

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1 ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS PHILIPPINE SEA	CG-58						X	X	38

Date: July 29, 1988.

Approved:

H. Lawrence Garrett, III,

Under Secretary of the Navy.

[FR Doc. 88-18247 Filed 8-11-88; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3419-9]

Approval and Promulgation of State Implementation Plans; Colorado; Alfalfa Dehydrator Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to Colorado Regulations 1 and 5 concerning existing alfalfa dehydrators which were submitted by the Governor of Colorado on July 29, 1987. The revisions reduce the visible emission limit for alfalfa dehydrators from 40% opacity to 30% opacity. Approval of these revisions, which are expected to reduce emissions of particulate matter from alfalfa dehydrators, provides for Federal enforcement.

DATES: This action will be effective on October 11, 1988, unless notice is received by September 12, 1988, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,
Denver Place, Suite 500, 999 18th
Street, Denver, Colorado 80202.
Environmental Protection Agency,
Public Information Reference Unit,
Waterside Mall, 401 M Street SW.,
Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Dale M. Wells, Air Programs Branch,
Environmental Protection Agency,

Denver Place, Suite 500, 999 18th Street,
Denver, Colorado 80202, (303) 293-1773,
(FTS) 564-1773.

SUPPLEMENTARY INFORMATION: The Colorado Air Quality Control Commission (AQCC) Regulation 1, and the recently expired Regulation 5, provided that existing alfalfa dehydration plants must operate so as not exceed to 40% opacity. These regulations were revised on January 17, 1985, and extended the 40% opacity exemption until January 1, 1987, at which time Regulation 5 terminated. Existing alfalfa dehydrators then fell under the provisions of Regulation 1. The effect of this would have been to require existing alfalfa dehydrators to meet 20% opacity limits, thus treating existing plants the same as new plants.

On January 15, 1987, the AQCC adopted a revision to the Total Suspended Particulate (TSP) State Implementation Plan (SIP) to extend Regulation 5 and require existing plants to meet a 30% opacity limit. The 30% opacity limit is expected to result in the installation of reasonably available control equipment and other measures in revising the production process in order to minimize emissions. This revision was effective on March 2, 1987. There is only one existing alfalfa dehydrating plant in Colorado; the plant is located in an area which is in attainment of the national ambient air quality standards for particulate matter.

The EPA revised the particulate matter standard on July 1, 1987 (52 FR 24634), and eliminated the TSP ambient air quality standards. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM₁₀). However, at the State's option, EPA will continue to process TSP SIP revisions which were in process at the time the new PM₁₀ standard was promulgated. (In the policy published on July 1, 1987 (p. 24679, column 2), EPA stated that it would regard existing TSP SIPs as necessary interim particulate matter plans during the period preceding the approval of State Plans specifically aimed at PM₁₀.) If the TSP

SIP revision is judged to include more stringent provisions than are in the existing TSP plan, EPA's general policy would be to approve it.

EPA is approving the revisions to Regulations 1 and 5 because, although a 20% opacity limit came into effect when the 40% limit expired, there was no intention on the part of the State to require compliance with the 20% limit. Therefore, the practical result of this revision is to tighten the emission limit to 30% for alfalfa dehydrators. EPA believes these regulations will be helpful in maintaining the area in attainment of the particulate standard.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of the **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective October 11, 1988.

Final Action

EPA hereby approves the revisions to Regulation 1 and 5 concerning alfalfa dehydrators as part of the Colorado TSP SIP.

EPA finds good cause exists for making the action taken in this notice immediately effective because the implementation plan revisions are already in effect under State law or regulation and EPA's approval poses no additional regulatory burden.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a

substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 11, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1982.

Date: July 19, 1988.

Lee M. Thomas,
Administrator.

Part 52 Chapter I, Title 40 of the *Code of Federal Regulations* is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(38) to read as follows:

§ 52.320 Identification of Plan

(c) * * *

(38) Revisions to Regulations 1 and 5 to control emissions from alfalfa dehydrators were submitted by the Governor on July 29, 1987.

(i) Incorporation by reference
(A) Section II.A.6 and introductory text of Section III.C.2.a of Regulation 1 and Regulation 5 adopted by the Colorado Air Quality Control Commission on January 15, 1987, effective on March 2, 1987.

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BILLING CODE 6550-50-M

40 CFR Part 52

[FRL-3421-4]

Approval and Promulgation of State Implementation Plans; Revisions to Regulation No. 3, Visibility Protection; Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: In this action, EPA is approving the general plan requirements, monitoring strategy, and long-term strategies (LTS) for visibility protection in mandatory Class I Federal areas in a revision to the Colorado Air Quality Control Commission (AQCC) Regulation No. 3 of the Colorado State Implementation Plan (SIP). This action is a result of rulemakings on July 12, 1985, and on November 24, 1987 (52 FR 45132), at which EPA disapproved SIPs of states which failed to comply with the provisions of 40 CFR 51.302 (visibility general plan requirements), 51.305 (visibility monitoring), and 51.306 (visibility LTS). EPA also incorporated these Federal plans and regulations into the SIPs of these states.

The Governor of Colorado submitted a SIP revision for visibility protection on December 21, 1987. Review of the plan indicates that Colorado has met the criteria of 40 CFR 51.302, 51.305, and 51.306, and that these revisions will replace the Federal plans and regulations in the Colorado Visibility SIP.

DATES: This action will be effective on October 11, 1988, unless notice is received by September 12, 1988, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the State submittal are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Environmental Protection Agency,
Region VIII, Air Programs Branch, 999
18th Street, Suite 500, Denver,
Colorado 80202-2405.

Environmental Protection Agency,
Public Information Reference Unit,
Waterside Mall, 401 M Street SW.,
Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
Michael Silverstein, Air Programs
Branch, Environmental Protection
Agency, Region VIII, 999 18th Street,
Suite 500, Denver, Colorado 80202-2405,
(303) 293-1769, (FTS) 564-1769.

SUPPLEMENTARY INFORMATION:

Background

Section 169A of the Clean Air Act (Act), 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined that visibility is an important value. ("Mandatory Class I Federal areas" (hereinafter Class I areas) are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a), 40 CFR 81.400-81.437.) Section

169A specifically requires EPA to promulgate regulations requiring certain states to amend their SIPs to provide for visibility protection.

On December 2, 1980, EPA promulgated the required visibility regulations in 45 CFR 80084, codified at 40 CFR 51.300 *et seq.* It required the states to submit their revised SIPs to satisfy those provisions by September 2, 1981. (See 45 FR 80091, codified in 40 CFR 51.302(a)(1).) That rulemaking resulted in numerous parties seeking judicial review of the visibility regulations. In March 1981, the court stayed the litigation, pending EPA action on related administrative petitions for reconsideration of the visibility regulations filed with the Agency.

In December 1982, the Environmental Defense Fund (EDF) filed suit in the U.S. District Court for the Northern District of California alleging that EPA failed to perform a nondiscretionary duty under section 110(c) of the Act to promulgate Visibility SIPs. A negotiated Settlement Agreement between EPA and EDF required EPA to propose to incorporate Federal regulations in states where SIPs were deficient with respect to visibility monitoring regulations (40 CFR 51.305). However, the Settlement Agreement allowed each State an opportunity to avoid Federal promulgation if it submitted a SIP by May 6, 1985. Colorado was one of the states that did not meet this deadline. Final promulgation of Federal visibility monitoring regulations for all states (including Colorado) having deficient SIPs was published on July 12, 1985 (49 FR 28544), and became effective August 12, 1985.

The Settlement Agreement between EPA and EDF also required EPA to determine the adequacy of State Visibility SIPs to meet the general plan requirements including implementation control strategies (40 CFR 51.302), integral vista protection (40 CFR 51.302-51.307), and LTS (40 CFR 51.306). The Settlement Agreement required EPA to propose and promulgate Federal Visibility SIPs (hereinafter Federal Implementation Plans (FIPs)) to remedy any deficiencies on a specified schedule. On January 23, 1986 (51 FR 3046), EPA preliminarily determined that the SIPs of 32 states (including Colorado) were deficient with respect to the mentioned visibility provisions.

The EPA and the plaintiffs negotiated revisions to the Settlement Agreement which extended the deadlines for proposing FIPs to remedy the deficiencies. Under this revised Agreement, EPA must propose and promulgate FIPs to address the

deficiencies relating to the general plan requirements and LTS, and can defer proposing and promulgating FIPs to remedy deficiencies related to impairment which the Federal Land Managers (FLMs) have certified to EPA.

On March 12, 1987 (52 FR 7802), EPA proposed to disapprove the SIPs of 32 states (including Colorado) for failing to meet the general plan and LTS requirements of 40 CFR 51.302 and 51.306, and to incorporate these Federal regulations into each state's SIP. The states were given the opportunity to avoid promulgation if they submitted SIP revisions to EPA by August 31, 1987.

On November 24, 1987, EPA disapproved SIPs for states (including Colorado) which failed to meet the requirements of 40 CFR 51.302 and 51.306. EPA also incorporated these Federal regulations into the SIPs of these states.

On December 21, 1987, Colorado submitted a SIP revision which added new section XV "Visibility" to Air Pollution Control Commission (APCC) Regulation No. 3. Included in this submittal are plans and regulations which would replace Federal provisions for visibility general plan requirements (40 CFR 51.302), monitoring (40 CFR 51.305), and LTS (40 CFR 51.306).

Colorado has chosen not to protect integral vistas from visibility impairment at this time. A subcommittee has been established to further address this issue and will recommend the need for future action. Colorado's submittal meets the requirements of 40 CFR 51.304.

Affected Areas

The following areas in Colorado are Class I areas where visibility is an important value:

Black Canyon of the Gunnison
Wilderness
Eagles Nest Wilderness
Flat Tops Wilderness
Great Sand Dunes Wilderness
La Garita Wilderness
Maroon Bells-Snowmass Wilderness
Mesa Verde National Park
Mount Zirkel Wilderness
Rawah Wilderness
Rocky Mountain National Park
Weminuche Wilderness
West Elk Wilderness

General Plan Requirements

A. Requirements

The visibility regulations provide general plan requirements for the Visibility SIPs. The general plan in 40 CFR 51.302(c) requires that the SIPs include: (1) An assessment of visibility impairment and a discussion of how each element of the plan relates to the

national goal; (2) emission limitations, or other control measures, representing best available retrofit technology (BART) for certain sources; (3) provisions to protect integral vistas; (4) provisions to address any existing impairment certified by the FLM; and (5) an LTS (10 to 15 years) for making reasonable progress toward the national goal.

The Colorado Visibility SIP reiterates these general plan requirements in the "Statement of Basis, Specific Statutory Authority and Purpose" with the exception of "(3) provisions to protect integral vistas". To date, Colorado has chosen not to list integral vistas.

B. Control Strategies

The regulations establish the following process for developing control strategies to remedy existing impairment. First, the State or the FLM identifies the Class I areas where visibility impairment exists. The regulations require the states to address in the SIP any impairment which has been certified at least six months prior to SIP submittal. (See 40 CFR 51.302(c)(4).)

In identifying existing facilities which cause or contribute to the visibility impairment, the regulations require the State to adopt control strategies only to remedy impairment which has been reasonably attributed to a specific source or group of sources. Although the FLMs may provide the states with a list of sources suspected of causing any existing impairment in the certification, the responsibility of identifying sources is the State's. (See 45 FR 80086, col. 3 and 40 CFR 51.302(c)(4)(i).)

The State is required to perform a BART analysis for any existing stationary facility which has been identified as causing impairment in a Class I Federal area. The State determines BART on a case-by-case basis taking into account the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, the remaining useful life of the source, and the degree of improvement that can be anticipated to result from the use of the controls. The State must adopt emission limitations representing BART which must be installed as expeditiously as practical, but no later than five years for SIP approval. (See 40 CFR 51.302(c)(4).)

The State is not required to adopt emission limitations representing BART if, for example, retrofit controls do not exist or are not anticipated to result in improvements in visibility. (See 45 FR 80087, col. 1.) However, if a source has not been subject to BART because

control technologies do not exist and if the Administrator determines that new technologies are available which would more effectively control that pollutant, the State must reanalyze for BART at that time. (See 40 CFR 51.302(c)(4)(v).)

Under 40 CFR 51.303, sources may apply to the Administrator of EPA for exemptions from BART if they can demonstrate that their emissions do not cause "significant" visibility impairment. The concurrence of the State and the FLM must be obtained before an exemption is granted.

The regulations do not specify methods other than visual observation for characterizing visibility impairment. However, if a state is to adequately and timely address existing visibility impairment, a thorough characterization may be necessary. The EPA is aware that it, or states, may find that the impairment cannot be attributed to specific sources and therefore cannot be addressed under the existing visibility regulations. (See 52 FR 7804, Col. 1.)

A thorough characterization is important when a BART analysis is conducted so that the anticipated improvements in visibility may be estimated. The State or EPA may find that the impairment is attributable to minor stationary sources or to emissions from prescription fires. In these cases, the need for a control strategy to remedy the impairment is assessed as part of the LTS rather than BART. (See 52 FR 7804, col. 1.)

The Colorado Visibility SIP, Section XV.D. ("Existing Impairment") and the "Statement of Basis, Specific Authority and Purpose" contains provisions which address the development of control strategies. (A significant amount of detail on the development of Federal control strategies is contained in 52 FR 7802 (March 12, 1987).)

C. Assessment of Visibility Impairment

The EPA reviewed the information provided by the Department of Interior (DOI) to determine if impairment (1) appeared to occur in Colorado's Class I areas, and (2) if impairment was a type which may be traceable to specific sources. The information provided by the FLMs indicated that no Class I area in Colorado is experiencing visibility impairment which may be traceable to specific sources.

The EPA is aware that the FLMs may in the future provide additional information on this impairment which would allow EPA or a state to attribute it to a specific source. In such cases, the information would be reviewed under the procedures described above and

addressed in the periodic review of the LTS discussed below.

Monitoring Strategy

Under 40 CFR 51.305, all states with visibility protection areas are required to have a monitoring strategy for evaluating visibility in any Class I area by visual observation or other appropriate monitoring techniques. The purposes of this requirement are to generate data for evaluating visibility impairment trends, determine potential impacts on new sources, assess the effectiveness of the visibility protection program, and identify major contribution sources. These purposes can be adequately addressed by determining the background visibility in protection areas and documenting the extent of any visibility impairment that can be attributed by a source or small group of sources.

Visibility impairment is the human perception of the effects of natural or man-made conditions which reduce visual range or contrast, or coloration change. Thus, a visibility monitoring program should identify these effects, as well as differentiate man-made effects from natural conditions. The program could generate various types of data such as reports from human observers, photographs, and/or automated instruments. The minimum data collection technique that 40 CFR 51.305 requires is visual observation. However, other more objective techniques are available. (See "Interim Guidance for Visibility Monitoring", Office of Air Quality Planning and Standards, November 1980 (EPA 450/2-80-082).)

The monitoring strategy in Colorado's SIP for Class I visibility protection is based on meeting four goals: (1) Provide information for new source visibility impact analysis; (2) determine existing conditions in Class I areas and the source(s) of any certified impairment; (3) determine actual effects from the operation of new sources or modifications to major sources on nearby Class I areas; and (4) establish visibility trends in Class I areas in order to evaluate progress toward meeting the national goals of visibility protection.

Colorado will assemble and evaluate any visibility data supplied by the FLMs and collected by the State or any other appropriate source. Colorado's visibility monitoring strategy meets EPA criteria as outlined in 40 CFR 51.305.

Long-term Strategy

A. Requirements

The regulations require that the LTS be a 10 to 15 year plan for making reasonable progress toward the national

goal. The LTS must cover any existing impairment that the FLM certified at least six months before plan submission. A LTS must be developed which covers each Class I area within the State and each Class I area in another state that may be affected by sources within the State. The strategy must be coordinated with existing plans and goals for a Class I area including those of the FLMs. The strategy must state with reasonable specificity why it is adequate for making reasonable progress toward the national goal. The LTS and SIP must provide for the review of the impact of new sources as required by 40 CFR 51.307. The State must consider at a minimum the following six factors in the LTS: (1) Emission reductions due to ongoing air pollution control programs; (2) additional emission limitations and schedules for compliance; (3) measures to mitigate the impacts of construction activities; (4) source retirement and replacement schedules; (5) smoke management (techniques for agricultural and forestry management purposes including such plans as currently exist within the State for these purposes); and (6) enforcement of emission limitations and control measures.

The SIP must include a statement as to why these factors were or were not addressed in developing the LTS.

The State must commit to periodic review of the SIP on a schedule not less frequent than every three years. A periodic report must be developed in consultation with the FLMs and must contain the following: (1) Progress achieved in remedying existing impairment; (2) the ability of the LTS to achieve reasonable progress toward the national goal; (3) any change in visibility conditions since the last report or since plan approval; (4) additional measures, including the need for SIP revisions, that may be necessary to achieve progress toward the national goal; (5) the progress achieved in implementing BART and meeting other schedules laid out in the LTS; and (6) the impact of any exemption granted.

B. Remedies

The existing visibility regulations are designed to address impairment which can be traced to specific sources. EPA is deferring action on such existing impairment. Therefore, the Federal LTS is limited to the prevention of future impairment. It establishes a mechanism to address any additional impairment which may be certified in the future. Although EPA intends for these discussions to be the Federal remedy, each of the states must develop their own LTS when developing their Visibility SIPs.

1. Ongoing Air Pollution Control Programs

The regulations require that each LTS provide for the review of the potential impact on visibility a new major stationary sources or major modifications in accordance with 40 CFR 51.307. The regulations further require that each SIP contains a discussion of the effect of on-going air pollution control programs on remedying existing and preventing future impairment of visibility. The Colorado Visibility SIP has met this requirement. EPA has proposed to approve the Colorado New Source Review (NSR) program for visibility protection on March 31, 1987 (52 FR 10239). EPA will approve this SIP revision during Spring 1988.

2. Smoke Management Practices

The FLMs have not specifically identified smoke from prescribed fires as a cause of impairment in the Class I areas. Colorado presently has smoke management agreements with the FLMs. Colorado will coordinate with the FLMs to ensure that the best smoke management techniques are employed. The existing agreements may be revised during the periodic LTS review process to ensure that the impacts due to smoke from prescribed burning of visibility in Class I areas are minimized.

3. Future Certifications of Impairment

Under the revised Settlement Agreement, EPA must address existing deficiencies in Visibility SIPs. Thus, EPA has only addressed the certifications of impairment in Class I areas made by the FLMs prior to June 1, 1988. The FLM has not identified impairment in the Class I areas in Colorado.

4. Existing Visibility Impairment

Since the EPA deferred action on the requirements to address existing visibility impairment, discussions related to source impact (such as additional emission limitations, source retirement and replacement, construction activities, and enforceability of emission limitations) are not required in the SIPs at this time. However, Colorado has chosen to establish the mechanism for addressing existing visibility impairment and implementing BART once an existing source(s) has been identified as causing visibility impairment in a Class I area.

The Colorado Visibility SIP includes provisions which address Federal LTS requirements in "Long-term Strategy (LTS)" and in AQCC Regulation XV.F. (LTS). Additional information concerning the Federal LTS

requirements is contained in 52 FR 7802 (March 12, 1987).

Summary of Action

The December 21, 1987, submittal by the Governor of Colorado includes a visibility plan to meet the general plan requirements, monitoring strategy, and LTS of 40 CFR 51.302, 51.305, and 51.306 and the criteria discussed in 50 FR 28544 and 52 FR 45132. [See October 23, 1984 (49 FR 42670), and March 12, 1987 (52 FR 7802), for additional information.] The State commits to a review of the Visibility SIP every three years, making any changes deemed necessary. The SIP, therefore, has established the commitment to review the visibility requirements listed in 40 CFR Part 51 Subpart P—Protection of Visibility. The submittal will replace the Federal plans and regulations of 40 CFR 51.302, 51.305, and 51.306 in the Colorado SIP.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of the Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective October 11, 1988.

Final Action

EPA hereby approves the revisions to the Colorado Visibility SIP for general plan requirements, monitoring strategy, and LTS.

Note: EPA approved the NSR and Prevention of Significant Deterioration (PSD) for certain source categories. The Federal requirements will apply to those sources not covered under the approved Colorado NSR and PSD program. (See 46 FR 21180 (April 30, 1981) and 51 FR 31125 (September 2, 1986).)

EPA finds good cause exists for making the action taken in this notice immediately effective because the implementation plan revisions are already in effect under State law or regulation and EPA's approval poses no additional regulatory burden.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the U.S. Court of Appeals for the appropriate circuit by October 11, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 25, 1988.

Lee M. Thomas,
Administrator.

Part 52 Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart G—Colorado

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.320 is amended by adding paragraph (c)(41) to read as follows:

§ 52.320 Identification of Plan

(c) * * *

(41) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

(i) Incorporation by reference:

(A) Letter dated December 21, 1987, from Governor Roy Romer submitting the Colorado Visibility SIP revision.

(B) The visibility SIP revision, Regulation No. 3, "Regulation requiring an air contaminant emission notice, Emission Permit Fees", section XV, adopted by the Colorado Air Quality Control Commission on November 19, 1987.

§ 52.344 [Amended]

3. Section 52.344(c) is removed.

[FR Doc. 88-17112 Filed 8-11-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 152, 153, 156, 158, 162, and 163

[OPP-30071D; FRL-3427-8]

Pesticide Registration Procedures; Pesticide Data Requirements; Cross References and Technical Amendments; Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rules; Effective date.

SUMMARY: This document announces the effective date of two final regulations issued by the Agency on May 4, 1988. As required by section 25(a)(4) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA submitted two final regulations to both Houses of Congress for review prior to their taking effect. The first rule revised pesticide registration procedures and data requirements and policies; the second final rule contained cross-reference revisions and technical amendments pertaining to the first rule. These final rules were published in the Federal Register of May 4, 1988 (53 FR 15952). The minimum 60-day period for Congressional review has ended.

EFFECTIVE DATE: The regulation is effective on August 12, 1988.

FOR FURTHER INFORMATION CONTACT: By mail:

Jean Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Office location and telephone number: Room 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0944).

SUPPLEMENTARY INFORMATION: EPA issued a final regulation revising its pesticide registration procedures and modifying the product chemistry data requirements for pesticides. The final rule reorganized and renumbered a variety of pesticide regulations and created a new part in which to locate labeling requirements (which were not revised). In addition, the revision updated and clarified Agency policies pertaining to registration and registered products. A second final rule, issued on the same date, revised cross-references and made technical amendments elsewhere in pesticide regulations.

However, as required by section 25(a)(4) of FIFRA, the final rules could not take effect until they had been submitted to Congress for a period of 60 days of continuous Congressional session, as defined by section 25(a)(4). Since it was not possible to predict an exact date on which the Congressional

review period would end, the preamble to each final rule stated that EPA would issue a separate **Federal Register** notice after the review period was over announcing the effective date of the regulation. The 60-day period of continuous Congressional session has ended.

Accordingly, the final regulations promulgated on May 4, 1988, are effective on August 12, 1988.

List of Subjects in 40 CFR Parts 152, 153, 156, 158, 162 and 163

Administrative practice and procedure, Data requirements, Environmental protection, Intergovernmental relations, Labeling, Pesticides and pests, Policy statements, Reporting and recordkeeping requirements.

Dated: August 4, 1988.

Victor J. Kimm,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 88-18251 Filed 8-11-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Parts 206 and 233

Application, Determination of Eligibility and Furnishing Assistance—Public Assistance Programs; Coverage and Conditions of Eligibility in Financial Assistance Programs; Alien Legalization

AGENCY: Family Support Administration, HHS.

ACTION: Final rule.

SUMMARY: These final rules implement provisions of the Immigration Reform and Control Act of 1986, Pub. L. 99-603, as they relate to the eligibility determination requirements of aliens applying for assistance payments under the Aid to Families with Dependent Children (AFDC) program, under title IV-A of the Social Security Act (the Act); and the adult assistance programs for the aged, blind, and disabled under titles I, X, XIV, and XVI (AABD) in Guam, Puerto Rico, and the Virgin Islands.

EFFECTIVE DATE: August 12, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Diann Dawson, Director, Division of Policy, Office of Family Assistance, Family Support Administration, Room B-428, 2100 Second Street, SW.,

Washington, DC 20201, telephone (202) 245-3290.

SUPPLEMENTARY INFORMATION: On December 24, 1987, interim final rules were published in the **Federal Register** (52 FR 48687-48689).

Legalization

Pursuant to section 245A(h) of the Immigration and Nationality Act (INA), as added by section 201 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603, aliens who have continuously resided in the United States illegally since before January 1, 1982, can apply to the Immigration and Naturalization Service (INS) for an adjustment of their immigration status to that of lawful temporary resident. After a period of eighteen months in a temporary resident status, an alien can apply for adjustment to permanent resident status.

If the alien does not apply for such adjustment by the end of the thirty-first month after the alien is granted temporary resident status, or if adjustment is denied, the alien's status as a lawful temporary resident terminates, and the alien returns to an unlawful status.

Section 245A(h) explicitly disqualifies any alien who was granted lawful temporary resident status from eligibility for assistance payment under the AFDC program for a period of 5 years from the effective date of the receipt of such status. This disqualification period is maintained even though the temporary status may be changed to that of permanent status within the 5 year period. Accordingly, 45 CFR 233.50 is revised to indicate that this new group of aliens is temporarily disqualified from AFDC eligibility.

However, temporary resident alien applicants for assistance in the adult categories under Titles I, X, XIV, and XVI (AABD) in Guam, Puerto Rico, and the Virgin Islands are not subject to the disqualification provisions of the statute. Cuban and Haitian entrants, as defined in paragraph (1) or (2)(A) of section 501(e) of Pub. L. 96-422, as in effect on April 1, 1983, whose status has been adjusted to that of lawful temporary resident are also not subject to the disqualification provision and, if otherwise eligible, are entitled to assistance.

IRCA section 320 adds new section 210 to the INA to provide for granting lawful temporary resident status and eventually permanent resident status to certain aliens who performed seasonal agricultural work in the United States during a specified period of time. Special

agricultural alien workers granted the temporary resident status are also temporarily disqualified for the 5 year period from assistance under the AFDC program; however, they are entitled to assistance, if otherwise eligible, under the adult programs in Guam, Puerto Rico, and the Virgin Islands.

IRCA section 303 adds new section 210 A to the INA to provide for granting lawful temporary resident status to replenishment agricultural workers if the Secretaries of Labor and Agriculture establish a shortage of workers to perform seasonal agricultural services in the United States beginning with fiscal year 1990 and ending with fiscal year 1993. Replenishment agricultural workers granted temporary resident status are also temporarily disqualified for the 5 year period from assistance under the AFDC program, however, they are entitled to assistance, if otherwise eligible, under the adult programs in Guam, Puerto Rico, and the Virgin Islands.

In addition, IRCA section 121 amends section 1137 of the Social Security Act to provide that beginning October 1, 1988, as a condition of an individual's eligibility for assistance under the AFDC, territorial assistance, and Medicaid programs, a State must require an individual to declare in writing whether he is a citizen or national of the United States, and if not, whether he is in a satisfactory immigration status. An individual must produce documents to establish satisfactory immigration status and the State must verify the individual's status through an automated or other system made available by INS, unless the Secretary of HHS grants a waiver. Regulations implementing this section of IRCA will be published separately. On March 10, 1988, the Department published final regulations implementing IRCA section 204, which appropriates funds for fiscal years 1988 through 1991, to reimburse the States for the costs of providing public assistance, public health assistance, and educational services to certain aliens whose status is adjusted under IRCA (53 FR 7832-7864).

Pursuant to section 245 A(h) of the Immigration and Nationality Act, a disqualified alien who is either a parent or a sibling of an otherwise eligible child, will be excluded from an assistance unit in the same way that ineligible aliens have been excluded prior to the enactment of Pub. L. 99-603. However, IRCA section 201(b) provides that the income of a disqualified parent is considered available to his or her