs. On April 8, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated 40 CFR part 60, subparts Cb and Eb, as they apply to MWC units with capacity to combust less than or equal to 250 tons/day of municipal solid waste (small MWCs), consistent with the opinion in *Davis County Solid Waste Management and Recovery District v. EPA*, 101 F.3d 1395 (D.C. Cir. 1996), *as amended*, 108 F.3d 1454 (D.C. Cir. 1997). As a result, 40 CFR part 60, subparts Eb and Cb, apply only to large MWC units which are defined as units with individual capacity to combust more than 250 tons/day of municipal solid waste.

In a July 10, 1997, **Federal Register** document (62 FR 36995), the EPA approved the State Plan submitted by Oregon to implement and enforce

Subpart Cb, as it applies to large MWC units only. However, the approval action inadvertently included the Coos County, Coos Bay, Oregon, waste combustor site. This MWC has the capacity to combust less than or equal to 250 tons per year of municipal solid waste. As such, this source is designated a "small source," and is not subject to the requirements of the approved State Plan. This action corrects the list of identified sources by removing "Coos County, Coos Bay, Oregon," from 40 CFR § 62.9505 Identification of Sources (see 62 FR 36997).

Since the affected sources in the area are presently aware of this correction, no reopening or extension to the comment period is planned. However, a reopening to the comment period will be considered if requested by an interested person, based on a showing that additional time for comment is necessary in light of this correction.

**DATES:** This correction is effective September 18, 1997.

**ADDRESSES:** Written comments should be addressed to: Catherine Woo, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Catherine Woo, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1814.

**SUPPLEMENTARY INFORMATION:** Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting

Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

In rule FR Doc. 97-18082 published on July 10, 1997, make the following correction. On page 36997, col. 3, § 62.9505 *Identification of Sources* is corrected by removing and reserving paragraph (b).

Dated: September 4, 1997.

**Chuck Clarke,**

*Regional Administrator.*

[FR Doc. 97-24696 Filed 9-17-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5893-2]

#### National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Hranica Landfill Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Hranica Landfill Superfund Site (Site) in Buffalo Township, Pennsylvania from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that remedial actions conducted at the Site to date remain protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** September 18, 1997.

**ADDRESSES:** Comprehensive information on this Site is available through the public docket which is available for viewing at the Site information repositories at the following locations: Hazardous Waste Technical Information Center, 9th Floor, EPA Region III, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566-5364. Buffalo

Township Municipal Building, 109 Bear Creek Road, Buffalo Township, PA 16055, (412)-259-2648.

#### FOR FURTHER INFORMATION CONTACT:

Garth Connor, Remedial Project Manager, EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, 215-566-3209.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Hranica Landfill, Buffalo Township, Pennsylvania.

A Notice of intent to delete for this site was published June 19, 1997 (62 FR 33381). The closing date for comments on the notice of intent to delete was July 21, 1997. EPA received no comments.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Superfund, Water supply.

Dated: September 9, 1997.

**W. Michael McCabe,**

*Regional Administrator, EPA Region III.*

For the reason set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B [Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site "Hranica Landfill, Buffalo Township, Pennsylvania."

[FR Doc. 97-24547 Filed 9-17-97; 8:45 am]

BILLING CODE 6560-50-P