SUPPLEMENTARY INFORMATION:

Background

Section 152.2 of the Customs Regulations (19 CFR 152.2) presently requires that the importer be notified on Customs Form 28 when the estimated aggregate of the increase in duties on an entry exceeds $15. The administrative costs incurred by Customs in notifying importers of increases in duty ranging between $15 and $100 are disproportionate to the amount of duties involved. This proposed change will lessen the administrative burden and costs associated with notifying the importer of minimal increases in duty. An increase in the minimum amount to $100 will not result in a significant reduction of services provided to the importing public. It will also reduce the number of pieces of correspondence received by importers and their Customs brokers which are associated with the entries. In addition, 19 CFR 152.2 presently incorrectly specifies CF–28, instead of CF–29, as the Customs Form for notifying the importer.

Comments

Before adopting this proposal, consideration will be given to any written comments that are timely submitted. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9 a.m. and 4:30 p.m., at the Regulations and Disclosure Law Branch, room 2119, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC.

Regulatory Flexibility Act

For the reasons set forth in the preamble and pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed amendments set forth in this document, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Deann Seckler, Entry Rulings Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 152

Customs duties and inspection.

Proposed Amendment

It is proposed to amend part 152, Customs Regulations (19 CFR part 152), as set forth below:

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

1. The general authority citation for part 152 continues to read as follows:

Authority: 19 U.S.C. 66, 1401a, 1500, 1502, 1624.

* * * * *

2. It is proposed to revise § 152.2 to read as follows:

§ 152.2 Notification to importer of increased duties.

If the district director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds $100, he shall promptly notify the importer on Customs Form 29, specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of such notice unless in the judgment of the district director there are compelling reasons that would warrant such action.

Approved: September 24, 1992.

Michael H. Lane,

Acting Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92–25699 Filed 10–22–92; 8:45 am]

BILLING CODE 4820–02–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2647

RIN 1212–AA38

Reduction or Waiver of Complete Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Guaranty Corporation proposes to amend its regulation on Reduction or Waiver of Complete Withdrawal Liability by prescribing procedures under which multiemployer pension plans may adopt rules, subject to PBGC approval, for the reduction or waiver of complete withdrawal liability, and standards for PBGC approval of such rules. The Employee Retirement Income Security Act of 1974 directs the PBGC to prescribe such procedures and standards. If adopted, the amendment would allow multiemployer pension plans to develop their own rules for the reduction or waiver of complete withdrawal liability. The proposed amendment would also provide less restrictive time limits on employers' applications to plans for abatement of complete withdrawal liability.

DATES: Comments must be submitted on or before December 22, 1992.

ADDRESSES: Comments may be sent to the Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, or delivered to room 7200, 2020 K Street, NW., Washington, DC 20006 between 9 a.m. and 5 p.m. Comments received may also be inspected at room 7200 between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Ralph L. Landy, Attorney, (202) 778–8897 (202–778–1958 for TTY and TDD).

SUPPLEMENTARY INFORMATION:

Background

Section 4203 of the Employee Retirement Income Security Act of 1974, as amended ("ERISA" or "the Act"), sets forth the circumstances under which an employer is deemed to have completely withdrawn from a multiemployer pension plan. The amount of complete withdrawal liability is calculated under section 4211. Section 4207(a) requires the PBGC to provide by regulation for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent that PBGC determines that reduction or waiver of complete withdrawal liability is consistent with the purposes of ERISA. Section 4207(b) requires the PBGC to prescribe by regulation a procedure and standards for the amendment of plans to provide alternative rules for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent such rules are consistent with the purposes of ERISA.

The PBGC's regulations on Reduction or Waiver of Complete Withdrawal

Liability (29 CFR part 2647; see also 29 CFR 2640.6) provides rules requiring pension plans to reduce or waive complete withdrawal liability under ERISA section 4207(a). However, the regulation does not provide a procedure for pension plans to adopt alternative rules for reduction or waiver of complete withdrawal liability under ERISA section 4207(b).

When the PBGC proposed the regulation on Reduction or Waiver of Complete Withdrawal Liability, the PBGC was not prepared to propose rules under section 4207(b). The PBGC believed at that time, however, that "it is important to provide the relief contemplated under section 4207(a)." (49 FR 8036.) Consequently, the PBGC decided to propose and issue rules under section 4207(a) at that time and to promulgate rules under section 4207(b) at a later date. The PBGC is now prepared to propose rules under section 4207(b).

The proposed regulation would add a new § 2647.9 to part 2647 to provide a procedure for pension plans to adopt alternative rules for reduction or waiver of complete withdrawal liability. Section 2647.9(a)–(c) would require a plan sponsor to submit a written request for PBGC approval of a plan amendment adopting rules for the reduction or waiver of complete withdrawal liability. Section 2647.9 (d) and (e) would describe the information to be submitted to the PBGC for its review of the request. Section 2647.9(f) would provide that the PBGC would approve a plan amendment if it determined that the abatement rules in the amendment were consistent with the purposes of ERISA. An abatement rule would be considered inconsistent with the purposes of ERISA if implementation of the rule would be adverse to the interests of plan participants and beneficiaries or if the rule would increase the PBGC's risk of loss with respect to the plan.

The proposed regulation would also amend § 2647.2(a), which governs the procedure for employers resuming covered operations under a multiemployer pension plan to apply to the plan for abatement of complete withdrawal liability. The current regulation requires the application to be filed by the date of the first scheduled withdrawal liability payment falling due after the employer resumes covered operations. Read literally, this would mean that an employer resuming covered operations one day before a scheduled withdrawal liability payment falls due would have just one day to file an application for abatement of complete withdrawal liability. The proposed changes to § 2647.2(a) would give an employer resuming covered operations at least fifteen days from the date of resuming covered operations to file its application for abatement of complete withdrawal liability. An editorial change would also be made to § 2647.1(a) to expand the purpose of the regulation to cover both section 4207(a) and section 4207(b) of ERISA.

Compliance With Rulemaking Guidelines

PBGC has determined that this proposed regulation is not a "major rule" for the purposes of Executive Order 12291, because it would not have an annual effect on the economy of $100 million or more; create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This determination is based on the fact that the proposed regulation would reduce costs that would otherwise be imposed by ERISA. It would do this by giving multiemployer plan sponsors latitude to develop alternative rules for reduction or waiver of complete withdrawal liability of employers resuming covered operations under the plan.

Under section 605(b) of the Regulatory Flexibility Act, the PBGC certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. This regulation would affect only multiemployer plans covered by PBGC. If "small plans" are defined as those with under 100 participants, they represent less than 6 percent of all multiemployer plans covered by PBGC (118 out of 2000). Approximately 500,000 employers contribute to multiemployer plans, most of them small employers (under 100 employees). PBGC estimates that fewer than 10,000 (2 percent) of these employers are required to pay complete withdrawal liability in any year, and an even smaller percentage subsequently resume their participation under a plan and would thereby become subject to these rules. Therefore, PBGC waives compliance with sections 603 and 604 of the Regulatory Flexibility Act.

Paperwork Reduction Act

The collection of information requirements contained in this proposed regulation (viz., in § 2647.9) has been submitted for review by the Office of Management and Budget under section 3504(h) of the Paperwork Reduction Act of 1980. As discussed above, the information is to be submitted by multiemployer plans that adopt plan rules on abatement of complete withdrawal liability. As also discussed above, the PBGC needs this information to assure that such rules are consistent with ERISA and to guard against the increased risk of plan insolvency caused by excessive abatements of withdrawal liability.

The PBGC estimates that not more than ten plans per year would make submissions under § 2647.9 and that each submission would take one-quarter hour to prepare and submit. The total estimated annual burden resulting from this collection of information is not more than two and a half hours. Comments on this collection of information should be addressed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503.

List of Subjects in 29 CFR Part 2647

Employee benefit plans, Pension Benefit Guaranty Corporation, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the PBGC proposes to amend 29 CFR part 2647 as follows:

PART 2647—REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

1. The authority citation for part 2647 is revised to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1387.

2. Section 2647.1 is amended by adding a sentence to the end of paragraph (a) to read as follows:

§ 2647.1 Purpose and scope.

(a) *Purpose.* * * * This part also provides procedures, pursuant to section 4207(b) of the Act, for plan sponsors of multiemployer plans to apply to PBGC for approval of plan amendments that provide for the reduction or waiver of complete withdrawal liability under conditions other than those specified in section 4207(a) and this part.

* * * * *

3. Section 2647.2 is amended by revising the second and fourth sentences of paragraph (a) to read as follows:

§ 2647.2 Abatement.

(a) *General.* * * * Applications shall be filed by the date of the first scheduled withdrawal liability payment falling due after the employer resumes covered operations or, if later, the

fifteenth calendar day after the employer resumes covered operations. * * * Upon receiving an application for abatement, the plan sponsor shall determine, in accordance with paragraph (b) of this section, whether the employer satisfies the requirements for abatement of its complete withdrawal liability under § 2647.4, § 2647.8, or a plan amendment which has been approved by PBGC pursuant to § 2647.9. * * *

* * * * *

4. Section 2647.9 is added to read as follows:

§ 2647.9 Plan rules for abatement.

(a) *General rule.* Subject to the approval of the PBGC, a plan may, by amendment, adopt rules for the reduction or waiver of complete withdrawal liability under conditions other than those specified in §§ 2647.4 and 2647.8 (c) and (d), provided that such conditions relate to events occurring or factors existing subsequent to a complete withdrawal year. The request for PBGC approval shall be filed after the amendment is adopted. A plan amendment under this section may not be put into effect until it is approved by the PBGC. However, an amendment that is approved by the PBGC may apply retroactively to the date of the adoption of the amendment. PBGC approval shall also be required for any subsequent modification of the amendment, other than repeal of the amendment. Sections 2647.5, 2647.6, and 2647.7 of this part shall apply to all subsequent partial withdrawals after a reduction or waiver of complete withdrawal liability under a plan amendment approved by the PBGC pursuant to this section.

(b) *Who may request.* The plan sponsor, or a duly authorized representative acting on behalf of the plan sponsor, shall sign and submit the request.

(c) *Where to file.* The request shall be addressed to the Administrative Review and Technical Assistance Division (45400), Case Operations and Compliance Department, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

(d) *Information.* Each request shall contain the following information:

(1) The name and address of the plan for which the plan amendment is being submitted and the telephone number of the plan sponsor or its duly authorized representative.

(2) The nine-digit Employer Identification Number (EIN) assigned to the plan sponsor by the Internal Revenue Service and the three-digit Plan Identification Number (PN) assigned to the plan by the plan sponsor, and, if different, the EIN and PN last filed with the PBGC. If no EIN or PN has been assigned, that should be indicated.

(3) A copy of the executed amendment, including—

(i) The date on which the amendment was adopted;

(ii) The proposed effective date; and

(iii) The full text of the rules on the reduction or waiver of complete withdrawal liability.

(4) A copy of the most recent actuarial valuation report of the plan.

(5) A statement certifying that notice of the adoption of the amendment and of the request for approval filed under this section has been given to all employers that have an obligation to contribute under the plan and to all employee organizations representing employees covered under the plan.

(e) *Supplemental information.* In addition to the information described in paragraph (d) of this section, a plan may submit any other information that it believes is pertinent to its request. The PBGC may require the plan sponsor to submit any other information that the PBGC determines it needs to review a request under this section.

(f) *Criteria for PBGC approval.* The PBGC shall approve a plan amendment authorized by paragraph (a) of this section if it determines that the rules therein are consistent with the purposes of the Act. An abatement rule is not consistent with the purposes of the Act if—

(1) Implementation of the rule would be adverse to the interest of plan participants and beneficiaries; or

(2) The rule would increase the PBGC's risk of loss with respect to the plan.

Issued at Washington, DC on this 19th day of October, 1992.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 92-25771 Filed 10-22-92; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 18 and 75

RIN 1219-AA75

Electric Motor-Driven Mine Equipment and Accessories and High-Voltage Longwall Equipment Standards for Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment on the Agency's proposed rules regarding electric motor-driven mine equipment and accessories and high-voltage longwall equipment for underground coal mines at the request of the mining community.

DATES: Written comments must be received on or before November 13, 1992.

ADDRESSES: Send comments to the Office of Standards, Regulations and Variances, MSHA, room 631, 4015 Wilson Boulevard, Arlington, VA 22203.

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

SUPPLEMENTARY INFORMATION: On August 27, 1992, MSHA published two proposed rules (57 FR 39036 and 57 FR 39041) addressing approval requirements and safety standards that are applicable to high-voltage longwall equipment for use in underground coal mines. The comment period was scheduled to close on October 26, 1992, but in response to requests from the mining community, the Agency is extending the comment period to November 13, 1992. All interested parties are encouraged to submit comments prior to that date.

Dated: October 20, 1992.

Janice O. Faiks,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-25770 Filed 10-22-92; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF83

Evidence Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations regarding the evidence requirements to establish military service and dependency. This amendment is necessary to expedite payment of benefits in certain instances The intended effect of this amendment is to improve the efficiency and timeliness of claims processing.

DATES: Comments must be received on or before November 23, 1992. Comments will be available for public inspection until December 2, 1992. The amendment is proposed to be effective the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this amendment to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until December 2, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Prior to October 28, 1980, VA accepted photo copies of discharge documents as proof of military service unless there was some reason to question the genuineness of the documents. However, 38 CFR 3.203 was amended to provide that VA may accept a copy of an original discharge document as proof of military service, but only if the copy was issued by the appropriate service department or by a public custodian of records who certifies that it is a true and exact copy of the document in his or her custody. If this type of evidence is not submitted, VA requests verification of military service from the appropriate service department.

No general review of previously allowed claims was conducted when § 3.203 was amended, so veterans who had previously been awarded compensation or pension based upon uncertified copies of discharge documents continue to receive those benefits. When one of those veterans dies, however, VA requests evidence of military service which satisfies the more stringent current requirements before authorizing payment of the one-time, nonservice-connected burial benefit. The maximum amount of the one-time burial benefit is $450 ($300 burial allowance plus $150 plot allowance), and it is payable only when the veteran was entitled to receive compensation or pension as of the date of death, or died in a VA hospital. It has been our experience that we are ultimately able to verify the service of virtually all of these veterans. We have therefore determined that the delay in authorizing payment which verification entails and the resulting distress to survivors are not warranted, and that evidence relied upon to authorize payment of compensation or pension is sufficient to authorize payment of the one-time, nonservice-connected burial benefit. We propose to amend 38 CFR 3.203(c) accordingly.

Prior to June 14, 1982, VA accepted the veteran's certified statement, under most circumstances, as proof of marriage; however, many claimants also submitted uncertified copies of the public record of marriage to support their claims. In 1982 VA began to require more than a certified statement as proof of marriage, with certified copies of the public or church record of marriage being the preferred type of evidence. No general review of claims in which the additional allowance for a spouse had been authorized was conducted, however. When a veteran who receives compensation or pension benefits dies, claims for death pension or dependency and indemnity compensation may be delayed while VA requests currently acceptable proof of marriage. This is true even though VA recognized the surviving spouse as a dependent while the veteran was alive and even though VA has on record an uncertified copy of the public record of marriage supporting a certified statement from the deceased veteran as well as the surviving spouse's certified statement on the application for death benefits. To require a certified marriage document under these circumstances results in unwarranted expense, inconvenience and loss of time to surviving spouses at a very difficult time. We are therefore proposing to amend 38 CFR 3.205(a)(1) to allow payment of death benefits to a surviving spouse based upon an uncertified copy of the public record of marriage, provided that the veteran was receiving compensation or pension, to include the additional allowance for a spouse, as of the date of death.

These amendments are proposed to be effective the date of publication of the final rule. The Secretary finds good cause for doing so since these amendments will not work to the detriment of any claimant. This decision is fully consistent with VA's longstanding policy to administer the law under a broad interpretation for the benefit of veterans and their dependents (38 CFR 3.102).

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.101, 54.105 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: August 14, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is proposed to be amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.203, paragraph (c) is amended by adding a new second sentence to reads as follows:

§ 3.203 Service records as evidence of service and character of discharge.

* * * * *

(c) *Verification from the service department.* * * * However, payment of nonservice-connected burial benefits may be authorized, if otherwise in order, based upon evidence of service which VA relied upon to authorize payment of compensation or pension during the veteran's lifetime, provided that there is no evidence which would serve to create doubt as to the correctness of that service evidence. * * *

3. In § 3.205, paragraph (a)(1) is revised to read as follows:

§ 3.205 Marriage.

(a) *Proof of marriage.* Marriage is established by one of the following types of evidence:

(1) Copy of the public record of marriage, certified or attested, or by an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage, and the number of prior marriages by either party if shown on the official record, issued by the officer having custody of the record or one authorized to act for such officer bearing the seal of such officer, or otherwise properly identified, or a certified copy of the church record of marriage. However, payment of death benefits to a surviving spouse may be authorized, if otherwise in order, based upon an uncertified copy of the public record of marriage substantiating the veteran's certified statement which VA relied upon to establish the claimant as the spouse for compensation or pension payments which the veteran was entitled to receive at the time of his or her death, provided that there is no evidence which would serve to create doubt as to the correctness of that copy.

* * * * *

[FR Doc. 92-24924 Filed 10-22-92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN11-1-5193; FRL-4526-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA is proposing to disapprove a request by the State of Indiana to revise its State Implementation Plan (SIP) for lead to include fugitive lead control plans. Indiana is required to submit these plans pursuant to the SIP, as approved in USEPA's rulemaking actions on April 19, 1988 (53 FR 12896) and on October 3, 1988 (53 FR 38719). This revision request was submitted by the State on November 9, 1989, to satisfy the requirements of Section 110 of the Clean Air Act.

DATES: Comments on this revision request and on the proposed USEPA action must be received by November 23, 1992.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address: (It is recommended that you telephone Gustavo Felix at (312) 353-6009, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (5AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gustavo Felix, Regulation Development Branch, Regulation Development Section (5AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-6009.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

Presented below is a summary of the State's submittal and USEPA's analysis of it. The State's submittal and USEPA's detailed evaluation are available for inspection at the USEPA Region 5 Office listed above.

On April 19, 1988 (53 FR 12896), and October 3, 1988 (53 FR 38719), USEPA approved most of Indiana's SIP for lead, including 325 IAC 15-1.[1] 325 IAC 15-1-3 contains a requirement for certain lead sources to submit operation and maintenance programs and fugitive lead control plans. The fugitive lead control plans, which are to be contained in revised operating permits, were to be designed to minimize emissions of lead from all fugitive emission points. The control plans were also to include good housekeeping practices for the clean up of spills and for minimizing emissions from loading and unloading areas as applicable. These control plans, which were to be submitted to USEPA by the State for approval as SIP revisions, are the subjects of this proposed rulemaking.

The sources required to submit control plans under 325 IAC 15-1 [2] are:

Refined Metals Corporation, Indianapolis
Chyrsler Foundry, Indianapolis
Delco Remy, Division of General Motors Corporation, Muncie
Oxide and Chemical Corporation, Brazil
Hammond Lead Products, Lead Plant and Halstab Division, Hammond
Exide Corporation, Frankfort and Logansport
C and D Power Systems, Attica
Quemetco, Incorporated, Indianapolis
U.S.S. Lead Refinery, East Chicago

Control plans were developed all of the above companies, except for U.S.S. Lead Refinery and Quemetco.[3]

II. Analysis of State Submittal

A. General Comments

USEPA has reviewed the portion of the SIP revision request related to the control plan submittal requirement and presented below are the results of its review. Each of the deficiencies cited below applies to each of the respective control plans, unless otherwise specified in the discussion.

1. 325 IAC 15-1-3 requires control plans to be designed to minimize emissions of lead from all fugitive emission points. Some of the submitted plans, however, address only non-process fugitive dust. Each plan must have a list identifying all sources with the potential to emit fugitive dust and then specify what measures are to be used to control the emissions.

2. 325 IAC 15-1-3 requires fugitive dust plans to include good housekeeping practices for the cleanup of spills. Only the plan for C & D Power Systems contains specific and enforceable measures. The plans for Chrysler Foundry and Refined Metals do not address the clean-up of spills at all.

3. 325 IAC 15-1-3 requires fugitive dust plans to be submitted as revisions to the SIP; but operations and maintenance (O&M) plans were to be submitted for USEPA comments only. Indiana does not clearly indicate which parts of the submittal to USEPA are to be incorporated into the SIP as fugitive dust control plans.

B. Additional Source-Specific Comments on the Lead Control Plans

1. Hammond Lead Products (HLP)

The Fugitive Lead Dust Control Program, in item 4, states that: "All of

[1] A detailed discussion of the Indiana lead plan is provided in the April 19, 1988 and October 3, 1988 **Federal Register** notices.

[2] Subsequent to USEPA's approval of Indiana's Lead rule in 325 IAC 15 Indiana recodified this rule (and its other air pollution control rules) under title 326. USEPA has not taken action on this recodification nor on subsequent modifications to 326 IAC 15.

[3] The U.S.S. Lead refinery facility has shut down. Quemetco is currently involved in litigation concerning Indiana's lead rules against both State and USEPA. See *Quemetco Inc.* v. *Air Pollution Control Board*, Case No. 29C01-8808-06536 (Hamilton Circuit Court), and *Quemetco, Inc.* v *USEPA*, No. 88-3129 (7th Cir.)