existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 6, 1995.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 925—MISSOURI

1. The authority citation for Part 925 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 925.15 is amended by adding paragraph (s) to read as follows:

§ 925.15 Approval of amendments to the Missouri regulatory program.

* * * * *

(s) With the exception of 10 CSR 40–3.040(10)(B)5, to the extent it does not exclude permanent impoundments that meet the NRCS class B or C hazard classification criteria from the design and construction requirements in the NRCS ''Practice Standards 378, Ponds,'' dated January 1991; and 10 CSR 40–6.050(7)(D)(1) and 40–6.120(12)(D)(1), concerning the requirement that a fish and wildlife plan in applications for surface and underground mining operations be consistent with the performance standards for protection of fish, wildlife, and related environmental values at 10 CSR 40–3.100 and 10 CSR 40–3.250, revisions to the following rules, as submitted to OSM on February 10, 1995, are approved effective July 13, 1995:

10 CSR 40–3.030(4)(B)2, performance standards concerning topsoil redistribution;

10 CSR 40–3.040(10)(B)5, performance standards concerning design and construction of certain impoundments;

10 CSR 40–3.060(1)(L)1 and (0), performance standards concerning the disposal of coal processing wastes and excess spoil;

10 CSR 40–3.080(8)(B), performance standards concerning the final disposal of noncoal wastes;

10 CSR 40–3.100(5)2, (6), and (7), performance standards concerning protection of fish and wildlife;

10 CSR 40–3.110(3)1, (3)3, and (6)(B) performance standards concerning disposal or storage of acid-forming or toxic-forming material;

10 CSR 40–3.140(1)(A), performance standards concerning the control or prevention of air pollution attendant to erosion at surface mining operations;

10 CSR 40–6.010(2)(H), concerning the definition of ''Secretary;''

10 CSR 40–6.020(2)(A) and (3)(A), concerning coal exploration;

10 CSR 40–6.030(1)(C) and (5)(B), and 6.050(7)(C) and (7)(D), concerning permit application requirements for surface mining operations;

10 CSR 40–6.060(4)(D)(4), concerning permit application requirements for operations involving prime farmland;

10 CSR 40–6.070(8)(M), (9)(A)1, and (9)(A)2.A and 2.B, concerning criteria for permit approval or denial for remining operations and existing structures;

10 CSR 40–6.120(7)(C) and (12)(D), concerning permit application requirements for underground mining operations;

10 CSR 40–8.010(1)(A)72 and 84, concerning the definitions for ''previously mined area'' and ''road;''

10 CSR 40–8.030(7)(A), concerning the extension of an abatement period for a notice of violation;

10 CSR 40–8.040(9), concerning the deletion of a definition for ''habitual violator'' and requirements regarding civil penalties for habitual violators; and

10 CSR 40–8.050(2)(B), concerning small operator's assistance.

3. Section 925.16 is amended by removing and reserving paragraphs (b)(4), (q)(1), and (q)(3) through (q)(5); revising paragraph (q)(2); and adding paragraph (u) to read as follows:

§ 925.16 Required program amendments.

* * * * *

(q)(2) By September 11, 1995, Missouri shall revise 10 CSR 40–3.110(6)(B) or otherwise modify its program, to clearly require, for areas that have been previously mined, either topsoil or a topsoil substitute, in accordance with its rules at 10 CSR 40–3.030.

* * * * *

(u) By September 11, 1995, Missouri shall revise 10 CSR 40–6.050(7)(D)(1) and 40–6.120(12)(D)(1), or otherwise modify its program, to require that the description in the fish and wildlife plan must be consistent with, respectively, its performance standards for protection of fish, wildlife, and related environmental values at 10 CSR 40–3.100 and 10 CSR 40–3.250.

[FR Doc. 95–17167 Filed 7–12–95; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 311

Privacy Program

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense is adopting an exemption for the system of records identified as DGC 16, entitled Political Appointment Vetting Files. DGC 16 was previously published on March 15, 1995, at 60 FR 14273. The DoD General Counsel performs suitability screening of individuals seeking, or who have been recommended for, non-career positions within the DoD.

EFFECTIVE DATE: May 20, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Cragg at (703) 695–0970.

SUPPLEMENTARY INFORMATION: **Executive Order 12866.** The Director, Administration and Management, Office of the Secretary of Defense has determined that this proposed Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

Regulatory Flexibility Act of 1980. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act proposed rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

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.

* * * * *

Dated: June 20, 1995.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–17109 Filed 07–12–95; 8:45 am]

BILLING CODE 5000–04–F

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