

otherwise. Subpart-Discriminating Between Customers: § 13.685 Discriminating between customers; 13.685-5 Clayton Act; 13.685-10 Federal Trade Commission Act. Subpart-Discriminating In Price Under Section 2, Clayton Act—Price Discrimination Under 2(a): § 13.700 Arbitrary or improper functional discounts; § 13.715 Charges and price differentials.

Subpart—Disparaging Competitors and Their Products—Competitors: § 13.950 Reliability, history and financial condition. Subpart—Maintaining Resale Prices: § 13.1130 Contracts and agreements; § 13.1145 Discrimination; § 13.1160 Refusal to sell.

[Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13]

Carol M. Thomas,

Secretary.

[FR Doc. 80-6785 Filed 3-3-80; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Organization, Functions, and Procedures of the Commission; Delegation of Authority to the Director of the Complaints Section

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is amending § 140.81 of its rules to reflect a reorganization of its reparations staff. As amended, the rule delegates to the Director of the Complaints Section the authority to perform all functions reserved to the Commission in Sections 14 (a), (b) and (d) of the Commodity Exchange Act, as amended, 7 U.S.C. § 18.

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Donald L. Tendick, Executive Director, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-7556.

SUPPLEMENTARY INFORMATION: Section 14 of the Commodity Exchange Act, 7 U.S.C. 18, provides that any person who wishes to complain of a violation of any provision of the Act or any rule, regulation or order thereunder by any person registered or required to be registered with the Commission under the Commodity Exchange Act may, within two years after the cause of action accrues, apply to the Commission for a reparation award. If, after a

hearing before an Administrative Law Judge, where required, the Commission determines that the commodity professional involved has violated the Act or a Commission rule, regulation, or order it may make a reparation award to the claimant.

On April 18, 1976, the Commission delegated to the Director of the Division of Enforcement, with the power to subdelegate to persons under his direction, the authority to review and process reparation claims and related documents in accordance with the Commission's Reparation rules prior to the docketing of the formal adjudicatory proceeding. On May 5, 1978, the Commission adopted Rule 140.81 to codify that delegation. 43 FR 20970-71 (May 16, 1978).

Under the delegation, the Director or such person is empowered to review reparation claims, to forward claims and other documents to the parties and to the Commission's Office of Hearings and Appeals, to undertake appropriate investigations, to delay the institution of a formal adjudicatory proceeding if an investigation is undertaken and to institute a formal adjudicatory proceeding. This delegation of authority enables the Commission to accomplish, as promptly as possible, the review and processing of claims and related procedural matters prior to the docketing of a formal reparation proceeding.

The Commission has recently undertaken a study of its reparation system and has determined to establish a Complaints Section to review and process reparation claims and related procedural matters prior to the docketing of a formal adjudicatory proceeding and to amend Rule 140.81 to transfer the delegation of authority to do so from the Director of the Division of Enforcement to the Director of the Complaints Section. In order to effect an orderly transition between the personnel and operations of the Reparations Unit of the Division of Enforcement, and the Complaints Section, the Commission has determined that all claims pending in the Reparations Unit which were docketed prior to January 14, 1980 will be processed by the personnel of the Reparations Unit of the Division of Enforcement. All claims which were docketed from January 14, 1980 forward will be processed by the staff of the Complaints Section.

The delegation to the Director of the Complaints Section reserves to the Commission the right to revoke the delegated authority at any time and specifically empowers the Director of the Complaints Section to submit

matters to the Commission for its consideration as appropriate.

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

Based on the foregoing, the Commission hereby amends Part 140 of Chapter 1 of Title 17 of the Code of Federal Regulations by amending § 140.81 to read as follows:

§ 140.81 Delegation of authority to the Director of the Complaints Section.

Pursuant to the authority granted under sections 2(a)(4) and 2(a)(11) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(c) and 4a(j), the Commodity Futures Trading Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Director of the Complaints Section, and to such person or persons under the Director's direction as the Director may designate from time to time:

(a) With respect to reparation proceedings filed pursuant to section 14 of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. 18 on and after January 14, 1980 and subject to the Commission's Reparation rules as set forth in Part 12 of this chapter, to perform all functions reserved to the Commission in Sections 14 (a), (b) and (d) of the Act and in Subparts B and C of the Reparation rules, prior to the docketing of formal adjudicatory proceedings pursuant to § 12.41 of the Reparation rules.

(b) Notwithstanding the provisions of paragraph (a) of this section, in any case in which the Director believes it appropriate, or in which the Commission so requests, such Director may submit the matter to the Commission for its consideration.

(Pub. L. 93-463, Sec. 101(a)(4) and 101(a)(11), 88 Stat. 1391 (7 U.S.C. 4a(c) and 4a(j)).

The foregoing rule shall be effective immediately. The Commission finds that the rule relates solely to agency practice and procedure and that the public procedures and publication prior to the effective date of the rule in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required.

Issued in Washington, D.C. on February 27, 1980.

By the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-6789 Filed 3-3-80; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-38]

Staff Accounting Bulletin No. 38

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This interpretation of the staff amends SAB No. 25, which provided guidance to issuers in disclosing relationships with independent public accountants in proxy statements, to indicate that fees incurred by an issuer for reviews of the system of internal accounting control for purposes of determining the adequacy of the system, or reviews of the issuer's procedures for making such determinations should be considered as services provided in connection with the audit function.

DATE: February 26, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Doyle (202-272-2130), Office of the Chief Accountant, or Howard P. Hodges, Jr. (202-272-2553), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

February 26, 1980.

Staff Accounting Bulletin No. 38

The following interpretation provides the staff's view on a question concerning the requirements of 17 CFR 240.14a-101 adopted in Accounting Series Release No. 250 (43 FR 29110).

Topic 6: Interpretations of Accounting Series Releases

* * * * *

L. ASR No. 250—Disclosure of Relationships with Independent Public Accountants.

Amendment of Staff Accounting Bulletin No. 25

In Staff Accounting Bulletin No. 25, the following was included as an example of services that the staff believes meet the criterion of "services

provided in connection with the audit function":

- Reviews of the system of internal accounting control for the purpose of determining the adequacy of the system when done in conjunction with the examination of financial statements.

The above example is amended to read:

- Reviews of the system of internal accounting control for the purpose of determining the adequacy of the system, or reviews of the issuer's procedures for Making such determinations.

It should be noted that Staff Accounting Bulletin No. 25 also included the following example of services which do not meet the criterion of "services provided in connection with the audit function," which is *not amended*:

- Internal control services provided for the purpose of designing or redesigning systems and procedures.

[FR Doc. 80-6650 Filed 3-3-80; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 240 and 249

[Release No. 34-15867; File S7-611]

Lost and Stolen Securities Program Amendments; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects an inadvertent omission in FR Doc. 79-16827 appearing at page 31500 in the Federal Register of May 31, 1979. In § 240.17f-1(c)(5) in the first column on page 31504, paragraph (viii) was dropped and the subsequent paragraphs incorrectly numbered. Paragraph (viii) should read "Name in which registered;" and the following paragraphs designated (viii), (ix), (x) and (xi) should be correctly numbered (ix), (x), (xi) and (xii) respectively.

DATE: February 27, 1980.

FOR FURTHER INFORMATION CONTACT: Lisa G. Gessow, Branch Chief, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, tel. 202-272-2374.

George A. Fitzsimmons,

Secretary.

February 27, 1980

[FR Doc. 80-6649 Filed 3-3-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 73

[Docket No. 78C-0041]

Listing of Color Additives Exempt From Certification; Silver; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of December 17, 1979, for a regulation concerning the use of silver in externally applied cosmetics.

DATE: Effective date confirmed: December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A regulation published in the Federal Register of November 16, 1979 (44 FR 65974) added § 73.2500 (21 CFR 73.2500) to Subpart C of Part 73 (21 CFR Part 73) to provide for the safe use of silver as a color additive in fingernail polish.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the regulation of November 16, 1979. Accordingly, the amendments promulgated thereby became effective on December 17, 1979.

Dated: February 25, 1980.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 80-6529 Filed 3-3-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Phenylbutazone Tablets; Revocation of Certain Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is revoking that portion of the regulations reflecting approval of a new animal drug application (NADA) providing for use of a phenylbutazone tablet in treating dogs for certain inflammatory conditions associated with the musculoskeletal system. The sponsor, Norden

Laboratories, requested the withdrawal of approval.

EFFECTIVE DATE: March 14, 1980.

FOR FURTHER INFORMATION CONTACT: Leonard D. Krinsky, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the Federal Register, approval of NADA 91-939 is withdrawn. This document amends the regulations to delete that portion which reflects approval of this NADA.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director, Bureau of Veterinary Medicine (21 CFR 5.84), Part 520 is amended by revising § 520.1720a(b)(4), to read as follows:

§ 520.1720a Phenylbutazone tablets and boluses.

(b) * * *

(4) No. 000832 for use of 100-milligram tablets in dogs.

Effective date. March 14, 1980.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)))

Dated: February 26, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-0625 Filed 3-3-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed for The Eugene Ingmand Co., providing for safe and effective use of a 2-grams-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: March 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: The Eugene Ingmand Co., Box 22, Red Oak, IA 51566, is the sponsor of a supplemental NADA (91-465) providing for use of a premix containing 2 grams of tylosin (as tylosin phosphate) per pound, in addition to an existing approval for use of a 10-grams-per-pound premix, for making complete swine feeds used to increase rate of weight gain and to improve feed efficiency.

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (see the Federal Register of December 23, 1977 (42 FR 64367)), the approval of this supplemental NADA does not require reevaluation of the safety and effectiveness in NADA 12-491 or in NADA 91-465.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(49) to read as follows:

§ 558.625 Tylosin.

(b) * * *

(49) To 021533: 2 and 10 grams per pound; paragraph (f)(1)(vi)(a) of this section.

Effective date: This amendment is effective March 4, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 26, 1980.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 80-0624 Filed 3-3-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-80-768]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of correction.

SUMMARY: The final rule published at 45 FR 9895, February 14, 1980 contained certain inadvertent errors which could be misinterpreted to omit language which should have been kept in effect. Parts of paragraphs, rather than complete paragraphs, on maximum permissible financing charges were published. This Notice corrects the final rule by including the previously omitted text.

EFFECTIVE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT: John Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 ((202) 426-4667.) (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The final rule published at 45 FR 9895, February 14, 1980 contained certain inadvertent errors which could be misinterpreted to omit language which continues in effect. Accordingly, the following sections are corrected to read as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. In § 201.4 paragraph (a) is amended to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section