

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 does not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Program Numbers

The catalog of Federal Domestic Assistance program numbers for this final rule are 64.104, 64.105, 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: August 21, 2002.
Anthony J. Principi,
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.

2. Section 3.1000 is amended by revising the section heading, paragraph (c)(1), and paragraph (d)(4), to read as follows:

§ 3.1000 Entitlement under 38 U.S.C. 5121 to benefits due and unpaid upon death of a beneficiary.

* * * * *

(c) * * *
(1) If an application for accrued benefits is incomplete because the claimant has not furnished information necessary to establish that he or she is within the category of eligible persons under the provisions of paragraphs (a)(1) through (a)(4) or paragraph (b) of this section and that circumstances exist which make the claimant the specific person entitled to payment of all or part of any benefits which may have accrued, VA shall notify the claimant:

- (i) Of the type of information required to complete the application;
- (ii) That VA will take no further action on the claim unless VA receives the required information; and
- (iii) That if VA does not receive the required information within 1 year of

the date of the original VA notification of information required, no benefits will be awarded on the basis of that application.

* * * * *

(d) * * *
(4) *Evidence in the file at date of death* means evidence in VA's possession on or before the date of the beneficiary's death, even if such evidence was not physically located in the VA claims folder on or before the date of death.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL-7399-1]

OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA.

EFFECTIVE DATE: This final rule is effective October 28, 2002.

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SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements promulgated under the Consolidated Federal Air Rule, (CAR) which appeared in the **Federal Register** on December 14, 2000 at 65 FR 78285. The amendment also updates the table to list the information collection requirements approved by OMB on August 31, 2002 under control number 2060-0443 for the consolidation of the ICR's for the referencing subparts of the CAR into the CAR ICR as follows: 40 CFR part 60, subpart Ka; 40 CFR part 60, subpart Kb; 40 CFR part 60, subpart VV; 40 CFR part 60, subpart DDD; 40 CFR part 60, subpart III; 40 CFR part 60, subpart NNN; 40 CFR part 60, subpart RRR; 40 CFR part 61, subpart BB; 40 CFR part 61, subpart Y; 40 CFR part 61, subpart

V; 40 CFR part 63, subpart F; 40 CFR part 63, subpart G; 40 CFR part 63, subpart H; and 40 CFR part 63, subpart I. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

I. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an

environmental standard intended to mitigate health or safety risks.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of October 28, 2002. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: October 17, 2002.

Oscar Morales,

Director, Collection Strategies Division, Office of Information Collection.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended by:

a. Adding an entry title and citations for the ICR for 40 CFR part 65 under the heading "Consolidated Federal Air Rule"; and

b. Revising entries 60.113a–60.115a, 60.113b–60.116b, 60.482–2, 60–482–3, 60.482–4, 60.482–7, 60.482–8, 60.482–10, 60.483–1, 60.483–2, 60.484–60.487,

60.562–1, 60.562–2, 60.563–60.565, 60.613–60.615, 60.663–60.665, 60.703–60.705 under the heading "Standards of Performance for New Stationary Sources"; 61.242–1, 61.242–2, 61.242–3, 61.242–4, 61.242–7, 61.242–8, 61.242–10, 61.242–11, 61.243–1, 61.243–2, 61.244–61.247, 61.271–61.276, 61.300, 61.302–61.305, under the heading "National Emission Standards for Hazardous Air Pollutants"; and 63.103, 63.105, 63.117–63.118, 63.122–63.123, 63.129–63.130, 63.146–63.148, 63.151–63.152, 63.181–63.182 under the heading "National Emission Standards for Hazardous Air Pollutants for Source Categories" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control no.
* * *	* * *
Standards of Performance New Stationary Sources¹	
* * *	* * *

60.113a–60.115a	2060–0443
60.113b–60.116b	2060–0443
* * *	* * *
60.482–2	2060–0443
60.482–3	2060–0443
60.482–4	2060–0443
60.482–7	2060–0443
60.482–8	2060–0443
60.482–10	2060–0443
60.483–1	2060–0443
60.483–2	2060–0443
60.484–60.487	2060–0443
* * *	* * *

60.562–1	2060–0443
60.562–2	2060–0443
60.563–60.565	2060–0443
* * *	* * *
60.613–60.615	2060–0443
* * *	* * *
60.663–60.665	2060–0443
* * *	* * *
60.703–60.705	2060–0443
* * *	* * *

National Emission Standards for Hazardous Air Pollutants²

* * *	* * *
61.242–1	2060–0443
61.242–2	2060–0443
61.242–3	2060–0443
61.242–4	2060–0443
61.242–7	2060–0443
61.242–8	2060–0443
61.242–10	2060–0443
61.242–11	2060–0443

40 CFR citation	OMB control no.
61.243–1	2060–0443
61.243–2	2060–0443
61.244–61.247	2060–0443
* * *	* * *
61.271–61.276	2060–0443
61.300	2060–0443
61.302–61.305	2060–0443
* * *	* * *

National Emission Standards for Hazardous Air Pollutants for Source Categories³

* * *	* * *
63.103	2060–0443
63.105	2060–0443
63.117–63.118	2060–0443
63.122–63.123	2060–0443
63.129–63.130	2060–0443
63.146–63.148	2060–0443
63.151–63.152	2060–0443
63.181–63.182	2060–0443
* * *	* * *

Consolidated Federal Air Rule

65.5	2060–0443
65.6	2060–0443
65.47	2060–0443
65.48	2060–0443
65.66	2060–0443
65.63	2060–0443
65.67	2060–0443
65.83	2060–0443
65.87	2060–0443
65.102	2060–0443
65.103–65.106	2060–0443
65.109	2060–0443
65.111	2060–0443
65.117–65.120	2060–0443
65.159	2060–0443
65.160	2060–0443
65.162	2060–0443
65.163	2060–0443
65.164	2060–0443
65.165	2060–0443
65.166	2060–0443
* * *	* * *

¹ The ICRs referenced in this section of the table encompass the applicable general provisions contained in 40 CFR part 60, subpart A, which are not independent information collection requirements.

² The ICRs referenced in this section of the table encompass the applicable general provisions contained in 40 CFR part 61, subpart A, which are not independent information collection requirements.

³ The ICRs referenced in this section of the table encompass the applicable general provisions contained in 40 CFR part 63, subpart A, which are not independent information collection requirements.