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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 135

[Docket No.: FAA-2014-0502; Amdt. No. 135-131]

RIN 2120-AK49

#### Departing IFR/VFR When Weather Reporting Is Not Available; Confirmation of Effective Date

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This action confirms the effective date of the direct final rule published on July 28, 2014, and responds to the comments received on that direct final rule. The rule permits the pilot in command of a helicopter air ambulance to assess the weather at a departure point where current weather observations are not available and allows the pilot to depart if the observed ceiling and visibility is greater than certain weather minimums. This action will allow a pilot to utilize the minimum takeoff visibilities depicted in a published obstacle departure procedure, or in the absence of such a procedure, when the pilot observed ceiling and visibility is greater than the minimum ceiling and visibility limitations required by specific helicopter air ambulance rules. This change to the current regulation will permit helicopter air ambulance flights to enter the National Airspace System (NAS) under Instrument Flight Rules (IFR) when visibilities and ceilings are below Visual Flight Rules (VFR), thus increasing the safety of the flight.

**DATES:** The direct final rule published July 28, 2014 (79 FR 43619) will become effective on April 22, 2015.

**ADDRESSES:** For information on where to obtain copies of rulemaking documents and other information related to this action, see “How To Obtain Additional Information” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Andrew C. Pierce, Air Transportation Division, 135 Air Carrier Operations Branch, AFS-250, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone 202-267-8238; email [andy.pierce@faa.gov](mailto:andy.pierce@faa.gov).

For legal questions concerning this action, contact Nancy Sanchez, AGC-220, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone 202-267-7280; email [nancy.sanchez@faa.gov](mailto:nancy.sanchez@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 21, 2014, the FAA published a final rule titled Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations (79 FR 9932, February 21, 2014). In that final rule, the FAA amended its regulations to revise the helicopter air ambulance, commercial helicopter, and general aviation helicopter operating requirements. In particular, the FAA added new testing and checking requirements for pilots operating rotorcraft under part 135. Subsequently, the FAA determined that the compliance date of April 22, 2014, originally included in the February 21, 2014, final rule did not provide an adequate amount of time for affected certificate holders to implement the new requirements. On April 21, 2014, the FAA published a final rule in the **Federal Register** extending the effective date of the February 21, 2014, final rule from April 22, 2014, to April 22, 2015 (79 FR 22009, April 21, 2014).

One of the new provisions in the February 21, 2014, final rule, § 135.611, allows helicopter air ambulance (HAA) operators to conduct IFR operations at airports and heliports without a weather reporting facility if they can obtain weather reports from an approved weather reporting facility located within 15 nautical miles of the destination landing area and meet other pilot and equipment requirements. The February 21, 2014, final rule did not provide a

means for HAA flights with IFR clearances to depart from airports not served with current weather observation reports. The language in the February 21, 2014, rule did not allow a pilot to utilize the minimum takeoff visibilities depicted in published obstacle departure procedures (ODP) when these are available. As a result, IFR capable departing flights were not able to gain direct access into the IFR system when weather conditions are worse than the Class G VFR minimums published in § 135.609, but are better than or equal to the published ODP takeoff minimums when the ODP depicts a “proceed visually” transition to the Initial Departure Fix (IDF).

To address this circumstance, on July 28, 2014, the FAA published a direct final rule to permit the pilot in command of a helicopter air ambulance to assess the weather at a departure point where current weather observations are not available and allows the pilot to depart if the observed ceiling and visibility is greater than certain weather minimums (79 FR 43619, July 28, 2014). This action also allows a pilot to utilize the minimum takeoff visibilities depicted in a published ODP, or in the absence of such a procedure, when the pilot observed ceiling and visibility is greater than the minimum ceiling and visibility limitations required by specific helicopter air ambulance rules. This change to the regulations permits helicopter air ambulance flights to enter the NAS under IFR when visibilities and ceilings are below VFR, thus increasing the safety of the flight.

#### Discussion of Comments

The FAA received three comments to the direct final rule from two individuals and a comment from Helicopter Association International (HAI), regarding a clarification of terms related to “proceed VFR” vs. “proceed visually” and requested clarity on the required visibility for transition to the ODP. In response, the FAA published a Clarification of the Final Rule, which specifically explains the difference between the two terms, how they relate to the ODP and transition to the IDF, as well as the FAA’s intent (79 FR 58672, September 30, 2014). The FAA will make no changes to the Final Rule and has concluded that the Clarification of the Final Rule will address any

questions about the obstacle departure procedure and terms used in the Final Rule.

### Conclusion

After consideration of the comments submitted in response to the direct final rule, the FAA has determined that no further rulemaking action is necessary and believes that the Clarification of the Final Rule published September 30, 2014, will clarify any questions about the ODP and terms used in the Final Rule; therefore, amendment 135–131 remains in effect.

### How To Obtain Additional Information

#### A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visit the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/) or
3. Access the Government Printing Office's Web page at <http://www.gpo.gov/fdsys/>.

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680.

#### B. Comments Submitted to the Docket

Comments received may be viewed by going to <http://www.regulations.gov> and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

#### C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit [http://www.faa.gov/regulations\\_policies/rulemaking/sbre\\_act/](http://www.faa.gov/regulations_policies/rulemaking/sbre_act/).

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on October 29, 2014.

**Lirio Liu,**

*Director, Office of Rulemaking.*

[FR Doc. 2014–26052 Filed 10–31–14; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 203

[Docket No. FR 5812–N–01]

#### HUD's Qualified Mortgage Rule: Announcement of Intention To Adopt Changes Pertaining to Exempted Transaction List

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Announcement of change to HUD's exempted transaction definition.

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB) is issuing a final rule being published concurrently with this document, and it can be found elsewhere in this **Federal Register**, entitled “Amendments to the 2013 Mortgage Rules under the Truth in Lending Act (Regulation Z),” amending certain terms in CFPB's definition of “qualified mortgage” which HUD cross-referenced in HUD's qualified mortgage definition. In accordance with the procedures incorporated in HUD's definition of “qualified mortgage,” this document advises of HUD's intention to adopt, for HUD's qualified mortgage rule, CFPB's changes to the exemption for non-profit transactions from the qualified mortgage standards. HUD is not, however, adopting the new points and fees cure provision adopted by CFPB for the reasons stated in this document, but is providing guidance to mortgagees on curing points and fees errors prior to insurance endorsement.

**DATES:** *Effective Date:* November 3, 2014.

**FOR FURTHER INFORMATION CONTACT:** Michael P. Nixon, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9278, Washington, DC 20410; telephone number 202–402–5216, ext. 3094 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### I. Background

On December 11, 2013, at 78 FR 75215, HUD published a final rule that established a definition of “qualified mortgage” for single family residential mortgages that HUD insures, guarantees, or administers. Under HUD's qualified mortgage rule, qualified mortgage status attaches at origination and insurance endorsement to those single family residential mortgages insured under the National Housing Act (12 U.S.C. 1701 *et seq.*), section 184 loans for Indian housing under the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) (Section 184 guaranteed loans), and section 184A loans for Native Hawaiian housing under the Housing and Community Development Act of 1992 (1715z–13b) (Section 184A guaranteed loans). HUD's definition of “qualified mortgage” is codified for each program at 24 CFR 201.7, 203.19, 1005.120 and 1007.80.

HUD defined “qualified mortgage” in a manner that aligned HUD's definition, to the extent feasible and consistent with HUD's mission, with that of the qualified mortgage definition promulgated by the CFPB, and which is codified at 12 CFR 1026.43. HUD undertook the alignment for the purpose of lessening future differences in standards for HUD's single family residential insured mortgages and those established by the CFPB, which apply to conventional mortgages seeking designation as qualified mortgage.

HUD's alignment to CFPB's standards also included cross-references to CFPB's list of transactions exempted from the qualified mortgage definition, including a non-profit transaction exemption, and CFPB's limit on points and fees for qualified mortgage status as of January 10, 2014. HUD's definition of qualified mortgage provides that when CFPB amends its definition of qualified mortgage, HUD may announce the adoption of CFPB change or changes through publication of a notice and after providing FHA-approved mortgagees with time, as may be determined necessary, to implement. Members of the public interested in more detail about HUD's qualified mortgage regulations may refer to the preamble of HUD's September 30, 2013, proposed rule and HUD's December 11, 2013, final rule, at 78 FR 59890, 78 FR 75215.

### II. HUD Notice of CFPB's Final Rule

Published elsewhere in this **Federal Register** is CFPB's final rule amending the non-profit transaction exemption from the ability-to-repay rule and providing a limited cure mechanism for