approval application must be received by the close of business on March 27, 1995.

ADDRESSES: Copies of the Arkansas final approval application are available during the hours between 8 a.m. and 4:30 p.m. at the following addresses for inspection and copying: Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219, Phone: (501) 562-6533; U.S. EPA Headquarters, Office of Underground Storage Tanks Docket Clerk, Room 2616, 401 M Street SW., Washington, DC 20460, Phone: (202) 260-9720; and US EPA, Region 6 Library, 12th floor, 1445 Ross Avenue, Dallas, Texas 75202, Phone: (214) 665-6424. Written comments should be sent to Ms. Guanita Reiter, Chief, RCRA Programs Branch, Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Arkansas State Program Officer, Underground Storage Tank Program, Mr. John Cernero, US EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Phone: (214) 665–2233.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. To qualify for final authorization, a State's program must: (1) Be ''no less stringent'' than the Federal program; and (2) provide for adequate enforcement (Sections 9004(a) and 9004(b) of RCRA, 42 U.S.C. 6991(c)(b)).

On September 26, 1994, the State of Arkansas submitted an official application for final approval. Prior to its submission, the State of Arkansas provided an opportunity for public notice and comment in the development of its underground storage tank program as required under 40 CFR 281.50(b). The State then adopted by reference the corresponding Federal UST regulations in its Regulation Number 12, which became fully effective on April 22, 1990. However, the definitions of "owner" and "release" in the State's Regulation Number 12 were not adopted verbatim per the Federal regulations. Due to the possibility that the State's definition could be misinterpreted, language was included in the Memorandum of Agreement and in the State Attorney General's Statement, which states that the State will revise the regulation to remove any ambiguities in the two definitions during its next applicable

legislative session and will interpret the definition of "owner" and "release" in the same manner as EPA, until such time that the regulations are amended.

B. Decision

After reviewing the Arkansas application, I conclude that the State's program meets all of the requirements necessary to qualify for final approval. Accordingly, the State of Arkansas is granted final approval to operate its underground storage tank program. The State of Arkansas now has the responsibility for managing underground storage tank facilities within its borders and carrying out all aspects of the UST program. The State of Arkansas also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 9005 of RCRA 42 U.S.C. 6991d and to take enforcement actions under section 9006 of RCRA 42 U.S.C. 6991e.

The State of Arkansas is not authorized to operate the UST program on Indian lands and this authority will remain with EPA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of Sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 14, 1995.

William Hathaway,

Acting Regional Administrator.

[FR Doc. 95-4596 Filed 2-23-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 950214049-5049-01; I.D. 011295B]

RIN 0648-XX10

Taking and Importing of Marine Mammals; Yellowfin Tuna Imports; Spain and Ecuador

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of affirmative findings.

SUMMARY: NMFS announces that the Republic of Spain and the Republic of Ecuador have submitted documentation establishing that they continue to be in compliance with the requirements of the yellowfin tuna importation regulations for nations that have acted to ban purse seine sets on marine mammals in the eastern tropical Pacific Ocean (ETP). Affirmative findings have been issued that will allow yellowfin tuna and tuna products harvested by vessels of Ecuador and Spain to be imported into the United States through December 31, 1995.

DATES: The affirmative findings were effective December 29, 1994, for Spain, and December 30, 1994, for Ecuador, and remain in effect through December 31, 1995, unless revoked.

FOR FURTHER INFORMATION CONTACT: LT Dana Wilkes (310) 980–4019, FAX (310) 980–4047.

SUPPLEMENTARY INFORMATION: NMFS regulations establish provisions for timely consideration and granting of an affirmative finding to a nation that prohibits its vessels from intentionally setting on marine mammals in the course of harvesting yellowfin tuna by purse seine in the ETP (50 CFR 216.24(e)(5)). With an affirmative finding, yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by that nation's purse seine vessels may be imported into the United States.

On December 29, 1994, after consultation with the Department of State, NMFS made an affirmative finding that the Republic of Spain had submitted acceptable documentary evidence that its regulatory program continues to comply with the yellowfin tuna import regulations. As a result of this affirmative finding, yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Spanish-