

the Commodity Exchange Act and, in particular, sections 2(a)(1), 5h, and 8a thereof, 7 U.S.C. 2, 7b-3, and 12a, and pursuant to the authority contained in section 723(c)(3) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010), the Commission hereby proposes to amend Chapter 1 of Title 17 of the Code of Federal Regulations as follows:

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

1. The authority citation for Part 1 is revised to read as follows:

**Authority:** 7 U.S.C. 1a, 2, 5, 6, 6a-6p, 7, 7a, 7b, 7b-3, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, 23 and 24, unless otherwise noted.

2. Section 1.3 is amended by adding paragraph (zz) to read as follows:

#### § 1.3 Definitions.

\* \* \* \* \*

(zz) *Agricultural commodity*. As used in the Act and CFTC regulations, this term means:

(1) The following commodities specifically enumerated in the definition of a “commodity” found in section 1a of the Act: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, *Solanum tuberosum* (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, but not onions;

(2) All other commodities that are, or once were, or are derived from, living organisms, including plant, animal and aquatic life, which are generally fungible, within their respective classes, and are used primarily for human food, shelter, animal feed or natural fiber;

(3) Tobacco, products of horticulture, and such other commodities used or consumed by animals or humans as the Commission may by rule, regulation or order designate after notice and opportunity for hearing; and

(4) Commodity-based contracts based wholly or principally on a single underlying agricultural commodity.

Issued in Washington, DC, on October 19, 2010, by the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

### Statement of Chairman Gary Gensler Agriculture Commodity Definition October 19, 2010

I support the proposal to publish for comment a definition of the term, “agricultural commodity.” This is necessary as the Dodd-Frank Act includes two provisions that apply to swaps in an agricultural commodity, as defined by the CFTC. First, the definition will be used to fulfill the Dodd-Frank Act’s requirement that swaps in an “agricultural commodity” be prohibited unless permitted under the Commission’s general exemptive authority. An Advance Notice of Proposed Rulemaking seeking comment on the appropriate conditions, restrictions or protections to be included in any rules governing agricultural swaps is currently out for comment. Second, the Dodd-Frank Act directs the Commission to adopt speculative position limits for “agricultural commodities” within 270 days of the enactment of Dodd-Frank. I believe the proposed agricultural commodity definition draws a good line between agricultural and non-agricultural commodities, though I am very interested to hear the public’s views on this definition.

[FR Doc. 2010-26951 Filed 10-25-10; 8:45 am]

#### BILLING CODE P

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[RM2011-1; Order No. 552]

#### Periodic Reporting

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of temporary waiver request.

**SUMMARY:** The Commission is establishing a docket to address a recent Postal Service request for approval of a temporary waiver of rules requiring it to provide periodic reports on service performance for certain market dominant postal services. The Postal Service’s request reflects the expectation that a transition period likely would be needed before full compliance with new reporting rules could be accomplished. This notice informs the public about the Postal Service’s interest in obtaining a temporary waiver and invites comments that will inform the Commission’s decision on the request.

**DATES:** *Comments Due:* October 29, 2010.

*Reply Comments Due:* November 15, 2010.

**ADDRESSES:** Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for information on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** On October 1, 2010, the Postal Service filed a request for temporary waivers from periodic reporting of service performance measurement for various market dominant postal services, or components of postal services, pursuant to Commission Order No. 465.<sup>1</sup>

Order No. 465 established a process for the Postal Service to achieve full compliance with all periodic service performance reporting requirements by the filing date of the FY 2011 Annual Compliance Report. Order No. 465 at 18-24. As part of the process, the Commission directed the Postal Service to seek temporary waivers where it cannot immediately comply with specific reporting requirements. As a condition of granting any waiver, the Commission directed the Postal Service to develop and present implementation plans addressing each reporting requirement for which the Postal Service cannot provide the required information. The “plans at a minimum should provide an explanation of why a reporting requirement cannot be complied with, the steps necessary to come into compliance, and a timeline of events necessary to achieve compliance. Interim milestones shall be included in the plans where applicable such that both the Postal Service and the Commission can evaluate progress being made.” *Id.* at 23.

In the instant Request, the Postal Service seeks temporary waivers for First-Class Mail Flats at the district level, non-retail First-Class Mail Parcels, all categories of Standard Mail, Outside County Periodicals, non-retail Media Mail, Library Mail, Bound Printed Matter Parcels, and Stamp Fulfillment

<sup>1</sup> United States Postal Service Request for Temporary Waivers from Periodic Reporting of Service Performance Measurement, October 1, 2010 (Request); *see also* Order Establishing Final Rules Concerning Periodic Reporting of Service Performance Measurements and Customer Satisfaction, May 25, 2010, at 22-24 (Order No. 465).

Services. Request at 1. The Postal Service also discusses what measurements it will report in the interim.

The Commission establishes Docket No. RM2011-1 for consideration of matters related to the proposed semi-permanent exception from periodic reporting of service performance measurement identified in the Postal Service's Request.

Interested persons may submit comments on whether the Postal Service's Request is consistent with the policies of 39 U.S.C. 3652(a)(2) and with the directions given in Order No. 465. Interested persons also may comment on interim measurement proposals. Comments are due no later than October 29, 2010. Reply comments are due no later than November 15, 2010. The Postal Service's Request can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Emmett Rand Costich to serve as Public Representative in the captioned proceedings.

*It is ordered:*

1. The Commission establishes Docket No. RM2011-1 for consideration of matters raised by the Postal Service's Request.

2. Comments by interested persons in these proceedings are due no later than October 29, 2010.

3. Reply comments by interested persons in these proceedings are due no later than November 15, 2010.

4. Pursuant to 39 U.S.C. 505, Emmett Rand Costich is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

5. The Secretary shall arrange for the publication of this order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**  
*Secretary.*

[FR Doc. 2010-26835 Filed 10-25-10; 8:45 am]

**BILLING CODE 7710-FW-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2008-0684; FRL-9215-3]

#### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Particulate Matter Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a request submitted by the Ohio Environmental Protection Agency on August 22, 2008, to revise the Ohio State Implementation Plan under the Clean Air Act. The State has submitted revisions to twelve rules and rescinded one rule in Ohio Administrative Code (OAC) Chapter 3745-17, "Particulate Matter Standards." The revisions were submitted by Ohio EPA to satisfy the State's 5-year review requirements. The particulate matter (PM) standards contain the particulate emission control requirements that have been necessary to attain and maintain the 2006 National Ambient Air Quality Standards for PM in the State.

EPA is proposing to approve the revisions to nine of the OAC 3745-17 rules. EPA proposes approving only a portion of Rule 7, while not acting on the portion providing a partial exemption from opacity limits for a lime kiln in Woodville, Ohio. We are proposing to conditionally approve Rule 11 based on a commitment by Ohio to address EPA's concerns with the large item size exemptions. EPA is not acting on Rule 3, regarding opacity measurement methods. Lastly, EPA is proposing to approve the rescission of Rule 5 from the Ohio SIP.

**DATES:** Comments must be received on or before November 26, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2008-0684, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. *E-mail:* [bortzer.jay@epa.gov](mailto:bortzer.jay@epa.gov).

3. *Fax:* (312) 692-2054.

4. *Mail:* Jay Bortzer, Chief, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Jay Bortzer, Chief, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: October 4, 2010.

**Susan Hedman,**

*Regional Administrator, Region 5.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R05-OAR-2009-0807; FRL-9209-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve amendments to the Ohio Administrative Code (OAC) relating to the consolidation of Ohio's Ambient Air Quality Standards (AAQS) into Ohio's State Implementation Plan (SIP) under the Clean Air Act. On April 8, 2009, and August 11, 2009, Ohio EPA adopted amendments to various rules in the