

Therefore, in order for our regulations to reflect the TAHC's reorganization of its regulations concerning fever ticks, we are amending the incorporation by reference in § 72.5 to cite 4 TAC 41.14 through 41.22 as the location of the TAHC's regulations describing areas quarantined for fever ticks and to specify the June 23, 2002, effective date of the current TAHC regulations.

#### Effective Date

We are taking this action to update our regulations with respect to changes that have already occurred in the organization of the TAHC's regulations that describe the areas of Texas quarantined because of ticks. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are unnecessary. We also find good cause for making this rule effective less than 30 days after publication in the **Federal Register**.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

The Animal and Plant Health Inspection Service's (APHIS) regulations in 9 CFR part 72 restrict the interstate movement of cattle from areas quarantined because of the presence of ticks that are vectors of bovine babesiosis, also known as splenetic or tick fever. The TAHC's regulations describing the quarantined area in Texas are incorporated by reference in APHIS' regulations in § 72.5.

This rule updates the incorporation by reference in § 72.5 so that it reflects the changes made by the TAHC to its regulations describing the quarantined areas in Texas. The amendments in this rule are entirely administrative in nature, thus we do not expect this rule will have an economic effect on any entities, large or small.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### 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.)

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This interim rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 72

Animal diseases, Cattle, Incorporation by reference, Quarantine, Transportation.

■ Accordingly, we are amending 9 CFR part 72 as follows:

#### PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 72.5 is revised to read as follows:

##### § 72.5 Area quarantined in Texas.

The area quarantined in Texas is the quarantined area described in the regulations of the Texas Animal Health Commission (TAHC) contained in §§ 41.14 through 41.22 of title 4, part II, of the Texas Administrative Code (4 TAC 41.14 through 41.22), effective June 23, 2002, which is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of 4 TAC 41.14 through 41.22 may be obtained from the TAHC at 2105 Kramer Lane, Austin, TX 78758, and from area offices of the TAHC, which are listed in local Texas telephone directories. The TAHC also maintains a copy of its regulations on its Internet homepage at <http://www.tahc.state.tx.us/>. Copies may be inspected at the Animal and Plant Health Inspection Service, Veterinary Services, suite 3B08, 4700 River Road, Riverdale, MD, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Done in Washington, DC, this 13th day of February 2004.

**Kevin Shea,**

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

[FR Doc. 04–3722 Filed 2–23–04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. 34–49259]

### Delegation of Authority to the Director of the Division of Market Regulation

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (“Commission”) is amending its Rules of Practice to delegate its authority to the Director of the Division of Market Regulation to grant or deny exemptions from the rule filing requirements of section 19(b) of the Securities Exchange Act of 1934 (“Exchange Act”) pursuant to section 36 of the Exchange Act, in cases of a self-regulatory organization (“SRO”) incorporating by reference the rules of another SRO. The delegation of authority is intended to conserve Commission resources by permitting the staff to review and act on exemptive applications under section 36 when appropriate.

**EFFECTIVE DATE:** February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Florence Harmon, Senior Special Counsel, at (202) 942–0773; Geoffrey Pemble, Special Counsel, at (202) 942–0757, Office of Market Supervision, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

**SUPPLEMENTARY INFORMATION:** The Commission today announces an amendment to its Rules of Practice governing Delegations of Authority to the Director of the Division of Market Regulation (“Director”).<sup>1</sup> The amendment adds to Rule 30–3 a new paragraph (a)(78) authorizing the Director to grant or deny exemptions from the rule filing requirements of section 19(b) of the Exchange Act under section 36 of the Exchange Act in a case where an SRO chooses to incorporate by reference one or more rules of another SRO.<sup>2</sup>

<sup>1</sup> 17 CFR 200.30–3.

<sup>2</sup> 15 U.S.C. 78s(b) and 78mm.

Section 36(a) provides that “the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.”<sup>3</sup>

The delegation of authority to the Director is intended to conserve Commission resources by permitting the staff, pursuant to section 36(a), to review and act on exemptive applications from section 19(b) of SROs incorporating the rules of another SRO. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate. In addition, under section 4A(b) of the Exchange Act, the Commission retains discretionary authority to review, upon its own initiative or upon application by a party adversely affected, any exemption granted or denied by the Director pursuant to delegated authority.<sup>4</sup>

The Commission finds, in accordance with section 553(b)(A) of the Administrative Procedure Act,<sup>5</sup> that this amendment relates solely to agency organization, procedure, or practice, and does not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendment prior to its effective date are unnecessary.

#### List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

#### Text of Amendment

■ In accordance with the preamble, the Commission hereby amends title 17, chapter II of the Code of Federal Regulations as follows:

#### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

##### Subpart A—Organization and Program Management

■ 1. The authority citation for part 200, subpart A, continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

\* \* \* \* \*

■ 2. Section 200.30–3 is amended by adding paragraph (a)(78) to read as follows:

#### § 200.30–3 Delegation of authority to the Director of Division of Market Regulation.

\* \* \* \* \*

(a) \* \* \*

(78) Pursuant to section 36 of the Act (15 U.S.C. 78mm) to review and grant or deny exemptions from the rule filing requirements of section 19(b) (15 U.S.C. 78s(b)) of the Act, in a case where a self-regulatory organization elects to incorporate by reference one or more rules of another self-regulatory organization, provided that the following specified terms and conditions are met:

(i) A self-regulatory organization electing to incorporate rules of another self-regulatory organization has requested to incorporate rules other than trading rules (e.g., the self-regulatory organization has requested to incorporate rules such as margin, suitability, arbitration);

(ii) A self-regulatory organization electing to incorporate rules of another self-regulatory organization has requested to incorporate by reference categories of rules (rather than to incorporate individual rules within a category); and

(iii) The incorporating self-regulatory organization has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another self-regulatory organization.

\* \* \* \* \*

Dated: February 17, 2004.  
By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–3881 Filed 2–23–04; 8:45 am]

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#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### 21 CFR Part 1

[Docket No. 2002N–0278]

#### Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction

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

**ACTION:** Interim final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting an interim final rule that appeared in the **Federal Register** of October 10, 2003 (68 FR 58974; corrected February 2, 2004 (69 FR 4851)). The correction document (69 FR 4851) was published with typographical errors in a Web site address. This document corrects those errors.

**DATES:** Effective February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Deborah Ralston, Office of Regulatory Affairs, Office of Regional Operations, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6230.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 04–1592, appearing on page 4851 in the **Federal Register** of Monday, February 2, 2004, in the second column, in the fifth numbered correction, the following correction is made:

1. On page 59072, in the second column, in § 1.280(d), in the first sentence, remove the phrase “<http://www.fda.gov>” and replace it with the phrase “<http://www.cfsan.fda.gov/~furl/fisstat.html>” and, in the third sentence, remove the phrase “is listed at <http://www.fda.gov>—see Prior Notice” and replace it with the phrase “will be listed at <http://www.access.fda.gov> or <http://www.cfsan.fda.gov/~furl/fisstat.html>, whichever FDA determines is available”.

Dated: February 15, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–3941 Filed 2–23–04; 8:45 am]

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#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### 26 CFR Part 1

[TD 9110]

RIN 1545–BA85

#### Section 42 Carryover and Stacking Rule Amendments; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations that were published in the **Federal Register** on January 6, 2004 (69 FR 502) that amend several existing regulations concerning the low-income housing tax credit.

<sup>3</sup> 15 U.S.C. 78mm(a).

<sup>4</sup> For information concerning the filing of exemptive relief applications, see Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998); 17 CFR 240.0–12.

<sup>5</sup> 5 U.S.C. 553(b)(A).