

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-45848]

Delegation of Authority to the Secretary of the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission ("Commission") is amending its rules to delegate authority to the Secretary of the Commission to enter orders instituting previously authorized administrative proceedings based on the entry of an injunction or a criminal conviction, and to issue findings and orders in such cases where a respondent consents to a bar from association. This delegation is intended to conserve Commission resources as well as expedite the institution of proceedings in which the Commission considers whether to impose remedial measures on certain persons who are subject to injunctions or who have been criminally convicted.

EFFECTIVE DATE: May 6, 2002.

FOR FURTHER INFORMATION CONTACT:

Deborah Levine, Office of the General Counsel, at (202) 942-0890, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0606.

SUPPLEMENTARY INFORMATION: The Commission today is amending its rules governing delegation of authority to the Office of the Secretary.¹

The Securities Exchange Act of 1934² ("Exchange Act") and the Investment Advisers Act of 1940³ ("Advisers Act") authorize the Commission to institute administrative proceedings against certain persons⁴ based upon, among

¹ 17 CFR 200.30-7.

² 15 U.S.C. 78a *et seq.*

³ U.S.C. 80b-1 *et seq.*

⁴ The Commission is authorized to bring administrative proceedings based on the entry of an injunction or a criminal conviction against the following persons: brokers or dealers pursuant to Section 15(b)(4) of the Exchange Act; persons associated with brokers or dealers, or persons participating in an offering of a penny stock pursuant to Section 15(b)(6) of the Exchange Act; municipal securities dealers and persons associated with municipal securities dealers pursuant to Section 15B(c) of the Exchange Act; government securities brokers or dealers and persons associated with government securities brokers or dealers pursuant to Section 15C(c) of the Exchange Act; transfer agents and persons associated with transfer agents pursuant to Section 17A(c) of the Exchange Act; and investment advisers and persons associated with investment advisers pursuant to Section 203(e) or (f) of the Advisers Act.

Other provisions of the securities laws, such as Section 19(h) of the Exchange Act, authorize

other things, a court's entry of an injunction against certain conduct or violations of the federal securities laws, or convictions for certain crimes.⁵ Frequently, when the Commission authorizes the filing of an injunctive action in district court against a regulated person, it also authorizes the future institution of an administrative proceeding against that person based on the anticipated entry of an injunction at the conclusion of the district court litigation or based on an anticipated criminal conviction. The Commission is amending its rules to delegate to the Secretary the authority to issue orders instituting such administrative proceedings where the Commission has previously authorized the proceeding based on the anticipated entry of an injunction or on a criminal conviction. The delegation also includes the authority to issue settled orders making findings and imposing sanctions where the respondent consents to a bar from association "i.e., the maximum relief available in such a case. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate.

Administrative Law Matters

The Commission finds, in accordance with Section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), that this amendment relates solely to agency organization, procedure, or practice. Accordingly, notice and opportunity for public comment, as well as publication 30 days before its effective date, are unnecessary. Because notice and comment are not required for this final rule, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act.⁶

The rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995 as amended.⁷ The rule will not impose any costs on the public.

List of Subjects in 17 CFR Part 200

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

administrative proceedings against other categories of persons; however, these other provisions do not permit administrative proceedings to be based on the entry of an injunction or a criminal conviction.

⁵ In this context, a criminal conviction "includes a verdict, judgment, or plea of guilty, or a finding of guilt on a plea of *nolo contendere*, if such verdict, judgment, plea, or finding has not been reversed, set aside, or withdrawn, whether or not sentence has been imposed." Section 202(a)(6) of the Advisers Act.

⁶ See 5 U.S.C. 603.

⁷ 44 U.S.C. 3501 *et seq.*

Text of the Amendment

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows.

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

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. The authority citation following § 200.30-7 is removed.

3. Section 200.30-7 is amended by adding paragraph (a)(12) to read as follows:

§ 200.30-7 Delegation of authority to Secretary of the Commission.

* * * * *

(a) * * *

(12) To issue orders instituting previously authorized administrative proceedings pursuant to sections 15(b)(4) or (6), 15B, 15C, or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(4) or (6), 78o-4, 78o-5, or 78q-1), and section 203(e) or (f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(e) or (f)), based on the entry of an injunction or a criminal conviction, and to issue findings and orders in such cases where a respondent consents to a bar from association.

* * * * *

Dated: April 30, 2002.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02-11099 Filed 5-3-02; 8:45 am]

BILLING CODE 8010-01-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Nicarbazin, Narasin, and Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug

application (NADA) filed by Alpharma, Inc. The NADA provides for using approved two-way narasin/nicarbazin and single-ingredient bacitracin methylene disalicylate (BMD) Type A medicated articles to make three-way, combination drug Type C medicated feeds for broiler chickens.

DATES: This rule is effective May 6, 2002.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7580, e-mail: svaughn@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, has filed NADA 141-124 that provides for the combination use of approved MAXIBAN (36 grams per pound (g/lb) each of narasin and nicarbazin) and BMD (10, 25, 30, 40, 50, 60, or 75 g/lb bacitracin methylene disalicylate) Type A medicated articles in three-way, combination drug Type C medicated feeds for broiler chickens. The Type C feeds containing 27 to 45 g/ton each narasin and nicarbazin and 50 g/ton bacitracin methylene disalicylate are used for the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*, and as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to

bacitracin. The Type C broiler feeds containing 27 to 45 g/ton each narasin and nicarbazin and 100 to 200 g/ton BMD are used for the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati* as an aid in the control of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin. The NADA is approved as of January 14, 2002, and the regulations in 21 CFR 558.76 and 558.366 are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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 in 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 part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

§ 558.76 [Amended]

2. Section 558.76 *Bacitracin methylene disalicylate* is amended in paragraph (d)(3)(xii) by adding "or narasin" after "narasin".

3. Section 558.366 is amended in the table in paragraph (d), in the column for "Combination in grams per ton" after the entry for "Narasin 27 to 45 and bacitracin methylene disalicylate 4 to 50" by adding entries for "Narasin 27 to 45 and bacitracin methylene disalicylate 50" and "Narasin 27 to 45 and bacitracin methylene disalicylate 100 to 200" to read as follows:

§ 558.366 Nicarbazin.

* * * * *
(d) * * *

Nicarbazin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	* * *	*	* * *	*
27 to 45	Narasin 27 to 45 and bacitracin methylene disalicylate 50.	Broiler chickens: For prevention of coccidiosis caused by <i>Eimeria tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. maxima</i> , <i>E. brunetti</i> , and <i>E. mivati</i> ; as an aid in the prevention of necrotic enteritis caused or complicated by <i>Clostridium</i> spp. or other organisms susceptible to bacitracin.	Feed continuously as sole ration. Do not feed to laying hens. Withdraw 5 days before slaughter. Do not allow turkeys, horses or other equines access to formulations containing narasin. Ingestion of narasin by these species has been fatal. Narasin and nicarbazin as provided by No. 000986, bacitracin methylene disalicylate by No. 046573 in § 510.600(c) of this chapter.	046573

Nicarbazin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*

Dated: April 9, 2002.
Stephen F. Sundlof,
 Director, Center for Veterinary Medicine.
 [FR Doc. 02-10964 Filed 5-3-02; 8:45 am]
 BILLING CODE 4160-01-S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[WO-850-1820-XZ-24-1A]

RIN 1004-AD34

Application Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the regulation showing the location of the Bureau of Land Management (BLM) State Offices in order to show the new address of the BLM Oregon State Office, which moved in January 2002. Personal, messenger, and express mail delivery of filings and other documents must be to the new office address. You must continue to direct filings and other delivery by U.S. mail to the same post office box address which has not been changed.

EFFECTIVE DATE: May 6, 2002.

FOR FURTHER INFORMATION CONTACT: Michael H. Schwartz, (202) 452-5198. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-

800-877-8339, 24 hours a day, 7 days a week.
SUPPLEMENTARY INFORMATION: This final rule reflects the administrative action of changing the address of the Oregon State Office of BLM. It changes the street address for the location of the BLM Oregon State Office, but makes no other changes in filing requirements. Specifically, the rule does not change the mailing address of the Oregon State Office, but only the street address.

Because this final rule is an administrative action to change the address for one BLM State Office, BLM has determined that it has no substantive impact on the public. It imposes no costs, and merely updates a list of addresses included in the Code of Federal Regulations for the convenience of the public. The Department of the Interior, therefore, for good cause finds under 5 U.S.C. 553(b)(B) and 553(d)(3) that notice and public procedure are unnecessary and that this rule may take effect upon publication.

Because this final rule is a purely administrative regulatory action having no effects upon the public or the environment, we have determined that the rule is categorically excluded from review under Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

As required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property. No

private property rights are affected by this rule which only reports address changes for BLM State Office. The Department therefore certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights.

The rule will not have a substantial direct effect on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. The rule reflects the administrative action of changing the address of the Oregon State Office of BLM. Therefore, in accordance with Executive Order 13132, BLM has determined that this rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Under Executive Order 12988, Civil Justice Reform, the Office of the Solicitor has determined that this rule would not unduly burden the judicial system and that it meets the requirements of the sections 3(a) and 3(b)(2) of the Order.

Further, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) that it will not have a significant economic impact on a substantial number of small entities. Reporting address changes for BLM State Offices will not have any economic impact.

This rule does not contain information collection requirements that require approval by the Office of