

(i) It shall be incorporated into each ton of complete feed by adding no less than 1 pound of a premix containing no more than 272.4 milligrams of added selenium per pound.

(ii) It shall be incorporated into each ton of salt-mineral mixture for beef cattle from a premix containing no more than 4.5 grams of added selenium per pound.

(4) Usage of this additive must conform to the requirements of paragraphs (e) and (f) of this section.

Dated: July 6, 2007.

**Stephen F. Sundlof,**

*Director, Center for Veterinary Medicine.*

[FR Doc. E7-13954 Filed 7-18-07; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF DEFENSE

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

### DEPARTMENT OF VETERANS AFFAIRS

#### 38 CFR Part 21

RIN 2900-AM50

#### Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve and Other Miscellaneous Issues

**AGENCIES:** Department of Defense, Department of Homeland Security (United States Coast Guard), and Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends Department of Veterans Affairs (VA) regulations to increase the monthly rates of basic educational assistance payable under the Montgomery GI Bill—Selected Reserve (MGIB-SR) program for fiscal years 2005 and 2006 in accordance with statutory requirements, increase the percentage of basic educational assistance payable to reservists pursuing apprenticeship or other on-the-job training in accordance with the Veterans Benefits Act of 2004, and remove obsolete education break-pay provisions.

**DATES:** *Effective Date:* This final rule is effective July 19, 2007.

*Applicability Dates:* The changes in the MGIB-SR rates for fiscal years 2005 and 2006 are applied retroactively to October 1, 2004, and October 1, 2005, respectively to conform to statutory requirements. The change in the percentage of basic educational assistance payable to reservists pursuing

apprenticeship or other on-the-job training is applied retroactively to October 1, 2005, to conform to statutory requirements. The changes in the break-pay regulations contained in 38 CFR 21.7640 are effective July 19, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Brandye R. Kidd, Management and Program Analyst, Education Service (225C), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7420. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**I. Increase in MGIB-SR Monthly Rates**

Under the formula mandated by 10 U.S.C. 16131(b), the rates of basic educational assistance under the MGIB-SR payable to students pursuing a program of education full-time, three-quarter-time, and half-time must be increased by the percentage by which the total monthly Consumer Price Index-W for the 12-month period ending on June 30 preceding the fiscal year during which the increase is applicable exceeds the Consumer Price Index-W for the 12-month period ending on June 30 the previous fiscal year. Using this formula, VA calculated a 2 percent increase for fiscal year 2005 and a 3 percent increase for fiscal year 2006.

Section 16131(b) also requires that VA pay reservists, who are pursuing a program of education at less than half-time, an appropriately reduced rate. Since payment for less than half-time educational programs became available under the MGIB-SR in fiscal year 1990, VA has paid less than half-time students at 25 percent of the full-time rate. In this rule, VA continues that practice and will pay eligible reservists 25 percent of the increased full-time rate described above.

Section 16131(d) requires that reservists pursuing a full-time program of apprenticeship or other on-the-job training be paid a percentage of the basic educational monthly rate. Benefits for the first 6 months of training, the second 6 months of training, and the remainder of the program, are payable at 75 percent, 55 percent, and 35 percent respectively. Based on the section 16131(b) formula described above, there is a 2 percent increase for the apprenticeship and other on-the-job training pursued during fiscal year 2005 and a 3 percent increase for training during fiscal year 2006.

The increase in the MGIB-SR rates are applied in accordance with the applicable statutory provisions discussed above. Thus, VA began

paying the 2005 and 2006 fiscal year increases effective October 1, 2004 and October 1, 2005 respectively.

**II. Increase in the Percentage of Basic Educational Assistance Payable to Reservists Pursuing Apprenticeship or Other On-the-Job Training**

The Veterans Benefits Improvement Act of 2004, Public Law 108-454, temporarily increased the percentages payable for apprenticeship and other on-the-job training from 75 percent, 55 percent, and 35 percent, to 85 percent, 65 percent, and 45 percent of the full-time rate of basic educational assistance, respectively, after September 30, 2005, and before January 1, 2008.

VA began paying the increased rates for reservists pursuing apprenticeship or other on-the-job training effective October 1, 2005, in accordance with Public Law 108-454.

**III. Changes to Education Break-Pay Regulations Including the Removal of Obsolete Provisions**

We are amending 38 CFR 21.7640(b) to remove obsolete provisions and provide greater clarity of regulations regarding benefit payments for school break periods between terms. In 2003, 38 CFR 21.4138(f), governing payment for breaks between terms, quarters or semesters, was amended to conform to statutory requirements. The final rule was published June 9, 2003, in the **Federal Register** (68 FR 34327-34332). The preamble to that final rule states that changes made to § 21.4138(f) are applicable to the Montgomery GI Bill—Active Duty, Survivors' and Dependents' Educational Assistance Program, Veterans Educational Assistance Program, and MGIB-SR. Although we amended the language in § 21.4138(f) in that final rule, we neglected to make a conforming amendment to § 21.7640(b) regarding payment for breaks, including intervals between terms. This document amends the language in the aforementioned section in accordance with statutory requirements and the previously published rule.

The changes to the break-pay regulations, including the removal of obsolete provisions, are effective from July 19, 2007.

**Administrative Procedure Act**

Changes to 38 CFR part 21 are being published without regard to the notice-and-comment and delayed-effective-date provisions of 5 U.S.C. 553 since they merely conform VA's existing rules to the statutory requirements. Accordingly, these changes involve interpretive rules that are exempt from

the notice-and-comment and delayed-effective-date requirement of 5 U.S.C. 553(b) and (d).

**Executive Order 12866**

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a "significant regulatory action," requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866.

**Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

**Regulatory Flexibility Act**

The initial and final regulatory flexibility analyses requirements of sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 601-612, are not applicable to this rule, because a notice of proposed rulemaking is not required for this rule. Even so, 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. This final rule directly affects only individuals and does not directly affect small entities. Therefore, this final rule is also exempt pursuant to 5 U.S.C. 605(b) from the initial and

final regulatory flexibility analyses requirements of sections 603 and 604.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any given year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

**Catalog of Federal Domestic Assistance**

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

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

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant 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: February 9, 2007.

**Gordon H. Mansfield,**  
*Deputy Secretary of Veterans Affairs.*

Approved: March 12, 2007.

**Clifford L. Pearson,**  
*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Human Resources.*

Approved: May 7, 2007.

**T.F. Hall,**  
*Assistant Secretary of Defense for Reserve Affairs.*

■ For the reasons stated above, VA amends 38 CFR part 21, subpart L, as set forth below.

**PART 21—VOCATIONAL REHABILITATION AND EDUCATION**

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

■ 1. Revise the authority citation for part 21, subpart L, to read as follows:

**Authority:** 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, and as stated in specific sections.

■ 2. Amend § 21.7635(c)(3) by removing “§ 21.7640” and adding, in its place, “§ 21.4138(f)”.

■ 3. Amend § 21.7636 by revising paragraphs (a)(1), (a)(2)(i), and (a)(3) to read as follows:

**§ 21.7636 Rates of payment.**

(a) *Monthly rate of educational assistance.* (1) Except as otherwise provided in this section or in § 21.7639, basic educational assistance is payable at the following monthly rates.

(i) For training that occurs after September 30, 2004, and before October 1, 2005:

Training	Monthly rate
Full time .....	\$288.00
¾ time .....	216.00
½ time .....	143.00
¼ time .....	72.00

(ii) For training that occurs after September 30, 2005:

Training	Monthly rate
Full time .....	\$297.00
¾ time .....	222.00
½ time .....	147.00
¼ time .....	74.25

(2)(i) The monthly rate of basic educational assistance payable to a reservist for apprenticeship or other on-the-job training full time is payable at the following rates.

(A) For training which occurs after September 30, 2004, and before October 1, 2005:

Training	Monthly rate
First 6 months of pursuit of training .....	\$216.00
Second 6 months of pursuit of training .....	158.40
Remaining pursuit of training .....	100.80

(B) For training which occurs after September 30, 2005:

Training	Monthly rate
First 6 months of pursuit of training .....	\$252.45
Second 6 months of pursuit of training .....	193.05
Remaining pursuit of training .....	133.65

(ii) \* \* \*

(3) The monthly rate of basic educational assistance payable to a reservist for pursuit of a cooperative course is as follows:

(i) For full-time training that occurs after September 30, 2004, and before October 1, 2005, the rate payable is the rate stated in paragraph (a)(1)(i) of this section.

(ii) For full-time training that occurs after September 30, 2005, the rate payable is the rate stated in paragraph (a)(1)(ii) of this section.

\* \* \* \* \*

■ 4. Amend § 21.7640 by revising paragraph (b) to read as follows:

**§ 21.7640 Release of payments.**

\* \* \* \* \*

(b) *Payment for breaks, including intervals between terms.* In administering 10 U.S.C. chapter 1606, VA will apply the provisions of § 21.4138(f) when determining whether a reservist is entitled to payment for a break, including an interval between terms.

(Authority: 10 U.S.C. 16136(b), 38 U.S.C. 3680)

\* \* \* \* \*

[FR Doc. 07-3466 Filed 7-18-07; 8:45 am]

BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R08-OAR-2006-0502, FRL-8441-9]

**Approval and Promulgation of Air Quality Implementation; North Dakota; Revisions to New Source Review Rules**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of North Dakota. The revision, adopted by North Dakota on February 1, 2005, to Chapter 33-15-15 of the North Dakota Administrative Code (Prevention of Significant Deterioration of Air Quality), incorporates EPA's December 31, 2002 NSR Reforms. North Dakota submitted the request for approval of these rule revisions into the State Implementation Plan (SIP) on February 10, 2005. North Dakota has a federally-approved Prevention of Significant Deterioration (PSD) program for new and modified sources impacting attainment areas in the State. North Dakota is in attainment for all pollutants, and does not have a SIP-approved non-attainment permit program. This action is being taken under section 110 of the Clean Air Act. **DATES:** *Effective Date:* This final rule is effective August 20, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2006-0502. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Carl Daly, Air and Radiation Program, U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312-6416, [daly.carl@epa.gov](mailto:daly.carl@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. What Action Is EPA Taking?
- II. Background
- III. Final Action
- IV. Statutory and Executive Order Reviews

**Definitions**

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.
- (iii) The initials *SIP* mean or refer to State Implementation Plan.
- (iv) The words *State* or *North Dakota* mean the State of North Dakota, unless the context indicates otherwise.

**I. What Action Is EPA Taking?**

EPA is taking final action to approve revisions to the North Dakota SIP regarding North Dakota's PSD program. On December 18, 2006 (71 FR 75687), EPA published a notice of proposed rulemaking (NPR) to approve North Dakota's revisions to their Prevention of Significant Deterioration regulations (Chapter 33-15-15) that incorporated EPA's December 31, 2002 NSR Reforms. The formal SIP revision was submitted by North Dakota on February 10, 2005. The December 18, 2006 NPR provides more detailed information about the North Dakota SIP revisions being approved today. The public comment period for the proposed action ended on January 17, 2007. No comments, adverse or otherwise, were received on EPA's proposed action.

**II. Background**

On December 31, 2002, EPA published revisions to the federal PSD and non-attainment NSR regulations in 40 CFR parts 51 and 52 (67 FR 80186). These revisions are commonly referred to as the "NSR Reform" regulations and became effective nationally in areas not covered by a SIP on March 3, 2003. These regulatory revisions included provisions for baseline emissions determinations, actual-to-future-actual methodology, plantwide applicability limits (PALs), clean units, and pollution control projects (PCPs). As stated in the December 31, 2002 rulemaking, State and local permitting agencies must adopt and submit revisions to their part 51 permitting programs implementing the minimum program elements of that rulemaking no later than January 2, 2006 (67 FR 80240). With the February 10, 2005 submittal, North Dakota requested approval of program revisions into the State Implementation Plan (SIP) that satisfy this requirement.

On November 7, 2003, EPA published a reconsideration of the NSR Reform regulations that clarified two provisions in the regulations by including a definition of "replacement unit" and by clarifying that the plantwide applicability limitation (PAL) baseline calculation procedures for newly constructed units do not apply to modified units (68 FR 63021).

On February 10, 2005, North Dakota submitted revisions to Chapter 33-15-15 of the North Dakota Administrative Code (Prevention of Significant Deterioration of Air Quality). These revisions to Chapter 33-15-15 were adopted by the North Dakota Department of Health on February 1, 2005; and repealed 33-15-15-01 (General provisions), added 33-15-15-01.1 (Purpose) and 33-15-15-01.1 (Scope), and made reference and other non-substantive changes to 33-15-15-02 (Reclassification). North Dakota's Regulations for a PSD program for attainment areas were federally-approved and made a part of the SIP on November 2, 1979 (44 FR 63103).

On June 24, 2005, the United States Court of Appeals for the District of Columbia Circuit issued a ruling on challenges to the December 2002 NSR Reform revisions (*State of New York et al. v. EPA*, 413 F.3d 3 (D.C. Cir. 2005)). Although the Court upheld most of EPA's rules, it vacated both the Clean Unit and the Pollution Control Project provisions and remanded back to EPA the recordkeeping provision at 40 CFR 52.21(r)(6) that required a stationary source to keep records of projects when there was a "reasonable possibility" that