

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****14 CFR Parts 255 and 399**

[Docket Nos. OST-97-2881, OST-97-3014, OST-98-4775, and OST-99-5888]

RIN 2105-AC65

**Computer Reservations System (CRS) Regulations; Statements of General Policy**

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** The Department is correcting a notice of proposed rulemaking that appeared in the *Federal Register* on November 15, 2002 (67 FR 69366). The notice requested comments on proposals to change the Department's existing rules on airline computer reservations systems (14 CFR part 255) and on a possible clarification of its Statements of General Policy (14 CFR part 399) on the requirements for the disclosure of service fees by travel agencies. The notice contained two language errors that misstated the reasoning underlying the Department's proposals and request for comment. This document corrects those errors.

**FOR FURTHER INFORMATION CONTACT:** Thomas Ray, Office of the General Counsel, 400 Seventh St., SW., Washington, DC 20590, (202) 366-4731.

**SUPPLEMENTARY INFORMATION:** The sentence appearing at the bottom of the middle column on 67 FR 69386 that cites *Aspen Skiing Co. v. Aspen Highlands Skiing Corp.*, 472 U.S. 585 (1985), should have read, "A monopolist generally may not engage in conduct that is economically rational only if it eliminates competition." The fifth sentence in the first full paragraph on 67 FR 69418 that discusses the proposed policy of requiring a separate listing of agency service fees that do not exceed a specified amount incorrectly suggested, if read out of context, that we were proposing to regulate the level of service fees. We instead are requesting comment on a proposal whereby fees below a specified level would be listed separately while fees above that level would be included in the fare amount. The sentence should therefore read, "In addition, we are imposing a limit on service fee amounts that may be listed separately to ensure that service fees are not used merely to make the advertised fare seem lower." This latter correction is consistent with the advice previously given on our intent, as stated in the

letter from Paul M. Ruden, Senior Vice President, American Society of Travel Agents, to Thomas Ray, filed in the docket for this proceeding on November 14, 2002.

Issued in Washington, DC on March 12, 2003.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 03-6447 Filed 3-13-03; 1:59 pm]

**BILLING CODE 4910-62-P**

**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Part 4**

RIN 3038-AB97

**Additional Registration and Other Regulatory Relief for Commodity Pool Operators and Commodity Trading Advisors**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rules.

**SUMMARY:** The Commodity Futures Trading Commission (Commission or CFTC) is proposing to amend Rule 4.5, which provides an exclusion from the definition of the term "commodity pool operator" (CPO) for certain persons, and Rules 4.13 and 4.14, which provide exemption from CPO and commodity trading advisor (CTA) registration, respectively, for certain other persons, so as to expand the availability of the relief provided by these rules. The Commission also is proposing rule amendments to facilitate communications by CPOs and CTAs, including proposals that would: (1) Permit certain communications prior to Disclosure Document distribution; (2) relieve CPOs from duplicative disclosure and reporting requirements in the "master/feeder fund" context; (3) establish criteria for CPOs to distribute periodic Account Statements electronically; and (4) harmonize the various signature requirements of Part 4. Further, the Commission is affirming, with certain modifications, the no-action relief it previously has issued with respect to the trading criteria of Rule 4.5 for certain persons and the need to register as a CPO or CTA for certain other persons.

**DATES:** Comments must be received by May 1, 2003.

**ADDRESSES:** Comments on the proposed rules should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC

20581. Comments may be sent by facsimile transmission to (202) 418-5528, or by email to *secretary@cftc.gov*. Reference should be made to "Proposed Rules for CPO and CTA Registration and Other Regulatory Relief."

**FOR FURTHER INFORMATION CONTACT:**

Barbara S. Gold, Associate Director, or Christopher W. Cummings, Special Counsel, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, telephone number: (202) 418-5450 or (202) 418-5445, respectively; facsimile number: (202) 418-5536, or (202) 418-5547, respectively; and electronic mail: *bgold@cftc.gov* or *ccummings@cftc.gov*, respectively.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Background
  - A. Statutory and Regulatory Authorities
  - B. The Prior Rule 4.5 Proposal
  - C. The Advance Notice of Proposed Rulemaking (ANPR)
  - D. Roundtable on CPO and CTA Issues
- II. Comments on the Prior Rulemaking Activities
  - A. Comments on the Prior Rule 4.5 Proposal
  - B. Comments on the ANPR
- III. The Proposals
  - A. Proposed Amendment to Rule 4.5: Deleting Trading Criteria for Exclusion from the CPO Definition
  - B. Proposed Amendments to Rule 4.13: Expanding and Adding CPO Registration Exemptions
    - 1. Proposed Amendments to Rule 4.13(a)(2): Expanding the current exemption
    - 2. Proposed Rule 4.13(a)(3): Adding a limited trading exemption
    - 3. Proposed Rule 4.13(a)(4): Adding an exemption where pool participants meet specified sophistication criteria
    - 4. Additional provisions under Rule 4.13
    - 5. Alternative proposal for relief
  - C. Proposed Amendments to Rule 4.14: Expanding and Adding CTA Registration Exemptions
    - 1. Proposed Amendments to Rule 4.14(a)(8)
      - a. Exemption for state-registered investment advisers (IAs)
      - b. Exemption where advice is provided to foreign funds
      - c. Exemption where advice is to Rule 4.13(a)(3) and 4.13(a)(4) pools
    - 2. Proposed Rule 4.14(a)(10): Counting Legal Organizations as a Single "Person"
  - D. Proposed Amendments to Rules 4.21, 4.22 and 4.31
    - 1. Permitting communications prior to Disclosure Document distribution
    - 2. Removing duplicative requirements in the "master/feeder fund" context
    - 3. Distributing Account Statements electronically
    - 4. Providing facsimile signatures on Account Statements and Annual Reports
    - 5. Conforming signature requirements