

The lower the rating factor, the higher the priority for selection and funding.

(b) The terms in the rating factor are defined as follows:

(1) SR is Sufficiency Rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, USDOT/FHWA (latest edition); (If SR is less than 1.0, use SR=1.0);

(2) ADT is Average Daily Traffic in thousands taking the most current value from the national bridge inventory data;

(3) ADTT is Average Daily Truck Traffic in thousands (Pick up trucks and light delivery trucks not included). For load posted bridges, the ADTT furnished should be that which would use the bridge if traffic were not restricted. The ADTT should be the annual average volume, not peak or seasonal;

(4) N is National Highway System Status. N=1 if not on the National Highway System. N=1.5 if bridge carries a National Highway System road;

(5) The last term of the rating factor expression includes the State's unobligated balance of funds received under 23 U.S.C. 144 as of June 30 preceding the date of calculation, and the total funds received under 23 U.S.C. 144 for the last four fiscal years ending with the most recent fiscal year of the FHWA's annual call for discretionary bridge candidate submittals; (if unobligated HBRRP balance is less than \$10 million, use zero balance);

(6) TPC is Total Project Cost in millions of dollars;

(7) HBRRP is Highway Bridge Replacement and Rehabilitation Program;

(8) ADT' is ADT plus ADTT.

\* \* \* \* \*

4. In § 650.709, revise paragraphs (a) and (c) to read as follows:

#### **§ 650.709 Special considerations.**

(a) The selection process for new discretionary bridge projects will be based upon the rating factor priority ranking. However, although not specifically included in the rating factor formula, special consideration will be given to bridges that are closed to all traffic or that have a load restriction of less than 10 tons. Consideration will also be given to bridges with other unique situations, and to bridge candidates in States that have not previously been allocated discretionary bridge funds. In addition, consideration will be given to candidates that receive additional funds or contributions from local, State, county, or private sources, but not from Federal sources which

reduce the total Federal cost or Federal share of the project. These funds or contributions may be used to reduce the total project cost for use in the rating factor formula.

\* \* \* \* \*

(c) Priority consideration will be given to the continuation and completion of projects previously begun with discretionary bridge funds which will be ready to begin construction in the fiscal year in which funds are available for obligation.

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Indian Affairs**

#### **25 CFR Part 103**

RIN 1076-AE29

#### **Loan Guaranty, Insurance, and Interest Subsidy; Correction**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule; correction.

**SUMMARY:** The Office of Economic Development, Bureau of Indian Affairs published a final rule in the **Federal Register** of January 17, 2001. We are amending this rule to correct wording on how BIA calculates interest subsidy payments in the Loan Guaranty, Insurance and Interest Subsidy Program. The current wording is inaccurate and potentially misleading. This change will make clear that BIA retains the flexibility to recover administrative costs in establishing an interest rate.

**EFFECTIVE DATE:** October 15, 2002.

**FOR FURTHER INFORMATION CONTACT:** George Gover, Director, Office of Economic Development Programs, 202-208-5324.

**SUPPLEMENTARY INFORMATION:** The final rule was published in the **Federal Register** on January 17, 2001 (66 FR 3861) with an effective date of April 17, 2001. One feature of the Program, interest subsidy, lets qualified borrowers seek reimbursement of a portion of the interest they pay on a loan guaranteed or insured by BIA. Section 103.22 addresses how BIA calculates the amount of the reimbursement. Section 103.22 is supposed to follow the statutory scheme established in 25 U.S.C. 1511, which directs BIA to pay a borrower the difference between the lender's rate and the interest rate established in 25 U.S.C. 1464 (*i.e.*, the interest rate that BIA

would charge a borrower if BIA were making the loan itself). Section 103.22 inadvertently suggests that the calculation of an interest rate under 25 U.S.C. 1464 would equal the rate the Secretary of the Treasury sets. *See*, 25 U.S.C. 1464(a). Section 103.22 fails to account for the flexibility that Interior has to increase this interest rate to recover associated administrative costs. *See*, 25 U.S.C. 1464(b). BIA has not historically used 25 U.S.C. 1464(b) to increase an interest rate established under 25 U.S.C. 1464(a), but it has never consciously abandoned the right to do so.

This document contains a correction to the final regulation, 25 CFR part 103, which was published in the **Federal Register**, Doc. 01-1249, on January 17, 2001 (66 FR 3861).

#### **List of Subjects in 25 CFR 103**

Indians—Insurance, Interest subsidy, and Loan guaranty.

Accordingly, 25 CFR part 103, subpart C is corrected by making the following correcting amendment:

#### **Subpart C—Interest Subsidy**

1. The authority citation for Subpart C continues to read as follows:

**Authority:** 25 U.S.C. 1498, 1511.

2. In § 103.22, in the first sentence, remove the words “by the Secretary of the Treasury.”

Dated: October 8, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

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## **DEPARTMENT OF THE TREASURY**

### **Bureau of Alcohol, Tobacco and Firearms**

#### **27 CFR Part 46**

[T.D. ATF-472a]

RIN 1512-AC59

#### **Delegation of Authority; Correction**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains a correction to a final rule published by the Bureau of Alcohol, Tobacco and Firearms in the February 7, 2002, **Federal Register**. The final rule concerned the delegation of the Director's authorities in two parts of the Bureau's tobacco regulations. The final