

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.

**FOR FURTHER INFORMATION CONTACT:** Timothy Mooney, Regulatory Policy Division, Bureau of Industry and Security, Telephone: (202) 482-2440, E-mail: [tmooney@bis.doc.gov](mailto:tmooney@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION

##### Background

This rule amends the Export Administration Regulations (EAR) to conform with a decision made by the Department of State, through an internal organizational order, to change the name of the Office of Defense Trade Controls to the "Directorate of Defense Trade Controls." Consistent with this name change, this rule makes a number of changes in chapter VII, subchapter C of title 15 of the Code of Federal Regulations, the Export Administration Regulations (EAR). Specifically, this rule changes all references to the "Office of Defense Trade Controls" and "DTC", wherever they appear in chapter VII, subchapter C to the "Directorate of Defense Trade Controls" and "DDTC", respectively. In addition, this rule changes the appropriate definitions sections to conform to the new name of the office.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended by the Notice of August 6, 2004, 69 FR 48763 (August 10, 2004) continues the Regulations in effect under the International Emergency Economic Powers Act.

##### Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. This rule does not impose information collection or recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this rule involves a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under

5 U.S.C. or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) are not applicable.

##### List of Subjects

###### 15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and recordkeeping requirements, Strategic and critical materials.

###### 15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research, Science and technology.

###### 15 CFR Parts 746 and 774

Exports, Reporting and recordkeeping requirements.

###### 15 CFR Parts 770 and 772

Exports.

■ For the reasons set forth in the preamble, 15 CFR chapter VII, subchapter C is amended as set forth below.

##### PART 730—[AMENDED]

■ 1. The authority citation for part 730 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 2151 note, Pub. L. 108-175; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p. 133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, May 13, 2004; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 2. In Part 730, revise all references to the "Office of Defense Trade Controls" to read "Directorate of Defense Trade Controls"; and revise all references to "DTC" to read "DDTC".

##### PART 734—[AMENDED]

■ 3. The authority citation for part 734 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 4. In Part 734, revise all references to the "Office of Defense Trade Controls" to read "Directorate of Defense Trade Controls"; and revise all references to "DTC" to read "DDTC".

##### PART 746—[AMENDED]

■ 5. The authority citation for part 746 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec. 1503, Pub. L. 108-11, 117 Stat. 559; 22 U.S.C. 6004; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; E.O. 12854, 58 FR 36587, 3 CFR 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003-23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 6. In Part 746, revise all references to the "Office of Defense Trade Controls" to read "Directorate of Defense Trade Controls"; and revise all references to "DTC" to read "DDTC".

##### PART 770—[AMENDED]

■ 7. The authority citation for part 770 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 8. In Part 770, revise all references to the "Office of Defense Trade Controls" to read "Directorate of Defense Trade Controls"; and revise all references to "DTC" to read "DDTC".

##### PART 772—[AMENDED]

■ 9. The authority citation for part 772 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 10. In § 772.1, remove the definition of "Defense Trade Control (DTC)" and add in alphabetical order the definition of "Directorate of Defense Trade Controls", as set forth below.

##### § 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

\* \* \* \* \*

*Directorate of Defense Trade Controls (DDTC).* The office at the Department of State, formerly known as the Office of Defense Trade Controls and before that as the Office of Munitions Control, responsible for reviewing applications to export and reexport items on the U.S. Munitions List. (See 22 CFR parts 120 through 130.)

\* \* \* \* \*

## PART 774—[AMENDED]

■ 11. The authority citation for part 774 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 12. In Supplement No. 1 to Part 774, revise all references to the “Office of Defense Trade Controls” to read “Directorate of Defense Trade Controls”; revise all references to “Directorate of Defense Trade Control” to read “Directorate of Defense Trade Controls”; and revise all references to “DTC” to read “DDTC”.

Dated: October 4, 2004.

**Peter Lichtenbaum,**  
Assistant Secretary for Export  
Administration.

[FR Doc. 04–22861 Filed 10–8–04; 8:45 am]

BILLING CODE 3510–33–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 520 and 558

#### New Animal Drugs; Change of Sponsor; Sulfaquinoxaline

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for an approved new animal drug application (NADA) from Hess & Clark, Inc., to Phoenix Scientific, Inc.

**DATES:** This rule is effective October 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** David R. Newkirk, Center for Veterinary Medicine (HFV–100), Food and Drug

Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6967, e-mail: [david.newkirk@fda.gov](mailto:david.newkirk@fda.gov).

**SUPPLEMENTARY INFORMATION:** Hess & Clark, Inc., 944 Nandino Blvd., Lexington, KY 40511, has informed FDA that it has transferred ownership of, and all rights and interest in, the following three approved NADAs, to Phoenix Scientific, Inc., 3915 South 48th Street Ter., St. Joseph, MO 64503:

NADA Number	Trade Name
6–391	S.Q. (sulfaquinoxaline) 40% Medicated Feed
6–677	S.Q. (sulfaquinoxaline) 20% Solution
7–087	Sulfaquinoxaline Solubilized

Accordingly, the agency is amending the regulations in 21 CFR 520.2325a and 558.586 to reflect the transfer of ownership and a current format.

This rule does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a rule of “particular applicability.” Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

#### List of Subjects

##### 21 CFR Part 520

Animal drugs.

##### 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520 and 558 are amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

##### § 520.2325a [Amended]

■ 2. Section 520.2325a is amended in paragraph (a)(1) by removing “050749” and by adding in its place “059130”.

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 3. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

■ 4. Section 558.586 is amended by revising the section heading; by removing paragraphs (c) and (d); by redesignating paragraphs (e) and (f) as paragraphs (c) and (d); and by revising

paragraph (a) and adding paragraph (b) to read as follows:

##### § 558.586 Sulfaquinoxaline.

(a) *Specifications.* Type A medicated articles containing 40 percent sulfaquinoxaline.

(b) *Approvals.* See No. 059130 in § 510.600(c) of this chapter.

\* \* \* \* \*

Dated: September 27, 2004.

**Steven D. Vaughn,**

Director, Office of New Animal Drug  
Evaluation, Center for Veterinary Medicine.

[FR Doc. 04–22760 Filed 10–8–04; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

##### RIN 0720–AA89

#### TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2002, (NDAA–02), and a Technical Correction Included in the NDAA–03

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** This rule makes several changes to the TRICARE program authorized by Congress in the NDAA–02. Specifically, revisions to the definition of durable medical equipment (DME); adoption of the same pricing methods for durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) as are in effect for the Centers for Medicare & Medicaid Services (CMS); clarification that rehabilitative therapy is a TRICARE benefit; addition of augmentative communication devices (ACD)/speech generating devices (SGDs) as a TRICARE benefit; addition of hearing aids for family members of active duty members as a TRICARE Basic Program benefit; revisions to the definition of prosthetics; permanent authority for transitional health care for certain members separated from active duty; and revisions to the time period of eligibility for transitional health care.

This final rule also addresses a technical correction found in section 706 of the Bob Stump NDAA–03, relating to transitional health care for dependents of certain members separated from active duty.

**DATES:** This rule is effective December 13, 2004. Actual implementation will coincide with the transition in each TRICARE Region to the next generation