

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:

<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).

**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]

BILLING CODE 8010–01–P

### 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/~furls/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/~furls/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]

BILLING CODE 4160–01–S

### 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.

**EFFECTIVE DATE:** These corrections are effective January 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lauren R. Taylor (202) 622-3040 or Christopher J. Wilson (808) 539-2874 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of these corrections are under section 42 of the Internal Revenue Code.

**Need for Correction**

As published, the final regulations (TD 9110), contains errors that may prove to be misleading and are in need of clarification.

**Correction of Publication**

■ Accordingly, the publication of the final regulations (TD 9110), which were the subject of FR Doc. 03-32219, is corrected as follows:

■ 1. On page 502, column 3, in the preamble under the paragraph heading "Special Analyses", line 13, the language "(5 U.S.C. chapter 6) does not apply." Is corrected to read "(5 U.S.C. chapter 6) does not apply. The collection of information contained in this Treasury decision has been previously reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-1102."

**§ 1.42-14 [Corrected]**

■ 2. On page 506, column 1, § 1.42-14(l)(2), line 12, the language "subject to the applicable applicability" is corrected to read "subject to the applicable effective".

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 04-3998 Filed 2-23-04; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF EDUCATION**

**34 CFR Part 345**

**Removal of Regulations**

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the Code of Federal Regulations (CFR) to remove obsolete regulations. As a result of the enactment of the Assistive Technology Act of 1998, these regulations are no longer needed. The

Secretary therefore takes this action to remove the regulations.

**DATES:** Part 345 is removed effective March 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** Sandy M. Jablonski, U.S. Department of Education, room 6C109, FB-6, 400 Maryland Avenue, SW., Washington, DC 20202-2110. Telephone: (202) 401-8300.

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**SUPPLEMENTARY INFORMATION:** The Department has reviewed its regulations and has identified the regulations removed by this document as obsolete and unnecessary. The regulations removed are 34 CFR part 345 (State Grants Program for Technology-Related Assistance for Individuals with Disabilities).

The regulations being removed are no longer necessary because the statutory authority for the regulations "the Technology-Related Assistance for Individuals with Disabilities Act of 1988—has been superseded by the Assistive Technology Act of 1998, 29 U.S.C. 3001 through 3058.

**Waiver of Proposed Rulemaking**

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, this document merely removes obsolete regulations from the Code of Federal Regulations. Removal of the regulations does not establish or affect substantive policy. Therefore, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment is unnecessary and contrary to the public interest.

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**List of Subjects in 34 CFR Part 345**

Grant programs-education, Individuals with disabilities, Reporting and recordkeeping requirements, Research.

Dated: February 18, 2004.

**Troy R. Justesen,**

*Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services.*

**PART 345—STATE GRANTS PROGRAM FOR TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES**

■ For the reasons stated in the preamble, under the authority at 20 U.S.C. 1221e-3, the Secretary amends title 34 of the Code of Federal Regulations by removing part 345.

[FR Doc. 04-3850 Filed 2-23-04; 8:45 am]

**BILLING CODE 4000-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CC Docket No. 98-67, FCC 03-112; DA 04-347]

**Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved for three years the information collection requirements contained in the *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration (*Second Report and Order*). Also, this document includes the effective date of 47 CFR 64.604 (a)(3)(v), (vi) and (viii) that were adopted or modified in the *Second Report and Order*, will become effective February 24, 2004.

**DATES:** 47 CFR 64.604 (a)(3) and (c)(2) published at 68 FR 50973, August 25, 2003 are effective February 24, 2004.