

(SONGS). Questions included whether this change addresses the impacts of using the HI-STORM FW system MPC-37 in the HI-STORM UMAX system, and whether it involves “the proposed San Onofre configuration of only installing ½ underground.” The commenter questioned what CoC is approved for use in the HI-STORM UMAX system. Another question asked was whether this change allows “MPC-37 canister thickness increases (such as a change from 0.5” to 0.625” proposed for San Onofre) without requiring a license amendment.”

#### *NRC Response*

There is no relationship between this revision and the HI-STORM UMAX system. Each system is separately reviewed and certified in accordance with 10 CFR part 72. General licensees may use the certified systems identified in 10 CFR 72.214 subject to meeting certain requirements in 10 CFR part 72. Therefore, the changes in this revision are applicable only to the HI-STORM FW MPC system, CoC No. 1032, and are not applicable to the HI-STORM UMAX system that is intended to be used at SONGS. Nothing in this revision impacts anything associated with the HI-STORM UMAX system; therefore, this revision does not impact the thickness of the canisters in the HI-STORM UMAX system, or the placement of the UMAX system. Additionally, although this rule is a revision to the HI-STORM FW MPC system, nothing in this revision impacts the thickness of the canisters in the HI-STORM FW MPC system.

For these reasons, the NRC staff has concluded that the comments received on the companion proposed rule for the Holtec HI-STORM FW MPC Storage System listing within the “List of approved spent fuel storage casks” to add Amendment No. 0, Revision 1, to CoC No. 1032, are not significant adverse comments as defined in NUREG/BR-0053, Revision 6, “United States Nuclear Regulatory Commission Regulations Handbook” (ADAMS Accession No. ML052720461). Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 31st day of December 2015.

For the Nuclear Regulatory Commission.

#### **Cindy Bladey,**

*Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **15 CFR Part 950**

[Docket No. 150202106-5999-03]

RIN 0648-BE86

### **Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services; Correction**

**AGENCY:** National Environmental Satellite, Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This action corrects the NESDIS FY 2016 schedule of fees for the sale of its data, information, and related products and services to users. NESDIS is authorized under the United States Code to assess fees, up to fair market value, for access to environmental data, information, and products derived from, collected, and/or archived by NOAA. This action corrects one user fee, titled the Department of Commerce Certification. In the October 22, 2015, final rule, the fee was incorrectly listed as \$16.00. The correct user fee should be \$116.00.

**DATES:** Effective January 11, 2016.

**FOR FURTHER INFORMATION CONTACT:** James Lewis (301) 713-7073.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

NESDIS operates NOAA’s National Center for Environmental Information (NCEI). Through NCEI, NESDIS provides and ensures timely access to global environmental data from satellites and other sources, provides information services, and develops science products. NESDIS maintains some 1,300 databases containing over 2,400 environmental variables at NCEI and seven World Data Centers. These centers respond to over 2,000,000 requests for these data and products annually from over 70 countries. This collection of environmental data and products is growing rapidly, both in size and sophistication, and as a result the associated costs have increased.

Users have the ability to access the data offline, online and through the NESDIS *e-Commerce System (NeS) online store*. Our ability to provide data, information, products and services depends on user fees.

## **New Fee Schedule**

In an October 22, 2015, final rule (80 FR 63914), NESDIS established a new schedule of fees for the sale of its data, information, and related products and services to users (“October 2015 Fee Schedule Rule”). NESDIS revised the fee schedule that has been in effect since 2013 to ensure that the fees accurately reflect the costs of providing access to the environmental data, information, and related products and services. The new fee schedule lists both the current fee charged for each item and the new fee to be charged to users that took effect beginning November 23, 2015. The schedule applies to the listed services provided by NESDIS on or after this date, except for products and services covered by a subscription agreement in effect as of this date that extends beyond this date. In those cases, the increased fees will apply upon renewal of the subscription agreement or at the earliest amendment date provided by the agreement.

NESDIS will continue to review the user fees periodically, and will revise such fees as necessary. Any future changes in the user fees and their effective date will be announced through notice in the **Federal Register**.

### **Need for Correction**

The October 2015 Fee Schedule Rule contains one fee—which appears in a table in Appendix A to Part 950—that was reported incorrectly. The Department of Commerce Certification Fee was listed as \$16.00. The last rule had the rate incorrectly listed. The correct fee for this service is \$116.00. We now are setting out the entire table with the corrected fee to provide clarity for the public.

### **Classification**

The correction this action makes is minor and merely updates a typographical error within the original final rule. This rule has been determined to be not significant for purposes of E.O. 12866.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public comment are inapplicable because this rule falls within the public property exception of subparagraph (a)(2) of section 553, as it relates only to the assessment of fees, as authorized by 15 U.S.C. 1534, that accurately reflect the costs of providing access to publicly available environmental data, information, and related products. Further, no other law requires that a notice of proposed rulemaking and an opportunity for

public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

**List of Subjects in 15 CFR Part 950**

Organization and functions (Government agencies).

Dated: December 17, 2015.

**Cherish Johnson,**  
*Chief, Financial Officer (CFO/CAO).*

For the reasons set forth above, 15 CFR part 950 is corrected by making the following correcting amendment:

**PART 950—ENVIRONMENTAL DATA AND INFORMATION**

■ 1. The authority citation for part 950 continues to read as follows:

**Authority:** (5 U.S.C. 552, 553).  
Reorganization Plan No. 4 of 1970.

■ 2. Appendix A to part 950 is revised to read as follows:

**Appendix A to Part 950—Schedule of User Fees for Access to NOAA Environmental Data**

Name of product/Data/Publication/Information/Service	Current fee	New fee
NOAA National Center for Environmental Information:		
Department of Commerce Certification .....	\$86.00	\$116.00
General Certification .....	72.00	92.00
Paper Copy .....	2.00	3.00
Data Poster .....	18.00	18.00
Shipping Service .....	4.00	8.00
Rush Order Fee .....	60.00	60.00
Super Rush Order Fee .....	100.00	100.00
Foreign Handling Fee .....	67.00	43.00
NEXRAD Doppler Radar Color Prints .....	14.00	21.00
Paper Copy from Electronic Media .....	6.00	8.00
Offline In-Situ Digital Data .....	124.00	175.00
Microfilm Copy (roll to paper) per frame from existing film .....	14.00	20.00
Satellite Image Product .....	73.00	92.00
Offline Satellite, Radar, and Model Digital Data (average unit size is 1 terabyte) .....	615.00	753.00
Conventional CD-ROM/DVD .....	60.00	110.00
Specialized CD-ROM/DVD .....	131.00	208.00
CD-ROM/DVD Copy, Offline .....	30.00	43.00
CD-ROM/DVD Copy, Online Store .....	15.00	16.00
Facsimile Service .....	78.00	89.00
Order Handling .....	8.00	11.00
Non-Digital Order Consultation .....	6.00	10.00
Digital Order Consultation .....	18.00	28.00
Non-Serial Publications .....	27.00	32.00
Non-Standard Data; Select/Copy to CD, DVD or Electronic Transfer, Specialized, Offline .....	59.00	77.00
Digital and Non-Digital Off-the-Shelf Products, Online .....	9.00	13.00
Digital and Non-Digital Off-the-Shelf Products, Offline .....	11.00	17.00
Order Consultation Fee .....	2.00	4.00
Handling and Packing Fee .....	8.00	12.00
World Ocean Database-World Ocean Atlas 2009 DVDs .....	15.00	(*)
Mini Poster .....	1.00	2.00
Icosahedron Globe .....	1.00	1.00
Convert Data to Standard Image .....	6.00	8.00
Single Orbit OLS & Subset .....	18.00	19.00
Single Orbit OLS & Subset, Additional Orbits .....	5.00	6.00
Geolocated Data .....	47.00	50.00
Subset of Pre-existing Geolocated Data .....	28.00	32.00
Global Nighttime Lights Annual Composite from One Satellite .....	74,032.00	74,924.00
Most Recent DMSP-OLS Thermal Band/Cloud Cover Mosaics from Multiple Satellites .....	259.00	(*)
Daily or Nightly Global Mosaics (visible & thermal band, single spectral band or environmental data) .....	241.00	332.00
Global Nighttime Lights Lunar Cycle .....	6,531.00	8,259.00
Radiance Calibrated Global DMSP-OLS Nighttime Lights Annual Composite from One Satellite .....	82,075.00	(*)
Research Data Series CD-ROM/DVD .....	25.00	25.00
Custom Analog Plotter Prints .....	60.00	(*)
NOS Bathymetric Maps and Miscellaneous Archived Publication Inventory .....	7.00	8.00
Global Annual Composite of Nighttime Lights in Monthly Increments From One Satellite .....	8,305.00	10,794.00
High Definition Geomagnetic Model .....	20,060.00	20,262.00
Provision of Global Nighttime VIIRS day/night band data in geotiff format .....		55,727.00
Provision of Global Nighttime VIIRS day/night band data in HDF5 Format .....		27,888.00
Provision of regional data from the VIIRS instrument on a daily basis .....		14,306.00

\* Reflects a product no longer offered.

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Parts 200, 280, and 570

[Docket No. FR-5878-F-01]

RIN 2502-AJ31

#### Federal Housing Administration (FHA): Removal of 24 CFR 280—Nehemiah Housing Opportunity Grants Program

**AGENCY:** Office of the Deputy Secretary, HUD.

**ACTION:** Final rule.

**SUMMARY:** Through this rule, HUD removes the regulations for its Nehemiah Housing Opportunity Grants Program (NHOP). Under NHOP, HUD was authorized to make grants to nonprofit organizations to be used to provide loans to families purchasing homes constructed or substantially renovated in accordance with a HUD-approved program. In 1990, authority for NHOP was repealed by the National Affordable Housing Act. HUD removed obsolete NHOP regulations in 1996 but maintained regulatory provisions deemed necessary for the administration of existing NHOP grants. Currently, HUD administers only one NHOP grant agreement. As a result, HUD has determined that the remaining NHOP regulations are unnecessary. The existing grant and loans made under NHOP will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

**DATES:** *Effective:* February 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410; telephone 202-708-1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800-877-8389 (this is a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Established under title VI of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) (12 U.S.C. 17151), NHOP authorized HUD to make grants to nonprofit organizations to enable

them to provide loans to families purchasing homes constructed or substantially rehabilitated in accordance with a HUD-approved program. Loans provided under NHOP were required to be secured by a second mortgage on the property involved that was held by HUD but that did not bear interest. On July 13, 1989 (54 FR 22248), HUD published regulations implementing NHOP and codified these regulations in part 280 of title 24 of the Code of Federal Regulations (CFR).

Section 289(a) of the National Affordable Housing Act (Pub. L. 101-625, approved November 28, 1990) (42 U.S.C. 12839), however, repealed authority for NHOP. On August 19, 1996 (61 FR 42952), HUD published a final rule removing obsolete sections of 24 CFR part 280, but maintained those provisions deemed necessary to the administration of existing NHOP grants. As of the date of this publication, however, HUD maintains one NHOP grant agreement and has 1,028 active Nehemiah loans. Based on this, HUD has determined that there is no longer a need to maintain 24 CFR part 280. As a result, and consistent with Executive Order 13563, dated January 18, 2011, entitled “Improving Regulations and Regulatory Review,”<sup>1</sup> HUD is removing 24 CFR part 280. The existing grant and loans made under NHOP will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

This final rule also removes a cross-reference to 24 CFR part 280 that is codified in HUD’s Community Development Block Grant regulations, 24 CFR part 570.

##### II. Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a final rule for effect, in accordance with HUD’s own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is impracticable, unnecessary, or contrary to the public interest. (See 24 CFR 10.1.)

HUD finds that public notice and comment are not necessary for this rulemaking because the authority to provide assistance under NHOP has been repealed and assistance is no longer being provided under the

program. Therefore, the regulations being removed by this final rule are no longer operative. For these reasons, HUD has determined that it is unnecessary to delay the effectiveness of this rule in order to solicit prior public comment.

##### III. Findings and Certification

###### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

###### *Unfunded Mandates Reform*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA)<sup>2</sup> requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in any 1 year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.<sup>3</sup> However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the Administrative Procedure Act (APA).<sup>4</sup> As discussed above, HUD has determined for good cause that the APA does not require general notice and public comment on this rule and, therefore, the UMRA does not apply to this final rule.

###### *Executive Order 13132, Federalism*

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule will not have federalism

<sup>1</sup> Executive Order 13563 was published in the *Federal Register* on January 21, 2011, at 76 FR 3821 and directs that heads of Federal departments and agencies review existing regulations to remove those that are obsolete or no longer necessary.

<sup>2</sup> 5 U.S.C. 1532.

<sup>3</sup> 5 U.S.C. 1534.

<sup>4</sup> 5 U.S.C. 1532(a).