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.

**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 airspace safety is found in Subtitle VII, Administration (FAA), DOT.

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**


**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 16, 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.

**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**


**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. 10834, 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**

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

**ASO FL E5 Umatilla, FL [New]**

Umatilla Municipal Airport, FL (Lat. 28°55′27″ N., long. 82°39′09″ W.)
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)(ii)(III)(aa), of the CEA, 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 margin basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis. New CEA section 2(c)(2)(D) further provides that such an agreement, contract, or transaction shall be subject to CEA sections 4(a), 4(b), and 4b as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.

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) 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. 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.

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. 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, precious metals dealers, and depository commodity firms, trade associations comprised of energy producers and suppliers, and electricity and natural gas suppliers.

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...