

**DATES:** The referendum will be conducted from February 7 through February 25, 2005. To vote in this referendum, growers must have been producing hazelnuts within the designated production area in Oregon and Washington, during the period July 1, 2003, through June 30, 2004.

**ADDRESSES:** Copies of the marketing order may be obtained from the office of the referendum agents at 1220 SW. Third Avenue, suite 385, Portland, Oregon 97204-2807, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250-0237.

**FOR FURTHER INFORMATION CONTACT:** Barry Broadbent, Marketing Specialist, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW. Third Avenue, suite 385; telephone (503) 326-2724; fax (503) 326-7440; or Kathy Finn, Acting Rulemaking Team Leader, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250-0237; telephone (202) 720-2491; fax (202) 720-8938.

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Order No. 982 (7 CFR part 982), hereinafter referred to as the "order," and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by the growers. The referendum shall be conducted during the period February 7 through February 25, 2005, among hazelnut growers in the production area. Only growers that were engaged in the production of hazelnuts in Oregon and Washington during the period of July 1, 2003, through June 30, 2004, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor continuation of marketing order programs. The Department would consider termination of the order if less than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of hazelnuts represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the

USDA will not only consider the results of the continuance referendum. The USDA will also consider all other relevant information concerning the operation of the order and the relative benefits and disadvantages to growers, handlers, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials to be used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581-0178. It has been estimated that it will take an average of 20 minutes for each of the approximately 750 growers of hazelnuts grown in Oregon and Washington, to cast a ballot. Participation is voluntary. Ballots postmarked after February 25, 2005, will not be included in the vote tabulation.

Gary D. Olson and Barry Broadbent of the Northwest Marketing Field Office, Fruit and Vegetable Programs, Agricultural Marketing Service, USDA, are hereby designated as the referendum agents of the Department to conduct such referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 *et seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents, or from their appointees.

#### List of Subjects in 7 CFR Part 982

Hazelnuts, Marketing agreements, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 601-674.

Dated: January 5, 2005.

**Kenneth C. Clayton,**

*Associate Administrator, Agricultural Marketing Service.*

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## NATIONAL INDIAN GAMING COMMISSION

### 25 CFR Part 542

**RIN 3141-AA27**

#### Minimum Internal Control Standards

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Proposed rule revisions; extension of comment period.

**SUMMARY:** On December 1, 2004, the National Indian Gaming Commission (Commission) issued Proposed rule revisions (69 FR 69847, December 1, 2004) (November 27, 2000) containing corrections and revisions to the Commission's existing regulations establishing minimum internal control standards (MICS) for gaming operations on Indian land and requesting comments prior to publication of a final rule. The date for filing comments is being extended.

**DATES:** Comments must be received by February 18, 2005.

**ADDRESSES:** Mail comments to "Comments to First Proposed MICS Rule Revisions, National Indian Gaming Commission, 1441 L Street, NW., Washington, DC 20005, Attn: Vice-Chairman Nelson Westrin. Comments may be submitted by facsimile to Vice-Chairman Westrin at (202) 632-0045, but the original also must be submitted to the above address.

**FOR FURTHER INFORMATION CONTACT:** Vice-Chairman Nelson Westrin, (202) 632-7003 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** In response to the inherent risks of gaming enterprises and the resulting need for effective internal controls in Tribal gaming operations, the National Indian Gaming Commission (Commission or NIGC) first developed Minimum Internal Control Standards (MICS) for Indian gaming in 1999, and revised them in 2002. The Commission recognized from the outset that periodic technical adjustments and revisions would be necessary to keep the MICS effective in protecting Tribal gaming assets and the interests of Tribal stakeholders and the gaming public. To that end, the following proposed rule revisions contain certain proposed corrections and revisions to the Commission's existing MICS, which are necessary to correct erroneous citations or references in the MICS and to clarify, improve, and update other existing MICS provisions. The purpose of these proposed MICS revisions is to address apparent shortcomings in the MICS and various changes in Tribal gaming technology and methods. Public comment to these proposed MICS revisions will be received by the Commission until February 18, 2005. After consideration of all received comments, the Commission will make whatever changes to the proposed revisions that it deems appropriate and then promulgate and publish the final

revisions to the Commission's MICS Rule, 25 CFR Part 542.

Signed in Washington, DC, this 5th day of January, 2005.

**Philip N. Hogen,**  
*Chairman.*

**Nelson Westrin,**  
*Vice-Chairman.*

**Cloyce Choney,**  
*Commissioner.*

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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17

RIN 2900-AM03

### Eligibility for Health Care Benefits for Certain Filipino Veterans in the United States

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Proposed rule.

**SUMMARY:** Department of Veterans Affairs (VA) medical regulations describe veterans who are eligible to receive health care from VA in the United States. We are proposing to amend these regulations to include any Filipino Commonwealth Army veteran who was recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces or new Philippine Scouts, if such veteran or scout resides in the U.S., and is a citizen or lawfully admitted to the United States for permanent residence. Under this proposal these certain veterans would be eligible for VA hospital care, nursing home care, and outpatient medical services in the United States in the same manner and subject to the same terms and conditions as apply to U.S. veterans. This proposal would allow those veterans to receive health care from VA.

**DATES:** Comments must be received on or before March 14, 2005.

**ADDRESSES:** Written comments may be submitted by: mail or hand-delivery to Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or fax to (202) 273-9026; e-mail to [VARegulations@mail.va.gov](mailto:VARegulations@mail.va.gov); or, through <http://www.Regulations.gov>. Comments should indicate that they are submitted in response to "RIN 2900-AM03." 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:** Tony Guagliardo, Deputy Director of Business Policy, Chief Business Office (163), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 254-0406. (This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:** On December 6, 2003, Public Law 108-170, the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003, was enacted authorizing VA to provide hospital care, nursing home care, and outpatient medical services to certain Filipino veterans in the same manner and subject to the same terms and conditions as apply to U.S. veterans. Verification of service is usually demonstrated through issuance of an official "Certification of Military Service" or other acceptable documents demonstrating service under commanders appointed, designated, or subsequently recognized by the Commander-in-Chief, Southwest Pacific Area, other competent authority in the Army of the United States or service department and who were discharged or released from service under conditions other than dishonorable (*see* 38 CFR 3.1(y), 3.40 and 3.203).

These "certain Filipino veterans" are Commonwealth Army veterans, including those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and new Philippine Scouts. These veterans must reside in the U.S., and be a citizen, or lawfully admitted to the United States for permanent residence.

Commonwealth Army Veterans, including those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and new Philippine Scouts are not currently eligible for VA care in the United States if they do not meet the residency and citizenship requirements. This rule proposes to amend VA medical regulation 38 CFR 17.39 to include Filipino Commonwealth Army veterans, including those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and new Philippine Scouts who reside in the U.S. and who are citizens, or lawfully admitted to the United States for permanent residence as persons who are eligible for VA health care benefits within the United States on the same basis as U.S. veterans. This proposed rule also establishes requirements for proof of citizenship or lawful permanent

residency status that veterans must provide in order to be eligible for VA health care benefits.

### 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 developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This proposed rule would have no such effect on State, local, or tribal governments, or the private sector.

### Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521), a collection of information is set forth in proposed 38 CFR 17.39. Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to the Office of Management and Budget (OMB) for its review of the proposed collection of information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Comments on the proposed collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to: Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AM03."

**Title:** Eligibility for Health Care Benefits for Certain Filipino Veterans.

**Summary of Collection of Information:** Under proposed § 17.39, Filipino veterans who reside in the U.S., and who are citizens, or lawfully admitted for permanent residence can be enrolled into the VA healthcare system and receive medical care from VA. VA is revising the currently approved collection of information entitled "Application and Renewal for Health Benefits", OMB number 2900-0091 to include Filipino veterans eligible under this rule.

**Description of the need for information and proposed use of information:** The information is needed to establish eligibility and priority group