

(v) *Effective date*. [Reserved]. See § 1.954-2(a)(5)(v).

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

**Eric Solomon,**

*Acting Deputy Assistant Secretary of the Treasury (Tax Policy).*

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**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17**

RIN 2900-AM11

**Elimination of Copayment for Smoking Cessation Counseling**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final, without change, the interim final rule published in the **Federal Register** (70 FR 22595) on May 2, 2005. The Department of Veterans Affairs (VA) is publishing this final rule to designate smoking cessation counseling (individual and group sessions) as a service that is not subject to copayment requirements.

**DATES:** *Effective Date:* January 17, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Eileen P. Downey, Program Analyst, Policy Development, Chief Business Office (16), (202) 254-0347 or Dr. Kim Hamlet-Berry, Director, Public Health National Prevention Program, Veterans Health Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8929. (These are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** An interim final rule amending VA's medical regulations to set forth a rule designating smoking cessation counseling (individual and group sessions) as a service that is not subject to copayment requirements was published in the **Federal Register** on May 2, 2005 (70 FR 22595).

We provided a 60-day comment period that ended July 1, 2005. Twelve comments were received and all supported the rule. Based on the rationale set forth in the interim final rule, we now adopt the interim final rule as a final rule.

**Administrative Procedure Act**

In the May 2, 2005, **Federal Register** notice, we determined that there was a basis under the Administrative Procedure Act for issuing the interim

final rule with immediate effect. We invited and received public comment on the interim final rule. This document merely affirms the interim final rule as a final rule without change.

**Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 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 the 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 one year. This final rule would have no such effect on State, local, and tribal governments, or on the private sector.

**Paperwork Reduction Act**

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

**Regulatory Flexibility Act**

The Secretary 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, 5 U.S.C. 601-612. This final rule will not directly affect any small entities. Only individuals could be directly affected. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

**Catalog of Federal Domestic Assistance Numbers**

The Catalog of Federal Domestic Assistance numbers and titles 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; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and Per Diem Program.

**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: November 22, 2005

**Gordon H. Mansfield,**

*Deputy Secretary of Veterans Affairs.*

**PART 17—MEDICAL**

Accordingly, the interim final rule amending 38 CFR part 17, which was published at 70 FR 22595 on May 2, 2005, is adopted as a final rule without change.

[FR Doc. 06-373 Filed 1-13-06; 8:45 am]

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**POSTAL RATE COMMISSION**

**39 CFR Part 3001**

[Docket No. RM2004-1; Order No. 1449]

**Definition of Postal Service**

**AGENCY:** Postal Rate Commission.

**ACTION:** Final rule.

**SUMMARY:** This document addresses adding a definition of the term "postal service" to the rules of practice. This change is prompted by the Postal Service's action with respect to nonpostal initiatives. There is often controversy and uncertainty regarding the postal character of the services provided under those initiatives. The definition provides guidance to the Postal Service and the general public concerning services that are subject to sections 3622 and 3623 of the Postal Reorganization Act.

**DATES:**

1. *Effective Date:* February 16, 2006.
2. Deadline for (optional) Postal Service motion to dismiss Docket No. C2004-1: January 17, 2006.
3. Deadline for (optional) Postal Service update on 14 services identified in Consumer Action petition: February 17, 2006.
4. Deadline for Postal Service updates on postal and nonpostal services: June 1, 2006.

**ADDRESSES:** File all documents referred to in this order electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, 202-789-6818.