

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. From 1 a.m. (PDT) on May 1, 2003, to 1 a.m. (PDT) on September 1, 2004 add a new temporary § 165.T11–079 to read as follows:

**§ 165.T11–079 Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California.**

(a) *Location.* One hundred yards to either side of the Fourth Street Bridge, encompassing the navigable waters, from the surface to the bottom, within two lines; one line drawn from a point on the north shore of Mission Creek [37°46'29" N, 122°23'36" W] extending southeast to a point on the opposite shore [37°46'28" N, 122°23'34" W], and the other line drawn from a point on the north shore of Mission Creek [37°46'34" N, 122°23'30" W] extending southeast to a point on the opposite shore [37°46'33" N, 122°23'28" W]. [Datum: NAD 83].

(b) *Dates.* (1) This section is effective from 1 a.m. (PDT) on May 1, 2003, to 1 a.m. (PDT) on September 1, 2004.

(2) The zone in paragraph (a) of this section will be enforced from 1 a.m. (PDT) on May 1, 2003, to 1 a.m. (PDT) on June 28, 2003, and from 1 a.m. (PST) on April 1, 2004 to 1 a.m. (PDT) on September 1, 2004.

(3) If the need for enforcement of the safety zone ends, the Captain of the Port may cease enforcement of the safety zone and announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or a designated representative thereof.

(d) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and Federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 25, 2003.

**Gerald M. Swanson,**

*Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay, California.*

[FR Doc. 03–11809 Filed 5–12–03; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 2**

**RIN 2900–AL61**

**Delegations of Authority; Office of Regulation Policy and Management (ORPM)**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document sets forth a delegation of authority to the Assistant to the Secretary for Regulation Policy and Management to manage and coordinate the Department of Veterans Affairs' (VA) rulemaking process. The delegation is necessary to transfer certain rulemaking responsibilities to the newly-formed Office of Regulation Policy and Management in the Office of the Secretary. The delegation of authority is intended to improve the organization, clarity, and timeliness of VA regulations through centralized management and control. This document also makes minor technical amendments to a current delegation of authority that concerns the provision of relief on account of administrative error.

**DATES:** *Effective Date:* May 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Robert C. McFetridge, Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420 telephone (202) 273–9215.

**SUPPLEMENTARY INFORMATION:** The Secretary of Veterans Affairs has established an Office of Regulation Policy and Management (ORPM) to provide centralized management and coordination of the Department of Veterans Affairs' (VA) rulemaking process. The office is led by an Assistant to the Secretary for Regulation Policy and Management (ASRPM), who is responsible for improving existing VA regulations and establishing procedures to ensure future regulations can be more easily read, understood, and applied. The delegation of authority contained in this final rule will permit the ASRPM to manage and coordinate the VA's rulemaking process.

The ASRPM is performing two major functions for the Department. First, he is leading the VA's Regulation Rewrite

Project. The Regulation Rewrite Project (the Project) is a comprehensive effort to improve the clarity and consistency of existing VA regulations. Currently, the Project is reviewing, reorganizing, and redrafting over 275 regulations in 38 CFR Part 3. These Compensation and Pension regulations are among the most difficult VA regulations for readers to understand and apply. Approximately 15 VA employees, temporarily detailed to the Project from the Office of General Counsel; Veterans Benefits Administration, Compensation and Pension Service; and Board of Veterans Appeals, are working in rotating teams seeking to complete this assignment over a 2-year period. The Secretary created the Project to respond to the Secretary's VA Claims Processing Task Force (Task Force) recommendation that Compensation and Pension regulations needed to be rewritten and reorganized in order to improve the VA's claims process. The Task Force found that "the problems identified 20 years ago remain today, and the promise to correct them is unfulfilled." The Task Force further recommended that the task of reorganizing and simplifying VA regulations "should be an immediate priority." Consequently, the Secretary is delegating responsibility to the ASRPM to manage the Department's revision and reorganization of VA regulations.

Second, the ASRPM is responsible for devising and implementing new procedures to centralize control and improve Secretarial oversight, management, drafting efficiency, policy resolution, impact analysis, and coordination of diverse VA regulations. In the past, VA rulemaking procedures have varied among the Department's three major administrations, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration, and among the Department's staff offices. The Secretary approved the creation of ORPM to serve as the centralized rulemaking policy and management structure in the Office of the Secretary. In this document, the Secretary is delegating authority to the ASRPM to manage and coordinate the Department's rulemaking activities.

As an Assistant to the Secretary, the ASRPM will help the Secretary integrate and resolve significant policy issues affecting VA regulations early in the drafting process. The ASRPM will serve as the Executive Secretary to the Secretary's Regulatory Policy Council (the Council), which will ensure that the Department's rulemaking proposals support the Secretary's priorities for assisting America's veterans. The Council will consist of the Secretary, the

Deputy Secretary, the Under Secretary for Health, the Under Secretary for Benefits, the Under Secretary for Memorial Affairs, and other senior officials who will serve as advisory members on an ad hoc basis when necessary to address specific issues.

The Secretary also is designating the ASRPM as the Department's Regulatory Policy Officer in accordance with Executive Order 12866. Section 6(a) of the Executive Order requires Federal agencies to designate a Regulatory Policy Officer who shall report to the agency head. The Regulatory Policy Officer is to be involved in each stage of the regulatory process to foster the development of effective, innovative, and least burdensome regulations and to further the principles set forth in the Executive Order. With the establishment of ORPM, the ASRPM is assuming those responsibilities from the General Counsel.

This document also makes minor technical amendments to 38 CFR 2.7, which is a delegation of authority that concerns the provision of relief on account of administrative error.

**Administrative Procedure Act**

This document is being published as a final rule pursuant to 5 U.S.C. 553, which excepts matters pertaining to internal agency management and personnel from its notice, comment, and delayed effective date requirements.

**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 final rule will have no consequential effect on State, local, or tribal governments.

**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 Secretary hereby certifies that this regulatory 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. This amendment would not directly affect any small entities. Only individuals 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 603-604.

**Catalog of Federal Domestic Assistance**

There are no Catalog of Federal Domestic Assistance program numbers for this rule.

**List of Subjects in 38 CFR Part 2**

Authority delegations (Government agencies).

Approved: May 2, 2003.

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

■ For the reasons set forth in the preamble, 38 CFR part 2 is amended as follows:

**PART 2—DELEGATIONS OF AUTHORITY**

■ 1. The authority citation for part 2 continues to read as follows:

**Authority:** 5 U.S.C. 302, 552a; 38 U.S.C. 501, 512, 515, 1729, 1729A, 5711; 44 U.S.C. 3702, unless otherwise noted.

■ 2. Section 2.6 is amended by adding paragraph (l) and an authority citation at the end of the section to read as follows:

**§ 2.6 Secretary's delegations of authority to certain officials (38 U.S.C. 512).**

\* \* \* \* \*

(l) *Assistant to the Secretary, Office of Regulation Policy and Management.* The Assistant to the Secretary for Regulation Policy and Management (ASRPM) is delegated authority:

(1) To act on all matters assigned to the Office of Regulation Policy and Management, except such matters as require the personal attention or action of the Secretary or the Secretary's Regulatory Policy Council.

(2) To manage and coordinate the Department's rulemaking activities, including the revision and reorganization of regulations.

(3) To serve as the Regulatory Policy Officer for the Department's rulemaking activities in accordance with Executive Order 12866.

(Authority: 38 U.S.C. 501, 512)

■ 3. Section 2.7 is amended by:

■ A. In the first sentence of paragraph (b), removing "210(c)(3)" and adding, in its place, "503(b)" and removing "widow" and adding, in its place, "surviving spouse".

■ B. Adding an authority citation at the end of the section.

The addition reads as follows:

**§ 2.7 Delegation of authority to provide relief on account of administrative error.**

\* \* \* \* \*

(Authority: 38 U.S.C. 503, 512)

[FR Doc. 03-11844 Filed 5-12-03; 8:45 am]

BILLING CODE 8320-01-U

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[IL 184-1a; FRL-7481-3]

**Approval and Promulgation of Implementation Plan; Illinois New Source Review Amendments**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a requested revision to the Illinois State Implementation Plan (SIP), affecting air permit rules, submitted on August 31, 1998. The submittal revises provisions for major modifications to stationary sources to align more closely with the Clean Air Act (CAA).

**DATES:** This rule is effective on July 14, 2003, without further notice, unless EPA receives written adverse comments by June 12, 2003. If adverse comment is received, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the proposed approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois 60604. Please contact Steve Marquardt at (312) 353-3214 to arrange a time to inspect the submittal.

**FOR FURTHER INFORMATION CONTACT:** Steve Marquardt, AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number: (312) 353-3214, E-Mail Address: [marquardt.steve@epa.gov](mailto:marquardt.steve@epa.gov).

**SUPPLEMENTARY INFORMATION:** This section addresses the following questions:

- What does this document address?
- What is the legal basis of the changes that EPA is approving?
- What is the impact of these changes on the Emission Reductions Market System (ERMS)?
- What is involved in this final action?

**What Does This Document Address?**

Illinois' rules for nonattainment New Source Review (NSR), 35 Ill. Adm. Code 203, are designed to ensure that the