

current provisions at 38 CFR 3.1000(d)(4).

Accordingly, we propose to delete from M21-1 provisions that are inconsistent with our proposed definition. Those provisions state that certain classes of evidence not in file on the date of death will be considered to provide a basis for an award of accrued benefits and permit an award of accrued benefits to be based on inferences or prospective estimation drawn from information in file on the date of death. Those provisions are in M21-1, part IV, paragraphs 27.08b, c, d, e, and f.

We also propose to delete provisions in M21-1, part VI, paragraph 5.06, that are duplicative of governing statutes, inconsistent with our interpretation of those statutes, or superseded by these proposed regulatory amendments. Such provisions are contained in paragraph 5.06a, which describes general principles applicable to accrued benefits rating decisions.

M21-1, part VI, paragraph 5.06b, in the introductory text, purports to permit the acceptance of a claim for disability pension as an informal claim for disability compensation, and vice versa, only if a claim for accrued benefits is filed within 1 year of the date of receipt of the disability claim. This is inconsistent with 38 CFR 3.151(a), which permits VA to consider a claim for compensation to be a claim for pension and a claim for pension to be a claim for compensation without regard to any accrued benefits claim. Neither § 3.151(a) nor 38 U.S.C. 5101 limits acceptance of such claims only to where a claim for accrued benefits is received. Because the paragraph 5.06b introductory text is inconsistent with the regulations and statute, we propose to delete that introductory text.

M21-1, part VI, paragraph 5.06b(3), concerning payment of accrued benefits for the month of death, is duplicative of the regulations and of governing law. We propose to delete this paragraph as unnecessary.

M21-1, part VI, paragraphs 5.06c and d, are inconsistent with the proposed amendments, and we propose to delete them.

In accordance with the foregoing discussion, we would delete from M21-1, as inconsistent with our interpretation of our statutory authority, duplicative of governing laws, or superseded by these amendments, provisions in Part IV, paragraphs 27.08b, c, d, e, and f, and part VI, paragraphs 5.06a, b introductory text, b(3), c, and d, which relate to rating decisions, claims pending at death, payment for the month of death, consideration of evidence not in VA's

possession on the date of the beneficiary's death, the sufficiency of evidence in VA's possession on that date, and inferences or predictions from such evidence.

#### Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

#### Unfunded Mandates

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

#### Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

#### Regulatory Flexibility Act

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

The Catalog of Federal Domestic Assistance program numbers 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, Radioactive materials, Veterans, Vietnam.

Approved: December 10, 2001.

Anthony J. Principi,  
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is proposed to be 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) introductory text, 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 52

[IA 0127-1127; FRL-7151-6]

##### Approval and Promulgation of Implementation Plans; State of Iowa

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Iowa. This revision approves numerous rules adopted by the State in 1998, 1999, and 2001. This includes rules pertaining to

definitions, compliance, permits for new or existing stationary sources, voluntary operating permits, permits by rule, and testing and sampling methods.

These revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards, ensure consistency between the State and Federally approved rules, and ensure Federal enforceability of the state's air program rule revisions according to section 110.

In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

**DATES:** Comments on this proposed action must be received in writing by April 3, 2002.

**ADDRESSES:** Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551-7603.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: February 15, 2002.

**William W. Rice,**

*Acting Regional Administrator, Region 7.*  
[FR Doc. 02-4937 Filed 3-1-02; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[IA 0126-1126; FRL-7151-8]

#### Approval and Promulgation of Operating Permits Program; State of Iowa

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve revisions to the Iowa Operating Permits Program for air pollution control. This revision approves numerous rules adopted by the state in 1998, 1999, and 2001. This includes rules pertaining to issuing permits, Title V operating permits, voluntary operating permits, and operating permits by rule for small sources. These revisions will ensure consistency between the state and Federally-approved rules, and ensure Federal enforceability of the state's air program rule revisions.

In the final rules section of the **Federal Register**, EPA is approving the state's operating permits program revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

**DATES:** Comments on this proposed action must be received in writing by April 3, 2002.

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**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551-7603.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: February 15, 2002.

**William W. Rice,**

*Acting Regional Administrator, Region 7.*  
[FR Doc. 02-4939 Filed 3-1-02; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket 02-19; FCC 02-30]

#### Non-geostationary Satellite Orbit, Fixed Satellite Service in the Ka-band

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, we initiate a proceeding to determine the means by which multiple satellite network systems will be licensed to operate in spectrum designated on a primary basis for the non-geostationary satellite orbit, fixed-satellite service ("NGSO FSS"), and to determine service rules deferred in previous orders that will apply to Ka-band NGSO FSS applicants. Our goals in this proceeding are similar to those we have pursued for other satellite services: to promote competition through opportunities for new entrants and to provide incentives for prompt commencement of service to the public using state-of-the-art technology. The NGSO FSS applications in the current processing round Second Round Ka-Band ("Second Round") propose to provide—through a variety of system designs—services such as high-speed Internet and on-line access, as well as other high-speed data, video and telephony services. As a result of the first processing round First Round Ka-Band ("First Round") there is one NGSO FSS system authorized to provide service in the Ka-band. Thus, implementation of these Second Round NGSO FSS systems will introduce additional means of providing advanced broadband services to the public and will increase satellite and terrestrial services competition.

**DATES:** Comments are due on or before April 3, 2002; Reply Comments are due on or before April 3, 2002.

**ADDRESSES:** All filings must be sent to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth