

coverage of the public sector only within one year of plan conversion approval.

(g) The Virgin Islands will submit a revised State plan, in electronic format to the extent possible, reflecting its coverage of public employers and employees only in accordance with 29 CFR 1956, within one year of plan conversion approval.

(h) The Virgin Islands will hire and provide appropriate training for their public sector compliance and consultation staffs, within one year of plan conversion approval.

(i) The Virgin Islands will develop a public sector consultation program within two years of plan conversion approval.

**§ 1956.72 Changes to approved plan. [Reserved]**

**§ 1956.73 Determination of operational effectiveness. [Reserved]**

**§ 1956.74 Location of basic State plan documentation.**

Copies of basic State plan documentation are maintained at the following locations. Specific documents are available upon request, and will be provided in electronic format, to the extent possible. Contact the: Directorate of Cooperative and State Programs, Office of State Programs, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3700, Washington, DC 20210; Office of the Regional Administrator, U.S. Department of Labor, Occupational Safety and Health Administration, 201 Varick Street, Room 670, New York, New York 10014; and the Virgin Islands Department of Labor, Division of Occupational Safety and Health, 3021 Golden Rock, Christiansted, St. Croix, Virgin Islands, 00840. Current contact information for these offices (including telephone numbers, mailing and e-mail addresses) is available on OSHA's Web site, <http://www.osha.gov>.

[FR Doc. 03-18719 Filed 7-22-03; 8:45 am]

BILLING CODE 4510-26-P

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 701**

[Secretary of the Navy Instruction 5211.5]

**Privacy Act; Implementation**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is revising the exemption rule for N05520-5, entitled "Personnel Security Program Management Records System". The revision includes deleting the (k)(1) exemption because it is redundant to 32 CFR 701.117; and claiming subsections (c)(3) and (e)(1) under the (k)(5) exemption. The principal purpose of the (k)(5) exemption is to protect the identity of a confidential source. The expansion is considered supportive, and in furtherance, of the overall purpose of the exemption.

**EFFECTIVE DATE:** July 8, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

**SUPPLEMENTARY INFORMATION:** The proposed rule was published on May 9, 2003, at 68 FR 24904. No comments were received, therefore, the rule, as changed, is being adopted as final.

*Executive Order 12866.* It has been determined that this 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.* It has been determined 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.* It has been determined that this Privacy Act 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.

*Section 202, Public Law 104-4, "Unfunded Mandates Reform Act".* It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more

and that such rulemaking will not significantly or uniquely affect small governments.

*Executive Order 13132, "Federalism".* It has been determined that this Privacy Act rule for the Department of Defense does not have federalism implications. The rule does 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.

**List of Subjects in 32 CFR Part 701**

Privacy.

■ Accordingly, 32 CFR part 701 is amended to read as follows:

**PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC**

■ 1. The authority citation for 32 CFR part 701, Subpart F continues to read as follows:

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

■ 2. Section 701.118, paragraph (n) is revised to read as follows:

**§ 701.118 Exemptions for specific Navy record systems.**

\* \* \* \* \*

(n) *System identifier and name:*  
 (1) *N05520-5, Personnel Security Program Management Records System.*  
 (2) *Exemption:* (i) Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.  
 (ii) Therefore, portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(5) from the following subsections of 5 U.S.C. 552a(c)(3), (d), and (e)(1).

(3) *Authority:* 5 U.S.C. 552a(k)(5).

(4) *Reasons:* (i) From subsection (c)(3) and (d) when access to accounting disclosures and access to or amendment of records would cause the identity of a confidential sources to be revealed. Disclosure of the source's identity not only will result in the Department breaching the promise of confidentiality made to the source but it will impair the Department's future ability to compile investigatory material for the purpose of determining suitability, eligibility, or

qualifications for Federal civilian employment, Federal contracts, or access to classified information. Unless sources can be assured that a promise of confidentiality will be honored, they will be less likely to provide information considered essential to the Department in making the required determinations.

(ii) From (e)(1) because in the collection of information for investigatory purposes, it is not always possible to determine the relevance and necessity of particular information in the early stages of the investigation. In some cases, it is only after the information is evaluated in light of other information that its relevance and necessity becomes clear. Such information permits more informed decision-making by the Department when making required suitability, eligibility, and qualification determinations.

\* \* \* \* \*

Dated: July 16, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-18649 Filed 7-22-03; 8:45 am]

BILLING CODE 5001-08-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region II Docket No. NJ62-262, FRL-7535-4]

#### Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Emissions Inventories for 1996, 2005, and 2007 and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a revision to the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the 1-hour national ambient air quality standard (NAAQS) for ozone. Specifically, EPA is approving New Jersey's: revised 1996, 2005, and 2007 motor vehicle emission inventories and 2005 and 2007 motor vehicle emissions budgets recalculated using MOBILE6; modified date for submittal of the State's mid-course review; and updated general conformity emissions budgets for McGuire Air Force Base. The intended effect of this action is to approve a SIP revision that will help the State continue to plan for

attainment of the 1-hour NAAQS for ozone in the New York-Northern New Jersey-Long Island nonattainment area (NAA) and the Philadelphia-Wilmington-Trenton NAA.

**EFFECTIVE DATE:** This rule will be effective August 22, 2003.

**ADDRESSES:** Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866.

Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625.

#### FOR FURTHER INFORMATION CONTACT:

Michael Moltzen, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007-1866, (212) 637-4249.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Background
- II. What Are the Details of EPA's Specific Actions?
  - A. Emission Inventories Revised with MOBILE6
  - B. Motor Vehicle Emissions Budgets Revised with MOBILE6
  - C. Revised General Conformity Budgets
  - D. Modified Date for Submittal of the Mid-course Review
- III. Conclusions
- IV. Statutory and Executive Order Reviews

#### I. Background

On May 5, 2003 (68 FR 23662), EPA published a notice of proposed rulemaking regarding a SIP revision submitted by the State of New Jersey for its portions of the two severe ozone NAAs—the New York-Northern New Jersey-Long Island Area and the Philadelphia-Wilmington-Trenton Area. For purposes of this action, these areas will be referred to as the Northern New Jersey NAA and the Trenton NAA, respectively. That notice proposed to approve New Jersey's revised 1996, 2005, and 2007 motor vehicle emission inventories and 2005 and 2007 motor vehicle emissions "budgets" recalculated using MOBILE6, modified date for submittal of the State's mid-course review, and updated general conformity emissions budgets for McGuire Air Force Base.

The SIP revision was proposed under a procedure called parallel processing, whereby EPA proposes a rulemaking

action concurrently with a state's procedures for amending its regulations. The proposed SIP revision was initially submitted to EPA on January 31, 2003, and the final SIP revision was formally submitted on April 8, 2003. New Jersey also submitted additional information in a letter dated June 26, 2003 to supplement the April 8, 2003 SIP revision. A detailed description of New Jersey's submittal and EPA's rationale for the proposed action were presented in the May 5, 2003 notice of proposed rulemaking and will not be restated here. In response to EPA's proposed action on this New Jersey SIP revision, no comments were received.

## II. What Are the Details of EPA's Specific Actions?

### A. Emission Inventories Revised with MOBILE6

New Jersey's April 8, 2003 SIP revision contained revised 1996, 2005, and 2007 motor vehicle emissions inventories recalculated with the MOBILE6 motor vehicle emissions factor model. Consistent with EPA's policy regarding the use of MOBILE6 in SIP development in its "Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity" and "Clarification of Policy Guidance for MOBILE6 in Mid-course Review Areas", New Jersey included in the April 8, 2003 submittal a relative reduction comparison to show that its 1-Hour Ozone Attainment Demonstration SIP continues to demonstrate attainment using revised MOBILE6 inventories for the Northern New Jersey NAA and the Trenton NAA. The State's methodology for the relative reduction comparison consisted of comparing the new MOBILE6 inventories with the previously approved on February 4, 2002 (67 FR 5152) MOBILE5 inventories for the Northern New Jersey NAA and the Trenton NAA to determine if attainment will still be predicted by the established attainment dates. Specifically, the State calculated the relative reductions (expressed as percent reductions) in ozone precursors between the 1996 base year and attainment year inventory, both MOBILE5-based. These percent reductions were then compared to the percent reductions between the revised MOBILE6-based 1996 base year and attainment year inventories.

To further support the relative reduction comparison submitted in the April 8, 2003 submittal, New Jersey performed a supplemental analysis, submitted as an addendum on June 26, 2003, which estimated the change in emission factors in going from MOBILE5