

**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Part 3**

**RIN 3038-AB89**

**Registration of Intermediaries**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations, which were published Thursday, June 6, 2002. The regulations relate to the registration of intermediaries in the futures industry.

**EFFECTIVE DATE:** April 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, Deputy Director, or R. Trabue Bland, Attorney-Advisor, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5430. E-mail: [lpatent@cftc.gov](mailto:lpatent@cftc.gov) or [tbland@cftc.gov](mailto:tbland@cftc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On June 6, 2002 (67 FR 38869), the Commission published amendments to its rules governing the registration of intermediaries in the futures industry ("2002 Release"). Specifically, the rules facilitated changing the Commission's paper-based registration system to an online registration system and permitted floor brokers with temporary licenses to act in the capacity of a fully registered floor broker. After the incorporation of these changes to Rule 3.12<sup>1</sup>, the amended rule, as published, deleted two subsections of Rule 3.12.

**II. Need for Correction**

The final regulations as published in the Code of Federal Regulations omit two paragraphs that were in previous versions of Rule 3.12: 17 CFR 3.12(f)(3) and (4).<sup>2</sup> The Commission did not intend to delete these paragraphs, as evidenced by the fact that the 2002 Release contains five asterisks following paragraph (f)(2) of Rule 3.12 as printed therein. Nevertheless, the 2003 edition of the Code of Federal Regulations omits paragraphs 17 CFR 3.12(f)(3) and (4).

Section 3.12(f)(3) requires persons associated with more than one sponsor to file fingerprints on a fingerprint card with the National Futures Association. 17 CFR 3.12(f)(4) states that an

associated person ("AP") of a futures commission merchant or introducing broker ("IB") that directs managed accounts to commodity trading advisors ("CTA"), which are carried by the AP's FCM or IB, are deemed to be APs of the FCM or IB, but not the CTA. Sections 3.12(f)(3) and 3.12(f)(4) were originally in Rule 3.12 before the Commission published the 2002 Release.<sup>3</sup>

As published, Rule 3.12 is missing two important subsections, which these corrections add.

**List of Subjects in 17 CFR Part 3**

Brokers, Commodity futures, Registration.

■ In consideration of the foregoing, the Commission hereby corrects chapter I of title 17 of the Code of Federal Regulations to read as follows:

**PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT**

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

**Authority:** 5 U.S.C. 522, 522b; 7 U.S.C. 1a, 2, 6, 6a, 6b, 6c, 6d, 6e, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, 23.

■ 2. Section 3.12 is amended by adding paragraphs (f)(3) and (f)(4) to read as follows:

**§ 3.12 Registration of associated persons of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, and leverage transaction merchants.**

\* \* \* \* \*

(f) \* \* \*  
 (3) A person who is simultaneously associated with more than one sponsor in accordance with the provisions of paragraphs (f)(1) and (f)(2) of this section shall be required, upon receipt of notice from the National Futures Association, to file with the National Futures Association his fingerprints on a fingerprint card provided by the National Futures Association for that purpose as well as such other information as the National Futures Association may require. The National Futures Association may require such a filing every two years, or at such greater period of time as the National Futures Association may deem appropriate, after the associated person has become associated with a new sponsor in accordance with the requirements of paragraphs (f)(1) and (f)(2) of this section.

(4) If a person is associated with a futures commission merchant or with an

introducing broker and he directs customers seeking a managed account to use the services of a commodity trading advisor(s) approved by the futures commission merchant or introducing broker and all such customers' accounts solicited or accepted by the associated person are carried by the futures commission merchant or introduced by the introducing broker with which the associated person is associated, such a person shall be deemed to be associated solely with the futures commission merchant or introducing broker and may not also register as an associated person of the commodity trading advisor(s).

\* \* \* \* \*

Issued in Washington, DC, on March 25, 2004 by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 04-7202 Filed 3-30-04; 8:45 am]

**BILLING CODE 6351-01-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**23 CFR Part 970**

[FHWA Docket No. FHWA-99-4967]

**FHWA RIN 2125-AE52**

**Federal Lands Highway Program; Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Correction to final rule.

**SUMMARY:** This document corrects the final rule on the development and implementation of safety, bridge, pavement, and congestion management systems for transportation facilities under the jurisdiction of the National Park Service (NPS) as published in the **Federal Register** on February 27, 2004 (69 FR 9470). The FHWA is correcting a typographical error in the lettering sequence of a paragraph in § 970.208.

**EFFECTIVE DATE:** The final rule is effective March 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** For technical information, Mr. Bob Bini, Federal Lands Highway, HFPD-2, (202) 366-6799, FHWA, 400 Seventh Street, SW., Washington, DC 20590; office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays. For legal questions, Ms. Vivian Philbin, HFL-16, (303) 716-2122, FHWA, 555 Zang Street, Lakewood, CO 80228. Office hours are from 7:45 a.m. to 4:15 p.m., m.t.,

<sup>1</sup> 17 CFR 3.12 (2003).

<sup>2</sup> See, e.g., 17 CFR 3.12 (2002).

<sup>3</sup> *Id.*

Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The FHWA published a document in the **Federal Register** of February 27, 2004 (69 FR 9470) with an incorrect paragraph designation in § 970.208. The FHWA is correcting this typographical error in the lettering sequence of the paragraph.

**§ 970.208 [Amended]**

■ In rule FR Doc. 04-4052 published on February 27, 2004 (69 FR 9470) make the following correction. On page 9475, in the second column of § 970.208, replace the paragraph designation “(e)” with “(d)”.

Issued on: March 25, 2004.

**D.J. Gribbin,**

*Chief Counsel, Federal Highway Administration.*

[FR Doc. 04-7116 Filed 3-30-04; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD08-04-008]

**Drawbridge Operation Regulations; Gulf Intracoastal Waterway—Black Bayou, LA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued an extension of a temporary deviation from the regulation governing the operation of the Black Bayou Pontoon Bridge across the Gulf Intracoastal Waterway, mile 237.5 west of Harvey Lock, in Calcasieu Parish, LA. The extension allows the bridge to remain closed to navigation during daylight hours during weekdays only for an additional two weeks. The extension of the deviation is necessary to complete the repairs to the damaged portions of the fender system.

**DATES:** This extension of the deviation is effective from 7 a.m. on Thursday, April 15, 2004, through 5 p.m. on Wednesday, April 28, 2004.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 500 Poydras Street, New Orleans, Louisiana 70130-3310 between 7 a.m. and 3 p.m., Monday through

Friday, except Federal holidays. The telephone number is (504) 589-2965. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** David Frank, Bridge Administration Branch, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** On March 1, 2004, a temporary deviation for the operation of the Black Bayou Pontoon Bridge across the Gulf Intracoastal Waterway, mile 237.5 west of Harvey Lock, in Calcasieu Parish, LA was published in the **Federal Register** (69 FR 9549). The temporary deviation allowed the bridge to remain in the closed-to-navigation position from 7 a.m. until 11 a.m. and from 1 p.m. until 5 p.m. Monday through Friday from March 17, 2004, through April 14, 2004. The Louisiana Department of Transportation and Development (LDOTD) has now requested a two-week extension to the temporary deviation in order to complete the repairs. The extension of the temporary deviation is necessary to ensure the complete repair of the fender system for the safety of the bridge. The extension of the temporary deviation will allow the bridge to remain in the closed-to-navigation position from 7 a.m. until 11 a.m. and from 1 p.m. until 5 p.m. Monday through Friday until April 28, 2004.

As the bridge has no vertical clearance in the closed-to-navigation position, vessels will not be able to transit through the bridge sight when the bridge is closed. Navigation at the site of the bridge consists mainly of tows with barges and some recreational pleasure craft. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels. The bridge normally opens to pass navigation an average of 878 times per month. The bridge opens on signal as required by 33 CFR 117.5. The bridge will be able to open for emergencies during the closure period with proper notice. Alternate routes are not available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 23, 2004.

**Marcus Redford,**

*Bridge Administrator.*

[FR Doc. 04-7111 Filed 3-30-04; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD07-04-033]

RIN 1625-AA09

**Drawbridge Operation Regulations; St. Johns River, Mile 24.7 at Jacksonville, Duval County, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations governing the operation of the Main Street Bridge, mile 24.7, St. Johns River, Jacksonville, Florida. The Florida Department of Transportation's contractor for bridge repairs was unable to complete the scheduled repairs by January 31, 2004, the date provided in the temporary rule published on October 6, 2003. This temporary rule is required to allow the bridge owner to complete the project by May 31, 2004. Under this temporary rule, the bridge need not open from 6 p.m. to 6 a.m. each day from March 31, 2004 until May 31, 2004. Due to repair work, the vertical clearance of the bridge will be reduced by 5 feet.

**DATES:** This rule is effective from 6 p.m., on March 31, 2004, to 6 a.m., on May 31, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [CGD07-04-033] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, FL 33131, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415-6743.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM was impracticable and contrary to the public interest, because the rule was needed to allow the contractor to provide for worker safety while repairing the bridge. Also, since this rule provides for bridge openings during the majority of the day, during daytime hours, when the area is most heavily traveled, vessel traffic will not