

(3) A responsible and duly authorized member or officer having knowledge of its affairs if the employer is a partnership or other unincorporated organization.

(b) The Form DC-1 may be filed electronically through the Board's authorized agent. If filed electronically, no further authentication is required.

4. Section 345.114 of subpart B is revised to read as follows:

§ 345.114 Prescribed forms for contribution reports.

Each employer's contribution report, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions and regulations applicable thereto. The prescribed forms may be obtained from or accessed by contacting the Board. An employer will not be excused from making a contribution report for the reason that no form has been furnished to such employer. Application should be made to the Board for the prescribed forms in ample time to have the contribution report prepared, verified, and filed with the Board on or before the due date. Contribution reports that have not been so prepared will not be accepted and shall not be considered filed for purposes of § 345.115 of this part. In case the prescribed form has not been obtained, a statement made by the employer disclosing the period covered and the amount of compensation with respect to which the contribution is required may be accepted as a tentative contribution report if accompanied by the amount of contribution due. If filed within the prescribed time, the statements so made will relieve the employer from liability for any penalty imposed under this part for the delinquent filing of the contribution report provided that the failure to file a contribution report on the prescribed form was due to reasonable cause and not due to willful neglect, *and provided further*, that within 30 days after receipt of the tentative report, such tentative report is supplemented by a contribution report made on the proper form. (Approved by the Office of Management and Budget under control number 3220-0012)

5. Section 345.115 of subpart B is revised to read as follows:

§ 345.115 Place and time for filing contribution reports.

Each employer shall file its contribution report with the Chief Financial Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092, or the Chief Financial Officer's designee. The employer's contribution report for each

quarterly period shall be filed on or before the last day of the calendar month following the period for which it is made. If such last day falls on Saturday, Sunday, or a national legal holiday, the report may be filed on the next following business day. If mailed, reports must be postmarked on or before the date on which the report is required to be filed.

6. Section 345.124 of subpart B is revised to read as follows:

§ 345.124 Right to appeal the amount of a contribution, interest, or penalty.

(a) Except as otherwise provided, an employer may seek administrative review of any determination with respect to any contribution, interest, or penalty made under this part by filing a request for reconsideration with the Chief Financial Officer within 30 days after the mailing of notice of such determination. An employer shall have a right to appeal to the Board from any reconsideration decision under this section by filing notice of appeal to the Secretary to the Board within 14 days after the mailing of the decision on reconsideration. Upon receipt of a notice of an appeal, the Board may designate one of its officers or employees to receive evidence and report to the Board under the procedures set forth in part 319 of this chapter. An appeal of the contribution rate is made under § 345.307 of this part.

(b) Any appeal filed under this part shall not relieve the employer from filing any reports or paying any contribution required under this part nor stay the collection thereof. Upon the request of an employer, the Board may relieve the employer of any obligation required under this part pending an appeal. Unless specifically provided by the Board, such relief shall not stay the accrual of interest on any disputed amount as provided for in § 345.122 of this part.

7. Section 345.307 of subpart D is revised to read as follows:

§ 345.307 Rate protest.

(a) *Request for reconsideration.* An employer may appeal a determination of a contribution rate computed under this part by filing a request for reconsideration with the Director of Assessment and Training within 90 days after the date on which the Board notified the employer of its rate of contribution for the next ensuing calendar year. Within 45 days of the receipt of a request for reconsideration, the Director shall issue a decision on the protest.

(b) *Appeal to the Board.* An employer aggrieved by the decision of the Director of Assessment and Training under paragraph (a) of this section may appeal to the Board. Such appeal shall be filed with the Secretary to the Board within 30 days after the date on which the Director notified the employer of the decision on reconsideration. The Board may decide such appeal without a hearing or, in its discretion, may refer the matter to a hearings officer pursuant to part 319 of this chapter.

(c) *Decision of the Board final.* Subject to judicial review provided for in section 5(f) of the RUIA, the decision of the Board under paragraph (b) of this section is final with respect to all issues determined therein.

(d) *Waiver of time limits.* A request for reconsideration or appeal under this section shall be forfeited if the request or appeal is not filed within the time prescribed, unless reasonable cause, as defined in this part, for failure to file timely is shown.

(e) *Rate pending review.* Pending review of the protested rate, the employer shall continue to pay contributions at such rate. Any adjustment in the contributions paid at such rate as the result of an appeal shall be in accordance with § 345.118 of this part.

(f) The amount of a contribution, interest, or penalty may be protested in accord with § 345.124 of this part.

Dated: March 19, 2002.

By Authority of the Board, for the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 02-7069 Filed 3-22-02; 8:45 am]

BILLING CODE 7905-01-P

DEPARTMENT OF THE INTERIOR

Office of Indian Education Programs

25 CFR Part 46

RIN 1076-AE29

Technical Amendments to Adult Education Program

AGENCY: Office of Indian Education Programs, Interior.

ACTION: Final rule; corrected.

SUMMARY: This rule changes our estimate of the time it takes to fill out the application form for adult education benefits. The new estimated completion time of four hours more accurately reflects the time that applicants must spend to provide the information that we request. This more accurate estimate satisfies the requirements of the

Paperwork Reduction Act and Office of Management and Budget regulations. The application requirements themselves remain unchanged.

EFFECTIVE DATE: Effective on March 25, 2002.

FOR FURTHER INFORMATION CONTACT: William A. Mehojah, Jr., Director, Office of Indian Education Programs, 202-208-6123.

SUPPLEMENTARY INFORMATION: The final rule was published in the **Federal Register** on August 19, 1997 (62 FR 44081). At that time, 46.3 listing a burden time of 3 hours per response was published. Since then, the hour burden has been changed to 4 hours per response and approved by the Office of Management and Budget. We are amending the rule to agree with the approved hour burden. Additionally, we are correcting the address for submission of comments and deleting reference to sending comments to the Office of Management and Budget. The change will not adversely affect respondents.

Determination To Issue A Final Rule

The Department has determined that the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b) do not apply because of the good cause exception under 5 U.S.C. 553(b)(3)(B), which allows the agency to suspend the notice and public procedure when the agency finds for good cause that those requirements are impractical, unnecessary and contrary to the public interest. This amendment brings agreement between the rule and the Information Collection Request (1076-0120) which provides an additional hour for the annual report preparation. We have published this increased burden estimate in the **Federal Register** several times and have received no adverse comments. The rule also directed comments to be sent to the Office of Management and Budget but that is no longer considered necessary by the Office of Management and Budget. For these reasons, public comment on this technical change is unnecessary.

Determination To Make Rule Effective Immediately

The Department has determined that the amended rule should be effective immediately in accordance with 5 U.S.C. 533(d) for the following reasons: (1) The changes to amend the rule have no adverse effect on the public, and (2) the public has had opportunity to comment on the response burden

previously during renewal of the Information Collection Request.

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements programs or the rights or obligations of their recipients. The program for adult education is not changed except to put the rule in agreement with the approved information collection.

(4) This rule does not raise novel legal or policy issues. The main impact is to put the rule in agreement with the approved information collection.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Funding will not be affected by this minor change to the rule.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule imposes no unfunded mandates on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This

rule will not require additional costs to state, local, or tribal governments. This rule is in compliance with the provisions of the Unfunded Mandates Act of 1995 (1 U.S.C. 1531, *et seq.*).

Takings (Executive Order 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. This rule affects adult education by making the rule agree with the approved information collection. A takings implication assessment is not required.

Federalism (Executive Order 12612)

This rule does not have significant Federalism effects. A Federalism assessment is not required. This rule affects only the small adult education programs of the tribes.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3 (a) and 3 (b)(2) of Executive Order 12988.

Paperwork Reduction Act

This regulation requires a collection of information from 10 or more parties, and submission under the Paperwork Reduction Act is required. OMB form 83-I for this collection has been reviewed by the Department and approved by the Office of Management and Budget as 1076-0120.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. It has no effect on the environment. A detailed statement under the National Environmental Policy Act of 1969 is not needed.

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

The rewriting of this rule is designed to ensure that the rule agrees with the approved information collection. The rewriting of this rule directs comments to the bureau in accordance with the Office of Management and Budget direction. The addition of 1 hour to the burden has been published in the **Federal Register** several times, allowing the tribes affected and other members of the public to comment.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your

comments on how to make this proposed rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A "section" appears in bold type and is preceded by the symbol "\$" and a numbered heading; for example, § 46.3 Information Collection) (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand? Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW., Washington, DC 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov

List of Subjects in 25 CFR Part 46

Indians—education, adult education.

Dated: March 7, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

For the reasons set out in the preamble, Part 46 of Title 25 of the Code of Federal Regulations is amended as follows:

PART 46—ADULT EDUCATION PROGRAM

1. The authority citation for part 46 continues to read as follows:

Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9, 13.

2. Section 46.3 is revised to read as follows:

§ 46.3 Information collection.

Information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned control number 1076–0120. This information is being collected to assess the need for adult education programs. The information collection is used to manage program resources and for fiscal accountability and appropriate direct services documentation. Response to this request is necessary to obtain or retain a benefit. Public reporting burden for this form is estimated to average 4 hours per response including time for reviewing

instructions, gathering, maintaining data, completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the BIA Information Collection Clearance Officer, 1849 C Street NW., Washington, DC 20240.

[FR Doc. 02–7000 Filed 3–22–02; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–02–021]

Drawbridge Operation Regulations: Hatchett Creek (US 41), Gulf Intracoastal Waterway, Venice, Sarasota County, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a deviation from the regulations governing the operation of the new Hatchett Creek (US 41) bridge across the Gulf Intracoastal Waterway in Venice, Florida. This deviation allows the drawbridge owner to only open one leaf of the bridge from March 18, 2002, until May 15, 2002, to complete construction of the new bascule leaves. A double leaf opening is available with 6 hours notice to bridge tender.

DATES: This rule is effective from 12:01 a.m. on March 18, 2002, until 11:59 p.m. on May 15, 2002.

ADDRESSES: Comments and material received from the public, as well as comments indicated in this preamble as being available in the docket, are part of docket [CGD07–02–021] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 SE. 1st Avenue, Room 432, Miami, FL 33131 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Branch at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Florida Department of Transportation requested that the Coast Guard temporarily allow the Hatchett Creek bridge to only open a single leaf of the bridge from March 18, 2002, until May 15, 2002. Double leaf openings will be available with 6 hour advance notice to the bridge tender. This temporary

deviation from the existing bridge regulations is necessary to complete construction of the new bascule leaves. The Hatchett Creek (US 41), bridge has a horizontal clearance of 45 feet between the fender and the down span.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.5 to allow the owner to complete construction of the new bascule leaves. Under this deviation, the Hatchett Creek (US 41) bridge need only open a single leaf of the bridge from March 18, 2002, until May 15, 2002. Double leaf openings will be available with a 6 hour advanced notice to the bridge tender.

Dated: March 13, 2002.

Greg Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 02–7001 Filed 3–22–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 152–1152a; FRL–7163–2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is announcing it is approving the State Implementation Plan (SIP) revision submitted by the state of Missouri which provides for the attainment and maintenance of the sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) in Springfield (Greene County), Missouri. This revision approves a Consent Agreement which requires SO₂ emission reductions from a major air emissions source in Springfield. Approval of this SIP revision will make the Consent Agreement Federally enforceable.

DATES: This direct final rule will be effective May 24, 2002, unless EPA receives adverse comments by April 24, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public