

authority described in subtitle VII, part, A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Savannah-Hardin County Airport, Savannah, TN.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, effective September 15, 2010, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

##### **ASO TN E5 Savannah, TN [AMENDED]**

Savannah-Hardin County Airport, TN  
(Lat. 35°10'13" N., long. 88°13'00" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Savannah-Hardin County Airport and within 3.7 miles each side of the 008° bearing from the airport extending from the 6.5-mile radius to 9.9 miles north of the Savannah-Hardin County Airport.

Issued in College Park, Georgia, on October 15, 2010.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2010-26958 Filed 10-25-10; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2010-0321; Airspace Docket No. 10-ANE-104]**

#### **Proposed Establishment of Class E Airspace; Wolfeboro, NH**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM), withdrawal.

**SUMMARY:** This action withdraws the NPRM published in the **Federal Register** on July 22, 2010 which proposed to establish Class E airspace at Huggins Hospital, Wolfeboro, NH. The NPRM is being withdrawn as a portion of the proposed airspace already exists. A new rulemaking will be forthcoming to correctly establish the new airspace.

**DATES:** Effective 0901 UTC, October 26, 2010.

**FOR FURTHER INFORMATION CONTACT:** Richard Horrocks, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5588.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On July 22, 2010, a NPRM was published in the **Federal Register** to establish Class E airspace at Wolfeboro, NH to accommodate special standard instrument approach procedure for Huggins Hospital (75 FR 42631) Docket No. FAA-2010-0321. After publication the FAA found that the airspace description in the proposed rule incorrectly included existing controlled airspace 1,200 feet above the surface. To avoid confusion this proposed rule is being withdrawn and will be established under another rulemaking.

##### **Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

##### **The Withdrawal**

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking, Airspace Docket No. 10-ANE-104, as published in the **Federal Register** on July 22, 2010 (75 FR 42631) (FR Doc. 2010-0321), is hereby withdrawn.

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in College Park, Georgia, on October 15, 2010.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2010-0323; Airspace Docket No. 10-ANE-106]**

#### **Proposed Establishment of Class E Airspace; Lancaster, NH**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM), withdrawal.

**SUMMARY:** This action withdraws the NPRM published in the **Federal Register** on July 22, 2010 which proposed to establish Class E airspace at Weeks Medical Center Heliport, Lancaster, NH. The NPRM is being withdrawn as a portion of the proposed airspace already exists. A new rulemaking will be forthcoming to correctly establish the new airspace.

**DATES:** Effective 0901 UTC, October 26, 2010.

**FOR FURTHER INFORMATION CONTACT:** Richard Horrocks, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5588.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On July 22, 2010, a NPRM was published in the **Federal Register** to establish Class E airspace at Lancaster, NH to accommodate special standard instrument approach procedures for Weeks Medical Center Heliport. (75 FR 42630) Docket No. FAA-2010-0323. After publication the FAA found that the airspace description in the proposed rule incorrectly included existing controlled airspace 1,200 feet above the surface. To avoid confusion, this proposed rule is being withdrawn and will be established under another rulemaking.

##### **Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

##### **The Withdrawal**

Accordingly, pursuant to the authority delegated to me, the Notice of

Proposed Rulemaking, Airspace Docket No. 10-ANE-106, as published in the **Federal Register** on July 22, 2010 (75 FR 42630) (FR Doc. 2010-0323), is hereby withdrawn.

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in College Park, Georgia, on October 15, 2010.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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**BILLING CODE 4910-13-P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

RIN 3038-AD23

### Agricultural Commodity Definition

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) is charged with proposing rules to implement new statutory provisions enacted by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”). The Dodd-Frank Act, which amends the Commodity Exchange Act (“CEA” or “Act”), includes provisions applicable to “a swap in an agricultural commodity (as defined by the [CFTC]).” Neither Congress nor the CFTC has previously promulgated a definition of that term for purposes of the CEA or CFTC regulations. This notice reviews the statutory and regulatory history of the term “agricultural commodity” in the context of the CEA and Commission regulations and proposes a definition of that term for purposes of the CEA and Commission regulations.

**DATES:** Comments must be received on or before November 26, 2010. The Commission is not inclined to grant extensions of this comment period.

**ADDRESSES:** You may submit comments, identified by RIN number 3038-AD21, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail for Comments:* [agdefnprm@cftc.gov](mailto:agdefnprm@cftc.gov). Include the RIN number 3038-AD21 in the subject line of the message.

- *Mail:* David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette

Centre, 1155 21st Street, NW., Washington, DC 20581.

- *Hand Delivery/Courier:* Same as mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the established procedures in CFTC Regulation 145.9.<sup>1</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

#### FOR FURTHER INFORMATION CONTACT:

Donald Heitman, Senior Special Counsel, (202) 418-5041, [dheitman@cftc.gov](mailto:dheitman@cftc.gov), or Ryne Miller, Attorney Advisor, (202) 418-5921, [rmiller@cftc.gov](mailto:rmiller@cftc.gov), Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

##### Part I—Background

On July 21, 2010, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act.<sup>2</sup> Title VII of the Dodd-Frank Act<sup>3</sup> amended the CEA<sup>4</sup> to establish a comprehensive new regulatory framework for swaps and security-based swaps. The legislation was enacted to reduce risk, increase transparency, and promote market integrity within the financial system by, among other things: (1) Providing for the registration and comprehensive regulation of swap

dealers and major swap participants; (2) imposing clearing and trade execution requirements on standardized derivative products; (3) creating robust recordkeeping and real-time reporting regimes; and (4) enhancing the Commission’s rulemaking and enforcement authorities with respect to, among others, all registered entities and intermediaries subject to the Commission’s oversight.

The Dodd-Frank Act includes provisions applicable to “a swap in an agricultural commodity (as defined by the [CFTC]).” Neither Congress nor the CFTC has previously promulgated a definition of that term for purposes of the CEA or CFTC regulations. This notice reviews the statutory and regulatory history of the term “agricultural commodity” in the context of the CEA and Commission regulations and proposes a definition of that term for purposes of the CEA and Commission regulations.

#### A. Statutory Framework and History—“Agricultural Commodity”

##### 1. The Commodity Exchange Act

In developing a proposed definition of “agricultural commodity” for purposes of the CEA and CFTC regulations, the Commission first considered the historical development of federal commodities regulation in the United States. Before 1974, the Commodity Exchange Act, 7 U.S.C. 1 *et seq.*, gave the Commodity Exchange Authority<sup>5</sup> jurisdiction over only those commodities specifically enumerated in the Act. Starting with the 1936 Act, the CEA applied to certain transactions in commodities then being traded for future delivery on certain U.S. futures exchanges, including wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghum, mill feeds, butter, eggs, and Solanum tuberosum (Irish potatoes).<sup>6</sup> As the exchanges regulated under the CEA added futures contracts for additional commodities, all of which were agricultural in nature, subsequent amendments to the Act added those

<sup>5</sup> The Commodity Exchange Authority was an agency of the United States Department of Agriculture and was established to administer the CEA. For a detailed history of the evolution of the various agencies charged with administering the CEA, see <http://www.archives.gov/research/guide-fed-records/groups/180.html>. The Commodity Exchange Authority was the predecessor of the CFTC.

<sup>6</sup> See Act of June 15, 1936, Public Law 74-675, 49 Stat. 1491 (1936), which, among other things, set out the original list of enumerated commodities and changed the name of the “Grain Futures Act” to the “Commodity Exchange Act.” However, the CEA did not apply to all commodity futures markets then in existence, such as markets for coffee, cocoa, sugar, and metals.

<sup>1</sup> 17 CFR 145.9.

<sup>2</sup> See Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010). The text of the Dodd-Frank Act may be accessed at <http://www.cftc.gov/LawRegulation/OTCDERIVATIVES/index.htm>.

<sup>3</sup> Pursuant to § 701 of the Dodd-Frank Act, Title VII may be cited as the “Wall Street Transparency and Accountability Act of 2010.”

<sup>4</sup> 7 U.S.C. 1 *et seq.*