

substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

#### Assistance for Small Entities

Under the 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

#### Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule would not have implications for federalism under that Order. No comments were received with regards to federalism during NPRM comment period.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate. No comments were received with regards to unfunded mandates during NPRM comment period.

#### Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. No comments were received with regards to the taking of private property during NPRM comment period.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. No comments were

received with regards to the taking of private property during NPRM comment period.

#### Protection of Children

We have analyzed this rule under E.O. 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.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Environment

We considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. Bridge Administration Program actions that can be categorically excluded include promulgation of operating regulations or procedures for drawbridges. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 117

Bridges

#### Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.458, paragraphs (a) and (b) are redesignated paragraphs (b) and (c) and a new paragraph (a) is added to read as follows:

#### § 117.458 Inner Harbor Navigation Canal, New Orleans.

(a) The draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile

6.2 East of Harvey Lock), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7 East of Harvey Lock), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5 East of Harvey Lock), shall open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress.

\* \* \* \* \*

Dated: May 2, 2001.

**Paul J. Pluta,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District*

[FR Doc. 01-12238 Filed 5-15-01; 8:45 am]

**BILLING CODE 4910-15-U**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### 36 CFR Parts 1220, 1228, 1232, 1234, and 1236

RIN 3095-AB02

#### Records Disposition; Technical Amendments

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

**ACTION:** Final rule.

**SUMMARY:** NARA is correcting and updating internal references and form names covered in the records management regulations. This final rule will affect Federal agencies.

**EFFECTIVE DATE:** June 15, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Allard or Lynn Dubose at telephone number 301-713-7360 or fax number 301-713-7270.

**SUPPLEMENTARY INFORMATION:** Several amendments were made to Part 1228 in 1999, however, some internal references to Part 1228 in other Parts in Subchapter B and forms were not updated at that time. This final rule contains technical amendments such as designations for NARA organizational components, addresses, form titles, and cross-references.

This final 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. As required by the Regulatory Flexibility Act, I certify that this final rule will not have a significant impact on a substantial number of small entities because it applies only to Federal agencies. This final rule has no federalism or tribalism implications.

**List of Subjects****36 CFR Parts 1220**

Archives and records.

**36 CFR Part 1228**

Archives and records, Federal buildings and facilities, Incorporation by reference.

**36 CFR Part 1232**

Archives and records.

**36 CFR Part 1234**

Archives and records, Computer technology.

**36 CFR Part 1236**

Archives and records, Civil defense.

For the reasons set forth in the preamble, NARA amends Parts 1220, 1228, 1232, 1234 and 1236 of 36 CFR Chapter XII, as follows:

**PART 1220—FEDERAL RECORDS; GENERAL**

1. The authority citation for part 1220 continues to read as follows:

**Authority:** 44 U.S.C. 2104(a) and chs. 29 and 33.

2. In § 1220.14, revise the definition of *National Archives of the United States* to read as follows:

**§ 1220.14 General definitions.**

\* \* \* \* \*

*National Archives of the United States* means those records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government and that have been transferred to the legal custody of the Archivist of the United States on a Standard Form 258 (Agreement to Transfer Records to the National Archives of the United States).

\* \* \* \* \*

**§ 1220.52 [Amended]**

3. In paragraph (c) of § 1220.52 remove the term “41 CFR subpart 201–45.6” and add in its place the term “GSA regulations in Title 41 of the CFR”.

**PART 1228—DISPOSITION OF FEDERAL RECORDS**

4. The authority citation for part 1228 continues to read as follows:

**Authority:** 44 U.S.C. chs. 21, 29, and 33.

5. In part 1228 remove the phrase “NSN 7610–01–055–8704” wherever it occurs and add in its place “(http://www.nara.gov/records/pubs/)”.

**§ 1228.28 [Amended]**

6. In § 1228.28, correct paragraph (b)(8)(i) by revising the reference to “§ 1228.188” to read “§ 1228.270”

**§ 1228.44 [Amended]**

7. In the list of schedules in § 1228.44, revise entries 19 and 22 to read: “19. RESERVED.” and “22. Inspector General Records (WITHDRAWN).”, respectively.

**§ 1228.92 [Amended]**

8. In paragraph (e) of § 1228.92 remove the term “41 CFR part 201–45” and add in its place the term “GSA regulations in Title 41 of the CFR”.

**§ 1228.104 [Amended]**

9. In paragraph (b) of § 1228.104 remove the term “41 CFR part 201–45” and add in its place the term “GSA regulations in Title 41 of the CFR”.

**§ 1228.106 [Amended]**

10. In § 1228.106 revise the reference to “36 CFR 1222.20(d)” to read “36 CFR 1222.36”.

11. Amend § 1228.160 by revising paragraph (f) to read as follows:

**§ 1228.160 How does an agency transfer records to a NARA records center?**

\* \* \* \* \*

(f) For further guidance on transfer of records to a NARA records center, consult the NARA Records Center Program web site (<http://www.nara.gov>), or current NARA publications and bulletins by contacting the Office of Regional Records Services (NR), individual NARA regional facilities, or the Washington National Records Center (NWMW).

**§ 1228.266 [Amended]**

12. In § 1228.266(e)(1) remove the phrase “Nontextual Archives Division or its appropriate audiovisual branch,” and add in its place the phrase “appropriate Special Media Archives Services Division unit,”.

13. Amend § 1228.270 by revising paragraph (c)(2)(i) to read as follows:

**§ 1228.270 Electronic records.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(i) CD-ROMs used for this purpose must conform to ANSI/NISO/ISO 9660–1990, American National Standard for Volume and File Structure of CD-ROM for Information Exchange. The standard is available from the National Information Standards Organization (NISO), Press Fulfillment, P.O. Box 451, Annapolis Junction, MD 20701, or the American National Standards Institute, 11 West 42nd Street, 13th floor, New

York NY 10036. It is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register**.

\* \* \* \* \*

14. Amend § 1228.272 by revising paragraph (b)(2) to read as follows:

**§ 1228.272 Transfer of records to the National Archives of the United States**

\* \* \* \* \*

(b) \* \* \*

(2) *Future transfers of series in agency space.* Sixty days before the scheduled date of transfer to the National Archives of the United States, the transferring agency must submit an SF 258 to the Office of Records Services—Washington, DC (NWMW), 8601 Adelphi Road, College Park, MD 20740–6001, or to the appropriate Regional Records Services facility if so provided on the SF 115. NARA will determine whether specified restrictions are acceptable and whether adequate space and equipment are available.

\* \* \* \* \*

15. Revise § 1228.282 to read as follows:

**§ 1228.282 Disposal clearances.**

No records of a Federal agency still in existence will be disposed of by NARA except with the written concurrence of the agency concerned or as authorized on Standard Form 258, Agreement to Transfer Records to the National Archives of the United States.

**PART 1232—AUDIOVISUAL RECORDS MANAGEMENT**

16. The authority citation for part 1232 continues to read as follows:

**Authority:** 44 U.S.C. 2904 and 3101, and OMB Circular A–130.

**§ 1232.20 [Amended]**

17. In paragraphs (a) and (e) of § 1232.20 revise the reference to “§ 1228.184” to read “§ 1228.266”.

**§ 1232.32 [Amended]**

18. In § 1232.32 revise the reference to “§ 1228.184” to read “§ 1228.266”.

**PART 1234—ELECTRONIC RECORDS MANAGEMENT**

19. The authority citation for part 1234 continues to read as follows:

**Authority:** 44 U.S.C. 2904, 3101, 3102, and 3105.

20. In part 1234, whenever it occurs, revise the reference to “§ 1228.188” to read “§ 1228.270”.

**§ 1234.10 [Amended]**

21. In paragraph (a) of § 1234.10 remove the phrase Aand the General Services Administration Regulations Branch (KMPR), Washington, DC 20405,” and add in its place “and the General Services Administration, Office of Government Policy (MKB), Washington, DC 20405,”.

**PART 1236—MANAGEMENT OF VITAL RECORDS**

22. The authority citation for part 1236 continues to read as follows:

**Authority:** 44 U.S.C. 2104(a), 2904(a), 3101, E.O. 12958, 53 FR 47491, 3 CFR 1988 Comp., p. 585.

23. Amend § 1236.26 by revising paragraphs (a) and (c)(2) to read as follows:

**§ 1236.26 Protection of vital records.**

\* \* \* \* \*

(a) *Duplication.* Computer backup tapes created in the normal course of system maintenance or other electronic copies that may be routinely created in the normal course of business may be used as the vital record copy. For hard copy records, agencies may choose to make microform copies. Standards for the creation, preservation and use of microforms are found in 36 CFR part 1230, Micrographic Records Management. The Clinger-Cohen Act (40 U.S.C. 1401, Pub. L. 104–106, *et seq.*, as amended by Pub. L. 104–208), OMB Circular A–130, and 36 CFR part 1234, Electronic Records Management, and 41 CFR part 201, subchapter B, Management and Use of Information and Records, specify protective measures and standards for electronic records.

\* \* \* \* \*

(c) \* \* \*

(2) The off-site copy of legal and financial rights vital records may be stored at an off-site agency location or, in accordance with § 1228.162 of this chapter, at an FRC.

\* \* \* \* \*

Dated: May 2, 2001.  
**John W. Carlin,**  
*Archivist of the United States.*  
[FR Doc. 01–12265 Filed 5–15–01; 8:45 am]  
**BILLING CODE 7515–01–U**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[MO 122–1122; FRL–6980–8]**

**Approval and Promulgation of Implementation Plans; State of Missouri**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a rule revision submitted by the state of Missouri to clarify that any credible evidence (referenced as the “CE revisions” or “CE” throughout this document) may be used to establish compliance or noncompliance with applicable requirements of the Missouri air pollution control regulations under the authority of applicable provisions in section 110(a) of the Clean Air Act (the “Act”) (CAA). EPA proposed approval of the Missouri rule on February 6, 1996. The proposal was accompanied by a direct final rule approving the Missouri submission. In that rule, EPA stated that the rule would become final if no adverse comments were received, but that if EPA received adverse comments, it would withdraw the final rule, treat the action as a proposed rulemaking, and respond to the comments prior to taking a final action. Because it received adverse comments, EPA withdrew the final action. We are now taking final action to approve the rule. Public comments are addressed in this action and in a Response to Comments document.

**DATES:** This rule is effective on June 15, 2001.

**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 inspection during normal business hours at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551–7603.

**I. SUPPLEMENTARY INFORMATION:**

**A. Introduction**

Throughout this document whenever “we, us, or our” is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a State Implementation Plan (SIP)?  
What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?  
What is being addressed in this document?  
What comments were received by EPA and what are EPA’s responses to the comments?

Have the requirements for approval of a SIP revision been met?  
What action is EPA taking?

*What Is a State Implementation Plan (SIP)?*

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

*What Is the Federal Approval Process for a SIP?*

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to EPA for inclusion into the SIP. We must provide public notice and seek additional public comment