

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

#### Prevailing Rate Systems

##### *CFR Correction*

In Title 5 of the Code of Federal Regulations, parts 1 to 699, revised as of January 1, 2002, on page 397, Appendix A to Subpart B of Part 532 is corrected by adding footnote reference "1" for South Dakota in the second column after Eastern South Dakota, and on page 399, Appendix B to Subpart B of Part 532 is corrected by removing footnote 1 at the end of the table.

[FR Doc. 02-55527 Filed 12-26-02; 8:45 am]

BILLING CODE 1505-01-D

## FEDERAL ELECTION COMMISSION

### 11 CFR Part 110

[Notice 2002-30]

#### Contribution Limitations and Prohibitions: Delay of Effective Date and Correction

**AGENCY:** Federal Election Commission.

**ACTION:** Final rule; delay of effective date and correction.

**SUMMARY:** The Federal Election Commission is publishing a correction to the final rules governing contributions limitations and prohibitions that were published in the **Federal Register** on November 19, 2002 (67 FR 69928). The correction: (1) Changes the effective date for revised 11 CFR 110.9 from January 1 to January 13, 2003; and (2) deletes the word "authorized" in referencing political committees in regulations pertaining to reattribution of contributions.

**DATES:** As of December 27, 2002, the effective date of 11 CFR 110.9 that was

revised on November 19, 2002 (67 FR 69928) is delayed until January 13, 2002. The effective date of the correction to 11 CFR 110.1(k)(3)(ii) is January 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mai T. Dinh, Acting Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Federal Election Commission published in the **Federal Register** on November 19, 2002, final rules implementing amendments made by the Bipartisan Campaign Reform Act of 2002 ("BCRA") to the contribution limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended ("FECA") (67 FR 69928). These final rules were published with a January 1, 2003 effective date. Among other things, the final rules revised 11 CFR 110.9 so that it now addresses only violations of the contributions and expenditure limitations rather than four miscellaneous topics, including fraudulent misrepresentation. The general fraudulent misrepresentation provision formerly found at 11 CFR 110.9(b) was moved to new 11 CFR 110.16(a) in another BCRA rulemaking entitled "Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds." The Commission had anticipated that the effective dates for the "Contribution Limitations and Prohibitions" and "Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds" rulemaking projects would be January 1, 2003. However, due to scheduling changes, the effective date for "Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds" is now January 13, 2002. Consequently, this correction delays the effective date for the final rules at 11 CFR 110.9 to January 13, 2003. The effective date remains January 1, 2003 for all other final rules governing contribution limitations and prohibitions that were published in the **Federal Register** on November 19, 2002.

The final rules published on November 19, 2002 also addressed the procedure governing the reattribution of excessive contributions from one contributor to another in 11 CFR 110.1(k). The final rules at 11 CFR 110.1(k)(3)(ii)(A)(1) and

110.1(k)(3)(ii)(B)(2), which describe steps a recipient political committee must take when reattributing excessive contributions from one contributor to another, inadvertently included the word "authorized" before the phrase "political committee." As made clear in the Explanation and Justification accompanying the final rules, the reattribution procedure is available to all political committees, not just authorized committees. See 67 FR 69932. Thus, this correction deletes the word "authorized" in 11 CFR 110.1(k)(3)(ii)(A)(1) and 110.1(k)(3)(ii)(B)(2).

#### Correction of Publication

Accordingly, the publication of final regulations on November 19, 2002 (67 FR 69928), which were the subject of FR Doc. 2002-00022, is corrected as follows:

On page 69948, in the first and second columns, respectively, remove "authorized" from 11 CFR 110.1(k)(3)(ii)(A)(1) and 110.1(k)(3)(ii)(B)(2).

Dated: December 23, 2002.

**Ellen L. Weintraub,**

*Vice Chair, Federal Election Commission.*

[FR Doc. 02-32711 Filed 12-26-02; 8:45 am]

BILLING CODE 6715-01-P

## FEDERAL HOUSING FINANCE BOARD

### 12 CFR Part 906

[No. 2002-62]

RIN 3069-AB23

#### Procedure for Conducting Monthly Survey of Rates and Terms on Conventional One-Family Non-farm Mortgage Loans

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is making certain technical amendments to its regulation setting forth the practices and procedures for conducting the Monthly Survey of Rates and Terms on Conventional One-Family, Non-farm Mortgage Loans (Monthly Interest Rate Survey or MIRS). The amendments are being adopted solely to conform the text of the rule to the revised practices and

procedures for MIRS sampling and weighting methodology, which are the subject of a Notice published elsewhere in this issue of the **Federal Register**.

**EFFECTIVE DATE:** This rule will become effective on January 27, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Joseph A. McKenzie, Deputy Chief Economist, (202) 408-2845 or [mckenziej@fhfb.gov](mailto:mckenziej@fhfb.gov); Charlotte A. Reid, Special Counsel, Office of General Counsel (202) 408-2510 or [reidc@fhfb.gov](mailto:reidc@fhfb.gov); Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**SUPPLEMENTARY INFORMATION:** On September 26, 2000, the Finance Board published in the **Federal Register** (65 FR 57813) a notice proposing several changes to the Monthly Interest Rate Survey (preliminary notice). MIRS provides a statistical base for certain housing finance benchmarks, such as the annual adjustments to the maximum dollar limits for the purchase of conventional mortgages by Fannie Mae and Freddie Mac. See 12 U.S.C. 1717(b)(2), 1454(a)(2), respectively.<sup>1</sup>

The preliminary notice recommended revising the sampling and weighting methodology from one based on lender type and region to one based solely on lender size, eliminating the monthly table of mortgage interest rates and terms by lender type (Table III of the monthly MIRS release), and adjusting the quarterly table of mortgage rates and terms by metropolitan area by adding and deleting several metropolitan areas so that only the largest 32 metropolitan areas would be reported (Table IV of the January, April, July, and October MIRS releases).

Changes to MIRS are authorized under Federal Home Loan Bank Act (Act) provisions that require the ongoing availability of indexes used to calculate the interest rates on adjustable rate mortgages (ARMs).<sup>2</sup> The Act

expressly permits the Chairperson of the Finance Board to approve changes to the methodology that affect the availability of adjustable rate mortgage indexes.

Additionally, the Finance Board may substitute substantially similar indexes if it can no longer make an index available and "if the \* \* \* Chairperson of the Finance Board \* \* \* determines, after notice and opportunity for comment, that: (A) The new index is based on data substantially similar to that of the original index; and (B) the substitution of the new index will result in an interest rate substantially similar to the rate in effect at the time the original index became unavailable." See 12 U.S.C. 1437 note.

Under this authority, and in response to the comments on the preliminary notice received by the Finance Board, the Chairman of the Finance Board has authorized certain changes to MIRS data sampling and weighting methodology and the designation of substitute indexes. These changes are set forth in a final Notice that is published elsewhere in this issue of the **Federal Register**. In accordance with the final Notice, MIRS data will use a sampling and weighting methodology based on lender size and lender type. There will be four lender-size classes and three lender-type classes (commercial banks, mortgage companies, and savings institutions). Table III of the monthly MIRS release will continue to be made available, but the "Savings and Loan Association" and "Mutual Savings Bank" categories will be collapsed in to a single "Savings Institutions" category. The final Notice also will adjust the quarterly table of mortgage rates and terms by metropolitan area by adding and deleting several metropolitan areas so that only the largest 32 metropolitan areas would be reported (Table IV of the January, April, July, and October MIRS releases). Additionally, the Notice will designate certain substitute indexes.

Accordingly, section 906.3 of the Finance Board's regulations, which sets forth the existing practice and procedures for conducting MIRS, is being revised to reflect these changes. The final rule will replace the reference to savings and loan associations and mutual savings banks with a collective reference to "savings institutions," and delete the reference to the number of lenders sampled. The final rule also adds a sentence stating that the

"shall take such action as may be necessary to assure that the indexes prepared by the \* \* \* Federal Home Loan Bank Board \* \* \* immediately prior to the enactment of this subsection and used to calculate the interest rate on adjustable-rate mortgage instruments continue to be available." See 12 U.S.C. 1437 note.

preliminary MIRS weights are based on lender type and lender size. Other MIRS changes, such as the revision of Table IV and the designation of successor ARM index rates, do not require any textual changes to section 906.3 of the Finance Board's regulations.

The Finance Board is adopting these revisions in § 906.3 to ensure that the text of the rule is fully consistent with MIRS practice and procedures, as revised pursuant to the final Notice. The revisions in the rule are minimal and technical in nature, and are intended to achieve consistency in the descriptive terminology governing MIRS sampling and weighting methodology. Additionally, the Finance Board is deleting the provisions that are set forth in paragraph (c) of § 906.3 and in section 906.4 of the Finance Board's regulations, as obsolete. None of the rule text changes are intended to implement any regulatory changes to any substantive rights.

The changes to MIRS sampling and weighting methodology will be implemented in January 2003 and will be published in late February 2003. Changes to the published MIRS tables also will occur with the publication of the January 2003 data in late February. The January 2003 implementation will allow MIRS data to be weighted using a consistent methodology within each calendar year. The amendments to §§ 906.3 and 906.4 of the Finance Board's regulations also will be effective January 2003.

### III. Regulatory Flexibility Act

The final rule applies only to the Finance Board, which does not come within the meaning of "small entities," as defined in the Regulatory Flexibility Act (RFA). See 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, *see id.* at 605(b), the Finance Board hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

### IV. Paperwork Reduction Act

The final rule does not contain any substantive changes to MIRS data collection form or other information under the Paperwork Reduction Act of 1995. See 44 U.S.C. 3501 *et seq.* The current Office of Management and Budget clearance for the form is set to expire on June 30, 2004.

### List of Subjects in 12 CFR Part 906

Organizational functions (Government agencies).

Accordingly, the Finance Board hereby amends title 12, chapter IX, Code of Federal Regulations as follows:

<sup>1</sup> The Housing and Community Development Act of 1980 tied the Fannie Mae and Freddie Mac conforming loan limits to MIRS. See Pub. L. 96-399, Title III, Section 313(a), (b), 94 Stat. 1644-45 (Oct. 8, 1980). Specifically, Fannie Mae and Freddie Mac are required by their respective statutes, which are nearly identical, to base the annual dollar limit on the "the national one-family house price in the monthly survey of all major lenders conducted by the [Finance Board]." See 12 U.S.C. 1717(b)(2), 1454(a)(2) (conforming loan limit provisions). The Finance Board inherited the task of conducting MIRS from the former Federal Home Loan Bank Board (FHLBB) pursuant to section 402(e)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. 101-73, Title VII, Section 402(e)(3), 103 Stat. 183 (1989), and was substituted for the former FHLBB in the conforming loan limit provisions pursuant to §§ 731(f)(1)(B) and (f)(2)(B) of FIRREA.

<sup>2</sup> Section 402(e)(3) of FIRREA amended the Act to specify that the Chairperson of the Finance Board

**PART 906—OPERATIONS.**

1. The authority citation for part 906 continues to read as follows:

**Authority:** 12 U.S.C. 1422a, 1422b, and 1437 note.

2. Revise § 906.3 to read as follows:

**§ 906.3 Monthly interest rate survey.**

The Finance Board conducts its Monthly Survey of Rates and Terms on Conventional One-Family Non-farm Mortgage Loans in the following manner:

(a) *Initial survey.* Each month, the Finance Board samples savings institutions, commercial banks, and mortgage loan companies, and asks them to report the terms and conditions on all conventional mortgages (*i.e.*, those not federally insured or guaranteed) used to purchase single-family homes that each such lender closes during the last five working days of the month. In most cases, the information is reported electronically in a format similar to Finance Board Form FHFB 10-91. The initial weights are based on lender type and lender size. The data also is weighted so that the pattern of weighted responses matches the actual pattern of mortgage originations by lender type and by region. The Finance Board tabulates the data and publishes standard data tables late in the following month.

(b) *Adjustable-rate mortgage index.* The weighted data, tabulated and published pursuant to paragraph (a) of this section, is used to compile the Finance Board's adjustable-rate mortgage index, entitled the "National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders." This index is the successor to the index maintained by the former Federal Home Loan Bank Board and is used for determining the movement of the interest rate on renegotiable-rate mortgages and on some other adjustable-rate mortgages.

**§ 906.4 [Removed and Reserved]**

3. Remove and reserve § 906.4.

Dated: December 20, 2002.

By the Board of Directors of the Federal Housing Finance Board.

**John T. Korsmo,**  
*Chairman.*

[FR Doc. 02-32753 Filed 12-26-02; 8:45 am]

**BILLING CODE 6725-01-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 25**

[Docket No. NM241, Special Conditions No. 25-224-SC ]

**Special Conditions: McDonnell Douglas Model DC-9-14, DC-9-15, DC-9-31, DC-9-32, DC-9-32F, DC-9-33F, and DC-9-41 Airplanes; High Intensity Radiated Fields (HIRF).**

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for Douglas Model DC-9-14, DC-9-15, DC-9-31, DC-9-32, DC-9-32F, DC-9-33F, and DC-9-41 airplanes modified by ABX Air Inc. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of the Innovative Solutions and Support (IS&S) Duplex Reduced Vertical Separation Minimum (RVSM) system that performs critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of this system from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** The effective date of these special conditions is December 10, 2002. Comments must be received on or before January 27, 2003.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM-113), Docket No. NM241, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM241.

**FOR FURTHER INFORMATION CONTACT:** Meghan Gordon, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-2138; facsimile (425) 227-1149.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

The FAA has determined that notice and opportunity for prior public comment are impracticable because these procedures would significantly delay certification of the airplane and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance; however, the FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want the FAA to acknowledge receipt of your comments on these special conditions, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

**Background**

On July 7, 2002, ABX Air Inc. applied for a Supplemental Type Certificate (STC) to modify McDonnell Douglas Model DC-9-14, DC-9-15, DC-9-31, DC-9-32, DC-9-32F, DC-9-33F, and DC-9-41 airplanes. The DC-9 is a two-crew, two-engine, turbine airplane with a maximum weight up to 122,200 pounds. These models are currently approved under Type Certificate A6WE. The modification incorporates the installation of the IS&S Duplex RVSM system which will allow for the removal of the existing altitude alerter, encoding