

553(b)(A), this interpretive rule is exempt from the notice and comment requirements in the Administrative Procedure Act. Under 5 U.S.C. 553(d)(2), this interpretive rule is effective immediately upon publication in the **Federal Register**.

#### **Environmental Impact**

This interpretive rule has no direct or indirect effect on the environment, as it merely makes explicit preexisting law regarding a provision related to terms and conditions of special use permits as applied to noncommercial group uses. Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions. Based on the nature and scope of this rulemaking, the agency has determined that this interpretive rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

#### **Regulatory Impact**

It has been determined that this is not a significant rule. This interpretive rule will not have an annual effect of \$100 million or more on the economy, nor will it adversely affect productivity, competition, jobs, the environment, public health, or safety, or State or local governments. This interpretive rule will not interfere with an action taken or planned by another agency, nor will it raise new legal or policy issues. Finally, this interpretive rule will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this interpretive rule is not subject to Office of Management and Budget (OMB) review under Executive Order 12866.

Moreover, this interpretive rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It has been determined that this interpretive rule will not have a significant economic impact on a substantial number of small entities as defined by the Act. This interpretive rule will not impose record keeping requirements; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

#### **No Takings Implications**

This interpretive rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the interpretive rule will not pose the risk of a taking of private property, as the rule is limited to approval and administration of noncommercial group uses on Federal lands.

#### **Civil Justice Reform**

This interpretive rule has been reviewed under Executive Order 12988, Civil Justice Reform. After adoption of this interpretive rule, (1) All State and local laws and regulations that conflict with this interpretive rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this interpretive rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

#### **Unfunded Mandates**

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the agency has assessed the effects of this interpretive rule on State, local, and tribal governments and the private sector. This interpretive rule will not compel the expenditure of \$100 million or more by any State, local, or tribal government or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

#### **Controlling Paperwork Burdens on the Public**

This interpretive rule does not contain any record keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR part 1320 do not apply.

#### **List of Subjects in Part 251**

Electric power, Mineral resources, National forests, Rights-of-way, Water resources.

Therefore, for the reasons set forth in the preamble, part 251, of Title 36 of the Code of Federal Regulations is amended as follows:

#### **PART 251—LAND USES**

##### **Subpart B—Special Uses**

1. The authority citation for subpart B continues to read as follows:

**Authority:** 16 U.S.C. 472, 497b, 551, 1134, 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761–1771.

2. In § 251.56, add a note following paragraph (a)(1)(ii)(G) to read as follows:

#### **§ 251.56 Terms and conditions**

- (a) \* \* \*
- (1) \* \* \*
- (ii) \* \* \*
- (G) \* \* \*

Note to paragraph (a)(1)(ii)(G): The Department is making explicit its preexisting understanding of § 251.56(a)(1)(ii)(G) of this subpart in the context of authorizing noncommercial group uses of National Forest System lands. Section 251.56(a)(1)(ii)(G) provides that each special use authorization shall contain such terms and conditions as the authorized officer deems necessary to otherwise protect the public interest. In the context of noncommercial group uses, the Forest Service interprets the term “public interest” found in § 251.56(a)(1)(ii)(G) to refer to the three public interests identified by the Forest Service on August 30, 1995. These public interests include the protection of resources and improvements on National Forest System lands, the allocation of space among potential or existing uses and activities, and public health and safety concerns. Under this construction, § 251.56(a)(1)(ii)(G) allows the Forest Service to impose terms and conditions that are not specifically addressed in § 251.56(a)(1)(ii)(A)–(F) but only those that further these public interests. The Forest Service shall implement and enforce § 251.56(a)(1)(ii)(G) in accordance with this interpretation.

Dated: September 2, 1999.

**Dennis E. Bschor,**

*Acting Deputy Under Secretary, Natural Resources and the Environment.*

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#### **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

##### **36 CFR Part 1254**

**RIN 3095–AA69**

##### **Researcher Registration and Research Room Procedures**

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

**ACTION:** Final rule.

**SUMMARY:** This rule confirms without change an interim rule clarifying existing NARA procedures relating to revoking and reinstating research

privileges. This rule will affect individuals who wish to use NARA research rooms in the National Archives Building and College Park facility in the Washington, DC, area, regional records services facilities, and Presidential libraries.

**EFFECTIVE DATE:** The effective date for this final rule is May 24, 1999.

**FOR FURTHER INFORMATION CONTACT:** Nancy Allard at telephone number 301-713-7360, ext. 226, or fax number 301-713-7270.

**SUPPLEMENTARY INFORMATION:** In the final rule document published April 23, 1999, changes to 36 CFR 1254.20 were issued as an interim final rule to allow a 60-day public comment period. No comments were received.

#### **PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS**

Accordingly, the interim rule amending 36 CFR 1254.20 which was published at 64 FR 19899 on April 23, 1999, is adopted as a final rule without change.

Dated: September 2, 1999.

**John W. Carlin,**

*Archivist of the United States.*

[FR Doc. 99-23395 Filed 9-8-99; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 52**

[DE101-1025a; FRL-6434-6]

#### **Approval and Promulgation of Air Quality Implementation Plans; Delaware; Approval of Miscellaneous Revisions**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the Delaware State Implementation Plan (SIP). In this action, EPA is approving revisions to various Delaware rules and definitions which have historically been State-enforceable, and which Delaware had formally submitted as SIP revisions, but which EPA had not yet taken formal action. Provisions include control of particulate matter from petroleum refining operations, control of sulfur dioxide emissions from sulfuric acid manufacturing operations, and definitions and provisions associated with source monitoring, recordkeeping and reporting. The intended effect of

this approval action is to ensure that the federally-approved versions of these Delaware provisions conform with the state-enforceable provisions. EPA is approving these revisions to the Delaware SIP in accordance with the requirements of the Clean Air Act

**DATES:** This rule is effective on November 8, 1999 without further notice, unless EPA receives adverse written comment by October 12, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be mailed to Marcia L. Spink, Associate Director, Air Programs, Mail code 3AP20, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford, (215) 814-2108, or by e-mail at frankford.harold@epamail.epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Throughout this document, wherever "we," "us," or "our" is used, we mean EPA.

##### *What Action is EPA Taking?*

We are approving amendments to Delaware Regulations 1,5, 9, and 17 which the State had previously submitted as part of formal SIP revision requests.

##### *What is the Intended Effect?*

We are taking this action on Delaware regulations which the State had formally submitted as SIP revisions in past years. Under section 110(h) of the Act, we are required to assemble and publish a comprehensive SIP document at specified intervals for each state and territory listed in 40 CFR part 52. We completed our last review of the Delaware SIP in November 1998. During this review, we discovered that we had not taken final action on portions of three formal Delaware SIP revision requests submitted between 1977 and 1993 which contained multiple revisions to various Delaware air

pollution control regulations. In each case, we had approved most of the submitted changes as revisions of the Delaware SIP, but overlooked taking final action on other revised provisions which Delaware had submitted at the same time.

#### *Which Delaware Regulations Are Affected by EPA's Action?*

A. Revisions Submitted September 7, 1977

##### *Affected Regulations:*

- Regulation 1 (Definitions and Administrative Principles), Section 2 (Definitions)—Definitions for the following new terms: Capacity factor, Continuous monitoring system, Emission standard, Equipment shutdown, Excess Emissions, Sulfuric Acid Plant; Revised definitions of the following terms: Existing Installation, Equipment, Source, or Operation; New Installation, Equipment, Source, or Operation.
- Regulation No. 5, Section 5.1 (Control of Particulate Emissions from Petroleum Refining Operations)—the Chart Unit title in Table 4 (allowable mass emission rate from fluid coking operations) is revised from "Barrels per Day" to "Barrels per Day of Fresh Feed."

*Public Hearings Held:* September 27, 1976.

B. Revisions Submitted October 5, 1978

*Affected Regulation:* Regulation No. 9 (Emissions of Sulfur compounds from Industrial Operations), Section 2 (Restrictions on Sulfuric Acid Manufacturing Operations), revised Section 2.1 and new Sections 2.3 and 2.4.

*Public Hearings Held:* July 6, 1978.

C. Revisions Submitted January 11, 1993

*Affected Regulation:* Regulation 17 (Source Monitoring Recordkeeping and Reporting), Section 4 (Performance Specifications) and Section 6 (Data Reduction).

*Public Hearings Held:* September 29, 1992.

Delaware has submitted documentation showing that the above revisions have no adverse air quality impacts. Both the new and revised terms listed above define words which already exist in the federally-enforceable Delaware regulations. Also, we agree with the State's assertion that the use of the unit "barrels per day of fresh feed" in the revised title in Table 4 in Regulation 5, section 5 better defines the process weight rate for fluid coking operations than the unit of "barrels per day." Furthermore, we