

U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*—Contractors who apply or bid for an award exceeding \$100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. *Debarment and Suspension (E.O.s 12549 and 12689)*—Certain contracts shall not be made to parties listed on the nonprocurement portion of the General Services Administration's "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principals.

9. Contracts which require performance outside the United States shall contain a provision requiring Worker's Compensation Insurance (42 U.S.C. 1651, et seq.). As a general rule, Department of Labor waivers will be obtained for persons employed outside the United States who are not United States citizens or residents provided adequate protection will be given such persons. The recipient should refer questions on this subject to the USAID Agreement Officer.

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Dated: January 6, 1995.

Michael D. Sherwin,  
Deputy Assistant Administrator for  
Management.

[FR Doc. 95-975 Filed 1-18-95; 8:45 am]

BILLING CODE 6116-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH71-1-6781, OH72-1-6782; FRL-5140-7]

### Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (USEPA).

**ACTION:** Final rule.

**SUMMARY:** The USEPA is approving, in final, two exemption requests from the requirements contained in section 182(f) of the Clean Air Act (Act) for the Toledo and Dayton ozone nonattainment areas in Ohio. These exemption requests, submitted by the State of Ohio, 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 nitrogen oxides (NO<sub>x</sub>). Section 182(f) of the Act requires States with areas designated nonattainment of the NAAQS for ozone, and classified as moderate nonattainment and above, to adopt reasonably available control technology (RACT) rules for major stationary sources of NO<sub>x</sub>, and to provide for nonattainment area new source review (NSR) for new sources and modifications that are major for NO<sub>x</sub>. Section 182(f) provides that these requirements do not apply for areas outside an ozone transport region if USEPA determines that additional reductions of NO<sub>x</sub> would not contribute to attainment of the NAAQS for ozone in the area.

**EFFECTIVE DATE:** This action will be effective February 21, 1995.

**ADDRESSES:** Written comments should be addressed to:

William MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

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

The air quality planning requirements for the reduction of NO<sub>x</sub> 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 moderate nonattainment and above, to impose the same control requirements for major stationary sources of NO<sub>x</sub> as apply to major stationary sources of volatile organic compounds (VOC). These requirements include the adoption of RACT rules for major stationary sources and nonattainment area NSR for major new sources and major modifications. Section 182(f) provides further that these NO<sub>x</sub> requirements do not apply for areas outside an ozone transport region if USEPA determines that additional reductions of NO<sub>x</sub> would not contribute to attainment. Also, the NO<sub>x</sub>-related general and transportation conformity provisions (see 58 FR 63214 and 58 FR 62188) would not apply in an area that is granted a section 182(f) exemption. In an area that did not implement the section 182(f) NO<sub>x</sub> requirements, but did achieve attainment of the ozone standard, as demonstrated by ambient air monitoring data (consistent with 40 CFR Part 58 and recorded in the USEPA's—Aerometric Information Retrieval System (AIRS)), it is clear that the additional NO<sub>x</sub> reductions required by section 182(f) would not contribute to attainment.

##### II. Criteria for Evaluation of Section 182(f) Exemption Requests

The criteria established for the evaluation of an exemption request from the section 182(f) requirements are set forth in a memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, dated May 27, 1994, entitled "Section 182(f) Nitrogen Oxides (NO<sub>x</sub>) Exemptions—Revised Process and Criteria." Additional guidance is provided in a document entitled "Guideline for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f)," dated December 1993, from USEPA, Office of Air Quality Planning and Standards, Air Quality Management Division.

##### III. State Submittals

On September 20, 1993, and November 8, 1993, the State of Ohio submitted requests to redesignate the Toledo (Lucas and Wood Counties) and Dayton (Montgomery, Greene, Miami, and Clark Counties) ozone nonattainment areas to attainment areas for the NAAQS for ozone. These redesignation requests are currently under review and will be evaluated in a separate rulemaking.

Included as part of the redesignation submittals were requests that the Toledo and Dayton ozone nonattainment areas