That airspace extending upward from 700 feet above the surface within a 9.8-mile radius of the Mark Anton Airport, and that airspace within a 6-mile radius of the Point in Space Coordinates (lat. 35°37′34″ N., long 85°10′38″ W.) serving Bledsoe County Hospital, Pikeville, TN.

* * * * *

ASO TN E5 Cleveland, TN [New]

Cleveland Regional Jetport, TN
(Lat. 35°12′41″ N., long. 84°47′59″ W.)
Bradley Memorial Hospital, TN, Point in Space Coordinates
(Lat. 35°10′52″ N., long. 84°52′56″ W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Cleveland Regional Jetport, and within 2-miles each side of the 209° bearing from the airport, extending from the 7.4-mile radius to 12-miles southwest of the airport, and within a 6-mile radius of the Point in Space Coordinates (lat. 35°10′52″ N., long.84°52′56″ W.) serving Bradley Memorial Hospital.

* * * * *

ASO TN E5 Bradley Memorial Hospital, Cleveland, TN [Removed]

Issued in College Park, Georgia, on August 16, 2013.

Kip B. Johns,

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

[FR Doc. 2013–20499 Filed 8–22–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0002; Airspace Docket No. 12–ASO–46]

Establishment of Class E Airspace; Umatilla, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Umatilla, FL, to accommodate the Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Umatilla Municipal Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, December 12, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On June 4, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Umatilla, FL (78 FR 33265) Docket No. FAA–2013–0002. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the airport at Umatilla, FL, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed for Umatilla Municipal Airport. This action is necessary for the safety and management of IFR operations at the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the 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 regulation is within the scope of that authority as it establishes controlled airspace at Umatilla Municipal Airport, Umatilla, FL.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND 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 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth

* * * * *

ASO FL E5 Umatilla, FL [New]

Umatilla Municipal Airport, FL
(Lat. 28°55′27″ N., long. 82°39′07″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Umatilla Municipal Airport.

Issued in College Park, Georgia, on August 16, 2013.

Kip B. Johns,

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

[FR Doc. 2013–20512 Filed 8–22–13; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

RIN 3038–AD64

Retail Commodity Transactions Under Commodity Exchange Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Interpretation.

SUMMARY: On December 14, 2011, the Commodity Futures Trading Commission (''Commission'' or ''CFTC'') issued in the **Federal Register** an interpretation (''Interpretation'') regarding the meaning of the term ''actual delivery,'' as set forth in the Commodity Exchange Act. The Commission also requested public comment on whether the Interpretation accurately construed the statutory language. In response to the comments received, the Commission has determined to clarify its Interpretation.

DATES: Effective August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Rosemary Hollinger, Regional Counsel, Division of Enforcement, 312–596–0538, *rhollinger@cftc.gov,* or Martin B. White, Assistant General Counsel, Office of the General Counsel, 202–418–5129, *mwhite@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

On July 21, 2010, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[1] Title VII of the Dodd-Frank Act [2] amended the Commodity Exchange Act (''CEA'') [3] 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.

In addition, section 742(a) of the Dodd-Frank Act amends section 2(c)(2) of the CEA to add a new subparagraph, section 2(c)(2)(D) of the CEA,[4] entitled ''Retail Commodity Transactions.'' New CEA section 2(c)(2)(D) broadly applies to any agreement, contract, or transaction in any commodity that is entered into with, or offered to (even if not entered into with), a non-eligible contract participant or non-eligible commercial entity on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.[5] New CEA section 2(c)(2)(D) further provides that such an agreement, contract, or transaction shall be subject to CEA sections 4(a),[6] 4(b),[7] and 4b [8] as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.[9]

New CEA section 2(c)(2)(D) excepts certain transactions from its application. In particular, new CEA section 2(c)(2)(D)(ii)(III)(aa) [10] excepts a contract of sale that results in actual delivery within 28 days or such other longer period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash or spot markets for the commodity involved.[11]

On December 14, 2011, the Commission issued an Interpretation inviting public comment on whether its stated interpretation of the term ''actual delivery,'' as used in new CEA section 2(c)(2)(D)(ii)(III)(aa), accurately construes the statutory language.[12] The Commission received several public comments on the Interpretation. After thoroughly reviewing those comments, the Commission has determined to clarify its Interpretation in response to the comments received.

II. Summary of Comments

A. Comments Generally

The Commission received 13 comments in response to its Interpretation.[13] The comments included 11 comment letters that addressed the Interpretation. These 11 comment letters were submitted by entities representing a broad range of interests, including a self-regulatory organization,[14] precious metals dealers and depository companies,[15] law firms,[16] trade associations comprised of energy producers and suppliers,[17] and electricity and natural gas suppliers.[18]

Of the 11 comment letters addressing the Interpretation, two voiced general support for the Interpretation. For example, NFA stated:

> NFA fully supports the Commission's proposed interpretation of the term [actual delivery] and believes that it is consistent with the statutory language.

The comment letter submitted by DGG expressed its appreciation of the Commission's efforts to ''curtail any fraudulent retail commodity transactions occurring by unscrupulous actors.'' DGG further urged the Commission to consider delivery of precious metals to affiliates of the seller, but not to the seller itself, as constituting actual delivery under new CEA section 2(c)(2)(D)(ii)(III)(aa), stating that ''[w]hile we understand the CFTC's desire to ensure, among other things, that the seller actually has the commodity to deliver, an affiliate of one of the limited types of depositories described in Example 2 [of the Interpretation] are unlikely to be the

[1] *See* Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 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.*

[2] Pursuant to section 701 of the Dodd-Frank Act, Title VII may be cited as the ''Wall Street Transparency and Accountability Act of 2010.''

[3] 7 U.S.C. 1 *et seq.*

[4] 7 U.S.C. 2(c)(2)(D).

[5] 7 U.S.C. 2(c)(2)(D)(i).

[6] 7 U.S.C. 6(a) (prohibition against off-exchange contracts of sale of a commodity for future delivery).

[7] 7 U.S.C. 6(b) (regulation of foreign boards of trade with United States participants).

[8] 7 U.S.C. 6b (prohibition against fraud).

[9] 7 U.S.C. 2(c)(2)(D)(iii).

[10] 7 U.S.C. 2(c)(2)(D)(ii)(III)(aa).

[11] The Commission has not adopted any regulations permitting a longer actual delivery period for any commodity pursuant to new CEA section 2(c)(2)(D)(ii)(III)(aa). Accordingly, the 28-day actual delivery period set forth in this provision remains applicable to all commodities.

[12] Retail Commodity Transactions Under Commodity Exchange Act, 76 FR 77670 (Dec. 14, 2011).

[13] The comment file may be accessed at *http://comments.cftc.gov/PublicComments/CommentList.aspx?id=1124.*

[14] National Futures Association (NFA).

[15] Dillon Gage Group (DGG) and Monex Deposit Company and its affiliate (MDC).

[16] J.B. Grossman P.A. (JBG), Greenberg Traurig, LLP (GBT), and Rothgerber Johnson & Lyons LLP (RJL).

[17] National Energy Markets Association (NEM), Retail Energy Supply Association (RESA), and Commercial Energy Working Group (CEWG).

[18] Constellation NewEnergy, Inc., Green Mountain Energy Company, Direct Energy Services, LLC, Exelon Energy Company, Reliant Energy Retail Holdings, LLC, Liberty Power Corporation, and Champion Energy Services, LLC.