

Multifamily loan program	FY 2003 basis points
Section 207—Manufactured Home Parks	61
Section 220—Housing In Urban Renewal Areas	61
Section 221(d)(3)—Moderate Income Housing	80
Section 221(d)(4)—Moderate Income Housing	57
Section 223(a)(7)—Refinancing of Insured Multifamily Project	50
Section 223(d)—Operating Loss Loans	80
Section 207/223(f)—Purchase or Refinance Housing	50
Section 231—Housing for the Elderly	61
Section 232—Health Care Facilities	50
Section 232 pursuant to Section 223(f)—Purchase or Refinance Health Care Facilities	50
Section 234(d)—Condominium Housing	50
Section 241(a)—Additions & Improvements for Apartments	80
Section 241(a)—Additions & Improvements for Health Care Facilities	50
Section 242—Hospitals	50
Title XI—Group Practice	50
HOPE VI Projects with or without LIHTC—[221(d)(4)]	57
HOPE VI Projects with or without LIHTC—[207, 220 and 231]	61
Low Income Housing Tax Credit Projects—221(d)(4), 207, 220, and 231 without HOPE VI	50

III. Applicable Mortgage Insurance Premium Regulations

The MIP regulations are contained in 24 CFR 207.252, 207.252a, and 207.254, published at 66 FR 35072 (July 2, 2001). This notice is published in accordance with the procedures stated in those regulations.

IV. Transition Guidelines

A. General

If a firm commitment has been issued at a higher mortgage insurance premium (MIP) and FHA has not initially endorsed the note, the lender may request the field office to reprocess the commitment at the lower MIP and issue an amended commitment on or after October 1, 2002. If the initial endorsement has occurred, the MIP cannot be changed.

B. Extension of Outstanding 80 basis point Firm Commitments

FHA may extend outstanding firm commitments when the HUB/Program Center determines that the underwriting conclusions (rents, expenses, construction costs, mortgage amount

and cash required to close) are still valid.

C. Reprocessing of Outstanding 80 basis point Firm Commitments

FHA will consider requests from mortgagees to reprocess outstanding firm commitments at the lower mortgage insurance premium once the new premiums become effective in Fiscal Year 2003:

- 1. Outstanding commitments with initial 60 day expiration dates on or after the effective date of the MIP notice.* FHA Multifamily HUB/Program Center staff will simply reprocess these cases to reflect the impact of the lower MIP and issue amended commitments;
- 2. Outstanding commitments with initial expiration dates prior to the effective date of the MIP notice which have pending extension requests or have had extensions granted by FHA beyond the initial 60 day period.* These cases will require more extensive reprocessing by FHA staff. Reprocessing will include an updated FHA field staff analysis and review of rents, expenses, construction costs, particularly considering any changes in Davis-Bacon wage rates and cash required to close. (An updated appraisal may be required from the mortgagee depending on the age of the appraisal.) If reprocessing results in favorable underwriting conclusions, HUB/Program Center staff will issue amended commitments at the new MIP.

D. Reopening of Expired 80 Basis Point Firm Commitments

FHA will consider requests from mortgagees, which requests may be either updated Traditional Application Processing (TAP) firm commitment applications or updated Multifamily Accelerated Processing (MAP) applications with updated exhibits, to reopen expired 80 basis point commitments on or after the effective date of the MIP notice, provided that the reopening requests are received within 90 days of the expiration of the commitments and include the \$50 per thousand of requested mortgage reopening fee. Reopening requests will be reprocessed by FHA field staff under the instructions in paragraph C.2 above.

After expiration of the 90 day reopening period, mortgagees are required to submit new applications with the \$3 per thousand application fee. (MAP applications must start at the preapplication stage.)

Credit Subsidy

Mortgagee Letters will be issued from time to time to advise mortgagees of any requirements for credit subsidy, and the availability of credit subsidy. In Fiscal

Year 2003, it is anticipated that only three programs will require credit subsidy: Section 221(d)(3) for nonprofit sponsors and cooperatives for new construction or substantial rehabilitation, Section 223(d) for operating loss loans for both apartments and health care facilities, and Section 241(a) for supplemental loans for additions or improvements to existing apartments only. FHA will not issue amended commitments for increased mortgage amounts nor obligate additional credit subsidy for projects requiring credit subsidy in Fiscal Year 2003.

Dated: October 9, 2002.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

Information Quality Guidelines

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Availability of information quality guidelines.

SUMMARY: The Office of Federal Housing Enterprise Oversight (OFHEO) is publishing a notice of availability of the OFHEO's "Guidelines for Ensuring Quality of Disseminated Information and Procedures for Correction by the Public" (Guidelines). The purpose of this notice is to publish the location of the Guidelines on the OFHEO web site at <http://www.ofheo.gov>.

DATES: On October 1, 2002, OFHEO's "Guidelines for Ensuring Quality of Disseminated Information and Procedures for Correction by the Public" were posted on the OFHEO Web site.

FOR FURTHER INFORMATION CONTACT: Andrew Varrieur, Chief Information Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, telephone (202) 414-8883 (not a toll free number). Alternatively, questions or comments may also be sent by electronic mail to infoquality@ofheo.gov. The telephone number for the Telecommunications Device for the Deaf is: (800) 877-8339.

SUPPLEMENTARY INFORMATION:

Background

The Guidelines are based largely on the "Guidelines for Ensuring and

Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies” (Government-wide guidance) published by the Office of Management and Budget (OMB) in the **Federal Register**.¹ That Government-wide guidance was issued pursuant to Section 515 of the Treasury and General Government Appropriations Act for FY 2001, Pub. L. 106-554, which directed OMB to provide guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information, including statistical information, disseminated by Federal agencies. In accordance with these provisions, each Federal agency was obligated to:

1. Issue their own information quality guidelines ensuring and maximizing the quality, objectivity, utility and integrity of information, including statistical information, disseminated by the agency;

2. Establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the agency’s guidelines; and

3. Report annually to the Director of OMB, beginning January 1, 2004, the number and nature of complaints received by the agency regarding agency compliance with its guidelines concerning the quality, objectivity, utility and integrity of information and how such complaints were resolved.

Consistent with the Government-wide guidance, the Guidelines ensure and maximize the quality, objectivity, utility, and integrity of information that is disseminated by the agency to the public. The Guidelines also provide an administrative process allowing affected individuals to seek and obtain correction of information maintained and disseminated by OFHEO. The Guidelines reflect OFHEO’s internal procedures for reviewing and substantiating information to ensure and maximize the quality, including the objectivity, utility and integrity of information, before it is disseminated. The administrative mechanism allows affected persons to seek and obtain, where appropriate, obtain correction of information disseminated by OFHEO that does not comply with the Guidelines.

Comments

In accordance with OMB guidance, OFHEO published a notice in the **Federal Register** on April 2, 2002, entitled “Solicitation of Public Comments on Proposed Information Quality Guidelines”² requesting public comments on OFHEO’s proposed Guidelines. Three comments were received from private persons in response to this notice and the proposed Guidelines. Those comments were received from the Federal National Mortgage Association (Fannie Mae); the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises); and the Center for Regulatory Effectiveness.

Both Enterprises commented on the proposed Guidelines’ statement that “OFHEO disseminates very little information that would be subject to section 515 legislation” and that OFHEO cites only the House Price Index as an example of such information. Both Enterprises disagreed that very little information falls within the scope of the Government-wide guidance and suggested that other examples of information should be included in the Guidelines. OFHEO deleted the single citation to the House Price Index as an example. Instead, the scope of the Guidelines’ applicability will become more clearly defined in light of experience and the accumulation of precedents over time.

OFHEO’s proposed Guidelines also provided that they do not “apply to opinions if it is clear that what is being offered is someone’s opinion, rather than fact or the agency’s views. For example, the guidelines do not apply to staff working papers that are preliminary in nature and do not represent the views of the agency.”³ OFHEO deleted the citation to working papers. Instead, the scope of the Guidelines’ applicability will become more clearly defined in light of experience and the accumulation of precedents over time.

Freddie Mac commented that OFHEO should not exempt all press releases from the scope of the Guidelines. Freddie Mac also asserted that a press release that “only discloses an agency’s position on political or policy issues would appropriately fall outside of the scope of the information quality guidelines.”⁴ Freddie Mac also commented that OFHEO should not exempt all correspondence with

individuals from the scope of the Guidelines. OMB’s Government-wide guidance explicitly exempts press releases and correspondence with individuals from the definition of “dissemination,” thus removing both from the scope of the Guidelines.

Both Enterprises commented that the proposed Guidelines do not contain procedures for review of influential information subject to higher standards of data quality. Freddie Mac noted that the proposed Guidelines do not include a definition of “influential information.” Both Enterprises also asserted that much of the information that OFHEO disseminates is within the scope of influential information and thus subject to higher standards of data quality. Although OFHEO need not identify the information within the purview of “influential information” for purposes of the Guidelines, the Government-wide guidance suggested agencies adopt a definition of “influential.” OFHEO clearly adopts a definition of “influential” in the Guidelines in section VI.9. However, in accordance with OMB guidance, the definition of “influential” has been narrowed. The amended definition of “influential,” when used in the phrase “influential scientific, financial, or statistical information,” is amended to provide that “the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions.” Consistent with OMB’s guidance, the intent of the new phrase “clear and substantial” is to reduce the need for speculation on the part of agencies of the breadth of the definition of “influential.”⁵

Fannie Mae asserted in its comment letter that the Guidelines may be judicially reviewable. The statute upon which the Government-wide guidance is based is wholly silent on the matter. Speculation as to future judicial treatment of such guidelines is, however, beyond the scope of this rulemaking and will not be addressed here.

Finally, Fannie Mae commented that the proposed Guidelines are confusing as to the responsibilities of each division of OFHEO with respect to data quality. Specifically, Fannie Mae suggests that, inasmuch as compliance with law is generally the function of the General Counsel, OFHEO’s General Counsel should be vested with primary responsibility for compliance with the Government-wide guidance. The Guidelines have been clarified as to the

² 67 FR 15580 (April 2, 2002).

³ 3 *Id.*

⁴ Letter from Allan Ratner, Freddie Mac to Andrew Varrieur, Office of Federal Housing Enterprise Oversight, at 3.

⁵ 67 FR 8455 (2002).

¹ 66 FR 49718 (Sept. 28, 2001), updated 67 FR 369 (Jan. 3, 2002), and corrected at 67 FR 8452 (Feb. 22, 2002).

responsibility of each office within OFHEO to ensure and maximize the quality, including the objectivity, utility and integrity, of the data originating from it. The General Counsel has overarching responsibility to advise and counsel the Director and agency personnel as to compliance with the applicable law. The Guidelines so reflect and preserve the respective responsibilities of the various agency officials.

The Center for Regulatory Effectiveness (CRE) outlined a number of broad cross-cutting policy issues of general concern to all agencies related to "Data Quality Guidelines" and provided recommendations on how such issues should be addressed. The CRE identified and evaluated a number of differing agency approaches to these issues, which it suggested might be emulated or avoided. OFHEO considered these comments in conjunction with OMB guidance in fashioning the final information quality guidelines.

Dated: October 8, 2002.

Jimmy F. Barton,

Deputy Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 02-26186 Filed 10-11-02; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Delta National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of application for a natural gas pipeline right-of-way on Delta National Wildlife Refuge, Plaquemines Parish, Louisiana.

SUMMARY: Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185), as amended by Public Law 93-153, the Southern Natural Gas Company has applied for a permit to remove a 14" underground natural gas pipeline, and install a new 14" underground natural gas pipeline in a 50-foot wide right-of-way which will run approximately 10,421 feet in length.

This pipeline right-of-way will be on, over, and across a strip of land lying in Plaquemines Parish, State of Louisiana, Sections 10, 15, and 22 of Township 20 South, Range 19 East, on the West Bank of East Fork of Romere Pass. The Southern Natural Gas Company currently operates a 14" pipeline and wants to install a new pipeline 200—1,200 feet west of its current location.

The land described herein contains approximately 12.59 acres with 7.79 acres in a temporary (1 year) construction servitude. The existing pipeline will be completely removed after the new line has been installed and is operational.

The purpose of this notice is to inform the public that the Fish and Wildlife Service is currently considering the merits of approving this application.

ADDRESSES: Interested persons desiring to comment on this application should do so within thirty (30) days following the date of publication of this notice. If you wish to comment, you may do so by one of the following methods. You may mail comments to Mr. Dwight Stanley, Fish and Wildlife Service, 1875 Century Boulevard, Suite 420, Atlanta, Georgia 30345. You may also comment via the Internet at the following address: *dwight_stanley@fws.gov*. If you submit comments by electronic mail, please submit them as an ASCII file, avoiding the use of special characters and any form of encryption. Please include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us at the phone number or address listed in this notice. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight Stanley at 404-679-7235; fax 404-679-7273.

Authority: Right-of-way applications are filed in accordance with Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185), as amended by Public Law 93-153.

Dated: September 19, 2002.

Christine Eustis,

Acting Regional Director.

[FR Doc. 02-26051 Filed 10-11-02; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Rate Adjustments for Indian Irrigation Facilities

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of rate adjustments.

SUMMARY: The Bureau of Indian Affairs (BIA) owns or has an interest in

irrigation facilities located on various Indian reservations throughout the United States. The BIA establishes irrigation assessment rates to recover its costs to administer, operate, maintain, and rehabilitate certain of those facilities. We are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation facilities where we are required to recover our full costs of operation and maintenance.

EFFECTIVE DATE: The irrigation assessment rates shown in the tables were effective on January 1, 2002.

FOR FURTHER INFORMATION CONTACT: For details about a particular BIA irrigation facility, please use the tables in the **SUPPLEMENTARY INFORMATION** section to contact the regional or agency office where the facility is located.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rate Adjustment was published in the **Federal Register** on March 8, 2002 (67 FR 10748-10752), to adjust the irrigation rates at several BIA irrigation facilities. A correction of the March 8, 2002, notice was published on April 26, 2002, at 67 FR 20820-20321 for all units of the Wapato Irrigation Project. The public and interested parties were provided an opportunity to submit written comments during the 60 day-periods subsequent to March 8, 2002, and April 26, 2002.

Did the BIA Receive Any Comments on the Proposed Irrigation Assessment Rate Adjustments?

Written comments were received only for the proposed irrigation assessment rate adjustment at the Blackfeet Irrigation Project, Montana (Project).

What Issues Were of Concern by the Commentators?

All of the comments were concerned with one or more of three issues: (1) Consultation with stakeholders; (2) how are funds expended on operation and maintenance; and (3) the impact of a rate increase on the local agricultural economy.

How Does BIA Respond to the Concern of Consultation With Stakeholders?

Consultations between stakeholders and any of the BIA irrigation facilities are ongoing through local meetings held periodically at different locations convenient to the stakeholders of the individual irrigation facilities. At those consultation meetings, any issue of concern by a stakeholder can be brought up and discussed such as water operations, facility maintenance, and financial management. For example, a BIA representative attended meetings of the Seville Water Users Association of