

401(e) of § 229.401 is corrected to read as follows:

* * * * *

Instructions to Item 401(e)

1. The disclosure under Item 401(e) is required only in a small business issuer's annual report. The small business issuer need not provide the disclosure required by this Item 401(e) in a proxy or information statement unless that small business issuer is electing to incorporate this information by reference from the proxy or information statement into its annual report pursuant to general instruction E(3) to Form 10-KSB.

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§ 229.401 [Corrected]

On page 5127, in the third column, paragraph 1 to Instructions to Item 401(h) of § 229.401 is corrected to read as follows:

* * * * *

Instructions to Item 401(h)

1. The disclosure under Item 401(h) is required only in a registrant's annual report. The registrant need not provide the disclosure required by this Item 401(h) in a proxy or information statement unless that registrant is electing to incorporate this information by reference from the proxy or information statement into its annual report pursuant to general instruction G(3) to Form 10-K.

* * * * *

Dated: March 26, 2003.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 03-7680 Filed 3-28-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-44992A; File No. S7-26-98]

RIN 3235-AH04

Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the amendments to the books and records requirements for brokers and dealers under the Securities Exchange Act of 1934 that were published on November 2, 2001. The

corrections contained herein redesignate two paragraphs that were incorrectly numbered and amend references to those two paragraphs to reflect that change.

EFFECTIVE DATE: May 2, 2003.

FOR FURTHER INFORMATION CONTACT:

Bonnie L. Gauch, Attorney, at (202) 942-0765, in the Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549-1001.

SUPPLEMENTARY INFORMATION:

I. Background

Rules 17a-3 and 17a-4¹ under the Securities Exchange Act of 1934² (the "Exchange Act") (hereinafter the "Books and Records rules"), specify minimum requirements with respect to the records that broker-dealers must make, and how long those records and other documents relating to a broker-dealer's business must be kept. The Securities and Exchange Commission (the "Commission") amended the Books and Records rules on October 26, 2001.³

II. Need for Correction

As published, the amendments to the Books and Records rules contain a rule designation which was designated by another final rule. In the final rules regarding the applicability of CFTC and SEC customer protection, recordkeeping, reporting, and bankruptcy rules and the Securities Investor Protection Act of 1970 to Accounts Holding Security Futures Products, published on Friday, September 13, 2002, new paragraph (f) to rule 17a-3 was adopted and became effective immediately upon publication. The amendments to the Books and Records rules erroneously also designated a new paragraph (f) of rule 17a-3.⁴ This correction redesignates the paragraph 17a-3(f) contained in the amendments to the Books and Records rules as paragraphs 17a-3(g) and makes other necessary changes throughout the release text and final rules to facilitate this change.

III. Correction of Publication

Accordingly, the final rule FR Doc. 01-27439 published on November 2, 2001 (66 FR 55818), is corrected as follows:

1. On page 55838, column 1, amendatory instruction 3.e., second line, revise the reference "(f) and (g)" to read "(g) and (h)";

¹ 17 CFR 240.17a-3 and 240.17a-4.

² 17 U.S.C. 78, *et al.*

³ Securities Exchange Act Release No. 44992, 66 FR 55818 (Nov. 2, 2001) (the "Adopting Release").

⁴ 67 FR 58284 (Sept. 13, 2002).

2. On page 55838, column 2, paragraph (12)(i), fourth line, revise the reference "paragraph (g)(4)" to read "paragraph (h)(4)";

3. On page 55839, column 3, paragraphs (f) and (g) are redesignated as paragraphs (g) and (h).

4. On page 55841, column 1, paragraph (k), third line, revise the reference "\$ 240.17a-3(f)" to read "\$ 240.17a-3(g)";

5. On page 55841, column 1, paragraph (l)(1), second line, revise the reference "\$ 240.17a-3(g)(1)" to read "\$ 240.17a-3(h)(1)";

6. On page 55841, column 1, paragraph (l)(2), second line, revise the reference "\$ 240.17a-3(g)(2)" to read "\$ 240.17a-3(h)(2)";

7. On page 55841, column 1, paragraph (l)(3), third line, revise the reference "\$ 240.17a-3(g)(3)" to read "\$ 240.17a-3(h)(3)"; and

8. On page 55841, column 2, paragraph (l)(4), beginning on line two, revise the reference "\$ 240-17a-3(g)(4)" to read "\$ 240.17a-3(h)(4)".

Dated: March 26, 2003.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 03-7614 Filed 3-28-03; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 33-8183A; 34-47265A; 35-27642A; IC-25915A; IA-2103A, FR-68, File No. S7-49-02]

RIN 3235-AI73

Strengthening the Commission's Requirements Regarding Auditor Independence

AGENCY: Securities and Exchange Commission.

ACTION: Corrections to final regulations.

SUMMARY: We are making technical corrections to rules adopted in Release No. 33-8183 (January 28, 2003), which were published in the **Federal Register** on February 5, 2003 (68 FR 6005). The rules relate to requirements regarding auditor independence and enhanced disclosure of fees paid to auditors. This document corrects the numbering scheme for items within Forms 10-K and 10-KSB.

EFFECTIVE DATE: March 31, 2003.

FOR FURTHER INFORMATION CONTACT: Ray Be, Special Counsel, Office of Rulemaking, Division of Corporation Finance, at (202) 942-2910, U.S. Securities and Exchange Commission,

450 Fifth Street, NW, Washington, DC 20549-0312.

SUPPLEMENTARY INFORMATION:

I. Background

On January 28, 2003, the Commission adopted amendments to strengthen requirements regarding auditor independence and enhance disclosure regarding fees paid to auditors.¹ These rules were designed to implement provisions of the Sarbanes-Oxley Act of 2002.² The adopting release made erroneous references to items within Forms 10-K and 10-KSB. Accordingly, the amendments correct the numbering of items in these forms, but do not alter the disclosure requirements described in the original adopting release.

II. Need for Correction

As published, the final regulations contain errors which are in need of clarification.

III. Correction of Publication

In FR Doc. 03-2364 published on February 5, 2003 (68 FR 6005) make the following corrections.

1. On page 6050, in the first column, instruction 10 is corrected to read as follows:

10. Amend Form 10-K (referenced in § 249.310) by:

a. Redesignating Item 15 of Part IV as Item 16 of Part IV, and

b. Adding new Item 15 to Part III.

The addition reads as follows:

* * * * *

2. On page 6050, in the first, second and third columns, "Item 16." is corrected to read "Item 15." in each place it appears.

Dated: March 26, 2003.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 03-7681 Filed 3-28-03; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter 1

Change of Address; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to reflect a change in the address for the Center for Food Safety and Applied Nutrition (CFSAN). This action is editorial in nature and is intended to improve the accuracy of the agency's regulations.

EFFECTIVE DATE: December 14, 2001.

FOR FURTHER INFORMATION CONTACT:

Joyce Strong, Office of Policy and Planning (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-7010.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 6, 2001 (66 FR 56034), FDA amended its regulations to reflect that effective December 14, 2001, CFSAN's address was to change to 5100 Paint Branch Pkwy., College Park, MD 20740. The document amended FDA's regulations by removing "200 C Street, SW., Washington, DC 20204" or "200 C St. SW., Washington, DC 20204" wherever they appeared and added in their place CFSAN's new address. However, after publication of the November 6, 2001, document, CFSAN's outdated address inadvertently remained in certain regulations. This document amends FDA's regulations to reflect CFSAN's change of address by removing the entire outdated address and adding the new address wherever it appears in 21 CFR parts 101, 165, 172, 173, 177, 178, and 184.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely correcting nonsubstantive errors.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR chapter I is amended as follows:

■ 1. Parts 101, 165, 172, 173, 177, 178, and 184 are amended by removing "200 C St. SW., Washington, DC" or "200 C St. SW., Washington, DC 20204" or "200 C St. SW., Washington, DC 20204-0001" wherever they appear and by adding in their place "5100 Paint Branch Pkwy., College Park, MD 20740."

■ 2. Parts 710 and 720 are amended by removing "Department of Health and Human Services, Washington, DC 20204" wherever it appears and by adding in its place "5100 Paint Branch Pkwy., College Park, MD 20740."

Dated: March 25, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03-7600 Filed 3-28-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 211, 226, 510, and 514

[Docket No. 88N-0038]

RIN 0910-AC42

Records and Reports Concerning Experience With Approved New Animal Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Withdrawal of interim final rule and issuance of final rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing the interim final rule that it published on February 4, 2002. The interim final rule amended the regulations for records and reports concerning experiences with approved new animal drugs. FDA invited interested parties to comment on the interim final rule. As a result of those comments, this final rule more clearly defines the kinds of information to be maintained and submitted by new animal drug applicants for new animal drug applications (NADAs) or abbreviated new animal drug applications (ANADAs). In addition, the final rule revises the timing and content of certain reports to enhance their usefulness. This regulation will provide for protection of public and animal health and reduce unnecessary recordkeeping and reporting requirements.

DATES: This rule is effective June 30, 2003. The interim final rule published on February 4, 2002 (67 FR 5046), is withdrawn as of March 31, 2003.

FOR FURTHER INFORMATION CONTACT:

Glenn Peterson, Center for Veterinary Medicine (HFV-212), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0224, or gpeterso@cvm.fda.gov. Form FDA 1932 and Form FDA 2301 may be obtained by calling the Food and Drug Administration, Center for Veterinary Medicine, Division of Surveillance at 301-827-6642.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 17, 1991 (56 FR 65581), FDA published

¹ See Release No. 33-8183 (Jan. 28, 2003) [68 FR 6006].

² Pub. L. 107-204, 116 Stat. 745 (2002).