

**Regulatory Procedures**

Executive Order 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one that would result in an annual effect of \$100 million or more on the national economy or which would have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal Agency prepare and make available for public comment, a regulatory flexibility analysis when the agency issues a Regulation which would have a significant impact on a substantial number of small entities.

This rule has been designated as significant and has been reviewed by the Office Management and Budget as required under the provisions of E.O. 12866 however, it would not have a significant impact on small entities. The changes set forth in the proposed rule are minor revisions to the existing regulation. In addition, this proposed rule does not impose new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3511).

This is a proposed rule. Public comments are invited.

**List of Subjects in 32 CFR Part 199**

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is proposed to be amended as follows:

**PART 199—[AMENDED]**

1. The authority citation for part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.2, paragraph (b) is proposed to be amended by revising the definition of "Rare Diseases" to read as follows:

**§ 199.2 Definitions.**

\* \* \* \* \*

(b) \* \* \*

*Rare Diseases.* TRICARE defines a rare disease as any disease or condition that affects less than 200,000 persons in the United States.

\* \* \* \* \*

3. Section 199.4 is proposed to be amended by revising paragraph (g)(15)(ii) and removing paragraph (g)(15)(iv) as follows:

**§ 199.4 Basic program benefits.**

\* \* \* \* \*

(g) \* \* \*

(15) \* \* \*

(ii) CHAMPUS benefits for rare diseases are reviewed on a case-by-case basis by the Director, TRICARE Management Activity, or a designee. Case-by-case review is not required for drugs, devices, medical treatments and procedures that have already been established as safe and effective for treatment of rare diseases. In reviewing the case, the Director, or a designee, may consult with any or all of the following sources to determine if the proposed therapy is considered safe and effective.

\* \* \* \* \*

Dated: August 4, 2004.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 04-18182 Filed 8-9-04; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[R04-OAR-2003-SC-0001-200416(b); FRL-7799-4]**

**Approval and Promulgation of Implementation Plans; South Carolina: Source Testing**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve the State Implementation Plan (SIP) revisions submitted by the South Carolina Department of Health and Environmental Control (SC DHEC) on September 4, 2002, and July 25, 2003. The proposed revisions are to establish, standardize, and clarify source testing requirements. South Carolina is also changing the title of Regulation 62.1 to reflect that it contains general provisions. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision 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 significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If 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 rule. The EPA will not institute a second comment period on this document. Any

parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before September 9, 2004.

**ADDRESSES:** Comments may be submitted by mail to: Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **ADDRESSES** section which is published in the Rules Section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9140. Ms. Ward can also be reached via electronic mail at [ward.nacosta@epa.gov](mailto:ward.nacosta@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: July 27, 2004.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 04-18138 Filed 8-9-04; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

**[FRL-7799-2]**

**National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the San Fernando Valley Basin Area 3, Verdugo Study Area Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region IX is publishing this Notice of Intent to Delete the San Fernando Valley Basin Area 3, Verdugo Study Area Superfund Site (Site) from the National Priorities List (NPL), and requests public comments on this

action. The Site is in the eastern portion of the San Fernando Valley Basin in Los Angeles, California.

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP sets criteria that must be met to delete a site from the NPL. EPA, in consultation with the State of California, has determined that the Site meets the following criterion for site deletion: "The remedial investigation has shown that the release poses no significant threat to public health or the environment, and, therefore, taking of remedial measures is not appropriate." However, this deletion does not preclude future actions under Superfund, based on new information or conditions.

In the Rules and Regulations section of today's **Federal Register**, we are concurrently publishing a Direct Final Notice of Deletion for the Site, because we view this as a noncontroversial action and anticipate no adverse comments. This is a streamlined approach for site deletion. We have provided further information on the Site and explained our reasons for this deletion in Section IV. of the Direct Final Notice of Deletion.

If we receive no adverse comment(s) on this Notice of Intent to Delete or the Direct Final Notice of Deletion, the deletion will become final 30 days after the end of the public comment period. If we receive adverse comment(s), we will publish a timely withdrawal of the Direct Final Notice of Deletion before it takes effect. We will, as appropriate, prepare a Responsiveness Summary to address public comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received. There will not be another comment period on the Notice of Intent to Delete/Direct Final Notice of Deletion. Any parties interested in commenting must do so at this time.

**DATES:** Comments concerning deletion of this Site must be received by September 9, 2004.

**ADDRESSES:** Written comments should be addressed to Jackie Lane, Community Involvement Coordinator, U.S. EPA Region IX (SFD-3), 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3236.

**FOR FURTHER INFORMATION CONTACT:** Charnjit Bhullar, Remedial Project Manager, U.S. EPA Region IX (SFD 7-

1), 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3960.

**SUPPLEMENTARY INFORMATION:** For additional Site information, see the Direct Final Notice of Deletion which is located in the Rules and Regulations section of this **Federal Register**.

**Information Repositories:** Information supporting the deletion is available in the Deletion Docket at the EPA Region IX Records Center and at the Information Repositories. The Information Repositories have been established to provide comprehensive Site related information, at the following addresses:

U.S. EPA Superfund Record Center, 95 Hawthorne Street, San Francisco, California 94105-3901, (415) 536-2000.

La Canada Library, 4545 Oakwood Ave., La Canada CA 91011, (818) 952-0603. Los Angeles Department of Water and Powers, 111 North Hope Street, Rm. 516, Los Angeles, CA 90012 (213) 367-1995.

Glendale Public Library, 222 East Harvard Street, Glendale, CA 91205, (818) 548-2021.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: July 29, 2004.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 04-18141 Filed 8-9-04; 8:45 am]

**BILLING CODE 6560-50-P**

## DENALI COMMISSION

### 45 CFR Chapter IX

#### National Environmental Policy Act Implementing Procedures

**AGENCY:** Denali Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Denali Commission proposes to establish 45 CFR chapter IX and to add regulations for implementing the National Environmental Policy Act of 1969 (NEPA) and invites public comment on the proposed rule. All comments will be considered in preparing the final version.

**DATES:** Comments and related material must be received by September 9, 2004.

**ADDRESSES:** Submit comments to the Denali Commission, Attn: NEPA Comments; 510 L Street, Suite 410; Anchorage, AK 99501. Comments may be inspected in Suite 410 between 8:30 a.m. and 5 p.m., weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Al Ewing, Denali Commission; 510 L Street, Suite 410; Anchorage, AK 99501. Telephone: (907) 271-1414. E-mail: [communications@denali.gov](mailto:communications@denali.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Introduced by Congress in 1998, the Denali Commission (Commission) is an innovative federal-state partnership designed to provide critical utilities, infrastructure, and economic support throughout Alaska. With the creation of the Commission, Congress acknowledged the need for increased inter-agency cooperation and focus on Alaska's remote communities. Since its first meeting in April 1999, the Commission is credited with providing numerous cost-shared infrastructure projects across the State that exemplify effective and efficient partnership between federal and state agencies, and the private sector.

The National Environmental Policy Act (NEPA) and implementing regulations promulgated by the Council on Environmental Quality (CEQ) (40 CFR parts 1500-1508) establish a broad national policy to protect the quality of the human environment and to ensure that environmental considerations and associated public concerns are given careful attention and appropriate weight in all decisions of the federal government. Sections 102(2) of NEPA and 40 CFR 1505.1 and 1507.3 require federal agencies to develop and, as needed, revise implementing procedures consistent with the CEQ regulations. The Denali Commission proposes the following as policy and procedures for complying with NEPA and CEQ regulations.

Section 1508.4 of the CEQ regulations provides for categories of action that do not individually or cumulatively have significant effects on the human environment, and therefore, do not require the preparation of an environmental impact statement (EIS) or an environmental assessment (EA). In keeping with both the Congressional mandate of interagency cooperation and the CEQ's goals of eliminating duplication and reducing delay, per the CEQ suggestion, the Denali Commission examined existing categorical exclusions from other federal agencies to determine whether similar categorical