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.'' [3]

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.[4]

The Commission finds, in accordance with section 553(b)(A) of the Administrative Procedure Act,[5] 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:

[3] 15 U.S.C. 78mm(a).

[4] 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.

[5] 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.