

present in the three most recent MSHA respirable coal mine dust samples to determine the respirable coal mine dust standard when quartz is present. MSHA would also begin reporting quartz levels to the tenth of a percent (truncating to the tenth). This is the result of the improved accuracy of the quartz analysis system related to the use of respirable dust sampling filters pre-weighed to the thousandth of a milligram (0.001 mg.)

While MSHA intends to use agency samples alone to establish reduced standards, we recognize that there will be a transition period at mines that currently have greater than 5.0 percent quartz in the mine atmosphere. The transition period will last until MSHA has taken three samples under this PPL. During this transition, on an entity (MMU, DA, or DWP) currently on a reduced standard, a new standard will be established by averaging the results of the first two MSHA samples taken under this PPL with the quartz level associated with the current reduced standard. Where we have taken fewer than two samples under this PPL, the existing reduced standard will continue to apply.

For example, assume an MMU has a reduced standard of 1.0 mg/m³ with 10.0 percent of quartz. If our first sample under the new policy results in a quartz percentage of 7.2 percent, the existing 1.0 mg/m³ would continue to apply. If the next MSHA sample indicates a quartz percentage of 16.1 percent quartz, the average quartz would be $(10.0 + 7.2 + 16.1) \div 3$ or 11.1. This results in a 0.9 mg/m³ reduced standard ($10/11.1 = 0.9$).

For sampling entities (MMU, DWP, DA) not currently on a reduced standard, we would collect three separate samples and analyze them for quartz content to determine if a reduced standard was necessary.

IV. Draft Program Policy Letter

Subject

Change in the existing policy for 30 CFR 70.101, 71.101 and 90.101.

Scope

This Program Policy Letter (PPL) applies to mine operators, including independent contractors, and Mine Safety and Health Administration (MSHA) enforcement personnel.

Purpose

This PPL changes the way that a reduced standard is established when respirable coal mine dust samples contain quartz in excess of 5.0 percent in the mine environment. Only samples

taken by MSHA, rather than a combination of MSHA and mine operator samples, will be used to establish the reduction in the respirable coal mine dust standard due to the presence of quartz.

Policy

Respirable Dust Standard When Quartz is Present.

The lowering of the respirable dust standard when more than 5.0 percent of quartz is present will be based on the average percent of quartz in the three most recent MSHA respirable dust samples (Example 1). The standard at a sampling entity on a reduced standard on the effective date of the PPL will be based on the quartz level associated with the existing standard and the results of the first two MSHA samples taken under this PPL. Where we have taken fewer than two samples under this PPL, the existing reduced standard will continue to apply (Example 2).

Example 1—Mine "A" MMU 001-0 is on the 2.0 mg/m³ standard. Our first sample under the new policy results in a quartz level of 10.2 percent, the existing 2.0 mg/m³ would continue to apply. The next MSHA sample indicates a quartz level of 12.1 percent, the 2.0 mg/m³ standard would continue to apply. The third MSHA sample indicates a quartz level of 11.3 percent. The new standard established would be based on $(10.2 + 12.1 + 11.3) \div 3$ or 11.2 percent quartz. This results in a 0.9 mg/m³ standard ($10/11.2 = 0.9$).

Example 2—Mine "B" MMU 002-0 is on a reduced standard of 1.0 mg/m³ with 10.0 percent of quartz. MSHA's first sample results in a quartz percentage of 7.2 percent, the existing 1.0 mg/m³ standard would continue to apply. The next MSHA sample indicates a quartz percentage of 16.1 percent. The new standard established would be based on $(10.0 + 7.2 + 16.1) \div 3$ or 11.1 percent quartz. This results in a 0.9 mg/m³ standard ($10/11.1 = 0.9$).

Effective Date of a New Reduced Standard

a. A new lower standard due to quartz is effective seven days after the date that we mail the notice of the lower standard to the mine operator. This provides notice of the new reduced standard to the mine operator and allows changes in dust control to be made to achieve compliance prior to sampling.

b. A new higher standard for quartz is effective on the date that we mail the notice of the higher standard.

c. Where the effective date of the new standard for quartz occurs during the time that the mine operator is conducting required sampling for

respirable coal mine dust, the higher of the two standards will be effective during the required sampling. (The required samples are bimonthly sampling, requests from MSHA for five additional samples, and abatement samples.) The new standard will be effective when the required sampling is completed, with one exception. When abatement sampling shows continued noncompliance, the new standard becomes effective before any additional sampling is conducted.

Example—A mechanized mining unit (MMU) has a standard of 2.0 mg/m³. A new lower standard of 1.7 mg/m³ is in the process of being set. However, the mine operator has taken at least one bimonthly sample before the effective date of the change. The higher standard (2.0 mg/m³) applies. The new lower standard (1.7 mg/m³) becomes effective at the completion of the bimonthly sampling requirement.

Example—We request a mine operator to submit five additional samples for a designated area. The existing standard is 1.7 mg/m³. A new higher standard of 2.0 mg/m³ is in the process of being set. However, the mine operator has taken at least one additional sample before being notified of the change.

The higher standard (2.0 mg/m³) applies. The new higher standard (2.0 mg/m³) becomes effective on the date of the mailing.

Effective Date

After considering comments from the public and making appropriate revisions, we anticipate that this PPL would take effect 30 days from the date of publication of the final PPL and would be incorporated into MSHA's Program Policy Manual.

Authority: Section 103(a) of the Federal Mine Safety and Health Act of 1977.

Dated: November 16, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 49 and 52

[TRI-FIP-003b; FRL-6479-9]

Source Specific Federal Implementation Plan for Tri-Cities Landfill; Salt River Pima-Maricopa Indian Community

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to promulgate a source-specific Federal Implementation Plan (FIP) to regulate emissions from a proposed gas-to-energy project at the Tri-Cities landfill. This facility is located on the reservation of the Salt River Pima-Maricopa Indian Community (SRPMIC), within the portion of Maricopa County designated as nonattainment for CO, PM-10, and ozone. In the final rules section of this **Federal Register**, the EPA is promulgating this FIP as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this

approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by December 23, 1999.

ADDRESSES: Written comments should be addressed to: Steve Branoff, Air Division (AIR-3), U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

FOR FURTHER INFORMATION CONTACT: Steve Branoff, Air Division (AIR-3), U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, (415) 744-1290.

SUPPLEMENTARY INFORMATION: This document concerns a proposed project at the Tri-Cities landfill located on the reservation of the Salt River Pima-Maricopa Indian Community. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: November 16, 1999.

Carol Browner,
Administrator.

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