persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the March 15, 2018, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order’s information collection requirements have been previously approved by the OMB and assigned OMB No. 0581-0178. Vegetable and Specialty Crops. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large Colorado potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As mentioned in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the Federal Register on May 24, 2018 (83 FR 24045). A copy of the proposed rule was provided to the handlers by the Committee. Finally, the proposal was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending June 25, 2018, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: [http://www.ams.usda.gov/rules-regulations/moa/small-businesses](http://www.ams.usda.gov/rules-regulations/moa/small-businesses). Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the For Further Information Contact section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 948
Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:


2. Section 948.216 is revised to read as follows:

§ 948.216 Assessment rate.

On and after September 1, 2018, an assessment rate of $0.006 per hundredweight is established for Colorado Area No. 2 potatoes.

Dated: August 22, 2018

Bruce Summers,
Administrator, Agricultural Marketing Service.

[FR Doc. 2018–18560 Filed 8–24–18; 8:45 am]
BILLING CODE 3410–02–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

Truth in Lending (Regulation Z) Annual Threshold Adjustments (Credit Cards, HOEPA, and Qualified Mortgages)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; official interpretation.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule amending the regulation text and official interpretations for Regulation Z, which implements the Truth in Lending Act (TILA). The Bureau is required to calculate annually the dollar amounts for several provisions in Regulation Z; this final rule revises, as applicable, the dollar amounts for provisions implementing TILA and amendments to TILA, including under the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act), the Home Ownership and Equity Protection Act of 1994 (HOEPA), and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The Bureau is adjusting these amounts, where appropriate, based on the annual percentage change reflected in the Consumer Price Index (CPI) in effect on June 1, 2018.

DATES: This final rule is effective January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Monique Chemnaut, Paralegal, and Shelley Thompson, Counsel, Office of Regulations, at (202) 435–7700. If you require this document in an alternative electronic format, please contact CFPB Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION: The Bureau is amending the regulation text and official interpretations for Regulation Z, which implements TILA, to update the dollar amounts of various thresholds that are adjusted annually based on the annual percentage change in the CPI as published by the Bureau of Labor Statistics (BLS). Specifically, for open-end consumer credit plans under TILA, the threshold that triggers requirements to disclose minimum interest charges will remain unchanged at $1.00 in 2019. For open-end consumer credit plans under the CARD Act amendments to TILA, the adjusted dollar amount in 2019 for the safe harbor for a first violation penalty fee will increase by $1 to $28 and the adjusted dollar amount for the safe harbor for a subsequent violation penalty fee will increase by $1 to $39. For HOEPA loans, the adjusted total loan amount threshold for high-cost mortgages in 2019 will be $21,549. The adjusted points-and-fees dollar trigger for high-cost mortgages in 2019 will be $1,077. For qualified mortgages, which receive certain protections from liability under the ability-to-repay rule, the maximum thresholds for total points and fees in 2019 will be 3 percent of the total loan amount for a loan greater than or equal to $107,747; $3,232 for a loan amount greater than or equal to $64,648 but less than $107,747; 5 percent of the total loan amount for a loan greater than or equal to $21,549 but less than $64,648; $1,077 for a loan amount greater than or equal to $13,468 but less than $21,549; and 8 percent of the total loan amount for a loan amount less than $13,468.

I. Background

A. Credit Card Annual Adjustments Minimum Interest Charge Disclosure Thresholds

Sections 1026.6(b)(2)(iii) and 1026.60(b)(3) of Regulation Z implement sections 127(a)(3) and 127(c)(1)(A)(iii)(II) of TILA. Sections 1026.6(b)(2)(iii) and 1026.60(b)(3) require the disclosure of any minimum interest charge exceeding $1.00 that could be imposed during a billing cycle and provide that, for open-end consumer credit plans, the minimum interest charge thresholds

[43503]

Federal Register / Vol. 83, No. 166 / Monday, August 27, 2018 / Rules and Regulations
Safe Harbor Penalty Fees

Section 1026.52(b)(1)(i)(A) and (B) of Regulation Z implements section 1431 of the Dodd-Frank Act, which amended the HOEPA points-and-fees coverage test. Under § 1026.32(a)(1)(ii)(A) and (B), when determining whether a transaction is a high-cost mortgage, the determination of the applicable points-and-fees coverage test depends on whether the total loan amount is for $20,000 or more, or for less than $20,000. Section 1026.32(a)(1)(ii) provides that this threshold amount be recalculated annually using the CPI-U index in effect on June 1; the Bureau uses the CPI-U for this adjustment. The CPI-U is based on all urban consumers and represents approximately 93 percent of the U.S. population. The 2019 adjustment is based on the CPI-U index in effect on June 1, which was reported by BLS on May 10, 2018, and reflects the percentage change from April 2017 to April 2018.

The adjustment to the permissible fee thresholds being adopted here reflects a 2.5 percent increase in the CPI-U from April 2017 to April 2018. The adjustment analysis is based on the CPI-U index for this period and is rounded to whole dollars for ease of compliance. Under § 1026.32(a)(1)(ii)(B) the HOEPA points-and-fees dollar trigger is $1,000. Section 1026.32(a)(1)(ii)(B) provides that this threshold amount will be recalculated annually using the CPI-U index in effect on June 1; the Bureau uses the CPI-U for this adjustment. The 2019 adjustment is based on the CPI-U index in effect on June 1, 2018, which was reported by BLS on May 10, 2018, and reflects the percentage change from April 2017 to April 2018. The adjustment to the $1,000 figure being adopted here reflects a 2.5 percent increase in the CPI-U index for this period and is rounded to whole dollars for ease of compliance.

C. Qualified Mortgages Annual Threshold Adjustments

The Bureau’s Regulation Z implements sections 1411 and 1412 of the Dodd-Frank Act, which generally require creditors to make a reasonable, good-faith determination of a consumer’s ability to repay any consumer credit transaction secured by a dwelling and establishes certain protections from liability under this requirement for qualified mortgages. Under § 1026.430(e)(3)(i), a covered transaction is not a qualified mortgage if the transaction’s total points and fees exceed: 3 percent of the total loan amount for a loan amount greater than or equal to $100,000; $3,000 for a loan amount greater than or equal to $60,000 but less than $100,000; 5 percent of the total loan amount for loans greater than or equal to $20,000 but less than $60,000; $1,000 for a loan amount greater than or equal to $12,500 but less than $20,000; or 8 percent of the total loan amount for loans less than $12,500. Section 1026.430(e)(3)(i) provides that the limits and loan amounts in § 1026.430(e)(3)(i) are recalculated annually for inflation using the CPI-U index in effect on June 1. The 2019 adjustment is based on the CPI-U index in effect on June 1, 2018, which was reported by BLS on May 10, 2018, and reflects the percentage change from April 2017 to April 2018. The adjustment to the 2018 figures being adopted here reflects a 2.5 percent increase in the CPI-U index for this period and is rounded to whole dollars for ease of compliance.

II. Adjustment and Commentary Revision

A. Credit Card Annual Adjustments

Minimum Interest Charge Disclosure Thresholds—§§ 1026.6(b)(2)(iii) and 1026.60(b)(3)

The minimum interest charge amounts for §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) will remain unchanged at $1.00 for the year 2019. Accordingly, the Bureau is not amending these sections of Regulation Z.

Safe Harbor Penalty Fees—§ 1026.52(b)(1)(i)(A) and (B)

Effective January 1, 2019, the permissible fee threshold amounts increased by $1 and are $28 for § 1026.52(b)(1)(i)(A) and $39 for § 1026.52(b)(1)(i)(B). Accordingly, the Bureau is revising § 1026.52(b)(1)(i)(A) and (B) to state that the fee imposed for violating the terms or other requirements of an account shall not exceed $28 and $39 respectively. The Bureau is also amending comment 52(b)(1)(ii)–2 to preserve a list of the historical thresholds for this provision.

B. HOEPA Annual Threshold Adjustment—Comments 32(a)(1)(ii)–1 and –3

Effective January 1, 2019, for purposes of determining under § 1026.32(a)(1)(ii)

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the points-and-fees coverage test under HOEPA to which a transaction is subject, the total loan amount threshold is $21,549, and the adjusted points-and-fees dollar trigger under § 1026.32(a)(1)(ii)(B) is $1,077. When the total loan amount for a transaction is $21,549 or more, and the points-and-fees amount exceeds 5 percent of the total loan amount, the transaction is a high-cost mortgage. When the total loan amount for a transaction is less than $21,549, and the points-and-fees amount exceeds the lesser of the adjusted points-and-fees dollar trigger of $1,077 or 8 percent of the total loan amount, the transaction is a high-cost mortgage. The Bureau is amending comments 32(a)(1)(ii)–1 and –3, which list the adjustments for each year, to reflect for 2019 the new loan amount dollar threshold and the new points-and-fees dollar trigger, respectively.

C. Qualified Mortgages Annual Threshold Adjustments
Effective January 1, 2019, a covered transaction is not a qualified mortgage if, pursuant to § 1026.43(e)(3), the transaction’s total points and fees exceed 3 percent of the total loan amount for a loan amount greater than or equal to $107,747; $3,232 for a loan amount greater than or equal to $64,648 but less than $107,747; 5 percent of the total loan amount for loans greater than or equal to $21,549 but less than $64,648; $1,077 for a loan amount greater than or equal to $13,468 but less than $21,549; or 8 percent of the total loan amount for loans less than $13,468. The Bureau is amending comment 43(e)(3)(iii)–1, which lists the adjustments for each year, to reflect the new dollar threshold amounts for 2019.

III. Procedural Requirements
A. Administrative Procedure Act
Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Bureau finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Pursuant to this final rule, in Regulation Z, § 1026.52(b)(1)(ii)(A) and (B) in subpart G is amended and comments 32(a)(1)(ii)–1.v and –3.v, 43(e)(3)(ii)–1.v, and 52(b)(1)(ii)–2.I.F in Supplement I are added to update the exemption thresholds. The amendments in this final rule are technical and non-discretionary, as they merely apply the method previously established in Regulation Z for determining adjustments to the thresholds. For these reasons, the Bureau has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. The amendments therefore are adopted in final form.

B. Regulatory Flexibility Act
Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a).

C. Paperwork Reduction Act
In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 1320), the Bureau reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

D. Congressional Review Act
Pursuant to the Congressional Review Act (5 U.S.C. 801 et seq.), the Bureau will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the rule taking effect. The Office of Information and Regulatory Affairs (OIRA) has designated this rule as not a “major rule” as defined by 5 U.S.C. 804(2).

The revisions read as follows:

SUPPLEMENT I TO PART 1026—OFFICIAL INTERPRETATIONS
* * * * *

Section 1026.32—Requirements for High-Cost Mortgages
* * * * *
Paragraph 32(a)(1)(ii).
1. Annual adjustment of $1,000 amount.
The $1,000 figure in § 1026.32(a)(1)(ii)(B) is adjusted annually on January 1 by the annual percentage change in the CPI that was in effect on the preceding June 1. The Bureau will publish adjustments after the June figures become available each year.
i. For 2015, $1,020, reflecting a 2 percent increase in the CPI–U from June 2013 to June 2014, rounded to the nearest whole dollar.
ii. For 2016, $1,017, reflecting a 2 percent decrease in the CPI–U from June 2014 to June 2015, rounded to the nearest whole dollar.
iii. For 2017, $1,029, reflecting a 1.1 percent increase in the CPI–U from June 2015 to June 2016, rounded to the nearest whole dollar.
iv. For 2018, $1,052, reflecting a 2.2 percent increase in the CPI–U from June 2016 to June 2017, rounded to the nearest whole dollar.
v. For 2019, $1,077, reflecting a 2.5 percent increase in the CPI–U from June 2017 to June 2018, rounded to the nearest whole dollar.
2. Historical adjustment of $400 amount.
Prior to January 10, 2014, a mortgage loan was covered by § 1026.32 if the total points and fees payable by the consumer at or before loan consummation exceeded the greater of $400 or 8 percent of the total loan amount. The $400 figure was adjusted annually on January 1 by the annual percentage change in the CPI that was in effect on the preceding June 1, as follows:
i. For 1996, $412, reflecting a 3.0 percent increase in the CPI–U from June 1994 to June 1995, rounded to the nearest whole dollar.
ii. For 1997, $424, reflecting a 2.9 percent increase in the CPI–U from June 1995 to June 1996, rounded to the nearest whole dollar.
iii. For 1998, $435, reflecting a 2.5 percent increase in the CPI–U from June 1996 to June 1997, rounded to the nearest whole dollar.
For 2015, $20,391, reflecting a 2 percent increase in the CPI–U from June 2014 to June 2015, rounded to the nearest whole dollar.

For 2014, $20,350, reflecting a 1.1 percent increase in the CPI–U from June 2013 to June 2014, rounded to the nearest whole dollar.

For 2013, $20,238, reflecting a 2.2 percent increase in the CPI–U from June 2012 to June 2013, rounded to the nearest whole dollar.

For 2012, $20,118, reflecting a 3.1 percent increase in the CPI–U from June 2011 to June 2012, rounded to the nearest whole dollar.

For 2011, $19,999, reflecting a 3.94 percent increase in the CPI–U from June 2010 to June 2011, rounded to the nearest whole dollar.

For 2010, $19,880, reflecting a 2.9 percent increase in the CPI–U from June 2009 to June 2010, rounded to the nearest whole dollar.

For 2009, $19,225, reflecting a 3.51 percent increase in the CPI–U from June 2008 to June 2009, rounded to the nearest whole dollar.

For 2008, $19,106, reflecting a 0.74 percent decrease in the CPI–U from June 2007 to June 2008, rounded to the nearest whole dollar.

For 2007, $19,783, reflecting a 2.3 percent increase in the CPI–U from June 2006 to June 2007, rounded to the nearest whole dollar.

For 2006, $19,551, reflecting a 2 percent increase in the CPI–U from June 2005 to June 2006, rounded to the nearest whole dollar.

For 2005, $19,350, reflecting a .2 percent decrease in the CPI–U from June 2004 to June 2005, rounded to the nearest whole dollar.

For 2004, $19,551, reflecting a 2.2 percent increase in the CPI–U from June 2003 to June 2004, rounded to the nearest whole dollar.

For 2003, $19,783, reflecting a 2.5 percent increase in the CPI–U from June 2002 to June 2003, rounded to the nearest whole dollar.

For 2002, $19,999, reflecting a 2.9 percent increase in the CPI–U from June 2001 to June 2002, rounded to the nearest whole dollar.

For 2001, $20,350, reflecting a 1.1 percent increase in the CPI–U from June 2000 to June 2001, rounded to the nearest whole dollar.

For 2000, $20,451, reflecting a 2.3 percent increase in the CPI–U from June 1999 to June 2000, rounded to the nearest whole dollar.

For 1999, $20,391, reflecting a 1.4 percent increase in the CPI–U from June 1998 to June 1999, rounded to the nearest whole dollar.

For 1998, $20,238, reflecting a 3.1 percent increase in the CPI–U from June 1997 to June 1998, rounded to the nearest whole dollar.

For 1997, $20,000, reflecting a 2.9 percent increase in the CPI–U from June 1996 to June 1997, rounded to the nearest whole dollar.

For 1996, $19,783, reflecting a 2.5 percent increase in the CPI–U from June 1995 to June 1996, rounded to the nearest whole dollar.

For 1995, $19,551, reflecting a 2.2 percent increase in the CPI–U from June 1994 to June 1995, rounded to the nearest whole dollar.

For 1994, $19,350, reflecting a .2 percent increase in the CPI–U from June 1993 to June 1994, rounded to the nearest whole dollar.

For 1993, $19,106, reflecting a 2.3 percent increase in the CPI–U from June 1992 to June 1993, rounded to the nearest whole dollar.

For 1992, $18,862, reflecting a 2.2 percent increase in the CPI–U from June 1991 to June 1992, rounded to the nearest whole dollar.

For 1991, $18,621, reflecting a .2 percent decrease in the CPI–U from June 1990 to June 1991, rounded to the nearest whole dollar.

For 1990, $18,400, reflecting a 2.1 percent increase in the CPI–U from June 1989 to June 1990, rounded to the nearest whole dollar.

For 1989, $18,172, reflecting a 2 percent increase in the CPI–U from June 1988 to June 1989, rounded to the nearest whole dollar.

For 1988, $17,953, reflecting a .2 percent decrease in the CPI–U from June 1987 to June 1988, rounded to the nearest whole dollar.

For 1987, $17,737, reflecting a 2.7 percent increase in the CPI–U from June 1986 to June 1987, rounded to the nearest whole dollar.

For 1986, $17,518, reflecting a .2 percent decrease in the CPI–U from June 1985 to June 1986, rounded to the nearest whole dollar.

For 1985, $17,300, reflecting a 2 percent increase in the CPI–U from June 1984 to June 1985, rounded to the nearest whole dollar.

For 1984, $17,098, reflecting a 1.9 percent increase in the CPI–U from June 1983 to June 1984, rounded to the nearest whole dollar.

For 1983, $16,890, reflecting a .6 percent increase in the CPI–U from June 1982 to June 1983, rounded to the nearest whole dollar.

For 1982, $16,694, reflecting a 2.3 percent increase in the CPI–U from June 1981 to June 1982, rounded to the nearest whole dollar.
an account occurs during the billing cycle in which the transaction occurs or is authorized by the card issuer.

D. Declined access checks. For purposes of § 1026.52(b)(1)(i), a check that accesses a credit card account is declined during the billing cycle the card issuer declines payment on the check.

ii. Relationship to §§ 1026.52(b)(2)(ii) and 1026.56(j)(1). If multiple violations are based on the same event or transaction such that § 1026.52(b)(2)(ii) prohibits the card issuer from imposing more than one fee, the event or transaction constitutes a single violation for purposes of § 1026.52(b)(1)(i).

Furthermore, consistent with § 1026.56(j)(1)(i), no more than one violation for exceeding an account’s credit limit can occur during a single billing cycle for purposes of § 1026.52(b)(1)(i). However, § 1026.52(b)(2)(ii) does not prohibit a card issuer from imposing fees for exceeding the credit limit in consecutive billing cycles based on the same over-the-limit transaction to the extent permitted by § 1026.56(j)(1). In these circumstances, the second and third over-the-limit fees permitted by § 1026.56(j)(1) may be imposed pursuant to § 1026.52(b)(1)(i)(B).

iii. Examples. The following examples illustrate the application of § 1026.52(b)(1)(i)(A) and (b)(1)(i)(B) with respect to credit card accounts under an open-end (not home-secured) consumer credit plan that are not charge card accounts.

For purposes of these examples, assume that the billing cycles for the account begin on the first day of the month and end on the last day of the month and that the payment due date for the account is the twenty-fifth day of the month.

A. Violations of same type (late payments).

A required minimum periodic payment of $50 is due on March 25. On March 26, a late payment has occurred because no payment has been received. Accordingly, consistent with § 1026.52(b)(1)(i)(A), the card issuer imposes a $25 late payment fee on March 26. In order for the card issuer to impose a $35 late payment fee pursuant to § 1026.52(b)(1)(i)(B), a second late payment must occur during the April, May, June, July, August, or September billing cycles.

1. The card issuer does not receive any payment during the March billing cycle. A required minimum periodic payment of $100 is due on April 25. On April 20, the card issuer receives a $50 payment. No further payment is received during the April billing cycle. Accordingly, consistent with § 1026.52(b)(1)(i)(B), the card issuer may impose a $25 late payment fee on March 26. Furthermore, the card issuer may impose a $35 late payment fee for any late payment that occurs during the May, June, July, August, September, or October billing cycles.

2. Same facts as in paragraph A above. On March 26, the card issuer receives a $50 payment and the required minimum periodic payments for the April, May, June, July, August, and September billing cycles are received on or before the payment due date. A required minimum periodic payment of $60 is due on October 25. On October 26, a late payment has occurred because the required minimum periodic payment due on October 25 has not been received. However, because this late payment did not occur during the six billing cycles following the March billing cycle, § 1026.52(b)(1)(i) only permits the card issuer to impose a late payment fee on October 26.

B. Violations of different types (late payment and over the credit limit).

The credit limit for an account is $1,000. Consistent with § 1026.56, the consumer has affirmatively consented to the payment of transactions that exceed the credit limit. A required minimum periodic payment of $30 is due on August 25. On August 26, a late payment has occurred because no payment has been received. Accordingly, consistent with § 1026.52(b)(1)(i)(A), the card issuer imposes a $25 late payment fee on August 26. On August 30, the card issuer receives a $30 payment. On September 10, a transaction causes the account balance to increase to $1,150, which exceeds the account’s $1,000 credit limit. On September 11, a second transaction increases the account balance to $1,350. On September 23, the card issuer receives the $50 required minimum periodic payment due on September 25, which reduces the account balance to $1,300. On September 30, the card issuer imposes a $25 over-the-limit fee, consistent with § 1026.52(b)(1)(i)(A). On October 26, a late payment has occurred because the $60 required minimum periodic payment due on October 25 has not been received. Accordingly, consistent with § 1026.52(b)(1)(i)(B), the card issuer imposes a $35 late payment fee on October 26.

C. Violations of different types (late payment and returned payment).

A required minimum periodic payment of $50 is due on July 25. On July 26, a late payment has occurred because no payment has been received. Accordingly, consistent with § 1026.52(b)(1)(i)(B), the card issuer imposes a $35 late payment fee on July 26. On July 30, the card issuer receives a $50 payment. A required minimum periodic payment of $50 is due on August 25. On August 24, a $50 payment is received. On August 27, the $50 payment is returned to the card issuer for insufficient funds. In these circumstances, § 1026.52(b)(2)(ii) permits the card issuer to impose either a late payment fee or a returned payment fee but not both because the late payment and the returned payment occurred from the same event or transaction. Accordingly, for purposes of § 1026.52(b)(1)(i), the event or transaction constitutes a single violation. However, if the card issuer imposes a late payment fee, § 1026.52(b)(1)(i)(B) permits the issuer to impose a fee for the $35 because the late payment occurred during the six billing cycles following the July billing cycle. In contrast, if the card issuer imposes a returned payment fee, the amount of the fee may be no more than $25 pursuant to § 1026.52(b)(1)(i)(A).

D. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $27 under § 1026.52(b)(1)(i)(A) and $37 under § 1026.52(b)(1)(i)(B), through December 31, 2015.

E. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $27 under § 1026.52(b)(1)(i)(A) and $37 under § 1026.52(b)(1)(i)(B), through December 31, 2016. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $37 under § 1026.52(b)(1)(i)(A) and $45 under § 1026.52(b)(1)(i)(B), through December 31, 2017.

F. Card issuers were permitted to impose a fee for violating the terms of an agreement if the fee did not exceed $37 under § 1026.52(b)(1)(i)(A) and $45 under § 1026.52(b)(1)(i)(B), through December 31, 2018.

3. Delinquent balance for charge card accounts. Section 1026.52(b)(1)(i)(C) provides that, when a charge card issuer that requires payment of outstanding balances in full at the end of each billing cycle has not received the required payment for two or more consecutive billing cycles, the card issuer may impose a late payment fee that does not exceed three percent of the delinquent balance. For purposes of § 1026.52(b)(1)(i)(C), the delinquent balance is any previously billed amount that remains unpaid at the time the late payment fee is imposed pursuant to § 1026.52(b)(1)(i)(C). Consistent with § 1026.52(b)(2)(ii), a charge card issuer that imposes a fee pursuant to § 1026.52(b)(1)(i)(C) with respect to a late payment may not impose a fee pursuant to § 1026.52(b)(1)(i)(B) with respect to the same late payment. The following examples illustrate the application of § 1026.52(b)(1)(i)(C).

1. Assume that a charge card issuer requires payment of outstanding balances in full at
SUMMARY: This action modifies the restricted airspace at the Townsend Bombing Range, GA (Range), by expanding the lateral limits of R–3007A to allow construction of additional targets and impact areas. The modification is needed so that precision guided munitions (PGM) can be used on the range. The changes are completely contained within the existing outer boundaries of the R–3007 complex.

DATES: Effective date 0901 UTC, November 8, 2018.


SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies restricted airspace to accommodate military training requirements.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2015–3338 in the Federal Register (80 FR 60573; October 7, 2015), to expand the lateral limits of restricted area R–3007A, Townsend, GA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. The comment period closed November 23, 2015. One comment was received from a member of the public.

Discussion of Comment

The commenter suggested that the floor of the proposed R–3007E be lowered from 100 feet above ground level (AGL); to the surface in order to allow the opportunity to add more targets in the future. To designate the surface as the floor of a restricted area, the proponent must own, or otherwise control, the land. The expansion of R–3007A, which extends to the surface, encompasses land purchased by the proponent for that purpose. R–3007E is outside the land purchase area, therefore it is not possible to lower the floor below 100 feet AGL at this time.

Differences From NPRM

The NPRM contained an error in the 15th coordinate listed for R–3007A. The longitude for that point was listed as “91°36’32”W.” The correct point is “81°36’32”W.”

The NPRM listed the “Air National Guard (ANG), Savannah Combat Readiness Training Center (CRCTC),” as the using agency in the description of R–3007E. Since the publication of the NPRM, using agency responsibilities for the Range were transferred from the ANG to the U.S. Marine Corps (USMC). On June 28, 2017, the FAA published in the Federal Register a final rule that changed the using agency for the restricted areas to the USMC, Marine Corps Air Station Beaufort, SC (82 FR 29229), Docket No. FAA–2017–0585. The USMC has assumed responsibility for management and operation of the Townsend Range. This change is reflected in the description of R–3007E, below.

The Rule

The FAA is amending 14 CFR part 73 to expand restricted area R–3007A by merging the part of R–3007C that overlies a land parcel acquired by the U.S. Marine Corps into R–3007A. The floor of R–3007C is 100 feet AGL. By adding the airspace over this land parcel into R–3007A, the restricted area floor in that area will be lowered from 100 feet AGL down to ground level. The small slice of restricted airspace, with a 100-foot AGL floor, between the east boundary of the expanded R–3007A, and the west boundary of R–3007B, is redesignated as R–3007E. R–3007E extends from 100 feet AGL up to, but not including, 13,000 feet MSL.

Minor corrections are made to several boundary coordinates for R–3007B, R–3007C, and R–3007D to match the current National Hydrology Dataset that defines the Altamaha River boundary where that river forms the boundary of the restricted areas.

This rule provides the additional ground-level restricted airspace needed for the construction of targets and impact areas so that PGM can safely be employed at the Range.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally