

Department of Veterans Affairs (VA) hereby gives notice of the establishment of the Advisory Committee for CARES Business Plan Studies. The Secretary of Veterans Affairs has determined that establishing the Committee is both necessary and in the public interest.

The Committee will continue the Capital Asset Realignment for Enhanced Services (CARES) process by providing site-specific advice as the process moves into its implementation phase. Thus far, the CARES process has included a February 2004 report by the CARES Commission, a federal advisory committee that conducted 38 public hearings and 81 site visits in 2003, and the Secretary's CARES Decision in May 2004 (based largely upon recommendations in the CARES Commission report).

The Secretary's CARES Decision identified implementation issues that required further study, to include additional stakeholder input, at selected sites. The Committee will fulfill the pledge to consult with stakeholders at those sites during implementation of the Secretary's CARES Decision. The Committee will ensure that the full range of stakeholder interests and concerns are assembled, publicly articulated, accurately documented, and considered in the development of site-level business plans.

Subcommittees will be established to perform duties and functions within the Committee's purview. The Committee or designated subcommittee will collect and consider stakeholder input related to the development and selection of business plans at the 21 sites designated for further study by the Secretary's CARES Decision in May 2004. The Committee or designated subcommittee will provide advice on proposed business plans or alternative business plans to be considered, and may relay any general concerns that the Department should consider during CARES implementation.

The Committee or designated subcommittee will hold public meetings at each site to seek stakeholder input. In addition to the public meetings, the Committee or designated subcommittee will gather stakeholder input through other means, such as advertising and Web site communications.

The Committee and its subcommittees may consist of representatives from veterans service organizations, governmental agencies, health care providers, planning agencies, and community organizations with a direct interest in the CARES process. The Committee and its subcommittees are expected to carry out their functions through December 2005.

Dated: September 29, 2004.

By Direction of the Secretary.

E. Philip Riggan,

Committee Management Officer.

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DEPARTMENT OF VETERANS AFFAIRS

Office of Research and Development

Government Owned Invention Available for Licensing

AGENCY: Office of Research and Development.

ACTION: Notice of government owned invention available for licensing.

SUMMARY: The invention listed below is owned by the U.S. Government as represented by the Department of Veterans Affairs, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 and/or CRADA Collaboration under 15 U.S.C. 3710a to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT:

Technical and licensing information on the invention may be obtained by writing to: Mindy L. Aisen, M.D., Department of Veterans Affairs, Acting Director Technology Transfer Program, Office of Research and Development, 810 Vermont Avenue, NW., Washington, DC 20420; fax: 202-254-0473; e-mail at:

mindy.aisen@mail.va.gov. Any request for information should include the Number and Title for the relevant invention as indicated below. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The invention available for licensing is:

U.S. Patent Application No. 10/324,374 "Method of Predicting Cytokine Response to Tissue Injury".

Dated: September 27, 2004.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

[FR Doc. 04-22435 Filed 10-5-04; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's Office of General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. They are being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretations regarding the legal matters at issue.

FOR FURTHER INFORMATION CONTACT:

Susan P. Sokoll, Law Librarian, Department of Veterans Affairs (026H), 810 Vermont Ave., NW., Washington, DC 20420, (202) 273-6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(8) and 14.507 authorize the Department's Office of General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under the laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel, which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above or by accessing them on the Internet at <http://www1.va.gov/OGC/>.

VAOPGPCREC 4-2004

Question Presented: How can the Department of Veterans Affairs (VA) reconcile the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Moody v. Principi*, 360 F.3d 1306 (Fed. Cir. 2004), and law on claims alleging clear and