Possible Benefits of This Option

1. Might facilitate additional export transactions without increasing CCC's multi-year credit exposure to a country at a time when such exposure is approaching the maximum exposure established by CCC. Since payment would be due at sight, CCC's exposure would be reduced more quickly than in a transaction calling for deferred payment. As a result, more transactions could be done with a country which was nearing its CCC-established credit limitations.

2. Might increase the number of export transactions where U.S. financial institutions could reduce their letter of credit confirmation fees because of the availability of CCC's guarantee.

Possible Disadvantages of This Option

1. Might be of interest to foreign buyers and U.S. banks and exporters only when the risk of default by the issuing foreign bank is considered high and U.S. banks are unwilling to confirm letters of credit or are willing to do so only at very high fees. The rate of defaults and, therefore, CCC's costs, might be high.

2. Might duplicate insurance or guarantee coverage available from private sector firms or other U.S. Government agencies.

3. Might displace cash export sales of U.S. agricultural commodities since no credit is necessary to make the transactions workable.

Option 2. Amend regulations to permit CCC to guarantee payment of eligible foreign bank obligations in transactions calling for deferred payment but not involving an irrevocable letter of credit.

One type of transaction under this option could involve foreign bank guarantees of financial instruments, including, for example, drafts drawn on, and accepted by, foreign buyers. However, the range of possible types of transactions and foreign bank guarantees could be broader than this, and commenters are urged to be as specific and detailed as possible in proposing or opposing alternatives that might be covered by this option. CCC is aware of a bank guarantee known as an *aval*. CCC is concerned, however, that avals, although commonly used in civil law jurisdictions, are virtually unknown in American jurisprudence and may not be readily enforceable in the United States.

CCC is also especially interested in comments on whether it should require, as a condition of eligibility for a guarantee, that collections of financial and commercial documents be subject to the Uniform Rules for Collections set forth in the International Chamber of Commerce Publication 522©'', or to other requirements. In this connection, commenters may wish to state clearly their understanding of the extent of the non-documentary risk that exporters would bear in a transaction where the importer refused to accept documents despite conformity of the documents with the collection instruction. In such a case the CCC guarantee would not appear to apply because the drawee would not have incurred a payment obligation to which the foreign bank guarantee would apply. Similarly, CCC seeks comments regarding whether it should require any specific wording or content in the obligation that would be guaranteed by the foreign bank or in the foreign bank's guarantee itself.

Possible Benefits of This Option

1. Might increase U.S. agricultural exports by leveraging credits made available by the private sector.

2. New or more cost-effective export opportunities might arise by increasing the flexibility with which export transactions could be structured, with payment of credits still guaranteed by eligible foreign banks.

3. Might enable or encourage participation in GSM–102 and 103 programs by additional financial institutions, resulting in a more competitive credit environment.

Possible Disadvantage of this Option

1. Exporters might face greater problems or risks in negotiating documents should they choose to participate in these types of transactions.

Considerations Regarding Comments

CCC will consider a number of factors in reviewing comments and determining whether to implement one or both of the options, or modifications thereof.

1. GSM–102/103 Criteria. As discussed above, 7 CFR part 1493, subpart A, contains objectives and criteria for these programs. Some of these, such as the requirement that countries to which credits are to be extended must be ''creditworthy'', are mandated by statute. Commenters should familiarize themselves with subpart A and include a discussion of relevant regulatory provisions in their comments. They should particularly address the issue of whether transactions pursuant to the proposed options would more likely be in addition to, or would more likely displace, unassisted private sector transactions. Commenters should bear in mind that, in considering options for additional program flexibility, CCC does not intend to relax current criteria that serve to manage program risk or protect the assets of CCC.

2. Government Performance and Results Act (GPRA). In September 1997 the government-wide provisions of the GPRA will take effect. The GPRA is a performance-based management system that is directly tied to the budget process. Under the GPRA each federal agency must present to Congress its goals, how it spends money and organizes its personnel to achieve these goals, and the extent to which it achieves its goals. Each agency must prepare a 5-year strategic plan as part of its budget submission. To incorporate new programs or an expansion of existing programs into this planning process, agencies must address such issues as how benefits will be measured, why the functions or services are not being adequately performed by the private sector, and whether the new activities will be cost-effective. Commenters are invited to address specifically these issues.

Signed at Washington, DC, on August 11, 1997.

Mary T. Chambliss,

Acting General Sales Manager, Commodity Credit Corporation.

[FR Doc. 97–21670 Filed 8–14–97; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 252

[INS No. 1695–95]

RIN 1115–AD95

Inspection of Alien Crewmembers; 90-Day Modified Inspection Procedure

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by codifying the Service's longstanding practice of authorizing, on a discretionary basis, multiple landing privileges for certain maritime crewmembers actively serving on board a limited number of commercial maritime cruise ships and ferries making regular trips to and from the United States. This proposed rule would codify the Service's current procedure of granting, in appropriate cases, certain crewmembers' conditional landing permits. An alien crewmember who is

granted a conditional landing permits valid for multiple entries, not to exceed an aggregate of 29 days, for the 90-day period following the crewmember's in-person inspection. This procedure enables the Service to exercise its discretionary authority to forego subsequent in-person inspections of the crewmember during the 90-day period.

DATES: Written comments must be submitted on or before October 14, 1997.

ADDRESSES: Please submit written comments, in triplicate, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. Please include INS number 1695–95 on your correspondence to ensure proper and timely handling. Comments are available for public inspection at the above address by calling 202–514–3048, to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Catherine M. Paler-Amaya, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 4064, Washington, DC 20536, telephone number (202) 514–3019.

SUPPLEMENTARY INFORMATION:

Background

For more than four decades, the Service has applied a modified inspection procedure with respect to certain alien crewmembers arriving in the United States on a limited number of commercial maritime ferries and cruise ships. Under this modified inspection procedure, the Service, after conducting a full-crew in-person inspection, may excuse an inspected alien crewmember from subsequent in-person inspections upon rearrival in the United States from a foreign port during the 90-day period following the date of the alien's in-person inspection. Alien crewmembers who have not been inspected during a full-crew in-person inspection must be inspected in person at the time they seek landing privileges, and may also be granted multiple entry conditional landing permits. An alien crewmember who is granted a conditional landing permit under this procedure may not remain in this country for an aggregate of more than 29 days during the 90-day period following his or her in-person inspection.

The Service first employed this 90-day modified inspection procedure in connection with the inspection of alien crewmembers employed on ferries operating in the Great Lakes area. The procedure was subsequently expanded to include the inspection of alien crewmen employed on ferries and maritime cruise vessels docking at U.S. ports in the northeast and southeast and, ultimately, to cruise vessels operating in the Western Hemisphere and those landing at preclearance sites in the Caribbean. This discretionary modified inspection procedure applies solely to maritime ferries and cruise ships making regularly scheduled trips to and from the United States which have an established record of compliance with the immigration laws.

Legal Background

Under section 252(a)(1) of the Immigration and Nationality Act (the Act), the Service is required to examine arriving alien crewmembers to determine their eligibility for admission as nonimmigrants under section 101(a)(15)(D) of the Act. An alien crewmember who the Service determines to be admissible may be granted a conditional landing permit to land temporarily pursuant to regulations prescribed by the Attorney General for ''the period of time (not to exceed 29 days) during which the vessel on which the alien arrived remains in port, provided the immigration officer is satisfied that the crewman intends to depart on the vessel or aircraft on which he arrived'' (See section 252(a)(1) of the Act). In enacting this section of the Act, Congress granted the Service considerable authority to determine the most appropriate procedure for conducting examinations of arriving alien crewmen. (*See also* current 8 CFR 252.1.) The recent amendments to the INA Section 235 which were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104–208, 110 Stat. 3009 (1996) do not fundamentally alter the Service's authority in this area. Section 235(a)(3) now clearly requires the inspection of all alien crewmen seeking admission or readmission to or transit through the United States. The 90-day modified inspection procedure satisfies this mandate because it expressly contemplates an initial in-person inspection of each crewman following which the crewman may make multiple landings under specified conditions, at the discretion of the Service and for a limited period of time.

Policy Basis for the 90-Day Modified Inspection Procedure

Based on its long experience inspecting maritime vessels, the Service has determined that, in appropriate cases, the 90-day modified inspection procedure is the most appropriate means of enforcing the immigration laws. In developing this longstanding policy, the Service has considered a variety of relevant factors, including its experience with maritime carriers at local Ports-of-Entry, the specific nature of the maritime activities involved, the frequency of a particular vessel's arrivals from a foreign port, the vessel's record of compliance with the immigration laws, the Service's local personnel requirements, and the needs of operators of maritime ferry and cruise ships and their passengers.

In instituting this procedure, the Service has determined that, in instances involving, among other things, the regular hourly, daily, or weekly arrival of alien crewmembers on ferries and/or cruise ships known to have been in compliance with the immigration laws over extended periods of time, the costs, in terms of the Service's resources and, therefore, the Service's ability to enforce the Act, substantially exceed the marginal benefits to be gained in requiring the constant re-examination of such individuals. The Service believes that the modified inspection procedure provides the Service with ample control over the entry of such alien crewmembers while offering the Service the necessary flexibility to shift more effectively its limited personnel resources to other areas it deems more vital in carrying out its statutory responsibilities.

It should be noted that invocation of the 90-day modified inspection is entirely discretionary; the Service is not required to grant a multiple entry conditional landing permit in all cases, or to forego an in-person inspection during the 90-day period even if it has issued such a permit. In all instances, the burden is on the arriving crewmember of establish eligibility for admission under section 101(a)(15)(D) of the Act. Because each situation is unique, the Service cannot give any assurance that it will be able to provide the carrier with advance notice that it will require such an in-person inspection.

Regulatory Amendments

As previously discussed, the 90-day modified inspection procedure is fully consistent with the current statutory and regulatory scheme. Accordingly, the Service is proposing to revise 8 CFR 252.1 (d), (e), and (f) to codify the longstanding Service practice of granting conditional landing permits to certain maritime crewmen, without further examination at the discretion of the Service, during the intervening time between 90-day full-crew inspections. Codifying this procedure in the form of a regulation is also necessary to ensure complete consistency with the specific terms of the Service's regulations. To this end, the Service is proposing to

amend 8 CFR 252.1(e) to provide specifically that, in cases involving the 90-day modified inspection procedure, the Service need not enter a notation on the alien crewman's Form I–95AB following each arrival from a foreign port. The proposed regulation would also require inspectors issuing conditional landing permits pursuant to the 90-day modified inspection procedure to add a specific notation to the alien crewman's Form I–95AB, at the time of the in-person inspection, stating that the conditional landing permit is valid for multiple, landings, not to exceed an aggregate of 29 days, during the 90-day period following the in-person inspection.

Limited Scope of the 90-Day Modified Inspection Procedure

Despite the codification of this 90-day modified inspection procedure in the limited circumstances previously described, the Service believes that conducting an individual in-person examination prior to each entry is the preferable manner in which to discharge the responsibilities imposed on the Attorney General in sections 235 and 252 of the Act, in most cases.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely incorporates a practice of longstanding policy into the Code of Federal Regulations and ensures full consistency between the procedure and the specific language of the existing regulations.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. Clearance numbers for these collections are contained in 8 CFR 299.5, Display of control numbers.

List of Subjects in 8 CFR Part 252

Administrative practice and procedure, Aliens, Crewmen, Vessels.

Accordingly, part 252 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 252—LANDING OF ALIEN CREWMEN

1. The authority citation for part 252 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1184, 1258, 1281, 1282; and 8 CFR part 2.

2. In § 252.1, paragraphs (d), (e), and (f) are revised to read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(d) *Authorization to land.* The immigration officer in his or her discretion may grant an alien crewman authorization to land temporarily in the United States for:

(1)(i) Shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding 29 consecutive days, if the immigration officer is satisfied that the crewman intends to depart on the vessel or aircraft on which he or she arrived or on another vessel or aircraft of the same transportation line, and the crewman's passport is surrendered for safekeeping to the master of the arriving vessel or aircraft, or

(ii) In the case of an alien crewman serving in any capacity on board a ferry or commercial maritime cruise ship making regularly scheduled trips to and from the United States, shore leave purposes during the period of time that the crewman's assigned vessel is in the port of arrival or other ports in the United States to which the vessel proceeds directly, *provided* that the total amount of time for which the crewman has been granted authorization to land does not exceed 29 days in the aggregate during the 90-day period after the date on which the crewman has been examined in person by an immigration officer, or

(2) The purpose of departing from the United States as a crewman on a vessel other than the one on which he or she arrived, or departing as a passenger by means of other transportation, within a period of 29 days, if the immigration officer is satisfied that the crewman intends to depart in that manner, that definite arrangements for such departure have been made, and the immigration officer has consented to the pay off or discharge of the crewman from the vessel on which the crewman arrived. A crewman granted a conditional permit to land under section 252(a)(1) of the Act and paragraph (d)(1)(i) of this section is required to depart with his or her vessel from its port of arrival and from each other port in the United States to which it thereafter proceeds coastwise without touching at a foreign port or place. However, he or she may rejoin his or her vessel at another port in the United States before it touches at a foreign port or place if he or she has advance written permission from the master or agent to do so. A crewman granted a conditional permit to land under section 252(a)(1) of the Act and paragraph (d)(1)(ii) of this section is required to depart with his or her vessel from its port of arrival and from each other port in the United States to which it thereafter proceeds coastwise without touching at a foreign port or place.

(3) Upon finding an alien crewman entitled to land under paragraph (d)(1) of this section, the examining officer shall grant the alien ''D–1'' nonimmigrant classification. Upon finding an alien crewman entitled to land under paragraph (d)(2) of this section, the examining officer shall grant the alien ''D–2'' nonimmigrant classification.

(e) *Conditional permits to land.* Unless the crewman is in possession of Form I–184 and is landed under paragraph (d)(1)(i) of this section, the immigration officer shall give each alien nonimmigrant crewman permitted to land a copy of Form I–95AB, Alien Crewmen Landing Permit, presented by the crewman, and endorsed by the immigration officer to show the date and place of examination. The immigration officer shall also indicate on each Form I–95AB the type of conditional landing permit granted. In cases where the crewman is granted authorization to land under paragraph (d)(1)(ii) of this section, the inspector shall endorse the Form I–95AB with the following legend:

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