impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96– 354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 22, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180-[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.446, by removing paragraph (a) and designating it as "reserved" and by amending paragraph (b) by revising the table therein, to read as follows:

§180.446 Clofentezine; tolerances for residues.

- (a) [Reserved]
- (b) * * *

| Commodity | Parts per million |
|------------------|----------------------|
| Almonds, hulls | 5.0 |
| Almonds, nutmeat | 0.5 |
| Apples | 0.01 |
| Apricots | 1.0 |
| Cherries | 1.0 |
| Nectarines | 1.0 |
| Peaches | 1.0 |
| Pears | 0.5 |
| Walnuts | 0.02 |

* * *

[FR Doc. 95–5651 Filed 3–7–95; 8:45 am] BILLING CODE 6560–50–F

40 CFR Part 281

[FRL-5168-1]

Utah; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on State of Utah application for final approval.

SUMMARY: The State of Utah has applied for final approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Utah application and has reached a final determination that Utah's underground storage tank (UST) program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to the State to operate its program in lieu of the Federal program.

EFFECTIVE DATE: Final approval for Utah shall be effective at 1:00 pm Eastern Time on April 7, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie Zawacki, Underground Storage Tank Program Section, U.S. EPA, Region 8, 8HWM–WM, 999 18th Street, Denver, Colorado 80202, phone: (303) 293–1665.

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. Program approval is granted by EPA if the Agency finds that the State program: (1) is "no less stringent" than the Federal program in all seven elements, and includes notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

On September 20, 1993, Utah submitted an application for "complete" program approval which includes regulation of both petroleum and hazardous substance tanks. The State of Utah established authority through the Utah Solid and Hazardous Waste Act to implement an underground storage tank program in February 1986, and further developed its authority in the UST Act in February 1989. The State adopted the federal rules and developed some additional rules in February 1989.

On October 27, 1994, EPA published a tentative decision announcing its intent to grant Utah final approval. Further background on the tentative decision to grant approval appears at 59 FR 53955, October 27, 1994. Along with the tentative determination, EPA announced the availability of the application for public comment and provided notice that a public hearing would be provided if significant public interest was shown. EPA received no comments on the application and no request for a public hearing, therefore, a hearing was not held.

B. Decision

I conclude that Utah's application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Utah is granted final approval to operate its underground storage tank program in lieu of the Federal program. Utah now has the responsibility for managing underground storage tank facilities within its borders and carrying out all aspects of the UST program except with regard to "Indian Country," as defined in 18 U.S.C. 1151, where EPA will retain and otherwise exercise regulatory authority. Utah 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.

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 in favor of Utah's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.