

Loans violated Section 615(a) of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681m(a), and Section 5 of the Federal Trade Commission Act. Section 615(a) requires that a credit grantor who takes adverse action with respect to a consumer, based in whole or in part on information contained in a credit report ("consumer report"), notify the consumer of the adverse action as well as the identity of the credit bureau ("consumer reporting agency") that produced the report, so the consumer can identify and correct any inaccuracies in the report.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

According to the Commission's Complaint, for a period of approximately one year, Quicken Loans offered loans to consumers through its website. Quicken Loans invited consumers to submit information, such as their income and assets, and the loan amount, down payment and type of loan sought. Consumers then were invited to request that Quicken Loans either "prequalify" the consumer for a loan based solely on information the consumer had entered, or "preapprove" the consumer for a loan based on the consumer's consumer report, as well as the consumer-supplied information. To select the preapproval option, consumers were required to click a radio button next to the statement "Order my credit report and use it to preapprove me for a loan." According to the Complaint, by selecting this option, consumers were filing applications for preapproval of a loan.

For those consumers who requested preapproval, Quicken Loans obtained consumer report from consumer reporting agencies and used the reports, along with consumer-supplied information, to evaluate the consumers' creditworthiness for any of its online loan products. For those consumers whom Quicken Loans preapproved for one of its online loan products, respondent provided an online preapproval letter containing the specific terms (e.g., loan amount, interest rate, points, and APR) of the loans for which the consumers were preapproved.

Those consumers whom respondent did not preapprove for one of its online

loan products received an online advisory informing them that, "[b]ased on the information you have provided, it appears that you have unique borrowing needs." Quicken Loans invited these consumers to click a button reading "NEXT STEP" to permit a Quicken Loans loan consultant to contact them about other possible Quicken Loans loan options. The Commission's Complaint alleges that the message communicated through the advisory was that consumers' online applications for preapproval had been denied. As a result, many consumers who received this advisory left the website without submitting contact information. Consumers who received the "unique borrowing needs" advisory but did not then submit contact information online received no further contact from respondent. The Complaint alleges that, through the actions described above, Quicken Loans took adverse action with respect to consumers in some instances, based in whole or in part on information contained in consumer reports, but failed to provide the notice required by Section 615.

Part I of the proposed order requires that whenever Quicken Loans takes adverse action with respect to a consumer's application for credit, based either wholly or partly on information in a consumer report, Quicken Loans must provide the consumer with a notice that complies with Section 615(a). Part I also provides that the Commission would not view Quicken Loans' failure to grant an online request for preapproval as an adverse action if the company meets certain specific requirements, which include that (1) Quicken Loans provides a clear and conspicuous disclosure in close proximity to the preapproval offer that preapproval may be granted online or offline; and (2) if Quicken Loans determines it cannot grant preapproval online because it needs additional information, it will notify the consumer that (a) the request for preapproval has not been denied, but rather that Quicken Loans needs additional information from the consumers, and (b) if the consumer submits the additional information, Quicken Loans will determine whether to grant the request and communicate the decision to the consumer.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires that Quicken Loans maintain and make available for Federal Trade Commission inspection and copying documents demonstrating compliance with Part I of the order. Part III requires dissemination of the order

now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates compliance reports within sixty (60) days after service of the order and at such other times as the FTC may require. Part VI is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

This proposed order, if issued in final form, will resolve the claims alleged in the complaint against the named respondent. It is not the Commission's intent that acceptance of this consent agreement and issuance of a final decision and order will release any claims against any unnamed persons or entities associated with the conduct described in the complaint.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2003-B1]

### Federal Management Regulation; Locating Federal Facilities in Rural Areas

**AGENCY:** Office of Governmentwide Policy (MPR), GSA.

**ACTION:** Notice of a bulletin.

**SUMMARY:** The attached bulletin is intended to assist Federal agencies, having their own statutory authority to acquire real property, in complying with the Rural Development Act of 1972.

**EFFECTIVE DATE:** This bulletin is effective January 21, 2003.

**FOR FURTHER INFORMATION CONTACT:** Stanley C. Langfeld, General Services Administration, Office of Governmentwide Policy (MPR), Washington, DC 20405; e-mail, [stanley.langfeld@gsa.gov](mailto:stanley.langfeld@gsa.gov), telephone (202) 501-1737.

**SUPPLEMENTARY INFORMATION:** In July 2001, GAO issued GAO Final Report GAO-01-805, entitled "Facilities Location: Agencies Should Pay More Attention to Costs and Rural Development Act," which examined the Federal laws and policies governing

facility location and the extent that agencies were implementing these laws and policies. In addition, the GAO report identified recommendations to be implemented by GSA. In October 2001, in response to a recommendation contained in the GAO Report, GSA agreed to issue a **Federal Register** bulletin that defines the term "rural area" and recommends that Federal agencies, having their own statutory authority to acquire real property, include a written statement in their files affirming that they have given first priority to locating in a rural area.

Dated: January 13, 2003.

**G. Martin Wagner,**

Associate Administrator, Office of Governmentwide Policy.

## GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2003-B1]

### Real Property

TO: Heads of Federal Agencies

SUBJECT: Locating Federal Facilities in Rural Areas

1. *What is the purpose of this bulletin?* This bulletin is intended to assist Federal agencies, having their own statutory authority to acquire real property, in complying with the Rural Development Act of 1972.

2. *What is the effective date of this bulletin?* This bulletin is effective January 21, 2003.

3. *When does this bulletin expire?* This bulletin will remain in effect indefinitely until specifically cancelled.

4. *What is the background?*

a. In 1972, the Rural Development Act was enacted which directed Federal agencies to develop policies and procedures to give first priority to the location of new offices and other Federal facilities in rural areas. The intent of the Act is to revitalize and develop rural areas and help foster a balance between rural and urban America.

b. In 1996, Pub. L. 104-127 eliminated the "private business enterprise" language in 7 U.S.C. 1926(a)(7) which had served to define the term "rural area" for the purpose of locating Federal facilities.

c. In July 2001, GAO issued GAO Final Report GAO-01-805, entitled "Facilities Location: Agencies Should Pay More Attention to Costs and Rural Development Act," which examined the federal laws and policies governing facility location and the extent that agencies were implementing these laws and policies. In addition, the GAO report identified recommendations to be implemented by GSA.

d. In October 2001, in response to a recommendation contained in the GAO Report, GSA agreed to issue a **Federal Register** bulletin that defines the term "rural area" and recommends that Federal agencies, having their own statutory authority to acquire real property, include a written statement in their files affirming that they have given first priority to locating in a rural area.

5. *What "rural area" definition does GSA recommend for Federal agencies having their own statutory authority to acquire real property?*

GSA recommends that Federal agencies, having their own statutory authority to acquire real property, use the following "rural area" definition: "Rural area means a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population in excess of 50,000 inhabitants, as specified in 7 U.S.C. 2009."

6. *How does GSA recommend that Federal agencies, having their own real property authority, demonstrate compliance with the Rural Development Act?*

GSA recommends that Federal agencies, having their own statutory authority to acquire real property, demonstrate compliance with the Rural Development Act by including a written statement in their files affirming that they have given first priority to the location of new offices and other Federal facilities in rural areas.

7. *Who should we contact for further information regarding locating Federal facilities in rural areas?*

General Services Administration, Office of Governmentwide Policy, Real Property Policy Division, Attn: Stanley C. Langfeld, 1800 F Street, NW., Washington, DC 20405, Telephone Number: (202) 501-1737, E-mail Address: stanley.langfeld@gsa.gov.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day-03-36]

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the

Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498-1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

*Proposed Project:* Epidemiologic Study Of Gastrointestinal Health Effects And Exposure To Disinfection By-products Associated With Consumption Of Conventionally Treated Groundwater—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

### Background

The primary goal of drinking water treatment is the removal of microorganisms responsible for waterborne disease. The addition of disinfectants such as chlorine is one of the most important steps in pathogen inactivation and may in some cases (such as in many groundwater systems) be the only treatment employed. However, chlorine also reacts with organic compounds in the water to produce halogenated organic by-products (disinfection by-products [DBPs]). One of the most commonly measured groups of DBPs is the trihalomethanes (THMs). Human exposure to THMs has been associated with bladder and colorectal cancer. Public water providers must constantly balance the acute risks of gastrointestinal (GI) illness associated with exposure to microbial pathogens against the long-term risks associated with exposure to DBPs.

This study will estimate the risks for endemic GI illness associated with