

finance charge. This aspect of the TILA-RESPA Integration Proposal largely mirrors a 2009 proposed rule published by the Board of Governors of the Federal Reserve System (Board), which was not finalized before TILA rulemaking authority transferred to the Bureau (2009 Closed-End Proposal).<sup>2</sup>

The TILA-RESPA Integration Proposal provides for a bifurcated comment process. Comments regarding the proposed amendments to §§ 1026.1(c) and 1026.4 must be received on or before September 7, 2012. For all other proposed amendments, comments must be received on or before November 6, 2012.

The TILA-RESPA Integration Proposal describes the rationale for a bifurcated comment process. With respect to the proposed changes to the definition of the finance charge, the proposed rule notes that the Bureau expects to issue several final rules to implement provisions of title XIV of the Dodd-Frank Act by January 21, 2013, that address loan pricing thresholds for coverage of various substantive requirements under the Home Ownership and Equity Protection Act (HOEPA) and other Dodd-Frank Act provisions that are based, at least in part, on the finance charge and corresponding annual percentage rate (APR).<sup>3</sup> Accordingly, the Bureau wished to evaluate comments on the expanded definition of the finance charge simultaneously with comments on the other proposed rules, and therefore provided a comment period of 60 days for the proposed amendments to § 1026.4, rather than the 120-day comment period provided for most

<sup>2</sup> 74 FR 43232 (Aug. 26, 2009).

<sup>3</sup> Generally, these other rulemakings are as follows: (1) Expanded protections for high-cost mortgage loans under HOEPA pursuant to TILA sections 103(bb) and 129, as amended by Dodd-Frank Act sections 1431 through 1433 (see proposed rule at 77 FR 49089 (Aug. 15, 2012)); (2) requirements for creditors to determine that a consumer can repay a mortgage loan and the establishment of minimum standards for compliance, such as by making a “qualified mortgage,” pursuant to TILA section 129C, as established by Dodd-Frank Act sections 1411 and 1412 (see proposed rule at 76 FR 27390 (May 11, 2011)); (3) required escrow account disclosures and mandatory escrow accounts for certain first-lien higher-priced mortgage loans pursuant to TILA section 129D, as established by Dodd-Frank Act sections 1461 and 1462 (see proposed rule at 76 FR 11598 (Mar. 2, 2011)); and (4) required appraisals for higher-risk mortgages pursuant to TILA section 129H, as established by Dodd-Frank Act section 1471 (see proposed rule at <https://s3.amazonaws.com/public-inspection/federalregister.gov/2012-20432.pdf>; *Federal Register* publication scheduled for September 5, 2012). The TILA-RESPA Integration Proposal explains in detail the intersection of the proposed more inclusive finance charge and these other rulemakings. See 77 FR 51116, 51144–46.

other aspects of the proposed rule. The Bureau also believed a shorter comment period would be appropriate for the proposed changes to the finance charge definition given that this aspect of the proposal largely mirrors the 2009 Closed-End Proposal. The Bureau also sought comment on the timing of implementation of the proposed changes to the finance charge definition in light of the Bureau’s other rulemakings.

Based on informal feedback received by the Bureau since publishing the TILA-RESPA Integration Proposal, the Bureau now believes that it is appropriate to provide additional time for commenters to provide their views on the proposed changes to the definition of the finance charge. The Bureau recently published proposed rules related to HOEPA protections and mandatory appraisals for certain higher-risk mortgages; those proposals discuss certain means of reconciling an expanded definition of the finance charge with coverage thresholds that depend on the finance charge or APR. The Bureau understands that commenters may need additional time to evaluate the proposed more inclusive finance charge in light of these proposals, as well as prior proposed rules published by the Board related to qualified mortgages and mandatory escrow accounts that discuss similar issues. In particular, the TILA-RESPA Integration Proposal specifically requests data that will allow the Bureau to perform a quantitative analysis to determine the impacts of a broader finance charge definition on the coverage thresholds for these other regimes. The Bureau understands that such data collection may require additional time and that commenters may wish to evaluate any data they collect when preparing their comments.

For these reasons, the Bureau is extending the comment period for the proposed changes to § 1026.4 in the TILA-RESPA Integration Proposal to November 6, 2012. In light of this extended comment period and the subsequent, necessary analysis of comments and data received, the Bureau does not expect to address any proposed changes to § 1026.4 until after the Bureau has met its deadlines to issue final rules to implement requirements of the Dodd-Frank Act that would otherwise take effect on January 21, 2013. Instead, the Bureau expects to address the proposals to expand the finance charge when it finalizes the disclosures in the TILA-RESPA Integration Proposal.

The comment period for the proposed changes to § 1026.1(c) concerning

certain disclosure requirements under the Dodd-Frank Act, which ends September 7, 2012, is unchanged. In addition, the comment period for all other aspects of the TILA-RESPA Integration Proposal containing proposed amendments, which ends November 6, 2012, is unchanged. In a separate notice, the Bureau is also extending to November 6, 2012, the comment period for the portions of the Bureau’s HOEPA Proposal regarding whether and how to account for the implications of a more inclusive finance charge on the scope of HOEPA coverage. If the Bureau expands the definition of the finance charge, the Bureau will at the same time address the proposals to adjust the coverage thresholds that depend on the finance charge or the APR in the HOEPA Proposal and the other proposed rules implementing title XIV of the Dodd-Frank Act. The Bureau continues to encourage commenters to submit comments during the relevant comment periods.

Dated: August 30, 2012.

**Richard Cordray,**

*Director, Bureau of Consumer Financial Protection.*

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## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Part 1026

[Docket No. CFPB-2012-0029]

RIN 3170-AA12

### High-Cost Mortgage and Homeownership Counseling Amendments to the Truth in Lending Act (Regulation Z) and Homeownership Counseling Amendments to the Real Estate Settlement Procedures Act (Regulation X)

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of request for public comment; extension of comment period.

**SUMMARY:** On July 9, 2012, the Consumer Financial Protection Bureau (Bureau) published on its Web site and transmitted to the **Federal Register** a notice requesting comment on, among other things, proposed changes to Regulation Z (Truth in Lending) to implement amendments to the Truth in Lending Act made by the Dodd-Frank Wall Street Reform and Consumer Protection Act that expand the types of mortgage loans that are subject to the protections of the Home Ownership and

Equity Protection Act of 1994 (HOEPA) (the HOEPA Proposal). The proposed rule was published in the **Federal Register** on August 15, 2012. See 77 FR 49089 (Aug. 15, 2012). The proposed rule set a comment deadline of September 7, 2012. In a separate rulemaking published on the Bureau's Web site on July 9, 2012 and published in the **Federal Register** on August 23, 2012 (see 77 FR 51116 (Aug. 23, 2012)), the Bureau proposed changes to the definition of the finance charge, which would result in a simpler, more inclusive definition of the finance charge (TILA-RESPA Integration Proposal). In light of these proposed changes, the HOEPA Proposal seeks comment on whether and how to account for the implications of a more inclusive finance charge on the scope of HOEPA coverage. Although the TILA-RESPA Integration Proposal set an initial comment deadline regarding the proposed changes to the finance charge definition of September 7, 2012, by separate notice, the Bureau is extending that deadline to November 6, 2012. For the same reasons discussed in that notice, the Bureau has determined that an extension of the comment period until November 6, 2012 for the portion of the HOEPA Proposal regarding whether and how to account for the implications of a more inclusive finance charge on the scope of HOEPA coverage is appropriate. This extension does not apply to any other aspect of the HOEPA Proposal.

**DATES:** The comment period for whether and how to account for the implications of a more inclusive finance charge on the scope of HOEPA coverage, see proposed § 1026.32(a)(1)(i) and (b)(1)(i), is extended to November 6, 2012. The comment period for all other proposed amendments in that notice, which ends on September 7, 2012, is unchanged.

**ADDRESSES:** You may submit comments, identified by Docket No. CFPB-2012-0028 or RIN 3170-AA19, by any of the following methods:

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

**Instructions:** All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In

general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street, NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435-7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security Numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Priscilla Walton-Fein, Counsel, or Paul Mondor, Managing Counsel, Office of Regulations, at (202) 435-7700.

**SUPPLEMENTARY INFORMATION:** On July 9, 2012, the Consumer Financial Protection Bureau (Bureau) published on its Web site and transmitted to the **Federal Register** a notice requesting comment on, among other things, proposed changes to Regulation Z (Truth in Lending) to implement amendments to the Truth in Lending Act (TILA) made by the Dodd-Frank Wall Street Reform and Consumer Protection Act that expand the types of mortgage loans that are subject to the protections of the Home Ownership and Equity Protection Act of 1994 (HOEPA) (the HOEPA Proposal). The proposed rule was published in the **Federal Register** on August 15, 2012. See 77 FR 49089 (Aug. 15, 2012). The proposed rule set a comment deadline of September 7, 2012.<sup>1</sup>

In a separate rulemaking published on the Bureau's Web site on July 9, 2012 and published in the **Federal Register** on August 23, 2012 (77 FR 51116 (Aug. 23, 2012)), the Bureau proposed changes to the definition of the finance charge, which would result in a simpler, more inclusive definition of the finance charge (the TILA-RESPA Integration Proposal). Although the proposed changes to the definition of the finance charge were proposed in this separate rulemaking, the HOEPA Proposal seeks comment on whether and how to account for the implications of a more inclusive finance charge on the scope of HOEPA coverage, if the more inclusive finance charge is adopted. In particular, the HOEPA Proposal seeks comment and data on potential modifications to HOEPA's annual percentage rate (APR)

coverage threshold (proposed § 1026.32(a)) and points and fees threshold (proposed § 1026.32(b)) to account for an expanded finance charge, and also seeks comment on the timing of implementation for any change to the definition of finance charge and any related change to the HOEPA APR and points and fees thresholds.

The TILA-RESPA Integration Proposal set an initial comment deadline regarding the proposed changes to the definition of the finance charge of September 7, 2012. This comment period was based in part on the Bureau's desire to evaluate comments on the expanded definition of the finance charge simultaneously with comments on the other proposed rules, including the HOEPA Proposal, that address loan pricing thresholds for coverage of various substantive requirements that are based on the finance charge and corresponding APR. However, by separate notice, the Bureau is extending that comment deadline to November 6, 2012. For the same reasons discussed in that notice, the Bureau has determined that it is appropriate to extend the comment period regarding whether and how to account for the implications of a more inclusive finance charge on the scope of HOEPA coverage until November 6, 2012. The comment period for all other proposed amendments in the HOEPA Proposal, which ends September 7, 2012, is unchanged.

In light of the extended comment periods and the subsequent, necessary analysis of comments and data received, the Bureau does not expect to address any proposed changes to the definition of the finance charge or the related portions of the HOEPA Proposal until after the Bureau has met its deadlines to issue final rules to implement requirements of the Dodd-Frank Act that would otherwise take effect on January 21, 2013. Instead, the Bureau expects to address the proposal to expand the finance charge when it finalizes the disclosures in the TILA-RESPA Integration Proposal. If the Bureau expands the definition of the finance charge, the Bureau will at the same time address the proposals to adjust the coverage thresholds that depend on the finance charge or the APR in the HOEPA Proposal and the other proposed rules implementing title XIV of the Dodd-Frank Act.

The comment period for all other aspects of the HOEPA Proposal, which ends September 7, 2012, is unchanged. The Bureau continues to encourage commenters to submit comments during the relevant comment periods.

<sup>1</sup>Comments on the Paperwork Reduction Act (PRA) analysis are due October 15, 2012.

Dated: August 31, 2012.

**Meredith Fuchs,**

*General Counsel, Bureau of Consumer Financial Protection.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-0930; Directorate Identifier 2011-NM-251-AD]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier, Inc. Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model BD-100-1A10 (Challenger 300) airplanes. This proposed AD was prompted by reports of failure of a screw cap or end cap of the auxiliary hydraulic system accumulator while on the ground, which resulted in loss of use of that hydraulic system and high-energy impact damage to adjacent systems and structures. This proposed AD would require inspecting for the correct serial number of a certain hydraulic system accumulator, and replacing affected hydraulic system accumulators with new or serviceable accumulators. We are proposing this AD to prevent failure of a screw cap or end cap and loss of the related hydraulic system, which could result in damage to airplane structure and consequent reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by October 22, 2012.

**ADDRESSES:** You may send comments by any of the following methods:

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

- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; email [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7318; fax (516) 794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2012-0930; Directorate Identifier 2011-NM-251-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2011-41, dated October 31, 2011 (referred to after this as "the MCAI"), to correct an unsafe

condition for the specified products. The MCAI states:

Seven cases of on-ground hydraulic accumulator screw cap/end cap failure have been experienced on CL-600-2B19 aeroplanes, resulting in loss of the associated hydraulic system and high-energy impact damage to adjacent systems and structure. To date, the lowest number of flight cycles accumulated at the time of failure has been 6991.

Although there have been no failures to date on any BD-100-1A10 aeroplanes, accumulators similar to those installed on the CL-600-2B19 are installed on them. The affected part numbers (P/Ns) of the accumulators installed on BD-100-1A10 are 900095-1 (Auxiliary Hydraulic System accumulator), 08-60219-001 (Inboard Brake accumulator), and 08-60218-001 (Outboard Brake accumulator).

A detailed analysis of the calculated line of trajectory of a failed screw cap/end cap for the accumulator has been conducted, resulting in the identification of areas where systems and/or structural components could potentially be damaged. Although all of the failures to date have occurred on the ground, an in-flight failure affecting such components could potentially have an adverse effect on the controllability of the aeroplane.

This [TCCA] directive provides the initial action by mandating the replacement of the Auxiliary Hydraulic System accumulators that are not identified by the letter "E" after the serial number on the identification plate. Further corrective actions are anticipated to rectify similar safety concerns with the Inboard and Outboard Brake accumulators.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Bombardier has issued Service Bulletin 100-29-14, dated December 16, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Costs of Compliance

We estimate that this proposed AD would affect 75 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD