

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.

DEPARTMENT OF STATE

22 CFR Part 194

[Public Notice 3118]

Office of the Assistant Legal Adviser for Private International Law; Inter-American Convention on International Commercial Arbitration Rules of Procedure

AGENCY: Office of the Assistant Legal Adviser for Private International Law.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of State proposes to make effective under United States law the revised rules of procedure of the Inter-American Commercial Arbitration Commission ("IACAC"). The amended rules of procedure enhance the role of IACAC in the initiation and conduct of arbitration of international contractual disputes to which the International Convention on Commercial Arbitration ("Convention") applies. The amended rules address such issues as notice procedures, the appointment of arbitrators, the role of each National Section of IACAC, and an increased fee schedule. Adoption of these rules will ensure their uniformity of application among states party to the Convention.

DATES: Comments must be received by November 18, 1999.

ADDRESSES: Comments should be addressed to Jeffrey D. Kovar, Assistant Legal Adviser for Private International Law, South Building, Suite 203, 2430 E St., NW, Washington, DC 20037-2860. They may also be sent via telefax to (202) 776-8482 or e-mail to <pilddb@his.com>.

FOR FURTHER INFORMATION CONTACT: Ms. Rosie Gonzales (202-776-8423), at the above office address for copies of the proposed revisions to the IACAC rules of procedure. Copies are available in English and Spanish.

SUPPLEMENTARY INFORMATION: IACAC has amended its rules of procedure applicable to arbitration conducted under the Convention. The Convention

entered into force for the United States in 1990 with the reservation that the United States would only be bound by the rules of procedure in effect on July 1, 1988, unless the Secretary of State determines by regulation that any subsequent modification or amendment will apply in the United States. Pursuant to Title 9 section 306 of the United States Code, the rulemaking procedures of Title 5 section 553 of the United States Code apply to any determination to effectuate such a modification or amendment within the United States. In accordance with those procedures, notice must be published in the **Federal Register**, time for comment provided, and the final rule published for 30 days before the rule may become effective.

The proposed changes in the Convention's rules of procedure include, *inter alia*:

- Requiring IACAC approval before the arbitrating parties may use modified rules of procedure;
- Requiring notice from one party to the other also to be delivered to the Director General of IACAC or the IACAC National Section;
- In cases involving a three-person Tribunal, requiring the claimant to designate one arbitrator in the notice of demand for arbitration;
- In the event that one member of a three-person Tribunal is unable to continue, authorizing the remaining two arbitrators to continue at their discretion;
- In the absence of a majority for a decision, giving the Tribunal President the sole and unreviewable authority to decide;
- In cases where the respondent fails to submit its defense, providing the Tribunal discretion whether to continue the arbitration or not;
- Specifying that an award is not subject to appeal;
- Requiring notice of post-award requests for interpretation, correction, or an additional award to be made to the Tribunal, and for the Tribunal to notify the other party;
- Setting forth new procedures for calculating costs and fees, and providing that the IACAC Arbitrator Nominating Committee may request advance deposit of costs;
- Setting forth internal IACAC procedures for cases administered under the rules, including a schedule

of increased fees, establishing an Arbitrator Nominating Committee, and specifying that IACAC National Sections will generally carry out secretarial functions under the rules.

List of Subjects in 22 CFR Part 194

Administrative practice and procedure, Foreign relations, Government contracts.

Jeffrey D. Kovar,

Assistant Legal Adviser for Private International Law.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 132

[FRL-6447-4]

RIN 2040-AD32

Proposal To Amend the Final Water Quality Guidance for the Great Lakes System To Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to amend the Final Water Quality Guidance for the Great Lakes System (Guidance)(40 CFR Part 132) to prohibit mixing zones for bioaccumulative chemicals of concern (BCCs) in the Great Lakes System, subject to a limited exception for existing discharges. For existing discharges, the regulation would prohibit mixing zones for BCCs starting 10 years after the publication date of the final BCC mixing zone rule. New discharges of BCCs would be subject to the mixing zone prohibition immediately upon commencing discharge. EPA had promulgated a mixing zone provision similar to this proposed regulation on March 23, 1995, as part of the Water Quality Guidance for the Great Lakes System required by section 118(c)(2) of the Clean Water Act. The provision was vacated by the U.S. Court of Appeals for the District of Columbia Circuit in the case of *American Iron & Steel Institute v. EPA*, 115 F.3d 979 (D.C. Cir. 1997), and was remanded to the Agency for further consideration. This proposed regulation