

(v) Evidence of any other effects ionizing radiation exposure may have had on the veteran; and

(vi) Any other information relevant to determination of causation of the veteran's disease.

(5) The consultant will evaluate the claim based on the factors specified in paragraph (e)(1) of this section. The consultant will provide his or her opinion in writing and state whether it is either likely, unlikely, or at least as likely as not that the veteran's disease resulted from exposure to ionizing radiation in service. The rationale supporting the opinion is required.

(6) The consultant will send the opinion to the Under Secretary for Benefits who will review it and transmit it with any comments to the agency of original jurisdiction for use in adjudication of the claim.

(f) *Adjudication of claim.* The agency of original jurisdiction will adjudicate the claim under the generally applicable provisions of this part, giving due consideration to all evidence of record, including any opinions provided by the Under Secretary for Benefits, the Under Secretary for Health, or any outside consultants, and the evaluations published pursuant to 38 CFR 1.17, "Evaluation of studies relating to health effects of dioxin and radiation exposure." With regard to any issue material to consideration of a claim, the provisions of § 3.102 of this title apply (any reasonable doubt on any issue will be resolved in favor of the claimant).

(g) *Willful misconduct and supervening cause in claims based on exposure to ionizing radiation.* In no case will service connection be established if the disease is due to the veteran's own willful misconduct or the abuse of alcohol or drugs, or if evidence establishes that a supervening, nonservice-related condition or event is more likely the cause of the disease.

(Authority: 38 U.S.C. 501; Pub. L. 98-542)

PART 3—ADJUDICATION

2. The authority citation of part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

3. Section 3.313 is redesignated as § 5.263.

4. Newly designated § 5.263 is amended by:

a. Revising the section heading; and
b. In paragraph (a), removing "Service in Vietnam includes" and adding, in its place, "For purposes of this section, service in Vietnam includes".

The revision reads as follows:

§ 5.263 Presumption of service connection for non-Hodgkin's lymphoma based on service in Vietnam.

* * * * *

5. Section 3.317 is redesignated as § 5.266.

6. Newly designated § 5.266 is amended by:

a. In paragraph (a)(1)(i), removing "military, naval, or air service" and adding, in its place "military service";

b. In paragraph (a)(5), removing "part 4 of this chapter" and adding, in its place, "38 CFR part 4, Schedule for Rating Disabilities";

c. Revising paragraph (b);

d. In paragraph (c), removing "affirmative" each time it appears; and by removing "military, naval, or air service" and adding, in its place "military service"; and

e. In paragraph (d)(1), removing "military, naval, or air service" and adding, in its place "military service".

The revision reads as follows:

§ 5.266 Compensation for certain disabilities due to undiagnosed illnesses.

* * * * *

(b) For the purposes of paragraph (a)(1) of this section, signs or symptoms which may be manifestations of undiagnosed illness or medically unexplained chronic multisymptom illness include, but are not limited to:

Abnormal weight loss.
Cardiovascular signs or symptoms.
Fatigue.
Gastrointestinal signs or symptoms.
Headache.
Joint pain.
Menstrual disorders.
Muscle pain.
Neurologic signs and symptoms.
Neuropsychological signs or symptoms.
Signs or symptoms involving the respiratory system (upper or lower).
Signs or symptoms involving skin.
Sleep disturbances.

* * * * *

[FR Doc. 04-16758 Filed 7-26-04; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 298-0459b; FRL-7784-2]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the South Coast Air Quality

Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from solvent cleaning operations. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by August 26, 2004.

ADDRESSES: Send comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, or e-mail to steckel.andrew@epa.gov, or submit comments at <http://www.regulations.gov>.

You can inspect copies of the submitted SIP revisions, EPA's technical support document (TSD), and public comments at our Region IX office during normal business hours by appointment.

You may also see copies of the submitted SIP revisions by appointment at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 1001 "I" Street,
Sacramento, CA 95814.

South Coast Air Quality Management
District, 21865 East Copley Drive,
Diamond Bar, CA 91765.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>. Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Francisco Dóñez, EPA Region IX, (415) 972-3956, Donez.Francisco@epa.gov.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rule: SCAQMD 1171. In the Rules and Regulations section of this **Federal Register**, we are approving this local rule in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: June 17, 2004.

Nancy Lindsay,

Acting Regional Administrator, Region IX.

[FR Doc. 04-16711 Filed 7-26-04; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[Docket-AK-04-002b; FRL-7792-4]

Approval and Promulgation of State Implementation Plans: State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On June 21, 2004, the State of Alaska submitted a carbon monoxide (CO) maintenance plan for the Fairbanks CO nonattainment area to EPA for approval. The State concurrently requested that EPA redesignate the Fairbanks CO nonattainment area to attainment for the National Ambient Air Quality Standard (NAAQS) for CO. In this action, EPA is proposing approval of the maintenance plan and redesignation of the Anchorage CO nonattainment area to attainment.

DATES: Written comments must be received by August 26, 2004.

ADDRESSES: Comments may be mailed to Connie L. Robinson, Environmental Protection Agency, Office of Air, Waste and Toxics (OAQ-107), EPA Region 10, 1200 Sixth Ave., Seattle, Washington 98101. Comments may also be submitted electronically or through hand delivery/courier. Please follow the detailed instructions in the Addresses section of the Direct Final Rule which is located in the Rules section of this **Federal Register**. To submit comments, please follow the detailed instructions described in the Direct Final Rule, **SUPPLEMENTARY INFORMATION** section, Part I, General Information.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 10, Office of Air, Waste and Toxics, 1200 Sixth Ave., Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Connie L. Robinson, EPA, Region 10, Office of Air, Waste, and Toxics (OAQ-107), Seattle, Washington, (206) 553-1086.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, the EPA is approving the State'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. If no adverse comments are received in response to this action, no further activity is contemplated.

If the EPA receives 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 rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: July 19, 2004.

L. John Iani,

Regional Administrator, Region 10.

[FR Doc. 04-17061 Filed 7-26-04; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA-B-7447]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the

National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Doug Bellomo, P.E. Hazard Identification Section, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed rule is not a significant