Pursuant to 8 CFR 252.1(d)(1)(ii), this conditional landing permit is valid for multiple landings for an aggregate of no more than 29 days during the 90-day period following the date of your in-person examination before an officer of the Immigration and Naturalization Service (Service). You must present yourself for another in-person examination before an officer of the Service upon expiration of this 90-day period. This landing authorization is conditional, and you may be required to present yourself for an in-person examination before an officer of the Service at any time during the 90-day period for which this permit has been issued.

(f) *Change of status.* An alien nonimmigrant crewman landed pursuant to the provisions of this part shall be ineligible for any extension of stay or for a change of nonimmigrant classification under 8 CFR part 248. A crewman admitted under paragraph (d)(1) of this section may, if still maintaining status, apply for a conditional landing permit under paragraph (d)(2) of this section. The application shall not be approved unless an application on Form I–408, Application to Pay Off or Discharge Alien Crewman, filed pursuant to paragraph (h) of this section, has been approved authorizing the master or agent of the vessel on which the crewman arrived to pay off or discharge the crewman and unless evidence is presented by the master or agent of the vessel to which the crewman will be transferred that a specified position on that vessel has been authorized for him or her or that satisfactory arrangements have been completed for the repatriation of the alien crewman. If the application is approved, the crewman shall be given a new Form I–95AB endorsed to show landing authorized under paragraph (d)(2) of this section for the period necessary to accomplish his or her scheduled reshipment, which shall not exceed 29 days from the date of his or her landing, upon surrendering any conditional landing permit previously issued to him or her on Form I–95AB.

* * * * *

Dated: July 17, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97–21708 Filed 8–14–97; 8:45 am]

BILLING CODE 4410–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 128–0043; FRL–5876–1]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to act on revisions to the California State Implementation Plan (SIP) which concern five negative declarations from the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for the following Oxides of Nitrogen (NO_X) source categories: Nitric and Adipic Acid Manufacturing Plants, Cement Manufacturing Plants, Asphalt Batch Plants, Iron and Steel Manufacturing Plants, and Driers. The intended effect of proposing to include these negative declarations in the SIP is to meet the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is acting on the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A rationale for this action is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. 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 on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by September 15, 1997.

ADDRESSES: Written comments on this action should be addressed to: Julie A. Rose, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the negative declarations are available for public inspection at EPA's Region 9 office and at the following locations during normal business hours.

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Air Docket (6102), U.S. Environmental Protection Agency, 40l ''M'' Street, SW., Washington, DC. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Fresno, CA 93721

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Section, AIR–4, Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION: This document concerns negative declarations for five NO_X source categories from the SJVUAPCD: (1) Nitric and Adipic Acid Manufacturing Plants, (2) Cement Manufacturing Plants, (3) Asphalt Batch Plants, (4) Iron and Steel Manufacturing Plants, and (5) Driers. These negative declarations certify that there are no major sources present in the above source categories in the SJVUAPCD. They were adopted by the SJVUAPCD on September 14, 1994 and submitted to EPA on October 17, 1994 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 1, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–21693 Filed 8–14–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 033–1033; FRL–5875–6]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the state of Missouri to create a new statewide fugitive dust rule. In addition, the EPA is proposing to rescind four area specific

fugitive dust rules which the new rule replaces. The new fugitive dust rule provides a consistent and enforceable mechanism to help maintain compliance with the National Ambient Air Quality Standards (NAAQS) for particulate matter.

DATES: Comments must be received on or before September 15, 1997.

ADDRESSES: Comments may be mailed to Aaron J. Worstell, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Aaron J. Worstell at (913) 551–7787.

SUPPLEMENTARY INFORMATION:

I. Background

Missouri originally adopted the new fugitive dust rule (10 CSR 10–6.170) on June 28, 1990, and it became effective on November 30, 1990. It was not submitted to the EPA at that time, but was subsequently amended by the state and submitted to the EPA on November 20, 1996 (with supplemental information provided on February 24, 1997). Missouri adopted the amended rule on June 27, 1996, and it became effective on October 30, 1996.

In conjunction with Missouri's request for SIP approval of 10 CSR 10–6.170, the EPA is addressing Missouri's submittal of September 25, 1990, requesting rescission of four area specific fugitive dust rules (10 CSR 10–2.050, 3.070, 4.050, and 5.100).

The primary purpose of the new fugitive dust rule is to ''restrict the emission of particulate matter to the ambient air beyond the premises of origin.'' In more general terms, the rule limits fugitive dust emissions onto adjacent property and to the atmosphere. The rule achieves this by prohibiting the deposition of particulate matter onto surrounding property and by restricting visible emissions. In addition, the rule specifies several typical fugitive dust measures to be employed to prevent emissions to surrounding property. Finally, the rule provides specific exceptions where the state has determined that fugitive dust controls would not be practical (e.g., agricultural operations such as tilling).

The impetus for the development of Missouri rule 10 CSR 10–6.170 was the need for a consistent, statewide rule that serves to protect the particulate matter NAAQS by limiting fugitive dust emissions. Prior to the initial development of this rule in 1990, the following four area specific rules regulated fugitive emissions in Missouri: 10 CSR 10–2.050, Preventing Particulate Matter From Becoming Airborne (Kansas City); 10 CSR 10–3.070, Restriction of Particulate Matter From Becoming Airborne (Outstate); CSR 10–4.050, Preventing Particulate Matter From Becoming Airborne (Springfield); and CSR 10–2.050, Preventing Particulate Matter From Becoming Airborne (St. Louis). The EPA approved these rules (see 37 FR 10842) as part of the original SIP submission in 1972.

The current fugitive dust SIP rules are not only applicable only in limited areas, but they also contain varying applicability provisions, enforcement mechanisms, and exceptions. Rule 10 CSR 10–5.010, applicable only in St. Louis, prohibits particulate matter from becoming airborne but does not state specific visual or property line standard limitations. Rule 10 CSR 10–4.050, applicable only in Springfield, introduces visible limitations plus a complaint-based enforcement mechanism. Rules 10 CSR 10–3.070 and 10 CSR 10–2.050, the Outstate rule and Kansas City rule, respectively, include both visible and property line standard limitations. The visible limitations for these latter two rules apply to dust-containing particles greater than 40 microns in diameter. Thus, the two rules are not completely in concert with the more recent particulate matter standard that includes only those particles nominally smaller than 10 microns. The property line standard limits the concentration of particulate matter at any inhabited place to specified concentrations as determined by a high-volume sampler or soiling index. All four rules require reasonable control measures for certain activities, but only three provide specific exceptions from the rule. This lack of consistency among the SIP rules is potentially confusing for industries with multiple sources or portable sources, complicating compliance efforts.

While Missouri has rescinded the rules from state regulation, they continue to be active elements of the SIP and are therefore federally enforceable. The new fugitive dust rule will reconcile the Missouri state regulations and the SIP. In addition, the new rule improves upon the existing SIP rules since it: (1) Requires reasonable control measures on a broader range of fugitive dust sources; (2) abandons the 40-micron qualification and property line standards, making the rule consistent with current NAAQS and simplifying compliance determinations for sources and regulatory agencies; and (3) abandons the complaint-based enforcement mechanism present in some of the rules. Overall, this rule will help to maintain compliance with the particulate matter NAAQS in Missouri.

The EPA believes that the revised rule is approvable because it strengthens the existing SIP by making the fugitive dust control requirements consistent, and by clarifying the actions which constitute prohibited emissions, and the types of measures which must be implemented to minimize or eliminate such emissions.

II. Proposed Action

The EPA is proposing to approve revisions to the SIP submitted by the state of Missouri on September 25, 1990, November 20, 1996, and February 24, 1997. These revisions include the addition of Rule 10 CSR 10–6.170, Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin; and the rescission of 10 CSR 10–2.050, Preventing Particulate Matter From Becoming Airborne (Kansas City), 10 CSR 10–3.070, Restriction of Particulate Matter From Becoming Airborne (Outstate), 10 CSR 10–4.050, Preventing Particulate Matter From Becoming Airborne (Springfield), and 10 CSR 10–2.050, Preventing Particulate Matter From Becoming Airborne (St. Louis).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5. U.S.C. 600 *et seq.*, the 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, the EPA may certify that the rule will not have a significant 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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (CAA) do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the

Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate, or to private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 4, 1997.

Michael J. Sanderson,

Acting Regional Administrator.

[FR Doc. 97–21695 Filed 8-14-97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA 031–1031; FRL–5875–5]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the State Implementation Plan (SIP) submitted by the state of Iowa to achieve attainment of the primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO_2) for Muscatine County, Iowa. The SIP was submitted to satisfy the requirements of section 110 and part D of title I of the Clean Air Act (Act), and regulates certain sources of SO_2 emissions in Muscatine, Iowa. The effect of the EPA's proposed action is to make this revision to the Iowa SIP federally enforceable.

DATES: Comments must be received on or before September 15, 1997.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION:

I. Background

On March 10, 1994, the EPA published a document in the **Federal Register** (59 FR 11193) designating a portion of Muscatine County, Iowa, nonattainment for SO_2. Additional information on the events leading to nonattainment designation are contained in the Technical Support Document (TSD) which accompanied that document.

Areas designated nonattainment are subject to section 110 and part D of title I of the Act. On June 13, 1996, and April 25, 1997, the state of Iowa submitted information satisfying these requirements. An evaluation of the adequacy of this submittal with the Federal requirements is discussed below.

II. Description and Analysis of State Submittal

In 1991 and 1992 there were violations of the primary SO_2 NAAQS at one of three state air monitors in Muscatine, Iowa. This resulted in designation of a portion of Muscatine County as nonattainment in 1994. The state determined that there were two major emission sources contributing to the violations of the NAAQS. They were Grain Processing Corporation (GPC), a wet grain milling facility, and Muscatine Power and Water (MPW), a municipal power plant. In the course of modeling the impacts of these emission sources, it was also determined that a third source, Monsanto Corporation, contributed to a modeled violation of the SO_2 NAAQS in the vicinity of its own facility.

The state of Iowa's Department of Natural Resources negotiated emission reductions with GPC, MPW, and Monsanto. The reductions were incorporated into revised construction permits. These permits have been submitted as a part of the section 110 SIP revision and thus will be federally enforceable when approved by the EPA.

The normal process for establishing a control strategy for an area where a NAAQS violation has occurred is to conduct an air dispersion modeling analysis to determine the degree of emissions reductions required by the sources contributing to the monitored violations.

The NAAQS violations occurred at the Musser Park monitor, which is located north of and nearest to the GPC facility. Two additional monitors, one located further north of the sources, and one located to the south near MPW, have never recorded any violations of the NAAQS.

Dispersion modeling performed by the state using the EPA's Industrial Source Complex (ISC) model significantly under predicted monitored values at the Musser Park monitor, but was highly accurate at the other downwind monitoring site. Consequently, the state initially used an alternative methodology, roll-back analysis, to estimate emission rates needed to attain the NAAQS at the Musser Park monitoring site. A roll-back analysis takes a monitored ambient exceedance recorded during a specific set of facility operating conditions and determines the amount of the exceedance due to each of the source's SO_2 emitting operations in use at that time. The estimates are then linearly ''rolled back'' to acceptable SO_2 emission limits which provide for attainment of the NAAQS under that set of operating conditions. Ultimately, the state, GPC, and MPW negotiated reductions of allowable emissions of 24 percent and 60 percent, respectively, and reductions of actual emissions of 4 percent and 13 percent, respectively. These emission reductions were incorporated into revised construction permits for each source. These permits are proposed for approval as part of this