

U.S.C. 6103(e)" to "38 U.S.C. 6103". The authority citation for 38 CFR 3.901(d)(3) is changed from "38 U.S.C. 6103(a), (d), (e)" to "38 U.S.C. 6103". The authority citation for 38 CFR 3.902(d)(3) is changed from "38 U.S.C. 6103(d), (e), 6104" to "38 U.S.C. 6104".

38 CFR 3.1612(e)(3) is amended to show the current name of the element within VA which is responsible for furnishing Government headstones and markers. Previously the Office of Memorial Programs was called the "Monument Service."

This final rule makes nonsubstantive changes. Accordingly, this final rule is promulgated without regard to the notice-and-comment and effective-date provisions of 5 U.S.C. 553.

Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Even so, the Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109, and 64.110.

#### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: April 30, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

### 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: 38 U.S.C. 501(a), unless otherwise noted.

##### § 3.23 [Amended]

2. In § 3.23, the authority citation immediately following paragraph (d)(5) is revised to read as follows:

(Authority: 38 U.S.C. 1541(c), (g))

##### § 3.24 [Amended]

3. In § 3.24, paragraph (c)(1) is amended by adding "the annual income of such child and" immediately following "and the sum of".

##### § 3.25 [Amended]

4. In § 3.25, the concluding text of paragraph (c) is amended by adding "may be less than \$5 monthly. Each time there is a rate increase under 38 U.S.C. 5312, the amount of the reduction under this paragraph" immediately following "to a parent under this paragraph".

##### § 3.100 [Amended]

5. In § 3.100, paragraph (a) is amended by removing "Chief Benefits Director" and "Director" and adding, in their place, "Under Secretary for Benefits" and "Under Secretary", respectively.

##### § 3.250 [Amended]

6. In § 3.250, paragraph (d) is amended by removing "(38 U.S.C. 102(a)(2))" and adding, in its place, "(38 U.S.C. 102(b)(1))".

##### § 3.252 [Amended]

7. In § 3.252, paragraph (a) is amended by removing "§ 3.26(b)" and adding, in its place, "§ 3.26(c)".

##### § 3.321 [Amended]

8. In § 3.321, paragraph (b)(1) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

##### § 3.458 [Amended]

9. In § 3.458, the authority citation immediately following paragraph (f)(2) is revised to read as follows:

(Authority: 38 U.S.C. 6103(b); 6104(c); 6105(a))

##### § 3.460 [Amended]

10. In § 3.460, paragraph (b) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

##### § 3.461 [Amended]

11. In § 3.461, paragraph (b)(1) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

##### § 3.559 [Amended]

12. In § 3.559, paragraph (c) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits".

##### § 3.702 [Amended]

13. In § 3.702, paragraph (a) is amended by removing "§ 3.400(c)(3)" and adding, in its place, "§ 3.400(c)(4)".

14. In § 3.702, paragraph (b) is amended by removing "§ 3.400(c)(3)(ii)" and adding, in its place, "§ 3.400(c)(4)(ii)".

15. In § 3.852, an authority citation for paragraphs (a), (c), (d), and (e) is added

immediately following each such paragraph, to read as follows:

##### § 3.852 Institutional awards.

(a) \* \* \*

(Authority: 38 U.S.C. 5503(b)(3))

\* \* \* \* \*

(c) \* \* \*

(Authority: 38 U.S.C. 5307)

(d) \* \* \*

(Authority: 38 U.S.C. 5503(b)(3))

(e) \* \* \*

(Authority: 38 U.S.C. 5502)

\* \* \* \* \*

##### § 3.901 [Amended]

16. In § 3.901, the authority citation immediately following paragraph (c) is revised to read as follows:

(Authority: 38 U.S.C. 6103)

17. In § 3.901, the authority citation immediately following the concluding text of paragraph (d) is revised to read as follows:

(Authority: 38 U.S.C. 6103)

##### § 3.902 [Amended]

18. In § 3.902, the authority citation immediately following the concluding text of paragraph (d) is revised to read as follows:

(Authority: 38 U.S.C. 6104)

##### § 3.1612 [Amended]

19. In § 3.1612, paragraph (e)(3) is amended by removing "Monument Service" and adding, in its place, "Office of Memorial Programs".

[FR Doc. 96-11418 Filed 5-7-96; 8:45 am]

BILLING CODE 8320-01-P

### 38 CFR Part 21

RIN 2900-AH59

#### Educational Assistance: Technical Amendments

AGENCY: Department of Veterans Affairs.  
ACTION: Final rule.

**SUMMARY:** This document amends statutory citations in the educational assistance regulations to reflect that the National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103-337) reorganized a portion of title 10, United States Code, by moving sections 2131 through 2137 from chapter 106 to sections 16131 through 16137 in chapter 1606. This document also corrects typographical errors and corrects other citation entries. The changes made by this document concern the Montgomery GI Bill-Selected Reserve program, the Montgomery GI Bill-Active Duty

program, the Survivors' and Dependents' Educational Assistance program, the Post-Vietnam Era Veterans' Educational Assistance program, and the Educational Assistance Test program.

**EFFECTIVE DATE:** May 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 273-7187.

**SUPPLEMENTARY INFORMATION:** This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule would not cause a significant effect on any entity since it does not contain any substantive provisions. Pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory analyses requirements of sections 603 and 604.

The Montgomery GI Bill-Selected Reserve program and the Educational Assistance Test program are not listed in the Catalog of Federal Domestic Assistance. The Catalog of Federal Domestic Assistance numbers for other programs affected by this final rule are 64.117, 64.120, and 64.124.

#### List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Entitlement programs-education, Entitlement programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 1, 1996.

Jesse Brown,

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 21 (subparts C, D, G, H, K, L) is amended as set forth below.

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for part 21, subpart C is revised to read as follows:

Authority: 38 U.S.C. 501(a), 3500-3566, unless otherwise noted.

#### § 21.3022 [Amended]

2. In § 21.3022, paragraph (e) is amended by removing "106" and adding, in its place, "1606".

### Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

3. The authority citation for part 21, subpart D is revised to read as follows:

Authority: 38 U.S.C. 501(a), chs. 34, 35, 36, unless otherwise noted.

#### §§ 21.4005, 21.4009, 21.4022, 21.4134, 21.4151, 21.4153, 21.4201, 21.4206, 21.4207, 21.4250, 21.4251, 21.4263 [Amended]

4. Remove "106" and add, in place thereof, "1606" in the following places:

- a. Section 21.4005(a)(1), (a)(2), (b)(1)(ii)(d), (b)(1)(ii)(e), and (b)(2)(ii)(a);
- b. Section 21.4009(c);
- c. Section 21.4022(a)(6);
- d. Section 21.4134(b)(1), (b)(2), and (c)(2);
- e. Section 21.4151(b)(4);
- f. Section 21.4153(c)(4)(i);
- g. Section 21.4201(c)(4), (e)(2), (f)(1)(ii), and (g)(2);
- h. Section 21.4206 introductory text, (a), and (e)(1);
- i. Section 21.4207 introductory text;
- j. Section 21.4250(c)(2)(ii);
- k. Section 21.4251(a)(6)(iii); and
- l. Section 21.4263 heading and (a).

#### §§ 21.4134, 21.4153, 21.4201, 21.4206, 21.4207, 21.4250 [Amended]

5. Remove "2136" and add, in place thereof, "16136" in the authority citations following:

- a. Section 21.4134(c)(2);
- b. Section 21.4153(c)(4)(i);
- c. Section 21.4201(g)(2) introductory text and (g)(2)(ii);
- d. Section 21.4206 (a) and (e)(1);
- e. Section 21.4207 introductory text; and
- f. Section 21.4250(c)(2)(ii).

#### §§ 21.4005, 21.4009 [Amended]

6. Remove "2136(b)" and add, in place thereof, "16136(b)" in the authority citations following:

- a. Section 21.4005 (a)(1) and (b)(2)(ii)(a); and
- b. Section 21.4009(c).

#### § 21.4020 [Amended]

7. In § 21.4020, paragraph (a)(5) is amended by removing "106 and 107" and adding, in its place, "107 and 1606".

#### § 21.4209 [Amended]

8. In § 21.4209, paragraph (a)(1) is amended by removing "106" and adding, in its place, "1606", and by removing "U.S.C., and (10 U.S.C. 2136, 38 U.S.C. 3034, 3244, 3690)." and adding, in its place, "U.S.C."; and the authority citation following paragraph (a)(2) is amended by removing "38 U.S.C." and adding, in its place, "10 U.S.C. 16136; 38 U.S.C. 3034, 3244,".

#### § 21.4233 [Amended]

9. In § 21.4233, the authority citation for paragraph (c)(1) is amended by removing "3473(c)" and adding, in its place, "3680A(c)".

#### § 21.4263 [Amended]

10. In § 21.4263, the authority citations following paragraphs (a)(2), (b)(2), (c)(2), (d)(3), (e), (g)(4)(x)(A), (h) introductory text, (h)(2), (i)(3), and (i)(4) are amended by removing "2136(c)" and adding, in place thereof, "16136(c)".

11. In § 21.4263, the authority citation following paragraph (h)(3)(ii) is amended by removing "2131" and adding, in its place, "16131".

12. In § 21.4263, the authority citations following paragraphs (h)(1)(iii), (h)(4)(ii), and (h)(4)(iii) are amended by removing "2131(g)" and adding, in place thereof, "16131(g)".

### Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

13. The authority citation for part 21, subpart G is revised to read as follows:

Authority: 38 U.S.C. 501(a), ch. 32, unless otherwise noted.

#### §§ 21.5040, 21.5065 [Amended]

14. Remove "106" and add, in place thereof, "1606" in the following places:

- a. Section 21.5040(h) heading, (h) introductory text, and (h)(2); and
- b. Section 21.5065(c).

### Subpart H—Educational Assistance Test Program

15. The authority citation for part 21, subpart H is revised to read as follows:

Authority: 10 U.S.C. ch. 107; 38 U.S.C. 501(a), 3695, 5101, 5113, 5303A; 42 U.S.C. 2000; sec. 901, Pub. L. 96-342, 94 Stat. 1111-1114, unless otherwise noted.

#### § 21.5720 [Amended]

16. In § 21.5720, the authority citation following paragraph (c)(3) is amended by removing "1072(2)(E) 2147(d)(1)"

and adding, in its place, "1072(2)(D), 2147(d)(1)".

**§ 21.5741 [Amended]**

17. In § 21.5741, paragraph (c)(3)(ii) is amended by removing "106" and adding, in its place, "1606".

**§ 21.5835 [Amended]**

18. In § 21.5835, the authority citation following paragraph (f) is amended by removing "2143(c)2144" and adding, in its place, "2143(c), 2144".

**Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)**

19. The authority citation for part 21, subpart K is revised to read as follows:

Authority: 38 U.S.C. 501(a), ch. 30, unless otherwise noted.

**§ 21.7042 [Amended]**

20. In § 21.7042, paragraphs (d)(2) introductory text, (d)(2)(i)(B), and (d)(3) are amended by removing "106" and adding, in place thereof, "1606"; and the authority citation following paragraph (d)(3) is amended by removing "3033(c), 10 U.S.C. 2132" and adding, in its place, "3033(c)".

**§ 21.7142 [Amended]**

21. In § 21.7142, paragraph (a)(4) is amended by removing "106" and adding, in its place, "1606".

**Subpart L—Educational Assistance for Members of the Selected Reserve**

22. The authority citation for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), ch. 36, unless otherwise noted.

**§§ 21.7520, 21.7540, 21.7603, 21.7610, 21.7612, 21.7622, 21.7630, 21.7640, 21.7642, 21.7644, 21.7658, 21.7801, 21.7805, 21.7807, 21.7810 [Amended]**

23. Remove "106" and add, in place thereof, "1606" in the following places:

- a. Section 21.7520 introductory text, (a)(1), and (b)(14)(iii);
- b. Section 21.7540(b)(1), (b)(2), and (c);
- c. Section 21.7603;
- d. Section 21.7610(b) introductory text;
- e. Section 21.7612(b);
- f. Section 21.7622(c);
- g. Section 21.7630;
- h. Section 21.7640(b)(1) and (c)(2);
- i. Section 21.7642(a) introductory text;
- j. Section 21.7644(a) and (d)(2);
- k. Section 21.7658(a);
- l. Section 21.7801 (a) and (b);
- m. Section 21.7805;
- n. Section 21.7807; and
- o. Section 21.7810(b) introductory text.

**§§ 21.7520, 21.7610, 21.7620, 21.7622, 21.7640 [Amended]**

24. Remove "2131" and add, in place thereof, "16131" in the authority citations following:

- a. Section 21.7520(a)(2) and (b)(13);
- b. Section 21.7610(a);
- c. Section 21.7620(a);
- d. Section 21.7622(b); and
- e. Section 21.7640(a)(2).

**§§ 21.7500, 21.7650 [Amended]**

25. Remove "2131(a)" and add, in place thereof, "16131(a)" in the authority citations following:

- a. Section 21.7500; and
- b. Section 21.7650.

**§§ 21.7520, 21.7630, 21.7635, 21.7636, 21.7670 [Amended]**

26. Remove "2131(b)" and add, in place thereof, "16131(b)" in the authority citations following:

- a. Section 21.7520 (b)(6), (b)(7), (b)(22) and (b)(28);
- b. Section 21.7630.
- c. Section 21.7635(f)(2), (g)(2), and (h)(2);
- d. Section 21.7636(a); and
- e. Section 21.7670(a)(4), (b)(2)(iii), and (c)(2)(iii).

**§§ 21.7570, 21.7635 [Amended]**

27. Remove "2131(c)" and add, in place thereof, "16131(c)" in the authority citations following:

- a. Section 21.7570; and
- b. Section 21.7635(l).

**§§ 21.7550, 21.7635 [Amended]**

28. Remove "2133" and add, in place thereof, "16133" in the authority citations following:

- a. Section 21.7550 (a)(2) and (a)(3); and
- b. Section 21.7635(m).

**§§ 21.7532, 21.7551 [Amended]**

29. Remove "2133(b)(2)" and add, in place thereof, "16133(b)(2)" in the authority citations following:

- a. Section 21.7532(e)(2); and
- b. Section 21.7551(a)(2), (b)(2)(ii), and (c)(2)(ii).

**§§ 21.7635, 21.7642, 21.7802 [Amended]**

30. Remove "2134" and add, in place thereof, "16134" in the authority citations following:

- a. Section 21.7635 (o) and (p);
- b. Section 21.7642(c); and
- c. Section 21.7802(c).

**§§ 21.7520, 21.7530, 21.7532, 21.7600, 21.7610, 21.7612, 21.7614, 21.7622, 21.7631, 21.7633, 21.7635, 21.7639, 21.7640, 21.7642, 21.7644, 21.7652, 21.7653, 21.7656, 21.7658, 21.7659, 21.7672, 21.7673, 21.7674, 21.7700, 21.7801, 21.7805, 21.7807 [Amended]**

31. Remove "2136(b)" and add, in place thereof, "16136(b)" in the authority citations following:

- a. Section 21.7520(b)(3), (b)(4), (b)(5), (b)(8), (b)(9), (b)(10), (b)(11), (b)(12)(ii)(C), (b)(15), (b)(16), (b)(18), (b)(21), (b)(24), (b)(25), and (b)(26);
- b. Section 21.7530 (a), (b), and (c);
- c. Section 21.7532 (a), (b), (c), (d), and (f);
- d. Section 21.7600(a)(5), (b)(3)(iii), (c)(2), and (d);
- e. Section 21.7610(b)(4);
- f. Section 21.7612(b);
- g. Section 21.7614;
- h. Section 21.7622(a), (c), (d)(3), and (e);
- i. Section 21.7631(a)(4), (d), and (f)(2);
- j. Section 21.7633;
- k. Section 21.7635(b)(1), (b)(2)(ii), (c)(2)(ii)(C), (c)(3), (d)(2), (e)(2), (i), (j), (k)(2)(iii), and (n)(2);
- l. Section 21.7639(b)(1)(B), (c)(3), (d)(3)(ii), and (e);
- m. Section 21.7640(b)(3), (c)(2), (d)(6)(ii), (e), and (f);
- n. Section 21.7642(b) and (d)(3);
- o. Section 21.7644(a), (c)(2)(ii), and (d)(2);
- p. Section 21.7652(a)(5), (b)(3)(ii), and (c)(2)(vi);
- q. Section 21.7653 (a) and (b);
- r. Section 21.7656 (a)(3) and (b)(2);
- s. Section 21.7658(a) and (b)(2);
- t. Section 21.7659;
- u. Section 21.7672(a)(4), (b)(2)(ii)(C), (c)(2)(ii), (c)(4), and (e)(2)(iv);
- v. Section 21.7673(b)(2) and (c)(2);
- w. Section 21.7674(a)(2), (b), and (c);
- x. Section 21.7700;
- y. Section 21.7801 (a) and (b);
- z. Section 21.7805; and
- aa. Section 21.7807.

**§ 21.7520 [Amended]**

32. In § 21.7520, the authority citation following paragraph (b)(2) is amended by removing "2136(b)" and adding, in its place, "16136(b);".

**§ 21.7540 [Amended]**

33. In § 21.7540, the authority citation following paragraph (b)(2) is amended by removing "2132" and adding, in its place, "16132" and the authority citation following paragraph (c) is amended by removing "2132(d), 2134" and adding, in its place, "16132(d), 16134".

**§ 21.7550 [Amended]**

34. In § 21.7550, the authority citation following paragraph (b)(2)(ii) is amended by removing "2133(b)(1)" and adding, in place thereof, "16133(b)(1)" and the authority citation following paragraph (c) is amended by removing "2133(b)" and adding, in place thereof, "16133(b)".

**§ 21.7576 [Amended]**

35. In § 21.7576, the authority citations following paragraphs (c)(3)(iv)

and (d)(4) are amended by removing "2133(c)" and adding, in place thereof, "16133(c)" and the authority citation following paragraph (e)(2) is amended by removing "2131(c)(3)(A)" and adding, in place thereof, "16131(c)(3)(A)".

**§ 21.7639 [Amended]**

36. In § 21.7639, the authority citation following paragraph (b)(2) is amended by removing "2130(b)" and adding, in place thereof, "16136(b)".

**§ 21.7644 [Amended]**

37. In § 21.7644, the authority citation following paragraph (b)(2) is amended by removing "2135" and adding, in place thereof, "16135".

[FR Doc. 96-11419 Filed 5-7-96; 8:45 am]

BILLING CODE 8320-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[ID5-2-7505; FRL-5500-4]

#### Attainment Extensions for PM-10 Nonattainment Areas: Idaho

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** In the August 28, 1995 Federal Register, EPA identified two nonattainment areas in the State of Idaho which failed to attain the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to ten micrometers (PM-10) by the applicable attainment date of December 31, 1994: the Power-Bannock Counties PM-10 nonattainment area and the Sandpoint PM-10 nonattainment area. In that same Federal Register, EPA proposed to grant a one-year extension to the attainment date for those areas, from December 31, 1994 to December 31, 1995. EPA, by this document, grants the extensions.

**EFFECTIVE DATE:** This final rule is effective June 7, 1996.

**ADDRESSES:** Copies of the State's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101, and State of Idaho, Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83710.

**FOR FURTHER INFORMATION CONTACT:** Steven K. Body, 206/553-0782, EPA, Office of Air Quality, Seattle, Washington.

## SUPPLEMENTARY INFORMATION:

### I. Background

#### Clean Air Act Requirements

Areas meeting the requirements of section 107(d)(4)(B) of the Act<sup>1</sup> were designated nonattainment for particulate matter with an aerodynamic diameter of less than or equal to ten micrometers by operation of law and classified "moderate" upon enactment of the 1990 Clean Air Act Amendments. See generally 42 U.S.C. section 7407(d)(4)(B). These areas included all former Group I PM-10 planning areas identified in 52 FR 29383 (August 7, 1987) as further clarified in 55 FR 45799 (October 31, 1990), and any other areas violating the National Ambient Air Quality Standards for PM-10 prior to January 1, 1989.<sup>2</sup> A Federal Register notice announcing the areas designated nonattainment for PM-10 upon enactment of the 1990 Amendments, known as "initial" PM-10 nonattainment areas, was published on March 15, 1991 (56 FR 11101) and a subsequent Federal Register notice correcting the description of some of these areas was published on August 8, 1991 (56 FR 37654). See 56 FR 56694 (November 6, 1991) and 40 CFR 81.313 (codified air quality designations and classifications for the State of Idaho). All initial moderate PM-10 nonattainment areas have the same applicable attainment date of December 31, 1994.

States containing initial moderate PM-10 nonattainment areas were required to develop and submit to EPA by November 15, 1991, a SIP revision providing for, among other things, implementation of reasonably available control measures (RACM), including reasonably available control technology (RACT), and a demonstration of whether attainment of the PM-10 NAAQS by the December 31, 1994 attainment date was practicable. See Section 189(a).

The Act provides the Administrator the discretion of granting a one-year extension to the attainment date for a moderate PM-10 nonattainment area provided certain criteria are met. See Section 188(d). The statute sets forth two criteria a moderate nonattainment area must satisfy in order to obtain an extension: (1) the State has complied with all the requirements and commitments pertaining to the area in

the applicable implementation plan; and (2) the area has no more than one exceedance of the 24-hour PM-10 standard in the year preceding the extension year, and the annual mean concentration of PM-10 in the area for the year preceding the extension year is less than or equal to the standard. See Section 188(d). As discussed in the August 28, 1995 Federal Register document (60 FR 44452), in exercising its discretion to grant extensions for PM-10 nonattainment areas, EPA will examine the air quality planning progress made in the moderate area. EPA will be disinclined to grant an attainment date extension unless a State has, in substantial part, addressed its moderate PM-10 nonattainment area planning obligations as evidenced by whether the State has: (1) adopted and substantially implemented control measures that represent RACM/RACT in the moderate nonattainment area; and (2) demonstrated that the area has made emission reductions amounting to reasonable further progress toward attainment of the PM-10 NAAQS as defined in section 171(1) of the Act. See 60 FR 44453.

If the State does not have the requisite number of years of clean air quality data to show attainment and does not apply or qualify for an attainment date extension, the area will be reclassified to serious by operation of law under section 188(b)(2) of the Act. If an extension to the attainment date is granted, at the end of the extension year EPA will again determine whether the area has attained the PM-10 NAAQS. If the requisite three consecutive years of clean air quality data needed to determine attainment are not met for the area, the State may apply for a second one-year extension of the attainment date. In order to qualify for the second one-year extension of the attainment date, the State must satisfy the same requirements listed above for the first extension. EPA will also consider the State's PM-10 planning progress for the area in the year for which the first extension was granted. If a second extension is granted and the area does not have the requisite three consecutive years of clean air quality data needed to demonstrate attainment at the end of the second extension, no further extensions of the attainment date can be granted and the area will be reclassified serious by operation of law. See section 188(d).

On August 28, 1995, EPA determined, based on air quality data showing violations of the PM-10 NAAQS during the period from 1992 through 1994, that the Power-Bannock Counties PM-10 nonattainment area and Sandpoint PM-10 nonattainment area have each failed

<sup>1</sup> The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act as amended ("Act" or "CAA"), which is codified at 42 U.S.C. § 7401 *et seq.*

<sup>2</sup> Many of these other areas were identified in footnote 4 of the October 31, 1990 Federal Register notice.