

Corporate & Financial Weekly Digest

Posted at 1:21 PM on September 24, 2010 by [Kenneth M. Rosenzweig](#)

CFTC Requests Comment on NFA Petition to Amend Rule 4.5

Co-authored by [Vanessa L. Friedman](#)

The Commodity Futures Trading Commission has published a request for comment (the Notice) with respect to a National Futures Association (NFA) petition for rulemaking asking the CFTC to amend Rule 4.5 to restore certain limitations on the activities of registered investment companies (RICs) that claim an exclusion from registration as a commodity pool operator under that rule. The amendments requested by NFA would reinstate the requirements that any RIC claiming an exclusion from registration under Rule 4.5: (1) will not market the RIC as a means of obtaining exposure to commodity futures or options, and (2) will limit its commodity futures and options positions (other than positions held for bona fide hedging purposes) to no more than 5% of the liquidation value of the portfolio. The comment period for the Notice expires on October 18.

The *Federal Register* release of the Notice is available [here](#), and the June NFA petition is available [here](#).

Katten Muchin Rosenman LLP
Charlotte Chicago Irving London Los Angeles New York Washington, DC