

### 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.

### Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109.

### List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, Veterans.

Approved: June 14, 2002.

**Anthony J. Principi,**  
*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is proposed to be amended as set forth below:

### PART 4—SCHEDULE FOR RATING DISABILITIES

1. The authority citation for part 4 continues to read as follows:

**Authority:** 38 U.S.C. 1155, unless otherwise noted.

#### Subpart B—Disability Ratings

2. In § 4.87, diagnostic code 6260 is revised to read as follows:

#### § 4.87 Schedule of ratings—ear.

##### DISEASES OF THE EAR

	Rating
* * * *	
6260 Tinnitus, recurrent .....	10

**Note (1):** A separate evaluation for tinnitus may be combined with an evaluation under diagnostic codes 6100, 6200, 6204, or other diagnostic code, except when tinnitus supports an evaluation under one of those diagnostic codes.

**Note (2):** Assign only a single evaluation for recurrent tinnitus, whether the sound is perceived in one ear, both ears, or in the head.

**Note (3):** Do not evaluate objective tinnitus (in which the sound is audible to other people and has a definable cause that may or may not be pathologic) under this diagnostic code, but evaluate it as part of any underlying condition causing it.

**Authority:** 38 U.S.C. 1155

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**BILLING CODE** 8320-01-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

**[SIP No. UT-001-0043b, UT-001-0044b; FRL-7376-6]**

#### Approval and Promulgation of Air Quality Implementation Plans; Utah; New Source Performance Standards

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

**ACTION:** Proposed rule.

**SUMMARY:** On January 8, 1999 and December 10, 1999, the Governor of Utah submitted revisions to the New Source Performance Standards (NSPS) rules in Utah's Air Conservation Regulations. We are proposing to approve updates to the NSPS "Delegation Status of New Source Performance Standards" table to indicate the State has been delegated the authority to implement and enforce NSPS and to add entries for newly delegated NSPS. Also, given that the State has been delegated the authority for implementation and enforcement of the NSPS, we are proposing to remove the NSPS rules from the Utah SIP. These actions are being taken under sections 110 and 111 of the Clean Air Act.

In the "Rules and Regulations" section of this **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 SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

**DATES:** Comments must be received in writing on or before October 21, 2002.

**ADDRESSES:** Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the State documents relevant to this action are available for public inspection at the Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114.

**FOR FURTHER INFORMATION CONTACT:** Laurel Dygowski, EPA, Region 8, (303) 312-6144.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: August 27, 2002.

**Jack W. McGraw,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 02-23379 Filed 9-18-02; 8:45 am]

**BILLING CODE** 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 63

**[FRL-7379-2]**

#### Approval of Section 112(I) Authority for Hazardous Air Pollutants; Delegation of Section 111 and Section 112 Standards; State of New Hampshire

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve New Hampshire Department of Environmental Services' (NH DES) request for delegation of authority to implement and enforce its New Source Performance Standards (NSPSs) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) that have been adopted by reference into New Hampshire's state regulations from the Federal requirements set forth in the Code of Federal Regulations. In addition, EPA proposes to approve NH DES's mechanism for receiving delegation of future NESHAPs and NSPSs. Approval of this action would delegate existing standards for both major and area sources and would automatically delegate future