

Department's requirement (pursuant to 14 CFR part 250) that a consumer notice about airline oversales appear on signs at airports, city ticket offices, and travel agencies. The basis for the NPRM was that the information would continue to be available through other means. This NPRM also proposed certain updates to the Department's oversales rule to reflect the recodification of statutory provisions and the Department's acquisition of responsibility for this rule from the Civil Aeronautics Board.

The Department received two comments in response to the NPRM. Southwest Airlines supported the proposal to eliminate the oversales sign. Southwest also concurred in one particular element of the proposal which would require "ticketless" carriers (*i.e.*, airlines that use electronic ticketing as opposed to conventional paper tickets) to continue to post the oversales sign if the carrier does not distribute the oversales notice in writing to every passenger as is required for passengers with paper tickets. The American Society of Travel Agents opposed the Department's proposal; it stated that signs are a more efficient method of communicating the oversales information than individual notices. ASTA asserted that the Department should keep the sign requirement and eliminate the requirement for individual ticket notices.

A major basis for the Department's proposal was the fact that the oversales rule requires that oversales information to assist consumers must appear both on signs and on a notice that is to accompany every ticket. Due to the significant growth of electronic ticketing in the period since this proposal was issued, the Department cannot rely to the same extent on advance distribution of the oversales ticket notice. Indeed, in 1997 (62 FR 19473) the Department issued a Statement of Compliance Policy in which it afforded additional flexibility to carriers in distributing ticket notices to electronically ticketed passengers.

Therefore, based on the above discussion, we have decided not to eliminate the requirement for an oversales airport sign at this time. Additionally, it is our decision that ASTA's proposal to eliminate ticket notices is beyond the scope of this proceeding. However, in this final rule, we will finalize the administrative updates of Part 250 that were proposed in the NPRM (*e.g.*, statutory references) by amending certain terms to more accurately reflect current law.

Regulatory Analyses and Notices

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, it was not reviewed by the Office of Management and Budget. This rule is not considered significant under the Department's regulatory policies and procedures. This rule only makes editorial changes, and updates reference to a legal authority and other language because of several statutory changes.

The Department also has determined that the economic impact of the rule is so minimal that no further analysis is necessary. This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Executive Order 13132

The Department has analyzed this rule under the principles and criteria contained in Executive Order 13132 ("Federalism") and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

This action does not contain information collection requirements for purposes of the Paperwork Reduction Act of 1995.

Regulatory Flexibility Act

The Department has evaluated the effects of this rule on small entities. I certify this rule will not have a significant economic impact on a substantial number of small entities, because we are merely making editorial changes and updating references to a legal authority and other language because of several statutory changes.

List of Subjects in 14 CFR Part 250

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Department amends 14 CFR part 250 as follows:

PART 250—OVERSALES

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 49 U.S.C. 401, 411, 413, and 417.

■ 2. In 14 CFR 250.1, the definition of "Carrier" is revised to read as follows:

§ 250.1 Definitions.

* * * * *

Carrier means: (1) A direct air carrier, except a helicopter operator, holding a

certificate issued by the Department of Transportation pursuant to 49 U.S.C. 41102 (formerly sections 401(d)(1), 401(d)(2), 401(d)(5) and 401(d)(8) of the Federal Aviation Act of 1958), or an exemption from 49 U.S.C. 41101 (formerly section 401(a) of the Act), authorizing the transportation of persons, or

(2) A foreign route air carrier holding a permit issued by the Department pursuant to 49 U.S.C. 41301 through 41306 (formerly section 402 of the Act), or an exemption from the appropriate provision of 49 U.S.C. 41301 through 41306, authorizing the scheduled foreign air transportation of persons.

* * * * *

■ 3. In § 250.2, the words "or overseas" are removed.

■ 4. In § 250.2b(b), in the last sentence, the word "Board" is removed and the term "DOT" is added in its place.

■ 5. In § 250.5(a), in the last sentence, the words "and overseas" are removed.

■ 6. In § 250.9(b), in the subsection entitled Compensation for Denied Boarding, in the second sentence, the phrase "Civil Aeronautics Board" is removed and the phrase "Department of Transportation" is added in its place, and in the subsection entitled Amount of Denied Boarding Compensation, in the second paragraph, the phrase "the CAB" is removed and the term "DOT" is added in its place.

Issued this 19th day of August, 2003 at Washington DC.

Norman Y. Mineta,

Secretary of Transportation.

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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; Past Performance Issues; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules; correction.

SUMMARY: The Commodity Futures Trading Commission (Commission) published in the **Federal Register** of August 8, 2003, a document providing additional relief for certain persons excluded from the commodity pool operator (CPO) definition, providing

exemptions from registration as a CPO or commodity trading advisor (CTA), and facilitating communications by CPOs and CTAs (Final Rules). This document contains corrections to the final rules.

DATES: Effective September 8, 2003.

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 numbers: (202) 418-5450 or (202) 418-5445, respectively; facsimile number: (202) 418-5528; and electronic mail: bgold@cftc.gov or ccummings@cftc.gov, respectively.

SUPPLEMENTARY INFORMATION: The Commission published the Final Rules in the **Federal Register** of August 8, 2003 (68 FR 47221). The Final Rules affect CPOs and CTAs and persons excluded or exempted from registering as such. As published, however, the Final Rules contain errors that may be misleading and need clarification. In addition to correcting typographical errors and clarifying certain rules referenced in Appendix A, as is discussed below, the Commission is clarifying the right of redemption of a pool participant and the right of termination of a CTA client.

Rules 4.13(b)(2) and 4.14(a)(8)(iii)(B), respectively, address the situation where a CPO qualifies for exemption from registration in connection with all of the pools it operates or a CTA qualifies for exemption from registration in connection with providing advice to all of its clients. In such a situation, these rules provide that where a registered CPO or CTA intends to claim the exemption and to withdraw from registration, the CPO or CTA must, among other things, provide pool participants or advisory clients with a right of redemption or right of termination, as the case may be.

Rules 4.13(e)(2) and 4.14(c)(2), respectively, address the situation where a registered CPO qualifies for exemption from registration in connection with some of the pools it operates or a registered CTA qualifies for exemption from registration in connection with providing advice to some of the clients it advises. In such a situation, these rules provide that the CPO or CTA may treat the pools or clients for which it would otherwise qualify for exemption from registration as if it were in fact exempt from registration.

The Commission is clarifying that where a CPO or CTA seeks relief, all

pool participants and clients have the same right to redemption or termination regardless of whether their CPO or CTA (1) intends to withdraw from registration (the first situation discussed above), or (2) remains registered and treats them as if the CPO or CTA had in fact withdrawn from registration (the second situation discussed above). Thus, the Commission is clarifying that, regardless of registration status, the obligations of the CPO or CTA to pool participants or clients are the same in this context.

■ In rule FR Doc. 03-20094 published on August 8, 2003, 68 FR 47221, make the following corrections:

■ 1. On page 47233, in the first column, in § 4.13(e)(2)(i)(B), in the third line, delete the word “and” and in paragraph (e)(2)(ii), in the second line, delete “.” and insert “; and” and add new paragraph (e)(2)(iii) to read as follows:

§ 4.13 Exemption from registration as a commodity pool operator.

* * * * *

(e) * * *

(2) * * *

(iii) Provides to each existing participant in a pool that the person elects to operate as described in paragraph (a)(3) or (a)(4) of this section a right to redeem the participant's interest in the pool, and informs each such participant of that right no later than the time the person commences to operate the pool as described in paragraph (a)(3) or (a)(4) of this section.

* * * * *

§ 4.14 [Corrected]

■ 2. On the same page, in the third column, in § 4.14(a)(8)(iii)(A)(2), in the third and fourth lines, “(i.e., § 4.14(a)(8)(i) or (a)(8)(ii), or both (a)(8)(i) and (a)(8)(ii))” is corrected to read “(i.e., under § 4.14(a)(8)(i))”.

■ 3. On page 47234, in the third column in paragraph (c)(2), in the eleventh line, before the period, insert the following text: “; *Provided Further*, That the person provides to each existing client described in paragraph (a) of this section a right to terminate its advisory agreement, and informs such client of that right no later than the time the person commences to provide commodity interest trading advice to the client as if the person was exempt from registration”.

§ 4.22 [Corrected]

■ 4. On page 47235, in the first column, in § 4.22(c), in the ninth line, the word “on” is corrected to read “of”.

■ 5. On the same page, in the second column, paragraph (j) introductory text

is redesignated as (j)(1), paragraphs (j)(A) and (B) are redesignated as (j)(1)(i) and (ii) respectively, and paragraph (j)(ii) is redesignated as paragraph (j)(2).

Appendix A to Part 4—[Corrected]

■ 6. On page 47236, in the second column, in the first paragraph “*Application*,” in the last line, “Rule 4.13(a)(3)” is corrected to read “Rule 4.13(a)(3)(ii)(A).”

■ 7. On the same page, in the second column, in paragraph “3. *Situation*,” in the seventh line, and in the next paragraph “*Application*,” in the last line, “Rule 4.13(a)(3)(i)(A)” is corrected to read “Rule 4.13(a)(3)(ii)(A)” in each instance.

■ 8. On the same page, in the third column, in the paragraph “*Application*,” in the fifth line and in the seventh line, “Rule 4.13(a)(3)(i)” is corrected to read “Rule 4.13(a)(3)(ii)” in each instance.

Issued in Washington, DC, on September 2, 2003 by the Commission.

Jean A. Webb,

Secretary of the Commission.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-7554-1]

Prevention of Significant Deterioration; Notice of Partial Delegation of Authority; Nevada Division of Environmental Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Partial Delegation of PSD permitting authority.

SUMMARY: This document is to inform interested parties that, by a Delegation Agreement dated June 3, 2003, the Air Division Director of EPA, Region 9, is implementing a partial delegation of authority to issue Federal Prevention of Significant Deterioration (PSD) permits to the Nevada Division of Environmental Protection (NDEP).

DATES: The Delegation Agreement with NDEP is effective on June 3, 2003.

ADDRESSES: You can inspect a copy of the partial PSD Delegation Agreement at our Region IX office during normal business hours. Due to security procedures, please call Roger Kohn at 415-972-3973 at least one day in advance of inspecting this document at our office: Permits Office (AIR-3), Air Division, U.S. Environmental Protection