

contained in any of the voluntary national model codes acceptable upon review by RHS.”

■ B. Revising the third sentence in the definition for “Replacement housing” to read “The overall condition of the unit or dwelling must meet Thermal Standards adopted by the locality/ jurisdiction for new or existing structures and applicable development standards for new or existing housing recognized by RHS in subpart A of part 1924 or standards contained in any of the voluntary national model codes acceptable upon review by RHS.”

#### **PART 3550—DIRECT SINGLE FAMILY HOUSING LOANS AND GRANTS**

■ 5. The authority citation for part 3550 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1480.

#### **Subpart B—Section 502 Origination**

##### **§ 3550.57 [Amended]**

■ 6. Section 3550.57(c) is amended by adding the word “and” after the word “systems;” and by removing “and meet the thermal performance requirements for existing dwellings of 7 CFR part 1924, subpart A”.

#### **Subpart C—Section 504 Origination and Section 306C Water and Waste Disposal Grants**

##### **§ 3550.106 [Amended]**

■ 7. Section 3550.106(b) is amended by removing the words “or thermal performance standards”.

Dated: November 28, 2007.

**Russell T. Davis,**

*Administrator, Rural Housing Service.*

[FR Doc. 07–6009 Filed 12–10–07; 8:45 am]

**BILLING CODE 3410–XV–P**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **32 CFR Part 68**

#### **Provision of Free Public Education for Eligible Children Pursuant to Section 6, Public Law 81–874**

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** The Department of Defense is removing 32 CFR Part 68, “Provision of Free Public Education for Eligible Children Pursuant to Section 6, Public Law 81–874.” The part has served the purpose for which it was intended and is no longer valid.

**DATES:** *Effective Date:* December 11, 2007.

**FOR FURTHER INFORMATION CONTACT:** L.M. Bynum, 703–696–4970.

**SUPPLEMENTARY INFORMATION:** DoD Directive 1342.16 was originally codified as 32 CFR Part 68. This Directive was canceled by DoD Directive 1342.20. Copies of DoD Directive 1342.20 may be obtained at <http://www.dtic.mil/whs/directives/>.

#### **List of Subject in 32 CFR Part 68**

Elementary and secondary education, Government employees, Military personnel.

■ Accordingly, by the authority of 10 U.S.C. 301, title 32 of the Code of Federal Regulations is amended by removing part 68:

#### **PART 68—[REMOVED]**

Dated: December 5, 2007.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. 07–6006 Filed 12–10–07; 8:45 am]

**BILLING CODE 5001–06–M**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 81**

**[EPA–R09–OAR–2005–CA–0017; FRL–8504–2]**

#### **Finding of Failure To Attain; California—Imperial Valley Nonattainment Area; PM–10**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finding that the Imperial Valley serious PM–10 nonattainment area did not attain the 24-hour particulate matter (PM–10) National Ambient Air Quality Standard (NAAQS) by the deadline mandated in the Clean Air Act (CAA), December 31, 2001. In response to this finding, the State of California must submit a revision to the California State Implementation Plan (SIP) that provides for attainment of the PM–10 standard in the Imperial Valley area and at least five percent annual reductions in PM–10 or PM–10 precursor emissions until attainment as required by CAA section 189(d). The State must submit the SIP revision by December 11, 2008.

**DATES:** *Effective Date:* This finding is effective on January 10, 2008.

**ADDRESSES:** EPA has established docket number EPA–R09–OAR–2006–0583 for

this action. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. While documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., Confidential Business Information). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Prisela, EPA Region IX, (415) 972–3285, [prisela.adrienne@epa.gov](mailto:prisela.adrienne@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” and “our” refer to EPA.

### **I. Background**

On August 11, 2004, EPA reclassified under the Clean Air Act (CAA or the Act) the Imperial Valley PM–10 nonattainment area (Imperial area) from moderate to serious in response to the opinion of the U.S. Court of Appeals for the Ninth Circuit in *Sierra Club v. United States Environmental Protection Agency, et al.*, 346 F.3d 955 (9th Cir. 2003), amended 352 F.3d 1186, *cert. denied*, 542 U.S. 919 (2004). See 69 FR 48792 (August 11, 2004).

Also on August 11, 2004 (69 FR 48835), EPA proposed to find under the CAA that the Imperial area failed to attain the annual<sup>1</sup> and 24-hour PM–10 standards by the serious area deadline of December 31, 2001. Our proposed finding of failure to attain was based on monitored air quality data for the PM–10 NAAQS from January 1999 through December 2001. A summary of these data was provided in the proposed rule and is not reproduced here.

EPA has the responsibility, pursuant to sections 179(c) and 188(b)(2) of the Act, of determining within 6 months of the applicable attainment date (i.e., June 30, 2002), whether the Imperial area attained the PM–10 NAAQS. Because the June 30, 2002 date has passed, EPA is required to make that determination as soon as practicable. *Delaney v. EPA*, 898 F.2d 687 (9th Cir. 1990).

Section 179(c)(1) of the Act provides that attainment determinations are to be based upon an area’s “air quality as of

<sup>1</sup> Effective December 18, 2006, EPA revoked the annual PM–10 standard. 71 FR 61144 (October 17, 2006). References to the annual standard in this proposed rule are for historical purposes only. EPA is not taking any regulatory action with regard to this former standard.