

Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.LC, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section 165.T09-022 is added to read as follows:

#### **§ 165.T09-022 Safety zone: Lake Erie, Maumee River, Ohio.**

(a) *Location.* The following area is a temporary safety zone: The waters and adjacent shoreline extending from the bow of the museum ship *SS Willis B. Boyer* then NNE to the south end of the City of Toledo Street, Harbors and Bridges Building then SW to the red nun bouy #64 then SSE to the museum ship *SS Willis B. Boyer*. A triangle as formed by positions 41° 38' 35" N, 083° 31' 54" W; 41° 38' 51" N, 083° 31' 50" W; 41° 38' 48" N, 083° 31' 58" W. All nautical positions are based on North American Datum of 1983.

(b) *Effective date.* This regulation is effective between the hours of 8:30 a.m. to 11 p.m., July 4, 2000, unless terminated earlier by the Captain of the Port.

(c) *Restrictions.* In accordance with the general regulations in section 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: June 13, 2000.

**David L. Scott,**

*Commander, U.S. Coast Guard, Captain of the Port.*

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### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Part 1290 and Chapter XIV

**RIN 3095-AB00**

### John F. Kennedy Assassination Records Collection Rules

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Final rule.

**SUMMARY:** NARA is transferring regulations providing guidance for the interpretation and implementation of the John F. Kennedy Assassination Records Collection Act of 1992 from 36 CFR chapter XIV to chapter XII without substantive change. The Assassination Records Review Board that originally issued the regulations terminated on September 30, 1998, but NARA has determined that these regulations are still required to provide guidance to agencies.

**EFFECTIVE DATE:** June 27, 2000.

#### **FOR FURTHER INFORMATION CONTACT:**

Nancy Allard at telephone number 301-713-7360, ext. 226, or fax number 301-713-7270.

**SUPPLEMENTARY INFORMATION:** The Assassination Records Review Board was established by the John F. Kennedy Assassination Records Collection Act of 1992 (106 Stat. 3443). At the termination of the Review Board on September 30, 1998, its records were transferred to the Archivist of the United States. NARA continues to maintain and supplement the collection under the provisions of the Act. NARA is, therefore, the successor in function to this defunct independent agency.

The Review Board issued regulations at 36 CFR chapter XIV providing guidance on the Act (part 1400) on June 28, 1995. In this final rule we are transferring those regulations without

substantive change to a new 36 CFR part 1290 in new subchapter H. Agencies continue to identify records that may qualify as assassination records and need to have this guidance available.

Other Review Board regulations implementing Government in the Sunshine Act, FOIA, and the Privacy Act for the Board's own operations (parts 1405, 1410, and 1415) are withdrawn from the Code of Federal Regulations as unnecessary. The Board's records were transferred to NARA and are now subject to NARA regulations.

This rule is effective upon publication for "good cause" as permitted by the Administrative Procedure Act (5 U.S.C. 553(d)(3)). If the rule is not effective before July 1, 2000, the regulations of the defunct Review Board in 36 CFR ch. XIV will continue to appear in the print and electronic copies of title 36. NARA believes that delaying the effective date for 30 days is unnecessary as this rule represents a minor technical amendment and there is no substantive impact on the public or Federal agencies.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. This rule does not have federalism implications and is not a major rule under 5 U.S.C. 801. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on a substantial number of small entities.

### List of Subjects in 36 CFR Part 1290

Archives and records.

For the reasons set forth in the preamble and under the authority of Pub. L. 103-345 (108 Stat. 3128), NARA amends chapters XII and XIV of title 36, Code of Federal Regulations, as follows:

### CHAPTER XII—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

#### SUBCHAPTER H—JFK ASSASSINATION RECORDS

1. In 36 CFR ch. XII, establish Subchapter H, consisting of parts 1290 through 1299, and add a heading for Subchapter H to read as set forth above.

#### PART 1400—[REDESIGNATED AS PART 1290]

2. Redesignate 36 CFR part 1400 as part 1290 and reserve parts 1291-1299.

#### CHAPTER XIV—[VACATED]

#### PARTS 1405, 1410, 1415—[REMOVED]

3. In 36 CFR ch. XIV, remove parts 1405, 1410, and 1415, and vacate the chapter.

Dated: June 21, 2000.

**John W. Carlin,**

*Archivist of the United States.*

[FR Doc. 00-16191 Filed 6-26-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[085-1085b; FRL-6720-8]

#### Approval and Promulgation of Implementation Plans; State of Kansas; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule; correction.

**SUMMARY:** On January 11, 2000 (65 FR 1545), EPA published a direct final action approving revisions to the Kansas State Implementation Plan (SIP). In the January 11, 2000, rule, EPA inadvertently made an incorrect reference to rule K.A.R. 28-19-20. We are correcting the reference in this document.

**EFFECTIVE DATE:** This action is effective June 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Christopher D. Hess at (913) 551-7213.

**SUPPLEMENTARY INFORMATION:** EPA published a SIP for Kansas that included revising and renumbering regulatory definitions, streamlining opacity requirements, expanding testing of gasoline delivery vehicles, and methods for calculating actual emissions. In the January 11, 2000, rule, FR DOC 00-27 (65 FR 1545) on page 1545, in the third column under the heading "D. Method for Determining Actual Emissions," correct the reference "K.A.R. 28-19-20" to read "K.A.R. 28-19-210."

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is such good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary.

#### Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is

not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule 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.*). Because this rule merely corrects an incorrect citation in a previous action, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely corrects a citation in a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act (CAA). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the

takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. As stated previously, we made such a good cause finding, including the reasons therefore and established an effective date of June 27, 2000. We will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to the Kansas SIP table is not a "major rule" as defined by 5 U.S.C. 804 *et seq.* (2).

Dated: June 15, 2000.

**William Rice,**

*Acting Regional Administrator, Region 7.*

Accordingly, in rule FR Doc. 00-270 published at 65 FR 1545, January 11, 2000, make the following corrections:

#### PART 52—[CORRECTED]

##### Subpart R—[Corrected]

1. On page 1547, column three, amendatory instruction 2.b., line 2, correct "16a", 'K.A.R. 28-19-20' and 'K.A.R.'" to read "16a" and 'K.A.R.'."
2. On page 1547, column three, amendatory instruction 2.c., line 2, correct "'K.A.R. 28-19-200' and 'K.A.R. 28-'" to read "'K.A.R. 28-19-200', 'K.A.R. 28-19-210', and 'K.A.R. 28-'"."
3. On page 1548, in § 52.870, the table in paragraph (c) is corrected by removing the heading "Processing Operation Emissions" and the entry "K.A.R. 28-19-20" under it.
4. On page 1548, in § 52.870, the table in paragraph (c) is corrected by adding