

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.152 to read as follows:

**§ 165.152 Coast Guard Station Fire Island, Long Island, New York—safety zone.**

(a) *Location.* The safety zone consists of all waters of Fire Island Inlet encompassed by a line connecting the following points, 40°37.523' N, 073°15.685' W; then north to 40°37.593' N, 073°15.719' W; then east to 40–37.612 N, 073°15.664' W; then east to 40°37.630' N, 073°15.610' W; then east to 40°37.641' N, 073°15.558' W; then southeast to 40°37.630' N, 073°15.475' W; then southeast to 40°37.625' N, 073°15.369' W; then southeast to 40°37.627' N, 073°15.318' W; then southeast to point on shore at 40°37.565' N, 073°15.346' W. All coordinates are North American Datum 1983.

(b) *Regulations.* (1) The general regulations contained in 33 CFR § 165.23 apply.

(2) All persons and vessels must comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. These personnel comprise commissioned, warrant and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

Dated: November 17, 2003.

**Joseph J. Coccia,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

[FR Doc. 04–2746 Filed 2–9–04; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 3**

**RIN 2900–AL38**

**Testimony Certified or Under Oath**

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

**SUMMARY:** This document withdraws a proposed rule that would have removed the adjudication regulation that requires written and oral testimony to be certified or given under oath or affirmation in most cases. This proposed rule was erroneously published in the **Federal Register** on July 31, 2002, at 67 FR 49646, under a previously deleted Regulatory Identification Number (RIN 2900–AK24). The proposal is being withdrawn because the Department of

Veterans Affairs is revising and republishing its part 3 compensation and pension regulations to make them easier to understand and apply. To ensure that this proposal is consistent with other related regulations being rewritten and published in that project, it is being withdrawn at this time. The Regulation Rewrite Project plans to republish this proposed rulemaking within one of its packages of regulations, “General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings.”

**FOR FURTHER INFORMATION CONTACT:** Bill Russo, Chief of C&P Rewrite Projects (00REG2), Office of Regulation Policy and Management, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–9515. This is not a toll-free number.

Approved: February 3, 2004.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

[FR Doc. 04–2795 Filed 2–9–04; 8:45 am]

**BILLING CODE 8320–01–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[WV063–6032b; FRL–7613–1]**

**Approval and Promulgation of Air Quality Implementation Plans; West Virginia; MOBILE6-Based Motor Vehicle Emission Budgets for Greenbrier County and the Charleston, Huntington, and Parkersburg 1-Hour Ozone Maintenance Areas**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve revisions to the West Virginia State Implementation Plan (SIP). The revisions amend the 1-hour ozone maintenance plans for Greenbrier County and the Charleston, Huntington and Parkersburg areas. These revisions amend the maintenance plan’s base year and 2005 highway mobile volatile organic compound (VOC) and nitrogen oxide (NO<sub>x</sub>) emission inventories and the 2005 motor vehicle emissions budgets (MVEBs) to reflect the use of MOBILE6. These revisions also reallocate a portion of each plans’ safety margins which results in an increase in the MVEBs. The revised plans continue to demonstrate maintenance of the 1-hour national ambient air quality standard (NAAQS) for ozone. In the

final rules section of this **Federal Register**, EPA is approving West Virginia’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by March 11, 2004.

**ADDRESSES:** Comments may be submitted either by mail or electronically. Written comments should be mailed to Larry Budney, Energy, Radiation and Indoor Environment Branch, Mailcode 3AP23, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Electronic comments should be sent either to [budney.larry@epa.gov](mailto:budney.larry@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 the Supplementary Information section. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and at the West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE., Charleston, WV 25304–2943.

**FOR FURTHER INFORMATION CONTACT:** Larry Budney, (215) 814–2184, or by e-mail at [budney.larry@epa.gov](mailto:budney.larry@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the “Rules and Regulations” section of this **Federal Register** publication.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number, WV063–6032, in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the