

of the direct final rule on October 15, 2008. The comment interpreted the proposed change as being only prospectively applied to new models undergoing test procedures on or after the effective date of the proposed change. FDA agrees that the proposed change applies only to new hearing aid models undergoing characterization on or after the effective date of October 15, 2008; hearing aid models tested prior to this date are subject only to the characterization standard cited in the regulation at the time they were tested.

Authority: Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, the amendments issued thereby become effective on October 15, 2008.

Dated: October 2, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8-23717 Filed 10-7-08; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

[Docket No. MMS-2008-MRM-0021]

30 CFR Part 210

RIN 1010-AD20

Reporting Amendments

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Correcting amendment.

SUMMARY: The MMS published a final rule in the **Federal Register** on Wednesday, March 26, 2008 (73 FR 15885), announcing amendments to existing regulations for reporting production and royalties on oil, gas, coal and other solid minerals, and geothermal resources produced from Federal and Indian leases. This document corrects the final rule, which contained a clerical error in the tables identifying OMB-approved information collections and their corresponding forms.

DATES: *Effective Date:* Effective on October 8, 2008.

FOR FURTHER INFORMATION CONTACT: Hyla Hurst, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225; telephone (303) 231-3495; or e-mail *Hyla.Hurst@mms.gov*.

SUPPLEMENTARY INFORMATION: A final rule was published in the **Federal Register** on March 26, 2008 (73 FR 15885) containing a clerical error in the preamble and the regulatory text in the tables listing OMB-approved information collections. The forms approved under OMB Control Number 1010-0139 were incorrectly identified on page 15889 in the preamble and page 15893 in the regulatory text. Both tables contain the same error. Form MMS-4054 (Parts A, B, and C) and Form

MMS-4058 are correctly identified as shown below in the table at § 210.10.

List of Subjects in 30 CFR Part 210

Coal, Solid minerals, Continental Shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Oil and gas, Public lands—mineral resources, Reporting and recordkeeping requirements.

■ Accordingly, 30 CFR Part 210 is corrected by making the following amendments:

PART 210—FORMS AND REPORTS

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 5 U.S.C. 301 et. seq. ; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 et. seq. ; and 44 U.S.C. 3506(a).

■ 2. In § 210.10, the table is amended by revising the entry for OMB number 1010-0139 to read as follows:

§ 210.10 What are the OMB-approved information collections?

* * * * *

OMB Control No. and short title	Form or information collected
* * * * *	* * * * *
1010-0139, 30 CFR Parts 210 and 216, Production Accounting.	Form MMS-4054 (Parts A, B, and C), Oil and Gas Operations Report.
* * * * *	* * * * *
	Form MMS-4058, Production Allocation Schedule Report.
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Dated: September 30, 2008.

C. Stephen Allred,

Assistant Secretary for Land and Minerals Management.

[FR Doc. E8-23788 Filed 10-7-08; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AM95

Dental Care—Provision of One-Time Outpatient Dental Care for Certain Veterans

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations regarding the authority to provide one-time outpatient dental treatment to

eligible veterans following discharge or release from active duty. In section 1709 of Public Law 110-181, the National Defense Authorization Act for Fiscal Year 2008, Congress amended the eligibility criteria for the one-time dental treatment benefit. This rule is necessary to incorporate the statutory amendments into VA regulations.

DATES: *Effective Date:* October 8, 2008.

FOR FURTHER INFORMATION CONTACT: Tony Guagliardo, Director, Business Policy, Chief Business Office (163), Veterans Health Administration, Department of Veterans Affairs, 810

Vermont Avenue, NW., Washington, DC 20420, (202) 254-0384.

SUPPLEMENTARY INFORMATION: Public Law 110-181 amended 38 U.S.C. 1712(a)(1)(B)(iii) concerning the period after discharge or release from activity duty that a veteran may apply for VA's one-time dental benefit. Under former law, veterans could apply within 90 days after such discharge or release. Under amended section 1712, veterans may apply for the benefit within 180 days after discharge or release from active duty. Congress also amended section 1712 to prescribe the 180-day application period for veterans who reentered active duty within 90 days after their prior discharge or release from active duty. Additionally, Congress prescribed the 180-day application period for veterans who have had a disqualifying discharge or release corrected by a competent authority. This document amends 38 CFR 17.161(b), to conform to the amendments made by Public Law 110-181.

Administrative Procedure Act

This final rule merely restates or interprets statutory provisions. Accordingly, it is exempt from the prior notice-and-comment and delayed-effective-date requirements of 5 U.S.C. 553.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any given year. This amendment would have no such effect on State, local, and tribal governments, or the private sector.

Paperwork Reduction Act

This document contains no collections of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521).

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a "significant regulatory action," requiring review by the Office of Management and Budget (OMB) unless OMB waives such review,

as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

The initial and final regulatory flexibility analyses requirements of sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 601-612, are not applicable to this rule, because a notice of proposed rulemaking is not required for this rule. Even so, the Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This final rule directly affects only individuals and does not directly affect small entities. Therefore, this final rule is also exempt pursuant to 5 U.S.C. 605(b) from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance titles and numbers for the programs affected by this document are 64.005, Grants to States for Construction of State Home Facilities; 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.016, Veterans State Hospital Care; 64.108, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; 64.024, VA

Homeless Providers Grant and Per Diem Program; and 64.026, Veterans State Adult Day Health Care.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: August 26, 2008.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, VA amends 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, and as stated in specific sections.

■ 2. In § 17.161, revise paragraphs (b)(1)(i)(B) and (b)(1)(ii) and (iii) to read as follows:

§ 17.161 Authorization of outpatient dental treatment.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) Application for treatment is made within 180 days after such discharge or release.

* * * * *

(ii) Those veterans discharged from their final period of service after August 12, 1981, who had reentered active military service within 90 days after the date of a discharge or release from a prior period of active military service, may apply for treatment of service-connected noncompensable dental conditions relating to any such periods of service within 180 days from the date of their final discharge or release.

(iii) If a disqualifying discharge or release has been corrected by competent authority, application may be made within 180 days after the date of correction.

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