RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Education Department

REVISED RULE MAKING
NO HEARING(S) SCHEDULED

Teacher Education Preparation Programs and Clinically Rich Graduate Level Teacher Preparation Pilot Programs

I.D. No. EDU-10-14-00013-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Amendment of section 52.21 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 210(not subdivided), 305(1) and (2), 3001(2), 3004(1), 3006(1)(b) and 3009(1)(b)

Subject: Teacher Education Preparation Programs and Clinically Rich Graduate Level Teacher Preparation Pilot Programs.

Purpose: To provide teaching candidates with the option of completing a single teaching placement instead of two 20 days placements in a registered teacher education program if certain conditions are met.

Text of revised rule: 1. Subclause (2) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective June 4, 2014, to read as follows:

(2) Field experiences, student teaching and practica.

(i) (A) All registered programs shall include at least 100 clock hours of field experiences related to coursework prior to student teaching or practica. The program shall include*:*

(I) at least two college-supervised student-teaching experiences of at least 20 school days each; *or*

(II) at least two college-supervised practica with individual students or groups of students of at least 20 school days each[.]*; or*

(III) at least one college-supervised student-teaching experience of at least 40 school days, provided that:

(1) the combination of field experience hours and days of student teaching meets or exceeds the specific requirements for the certificate title as described in paragraph (3) of this subdivision; and

(2) the combination of field experience hours and days of student teaching provides the full range of developmental levels required by the certificate title in paragraph (3) of this subdivision; and

(3) the mentoring teacher of record at the school or school district where the student teacher is placed holds a certificate in the certificate title or in a closely related area; and is designated by the school or district as a teacher mentor or coach or is rated effective or highly effective in their most recent annual professional performance review conducted pursuant to section 3012-c of the Education Law or holds a national board certificate. [This requirement] *These requirements* shall be met by student teaching, unless the specific requirements for the certificate title in paragraph (3) of this subdivision require practica.

(B) . . .

(ii) . . .

(iii) . . .

(iv) . . .

2. Subparagraphs (i) through (xvi) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective June 4, 2014, to read as follows:

(i) Programs leading to initial certificates valid for teaching early childhood education (birth through grade 2).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall focus on early childhood education and include, but need not be limited to:

(1) . . .

(2) field experiences and [student teaching] *student-teaching* experiences with children in each of the three early childhood groups, prekindergarten, kindergarten, and grades 1 through 2, through the combined field experiences and [student teaching experience] student-teaching experience, and *for programs with at least two student-teaching experiences,* student teaching with at least two of these three groups. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or for candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least 50 clock hours of field experiences and at least 20 days of practica or student teaching with students in early childhood, including experiences with each of the three early childhood groups.

(ii) . . .

(iii) Programs leading to initial certificates valid for teaching middle childhood education (grades 5 through 9).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall focus on middle childhood education and include, but need not be limited to:

(1) . . .

(2) *student-teaching experiences in both middle childhood settings, grades 5 through 6 and 7 through 9 for programs with at least two twenty day student-teaching experiences; and for programs with one student-teaching experience, combined field experiences and* student teaching in both middle childhood settings, grades 5 through 6 and grades 7 through 9. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or

for candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the program shall require such candidates to complete at least 50 clock hours of field experiences, practica, or student teaching with middle childhood students, including experiences in both middle childhood settings, grades 5 through 6 and grades 7 through 9.

(iv) Programs leading to initial certificates valid for teaching adolescence education (grades 7 through 12).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall focus on adolescence education and include, but need not be limited to:

(1) . . .

(2) *student-teaching experiences in both adolescence education settings, grades 7 through 9 and grades 10 through 12 for programs with at least two twenty day student-teaching experiences; and for programs with one student-teaching experience, combined field experiences and* student teaching in both adolescence education settings, grades 7 through 9 and grades 10 through 12. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, programs shall require such candidates to complete at least 50 clock hours of field experiences, practica, or student teaching with students in adolescence, including experiences in both adolescence education settings, grades 7 through 9 and grades 10 through 12.

(v) Programs leading to initial certificates valid for teaching a special subject (all grades).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall include, but need not be limited to:

(1) . . .

(2) *student-teaching experiences of the special subject in both settings, pre-kindergarten through grade 6 and grades 7 through 12 for programs with at least two twenty day student-teaching experiences; and for programs with one student-teaching experience, combined field experiences and* student teaching of the special subject in both settings, pre-kindergarten through grade 6 and grades 7 through 12. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least 50 clock hours of field experiences, practica, or student teaching with students in the special subject class, including experiences in both settings, pre-kindergarten through grade 6 and grades 7 through 12.

(vi) Programs leading to initial certificates valid for teaching students with disabilities in early childhood, childhood, middle childhood for programs registered prior to September 2, 2011, or adolescence.

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall include the preparation for meeting the pedagogical core requirement for the general teaching certificate at the same developmental level and shall focus on developing comprehensive knowledge, understanding, and skills for teaching students with mild, moderate, severe, and multiple disabilities at the student developmental level of the certificate and include, but need not be limited to:

(1) . . .

(2) field experiences and student-teaching *experiences* with students with disabilities across the age/grade range of the student developmental level of the certificate, through combined field experiences and [student teaching] *student-teaching experiences*, and *for programs with at least two student-teaching experiences*, student teaching in two settings as appropriate to the certificate: pre-K through kindergarten and grades 1 through 2; or grades 1 through 3 and grades 4 through 6; or grades 5 through 6 and grades 7 through 9 for programs registered prior to September 2, 2011; or grades 7 through 9 and grades 10 through 12. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least the equivalent of 50 clock hours of field experiences and at least 20 days of practica or student teaching with students with disabilities, including experiences across the age/grade range of the student developmental level of the certificate.

(vii) Programs leading to initial certificates valid for teaching students who are deaf or hard-of-hearing (all grades).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall focus on developing comprehensive knowledge, understanding, and skills for teaching students with disabilities as prescribed in subclause (vi)(b)(1) of this paragraph; and specialized knowledge, understanding and skills for teaching deaf or hard-of-hearing students that includes, but need not be limited to:

(1) . . .

(2) field experiences, student teaching or practica with students who are deaf or hard-of-hearing, which includes experiences at each of the four developmental levels: early childhood, childhood, middle childhood, and adolescence, provided that *if a program has at least two student-teaching experiences,* student teaching shall include experiences at the early childhood or childhood level and also at the middle childhood or adolescence level. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least 50 clock hours of field experiences and at least 20 days of practica or student teaching with students who are deaf or hard-of-hearing.

(viii) Programs leading to initial certificates valid for teaching students who are blind or visually impaired (all grades).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall focus on developing comprehensive knowledge, understanding, and skills for teaching students with disabilities, as prescribed in subclause (vi)(b)(1) of this paragraph; and specialized knowledge, understanding, and skills for teaching students who are blind or visually impaired that includes, but need not be limited to:

(1) . . .

(2) field experiences, student teaching or practica with students who are blind or visually impaired, which includes experiences at each of the four developmental levels: early childhood, childhood, middle childhood and adolescence, provided that *if a program has at least two student-teaching experiences,* student teaching shall include experiences at the early childhood or childhood level and also at the middle childhood or adolescence level. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least 50 clock hours of field experiences and at least 20 days of practica or student teaching with students who are blind or visually impaired.

(ix) . . .

(x) . . .

(xi) . . .

(xii) Programs leading to initial certificates valid for teaching the career field of agriculture or business and marketing (all grades).

(a) . . .

(b) Pedagogical core. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(c) of this subdivision, the pedagogical core shall focus on middle childhood and adolescence education and include but need not be limited to:

(1) . . .

(2) field experiences in both elementary and secondary schools *and student-teaching experiences at two different grade levels with at least one student-teaching experience in grades 10, 11 and/or 12 for programs with at least two student-teaching experiences. For programs with one student-teaching experience, combined field experiences* and student teaching at two different grade levels with [at least] *one* [student teaching] *student-teaching* experience in grades 10, 11 and/or 12. The time requirements for field experience, student teaching and practica of item (2)(ii)(c)(2)(i) of this subdivision shall not be applicable for candidates holding another classroom teaching certificate or candidates who are simultaneously preparing for another classroom teaching certificate and completing the full field experience, student teaching and practica

requirement for that other certificate. In such instances, the programs shall require such candidates to complete at least 50 clock hours of field experiences, practica, or student teaching in the career field in grades 10, 11 and/or 12.

(xiii) . . .
(xiv) . . .
(xv) . . .
(xvi) . . .
(xvii) . . .

3. Subparagraph (ii) of paragraph (5) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective June 4, 2014, to read as follows:

(ii) Limitations. The clinically rich graduate level teacher preparation pilot program shall end on [June 30, 2016] *October 1, 2016.*

Revised rule compared with proposed rule: Substantial revisions were made in 52.21(b)(2).

Text of revised proposed rule and any required statements and analyses may be obtained from Kirti Goswami, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, (518) 474-6400, email: kgoswami@mail.nysed.gov

Data, views or arguments may be submitted to: Peg Rivers, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, (518) 486-3633, email: regcomments@mail.nysed.gov

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on March 12, 2014, the following substantial revisions were made to the proposed rule:

Section 52.21(b)(2)(ii)(c)(2) of the Commissioner's regulations is amended to eliminate the requirement that the mentoring teacher of record at the partnering school/district must hold a permanent or professional certification in the area of the certificate sought or a closely related area.

The above revisions require revisions to the Needs and Benefits section of the previously published Regulatory Impact Statement.

3. NEEDS AND BENEFITS:

Graduate Level Clinically Rich Teacher Preparation Pilot Programs

At its November 2009 and December 2009 meetings, the Board of Regents approved the conceptual framework for offering graduate level clinically rich teacher preparation pilot programs. At the February 2010 meeting, the Board endorsed the plan to implement the pilot programs through a Request for Proposals (RFP) process. At its April 2010 Board of Regents meeting, the Higher Education Committee voted to amend Part 52.21(b) of the Commissioner's Regulations to adopt, as an emergency measure, regulations establishing graduate level clinically rich teacher preparation pilot programs.

Following submissions through the RFP process and a program quality review by a Board of Regents Blue Ribbon Panel, 11 institutions received approval during 2012 to implement 23 graduate level clinically rich teacher preparation pilot programs. As reported at the January 2014 Board of Regents meeting, the graduate level clinically rich teacher preparation pilot programs require intensive candidate mentoring, supervision and support through a collaborative partnership between the institutions offering the programs and the schools/districts where candidates are placed during their student teaching internships. These internships can be up to one year, considerably longer than the minimum of two 20-day placements currently required in Commissioner's Regulations for most certificate titles, and contain elements such as:

- integration of pedagogy with the internships/on-the-job training;
- rigorous curriculum linking teaching theory with research; and
- guided classroom practice pairing candidates with effective, trained mentors.

The pilot programs were registered to end either June 30, 2014 or August 31, 2014, depending on the institution's program proposal and to correspond with RTTT funding originally ending in 2014. The USDE, however, has extended the time that the Department may use RTTT funds for these programs to September 2015. As a result, the institutions with graduate level clinically rich teacher preparation pilot programs have expressed an interest in continuing their programs, even though there may be no additional RTTT funding after 2015. Accordingly, the Department recommends extending the end date of the graduate level clinically rich teacher preparation pilot programs to October 1, 2016, to provide institutions that have their own funds the opportunity to continue offering the programs beyond the expiration of RTTT funding in 2015, and to allow another cohort of students to graduate from the programs by the 2016 deadline.

Five institutions have pilot programs that end on August 31, 2014, because they have activities in their programs over the summer. For example, the American Museum of Natural History includes a summer internship as part of its pilot program, and students complete the program in August and graduate from the program in September. Therefore, as part of the proposed amendment, the Department recommends extending the end date of the graduate level clinically rich teacher preparation pilot programs from June 30, 2016 to October 1, 2016. This extension will allow institutions offering pilot programs with summer activities sufficient time to begin a cohort in fall 2014 and have their candidates complete and graduate from the programs by October 1, 2016.

Institutions with graduate level clinically rich teacher preparation pilot programs that want to extend their programs beyond the extension date in the proposed amendment (October 1, 2016) will be required to register their programs through the "traditional" teacher preparation program registration process and must have their own degree-granting authority.

Additional Option for the Placement of Teacher Candidates

Currently, under Section 52.21 of the Commissioner's Regulations, candidates in most teacher preparation programs are required to have two separate student teaching or practica placements for a minimum of twenty days each, in two different grade levels and/or developmental levels for the certificate sought, plus a minimum of 100 hours of field experience prior to the student teaching.[1] These regulations also provide for a waiver of the two 20-day student teaching placements if an institution prefers to have its teacher candidates do a single placement and can demonstrate an adequate plan that the alternate model will be successful. [see Commissioner's Regulations Part 52.21(b)(2)(ii)(c)(2)(iii)].

With the implementation of the edTPA, the new State teacher performance assessment required for certification by teaching candidates completing programs on or after May 1, 2014 or for candidates who have applied for certification on or before April 30, 2014 but who have not completed all of the requirements for certification, a greater focus is placed on the student teaching component of the programs. The edTPA requires two video segments of the student teacher's teaching practice to be submitted and scored. A number of New York State institutions have expressed concern that a 20-day student teaching placement may not provide teacher candidates sufficient time to develop their skills and videotape with sufficient frequency to capture exemplary teaching practice. The institutions contend that student teachers are often at the stage of greatest asset when they are required to re-establish themselves in a new classroom at a different developmental level (as required in Regulations under the two 20-day placements.) In an effort to increase a teacher candidate's "value proposition" in P-12 classrooms, institutions and cooperating teachers are advocating lengthier teaching placements.

Commissioner's Regulations currently allow the Commissioner to approve an alternate model of student teaching on a waiver basis. In response to institutional requests for alternate models, in October 2013 the Department issued criteria for evaluating institution requests for alternate student teaching models that included one longer student teaching placement.[2] In December 2013, the Department implemented an application process for requesting Commissioner's approval, simplifying and streamlining an institution's ability to implement a single placement for its teacher candidates.[3]

Given the interest of institutions in creating student teaching placements that are longer and that provide candidates with more opportunities for in-depth and clinically rich experiences, increasing their value in the P-12 classrooms, the Department recommends amending Commissioner's Regulations to provide the option for a single teaching placement. To ensure that teacher candidates are provided with meaningful clinical experiences across the grade level of the certificate, the single teaching placement option must meet the following criteria:

- The field experience must equal or exceed the minimum hours currently required and the single student teaching placement must equal or exceed a minimum of 40 days of student teaching or practica. The combined field experience hours and days of student teaching or practica must provide candidates with the full range of the grades and developmental levels required by the certificate (e.g., a single student teaching placement and field experience in Early Childhood B-2 must be a minimum of 40 days of student teaching, a minimum of 100 hours of field experience, and cover three levels: PreK, K, and Grades 1-2.)
- The mentoring teacher of record at the partnering school/district must hold certification in the area of the certificate sought or a closely related area, and meet one or more of the following criteria: designated by the district as a teacher mentor or coach, rated Effective or Highly-Effective under the school's/district's approved Annual Professional Performance Review (APPR) plan under Education Law Section 3012-c, or hold National Board Certification.

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[1] The two 20-day placement and field requirements do not apply to the Literacy B-6, Literacy 5-12, Career and Technical Subjects and Speech and Language Disabilities certificates.

[2] The criteria was developed with input from the field through visits

across the state in 2013 by Commissioner King and Assistant Commissioner of Higher Education Wood-Garnett.

[3] See http://www.highered.nysed.gov/ocue/aipr/register-te.html#waiver for information on the Student Teaching Waiver process.

Revised Regulatory Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on March 12, 2014, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement filed herewith.

The above revisions to the proposed rule require that the Compliance Requirements of the previously published Regulatory Flexibility Analysis be revised to read as follows:

2. Compliance requirements:

Graduate Level Clinically Rich Teacher Preparation Pilot Programs

At its November 2009 and December 2009 meetings, the Board of Regents approved the conceptual framework for offering graduate level clinically rich teacher preparation pilot programs. At the February 2010 meeting, the Board endorsed the plan to implement the pilot programs through a Request for Proposals (RFP) process. At its April 2010 Board of Regents meeting, the Higher Education Committee voted to amend Part 52.21(b) of the Commissioner's Regulations to adopt, as an emergency measure, regulations establishing graduate level clinically rich teacher preparation pilot programs.

Following submissions through the RFP process and a program quality review by a Board of Regents Blue Ribbon Panel, 11 institutions received approval during 2012 to implement 23 graduate level clinically rich teacher preparation pilot programs. As reported at the January 2014 Board of Regents meeting, the graduate level clinically rich teacher preparation pilot programs require intensive candidate mentoring, supervision and support through a collaborative partnership between the institutions offering the programs and the schools/districts where candidates are placed during their student teaching internships. These internships can be up to one year, considerably longer than the minimum of two 20-day placements currently required in Commissioner's Regulations for most certificate titles, and contain elements such as:

- integration of pedagogy with the internships/on-the-job training;
- rigorous curriculum linking teaching theory with research; and
- guided classroom practice pairing candidates with effective, trained mentors.

The pilot programs were registered to end either June 30, 2014 or August 31, 2014, depending on the institution's program proposal and to correspond with RTTT funding originally ending in 2014. The USDE, however, has extended the time that the Department may use RTTT funds for these programs to September 2015. As a result, the institutions with graduate level clinically rich teacher preparation pilot programs have expressed an interest in continuing their programs, even though there may be no additional RTTT funding after 2015. Accordingly, the Department recommends extending the end date of the graduate level clinically rich teacher preparation pilot programs to October 1, 2016, to provide institutions that have their own funds the opportunity to continue offering the programs beyond the expiration of RTTT funding in 2015, and to allow another cohort of students to graduate from the programs by the 2016 deadline.

Five institutions have pilot programs that end on August 31, 2014, because they have activities in their programs over the summer. For example, the American Museum of Natural History includes a summer internship as part of its pilot program, and students complete the program in August and graduate from the program in September. Therefore, as part of the proposed amendment, the Department recommends extending the end date of the graduate level clinically rich teacher preparation pilot programs from June 30, 2016 to October 1, 2016. This extension will allow institutions offering pilot programs with summer activities sufficient time to begin a cohort in fall 2014 and have their candidates complete and graduate from the programs by October 1, 2016.

Institutions with graduate level clinically rich teacher preparation pilot programs that want to extend their programs beyond the extension date in the proposed amendment (October 1, 2016) will be required to register their programs through the "traditional" teacher preparation program registration process and must have their own degree-granting authority.

Additional Option for the Placement of Teacher Candidates

Currently, under Section 52.21 of the Commissioner's Regulations, candidates in most teacher preparation programs are required to have two separate student teaching or practica placements for a minimum of twenty days each, in two different grade levels and/or developmental levels for the certificate sought, plus a minimum of 100 hours of field experience prior to the student teaching.[1] These regulations also provide for a waiver of the two 20-day student teaching placements if an institution prefers to have its teacher candidates do a single placement and can demonstrate an adequate plan that the alternate model will be successful. [see Commissioner's Regulations Part 52.21(b)(2)(ii)(c)(2)(iii)].

With the implementation of the edTPA, the new State teacher performance assessment required for certification by teaching candidates completing programs on or after May 1, 2014 or for candidates who have applied for certification on or before April 30, 2014 but who have not completed all of the requirements for certification, a greater focus is placed on the student teaching component of the programs. The edTPA requires two video segments of the student teacher's teaching practice to be submitted and scored. A number of New York State institutions have expressed concern that a 20-day student teaching placement may not provide teacher candidates sufficient time to develop their skills and videotape with sufficient frequency to capture exemplary teaching practice. The institutions contend that student teachers are often at the stage of greatest asset when they are required to re-establish themselves in a new classroom at a different developmental level (as required in Regulations under the two 20-day placements.) In an effort to increase a teacher candidate's "value proposition" in P-12 classrooms, institutions and cooperating teachers are advocating lengthier teaching placements.

Commissioner's Regulations currently allow the Commissioner to approve an alternate model of student teaching on a waiver basis. In response to institutional requests for alternate models, in October 2013 the Department issued criteria for evaluating institution requests for alternate student teaching models that included one longer student teaching placement.[2] In December 2013, the Department implemented an application process for requesting Commissioner's approval, simplifying and streamlining an institution's ability to implement a single placement for its teacher candidates.[3]

Given the interest of institutions in creating student teaching placements that are longer and that provide candidates with more opportunities for in-depth and clinically rich experiences, increasing their value in the P-12 classrooms, the Department recommends amending Commissioner's Regulations to provide the option for a single teaching placement. To ensure that teacher candidates are provided with meaningful clinical experiences across the grade level of the certificate, the single teaching placement option must meet the following criteria:

- The field experience must equal or exceed the minimum hours currently required and the single student teaching placement must equal or exceed a minimum of 40 days of student teaching or practica. The combined field experience hours and days of student teaching or practica must provide candidates with the full range of the grades and developmental levels required by the certificate (e.g., a single student teaching placement and field experience in Early Childhood B-2 must be a minimum of 40 days of student teaching, a minimum of 100 hours of field experience, and cover three levels: PreK, K, and Grades 1-2.)
- The mentoring teacher of record at the partnering school/district must hold certification in the area of the certificate sought or a closely related area, and meet one or more of the following criteria: designated by the district as a teacher mentor or coach, rated Effective or Highly-Effective under the school's/district's approved Annual Professional Performance Review (APPR) plan under Education Law Section 3012-c, or hold National Board Certification.

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[1] The two 20-day placement and field requirements do not apply to the Literacy B-6, Literacy 5-12, Career and Technical Subjects and Speech and Language Disabilities certificates.

[2] The criteria was developed with input from the field through visits across the state in 2013 by Commissioner King and Assistant Commissioner of Higher Education Wood-Garnett.

[3] See http://www.highered.nysed.gov/ocue/aipr/register-te.html#waiver for information on the Student Teaching Waiver process.

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on March 12, 2014, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement filed herewith.

The above revisions to the proposed rule require that the Compliance Requirements of the previously published Rural Area Flexibility Analysis be revised to read as follows:

2. Compliance requirements:

Graduate Level Clinically Rich Teacher Preparation Pilot Programs

At its November 2009 and December 2009 meetings, the Board of Regents approved the conceptual framework for offering graduate level clinically rich teacher preparation pilot programs. At the February 2010 meeting, the Board endorsed the plan to implement the pilot programs through a Request for Proposals (RFP) process. At its April 2010 Board of Regents meeting, the Higher Education Committee voted to amend Part 52.21(b) of the Commissioner's Regulations to adopt, as an emergency measure, regulations establishing graduate level clinically rich teacher preparation pilot programs.

Following submissions through the RFP process and a program quality review by a Board of Regents Blue Ribbon Panel, 11 institutions received

approval during 2012 to implement 23 graduate level clinically rich teacher preparation pilot programs. As reported at the January 2014 Board of Regents meeting, the graduate level clinically rich teacher preparation pilot programs require intensive candidate mentoring, supervision and support through a collaborative partnership between the institutions offering the programs and the schools/districts where candidates are placed during their student teaching internships. These internships can be up to one year, considerably longer than the minimum of two 20-day placements currently required in Commissioner's Regulations for most certificate titles, and contain elements such as:

- integration of pedagogy with the internships/on-the-job training;
- rigorous curriculum linking teaching theory with research; and
- guided classroom practice pairing candidates with effective, trained mentors.

The pilot programs were registered to end either June 30, 2014 or August 31, 2014, depending on the institution's program proposal and to correspond with RTTT funding originally ending in 2014. The USDE, however, has extended the time that the Department may use RTTT funds for these programs to September 2015. As a result, the institutions with graduate level clinically rich teacher preparation pilot programs have expressed an interest in continuing their programs, even though there may be no additional RTTT funding after 2015. Accordingly, the Department recommends extending the end date of the graduate level clinically rich teacher preparation pilot programs to October 1, 2016, to provide institutions that have their own funds the opportunity to continue offering the programs beyond the expiration of RTTT funding in 2015, and to allow another cohort of students to graduate from the programs by the 2016 deadline.

Five institutions have pilot programs that end on August 31, 2014, because they have activities in their programs over the summer. For example, the American Museum of Natural History includes a summer internship as part of its pilot program, and students complete the program in August and graduate from the program in September. Therefore, as part of the proposed amendment, the Department recommends extending the end date of the graduate level clinically rich teacher preparation pilot programs from June 30, 2016 to October 1, 2016. This extension will allow institutions offering pilot programs with summer activities sufficient time to begin a cohort in fall 2014 and have their candidates complete and graduate from the programs by October 1, 2016.

Institutions with graduate level clinically rich teacher preparation pilot programs that want to extend their programs beyond the extension date in the proposed amendment (October 1, 2016) will be required to register their programs through the "traditional" teacher preparation program registration process and must have their own degree-granting authority.

Additional Option for the Placement of Teacher Candidates

Currently, under Section 52.21 of the Commissioner's Regulations, candidates in most teacher preparation programs are required to have two separate student teaching or practica placements for a minimum of twenty days each, in two different grade levels and/or developmental levels for the certificate sought, plus a minimum of 100 hours of field experience prior to the student teaching.[1] These regulations also provide for a waiver of the two 20-day student teaching placements if an institution prefers to have its teacher candidates do a single placement and can demonstrate an adequate plan that the alternate model will be successful. [see Commissioner's Regulations Part 52.21(b)(2)(ii)(c)(2)(iii)].

With the implementation of the edTPA, the new State teacher performance assessment required for certification by teaching candidates completing programs on or after May 1, 2014 or for candidates who have applied for certification on or before April 30, 2014 but who have not completed all of the requirements for certification, a greater focus is placed on the student teaching component of the programs. The edTPA requires two video segments of the student teacher's teaching practice to be submitted and scored. A number of New York State institutions have expressed concern that a 20-day student teaching placement may not provide teacher candidates sufficient time to develop their skills and videotape with sufficient frequency to capture exemplary teaching practice. The institutions contend that student teachers are often at the stage of greatest asset when they are required to re-establish themselves in a new classroom at a different developmental level (as required in Regulations under the two 20-day placements.) In an effort to increase a teacher candidate's "value proposition" in P-12 classrooms, institutions and cooperating teachers are advocating lengthier teaching placements.

Commissioner's Regulations currently allow the Commissioner to approve an alternate model of student teaching on a waiver basis. In response to institutional requests for alternate models, in October 2013 the Department issued criteria for evaluating institution requests for alternate student teaching models that included one longer student teaching placement.[2] In December 2013, the Department implemented an application process for requesting Commissioner's approval, simplifying and streamlining an institution's ability to implement a single placement for its teacher candidates.[3]

Given the interest of institutions in creating student teaching placements that are longer and that provide candidates with more opportunities for in-depth and clinically rich experiences, increasing their value in the P-12 classrooms, the Department recommends amending Commissioner's Regulations to provide the option for a single teaching placement. To ensure that teacher candidates are provided with meaningful clinical experiences across the grade level of the certificate, the single teaching placement option must meet the following criteria:

- The field experience must equal or exceed the minimum hours currently required and the single student teaching placement must equal or exceed a minimum of 40 days of student teaching or practica. The combined field experience hours and days of student teaching or practica must provide candidates with the full range of the grades and developmental levels required by the certificate (e.g., a single student teaching placement and field experience in Early Childhood B-2 must be a minimum of 40 days of student teaching, a minimum of 100 hours of field experience, and cover three levels: PreK, K, and Grades 1-2.)

- The mentoring teacher of record at the partnering school/district must hold certification in the area of the certificate sought or a closely related area, and meet one or more of the following criteria: designated by the district as a teacher mentor or coach, rated Effective or Highly-Effective under the school's/district's approved Annual Professional Performance Review (APPR) plan under Education Law Section 3012-c, or hold National Board Certification.

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[1] The two 20-day placement and field requirements do not apply to the Literacy B-6, Literacy 5-12, Career and Technical Subjects and Speech and Language Disabilities certificates.

[2] The criteria was developed with input from the field through visits across the state in 2013 by Commissioner King and Assistant Commissioner of Higher Education Wood-Garnett.

[3] See http://www.highered.nysed.gov/ocue/aipr/register-te.html#waiver for information on the Student Teaching Waiver process.

Revised Job Impact Statement

Since publication of the Notice Proposed Rule Making in the State Register on March 12, 2014, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement filed herewith.

The purpose of the proposed amendment is to provide teaching candidates with the option of completing a single teaching placement instead of two 20 days placements in a registered teacher education programs if certain conditions are met and to extend the sunset date for the clinically rich teacher education pilot program from June 30, 2016 to October 1, 2016. The proposed rule does not impose any reporting, recordkeeping or other compliance requirements, and will not have an adverse economic impact, on small businesses or local governments. Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

Since publication of a Notice of Proposed Rule Making in the State Register on March 12, 2014, the State Education Department received the following comment.

1. COMMENT: We fully support the proposed amendment to extend the end date for the Clinically Rich Graduate Level Teacher Preparation Pilot Programs to October 1, 2016. Our Master of Arts in Teaching program is preparing teachers in Earth Science, a critical shortage area, to teach in high-need, low-performing schools. The program's initial cohort graduated in September 2013, and participants are now teaching in schools in and around New York City; the candidates in the second cohort are expected to graduate this September. Our program includes important summer activities, such as a research practicum, with the program completion annually in August. The proposed extension will thus allow candidates in the 2015-2016 cohort to complete the program's scheduled activities, to earn their Regents' conferred MAT degrees, and to graduate by October 1, 2016.

COMMENT: SED agrees; no response is necessary.

State Board of Elections

NOTICE OF ADOPTION

Polling Place Accessibility Surveys

I.D. No. SBE-06-14-00001-A

Filing No. 389

Filing Date: 2014-05-08

Effective Date: 2014-05-28

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Repeal of Part 6206; and addition of new Part 6206 to Title 9 NYCRR.

Statutory authority: Election Law, sections 3-102, 4-104(1), (1-a), (1-b), (1-c), (6) and (6-a)

Subject: Polling Place Accessibility Surveys.

Purpose: Designate date by which local boards of elections must transmit polling sites accessibility surveys to State Board of Elections.

Text of final rule: *POLLING PLACE ACCESSIBILITY SURVEYS*

Section 6206.1 Accessibility survey to be conducted.

The local board of elections shall cause an accessibility survey to be conducted for every polling site designated pursuant to subdivision 1 of Section 4-104 of the Election Law to verify substantial compliance with the accessibility standards cited in subdivision 1-a of Section 4-104 of the Election Law. The transmittal of each survey shall be in a format and manner prescribed by the state board of elections.

Section 6206.2 Compliance date.

Not later than 5 days after the designation of polling places pursuant to subdivision 1 of Section 4-104 of the Election Law, each local board of elections shall transmit to the state board of elections, in a format and manner prescribed by the state board of elections, a list of all polling places designated by the local board of elections and all accompanying accessibility surveys required by Part 6206.1 of this title. For any polling place which has been moved, a new accessibility survey shall be transmitted to the state board of elections for the new site within 5 days of its designation as a polling place. For those polling places to which changes or improvements have been made after the designation pursuant to subdivision 1 of section 4-104 of the Election Law, a new accessibility survey shall be conducted before the polling place can be used for any election and such accessibility survey shall be transmitted to the state board of elections within 5 days of its completion.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 6206.2.

Text of rule and any required statements and analyses may be obtained from: Paul M. Collins, Esq. Deputy Special Counsel, State Board of Elections, 40 N. Pearl St-STE 5, Albany, NY 12207-2729, (518) 474-6367, email: paul.collins@elections.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The revisions to the Rule as Proposed and as Adopted are non-substantive and are clarifying in nature. Thus a revised RIS, RAFA, RFA or JIS is not required.

Assessment of Public Comment

The State Board of Elections received over only one comment, a joint letter from the Chairs of the Assembly Standing Committee on Election Law and Administrative Regulations Review Commission. That comment dealt with a need to clarify, in a non-substantial manner, the time frame within which to submit a revised polling place survey after a proposed polling place has been the subject of physical modifications.

AREAS IN WHICH COMMENTS RESULTED IN NON-SUBSTANTIAL REVSIONS TO REGULATIONS:

Clarification of the date upon which a revised poll site survey is to be submitted after modifications to a previously designated poll site have been made: within 5 days of the completion of such modifications.

COMMENTS WHICH DID NOT GO TO SUBSTANCE OF PROPOSED REGULATIONS

- See comments of Chairs of the Assembly Standing Committee on Election Law and Administrative Regulations Review Commission summarized above.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Amend 6 NYCRR Section 200.1 by Modifying the Definition of ''Nonattainment Area'' in Section 200.1(av)

I.D. No. ENV-21-14-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 200.1 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Amend 6 NYCRR section 200.1 by modifying the definition of ''nonattainment area'' in section 200.1(av).

Purpose: Remove reference to PM2.5 nonattainment area pursuant to EPA's redesignation action. Reserve section 200.1(av)(2).

Public hearing(s) will be held at: 1:00 p.m., June 27, 2014 at Department of Environmental Conservation Region 2 Office, One Hunters Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 1:00 p.m., June 30, 2014 at Department of Environmental Conservation Region 8 Office, Conference Rm., 6274 E. Avon-Lima Rd. (Rtes. 5 and 20), Avon, NY; and 1:00 p.m., July 1, 2014 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129B, Albany, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Text of proposed rule: Subdivision 200.1(a) through paragraph 200.1(av)(1) remain unchanged.

Paragraph 200.1(av)(2) is amended as follows:

(2) [Areas designated as "Nonattainment" for the Fine Particulate (PM2.5) NAAQS.

(i) The New York - N. New Jersey - Long Island, NY-NJ-CT-PA area consisting of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester Counties.] (*Reserved*)

The remainder of Section 200.1 remains unchanged.

Text of proposed rule and any required statements and analyses may be obtained from: Scott Griffin, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: July 9, 2014.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Regulatory Impact Statement

The New York State Department of Environmental Conservation (DEC) is proposing a revision to 6 NYCRR Section 200.1, "Definitions" (Section 200.1). The U.S. Environmental Protection Agency (EPA) has recently finalized the redesignation of the New York portion of the New York-N. New Jersey-Long Island, NY-NJ-CT area from nonattainment to attainment for fine particulate matter (PM2.5). This revision would remove Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester counties in the New York-N. New Jersey-Long Island, NY-NJ-CT area from the definition of nonattainment areas for PM2.5 under Subdivision 200.1(av). This action would keep New York's designation status for the National Ambient Air Quality Standards (NAAQS) up to date with the official designation status contained in Section 81.333 of Title 40 of the Code of Federal Regulations. It would also relieve facilities of unnecessary regulatory requirements that apply to nonattainment areas through 6 NYCRR Part 231, "New Source Review for New and Modified Facilities" (Part 231).

STATUTORY AUTHORITY

The statutory authority for the revision to Section 200.1 is found in the

New York State Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 71-2103 and 71-2105.

ECL Section 1-0101. This Section declares it to be the policy of the state to conserve, improve and protect its natural resources and environment and to prevent, abate and control air pollution in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well being. Section 1-0101 further expresses, among other things, that it is the policy of the State to coordinate the State's environmental plans, functions, powers and programs with those of the federal government and other regions and manage air resources so that the State may fulfill its responsibility as trustee of the environment for present and future generations. This Section also provides that it is the policy of the State to foster, promote, create and maintain conditions by which man and nature can thrive in harmony by providing that care is taken for air resources that are shared with other States.

ECL Section 3-0301. This Section states that it shall be the responsibility of DEC to carry out the environmental policy of the State. In furtherance of that mandate, Section 3-0301(1)(a) gives the Commissioner authority to "[c]oordinate and develop policies, planning and programs related to the environment of the state and regions thereof..." Section 3-0301(1)(b) directs the Commissioner to promote and coordinate management of, among other things, air resources "to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the State and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion[.]" Pursuant to ECL Section 3-0301(1)(i), the Commissioner is charged with promoting and protecting the air resources of New York including providing for the prevention and abatement of air pollution. Section 3-0301(2)(a) permits the Commissioner to adopt, amend or repeal environmental standards and criteria o carry out the purposes and provisions of the ECL. Section 3-0301(2)(m) gives the Commissioner authority to "[a]dopt such rules, regulations, and procedures as may be necessary, convenient or desirable to effectuate the purposes of this chapter."

ECL Section 19-0103. This section declares that it is the policy of New York State to maintain a reasonable degree of purity of air resources. In carrying out such policy, DEC is required to balance public health and welfare, the industrial development of the State, propagation and protection of flora and fauna, and the protection of personal property and other resources. To that end, DEC is required to use all available practical and reasonable methods to prevent and control air pollution in the State.

ECL Section 19-0105. This Section declares that it is the purpose of Article 19 of the ECL to safeguard the air resources of the state under a program which is consistent with the policy expressed in Section 19-0103 and in accordance with other provisions of Article 19.

ECL Section 19-0301. This Section authorizes DEC to adopt regulations to prevent and control air pollution in such areas of the State that are affected by air pollution, develop a general comprehensive plan for the control and abatement of existing air pollution and for the control and prevention of new air pollution and cooperate with government agencies and other States or interstate agencies with respect to the control of air pollution.

ECL Section 19-0303. This Section provides that the terms of any air pollution control regulation promulgated by DEC may differentiate between particular types and conditions of air pollution and air contamination sources.

ECL Section 19-0305. This Section authorizes DEC to enforce the codes, rules and regulations established in accordance with Article 19.

ECL Sections 71-2103 and 71-2105. These sections include provisions for the civil and criminal enforcement of Article 19 of the ECL.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was enacted to safeguard the air resources of New York from pollution and ensure protection of the public health and welfare, the natural resources of the State, and physical property by integrating industrial development with sound environmental practices. It is the policy of the State to require the use of all available, practical and reasonable methods to prevent and control air pollution in New York. To facilitate this objective, the Legislature granted specific powers and duties to DEC, including the power to adopt and promulgate regulations to prevent, control and prohibit air pollution. The provisions cited above clearly provide DEC with the requisite authority to amend this regulation as proposed.

Title 40, Part 81.333 of the Code of Federal Regulations contains EPA's official air quality designations in New York State for the various NAAQS, including PM2.5. Areas designated as nonattainment are also cited in 6 NYCRR Subdivision 200.1(av). The New York metropolitan area had been declared nonattainment of the 1997 annual PM2.5 NAAQS on April 5, 2005 and the 2006 24-hour PM2.5 NAAQS on December 14, 2009. This proposed regulatory revision is a result of New York State coming into compliance with both NAAQS. EPA has granted final approval of DEC's redesignation request, resulting in the area being legally declared as in attainment of the 1997 and 2006 PM2.5 NAAQS. In order to correctly reflect the designation status amid improving air quality in New York State, DEC is proposing to remove the reference to the 1997 annual and 2006 24-hour PM2.5 nonattainment areas from Subdivision 200.1(av).

NEEDS AND BENEFITS

This regulatory revision is necessary to correctly reflect the designation status of the PM2.5 NAAQS in New York State. Section 200.1 would be modified to remove Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester Counties from the definition of nonattainment area for PM2.5. This action would benefit the industrial and power generation sectors in the former nonattainment area, as certain requirements for major stationary sources under Part 231 would be alleviated. Affected are the nonattainment New Source Review (NNSR) and PM2.5 emission offsets programs.

The Part 231 NNSR program requires certain major stationary source facilities in a nonattainment area for PM2.5 to perform a Lowest Achievable Emission Rate (LAER) analysis to determine the appropriate application of air pollution control equipment. LAER requires the most stringent emission limit achieved in practice for a similar class or category of source. Proposed new major stationary sources that exceed the applicability threshold of 100 tons per year (tpy) of PM2.5, and existing major stationary sources that are planning a modification that would increase emissions by an amount greater than the significant project threshold, which is 10 tpy of PM2.5 are subject to this requirement. As precursors to PM2.5 formation, emissions of NOx and SO2 in a PM2.5 nonattainment area are regulated in a similar manner (although the significant project threshold is 40 tpy for each).

By revising Section 200.1 to remove the reference to the PM2.5 nonattainment area, sources would no longer be subject to a LAER analysis. Instead, proposed new major sources and existing major sources planning a modification would be subject to the Prevention of Significant Deterioration (PSD) program and perform a similar but less stringent review of emission controls referred to as a Best Available Control Technology (BACT) analysis. The PSD program ensures that an attainment area would not exceed the NAAQS from the addition of a new major stationary source or modification of an existing major stationary source.

Part 231 also requires emission offsets to be obtained by a proposed new major stationary source, or by an existing major stationary source that is planning a major modification, in a PM2.5 nonattainment area. Emission offsets provide reasonable progress toward attainment of the NAAQS in exchange for approval to construct. A lack of available PM2.5 emission offsets has impeded new construction in the New York metropolitan area. The cessation of this requirement would therefore be a welcome change by industry, as it would remove the barrier for potential projects to progress. The PSD program would continue to be in effect for new major stationary sources and significant modifications at existing major stationary sources within the former PM2.5 nonattainment area.

COSTS

There would be costs to DEC associated with the public hearing that is required for a regulatory revision. Otherwise, no direct costs are anticipated as a result of the revision.

PAPERWORK

There is not expected to be a significant increase or decrease in the number or complexity of application forms, record keeping, or reporting requirements as a result of this regulatory revision.

LOCAL GOVERNMENT MANDATES

There would be no additional record keeping, reporting, or other requirements imposed on local governments as a result of this regulatory revision.

DUPLICATION

The proposed regulatory revision does not overlap, duplicate, or conflict with any existing state or federal requirement.

ALTERNATIVES

The alternative to the revision of Section 200.1 is to take no action. This alternative would result in maintaining an outdated definition of "nonattainment area" for PM2.5 in New York State the outcome of which would be the application of unnecessary regulations, such as LAER and the need to acquire PM2.5 emission offsets for new and modified stationary sources in the New York metropolitan area.

FEDERAL STANDARDS

This proposed rule would not exceed any federal standards. The proposed amendment to Section 200.1 would align New York State regulations with the federal designations for the 1997 annual and 2006 24-hour PM2.5 NAAQS.

COMPLIANCE SCHEDULE

As there are no regulatory requirements associated with this proposal, there is no compliance schedule.

Regulatory Flexibility Analysis

EFFECTS ON SMALL BUSINESSES AND LOCAL GOVERNMENTS

The proposed revision to Section 200.1 would have no direct impacts on small businesses or local governments. There may be minor positive secondary impacts on small businesses resulting from proposed new major stationary sources and existing major stationary sources that are planning a modification. These sources would no longer be required to obtain emission offsets under Part 231 in order to construct. A lack of available PM2.5 emission offsets has impeded new construction in the New York metropolitan area. The cessation of this requirement would remove the barrier for potential projects to progress.

These major stationary sources, however, are not typically considered to be small businesses. There may be opportunities for small businesses to benefit by providing associated construction services. Similarly, small business consultants may be relied upon to perform air quality modeling to ensure new and modified sources do not result in an exceedance of the PM2.5 NAAQS pursuant to Part 231's Prevention of Significant Deterioration program.

COMPLIANCE REQUIREMENTS

There are not expected to be any significant reporting, record keeping, or other actions undertaken by small businesses or local governments as a result of the proposed regulatory revision to Section 200.1.

PROFESSIONAL SERVICES

No professional services will be explicitly required as a result of the Section 200.1 revisions. There may be a minor increase in demand for consulting engineers related to the removal of the PM2.5 emission offsets requirement under Part 231.

COMPLIANCE COSTS

No compliance costs will be incurred by small businesses or local governments as a result of this rulemaking.

MINIMIZING ADVERSE IMPACT

There will be no adverse impacts on small businesses or local governments as a result of this rulemaking.

SMALL BUSINESSES AND LOCAL GOVERNMENT PARTICIPATION

Small businesses and local governments previously had the opportunity to comment on DEC's submission of the redesignation request and maintenance plan for PM2.5 and on EPA's proposed redesignation action. Small businesses and local governments will again have an opportunity to comment on this rulemaking during the associated public comment period, and to attend the public hearings.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

There are no direct effects to small businesses or local governments as a result of this rulemaking. The economic and technological feasibility of the Section 200.1 revision are therefore not an issue.

Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED

The redesignation of the New York portion of the New York-N. New Jersey-Long Island, NY-NJ-CT area to attainment for PM2.5 affects primarily urban areas. This area consists of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, and Westchester Counties. Of these, only a portion of Orange County is considered rural: the towns of Deerpark, Greenville, Hamptonburgh, Minisink (including the Village of Unionville), and Tuxedo (including the Village of Tuxedo Park).

COMPLIANCE REQUIREMENTS

The proposed revision to Section 200.1 would not result in any reporting, record keeping, or other compliance requirements imposed upon public or private entities in rural areas, nor would any professional services be needed by public or private entities. This rulemaking in no way affects rural areas differently than urban areas.

COSTS

Rural entities would incur no initial or annual costs as a result of the proposed revision, as it imposes no regulatory requirements.

MINIMIZING ADVERSE IMPACT

There would be no adverse impact on rural areas as a result of this rulemaking, as it imposes no regulatory requirements.

RURAL AREA PARTICIPATION

Rural citizens, businesses, and organizations previously had the opportunity to comment on DEC's submission of the redesignation request and maintenance plan for PM2.5 and EPA's proposed redesignation action. Rural citizens, businesses, and organizations will again have an opportunity to comment on this rulemaking during the associated public comment period, and to attend the public hearings.

Job Impact Statement

NATURE OF IMPACT

The proposed revision to Section 200.1 would have no direct impact on jobs or employment opportunities. There may be positive secondary impacts on jobs and employment opportunities based on how Part 231 regulates certain proposed new major stationary sources and existing major stationary sources that are planning a modification. Facilities would no longer need to acquire PM2.5 emission offsets currently required under Part 231 due to the existing designation of nonattainment. A lack of available PM2.5 emission offsets has impeded new construction in the New York metropolitan area. The cessation of this requirement would remove the barrier for potential projects to progress. This could result in a number of applications for new major sources or for significant modifications at existing major sources that could have a positive impact on employment opportunities.

CATEGORIES AND NUMBERS OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

No jobs or employment opportunities would be directly affected by the proposed revision to Section 200.1. A secondary increase in employment opportunities may happen as a result of the alleviation of certain requirements under Part 231. The number of jobs or employment opportunities affected is difficult to approximate as it depends on a number of factors – e.g., the number of proposed new sources, the number of existing sources proposing modifications, and the size and category of such sources.

REGIONS OF ADVERSE IMPACT

The proposed revision to Section 200.1 would affect the downstate area consisting of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester Counties. There are not expected to be any adverse impacts on jobs or employment opportunities in this region, or anywhere else in the state, resulting from the revision of Section 200.1.

MINIMIZING ADVERSE IMPACT

There are not expected to be any adverse impacts on existing jobs or on future employment opportunities.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

6 NYCRR 227-3, 237, and 238 Implement Cap-and-Trade Programs That Reduce NO_x and SO_2 Emissions from Major Stationary Sources

I.D. No. ENV-21-14-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Subpart 227-3 and Parts 237 and 238; and amendment of Part 200 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301 and 19-0303

Subject: 6 NYCRR 227-3, 237, and 238 implement cap-and-trade programs that reduce NO_x and emissions from major stationary sources.

Purpose: Repeal 6 NYCRR 227-3, 237, and 238. Revise 6 NYCRR Part 200 to remove all references to Subpart 227-3 and Parts 237 and 238.

Public hearing(s) will be held at: 1:00 p.m., June 27, 2014 at Department of Environmental Conservation Region 2 Office, One Hunters Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY; 1:00 p.m., June 30, 2014 at Department of Environmental Conservation Region 8 Office Conference Rm., 6274 E. Avon-Lima Rd. (Rtes. 5 and 20), Avon, NY; and 1:00 p.m., July 1, 2014 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129B, Albany, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Text of proposed rule: 6 NYCRR Part 227-3, Nitrogen Oxide Emissions Budget and Allowance Program Existing Part 227-3 is repealed.

6 NYCRR Part 237, Acid Deposition Reduction NO_x Budget Trading Program Existing Part 237 is repealed.

6 NYCRR Part 238, Acid Deposition Reduction Budget Trading Program Existing Part 238 is repealed.

Text of proposed rule and any required statements and analyses may be obtained from: Michael F. Miliani, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, (518) 402-8396

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: July 9, 2014.

Additional matter required by statute: Pursuant to Article 8 of the State

Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Regulatory Impact Statement

INTRODUCTION

The Department is proposing to repeal 6 NYCRR Part 227-3, Nitrogen Oxide Emissions Budget and Allowance Program; Part 237, Acid Deposition Reduction NO_x Budget Trading Program; Part 238, Acid Deposition Reduction Budget Trading Program; and revise Part 200, General Provisions, to remove all references to Parts 227-3, 237, and 238. These regulations have become obsolete and have been superseded by other state and federal regulations, most notably 6 NYCRR Part 243, CAIR NO_x Ozone Season Trading Program; Part 244, CAIR NO_x Annual Trading Program; Part 245, CAIR Trading Program; and 40 CFR Part 96.101- 96.388, NO_x Budget Trading Program; and CAIR NO_x and Trading Programs for State Implementation Plans. All compliance related activities under these Parts have been fully concluded and are no longer operable. As a result, Parts 227-3, 237 and 238 should be repealed. Repeal of Parts 227-3, 237, and 238 will de-clutter and streamline DEC's regulations, with zero impact on the regulated community, the People, and the State of New York.

STATUTORY AUTHORITY

The statutory authority to repeal Parts 227-3, 237, and 238 in New York State (NYS) derives primarily from the Department's obligation to prevent and control air pollution, as set out in the Environmental Conservation Law (ECL) at Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, and 19-0303. Following are brief synopses and legislative objectives for these sections.

Section 1-0101. This section declares NYS's policy to: conserve, improve, and protect its natural resources and environment and to prevent, abate, and control air pollution in order to enhance the health, safety, and welfare of the people of NYS and their overall economic and social well being; coordinate the State's environmental plans, functions, powers, and programs with those of the federal government and other regions and manage air resources so that the State may fulfill its responsibility as trustee of the environment for present and future generations; and foster, promote, create, and maintain conditions by which man and nature can thrive in harmony by preserving special resources such as the Adirondack and Catskill forest preserves and taking care of air resources that are shared with other states in the manner of a good neighbor.

Section 3-0301. This section empowers the Department to coordinate and develop programs to carry out the environmental policy of New York State set forth in section 1-0101. Section 3-0301 specifically empowers the Department to: provide for the prevention and abatement of air pollution; cooperate with officials and representatives of the federal government, other States, and interstate agencies regarding problems affecting the environment of NYS; encourage and undertake scientific investigation and research on the ecological process, pollution prevention, and abatement and other areas essential to understanding and achieving the environmental policy set forth in section 1-0101; monitor the environment to afford more effective and efficient control practices; identify changes in ecological systems and to warn of emergency conditions; enter into contracts with any person to do all things necessary or convenient to carry out the functions, powers, and duties of the Department; and adopt such regulations as may be necessary, convenient, or desirable to effectuate the environmental policy of the State.

Section 19-0103. This section declares the policy of NYS to maintain a reasonable degree of purity of air resources. The Department is required to balance public health and welfare, the industrial development of the State, propagation and protection of flora and fauna, and the protection of personal property and other resources. To that end, the Department must use all practical and reasonable methods to prevent and control air pollution in the State.

Section 19-0105. This section declares that it is the purpose of Article 19 of the ECL to safeguard the air resources of NYS under a program which is consistent with the policy expressed in section 19-0103 and in accordance with other provisions of Article 19.

Section 19-0301. This section declares that the Department has the power to promulgate regulations for preventing, controlling or prohibiting air pollution and shall include in such regulations provisions prescribing the degree of air pollution that may be permitted and the extent to which air contaminants may be emitted to the air by any source in any area of the State.

Section 19-0303. This section provides that the terms of any air pollution control regulation promulgated by the Department may differentiate between particular types and conditions of air pollution and air contamination sources. Section 19-0303 also provides that the Department, in adopting any regulation that contains a requirement that is more stringent than the CAA or its implementing regulations, must include in the Regulatory Impact Statement an evaluation of the cost-effectiveness of the proposed regulation in comparison to the cost-effectiveness of reasonably available alternatives and a review of the reasonably available alternative measures along with an explanation of the reasons for rejecting such alternatives.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted for the purpose of safeguarding the air resources of New York State from pollution. To facilitate this purpose, the Legislature bestowed general and specific powers and duties on the Department, including the power to formulate, adopt, promulgate, amend, and repeal regulations for preventing, controlling, or prohibiting air pollution.

The Department promulgated Parts 227-3, 237, and 238 to reduce the amount of NO_x and (the primary chemical contaminants that contribute to the formation of acid rain) emitted from large, fossil fuel-fired stationary sources. Acid rain causes damage to the environment, contributes to visibility degradation and negatively impacts public health. However, all compliance related activities under these Parts have been fully concluded, are no longer operable and have been superseded by other state and federally enforceable regulations. As a result, the Department now recommends the repeal of Parts 227-3, 237, and 238.

NEEDS AND BENEFITS

Part 227-3 established a NO_x emissions budget in NYS for fossil-fuel-fired boilers or indirect heat exchangers with a maximum heat input capacity equal to or greater than 250 million British thermal units per hour (MMBtu/hr), and any electric generating devices with a rated output equal to or greater than 15 megawatts.

Since the promulgation of Part 227-3 in 1999, other federal and state regulations have been adopted that regulate air pollution from large boilers and electric generating units (EGUs). Part 237 established the NO_x Budget Trading Program which was designed to reduce acid deposition in NYS by limiting emissions of NO_x from fossil fuel-fired electricity generating units during the non-ozone season. Part 238 established the Budget Trading Program, which was designed to reduce acid deposition in NYS by limiting emissions of from stationary sources defined as budget units.

Subsequently, Parts 227-3, 237, and 238 have been replaced by regulations promulgated to achieve compliance with the United States Environmental Protection Agency's regulation: The Clean Air Interstate Rule (CAIR). The New York CAIR rules consist of Parts 243, 244, and 245 and established NO_x and budgets as part of a multi-state cap-and-trade program. Additionally, CAIR established budgets for emissions of NO_x and from EGUs in NYS. All boilers not regulated by CAIR, equal to or greater than 250 MMBtu/hr and EGUs with a rated output equal to or greater than 15 megawatts, are now regulated under Part 243. After CAIR was adopted in 2007, Parts 227-3, 237, and 238 were rendered inoperable and are currently obsolete. As a result, repeal of Parts 227-3, 237, and 238 will de-clutter and streamline DEC's regulations, with zero impact on the regulated community and the people of the State of New York.

COSTS

The only costs associated with this rulemaking will be those costs typically associated with rulemaking, such as costs for newspaper publication and the preparation of transcripts.

LOCAL GOVERNMENT MANDATES

There are no local government mandates associated with the repeal of Parts 227-3, 237, and 238.

PAPERWORK

No additional recordkeeping, reporting, or other requirements will be imposed under this rulemaking.

DUPLICATION

This proposal does not duplicate any other federal or state regulations or statutes. Parts 227-3, 237, and 238 are partially duplications of Parts 243, 244, and 245. The repeal of Parts 227-3, 237, and 238 will eliminate this duplication.

ALTERNATIVES

The alternative option to this proposal is to not repeal Parts 227-3, 237, and 238. The rules would remain on the books, but their existence would be purely historical as they have already been phased-out of use and enforcement. However, their existence might create confusion with the regulatory community regarding their use and relevance.

FEDERAL STANDARDS

There are no minimum federal standards exceeded by the repeal of Parts 227-3, 237, and 238 or from the revisions to Part 200.

COMPLIANCE SCHEDULE

There is no compliance schedule required by the repeal of Parts 227-3, 237, and 238.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Attached statement explaining why a RFASBLG, RAFA, or JIS is not required under items 18.B, 19.B, or 20.B.

The Department is proposing to repeal 6 NYCRR 227-3, Nitrogen Oxide Emissions Budget and Allowance Program; 237, Acid Deposition Reduction NO_x Budget Trading Program; 238, Acid Deposition Reduc-

tion Budget Trading Program and revise 6 NYCRR Part 200, General Provisions, to remove all references to Parts 227-3, 237, and 238. These regulations have become obsolete and have been superseded by other state and federal; regulations, most notably 6 NYCRR Part 243, CAIR NO_x Ozone Season Trading Program; Part 244, CAIR NO_x Annual Trading Program; Part 245, CAIR Trading Program; and 40 CFR Part 96.101-96.388, NO_x Budget Trading Program and CAIR NO_x and Trading Programs for State Implementation Plans. All compliance related activities under these Parts have been fully concluded and are no longer operable. As a result, Parts 227-3, 237 and 238 are inoperable and should be repealed. Repeal of Parts 227-3, 237, and 238 will de-clutter and streamline DEC's regulations, with zero impact on the regulated community, the People, and the State of New York. The revisions being proposed will not have any adverse impact on small businesses, local governments, public or private entities in rural areas, or jobs and employment opportunities, as these regulations are no longer implemented and enforced.

Department of Financial Services

EMERGENCY RULE MAKING

License, Financial Responsibility, Education and Test Requirements for Mortgage Loan Originators

I.D. No. DFS-21-14-00003-E
Filing No. 391
Filing Date: 2014-05-09
Effective Date: 2014-05-11

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 420; amendment of Supervisory Procedure MB107; and repeal of Supervisory Procedure MB 108 of Title 3 NYCRR.

Statutory authority: Banking Law, arts. 12-D and 12-E

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Article 12-E of the Banking Law provides for the regulation of mortgage loan originators (MLOs). Article 12-E was recently amended in order to conform the regulation of MLOs in New York to new federal legislation (Title V of the Housing and Economic Recovery Act of 2008, known as the "SAFE Act").

The SAFE Act authorized the federal Department of Housing and Urban Development ("HUD") to assume the regulation of MLOs in any state that did not enact acceptable implementing legislation by August 1, 2009. In response, the Legislature enacted revised Article 12-E.

The emergency rulemaking revises the existing MLO regulations, which implement the prior version of Article 12-E, to conform to the changes in the statute.

Under the new legislation, MLOs, including those already engaged in the business of originating mortgage loans, must complete new education, testing and bonding requirements prior to licensure. Meeting these requirements will likely entail significant time and effort on the part of individuals subject to the revised law and regulations.

Emergency adoption of the revised regulations is necessary in order to afford such individuals sufficient advance notice of the new substantive rules and licensing procedures for MLOs that they will have an adequate opportunity to comply with the new licensing requirements and in order to protect against federal preemption of the regulation of MLOs in New York.

Subject: License, financial responsibility, education and test requirements for mortgage loan originators.

Purpose: The revised rules implement new Article 12-E of the Banking Law to require that individuals engaging in mortgage loan origination activities must be licensed by the Superintendent of Financial Services (formerly the Superintendent of Banks). Revised Part 420 sets forth the application, exemption and approval procedures for initial and annual licensing as a mortgage loan originator. Revised Supervisory Procedure MB 107 sets forth the details of the application procedure. Supervisory Procedure MB 108 set forth the procedure for approval of education courses and providers under the prior version Article 12-E. It no longer is required under the new article 12-E.

Substance of emergency rule: Section 420.1 summarizes the scope and application of Part 420. It notes that all individuals unless exempt must be licensed under Article 12-E to engage in mortgage loan originator ("MLO") activities. It also sets forth the basic authority of the Superintendent to revoke or suspend a license.

Section 420.2 sets out the exemptions available to individuals from the general license requirements. Specifically, the proposed regulation includes a number of exemptions, including exemptions for individuals who work for banking institutions as mortgage loan originators and individuals who arrange mortgage loans for family members. Also, individuals who work for mortgage loan servicers and negotiate loan modifications are only subject to the license requirement if required by HUD. The Superintendent is authorized to approve other exemptions for good cause.

Section 420.3 contains a number of definitions of terms that are used in Part 420. These include definitions for "mortgage loan originator," originating entity", "residential mortgage loan" and "loan processor or underwriter".

Section 420.4 describes the applications procedures for applying for a license as an MLO. It also provides important transitional rules for individuals already engaging in mortgage loan origination activities pursuant to the authority of the prior version of Article 12-E or, in the case of individuals engaged in the origination of manufactured homes, not previously subject to regulation by the Department of Financial Services (formerly the Banking Department).

Section 420.5 describes the circumstances in which originating entities may employ or contract with MLOs to engage in mortgage loan origination activities during the application process.

Section 420.6 sets forth the steps the Superintendent of Financial Services (formerly the Superintendent of Banks) must take upon determining to approve or disapprove an application for an MLO license.

Section 420.7 describes the circumstances when an MLO license is inactive and how an MLO may maintain his or her license during such periods.

Section 420.8 sets forth the circumstances when an MLO license may be suspended or terminated. Specifically, the proposed regulation provides that an MLO license shall terminate if the annual license renewal fee has not been paid or the requisite number of continuing education credits have not been taken. The Superintendent also may issue an order suspending an MLO license if the licensee does not file required reports or maintain a bond. The license of an MLO that has been suspended pursuant to this authority shall automatically terminate by operation of law after 90 days unless the licensee has cured all deficiencies within this time period.

Section 420.9 sets forth the process for the annual renewal of an MLO license.

Section 420.10 sets forth the process by which an MLO may surrender his or her license.

Section 420.11 sets forth the pre-licensing educational requirements applicable to applicants seeking an MLO license. Twenty hours of educational courses are required, including courses related to federal law and state law issues.

Section 420.12 sets out the requirement that pre-licensing education and continuing education courses and education course providers must be approved by the Nationwide Mortgage Licensing System and Registry (the "NMLS"). This represents a change from the prior law pursuant to which the Superintendent issued such approvals.

Section 420.13 sets forth the pre-licensing testing requirements for applicants for an MLO license. It also sets out the test location requirements and the minimum passing grades to obtain a license.

Section 420.14 sets out the continuing education requirements applicable to MLOs seeking to renew their licenses.

Section 420.15 sets out the new requirements that MLOs have a surety bonds in place as a condition to being licensed under Article 12-E. It also sets out the minimum amounts of such bonds.

Section 420.16 requires the Superintendent to make reports to the NMLS annually regarding violations by, and enforcement actions against, MLOs. It also provides a mechanism for MLOs to challenge the content of such reports.

Section 420.17 sets forth the process for calculating and collecting fees applicable to MLO licensing.

Sections 420.18 and 420.19 set forth the various duties of MLOs and originating entities. Section 420.20 also describes conduct prohibited for MLOs and loan originators.

Finally, Section 420.21 describes the administrative action and penalties that the Superintendent may take against an MLO for violations of law or regulation.

Section 107.1 contains definitions of defined terms used in the Supervisory Procedure. Importantly, it defines the National Mortgage Licensing System (NMLS), the web-based system with which the Superintendent has entered into a written contract to process applications for initial licensing and applications for annual license renewal for MLOs.

Section 107.2 contains general information about applications for initial

licensing and annual license renewal as an MLO. It states that a sample of the application form (which must be completed online) may be found on the Department's website and includes the address where certain information required in connection with the application for licensing must be mailed.

Section 107.3 describes the parts of an application for initial licensing. The application includes (1) the application form, (2) fingerprint cards, (3) the fees, (4) applicant's credit report, (5) an affidavit subscribed under penalty of perjury in the form prescribed by the Superintendent, and (6) any other information that may be required by the Superintendent. It also describes the procedure when the Superintendent determines that the information provided by the application is not complete.

Section 107.4 describes the required submissions for annual license renewal of an MLO.

Section 107.5 covers inactive status.

Section 107.6 provides information on places where applicants may obtain additional instructions and assistance on the Department's website, by email, by mail, and by telephone.

Supervisory Procedure MB 108 is hereby repealed.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire August 6, 2014.

Text of rule and any required statements and analyses may be obtained from: Sam L. Abram, New York State Department of Financial Services, One State Street, New York, NY 10004-1417, (212) 709-1658, email: sam.abram@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority.

Revised Article 12-E of the Banking Law became effective on July 11, 2009 when Governor Paterson signed into law Chapter 123 of the Laws of 2009. The revised version of Article 12-E is modeled on the provisions of Title V of the federal Housing and Economic Recovery Act of 2008, also know as the S.A.F.E. Mortgage Licensing Act (the "SAFE Act") pertaining to the regulation of mortgage loan originators. Hence, the licensing and regulation of mortgage loan regulators in New York now closely tracks the federal standard.

Current Part 420 of the Superintendent's Regulations, implementing the prior version of Article 12-E, was adopted on an emergency basis in December of 2008. Since the new version of Article 12-E is already effective, it is necessary to revise Part 420 and adopt the revised version on an emergency basis. An earlier draft of this regulation was published on the Department's website on August 27, 2009. To date, the Department has received two sets of comments, and these have been incorporated into the current version of the revised regulation as appropriate.

New Section 599-a of the Banking Law sets forth the legislative purpose of new Article 12-E. It notes that the new Article is intended to enhance consumer protection, reduce fraud and ensure the public welfare. It also notes that the new regulatory scheme is to be consistent with the SAFE Act.

Section 599-b sets forth the definitions used in the new Article. Defined terms include: mortgage loan originator ("MLO"); mortgage loan processor -- an individual who may not need to be licensed; residential mortgage loans -- loans for which an MLO must be licensed; residential real property; and the Nationwide Mortgage Licensing System and Registry (the "NMLS").

Section 599-c sets forth the requirements for being licensed as an MLO, the effective date for licensing and exemptions from the licensing requirements. Exemptions include ones for individuals who work for insured financial institutions, licensed attorneys who negotiate the terms of a loan for a client as an ancillary to the attorney's representation of the client, and, unless required to be licensed by the U.S. Department of Housing and Urban Development ("HUD"), certain individuals employed by a mortgage loan servicer.

Section 599-d sets out the process for obtaining an MLO license. It also sets out the Department's authority for imposing fees, the authority of the NMLS to collect such fees, the ability of the Superintendent of Financial Services (formerly the Superintendent of Banks) to modify the requirements of Article 12-E in order to ensure compliance with the SAFE Act, the requirement that filings be made electronically and required background information from all applicants.

Section 599-e sets for the findings that the Superintendent must make before a license is issued. These include a finding that the applicant not have any felony convictions within seven years or any fraud convictions at any time, that the applicant demonstrate acceptable character and fitness, educational and testing criteria and a bonding requirement. An MLO also must be affiliated with an originating entity -- a licensed mortgage banker or registered mortgage broker (or other licensed entity in the case of individuals originating manufactured homes) -- or working for mortgage loan servicers.

Section 599-f sets out the pre-licensing education requirements, and Section 599-g sets forth the pre-licensing testing requirements. Section 599-h imposes a reporting requirement on entities employing MLOs. Such entities must make annual filings through the NMLS.

Section 599-i sets forth the annual license renewal requirements for MLOs. In addition to continuing to satisfy the initial requirements for licensing, MLOs must satisfy annual continuing educational requirements and must have paid all fees. Failure to meet these requirements shall result in the automatic termination of an MLO's license. The statute also provides for a licensee going into inactive status, provided the individual continues to pay all applicable fees and to take required education courses.

Section 599-j sets forth the continuing education requirements for MLOs, and Section 599-k sets forth the requirements for a surety bond. Section 599-l requires the Superintendent to report through the NMLS at least annually on all violations of Article 12-E and all enforcement actions. MLOs may challenge the information contained in such reports. Section 599-m sets forth the records and reports that originating entities must maintain or make on MLOs employed by, or working for, such entities. This section also requires the Superintendent to maintain on the internet a list of all MLOs licensed by the Department and requires reporting to the Department by MLOs.

Section 599-n sets forth the enforcement authority of the Superintendent. In addition to "for good cause" suspension authority, the Superintendent may revoke a license for stated reasons (after a hearing), and the Superintendent may suspend a license if a required surety bond is allowed to lapse or thirty days after a required report is not filed. This section also sets out the requirements for surrendering a license and the implications of any surrender, revocation, termination or suspension of a license.

Section 599-o sets forth the authority of the Superintendent to adopt rules and regulations implementing Article 12-E. including the authority to adopt expedited review and licensing procedures for individuals previously authorized under the prior version of Article 12-E to act as MLOs. It also authorizes the Superintendent to investigate licensees and the entities with which they are associated.

Section 599-p requires that the unique identifier of every originator be clearly shown on certain documents. Section 599-q provides certain confidentiality protections for information provided to the Superintendent by an MLO, notwithstanding the sharing of such information with other regulatory bodies.

2. Legislative objectives.

As noted, new Article 12-E was intended to conform New York Law to federal law and to enhance the regulation of MLOs operating in this state. These objectives have taken on increased urgency with the problems evidenced in the mortgage banking industry over the past few years.

The regulations implement this statute. New Part 420 differs from the prior version in a number of respects. The following is a summary of the major changes from the previous regulation:

1. The definition of a mortgage loan originator is broadened to include any individual who takes a mortgage application or offers or negotiates the terms of the mortgage with a consumer.

2. Individuals who originate loans on manufactured homes will be subject to the regulation for the first time.

3. If licensing of individuals who work for mortgage loan servicers and who engage in loan modification activities is required by the U.S. Department of Housing and Urban Development, such individuals may be subject to the licensing requirements of the new law and to the new regulation.

4. Individuals who have applied for "authorization" under the prior version of Article 12-E and Part 420 have a simplified process for becoming licensed and may continue to originate loans until they are licensed under the revised regulation or their applications are denied.

5. Individuals with a felony conviction within the last seven years or a felony conviction for fraud at any time are now prohibited from being licensed as MLOs in New York State.

6. Individuals must satisfy new pre-license education and testing requirements. There also are new bonding requirements and continuing education requirements.

7. A license automatically terminates if the licensee does not pay his or her annual license renewal fee or take the requisite amount of continuing education credits. The authority of the Superintendent to suspend an individual for good cause also has been clarified.

When Part 420 was originally adopted on an emergency basis, the Superintendent also adopted Supervisory Procedures MB 107 and MB 108. Supervisory Procedure MB107 deals with applications to become an MLO. It has been updated in line with the revisions to Article 12-E and Part 420.

Supervisory Procedure MB 108, relating to the approval of education providers and courses, was originally adopted because the prior version of Article 12-E required the Superintendent to approve both courses and providers. This activity has been transferred to the NMLS under new

Article 12-E. Accordingly, Supervisory Procedure MB 108 is being rescinded.

3. Needs and benefits.

The SAFE Act is intended to impose a nationwide standard for MLO regulation; new Article 12-E constitutes New York's effort to adopt a regulatory regime consistent with this uniform standard. This regulation is needed to implement revised Article 12-E and is necessary to address problems that have surfaced over the last several years in the mortgage industry.

As has now been recognized at the federal level in the SAFE Act, increased oversight of mortgage loan originators is necessary to curb disreputable and deceptive businesses practices by MLOs. Individuals engaging in abusive practices have avoided detection by moving from company to company and in some instances, from state to state. The licensing of MLOs will greatly assist the Department in its efforts to oversee the mortgage industry and protect consumers. The regulation will enable the Department to identify, track and hold accountable those individuals who engage in abusive practices, and ensure continuing education for all MLOs that are licensed by the Department.

These regulatory requirements will improve accountability among mortgage industry professionals, protect and promote the integrity of the mortgage industry, and improve the quality of service, thereby helping to restore consumer confidence.

If New York did not adopt the new federal standards for MLO regulation or failed to implement its requirements, the SAFE Act requires that HUD assume the licensing of MLOs in New York State. This would result in ceding an important responsibility and element of state sovereignty to the federal government.

4. Costs.

MLOs are already experiencing increased costs as a result of the fees and continuing education requirements associated with the prior version of Article 12-E. These costs will continue under the new law and regulations.

The amount of the fingerprint fee is set by the State Division of Criminal Justice Services and the processing fees of the National Mortgage Licensing System and Registry are set by that body.

The ability by the Department to regulate MLOs is expected to substantially decrease losses to consumers and the mortgage industry, as well as to assist in decreasing the number of foreclosures in the State and the associated direct and indirect costs of such foreclosures. It is expected also to reduce consumer complaints regarding MLO conduct.

The regulations will not result in any fiscal implications to the State. The Department is funded by the regulated financial services industry. Fees charged to the industry will be adjusted periodically to cover Department expenses incurred in carrying out this regulatory responsibility.

5. Local government mandates.

None.

6. Paperwork.

An application process has been established for MLOs electronically through the NMLS. Over time, the application process is expected to become virtually paperless; accordingly, while a limited number of documents, including fingerprints where necessary, currently have to be submitted to the Department in paper form, these requirements should diminish with the passage of time.

The specific procedures that are to be followed in order to apply for licensing as a mortgage loan originator are detailed in revised Supervisory Procedure MB 107.

7. Duplication.

The revised regulation does not duplicate, overlap or conflict with any other regulations.

8. Alternatives.

The purpose of the regulation is to carry out the statutory mandate to license and regulate MLOs in a manner consistent with the SAFE Act. As noted above, the alternative would be to cede this responsibility to the federal government. By enacting revised Article 12-E, the Legislature has indicated its desire to retain this responsibility at the state level.

9. Federal standards.

Currently, mortgage loan originators are required under the SAFE Act to be licensed under requirements nearly identical to those set forth in new Article 12-E.

10. Compliance schedule.

New Article 12-E became effective on July 11, 2009.

A transitional period is provided for mortgage loan originators who, as of July 11, 2009, were authorized to act as MLOs or had filed applications to be so authorized. Such MLOs may continue to engage in MLO activities, provided they submit any additional, updated information required by the Superintendent. The transitional period runs until January 1, 2011, in the case of authorized persons, and until July 31, 2010, in the case of applicants (unless their applications are denied or withdrawn as of an earlier date). Applicants are required to complete their applications considerably in advance of these dates under the regulations in order to allow the Department to complete their processing.

Regulatory Flexibility Analysis

1. Effect of the Rule:

The revised regulation will not have any impact on local governments. However, many of the originating entities who employ or are affiliated with mortgage loan originators are mortgage bankers or mortgage brokers who are considered small businesses. In excess of 2,700 of these businesses are licensed or registered by the Department of Financial Services (formerly the Banking Department).

2. Compliance Requirements:

The revised regulation reflects the changes made in revised Article 12-E of the Banking Law. The small businesses that MLOs are employed by or affiliated with will be required to ensure that all MLOs employed by them have been duly licensed, report four times a year on the MLOs newly employed by them or dismissed for actual or alleged violations, determine that each MLO employed by or affiliated with them has the character, fitness and education qualifications to warrant the belief he or she will engage in mortgage loan originating honestly, fairly and efficiently; and, finally, retain acceptable documentation as evidence of satisfactory completion of required education courses for each MLO for a period of six years. In addition to these requirements, originating entities will be required to assign MLOs to registered locations and to ensure that an MLO's unique identifier is recorded on each mortgage application he or she originates.

3. Professional Services:

None.

4. Compliance Costs:

As under the existing Part 420, some mortgage entities may choose to pay for costs associated with initial licensing and annual license renewal for their MLOs and with continuing education requirements, but are not required to do so. Costs associated with electronic filing of quarterly employment reports and retaining for six years evidence of completion by MLOs of required continuing education are expected to be minimal.

5. Economic and Technological Feasibility:

The rule-making should impose no adverse economic or technological burden on small businesses that MLOs are employed by or affiliated with.

6. Minimizing Adverse Impacts:

The industry, and specifically small businesses who are licensed and registered mortgage businesses, supported passage of the previous Banking Law Article 12-E and had substantial opportunity to comment on the specific requirements of this statute and its supporting regulations. In addition, these businesses were involved in a policy dialogue with the Department during rule development. In order to minimize any potential adverse economic impact of the rulemaking, outreach was conducted with associations representing the industries that would be affected thereby (mortgage bankers, and mortgage brokers.

The revised regulation implements changes in Article 12-E of the Banking Law. An earlier draft of the revised regulation was published on the Department's website on August 27, 2009. Changes incorporating the comments have been made in the regulation where appropriate.

7. Small Business and Local Government Participation:

See response to Item 6 above.

Rural Area Flexibility Analysis

Types and Estimated Numbers: The New York State Department of Financial Services (formerly the Banking Department) licenses over 1,045 mortgage bankers and brokers, of which over 761 are located in the state. It has received 19,000 applications from MLOs under the present regulations and anticipates receiving approximately 500 initial licensing applications from individuals who seek to enter and/or re-enter the market as the economy stabilizes. Many of these entities and MLOs will be operating in rural areas of New York State and would be impacted by the regulation.

Compliance Requirements: Mortgage loan originators in rural areas must be licensed by the Superintendent of Financial Services (formerly the Superintendent of Banks) to engage in the business of mortgage loan origination. The application process established by the regulations requires an MLO to apply for a license electronically and to submit additional background information to the Mortgage Banking unit of the Department. This additional information consists of fingerprints, a recent credit report, supplementary background information and an attestation as to the truthfulness of the applicant's statements. Mortgage brokers and bankers are required to ensure that all MLOs employed by them have been duly licensed, report four times a year on the MLOs newly employed by them or dismissed for cause, determine that each MLO employed by or affiliated with them has the character, fitness and education qualifications to warrant the belief he or she will engage in mortgage loan originating honestly, fairly and efficiently; and, finally, retain acceptable documentation as evidence of satisfactory completion of required education courses for each MLO for a period of six years. The Department believes that this

rule will not impose a burdensome set of requirements on entities operating in rural areas.

Costs: Some mortgage businesses in rural areas may choose to pay the increased costs associated with the continuing education requirements and the fees associated with licensing and annual renewal of their MLOs, but are not required to do so. The regulation sets forth the manner in which the background investigation fee, the initial license processing fee and the annual renewal fee are established. There will also be a fee for the processing of fingerprints and fees to cover the cost of third party processing of the application. Fees charged to the industry will be adjusted periodically to cover Department expenses incurred in carrying out its regulatory responsibilities. Costs associated with electronic filing of quarterly employment reports and retaining for six years evidence of completion by MLOs of required continuing education courses are expected to be minimal. The cost of continuing education is estimated to be approximately $500 every two years. The Department's increased effectiveness in fighting mortgage fraud and predatory lending will lower costs related to litigation and will decrease losses to consumers and the mortgage industry by hundreds of millions of dollars.

Minimizing Adverse Impacts: The industry supported passage of the prior Article 12-E and had substantial opportunity to comment on the specific requirements of this statute and its supporting regulation. In addition, the industry was involved in a dialogue with the Department during rule development.

The revised regulations implement revised Article 12-E of the Banking Law, which in turn closely tracks the provisions of Title V of the federal Housing and Economic Recovery Act of 2008, also known as the S.A.F.E. Mortgage Licensing Act (the "SAFE Act"). Hence, the licensing and regulation of mortgage loan originators in New York now closely tracks the federal standard. If New York did not adopt this standard, the SAFE Act requires that the federal Department of Housing and Urban Development assume the licensing of MLOs in New York State.

Rural Area Participation: Representatives of various entities, including mortgage bankers and brokers conducting business in rural areas and entities that conduct mortgage originating in rural areas, participated in outreach meetings that were conducted during the process of drafting the prior Article 12-E and the implementing regulations. As noted above, the revised statute and regulations closely track the provisions of the federal SAFE Act.

Job Impact Statement

Revised Article 12-E of the Banking Law, effective on July 11, 2009, replaces the prior version of Article 12-E with respect to the licensing and regulation of mortgage loan servicers. This regulation sets forth the application, exemption and approval procedures for licensing registration as a Mortgage Loan Originator (MLO), as well as financial responsibility requirements for individuals engaging in MLO activities. The regulation also provides transition rules for individuals who engaged in MLO activities under the prior version of the article to become licensed under the new statute.

The requirement to comply with the regulations is not expected to have a significant adverse effect on jobs or employment activities within the mortgage loan servicing industry. This is because individuals were already subject to regulation under the prior version of Article 12-E of the Banking Law. New Article 12-E and Part 420 are intended to conform the regulation of MLOs to the requirements of federal law. Absent action by New York to conform this regulation to federal requirements, federal law authorized the Department of Housing and Urban Affairs to take control of the regulation of MLOs in New York State.

As with their predecessors, the new statute and regulations require the use of the internet-based National Mortgage Licensing System and Registry (NMLS), developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. This system uses a common on-line application for MLO registration in New York and other participating states. It is believed that any remaining adverse impact would be due primarily to the nature and purpose of the statutory licensing requirement rather than the provisions of the regulations.

Supervisory Procedure 108 relates to the approval by the Superintendent of Financial Services (formerly the Superintendent of Banks) of educational courses and course providers for MLOs. Under revised Article 12-E, this function has been transferred to the NMLS. Moreover, educational requirements have been increased under the new law and regulation by the Superintendent.

New York Gaming Facility Location Board

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Rule Pertaining to the Minimum Capital Investment for a Gaming Facility License That Must be Part of a Request for Application

I.D. No. GFB-21-14-00009-EP
Filing No. 399
Filing Date: 2014-05-13
Effective Date: 2014-05-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Addition of Part 602 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 1306(5), 1306(9) and 1315(1)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The New York State Gaming Facility Location Board (the "Board") has determined that immediate adoption of this rule is necessary for the preservation of the general welfare. On March 31, 2014, the Board, which was established by the New York State Gaming Commission, issued a Request for Applications ("RFA") for applicants seeking a license to develop and operate a gaming facility in New York State pursuant to the Upstate New York Gaming Economic Development Act of 2013, as amended by Chapter 175 of the Laws of 2013 (the "Act"). The Act authorizes four upstate destination gaming resorts to enhance economic development in Upstate New York. The immediate adoption of this rule is necessary to prescribe the minimum investment information for applicants considering whether or not to submit an application in response to the RFA, which is due to the Board by June 30, 2014. Standard rule making procedures would prevent the Board from commencing the fulfillment of its statutory duties.

Subject: Rule pertaining to the minimum capital investment for a gaming facility license that must be part of a request for application.

Purpose: To facilitate a fair and transparent process for applying for a license to operate a gaming facility.

Text of emergency/proposed rule: Subtitle R of Title 9, Executive, of the NYCRR is amended to add a new Part 602 as follows:

PART 602

CAPITAL INVESTMENT

§ 602.1. Gaming Facility Minimum Capital Investment.

The minimum capital investment for a gaming facility by zone and region shall be:

(a) In Zone Two, Region One (Counties of Columbia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster), as such zone and region are defined in section 1310 of the Racing, Pari-Mutuel Wagering and Breeding Law:

(1) $350,000,000 for a gaming facility in Dutchess or Orange Counties;

(2) $130,000,000 for a gaming facility in Columbia, Delaware, Greene, Sullivan or Ulster Counties, if no license is awarded for a gaming facility located in Dutchess or Orange Counties; and

(3) $100,000,000 for a gaming facility in Columbia, Delaware, Greene, Sullivan or Ulster Counties, if a license is awarded for a gaming facility located in Dutchess or Orange Counties.

(b) $135,000,000 in Zone Two, Region Two (Counties of Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington), as such zone and region are defined in section 1310 of the Racing, Pari-Mutuel Wagering and Breeding Law.

(c) In Zone Two, Region Five (Counties of Broome, Chemung (east of State Route 14), Schuyler (east of State Route 14), Seneca, Tioga, Tompkins, and Wayne (east of State Route 14)), as such zone and region are defined in section 1310 of the Racing, Pari-Mutuel Wagering and Breeding Law, the following fees will apply to counties as designated below:

(1) $85,000,000 for a gaming facility in Broome, Chemung, Schuyler, Tioga or Tompkins Counties;

(2) $135,000,000 for a gaming facility in Wayne or Seneca Counties; and

(3) $70,000,000 for a gaming facility in Broome, Chemung, Schuyler, Tioga or Tompkins Counties, if a license is awarded for a gaming facility located in Wayne or Seneca Counties.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 10, 2014.

Text of rule and any required statements and analyses may be obtained from: Heather McArn, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301-7500, (518) 388-3408, email: sitingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 1306(5) and section 1315(1) prescribe that the Gaming Facility Location Board, which is established by the Commission, shall establish the minimum capital investment for an applicant seeking a license to develop and operate a gaming facility in New York State. Racing Law 1306(9) authorizes the Board to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. LEGISLATIVE OBJECTIVES: This rule making carries out the legislative objectives of the above referenced statutes by implementing the requirements of Racing Law section 1306(5) and section 1315(1).

3. NEEDS AND BENEFITS: This rule making is necessary to enable the Gaming Facility Location Board to carry out its statutory duty to prescribe the minimum capital investment for a gaming facility. The Gaming Facility Location Board released the request for applications ("RFA") on March 31, 2014, and applicants are expected to submit completed applications by June 30, 2014. Promulgation of this rule will provide applicants with the capital investment requirements prior to the application deadline.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with the rule: Those parties who choose to seek a gaming facility license will bear some costs, including the application fee, the fee for the gaming facility license and the capital investment necessary to construct and operate a gaming facility.

(b) Costs to the regulating agency, the State, and local government: The rule will impose some costs on the Board to review gaming facility license applications and to conduct hearings, where necessary. The Board will rely on Gaming Commission staff to assist in these matters and the costs to the Gaming Commission are expected to be defrayed by the license fee and the $1 million application fee that each applicant will pay as required by Racing Law section 1316(8). The rule will not impose any additional costs on local government.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Gaming Commission's experience regulating racing and gaming activities within the State.

5. PAPERWORK: The rule is not expected to impose any significant paperwork requirements for gaming facility applicants and licensees.

6. LOCAL GOVERNMENT: The rule does not impose any mandatory program, service, duty, or responsibility upon local government because the licensing of gaming facilities is strictly a matter of State law.

7. DUPLICATION: The rule does not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Board is required to create this rule under Racing Law sections 1306(5) and 1315(1). Therefore, no alternatives were considered.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York because such licensing is solely in accordance with New York State law.

10. COMPLIANCE SCHEDULE: The Board anticipates that affected parties will be able to achieve compliance with the rule upon adoption of the rule, which will occur upon filing.

Regulatory Flexibility Analysis

1. EFFECT OF THE RULE: The rule will not affect small businesses or local governments because the rule prescribes the minimum capital investment for a gaming facility. It is not expected that any small business or local government will apply for a gaming facility license.

2. COMPLIANCE REQUIREMENTS: The rule will not impose any compliance requirements on small business or local governments.

3. PROFESSIONAL SERVICES: The rule will not require small businesses or local governments to obtain professional services.

4. COMPLIANCE COSTS: The rule will not impose any compliance costs on small businesses or local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY: The rule will not impose any technological requirements on small businesses or local governments.

6. MINIMIZING ADVERSE IMPACT: The rule will not have an adverse economic impact on small businesses or local governments.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION: This rule is adopted on an emergency basis and is incorporated in the Request for Applications issued on March 31, 2014 by the Gaming Facility Location Board established by the Commission. Therefore, the rule goes into effect upon filing.

Rural Area Flexibility Analysis

A rural flexibility analysis is not attached because the rule does not impose any adverse impact or reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The rule applies uniformly throughout the State to any applicant seeking a license to develop and operate a gaming facility in New York State.

Job Impact Statement

The Board has no reason to believe that this rule will have any adverse impact on any jobs or employment opportunities. The rule prescribes the minimum capital investment for a gaming facility. It is anticipated that the opening of up to four gaming facilities in upstate New York will create new job opportunities. Therefore, the rule will not impact jobs and employment and a full Job Impact Statement is not necessary.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Rules Pertaining to Gaming Facility Request for Application and Related Fees and Hearings

I.D. No. GFB-21-14-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Parts 600 and 601 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 1306(4), 1306(9) and 1319

Subject: Rules pertaining to gaming facility request for application and related fees and hearings.

Purpose: To facilitate a fair and transparent process for applying for a license to operate a gaming facility.

Text of proposed rule: Subtitle R of Title 9, Executive, of the NYCRR is amended to name such Subtitle "Gaming Facility Location Board" and add new Parts 600 and 601 as follows:

PART 600

PUBLIC HEARINGS

§ 600.1. Public Hearings.

(a) If the New York Gaming Facility Location Board conducts a public hearing, it shall cause the New York State Gaming Commission to post a notice of such hearing on the Gaming Commission's website a reasonable period of time before such hearing.

(b) Any member of the New York Gaming Facility Location Board may preside over a public hearing as chair of the meeting. The conduct of the meeting shall be in the sole and absolute discretion of the chair, who may decide whom to recognize to speak and limit the time allowed to any speaker and the number of speakers. The chair of the meeting may receive written testimony in the discretion of the chair.

PART 601

GAMING FACILITY LICENSE FEES

§ 601.1. Gaming Facility License Fees.

(a) The license fee for a gaming facility license issued by the Gaming Commission pursuant to subdivision 4 of section 1315 of the Racing, Pari-Mutuel Wagering and Breeding Law shall be as follows, unless a gaming facility licensee has agreed to pay an amount in excess of the fees listed below:

(1) In Zone Two, Region One (Counties of Columbia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster), as such zone and region are defined in section 1310 of the Racing, Pari-Mutuel Wagering and Breeding Law, the following fees will apply to counties as designated below:

(i) $70,000,000 for a gaming facility in Dutchess or Orange Counties;

(ii) $50,000,000 for a gaming facility in Columbia, Delaware, Greene, Sullivan or Ulster Counties, if no license is awarded for a gaming facility located in Dutchess or Orange Counties; and

(iii) $35,000,000 for a gaming facility in Columbia, Delaware, Greene, Sullivan or Ulster Counties, if a license is awarded for a gaming facility located in Dutchess or Orange Counties.

(2) $50,000,000 in Zone Two, Region Two (Counties of Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington), as such zone and region are defined in section 1310 of the Racing, Pari-Mutuel Wagering and Breeding Law;

(3) In Zone Two, Region Five (Counties of Broome, Chemung (east of State Route 14), Schuyler (east of State Route 14), Seneca, Tioga, Tompkins, and Wayne (east of State Route 14)), as such zone and region are defined in section 1310 of the Racing, Pari-Mutuel Wagering and Breeding Law, the following fees will apply to counties as designated below:

(i) $35,000,000 for a gaming facility in Broome, Chemung, Schuyler, Tioga or Tompkins Counties;

(ii) $50,000,000 for a gaming facility in Wayne or Seneca Counties; and

(iii) $20,000,000 for a gaming facility in Broome, Chemung, Schuyler, Tioga or Tompkins Counties, if a license is awarded for a gaming facility located in Wayne or Seneca Counties.

(b) A gaming facility licensee shall pay the required license fee by electronic fund transfer according to directions issued by the Gaming Commission.

Text of proposed rule and any required statements and analyses may be obtained from: Heather McArn, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301-7500, (518) 388-3408, email: sitingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 1306(1) and section 1312(1) prescribe that the Gaming Facility Location Board, which is established by the Commission, shall issue a request for applications ("RFA") for applicants seeking a license to develop and operate a gaming facility in New York State. On March 31, 2014, the Gaming Facility Location Board issued the RFA.

Racing Law section 1306(4) authorizes the Board to determine a gaming facility license fee to be paid by an applicant.

Racing Law 1306(9) authorizes the Board to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

Racing Law section 1319 authorizes the Board to conduct hearings concerning the conduct of gaming and applicants for gaming facility licenses.

2. LEGISLATIVE OBJECTIVES: This rule making carries out the legislative objectives of the above referenced statutes by implementing the requirements of Racing Law section 1306(4) and section 1319.

3. NEEDS AND BENEFITS: This rule making is necessary to enable the Gaming Facility Location Board to carry out its statutory duty to prescribe the license fee for a gaming facility license issued by the Commission and prescribe public hearing procedures for the Board to follow in the event the Board conducts a public hearing concerning the conduct of gaming and applicants for gaming facility licenses.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with the rules: Those parties who choose to seek a gaming facility license will bear some costs, including the fee for the gaming facility license and the capital investment necessary to construct and operate a gaming facility.

(b) Costs to the regulating agency, the State, and local government: The proposed rules will impose some costs on the Board to review gaming facility license applications and to conduct hearings, where necessary. The Board will rely on Gaming Commission staff to assist in these matters and the costs to the Gaming Commission are expected to be defrayed by the license fee and the $1 million application fee that each applicant will pay as required by Racing Law section 1316(8). The proposed rules will not impose any additional costs on local government.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Gaming Commission's experience regulating racing and gaming activities within the State.

5. PAPERWORK: The proposed rules are not expected to impose any significant paperwork requirements for gaming facility applicants and licensees.

6. LOCAL GOVERNMENT: The proposed rules do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing of gaming facilities is strictly a matter of State law.

7. DUPLICATION: The proposed rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Board is required to create these rules under Racing Law section 1306(4) and section 1319. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York because such licensing is solely in accordance with New York State law.

10. COMPLIANCE SCHEDULE: The Board anticipates that affected parties will be able to achieve compliance with the proposed rules upon the adoption of the rules.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

This rulemaking proposal will not have any adverse impact on small businesses, local governments, jobs, or rural areas. The proposed rules prescribe the license fee for a gaming facility license issued by the New York State Gaming Commission and prescribe public hearing procedures that the Gaming Facility Location Board must follow in the event the Gaming Facility Location Board conducts a public hearing concerning gaming and applicants for gaming facility licenses. It is not expected that any small business or local government will apply for a gaming facility license. To the extent that a small business or local government might participate in a Board hearing, each would be treated equally with any other participant in such hearing.

The proposal imposes no adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. It is anticipated that the opening of up to four gaming facilities in upstate New York will create new job opportunities. The rules apply uniformly throughout the State to any applicant seeking a license to develop and operate a gaming facility in the State.

The proposal will not adversely impact small businesses, local governments, jobs, or rural areas. It does not require a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING HEARING(S) SCHEDULED

Update Increase Percentage for Leases

I.D. No. PDD-21-14-00004-EP

Filing No. 392

Filing Date: 2014-05-09

Effective Date: 2014-05-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 635-6.3 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.09(b) and 43.02

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency adoption of these amendments, which update the annual increase percentage for leases for real property, is necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system.

The emergency adoption of these amendments makes additional funds available to affected agencies in a more expeditious fashion than could be achieved by promulgation of the rule using the regular rulemaking process. The more timely receipt of these funds is necessary in order to allow residential providers to pay increased rents, thereby allowing individuals with developmental disabilities to continue to live in these facilities and avoiding disruptive and costly moves for these individuals.

Subject: Update Increase Percentage for Leases.

Purpose: To adjust reimbursement to affected providers for lease costs.

Public hearing(s) will be held at: 10:30 a.m., July 14, 2014 at Office For People With Developmental Disabilities, Counsel's Office Conference Rm., 44 Holland Ave., Albany, NY; and 10:30 a.m., July 15, 2014 at Office For People With Developmental Disabilities, Counsel's Office Conference Rm., 44 Holland Ave., Albany, NY.

Interpreter Service: Interpreter services will be made available to hearing

impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Text of emergency/proposed rule: Paragraph 635-6.3(b)(3) is amended by the addition of a new subparagraph (iii) as follows:

(iii) The annual increase percentage for 2014 is 2.6 percent.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 6, 2014.

Text of rule and any required statements and analyses may be obtained from: Barbara Brundage, Director of Regulatory Affairs (RAU), OPWDD, 44 Holland Avenue, Albany, NY 12229, (518) 474-1830, email: RAU.Unit@opwdd.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: Five days after the last scheduled public hearing.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described will have no effect on the environment, and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory authority:

a. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the New York State Mental Hygiene Law Section 13.09(b).

b. OPWDD has the responsibility, as stated in section 43.02 of the Mental Hygiene Law, for setting Medicaid rates for services in facilities licensed by OPWDD.

2. Legislative objectives: These emergency/proposed amendments further the legislative objectives embodied in sections 13.09(b) and 43.02 of the Mental Hygiene Law. The emergency/proposed amendments update the annual increase percentage for leases for real property.

3. Needs and benefits: In 2012, OPWDD implemented changes in the methodology for reimbursement of allowable costs of continuing residential lease arrangements. Instead of approving rent costs for these arrangements via the Prior Property Approval (PPA) process, OPWDD implemented an annual calendar year increase in the allowable lease costs. The increase is determined by multiplying the base lease amount by a percentage increase established in the regulation. OPWDD updates this percentage increase annually in regulation based on the Rent of Primary Residence component of the Consumer Price Index (CPI). This guarantees an independently derived, statistically sound and uniform means to adjust lease reimbursements fairly and expeditiously.

4. Costs:

a. Costs to the Agency and to the State and its local governments.

OPWDD expects that there will be an increase in costs to the State of approximately $558,500.

There will be no impact to local governments as a result of any of these amendments.

b. Costs to private regulated parties: There are no initial capital investment costs or initial non-capital expenses for either of these amendments.

The adjustments to reimbursement to providers found in these amendments result in an overall fiscal impact on providers that is cost neutral. The adjustments to reimbursement merely take into account overall estimated rent increases.

5. Local government mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: No additional paperwork is required by the emergency/proposed amendments.

7. Duplication: Although the emergency/proposed amendments are derived from federal statistics, the amendments do not duplicate any existing requirements that are applicable to services for persons with developmental disabilities.

8. Alternatives: OPWDD did not consider any alternatives to the emergency/proposed amendments.

9. Federal standards: The emergency/proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The emergency rule is effective May 9, 2014. OPWDD has concurrently filed the rule as a Notice of Proposed Rule Making, and it intends to finalize the rule as soon as possible within the time frames mandated by the State Administrative Procedure Act. These amendments do not impose any new requirements with which regulated parties are expected to comply.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments do not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The emergency/proposed amendments are concerned with updating the annual increase percentage for reimbursement of continuing residential lease arrangements in order to provide additional reimbursement to providers for increases in lease costs. The amendments result in an overall fiscal impact that is cost neutral for the affected facilities, and further, the amendments do not result in any new compliance requirements. Due to an overall cost neutral fiscal impact and no new compliance requirements, the emergency/proposed amendments do not have any adverse effects on regulated parties.

These amendments do not impose any requirements on local governments.

These amendments will consequently have no adverse impacts on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments do not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the amendments.

The emergency/proposed amendments are concerned with updating the annual increase percentage for reimbursement of continuing residential lease arrangements in order to provide additional reimbursement to providers for increases in lease costs. The amendments result in an overall fiscal impact that is cost neutral for the affected facilities, and further, the amendments do not result in any new compliance requirements. Due to an overall cost neutral fiscal impact and no new compliance requirements, the emergency/proposed amendments do not have any adverse effects on regulated parties.

The amendments will consequently have no adverse impacts on public or private entities in rural areas.

Job Impact Statement

A Job Impact Statement for the emergency/proposed amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they do not have a substantial adverse impact on jobs and/or employment opportunities.

The emergency/proposed amendments are concerned with updating the annual increase percentage for reimbursement of continuing residential lease arrangements in order to provide additional reimbursement to providers for increases in lease costs. The amendments result in an overall fiscal impact that is cost neutral for the affected facilities, and further, the amendments do not result in any new compliance requirements. Due to an overall cost neutral fiscal impact and no new compliance requirements, the emergency/proposed amendments do not have a substantial adverse impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF ADOPTION

Approving a Petition of CPV Valley, LLC Authorizing Lightened Ratemaking Regulation and Approving Financing

I.D. No. PSC-47-10-00012-A

Filing Date: 2014-05-09

Effective Date: 2014-05-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC adopted an order approving a petition of CPV Valley, LLC authorizing lightened ratemaking and financing in connection with a natural gas electric generating facility with a nominal rating of 630 MW in the Town of Wawayanda, New York.

Statutory authority: Public Service Law, sections 2(13), 5(1)(b), 18-a, 19, 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72, 72-a, 75, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 114-a, 115, 117, 118, 119-a, 119-b and 119-c

Subject: Approving a petition of CPV Valley, LLC authorizing lightened ratemaking regulation and approving financing.

Purpose: To approve a petition of CPV Valley, LLC authorizing lightened ratemaking regulation and approving financing.

Substance of final rule: The Commission, on May 8, 2014, adopted a petition filed by CPV Valley, LLC authorizing lightened ratemaking regulation and approving financing in regard to constructing and operating a natural gas-fired, combined-cycle electric generating facility with a nominal rating of 630 MW, located in the Town of Wawayanda, Orange County, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(10-E-0501SA1)

NOTICE OF ADOPTION

Approving a Joint Proposal Establishing a Two-Year Rate Plan

I.D. No. PSC-01-14-00015-A

Filing Date: 2014-05-08

Effective Date: 2014-05-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC adopted an order approving the terms of a joint proposal establishing a rate plan for National Fuel Gas Distribution Corporation.

Statutory authority: Public Service Law, sections 65 and 66(12)

Subject: Approving a joint proposal establishing a two-year rate plan.

Purpose: To approve a joint proposal establishing a two-year rate plan.

Substance of final rule: The Commission, on May 8, 2014, adopted the terms of a Joint Proposal for National Fuel Gas Distribution Corporation establishing a two-year rate plan, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-G-0136SA3)

NOTICE OF ADOPTION

Approving, in Part, Cricket Valley's Waiver Requests

I.D. No. PSC-04-14-00008-A

Filing Date: 2014-05-12

Effective Date: 2014-05-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC adopted an order approving, in part, Cricket Valley Energy Center, LLC's (Cricket Valley) application for waiver requests for certain requirements to construct and operate an electric transmission line.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Approving, in part, Cricket Valley's waiver requests.

Purpose: To approve, in part, Cricket Valley's waiver requests.

Substance of final rule: The Commission, on May 8, 2014, adopted an order approving, in part, the request of Cricket Valley Energy Center, LLC for waivers of certain requirements in connection with a Certificate of Environmental Compatibility and Public Need pursuant to PSC Article VII, to construct and operate a new transmission line, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-T-0585SA1)

NOTICE OF ADOPTION

Allowing Con Ed to Make Revisions Related to PSC 10—Electricity

I.D. No. PSC-07-14-00016-A

Filing Date: 2014-05-08

Effective Date: 2014-05-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC adopted an order approving a filing by Consolidated Edison Company of New York, Inc. (Con Ed) to make revisions to PSC No. 10—Electricity regarding Electric Vehicle Charging Stations.

Statutory authority: Public Service Law, section 66(12)

Subject: Allowing Con Ed to make revisions related to PSC 10—Electricity.

Purpose: To allow Con Ed to make revisions related to PSC 10—Electricity.

Substance of final rule: The Commission, on May 8, 2014, adopted an order approving a filing by Consolidated Edison Company of New York, Inc. to make revisions to the PSC No. 10–Electricity, regarding Electric Vehicle Charging Stations, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0030SA1)

NOTICE OF ADOPTION

Allowing National Grid to Make Revisions Related to PSC 219—Gas

I.D. No. PSC-07-14-00019-A

Filing Date: 2014-05-08

Effective Date: 2014-05-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC approved a filing allowing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to make various changes to the rates, charges, rules and regulations contained in PSC No. 219—Gas.

Statutory authority: Public Service Law, sections 65 and 66(12)

Subject: Allowing National Grid to make revisions related to PSC 219—Gas.

Purpose: To allow National Grid to make revisions related to PSC 219—Gas.

Substance of final rule: The Commission, on May 8, 2014, allowed a filing by Niagara Mohawk Power Corporation d/b/a National Grid, to revise the calculation of the monthly cost of gas and the annual reconciliation of purchased gas expenses and gas cost recoveries.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-G-0031SA1)

NOTICE OF ADOPTION

Allowing Central Hudson's Filing to Modify Lighting Inventory in PSC 15—Electricity

I.D. No. PSC-09-14-00006-A

Filing Date: 2014-05-09

Effective Date: 2014-05-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC allowed a tariff filing by Central Hudson Gas and Electric Corporation (Central Hudson) to its rates, charges, rules and regulations contained in PSC 15—Electricity, to go into effect.

Statutory authority: Public Service Law, section 66(12)

Subject: Allowing Central Hudson's filing to modify lighting inventory in PSC 15—Electricity.

Purpose: To allow Central Hudson's filing to modify lighting inventory in PSC 15—Electricity.

Substance of final rule: The Commission, on May 8, 2014, allowed a tariff filing by Central Hudson Gas and Electric Corporation to modify lighting inventory in PSC No. 15—Electricity, to go into effect.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0059SA1)

NOTICE OF ADOPTION

Approving Central Hudson's Proposed Targets

I.D. No. PSC-11-14-00006-A

Filing Date: 2014-05-13

Effective Date: 2014-05-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/8/14, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) proposed targets for tree trimming expenditures, stray voltage testing and mitigation costs and net plant for the year ending June 30, 2015.

Statutory authority: Public Service Law, section 66(12)

Subject: Approving Central Hudson's proposed targets.

Purpose: To approve Central Hudson's proposed targets.

Substance of final rule: The Commission, on May 8, 2014, adopted an order approving Central Hudson Gas and Electric Corporation's proposed targets for the second year of the rate freeze, ending June 30, 2015, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: Deborah Swatling, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2659, email: deborah.swatling@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-M-0192SA5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Tariff Changes to Align the Monthly Cost of Gas and Adjustment Provisions and Statements with Those Filed in Case 13-G-0439

I.D. No. PSC-21-14-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by KeySpan Gas East Corp. dba Brooklyn Union of L.I. to make various changes to the rates, charges, rules and regulations contained in its Schedule for Gas Services P.S.C. No. 1—Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff changes to align the monthly cost of gas and adjustment provisions and statements with those filed in Case 13-G-0439.

Purpose: To align the monthly cost of gas and adjustments provisions and statements with those filed by KEDNY in Case 13-G-0439.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by KeySpan Gas East Corp. d/b/a Brooklyn Union of L.I. (KEDLI) to align the monthly cost of gas and adjustment provisions and statements with those filed by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) in Case 13-G-0439. KEDNY's tariff filing will modify the calculation of monthly cost of gas for sales customers under Service Classification Nos. 4A, High Load Factor Service; 4A-CNG, Compressed Natural Gas Equipment Service and 4B, Year-Round Air Conditioning Service. The amendments have an effective date of September 1, 2014.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Deborah Swatling, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2659, email: Deborah.Swatling@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-4535, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-G-0163SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Tariff Changes to Revise the Calculation of the Monthly Cost of Gas for the Fixed Gas Cost and the Fixed Cost Credit Components

I.D. No. PSC-21-14-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by The Brooklyn Union Gas Company d/b/a National Grid NY to make various changes to the rates, charges, rules and regulations contained in its Schedule for Gas Services P.S.C. No. 12 — Gas.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Tariff changes to revise the calculation of the monthly cost of gas for the fixed gas cost and the fixed cost credit components.

Purpose: To revise the calculation of the fixed gas cost and the fixed cost credit components of SC Nos. 4A; 4A-CNG and 4B.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by The Brooklyn Union Gas Company d/b/a National Grid NY (the Company) to revise the calculation of both the fixed gas cost component and the fixed cost credit component of the monthly cost of gas for Service Classification (SC) Nos. 4A, High Load Factor Service; 4A-CNG, Compressed Natural Gas Equipment Service and 4B, Year-Round Air Conditioning Service. These changes will impact the calculation of the monthly cost of gas for the Company's firm sales customers provided service under SC Nos. 1, Residential; 2, General Service (Non-Residential); 3 Heating and/or Water Heating Service (Multi-Family Buildings) and 21, Base Load Distributed Generation Sales Service. Also impacted is the calculation of the fixed cost credits allocated to sellers serving transportation customers provided service under SC No. 17, Core Transportation and Swing Service. In addition, the Company is proposing to make housekeeping changes to eliminate tariff provisions that are obsolete as well as to streamline and clarify the calculation of the monthly cost of gas. The amendments have an effective date of September 1, 2014.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Deborah Swatling, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2659, email: Deborah.Swatling@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-4535, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-G-0439SP2)

State University of New York

NOTICE OF ADOPTION

Alterations in Restricted Parking Enforcement, Street Name Additions and Title of Enforcement Personnel

I.D. No. SUN-11-14-00011-A

Filing No. 398

Filing Date: 2014-05-13

Effective Date: 2014-05-28

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 584 of Title 8 NYCRR.

Statutory authority: Education Law, section 360(1)

Subject: Alterations in restricted parking enforcement, street name additions and title of enforcement personnel.

Purpose: To more clearly identify restricted parking areas and new street names.

Text or summary was published in the March 19, 2014 issue of the Register, I.D. No. SUN-11-14-00011-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Eileen Kerrigan Ippolito, SUNY Stony Brook, Office of General Counsel, 328 Administration Building, Stony Brook, NY 11794, (631) 632-6110, email: Eileen.Ippolito@stonybrook.edu

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Amendments to Traffic and Parking Regulations at State University College at Plattsburgh

I.D. No. SUN-21-14-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Part 565 of Title 8 NYCRR.

Statutory authority: Education Law, section 360(1)

Subject: Proposed amendments to traffic and parking regulations at State University College at Plattsburgh.

Purpose: Amend existing regulations to update traffic and parking regulations.

Text of proposed rule: Part 565 of Title 8 NYCRR is amended to read as follows:

Section 565.1 Preamble.

This Part governs vehicular and pedestrian traffic and parking upon the highways, streets, roads and sidewalks owned, controlled or maintained by the State University of New York College at Plattsburgh, New York, and shall apply to students, faculty, staff, and visitors and all other persons upon such premises. Faculty includes those persons listed or eligible for listing in the official faculty directory and visiting faculty as designated by the president of the college. Staff includes those persons listed or eligible for listing in the official staff directory. A visitor is other than faculty, staff or student.

565.2 General.

(a) The Vehicle and Traffic Law of the State of New York is applicable and enforceable on property maintained by the State University *of New York, College at Plattsburgh*. All drivers are expected to [know and observe] *comply with all* campus traffic and parking regulations and traffic ordinances of the City of Plattsburgh. [where they apply.]

(b) [A violation of any applicable section of the Vehicle and Traffic Law shall be a misdemeanor or traffic infraction as designated in such law, and shall be punishable as therein provided.

(c) Such laws adopted above shall be enforced in any court having jurisdiction.

(d)] A complaint regarding any violation of the Vehicle and Traffic Law, or [any traffic ordinance applicable on such premises] *the campus traffic and parking regulations*, shall be processed in accordance with the requirements of *the* applicable law.

[(e) No person shall drive a vehicle on University streets, roads or highways at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, but in no event shall a person drive a vehicle in excess of 30 miles per hour unless a different speed is authorized and indicated by the University.

(f) No person shall park a vehicle on the premises of the University in such manner as to interfere with the use of a fire hydrant, fire lane or other emergency zone, create any other hazard or unreasonably interfere with the free and proper use of a roadway or pedestrian way.

(g) Parking fees as approved by the chancellor, or designee, shall be charged for motor vehicles parked within designated lots, consistent with applicable collective bargaining agreements and in accordance with guidelines established by the chancellor, or designee. Such guidelines shall provide that the determination of the amount of the fee be substantially based on an analysis of the costs attributable to the operation and maintenance of the parking facilities owned and operated by the University.]

(c[h]) All regulations pertaining to motor vehicle registration and operation are enforceable 24 hours a day throughout the entire year, except as otherwise prescribed by the University Police [Department].

[(i) Until rescinded, any individual who is a member of the faculty, staff or student body is required to register motorized vehicles (motor vehicles, motorcycles and motor scooters) for use on campus.]

(d[j]) Parking is prohibited in those areas designated by posted signs.

[(k) The driving of a motor vehicle is permitted only on established campus roadways. Campus service vehicles are exempt from this regulation.]

Section 565.3 of Title 8 NYCRR is repealed and a new section 565.3 is added to read as follows:

565.3 Registration.

(a) Parking fees, as approved by the chancellor, or designee, shall be charged for vehicles parked on campus in accordance with the guidelines of collective bargaining agreements.

(b) Vehicle Parking Registration. All vehicles parked on campus must be registered with the University Police. This includes motor vehicles, motorcycles, and motor scooters.

(1) Any campus member who is a veteran with an honorable discharge from active military service, parking a registered vehicle on campus, shall present a DD-214 to University Police for waiver of the parking fees.

(2) Reserved Parking Registration. Any campus member authorized to park a registered vehicle in a reserved parking space on campus is required to pre-register the vehicle with the University Police Parking Manager through their applicable supervisor or director. These reserved parking areas include, but are not limited to, "Service Vehicles Only" and "Reserved for Resident Director."

(3) Any non-campus employee working on campus in either a temporary or permanent capacity is required to pre-register any vehicle parked on campus with the University Police Parking Manager, through their designated supervisor, within 48 hours of starting employment.

(4) Parking for Disabled Individuals. Any disabled individual possessing a valid parking permit is required to register the vehicle with the University Police for parking in any "Handicapped" parking area, or in the event no handicapped parking is available, in any regular parking space that is a legal parking space.

(5) Any volunteer authorized to park a vehicle in designated parking areas on campus while in a volunteer capacity is required to pre-register the vehicle with the University Police Parking Manager, through the designated supervisor, within 48 hours of starting volunteer work. This includes any docent, authorized to park a vehicle in a "Reserved for Docent" parking space.

(6) Any visitor parking a vehicle on campus while visiting a campus member is required to register the vehicle with the University Police, or designee, and obtain an applicable pass or permit.

(7) Any Emeritus or Alumnus utilizing one or more campus facilities on a routine basis shall register a vehicle for parking on campus at a fee approved by the chancellor or designee.

(8) Any vendor who is parking a vehicle on campus while conducting business on campus is required to register the vehicle with the University Police.

(9) Parking Registration for Construction Contractors or Subcontractors.

i. Any construction contractor or subcontractor is required to register vehicles for parking on campus through Facilities, and abide by all campus parking regulations for designated parking as stated in the terms and conditions of the contract agreement.

ii. Any other contractor or subcontractor who is working on campus for any department other than Facilities shall register their vehicle with the University Police Parking Manager.

(10) Parking Registration for Events.

i. Visitor parking for invited guests to campus events, between Monday-Friday, 8a-5p, requires event registration by the department chair, a minimum of 30 days prior to the event, whenever possible.

ii. Visitor parking for large public campus events requires the coordination of event planning through the Chief of University Police, or designee.

(c) Parking Permits.

(1) Issuance of Parking Permits. Official campus parking permits for faculty, staff, and students, will be issued through the University Police for the current academic year or summer session. Official campus parking decals will be issued through the University Police for all motorcycles and motor scooters parked on campus.

(2) Distribution of parking permits to campus registrants will be in accordance with the instructions set forth by the University Police Parking Office.

i. Students, including full-time and part-time students, shall pick up pre-registered parking permits from the University Police within 48 hours from the start of classes.

ii. Parking permits for all faculty and staff members who have pre-registered for parking will be interoffice mailed to their official campus address before October1st. New hires shall pick up parking permits from the University Police after completing the vehicle registration requirements.

iii. Parking permits for non-campus employees will be interoffice mailed to the designated supervisor for disbursement to within 48 hours from registration date.

(3) Display of Permits. Permits must be prominently displayed by all registrants within the applicable campus guidelines.

(4) Lost or stolen Permits. A replacement permit will only be issued whereupon the original permit is reported as lost or stolen to the University Police, and proof of the replacement fee has been paid to Student Accounts, Kehoe 101.

(5) Any change of vehicle license or registration shall be reported to the University Police, within 48 hours of the change. This includes the cancellation of a parking permit within the academic year as a result of termination of employment or student withdrawal from school.

(6) No parking permit – permanent or temporary – is transferrable. All permits are the responsibility of the registrant for the term of the permit, unless returned to University Police.

Section 565.4 of Title 8 NYCRR is repealed and a new section 565.4 is added to read as follows:

§ 565.4 Parking Areas.

All authorized vehicles parked on campus are restricted to parking in designated areas and on established campus roadways (authorized service vehicles are exempt) only. No vehicle shall be parked in such manner as to interfere with the use of a fire hydrant, fire lane other emergency zone, or in areas with posted signs.

(a) Restricted Parking Areas.

(1) All parking lots are restricted to authorized permit holders as designated on the lot entrance sign, or unless otherwise authorized by the Chief of University Police. Emergencies, such as snow conditions, may result in the closing of any lot at any time.

(2) Any lot designated as "No Overnight Parking" must be vacated by 12 midnight.

(3) All vehicles must be parked between defined lines of valid parking spaces.

(4) Visitor Parking Areas. All visitors are restricted to parking in designated parking areas as outlined on the visitor pass. Visitors of faculty and staff will be authorized to park in lots designated for faculty/staff; visitors of students will be authorized to park in lots designated as student lots. Open parking lots at the Field House are accessible to visitors without a permit during restricted hours only.

(b) Reserved Parking Areas.

(1) Handicapped Parking Areas. Only a disabled individual who possesses a permanent handicapped license plate; a valid handicapped permit by municipalities in accordance with the Vehicle and Traffic law; or temporary handicapped permit issued by the University Police Parking Manager, may park in spaces designated "Reserved for Handicapped." A temporary handicapped permit may only be issued upon receipt of a written physician's statement within the term of the disability specified.

(2) Service Vehicle Parking Areas. Only a vehicle displaying a valid service vehicle permit shall park in spaces designated for service vehicles.

(3) Other Reserved Parking Areas. Only vehicles authorized to park in designated "reserved" parking spaces are allowed to park in said reserved spaces, including, but not limited to, docent, police, physician, clinic, patient, etc.

§ 565.5 Accidents. All motor vehicle accidents on campus which cause personal and/or property damage, [(]regardless *of* how slight[)], must be reported to the University Police [Department] for necessary action.

Section 565.6 of Title 8 NYCRR is repealed and a new section 565.6 is added to read as follows:

§ 565.6 Towing.

(a) The University reserves the authority to immobilize, or remove from campus by towing, any vehicle which is not registered as required, or which is parked in violation of campus parking regulations, whether in operating condition or not.

(b) Any vehicle towed from the premises will be ticketed for the applicable violation. The vehicle owner or registrant, whichever is applicable, will be responsible for all applicable fines and towing charges by the private tow company.

Section 565.7 of Title 8 NYCRR is repealed and a new section 565.7 is added to read as follows:

§ 565.7 Penalties and Procedures; Violations of Campus Traffic and Parking Regulations.

(a) Uniform traffic violations are mandated by the State of New York within a court of competent jurisdiction as directed in the summons.

(b) Any violation of a campus traffic or parking regulation shall be in writing, reciting the time and place of the violation and title, number or substance of the applicable rule.

(c) Any parking violation charged to a permit number is the responsibility of the campus registrant to whom the permit was issued, regardless of vehicle ownership. Any parking violation charged to a vehicle without a permit will be charged to the campus member who is associated with the vehicle owner, or vehicle owner, if there is no campus association.

(d) With the accumulation of 5 or more violations in an academic year, a vehicle parked in violation of the campus regulations may be towed without warning, even if all fines have been paid; or in the event of 10 or more violations, the revocation of all campus parking privileges for the balance of the academic year.

(e) Penalties and fees assessed:

NO PERMIT VISIBLE: Individual has failed to properly display a valid parking permit while parking a vehicle – registered or unregistered - on campus -- $25 per violation.

EXPIRED PERMIT: Registrant has failed to renew parking permit before the current permit term has ended -- $25 per violation.

UNAUTHORIZED PERMIT: Unauthorized use of a parking permit on

a vehicle parked on campus -- $25 per violation and the potential for disciplinary action.

VIOLATION OF DEFINED LINES: Parking in a manner that renders an adjoining parking space unusable, or creates a safety hazard -- $10 per violation.

WRONG LOT: Vehicle is violating lot restriction during restricted hours, M-F, 8a-5p -- $25 per violation.

NO PARKING ZONE: Vehicle is parked outside of designated parking areas. This includes parking on grass or seeded areas, zones designated by signage, driveways, roadways, etc, or that may create a safety hazard -- $25 per violation and the potential for towing, without warning, in the event of a safety hazard.

NO OVERNIGHT PARKING: Vehicle is parked in lot that restricts overnight parking after midnight -- $20 per violation.

PARKED IN HANDICAPPED: Vehicle is not authorized to park in the space reserved for handicapped space -- $50 per violation.

RESERVED PARKING: Vehicle is not authorized to park in the designated reserved space -- $25 per violation.

TOW FEE: Any vehicle towed off campus premises is assessed a tow fee in addition to the applicable violation, and any fees assessed by the private tow service -- $15 per violation.

OTHER VIOLATION: as stated on the citation, does not meet with campus traffic and parking regulations -- $25 per violation.

(f) Payment of Fines.

1) Fines are payable as per the instructions on the ticket.

2) The prosecution and collection of fines shall be in accordance with applicable law.

i. The prosecution and collection of fines for visitors shall be voided, until such time as five or more violations are accrued in one academic year. After such time the University reserves the right to tow, without warning, any visitor vehicle which is in violation of any campus traffic and parking regulations.

ii. Fines may be deducted from the salary or wages of an offending officer or employee of the university.

iii. Student grades and transcripts may be withheld until all fines are paid.

3) Unpaid fines shall restrict access to the vehicle registrant's account until all fines are paid.

(g) Appeals.

1) Appeals Board. The President of the State University of New York College at Plattsburgh designates three persons and three alternates to serve on the Traffic and Parking Appeals Board. The board shall hear complaints for violations of the campus Traffic and Parking Regulations enforceable on campus. In no way is this to be construed to take precedence over Section 565.2 of this part. No board member will consider any appeal emanating from an immediate supervisor.

2) Appellant Rights.

i. The alleged violator has the right to appeal a parking violation in writing, or in person, provided the appeal is submitted in accordance with the campus traffic and parking regulations.

ii. The alleged violator has the right to re-appeal a parking violation, provided there is new evidence to support the original appeal.

3) Filing an Appeal.

i. A hearing may be requested by submitting an appeal to the University Police within five business days from receipt of a violation. Failure to submit an appeal within five business days mandates that the violation is valid.

ii. Any visitor who receives a "No Permit Visible" violation shall complete the reverse of the ticket, and return it within five business days to University Police, 101 Broad Street, Plattsburgh, NY 12901.

iii. Should an alleged violator fail to appear at the time fixed for the hearing, or should no hearing be requested within the five business days of receipt of the violation, the complaint is proved and shall warrant the violation as valid.

4). Appeal Results.

i. At the conclusion of the hearing, or not later than five business days thereafter, the Appeals Board shall file a report, which will be communicated promptly to the appellant.

ii. Appeal result codes:

"V" - VALID. The violation is determined to be a valid offense, and payment is due to Student Accounts, Kehoe 101, within 5 business days.

"W" – WAIVE. The violation is hereby waived and no payment is required. A prepaid violation will be credited, if applicable.

"WL" – WAIVE LIST. The Appeals Board reserves the right to waive a first offense for "No Permit Visible" as a one-time warning, when proof of compliance is reported on the appeal. Subsequent violations for "No Permit Visible" within the current academic year will be considered valid offenses.

Text of proposed rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, System Administration, State University Plaza, S-325, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: Education Law § 360(1) authorizes the State University Trustees to make rules and regulations relating to parking, vehicular and pedestrian traffic and safety on the State-operated campuses of the State University of New York.

2. Legislative objectives: The present measure makes technical amendments to the parking and traffic regulations applicable to the State University College at Plattsburgh.

3. Needs and benefits: The amendments are necessary to update existing regulations as a result of changes.

4. Costs: None.

5. Local government mandates: None.

6. Paperwork: None.

7. Duplication: None.

8. Alternatives: There are no viable alternatives.

9. Federal standards: There are no related Federal standards.

10. Compliance schedule: The College at Plattsburgh will notify those affected as soon as the rule is effective. Compliance should be immediate.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because this proposal does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments. The proposal addresses internal parking and traffic regulations on the campus of the State University College at Plattsburgh.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because this proposal will not impose any adverse economic impact on rural areas or impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. The proposal addresses internal parking and traffic regulations on the campus of the State University College at Plattsburgh.

Job Impact Statement

No job impact statement is submitted with this notice because this proposal does not impose any adverse economic impact on existing jobs or employment opportunities. The proposal addresses internal parking and traffic regulations on the campus of the State University College at Plattsburgh.