

2. Amend § 165.1181 by revising paragraphs (c)(1)(ii)(C)(3), (c)(5), (c)(6)(ii), (c)(7), (e)(1)(ii)(E), (e)(2)(i) and (ii), and (e)(3) to read as follows:

§ 165.1181 San Francisco Bay Region, California—regulated navigation area.

* * * * *

- (c) * * *
- (1) * * *
- (ii) * * *
- (C) * * *

(3) *Deep Water (two-way) Traffic Lane:* Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Deep Water Traffic Lane separation zone and a line connecting the following coordinates, beginning at:

* * * * *

(5) *Benicia-Martinez Railroad Drawbridge Regulated Navigation Area (RNA).* The following is a regulated navigation area—The waters bounded by the following longitude lines:

(i) 122°13'31" W (coinciding with the charted location of the Carquinez Bridge)

(ii) 121°53'17" W (coinciding with the charted location of New York Point)
Datum: NAD 83

(6) * * *

(ii) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'28" N, 122°23'36" W; thence to 37°54'20" N, 122°23'38" W; thence to 37°54'23" N, 122°24'02" W; thence to 37°54'57" N, 122°24'51" W; thence to 37°55'05" N, 122°25'02" W; thence to 37°54'57" N, 122°25'22" W; thence to 37°53'26" N, 122°25'03" W; thence to 37°53'24" N, 122°25'13" W; thence to 37°55'30" N, 122°25'35" W; thence to 37°55'40" N, 122°25'10" W; thence to 37°54'54" N, 122°24'30" W; thence to 37°54'30" N, 122°24'00" W; thence returning to the point of beginning.

Datum: NAD 83

(7) *Oakland Harbor RNA.* The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°48'40" N, 122°19'58" W; thence to 37°48'50" N, 122°20'02" W; thence to 37°48'29" N, 122°20'39" W; thence to 37°48'13" N, 122°21'26" W; thence to 37°48'10" N, 122°21'39" W; thence to 37°48'20" N, 122°22'12" W; thence to 37°47'36" N, 122°21'50" W; thence to 37°47'52" N, 122°21'40" W; thence to 37°48'03" N, 122°21'00" W; thence to 37°47'48" N, 122°19'46" W; thence to 37°47'55" N, 122°19'43" W; thence returning along the shoreline to the point of the beginning.

Datum: NAD 83

* * * * *

- (e) * * *
- (1) * * *
- (ii) * * *

(E) so far as practicable keep clear of the Central Bay Separation Zone and the Deep Water Traffic Lane Separation Zone;

* * * * *

- (2) * * *

(i) A vessel less than 1600 gross tons or a tug with a tow of less than 1600 gross tons is not permitted within this RNA.

(ii) A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter Pinole Shoal Channel RNA when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein if such entry would result in meeting, crossing, or overtaking the other vessel, when either vessel is:

(A) Carrying certain dangerous cargoes (as denoted in § 160.203 of this subchapter);

(B) Carrying bulk petroleum products; or

(C) A tank vessel in ballast.

* * * * *

(3) *Benicia-Martinez Railroad Drawbridge Regulated Navigation Area (RNA):*

(i) Eastbound vessels:

(A) The master, pilot, or person directing the movement of a power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons traveling eastbound and intending to transit under the lift span (centered at coordinates 38°02'18" N, 122°07'17" W) of the railroad bridge across Carquinez Strait at mile 7.0 shall, immediately after entering the RNA, determine whether the visibility around the lift span is 1/2 nautical mile or greater.

(B) If the visibility is less than 1/2 nautical mile, or subsequently becomes less than 1/2 nautical mile, the vessel shall not transit under the lift span.

(ii) Westbound vessels:

(A) The master, pilot, or person directing the movement of a power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons traveling westbound and intending to transit under the lift span (centered at coordinates 38°02'18" N, 122°07'17" W) of the railroad bridge across Carquinez Strait at mile 7.0 shall, immediately after entering the RNA determine whether the visibility around the lift span is 1/2 nautical mile or greater.

(B) If the visibility is less than 1/2 nautical mile, the vessel shall not pass beyond longitude line 121°55'19" W

(coinciding with the charted position of the westernmost end of Mallard Island) until the visibility improves to greater than 1/2 nautical mile around the lift span.

(C) If after entering the RNA visibility around the lift span subsequently becomes less than 1/2 nautical mile, the master, pilot, or person directing the movement of the vessel either shall not transit under the lift span or shall request a deviation from the requirements of the RNA as prescribed in paragraph (b) of this section.

(D) Vessels that are moored or anchored within the RNA with the intent to transit under the lift span shall remain moored or anchored until visibility around the lift span becomes greater than 1/2 nautical mile.

* * * * *

Dated: August 25, 2003.

Kevin J. Eldridge,

Rear Admiral, Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 03-23414 Filed 9-17-03; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 1 and 2

RIN 2900-AH98

Release of Information From Department of Veterans Affairs Records

AGENCY: Department of Veterans Affairs.
ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a Department of Veterans Affairs (VA) proposed rule, published in the **Federal Register** on September 10, 1998 (63 FR 48455). This action is necessary to further amend the proposed rule in view of recent changes in the law. The VA intends to rewrite its privacy rules in accordance with these changes and republish a proposed rule for notice and comment.

DATES: This proposed rule is withdrawn on September 18, 2003.

FOR FURTHER INFORMATION CONTACT: Lorrie Johnson, Deputy Assistant General Counsel (024A), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone number (202) 273-6358. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In a proposed rule published in the **Federal Register** on September 10, 1998 (63 FR 48455), the Department of Veterans

Affairs (VA) proposed to amend its regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a, the Freedom of Information Act (FOIA) (including the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104-231), 5 U.S.C. 552, and the veterans' records confidentiality statute (section 5701), 38 U.S.C. 5701.

Recent changes in the law necessitate further revision of those regulations. In 1996, section 264(c)(1) of the Health Insurance Portability and Accountability Act (HIPAA) tasked the Department of Health and Human Services (HHS) with promulgating standards to protect the privacy of individually identifiable health information as defined in 42 U.S.C. 1320d(6), Pub. L. 104-191, Title II, Subtitle F (sections 261-64) (1996). HHS promulgated the standards, with subsequent amendments, in regulations located at 45 CFR parts 160 and 164, commonly referred to as the Privacy Rule. 65 FR 82462-82829 (2000), as amended by 67 FR 533182-273 (2002). The HIPAA Privacy Rule prescribes how covered entities may use and disclose certain individually identifiable health information. The Veterans Health Administration is a covered entity subject to the Privacy Rule.

Accordingly, VA should amend its records confidentiality and release regulations to be consistent with the HIPAA Privacy Rule. Thus, VA is withdrawing the proposed regulations at this time. When the regulations have been rewritten to be consistent with the HIPAA Privacy Rule, VA will republish them for notice and comment.

Approved: June 25, 2003.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 03-23626 Filed 9-17-03; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[NM-43-1-7600b; FRL-7556-8]

Approval and Promulgation of Implementation Plans; New Mexico; Redesignation of Grant County to Attainment for Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing action on a request to redesignate Grant County, New Mexico from nonattainment area to attainment for the sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS). In conjunction with this action, EPA is also proposing to approve the maintenance plan, and its associated contingency measures plan for the Grant County nonattainment area, which were submitted to ensure that the attainment of SO₂ NAAQS will continue to be maintained. The redesignation request and maintenance and contingency measures plans were submitted as a revision to the New Mexico State Implementation Plan (SIP) by the New Mexico Environment Department (NMED) on February 21, 2003. We are proposing to approve these revisions in accordance with the requirements of the Federal Clean Air Act.

DATES: Written comments must be received by October 20, 2003.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

New Mexico Environment Department, Air Quality Bureau, 2044 Galisteo Street, Santa Fe, New Mexico 87505.

FOR FURTHER INFORMATION CONTACT:

Carrie Paige, Air State and Tribal Operations Section (6PD-S), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-6521, paige.carrie@epa.gov, or Alan Shar shar.alan@epa.gov.

SUPPLEMENTARY INFORMATION: 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 EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no relevant adverse comments, the EPA will not take further action on this proposed rule. If EPA receives relevant adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Electronic comments should be sent either to Diggs.Thomas@epa.gov or to <http://www.regulations.gov>, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in our direct final rulemaking document published in the "Rules and Regulations" section of this **Federal Register**. Our Technical Support Document for this rule revision contains more information about this action.

This document concerns Attainment, Environmental protection, Intergovernmental relations, Redesignation, Reporting and recordkeeping requirements, Sulfur oxides. For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

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

Dated: September 2, 2003.

Lawrence Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 03-23748 Filed 9-17-03; 8:45 am]

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