

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 1, 20, and 151

RIN 3038-AC85

#### Federal Speculative Position Limits for Referenced Energy Contracts and Associated Regulations

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rules; withdrawal.

**SUMMARY:** On January 26, 2010, the Commodity Futures Trading Commission (“CFTC” or “Commission”) proposed to implement position limits for futures and option contracts based on a limited set of exempt commodities,<sup>1</sup> namely certain energy commodities (“Federal Speculative Position Limits for Referenced Energy Contracts and Associated Regulations,” for ease of reference, herein referred to as the “Energy Proposal”).<sup>2</sup> In accord with the significant amendments introduced to the Commodity Exchange Act of 1936 (“Act” or “CEA”) by the recent enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”),<sup>3</sup> the Commission is withdrawing its Energy Proposal as it plans to issue a notice of rulemaking proposing position limits for regulated exempt commodity contracts, including energy commodity contracts, as directed by the Act.

**FOR FURTHER INFORMATION CONTACT:** Bruce Fekrat, Special Counsel, Office of the Director, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone (202) 418-5578, facsimile number (202) 418-5527, e-mail [bfekrat@cftc.gov](mailto:bfekrat@cftc.gov).

**SUPPLEMENTARY INFORMATION:** On January 26, 2010, the Commission issued the Energy Proposal to establish CFTC-set position limits for four enumerated contracts—the New York Mercantile (“NYMEX”) Henry Hub natural gas contract, the NYMEX Light Sweet crude oil contract, the NYMEX New York Harbor No. 2 heating oil contract, and the NYMEX New York Harbor gasoline blendstock (RBOB) contract—as well as for, with limited exceptions, any other contract that was

exclusively or partially based on the above referenced contracts’ commodities and delivery points. The Energy Proposal included, inter alia, provisions relating to exemptions for *bona fide* hedging transactions and certain swap dealer positions maintained to manage the risk of an unbalanced swaps book.

At that time, section 4a(a) of the Act authorized the Commission to establish position limits for contracts traded on or subject to the rules of a designated contract market or significant price discovery contracts traded on exempt commercial markets. The purpose of such limits, as stated in prior section 4a(a), was to eliminate or prevent excessive speculation causing sudden or unreasonable fluctuations or unwarranted changes in the price of a commodity. Section 4a(a) of the CEA, as amended by the Dodd-Frank Act, directs the Commission to set position limits for all regulated exempt and agricultural commodity derivatives. More specifically, amended section 4a(a)(2)(B) of the Act requires the Commission to establish limits for exempt and agricultural commodity derivatives within 180 and 270 days, respectively, of the Dodd-Frank Act’s enactment date. In addition, amended section 4a(a) of the Act explicitly requires the implementation of aggregate position limits across certain derivatives positions established on designated contract markets, swap execution facilities, or foreign boards of trade, or through bilateral trading. Thus, the CFTC intends to publish a notice of rulemaking proposing Commission-set position limits and exemptions therefrom for such derivatives pursuant to section 4a(a) and other related provisions of the CEA, as amended by the Dodd-Frank Act. In doing so, the Commission intends to take account of the Energy Proposal and build on the substantive issues raised by the commenters thereon.

In light of the broadened scope and new requirements of the CEA, as amended by the Dodd-Frank Act, and amended section 4a(a) of the Act in particular, the Commission has determined to withdraw the pending Energy Proposal as it plans to issue a notice of rulemaking proposing position limits and exemptions therefrom for regulated exempt commodity derivatives, including energy derivatives, as directed by the Dodd-Frank Act.

Issued by the Commission this August 12, 2010, in Washington, DC.

**David Stawick,**

*Secretary of the Commission.*

[FR Doc. 2010-20428 Filed 8-17-10; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

[Docket ID: DoD-2010-HA-0071]

RIN 0720-AB40

#### TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2010; Expansion of Survivor Eligibility Under the TRICARE Dental Program

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The Department is publishing this proposed rule to implement section 704 of the National Defense Authorization Act for Fiscal Year 2010 (NDAA for FY10). Specifically, that legislation expands the survivor eligibility under the TRICARE Dental Program (TDP). The legislation entitles a child or unmarried person placed in legal custody of a member or former member continuation of eligibility for the TDP. The period of continued eligibility for these dependents shall be the longer of the following periods beginning on the date of the member’s death: Three years; the period ending on the date on which such dependent attains 21 years of age; or in the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member’s death, in fact dependent on the member for over one-half of such dependent’s support, the period ending on the earlier of the following dates: The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary; or the date on which such dependent attains 23 years of age. This proposed rule does not expand the TDP eligibility of other eligible survivors.

Survivors, who meet the new eligibility requirements, will regain TDP eligibility as of the publishing of the final rule in the **Federal Register**. Retroactive payment of premiums or claims paid for dental treatment during the time of loss of TDP eligibility will

<sup>1</sup> Section 1a(14) of the Commodity Exchange Act, 7 U.S.C. 1a(14). An exempt commodity is defined as a commodity that is neither an excluded commodity, as that term is defined by CEA Section 1a(13), nor an agricultural commodity. Generally the definition encompasses energy commodities and metals.

<sup>2</sup> 75 FR 4133 (January 26, 2010).

<sup>3</sup> Public Law 111-203.

not be reimbursed to surviving dependents.

**DATES:** Written comments received at the address indicated below by October 18, 2010 will be accepted.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) number and title, by any of the following methods:

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

- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Room 3C843, Washington, DC 20301–1160.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** CAPT Robert H. Mitton, Office of the Assistant Secretary of Defense (Health Affairs), TRICARE Management Activity, telephone (703) 681–0039.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

This proposed rule expands the survivor eligibility under the TRICARE Dental Program (TDP). The legislation entitles a child or unmarried person placed in legal custody of a member or former member, as defined in 10 U.S.C. 1072(2), subparagraph (D) or (I), continuation of eligibility for the TDP. The period of continued eligibility for these dependents shall be the longer of the following periods beginning on the date of the member's death: (1) Three years; (2) the period ending on the date on which such dependent attains 21 years of age; or (3) in the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates: (a) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary; or (b) the date on which such dependent attains 23 years of age.

This proposed rule does not expand the TDP eligibility of other eligible survivors. Currently, all eligible survivors are entitled to continued TDP enrollment for up to three years from the date of the member's death. The proposed rule will maintain the government's payment of both the government and dependent's portion of the premium share during the period of continuous enrollment.

This proposed rule will amend the Code of Federal Regulations to allow the TDP to conform to the new statutory authority. Public comments are invited. All comments will be carefully considered. A discussion of the major issues received by public comments will be included with the issuance of the final rule.

**II. Regulatory Procedures**

*Executive Order 12866 and Regulatory Flexibility Act*

Executive Order 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one that would result in an annual effect of \$100 million or more on the national economy or which would have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. This rule is not an economically significant regulatory action and will not have a significant impact on a substantial number of small entities for purposes of the RFA, thus this proposed rule is not subject to any of these requirements.

*Unfunded Mandates Reform Act*

This rule does not contain a Federal mandate that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

*Paperwork Reduction Act*

This rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3511).

*Federalism*

We have examined the impact(s) of the proposed rule under Executive Order 13132 and it does not have policies that have federalism implications that would have substantial direct effects on the States,

on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, therefore, consultation with State and local officials is not required.

**List of Subjects in 32 CFR Part 199**

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is proposed to be amended as follows:

**PART 199—[AMENDED]**

1. The authority citation for part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.13 is amended by revising paragraph (c)(3)(ii)(E)(2) to read as follows:

**§ 199.13 TRICARE dental program.**

\* \* \* \* \*

(c) \* \* \*  
(3) \* \* \*  
(ii) \* \* \*  
(E) \* \* \*

(2) *Continuation of eligibility.* Eligible dependents of active duty members while on active duty for a period of more than 30 days and eligible dependents of members of the Ready Reserve (i.e., Selected Reserve or Individual Ready Reserve, as specified in 10 U.S.C. 10143 and 10144(b) respectively), shall be eligible for continued enrollment in the TDP, if, on the date of the death of the member, the dependent is enrolled in the TDP, or is not enrolled by reason of discontinuance of a former enrollment under paragraphs (c)(3)(ii)(E)(4)(ii) and (c)(3)(ii)(E)(4)(iii) of this section, or is not enrolled because the dependent was under the minimum age for enrollment at the time of the member's death, or is not qualified for enrollment because the dependent is a spouse who is a member of the armed forces on active duty for a period of more than 30 days but subsequently separates or is discharged from active duty. This continued enrollment is not contingent on the Selected Reserve or Individual Ready Reserve member's own enrollment in the TDP. During the period of continuous enrollment, the government will pay both the government and the beneficiary's portion of the premium share. This continued enrollment shall be up to (3) three years from the date of the member's death, except that, in the case of a dependent of the deceased who is described in 10 U.S.C. section 1072(2) by subparagraph (D) or (I), the period of

continued enrollment shall be the longer of the following periods beginning on the date of the member's death:

(i) Three years.

(ii) The period ending on the date on which such dependent attains 21 years of age.

(iii) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates: The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary; or the date on which such dependent attains 23 years of age.

\* \* \* \* \*

Dated: August 10, 2010.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2010-20392 Filed 8-17-10; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0705]

RIN 1625-AA00

#### Safety Zone; Blue Angels at Kaneohe Bay Air Show, Oahu, HI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes two temporary safety zones while the U.S. Navy Blue Angels Squadron conducts aerobatic performances over Kaneohe Bay, Oahu, Hawaii. These safety zones are necessary to protect watercraft and the general public from hazards associated with the U.S. Navy Blue Angels aircraft low flying, high powered jet aerobatics over open waters. Vessels desiring to transit through the zones can request permission by contacting the Honolulu Captain of the Port at telephone number 808-842-2600.

**DATES:** Comments and related material must be received by the Coast Guard on or before September 2, 2010.

**ADDRESSES:** You may submit comments identified by docket number USCG-2010-0705 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

*http://www.regulations.gov.*

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Lieutenant Commander Marcella Granquist, Waterways Management Division, U.S. Coast Guard Sector Honolulu, telephone 808-842-2600, e-mail

*Marcella.A.Granquist@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

##### **Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG-2010-0705), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or

mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2010-0705" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

##### **Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2010-0705" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

##### **Privacy Act**

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

##### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request