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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2011-0625; Airspace  
Docket No. 11-AEA-16]

#### Amendment of Class D and E Airspace; North Philadelphia, PA

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and Class E airspace at Northeast Philadelphia Airport, North Philadelphia, PA, due to the closing of Willow Grove Naval Air Station and Warminster Naval Air Warfare Center (NAWC). This action also corrects a typographic error in the regulatory text for the Class E airspace radius and ceiling level, and adjusts the geographic coordinates of the airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations in the North Philadelphia, PA, airspace area.

**DATES:** *Effective date:* 0901 UTC, February 9, 2012. 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, Airspace Specialist, Operations Support Group, Eastern Service Center, Air Traffic Organization, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

#### History

On August 10, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM)

to amend Class D and Class E airspace at Northeast Philadelphia Airport, North Philadelphia, PA. (76 FR 49383). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found a typographic error in the regulatory text for the radius of the controlled airspace listed for Class E surface airspace, and makes the correction from a 5-mile radius to a 5.6-mile radius of the airport, and also removes reference to the ceiling level that was cited in error. Also, the geographic coordinates of the airport are adjusted.

Class D and E airspace designations are published in paragraphs 5000 and 6002, respectively, of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace and Class E surface airspace at Northeast Philadelphia Airport, North Philadelphia, PA. The Class D and Class E surface airspace is reconfigured due to the closing of the Willow Grove Naval Air Station and Warminster NAWC. The boundary radius of the controlled airspace listed in the regulatory text for Class E airspace is corrected from a 5-mile radius to a 5.6-mile radius of the airport and reference to the ceiling level listed for Class E airspace is removed. Also, the geographic coordinates of the airport are adjusted to be in concert with the FAA's aeronautical database. This action enhances 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. 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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would 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 amends Class D and E airspace at Northeast Philadelphia Airport, North Philadelphia, PA.

#### 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 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

**AEA PA D North Philadelphia, PA  
[Amended]**

Northeast Philadelphia Airport, Philadelphia, PA

(Lat. 40°04'55" N., long. 75°00'38" W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 5.6-mile radius of the Northeast Philadelphia Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

**AEA PA E2 North Philadelphia, PA  
[Amended]**

Northeast Philadelphia Airport, Philadelphia, PA

(Lat. 40°04'55" N., long. 75°00'38" W.)

That airspace extending upward from the surface within a 5.6-mile radius of the Northeast Philadelphia Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in College Park, Georgia, on November 29, 2011.

**Mark D. Ward,**

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

[FR Doc. 2011-31854 Filed 12-13-11; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 922**

[Docket No. 070726412-1300-02]

**RIN 0648-AV88**

**Research Area Within Gray's Reef National Marine Sanctuary; Notice of Effective Date**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of effective date.

**SUMMARY:** NOAA published a final rule for the establishment of a research area within the Gray's Reef National Marine Sanctuary on October 14, 2011 (76 FR 63824). Pursuant to Section 304(b) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)) the final regulations take effect after 45 days of continuous session of Congress beginning on

October 14, 2011. Through this notice, NOAA is announcing the regulations became effective on December 4, 2011.

**DATES:** *Effective Date:* The regulations published on October 14, 2011 (76 FR 63824) are effective on December 4, 2011.

**FOR FURTHER INFORMATION CONTACT:** Resource Protection Coordinator Becky Shortland at (912) 598-2381.

Dated: December 5, 2011.

**Holly A. Bamford,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

[FR Doc. 2011-31918 Filed 12-13-11; 8:45 am]

**BILLING CODE 3510-NK-M**

**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; Request for comments.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") is issuing this interpretation of the term "actual delivery" as set forth in section 2(c)(2)(D)(ii)(III)(aa) of the Commodity Exchange Act ("CEA") pursuant to section 742(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Commission requests comment on whether this interpretation accurately construes the statutory language. In the event that comments demonstrate a need to modify this interpretation, the Commission will take appropriate action.

**DATES:** Effective December 14, 2011. Comments must be received by February 13, 2012.

**ADDRESSES:** Comments, identified by RIN number, may be sent by any of the following methods:

- *Agency Web site, via its Comments Online process:* <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Web site.

- *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.

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

**FOR FURTHER INFORMATION CONTACT:**

Rosemary Hollinger, Regional Counsel, Division of Enforcement, (312) 596-0538, [rhollinger@cftc.gov](mailto:rhollinger@cftc.gov), or Martin B. White, Assistant General Counsel, Office of the General Counsel, (202) 418-5129, [mwhite@cftc.gov](mailto:mwhite@cftc.gov), Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

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 may be exempt from disclosure under the Freedom of Information Act ("FOIA"),<sup>1</sup> a petition for confidential treatment of the exempt information may be submitted according to the established procedures in § 145.9 of the CFTC's regulations.<sup>2</sup> The Commission reserves the right, but shall have no obligation, to review, prescreen, 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 FOIA.

**SUPPLEMENTARY INFORMATION:****I. Background**

On July 21, 2010, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act").<sup>3</sup> Title VII of the Dodd-Frank Act<sup>4</sup> amended the Commodity Exchange Act ("CEA")<sup>5</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

<sup>1</sup> 5 U.S.C. 552.

<sup>2</sup> 17 CFR 145.9.

<sup>3</sup> 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>.

<sup>4</sup> Pursuant to section 701 of the Dodd-Frank Act, Title VII may be cited as the "Wall Street Transparency and Accountability Act of 2010."

<sup>5</sup> 7 U.S.C. 1 *et seq.*