

- (c) Seller and telemarketer may, by written agreement, allocate recordkeeping obligations.
- (d) Governs recordkeeping upon dissolution or sale of business.

See Comparison for 310.5(a).

See Comparison for 310.5(a).

SECTION 310.7: ACTIONS BY STATES AND PRIVATE PERSONS

- (a): Requires Attorney General, other State officers authorized to bring suit, and any private person who brings an action under Telemarketing Act to serve written notice of action on FTC.
- CEA, 6d, 7 U.S.C. 13a-2*, authorizes states to prosecute violations of CEA in federal court; notice of filing and copy of pleading must be given to the CFTC.
- CEA, 14, 7 U.S.C. 18* (Reparations Procedure) authorizes reparations actions by any person complaining of violation of CEA, Commission Regulations, or Commission order by a registrant. *See also Part 12 of Regs.* (Rules Relating to Reparations Proceedings).
- CEA, 17(b)(10), 7 U.S.C. 21(b)(10)*, requires NFA to provide procedure through arbitration or otherwise to settle customer claims and grievances against its members. *NFA Code of Arbitration, Section 2* provides generally that members must submit to arbitration for any dispute filed with NFA by a customer. *See also Reg. 170.8* (Settlement of Customer Disputes).
- (b): Nothing in this section prohibits Attorney General or other authorized State officials from proceeding in State court for violations of any civil or criminal state statute.
- CEA, 6d(8), 7 U.S.C. 13a-2(8)*, allows states to proceed in state court against certain registrants for violations of antifraud provisions. *CEA, 12(e), 7 U.S.C. 16(e)*, authorizes states to proceed in state court for illegal "off-exchange" transactions.

¹⁹ See NFA Notice to Members (June 19, 1996).

²⁰ Of the thirty-eight complaints that NFA has issued alleging a violation of NFA Compliance Rule 2-29(a)(2), NFA considered a pattern of inappropriate calling (i.e., calling at irregular hours or making excessive calls) as a factor in initiating eighteen cases and the use of profane language as a factor in three cases.

²¹ As confirmed by NFA's recent Notice to Members, repeated or continuous calls made with an intent to annoy, abuse, or harass are specifically prohibited by Rule 2-29(a)(2).

²² NFA considers the time when calls were placed when issuing complaints under NFA Compliance Rule 2-29(a)(2). *See supra* n. 20.

²³ Neither Reg. 1.55 nor Reg. 33.7 relieves FCMs and IBs from otherwise applicable disclosure and other requirements. *See Reg. 1.55(f)* (FCMs and IBs not relieved from any other disclosure obligation under applicable law); Reg. 33.7(f) (FCMs and IBs not relieved from any other obligation under CEA or CFTC regulations, including obligation to disclose all material information).

²⁴ *Regs. 1.10, 1.12, 1.18, 1.31, 1.32, 1.35* govern recordkeeping and reporting obligations for FCMs and IBs. *Reg. 1.33* requires FCMs to furnish monthly and confirmation statements. *Reg. 1.34* requires FCMs to keep "point balance" and monthly listings of open option positions carried for option customers marked to market. *CEA, 4n, 7 U.S.C. 6n*, requires CPOs and CTAs to keep books and records for at least 3 years, but is superseded by the general five-year requirement of *Reg. 1.31*. *Regs. 4.23 and 4.33* also govern recordkeeping by CPOs and CTAs.

D. Conclusion

As the chart and discussion above reflect, existing provisions of the CEA, Commission Regulations, and NFA rules address and prohibit many of the same categories of telemarketing abuse targeted by the FTC's recently promulgated Telemarketing Sales Rule. Accordingly, the CFTC has determined that existing rules provide protection from deceptive and abusive telemarketing acts and practices that is "substantially similar" to the protection provided by the FTC's rule. Given its determination, the CFTC has also determined that it is unnecessary for it to promulgate additional telemarketing rules under the Telemarketing Act at this time.

To ensure that it remains apprised of developments in the area of telemarketing, however, the CFTC has asked NFA to continue to focus, in the course of performing member audits,²⁵ on telemarketing acts and practices that it believes may fall outside the scope of

existing rules and to inform the Commission of the results of those audits.²⁶ Should the information provided by NFA indicate a need for additional telemarketing rules, advisories, or other guidance, the Commission will work with NFA to undertake rulemaking or other activities necessary to provide appropriate protection. Through such ongoing monitoring and evaluation of telemarketing acts and practices, the CFTC will ensure that its rules continue to provide protection from deceptive and abusive telemarketing acts and practices as those practices may arise in the future.

Issued in Washington, DC, on June 18, 1996.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 96-15995 Filed 6-21-96; 8:45 am]

BILLING CODE 6351-01-P

²⁶ NFA's obligation to report on any such telemarketing acts and practices is separate from, and additional to, its existing reporting and auditing obligations under the CEA and Commission Regulations.

DEPARTMENT OF STATE

Office of Protocol

22 CFR Part 4

[Public Notice 2402]

Notification of Foreign Official Status; Elimination and Reinvention of Regulations

AGENCY: Office of Protocol, State.

ACTION: Final rule.

SUMMARY: The Department of State is eliminating and reinventing its regulations as part of the President's Regulatory Reinvention Initiative. In furtherance of this project, the Office of Protocol has determined that 22 CFR Part 4 should be updated and clarified to reflect changes which have occurred since that part originally was published. **EFFECTIVE DATE:** June 24, 1996.

FOR FURTHER INFORMATION CONTACT: Lawrence Dunham, Assistant Chief of Protocol (202) 647-1985.

SUPPLEMENTARY INFORMATION: 22 CFR, Part 4 is that portion of the Department's regulations setting forth

²⁵ As part of its audit and compliance functions, NFA conducts "front-office audits," which address sales practices, including telemarketing.

the rules which foreign embassies must follow to notify the Office of Protocol of the arrival or employment, in the United States, of the foreign government officers or employees (including domestics and family members) described below. Since it originally was promulgated, changes in the notification procedure, as well as in the documents required, have taken place, and the Department has determined that it is desirable to update and simplify the regulations. This involves a foreign affairs function of the United States and thus is excluded from 5 U.S.C. 553 and from analyses under the Regulatory Flexibility Act of 1980. In addition the modifications set forth do not change the existing procedure fundamentally and merely reflect changes (such as new form numbers) which already have gone into effect.

While this rule is legally exempt from review under Executive Order 12866, it has been reviewed to ensure consistency with its overall policies and objectives. This final rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The forms referenced in the regulation have been notified in the Federal Register and approved by OMB as required by that act.

List of Subjects in 22 CFR Part 4

Aliens, Foreign officials.

Accordingly, 22 CFR, Part 4 is revised to read as follows:

PART 4—NOTIFICATION OF FOREIGN OFFICIAL STATUS

Authority: 22 U.S.C. 2651a(a)(4).

§ 4.1 General.

In accordance with Article 10 of the Vienna Convention on Diplomatic Relations and Article 24 of the Vienna Convention on Consular Relations, diplomatic missions must notify the Office of Protocol immediately upon the arrival, in the United States, of any foreign government officer or employee (including domestics and family members), who are serving at diplomatic missions, consular posts, or miscellaneous foreign government offices. If the employee is already in the United States in some other capacity, the notification should be made upon assumption of duties. This initial notification requirement also includes all U.S. citizens and permanent resident aliens who are employed by foreign missions.

§ 4.2 Procedure.

Notification and subsequent changes are made as follows:

(a) Diplomatic and career consular officers and their dependents: Form DSP-110, *Notification of Appointment of Foreign Diplomatic Officer and Career Consular Officer*;

(b) All other foreign government employees who are serving at diplomatic missions, consular posts, or miscellaneous foreign government offices and their dependents: Form DSP-111, *Notification of Appointment of Foreign Government Employee*.

(c) Honorary consular officers: Form DSP-112, *Notification of Appointment of Honorary Consular Officer*.

(d) Missions should use Form DSP-113, *Notification of Change—Identification Card Request*, to promptly inform the Department of State of any change in the status of officers or employees of the missions and their family members originally reported to Protocol, or to apply for an identification card.

(e) Upon termination of employment of any diplomatic or consular officer, honorary consular officer, embassy or consular employee, or miscellaneous foreign government staff member, a Form DSP-115, *Notice of Termination of Diplomatic, Consular, or Foreign Government Employment*, must be submitted to the Office of Protocol.

Dated: May 29, 1996.

Molly Raiser,

Chief of Protocol.

[FR Doc. 96-14824 Filed 6-21-96; 8:45 am]

BILLING CODE 4710-20-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[SPATS No. CO-029-FOR]

Colorado Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; correction.

SUMMARY: In this document, the office of Surface Mining Reclamation and Enforcement (OSM) is correcting its discussion and approval of a proposed amendment to the Colorado regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM's correction pertains to Colorado's intent to withdraw from a proposed amendment consideration of proposed rules pertaining to Colorado's show cause orders and patterns of violations involving violations of water quality effluent standards.

EFFECTIVE DATE: June 24, 1996.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 672-5524.

SUPPLEMENTARY INFORMATION: On February 19, 1996 (administrative record No. CO-675-9), Colorado submitted revisions to a November 20, 1995, formally-proposed amendment to its approved program (administrative record No. CO-675). In the February 19, 1996, submittal, Colorado indicated that the State-initiated proposed revisions to Rules 5.03.3(1) and (2), pertaining to show cause orders and patterns of violations involving violations of water quality effluent standards, had been deleted from the proposed amendment and intended that OSM withdraw the revisions proposed at Rules 5.03.3(1) and (2) from consideration during its review of the amendment package. In the preamble of the May 29, 1996, Federal Register notice (61 FR 26792, administrative record No. CO-675-16) approving Colorado's proposed amendment, OSM inadvertently discussed and approved Rules 5.03.3(1) and (2) as they had been proposed in the original November 20, 1995, submittal.

The purpose of this document is to notify the public that Colorado's November 20, 1995, proposed revisions to Rules 5.03.3(1) and (2), had been withdrawn by Colorado on February 19, 1996. Accordingly, OSM's May 29, 1996, Federal Register (Vol. 61, No. 104, pages 26792 through 26801) preamble discussion (finding No. 16.b, page 26798, third column, last paragraph) and approval (Director's decision, page 26801, first column, eleventh paragraph) of revisions to proposed Rules 5.03.3(1) and (2) should be disregarded.

Dated: June 13, 1996.

Richard J. Seibel,

(Regional Director) Western Regional Coordinating Center.

[FR Doc. 96-16007 Filed 6-21-96; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-96-011]

RIN 2115-AE46

Special Local Regulation: Fireworks Displays Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.