

The DoD General Counsel performs suitability screening of individuals seeking, or who have been recommended for, non-career positions within the DoD. Confidentiality is needed to maintain the Government's continued access to information from persons who otherwise might refuse to give it. During the screening process, investigatory material is compiled for the purpose of determining the suitability of candidates for Schedule 'C' positions, taking character, security and other personal suitability factors into account. This exemption is limited to disclosures that would reveal the identity of a confidential source.

List of Subjects in 32 CFR part 311

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat 1896 (5 U.S.C.552a).

2. Section 311.7, paragraphs (c)(1) is added as follows:

§ 311.7 Procedures for exemptions.

* * * * *

(c) *Specific exemptions.* * * *

(1) *System identifier and name*-DGC 16, Political Appointment Vetting Files.

Exemption. Portions of this system of records that fall within the provisions of 5 U.S.C. 552a(k)(5) may be exempt from the following subsections (d)(1) through (d)(5).

Authority. 5 U.S.C. 552a(k)(5).

Reasons. From (d)(1) through (d)(5) because the agency is required to protect the confidentiality of sources who furnished information to the Government under an expressed promise of confidentiality or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. This confidentiality is needed to maintain the Government's continued access to information from persons who otherwise might refuse to give it. This exemption is limited to disclosures that would reveal the identity of a confidential source.

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Dated: June 20, 1995.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH73-2-7033, OH74-2-7034, OH75-2-7035; FRL-5257-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: The USEPA is approving, in final, requests for exemptions from the nitrogen oxides (NO_x) requirements as provided for in Section 182(f) of the Clean Air Act (Act) for the following ozone nonattainment areas in Ohio: Canton (Stark County); Cincinnati (Butler, Clermont, Hamilton and Warren Counties); Cleveland (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties); Columbus (Delaware, Franklin, and Licking Counties); Youngstown (Mahoning and Trumbull Counties); Steubenville (Columbiana and Jefferson Counties); Preble County; and Clinton County. These exemption requests, submitted by the Ohio Environmental Protection Agency (OEPA), are based upon three years of ambient air monitoring data which demonstrate that the National Ambient Air Quality Standard (NAAQS) for ozone has been attained in each of these areas without additional reductions of NO_x.

EFFECTIVE DATE: This action will be effective August 14, 1995.

ADDRESSES: A copy of the exemption requests are available for inspection at the following location (it is recommended that you contact Richard Schleyer at (312) 353-5089 before visiting the Region 5 office): United States Environmental Protection Agency, Region 5, Air Enforcement Branch, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Richard Schleyer, Regulation Development Section, Air Enforcement Branch (AE-17J), Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 353-5089.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(f) Requirements

The air quality planning requirements for the reduction of NO_x emissions are set out in Section 182(f) of the Act. Section 182(f) of the Act requires States

with areas designated nonattainment of the NAAQS for ozone, and classified as marginal and above, to impose the same control requirements for major stationary sources of NO_x as apply to major stationary sources of volatile organic compounds (VOC). The requirements include, for marginal and above areas, nonattainment area new source review (NSR) for major new sources and modifications that are major for NO_x. For nonattainment areas classified as moderate and above, the State is also required to adopt reasonably available control technology (RACT) rules for major stationary sources of NO_x.

Section 182(f) further provides that, for areas outside an ozone transport region (OTR), these NO_x reduction requirements shall not apply if the Administrator determines that additional reductions of NO_x would not contribute to attainment of the NAAQS for ozone.

Transportation Conformity

The transportation conformity rule, entitled "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," was published in the November 24, 1993 **Federal Register** (58 FR 62188). The rule was promulgated under Section 176(c)(4) of the Act.

The transportation conformity rule requires regional emissions analysis of motor vehicle NO_x emissions for ozone nonattainment and maintenance areas in order to determine the conformity of transportation plans and programs to implementation plan requirements. This analysis must demonstrate that the NO_x emissions which would result from the transportation system if the proposed transportation plan and program were implemented are within the total allowable level of NO_x emissions from highway and transit motor vehicles as identified in a submitted or approved maintenance plan, as specified in the transportation conformity rule.

Until a maintenance plan is approved by USEPA, the regional emissions analysis of the transportation system must also satisfy the "build/no-build" test. That is, the analysis must demonstrate that emissions from the transportation system, if the proposed transportation plan and program were implemented, would be less than the emissions from the transportation system if the proposed transportation plan and program were not implemented. Furthermore, the regional emissions analysis must show that