

which herds will be depopulated by developing staging areas at slaughter facilities that operate overnight and suggested that APHIS develop a weekly reporting system for herds that have been depopulated so that the disease status of depopulated premises is made available to producers and veterinarians. This commenter further recommended that APHIS develop a final pseudorabies eradication program and encouraged APHIS to establish and fund a pseudorabies acute outbreak team that would be responsible for containing an outbreak and developing a clean-up program.

The January 1999 interim rule established regulations to provide for the payment of indemnity by APHIS for the voluntary depopulation of herds of swine known to be infected with pseudorabies. Issues related to disease surveillance, vaccine program funding, slaughterhouse operations, reporting systems for herd depopulation, and future and final stage pseudorabies eradication efforts fall outside the scope of that rulemaking. Therefore, we are not making any changes to the rule based on these comments.

Finally, one commenter expressed support for APHIS' payment of indemnity to producers for the voluntary depopulation of herds infected with pseudorabies and requested the continued availability of Federal funding for the pseudorabies indemnity program beyond the 6-month timeframe announced in the interim rule.

In a notice published in the **Federal Register** on November 17, 1999 (64 FR 62569–62570, Docket No. 98–123–5), we announced that additional funds had been allocated for the indemnity program and that the program would continue until funds are depleted or until further notice. In that notice, we acknowledged that some States were still conducting their eradication programs and that we considered it important to the pseudorabies eradication effort in the United States to continue the accelerated eradication program beyond the 6-month timeframe stated in the January 1999 interim rule.

In a subsequent interim rule published on April 18, 2000 (65 FR 20706–20712, Docket No. 98–123–6), we revised the method by which owners of swine will receive fair market value for their animals under the accelerated pseudorabies eradication program in order to extend the funds available to APHIS for the program before these funds are exhausted. That April 2000 interim rule amended the regulations in part 52 to provide that APHIS will pay owners either the fair market value of

herds of swine depopulated, or the difference between the net salvage value received for herds of swine disposed of through slaughter and the fair market value of those animals. The April 2000 interim rule also allowed owners of breeding sows identified as being infected with pseudorabies to receive indemnity if those sows are sent directly to slaughter, even if the remainder of the herd the sow is part of is not depopulated. These amendments were intended to allow for the payment of indemnity from accelerated pseudorabies eradication program funds for a greater number of swine disposed of because they are infected with pseudorabies.

We solicited comments concerning the April 2000 interim rule for 60 days ending June 19, 2000. We did not receive any comments on that interim rule.

Therefore, for the reasons given in the interim rules and in this document, we are adopting the interim rules as a final rule without change.

This action also affirms the information contained in the interim rules concerning Executive Order 12866 and the Regulatory Flexibility Act, and Executive Order 12988.

Further, this action has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

#### **Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### **Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements in the interim rules have been approved by the Office of Management and Budget (OMB). The assigned OMB control number is 0579–0137.

#### **List of Subjects in 9 CFR Part 52**

Animal diseases, Indemnity Payments, Pseudorabies, Swine, Transportation.

#### **PART 52—SWINE DESTROYED BECAUSE OF PSEUDORABIES**

■ Accordingly, we are adopting as a final rule, without change, the interim rule establishing 9 CFR part 52 that was published at 64 FR 2545–2550 on

January 15, 1999, as amended by the technical amendment published at 64 FR 13064–13065 on March 17, 1999, and by the interim rule published at 65 FR 20706–20712 on April 18, 2000.

Done in Washington, DC, this 5th day of October 2004.

**Elizabeth E. Gaston,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 04–22789 Filed 10–8–04; 8:45 am]

**BILLING CODE 3410–34–U**

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## **FEDERAL RESERVE SYSTEM**

### **12 CFR Part 204**

**[Regulation D; Docket No. R–1213]**

#### **Reserve Requirements of Depository Institutions**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board is amending Regulation D, Reserve Requirements of Depository Institutions, to reflect the annual indexing of the low reserve tranche and of the reserve requirement exemption amount for 2005. The Board is also announcing the annual indexing of the nonexempt deposit cutoff level and the reduced reporting limit that will be effective beginning in September 2005. The Regulation D amendments increase the amount of net transaction accounts at each depository institution that is subject to a three percent reserve requirement in 2005 from \$45.4 million to \$47.6 million. This amount is known as the low reserve tranche. The Regulation D amendments also increase the amount of total reservable liabilities of each depository institution that is subject to a zero percent reserve requirement in 2005 from \$6.6 million to \$7.0 million. This amount is known as the reserve requirement exemption amount. The adjustments to both of these amounts are derived using statutory formulas specified in the Federal Reserve Act.

The Board is also announcing increases in two other amounts, the nonexempt deposit cutoff level and the reduced reporting limit, that are used to determine the frequency with which depository institutions must submit deposit reports. The nonexempt deposit cutoff level is being increased from \$161.2 million in 2004 to \$169.8 million in 2005, and the reduced reporting limit is being increased from \$1.074 billion in 2004 to \$1.131 billion in 2005. These amounts are indexed annually in order to reduce reporting burden for smaller

depository institutions. Thus, beginning in September 2005, depository institutions will be required to file the FR 2900 report each week under the following conditions: If they have net transaction accounts over \$7.0 million and have total deposits of at least \$169.8 million; or if they have net transaction accounts of \$7.0 million or less but have total deposits of at least \$1.131 billion. Depository institutions will be required to file the FR 2900 report each quarter if they have net transaction accounts over \$7.0 million but have total deposits of less than \$169.8 million. Depository institutions will be required to file the FR 2910a report annually if they have net transaction accounts of \$7.0 million or less but have total deposits greater than \$7.0 million but less than \$1.131 billion. Depository institutions with \$7.0 million or less in total deposits are not required to file a deposit report.

**DATES:** *Effective date:* November 12, 2004.

*Compliance dates:* For depository institutions that report weekly, the adjusted low reserve tranche and reserve requirement exemption amount will apply to the fourteen-day reserve computation period that begins Tuesday, November 23, 2004, and the corresponding fourteen-day reserve maintenance period that begins Thursday, December 23, 2004. For depository institutions that report quarterly, the adjusted low reserve tranche and reserve requirement exemption amount will apply to the seven-day reserve computation period that begins Tuesday, December 21, 2004, and the corresponding seven-day reserve maintenance period that begins Thursday, January 20, 2005. For all depository institutions, the nonexempt deposit cutoff level, the reserve requirement exemption amount, and the reduced reporting limit will be used for 2005 deposit report screening to determine reporting frequency for the twelve-month period that begins in September 2005.

**FOR FURTHER INFORMATION CONTACT:** Heatherun Allison, Senior Counsel (202/452-3565), Legal Division, or Gretchen Weinbach, Senior Economist (202/452-2841), Division of Monetary Affairs; for user of Telecommunications Device for the Deaf (TDD) only, contact (202/263-4869); Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** Section 19(b)(2) of the Federal Reserve Act (12 U.S.C. 461(b)(2)) requires each depository institution to maintain reserves against its transaction accounts and nonpersonal time deposits, as

prescribed by Board regulations, for the purpose of implementing monetary policy. Section 11(a)(2) of the Federal Reserve Act (12 U.S.C. 248(a)(2)) authorizes the Board to require reports of liabilities and assets from depository institutions to enable the Board to conduct monetary policy. The Board's actions with respect to each of these provisions are discussed in turn below.

### 1. Reserve Requirements

Pursuant to section 19(b)(2) of the Federal Reserve Act, transaction account balances maintained at each depository institution up to a certain amount, known as the low reserve tranche, are subject to a three percent reserve requirement. Net transaction account balances over the low reserve tranche are subject to a ten percent reserve requirement. Section 19(b)(2) also provides that, before December 31 of each year, the Board shall issue a regulation adjusting the low reserve tranche for the next calendar year. The adjustment in the low reserve tranche is to be 80 percent of the percentage increase or decrease in net transaction accounts at all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Currently, the low reserve tranche is \$45.4 million. Net transaction accounts of all depository institutions rose 6.0 percent (from \$654.4 billion to \$693.8 billion) between June 30, 2003 and June 30, 2004. Accordingly, the Board is amending Regulation D (12 CFR part 204) to increase the low reserve tranche for net transaction accounts by \$2.2 million, from \$45.4 million in 2004 to \$47.6 million in 2005.

Section 19(b)(11)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(11)(A)) provides that a zero percent reserve requirement shall apply at each depository institution to total reservable liabilities that do not exceed a certain amount, known as the reserve requirement exemption amount.

Section 19(b)(11)(B) provides that, before December 31 of each year, the Board shall issue a regulation adjusting the reserve requirement exemption amount for the next calendar year if total reservable liabilities held at all depository institutions increase from one year to the next. Unlike the low reserve tranche, which can be adjusted upward or downward, no adjustment is made to the reserve requirement exemption amount if total reservable liabilities held at all depository institutions should decrease during the applicable time period. The percentage increase in the reserve requirement exemption amount is to be 80 percent of the increase in total reservable liabilities

at all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Total reservable liabilities of all depository institutions increased by 7.1 percent (from \$2,786.0 billion to \$2,983.8 billion) between June 30, 2003, and June 30, 2004. Accordingly, the Board is amending Regulation D to increase the reserve requirement exemption amount by \$0.4 million, from \$6.6 million in 2004 to \$7.0 million in 2005.<sup>1</sup>

For depository institutions that report weekly, the adjusted low reserve tranche and reserve requirement exemption amount will be effective for the fourteen-day reserve computation period beginning Tuesday, November 23, 2004, and for the corresponding fourteen-day reserve maintenance period beginning Thursday, December 23, 2004. For depository institutions that report quarterly, the adjusted low reserve tranche and reserve requirement exemption amount will be effective for the seven-day reserve computation period beginning Tuesday, December 21, 2004, and for the corresponding seven-day reserve maintenance period beginning Thursday, January 20, 2005.

### 2. Deposit Reports

Section 11(b)(2) of the Federal Reserve Act authorizes the Board to require depository institutions to file reports of their liabilities and assets as the Board may determine to be necessary or desirable to enable it to discharge its responsibility to monitor and control the monetary and credit aggregates. The Board screens depository institutions each year to determine whether they must file deposit reports and, if so, how frequently they must file them (weekly, quarterly, or annually). These deposit reporting assignments become effective each September.

The screening of depository institutions for assignment to one of the four deposit reporting categories is based on three amounts: the reserve requirement exemption amount, the nonexempt deposit cutoff level, and the reduced reporting limit. The annual adjustment to the first amount, the reserve requirement exemption amount, is described in Section 1 above. The other two amounts, the nonexempt deposit cutoff level and the reduced reporting limit, are also adjusted annually, by an amount equal to 80 percent of the increase, if any, in total

<sup>1</sup> Consistent with Board practice, the low reserve tranche and reserve requirement exemption amounts have been rounded to the nearest \$0.1 million.

deposits at all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Total deposits at all depository institutions increased by 6.7 percent (from \$6,534.2 billion to \$6,969.8 billion) between June 30, 2003 and June 30, 2004. Accordingly, the Board is adjusting the nonexempt deposit cutoff level upward by \$8.6 million, from its current level of \$161.2 million in 2004 to \$169.8 million in 2005. The Board is also adjusting the reduced reporting limit upward by \$57 million, from its current level of \$1.074 billion in 2004 to \$1.131 billion in 2005.<sup>2</sup>

Beginning in September 2005, the boundaries of the four deposit reporting categories will be defined as follows. Those depository institutions with net transaction accounts over \$7.0 million (the reserve requirement exemption amount) or total deposits greater than or equal to \$1.131 billion (the reduced reporting limit) are subject to detailed reporting, and must file an FR 2900 report either weekly or quarterly. Of this group, those with total deposits greater than or equal to \$169.8 million (the nonexempt deposit cutoff level) are required to file the FR 2900 report each week, while those with total deposits less than \$169.8 million are required to file the FR 2900 report each quarter. Those depository institutions with net transaction accounts less than or equal

to \$7.0 million (the reserve requirement exemption amount) and with total deposits less than \$1.131 billion (the reduced reporting limit) are eligible for reduced reporting, and must either file a deposit report annually or not at all. Of this group, those with total deposits greater than \$7.0 million (but less than \$1.131 billion) are required to file the FR 2910a report annually, while those with total deposits less than or equal to \$7.0 million are not required to file a deposit report. A depository institution that manipulates its reporting, however, in an attempt to qualify for less frequent reporting or to reduce its reserve requirement may be required to report the FR 2900 on a weekly basis and maintain appropriate reserve balances with its Reserve Bank, regardless of its most recent panel assignment.

#### *Notice and Regulatory Flexibility Act.*

The provisions of 5 U.S.C. 553(b) relating to notice of proposed rulemaking have not been followed in connection with the adoption of these amendments. The amendments involve expected, ministerial adjustments prescribed by statute and by the Board's policy concerning reporting practices. The increases in the reserve requirement exemption amount, the low reserve tranche, the nonexempt deposit cutoff level, and the reduced reporting limit serve to reduce regulatory burdens on

depository institutions. Accordingly, the Board finds good cause for determining, and so determines, that notice in accordance with 5 U.S.C. 553(b) is unnecessary. Consequently, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601, do not apply to these amendments.

#### **List of Subjects in 12 CFR Part 204**

Banks, banking, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 204 as follows:

#### **PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)**

■ 1. The authority citation for part 204 continues to read as follows:

**Authority:** 12 U.S.C. 248(a), 248(c), 371a, 461, 601, 611, and 3105.

■ 2. Section 204.9 is revised to read as follows:

#### **§ 204.9 Reserve requirement ratios.**

The following reserve requirement ratios are prescribed for all depository institutions, banking Edge and agreement corporations, and United States branches and agencies of foreign banks:

Category	Reserve requirement
Net transaction accounts:	
\$0 to \$7.0 million .....	0 percent of amount.
Over \$7.0 million and up to \$47.6 million .....	3 percent of amount.
Over \$47.6 million .....	\$1,218,000 plus 10 percent of amount over \$47.6 million.
Nonpersonal time deposits .....	0 percent.
Eurocurrency liabilities .....	0 percent.

By order of the Board of Governors of the Federal Reserve System.

October 5, 2004.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 04-22772 Filed 10-8-04; 8:45 a.m.]

**BILLING CODE 6210-01-P**

#### **DEPARTMENT OF COMMERCE**

#### **Bureau of Industry and Security**

#### **15 CFR Parts 730, 734, 746, 770, 772 and 774**

**[Docket No. 040920270-4270-01]**

**RIN 0694-AD13**

#### **Nomenclature Change: References to Another Agency**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule; Nomenclature change.

**SUMMARY:** The Export Administration Regulations (EAR) are amended to

update certain references to the U.S. State Department's Directorate of Defense Trade Controls. The EAR contain references to this agency under its current name and under its former name, the Office of Defense Trade Controls. This amendment will remove the possibility that a member of the public might think that two different offices are being referenced.

**DATES:** Effective October 12, 2004.

**ADDRESSES:** Although this is a final rule, comments are welcome and should be addressed to Timothy Mooney, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044, E-mailed to: [tmooney@bis.doc.gov](mailto:tmooney@bis.doc.gov), or faxed to 202-482-3355.

<sup>2</sup> Consistent with Board practice, the nonexempt deposit cutoff level has been rounded to the nearest

\$0.1 million, while the reduced reporting limit has been rounded to the nearest \$1 million.