

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.*

[FR Doc. 97-16999 Filed 6-27-97; 8:45 am]

BILLING CODE 6732-01-M

## 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](mailto: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

planned and unplanned maintenance requirements. The longstanding nature of the electric power shortage has required GPA to use its existing facilities at peak capacity for several years. GPA has also deferred planned maintenance, when safety considerations have allowed, to permit units to remain in service. Because of the length of time which has elapsed since the beginning of the emergency, the result is now substantially reduced reliability of GPA's electric generating units.

The Petition also describes how Guam's Legislature and Guam's Governor have actively become involved to find a solution to the continued energy crisis. In June 1996, the Legislature enacted special procurement legislation to allow the rapid purchase of new generating equipment. In response to the recommendation of a blue ribbon task force, the Governor issued an executive order in August 1996, directing GPA to oversee the repair of existing units, the construction of new units, and the operation of electric generating facilities by independent power producers. Piti Units No. 8 and No. 9 are a part of this effort, and will provide electricity to be distributed by GPA.

The construction and operation of additional, reliable baseload generating units will enable GPA to satisfy electrical demand with an appropriate margin of safety, while at the same time allowing for planned maintenance outages of generating units. Once sufficient baseload capacity exists and can be operated, unplanned blackouts on the Island will be ended. Piti Units No. 8 and No. 9, which are to provide electric power under contract to GPA, are such baseload units. Construction of the units prior to the issuance of PSD permits will allow the units to become available in a much more expeditious time frame. It is anticipated that final PSD permits can and will be issued prior to completion of construction of Piti Units No. 8 and No. 9.

Section 325(a) of the CAA allows a waiver of certain CAA requirements, based upon local factors, only if the waiver will not cause exceedences of any primary national ambient air quality standard ("NAAQS") or violations of the hazardous air pollutant provisions of the CAA. The hazardous air pollutant provisions of the CAA are not affected by the Petition. The 1993 waiver proceeding and a subsequent 1995 waiver proceeding included air quality analyses, utilizing computer modeling, which demonstrated that all NAAQS

would be protected. Data submitted to the EPA pursuant to the prior waiver proceedings indicates that all NAAQS continue to be adequately protected.

The Petition currently before the EPA is limited to the construction of Piti Units No. 8 and No. 9 prior to the issuance of PSD permits, and hence will not result in the increase of any air contaminant. Prior to the issuance of any PSD permit, the PSD permitting process will require, among other things, assurances that operation of Piti Units No. 8 and No. 9 will not lead to exceedences of any NAAQS.

The Cabras and Piti Power Plants operate under an intermittent control strategy which utilizes fuel switching. This intermittent control strategy is described in an EPA document entitled the "Cabras Area ICS." This strategy, which was modified pursuant to the 1995 waiver proceeding, has required the use of fuel oil with a maximum sulfur content of 1.19 percent when winds blow in an onshore direction, and the use of fuel oil with a maximum sulfur content of 2.00 percent when winds blow in an offshore direction. If EPA issues the waiver requested in the Petition in a final rulemaking action, the Cabras Area ICS will be modified to require fuel switching at Piti Units No. 8 and No. 9 when operation of those units is commenced.

Guam Environmental Protection Agency has received and reviewed a copy of the Petition. It supports this proposed rulemaking and the issuance of a waiver.

### Regulatory Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This proposed rule applies only to two large sources of air emissions used to generate electrical power on Guam. These sources of electrical power will be constructed by an independent power producer which is not a small entity. Therefore, EPA certifies that this rulemaking will not have an impact on small entities.

This action has been classified as a Table 3 action for signature by the Administrator under the procedures

published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

### List of Subjects in 40 CFR Part 69

Environmental protection, Air pollution control.

Dated: June 24, 1997.

**Carol Browner,**  
Administrator.

Part 69 of chapter I, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

### PART 69—[AMENDED]

1. The authority citation for part 69 continues to read as follows:

**Authority:** Section 325, Clean Air Act, as amended (42 U.S.C. 7625-1)

2. Section 69.11 is amended by adding paragraph (d) to read as follows:

#### § 69.11 New exemptions.

\* \* \* \* \*

(d) Pursuant to Section 325(a) of the CAA and a petition submitted by the Governor of Guam on February 11, 1997 ("1997 Petition"), the Administrator of EPA conditionally exempts Piti Power Plant Units No. 8 and No. 9 from certain CAA requirements.

(1) A waiver of the requirement to obtain a PSD permit prior to construction is granted for the electric generating units identified in the 1997 Petition as Piti Units No. 8 and No. 9 (two 45 megawatt baseload diesel electric generators and associated waste heat recovery boilers with a steam generator), with the following conditions:

(i) Piti Units No. 8 and No. 9 shall not operate until final PSD permits are received for these units;

(ii) Piti Units No. 8 and No. 9 shall not operate until they comply with all requirements of their PSD permits, including, if necessary, retrofitting with BACT;

(iii) If either Piti Units No. 8 or No. 9 operate either prior to the issuance of a final PSD permit or without BACT equipment, the Piti Unit(s) shall be deemed in violation of this waiver and the CAA beginning on the date of commencement of construction of the unit(s).

[FR Doc. 97-17031 Filed 6-27-97; 8:45 am]

BILLING CODE 6560-50-P