

type in 1981 is the same as today for maintaining the varietal type (46 FR 39120; July 31, 1981). The commenter also states that changing cultural practices does not justify eliminating the Oleate varietal type today.

As the commenter states, prior to 1981, Oleates were included with the varietal type Dipped and Related Seedless, along with water-dipped and soda-dipped raisins. In 1981, Oleates were considered relatively new to the U.S. industry and were developed to reduce the time required to sun-dry raisins and reduce problems associated with untimely rains. At that time, there was concern that, if Oleate production was substantial, the reserve percentage for Dipped and Related Seedless raisins would be inflated and the water-dipped segment's portion of the free tonnage for that year would be reduced. Thus, in 1981, the RAC recommended, and USDA approved, classifying water-dipped, soda-dipped, and Oleate-dipped raisins on the basis of whether or not they were sun-dried or artificially dried. The rationale for the 1981 change was to provide equity between the sun-dried and artificially dehydrated segments of the raisin industry for purposes of volume regulation.

USDA disagrees with the commenter's contention that the rationale for keeping Oleates as a separate varietal type remains the same today in 2003 as it was in 1981. The raisin industry is dynamic and the marketing order's regulations must often be changed to meet the needs of the industry. Section 989.10 was amended in 1960 to permit changes to the list of varietal types through informal rulemaking so that the RAC could be in a better position to meet changing conditions in the future. USDA has determined that the rationale to combine Oleates with Naturals referenced earlier in this rule—addressing changing cultural practices and reducing a possible means to circumvent volume regulation—justify this action and is consistent with the intent of § 989.10.

The commenter also contends that USDA's inspection service is capable of proper classification and distinction of Oleate raisins versus Naturals. In this discussion, the commenter references the 1981 informal rule that made Oleates a separate varietal type, and states that the rule correctly recognized that the inspection service was fully capable of making the proper classification.

As defined in 1981, Oleates were raisins produced from "grapes" that had been treated with Oleate or similar drying agent. The problem is that cultural practices have changed since

1981, and Oleate is now applied to grapes or raisins at different times in the drying process.

The commenter also contends that this action cannot be based at all on the research study referenced in the interim final rule because the study's results and methodology were not published or otherwise made available to interested parties. USDA disagrees with the commenter's contention. Dr. Susan Rodriguez and Dr. Roy Thornton at California State University, Fresno, California, conducted the study. Dr. Rodriguez attended a RAC work group meeting on April 29, 2003, and presented their preliminary findings. A final report was prepared for the RAC dated June 27, 2003.

The commenter contends that the recent growth in demand for Oleates provides no evidence to extinguish the varietal type. Further, the commenter states that late season deliveries of Oleates provide no evidence of abuse, but rather is a sign of the industry's response to meet demand.

USDA shares the RAC's concerns with the acquisition data. USDA believes that these concerns warrant combining Oleates with the Natural varietal type.

The commenter contends that the change to § 989.166 regarding the identification of Oleate-treated reserve raisins has no merit. USDA disagrees with the commenter's contention. The change is intended to ensure that Oleate-treated reserve raisins are properly marked, and that they cannot be delivered to the RAC or transferred to another handler without the approval of the RAC or the receiving handler. The commenter also contends that the economic viability of Oleates depends on their remaining free from volume regulation. However, as stated in the interim final rule, if volume regulation were in effect, handlers who have a market for Oleate-treated raisins will have the opportunity to substitute free tonnage non-Oleate treated Naturals for their reserve Oleates to meet their market needs.

Accordingly, no changes will be made to the interim final rule as published in the **Federal Register** on July 21, 2003 (68 FR 42943) based on the comment received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the

information and recommendation submitted by the RAC, the comment received, and other available information, it is found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### **List of Subjects in 7 CFR Part 989**

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

#### **PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

■ Accordingly, the interim final rule amending 7 CFR part 989 which was published at 68 FR 42943 on July 21, 2003, is adopted as a final rule without change.

Dated: February 5, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-3029 Filed 2-11-04; 8:45 am]

**BILLING CODE 3410-02-P**

#### **FEDERAL RESERVE SYSTEM**

##### **12 CFR Part 229**

**[Regulation CC; Docket No. R-1183]**

#### **Availability of Funds and Collection of Checks**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Board of Governors is amending appendix A of Regulation CC to delete the reference to the head office of the Federal Reserve Bank of Richmond and reassign the Federal Reserve routing symbols currently listed under that office to the Federal Reserve Bank of Richmond's Baltimore office and delete the reference to the Omaha check processing office of the Federal Reserve Bank of Kansas City and reassign the Federal Reserve routing symbols currently listed under that office to the Des Moines office of the Federal Reserve Bank of Chicago. These amendments reflect the restructuring of check processing operations within the Federal Reserve System.

**DATES:** The amendment to Appendix A under the Fifth Federal Reserve District (Federal Reserve Bank of Richmond) is effective on April 17, 2004. The amendments to Appendix A under the Seventh and Tenth Federal Reserve Districts (Federal Reserve Banks of Chicago and Kansas City) are effective on April 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jack K. Walton II, Assistant Director (202/452-2660), or Joseph P. Baressi, Senior Financial Services Analyst (202/452-3959), Division of Reserve Bank Operations and Payment Systems; or Adrienne G. Threatt, Counsel (202/452-3554), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263-4869.

**SUPPLEMENTARY INFORMATION:** Regulation CC establishes the maximum period a depository bank may wait between receiving a deposit and making the deposited funds available for withdrawal.<sup>1</sup> A depository bank generally must provide faster availability for funds deposited by a "local check" than by a "nonlocal check." A check drawn on a bank is considered local if it is payable by or at a bank located in the same Federal Reserve check processing region as the depository bank. A check drawn on a nonbank is considered local if it is payable through a bank located in the same Federal Reserve check processing region as the depository bank. Checks that do not meet the requirements for "local" checks are considered "nonlocal."

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check processing region and thus are local to one another.

As explained in detail in the Board's final rule published in the **Federal Register** on May 28, 2003, the Federal Reserve Banks decided in early 2003 to reduce the number of locations at which they process checks.<sup>2</sup> As part of this restructuring process, the head office of the Federal Reserve Bank of Richmond will cease processing checks on April 17, 2004, and banks with routing

symbols currently assigned to that office for check processing purposes will be reassigned to the Federal Reserve Bank of Richmond's Baltimore office. The Omaha office of the Federal Reserve Bank of Kansas City will cease processing checks on April 24, 2004, and banks with routing symbols currently assigned to that office for check processing purposes will be reassigned to the Des Moines office of the Federal Reserve Bank of Chicago. As a result of these changes, some checks that are drawn on and deposited at banks located in the affected check processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules. Also, after April 24, 2004, the restructured Des Moines check processing region will cross Federal Reserve District lines. Banks located in that region therefore no longer will be able to determine that a check is nonlocal solely because the paying bank for that check is located in another Federal Reserve District.

To assist banks in identifying local and nonlocal banks, the Board accordingly is amending the lists of routing symbols associated with the Federal Reserve Banks of Richmond, Kansas City, and Chicago to reflect the transfer of operations (1) from the Federal Reserve Bank of Richmond's head office to that Reserve Bank's Baltimore office and (2) from the Federal Reserve Bank of Kansas City's Omaha office to the Federal Reserve Bank of Chicago's Des Moines office. The amendments affecting the Federal Reserve Bank of Richmond are effective April 17, 2004, and the amendments affecting the Federal Reserve Banks of Kansas City and Chicago are effective April 24, 2004, to coincide with the effective date of the underlying check processing changes. The Board is providing advance notice of these amendments to give affected banks ample time to make any needed processing changes. The advance notice will also enable affected banks to amend their availability schedules and related disclosures, if necessary, and provide their customers with notice of these changes.<sup>3</sup> The Federal Reserve routing symbols assigned to all other Federal Reserve branches and offices will remain the same at this time. The Board of Governors, however, intends to issue similar notices at least sixty days prior to the elimination of check operations at some other Reserve Bank offices, as

described in the May 2003 **Federal Register** document.

### Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of this final rule. The revisions to the appendix are technical in nature, and the routing symbol revisions are required by the statutory and regulatory definitions of "check-processing region." Because there is no substantive change on which to seek public input, the Board has determined that the section 553(b) notice and comment procedures are unnecessary.

### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. This technical amendment to appendix A of Regulation CC will (1) delete the reference to the head office of the Federal Reserve Bank of Richmond and reassign the routing symbols listed under that office to the Baltimore office of the Federal Reserve Bank of Richmond and (2) delete the reference to the Omaha office of the Federal Reserve Bank of Kansas City and reassign the routing symbols listed under that office to the Des Moines office of the Federal Reserve Bank of Chicago. The depository institutions that are located in the affected check processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, because all paperwork collection procedures associated with Regulation CC already are in place, the Board anticipates that no additional burden will be imposed as a result of this rulemaking.

### 12 CFR Chapter II

#### List of Subjects in 12 CFR Part 229

Banks, Banking, Federal Reserve System, Reporting and recordkeeping requirements.

#### Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

<sup>1</sup> For purposes of Regulation CC, the term "bank" refers to any depository institution, including commercial banks, savings institutions, and credit unions.

<sup>2</sup> See 68 FR 31592, May 28, 2003. In addition to the general advance notice of future amendments previously provided by the Board, as well as the Board's notices of final amendments, the Reserve Banks are striving to inform affected depository institutions of the exact date of each office transition at least 120 days in advance. The Reserve Banks' communications to affected depository institutions are available at [www.frbsecurities.org](http://www.frbsecurities.org).

<sup>3</sup> Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

# **PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)**

■ 1. The authority citation for part 229 continues to read as follows:

**Authority:** 12 U.S.C. 4001 *et seq.*

■ 2. The Fifth, Seventh, and Tenth Federal Reserve District routing symbol lists in appendix A are revised to read as follows:

## **Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks**

\* \* \* \* \*

### **Fifth Federal Reserve District**

[Federal Reserve Bank of Richmond]

#### *Baltimore Branch*

0510	2510
0514	2514
0520	2520
0521	2521
0522	2522
0540	2540
0550	2550
0560	2560
0570	2570

#### *Charlotte Branch*

0530	2530
0531	2531

#### *Columbia Office*

0532	2532
0539	2539

#### *Charleston Office*

0515	2515
0519	2519

\* \* \* \* \*

### **Seventh Federal Reserve District**

[Federal Reserve Bank of Chicago]

#### *Head Office*

0710	2710
0711	2711
0712	2712
0719	2719

#### *Detroit Branch*

0720	2720
0724	2724

#### *Des Moines Office*

0730	2730
0739	2739
1040	3040
1041	3041
1049	3049

#### *Indianapolis Office*

0740	2740
0749	2749

#### *Milwaukee Office*

0750	2750
0759	2759

\* \* \* \* \*

### **Tenth Federal Reserve District**

[Federal Reserve Bank of Kansas City]

#### *Head Office*

1010	3010
1011	3011
1012	3012
1019	3019

#### *Denver Branch*

1020	3020
1021	3021
1022	3022
1023	3023
1070	3070

#### *Oklahoma City Branch*

1030	3030
1031	3031
1039	3039

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, February 6, 2004.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 04-3041 Filed 2-11-04; 8:45 am]

**BILLING CODE 6210-01-P**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **32 CFR Part 199**

**RIN 0720-AA74**

#### **TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings Procedures, Formal Review**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule makes administrative corrections to the 32 CFR part 199, section 199.10, "Appeal and Hearing Procedures." These corrections include revising § 199.10, adding paragraphs (c)(1) through (c)(5), and making other minor editorial changes.

**EFFECTIVE DATE:** May 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Gail L. Jones, Medical Benefits and Reimbursement Systems, TRICARE Management Activity (TMA), telephone (303) 676-3401.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Paragraphs (c)(1) through (c)(5) were inadvertently omitted when the July 1, 1991, edition of the 32 CFR was published. The discovery that the formal review process was missing from § 199.10 occurred at the time that TRICARE was tasked to promulgate an

appeal process for TRICARE Claimcheck denials.

The appeals procedures found in this final rule reflect the appeals process as it has continuously existed and been administered by the Department of Defense since its original effective date of May 1, 1983. This final rule is being published solely to reflect the inadvertent omission by the United States Government Printing Office of these procedures in 32 CFR part 199. This correction to § 199.10 is made in an effort to ensure that any party to an initial determination or reconsideration decision who may want to request a formal review is aware of these procedures.

##### **II. Public Comments**

We published this rule on March 13, 2003, as an interim final rule, with a 60-day comment period, and received no public comments.

##### **III. Changes in the Final Rule**

Additional administrative changes were made to correct designated paragraphs in (a)(8)(ii)(A) through (B). We have redesignated these paragraphs to (a)(8)(ii)(A) through (C).

##### **IV. Rulemaking Procedures**

Executive Order 12866 requires certain regulatory assessments for any "significant regulatory action" defined as one, which would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This rule has been designated as a significant rule and has been reviewed by the Office of Management and Budget as required under the provisions of Executive Order 12866. The Department of Defense certifies that this final rule would not have a significant impact on small business entities.

This rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3511).

This rule is being issued as a final rule.

##### **List of Subjects in 32 CFR Part 199**

Claims, Health insurance, Individuals with disabilities, Dental Health, Military personnel.