

child's program for reasons beyond the child's control, it is ultra vires and of no effect.

(b) The effect of finding clear and unmistakable error ("CUE") is that the corrected decision is considered made on the date of the reversed decision. 38 CFR 3.105(a). Based on CUE, the veteran in this case was found entitled to compensation for permanent and total service-connected disability ("P&T") effective August 19, 1986. As of the same date, each of the veteran's sons thereby became an "eligible person" (defined in 38 U.S.C. 3501(a)(1)(A)(ii)) entitled to chapter 35 education benefits. Such entitlement may be used during an 8-year eligibility period determined pursuant to 38 U.S.C. 3512, but in no event before the date when the affected child became an "eligible person" (i.e., August 19, 1986).

(c) The basic chapter 35 eligibility period under section 3512(a) runs from the child's 18th birthday to the child's 26th birthday, but exceptions exist. Under the "first finds" exception, when the effective date of the veteran's P&T disability is between the child's 18th and 26th birthdays, section 3512(a)(3), as in force in November 1999, establishes, by operation, the beginning date for the child's eligibility period as the date the Secretary first finds that the parent from who eligibility is derived has a service-connected disability permanent in nature. The term "first finds" is defined in subsection 3512(d) to mean the effective date of the parent's P&T rating or the date of notification to the parent, whichever is more advantageous to the eligible person. Thus, a child's chapter 35 eligibility period must be determined on the facts found and based on the eligibility-period-beginning date that is more advantageous to the child pursuant to the application of both section 3512(a)(3) and section 3512(d). In addition, an award of chapter 35 benefits is predicated on the timely filing of a claim therefor. 38 U.S.C. 3513; 38 CFR 21.1029. The date of claim is an integral factor in determining the date from which benefits may be awarded, pursuant to 38 U.S.C. 5113, for pursuit of an approved program of education pursued during the child's established chapter 35 eligibility period.

*Effective Date:* July 27, 2004.

#### VAOPGCPREC 9-2004

*Question Presented:* Can a veteran receive separate ratings under Diagnostic Code (DC) 5260 (leg, limitation of flexion) and DC 5261 (leg, limitation of extension) for disability of the same joint?

*Held:* Separate ratings under DC 5260 (leg, limitation of flexion) and DC 5261 (leg, limitation of extension), both currently codified at 38 CFR 4.71a, may be assigned for disability of the same joint.

*Effective Date:* September 17, 2004.

Dated: September 27, 2004.

By Direction of the Secretary.

**John H. Thompson,**

*Deputy General Counsel.*

[FR Doc. 04-22436 Filed 10-5-04; 8:45 am]

BILLING CODE 8320-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### Research Advisory Committee on Gulf War Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee Act) that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on October 25-26, 2004, at the Department of Veterans Affairs, 811 Vermont Avenue, NW., Room 819, Washington, DC. The session on October 25 will convene at 8 a.m. and adjourn at 5 p.m. The session on October 26 will convene at 8 a.m. and adjourn at 3 p.m. Both sessions will be open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War.

The Committee will review VA program activities related to Gulf War veterans' illnesses. The Committee will also hear presentations on data collection related to exposures and troop locations during the 1991 Gulf War and the current deployments in Iraq. There will be an update on scientific research on Gulf War illnesses published since the last committee meeting. Additionally there will be preliminary information on treatment research for Gulf War illnesses, research related to possible health effects of exposure to oil well fires and other combustible petroleum products during the 1991 Gulf War, and discussion of committee business and activities.

Members of the public may submit written statements for the Committee's review to Ms. Preeti Hans, Designated Federal Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Any member of the public seeking additional

information should contact Ms. Preeti Hans at (202) 254-0223.

Dated: September 28, 2004.

By Direction of the Secretary.

**E. Philip Riggins,**

*Committee Management Officer.*

[FR Doc. 04-22439 Filed 10-6-04; 8:45 am]

BILLING CODE 8320-01-M

## DEPARTMENT OF VETERANS AFFAIRS

### Advisory Committee on Women Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee Act) that the Advisory Committee on Women Veterans will meet October 19-21, 2004, from 8:15 a.m. to 3:30 p.m. in room C-7-C, VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee will make recommendations to the Secretary regarding such programs and activities.

On October 19, the agenda will include briefings and updates on issues related to women veterans' issues in the Veterans Health Administration (VHA), including any treatment issues related to Operation Iraqi Freedom and Operation Enduring Freedom combat veterans and briefings from VHA's Women Veterans Health Program Deputy Field Directors on issues in the Veterans Benefits Administration, including outreach efforts and the role of the Women Veterans Coordinator in VA Regional Offices; presentation of Certificates of Appointment to four new Committee members; and discussion of the 2004 Report of the Advisory Committee on Women Veterans. On October 20, the Committee will be briefed on legislative issues affecting women veterans, VA research on women's health issues, upcoming initiatives of the Center for Women Veterans, and general ethics information related to Committee membership. On October 21, the Committee will be briefed by a representative from the Department of Labor Veterans' Employment and Training Service (VETS) on employment opportunities for women veterans, next steps and implementation of the National Capital Asset Realignment of Enhanced Services (CARES) recommendations, and will

discuss any new issues that the Committee members may introduce.

Any member of the public wishing to attend should contact Ms. Rebecca Schiller, at the Department of Veterans Affairs, Center for Women Veterans (00W), 810 Vermont Avenue, NW., Washington, DC 20420. Ms. Schiller may be contacted either by phone at (202) 273-6193, fax at (202) 273-7092, or e-mail at [00W@mail.va.gov](mailto:00W@mail.va.gov). Interested persons may attend, appear before, or file statements with the Committee. Written statements must be filed before the meeting, or within 10 days after the meeting.

Dated: September 29, 2004,

By Direction of the Secretary.

**E. Philip Reggin,**

*Committee Management Officer.*

[FR Doc. 04-22438 Filed 10-5-04; 8:45 am]

BILLING CODE 8320-01-M

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice of new system of records.

**SUMMARY:** The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled "My HealtheVet Administrative Records—VA" 130VA19.

**DATES:** Comments on this new system of records must be received no later than November 5, 2004. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new system will become effective November 5, 2004.

**ADDRESSES:** Written comments concerning the proposed new system of records may be submitted by: Mail or hand-delivery to Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273-9026; or e-mail to [VAregulations@mail.va.gov](mailto:VAregulations@mail.va.gov). All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273-9515 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (727) 320-1839.

#### SUPPLEMENTARY INFORMATION:

**Background:** My HealtheVet is a web-based system that provides veterans with information and tools that they can use to increase their knowledge about health conditions, increase communication with their care providers and improve their own health. Participating veterans can request on-line prescription refills, view upcoming appointments, and check their co-payment balances. Through a web-based environment, the VA will also provide a secure and private health space where veterans can enter their own medical information in a "self-entered" health information section, and request a download of copies of key portions of their official VA health record. Veterans can personalize this private environment with links to explanatory material that may help them understand their health record and how to improve their health. As My HealtheVet is refined, VA plans to offer more services to veterans, such as secure electronic messaging with their VA health care providers.

While VA is the authoritative source of veterans' VA medical records, once veterans request copies of key portions of their medical records, VA will download the copies into a secure and private health space where they are owned and maintained by the veteran.

The veteran's self-entered health information is also owned and maintained by the veteran in the My HealtheVet secure and private health space. This self-entered health information is only included in the veteran's official VA medical record upon the veteran's request and upon the VA's medical determination that it is appropriate to include it in the official medical record.

The VA does not provide access to the veteran's personal health information in My HealtheVet in medical emergency situations. However, if a non-VA health care provider requires information from VA medical records to treat a veteran patient, the non-VA health care provider should contact the VA facility where the veteran patient was last treated to obtain that information.

This new on-line environment, which is consistent with existing VA clinical practices, allows veterans to share all or part of the information in their account with other individuals, such as family members, and VA and non-VA health care providers.

VA will only release the health information in the veteran's private and secure health space when authorized to do so by the veteran user, except in very limited circumstances. These limited circumstances include in response to a court order or a subpoena signed by a judge, or in response to a written request from a law enforcement agency. Further details about the operation and maintenance of My HealtheVet are provided to qualified individuals at the time they register for the My HealtheVet program.

In order to administer the My HealtheVet program and support the provision of the above benefits to veterans, VHA is retaining administrative information, including personally identifiable information, on users and information technology (IT) administrators of My HealtheVet electronic services. This administrative information is stored in the My HealtheVet Administrative Records System, and constitutes a system of records.

### I. Description of Proposed System of Records

The proposed My HealtheVet Administrative Records System contains administrative information created or collected during the course of operating My HealtheVet, and is provided by veterans and other qualified individuals, their delegates and grantees, Veterans Health Information Systems and Technology Architecture (VistA) IT systems, VA employees, contractors, and subcontractors. At this time, the My HealtheVet program is planning to maintain minimal administrative records at each local facility, while maintaining more comprehensive administrative records at a central location in the VA Austin Automation Center. The records kept locally support the local VA My HealtheVet training programs, sensitive information reviews and VA's annual reporting requirements under the Freedom of Information Act (FOIA) for those veterans who sign up for electronic access to copies of key portions of their health records.

The more comprehensive repository of administrative information is being housed at the Austin Automation Center (AAC). This information is used to support My HealtheVet electronic services, such as requests for prescription refill, co-payment and appointment information, entry of personal health metrics, and requests for copies of key portions of the personal health information on-line. This information may also be used for business administrative reports for