

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 Cerner, 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-

flag purse seine vessels may be imported into the United States through December 31, 1995.

The Republic of Ecuador also submitted a request for renewal of an affirmative finding. NMFS reviewed information submitted by the Republic of Ecuador in compliance with 50 CFR 216.24(e)(5)(ix) - (xi). That documentation shows that, from May 24, 1994, until June 3, 1994, the Ecuadorian-flag purse seine vessel *Connie F.* fished for yellowfin tuna in the ETP without an observer on board. As a result, Ecuador automatically entered into a 1-year probationary status, beginning on June 3, 1994, as required under 50 CFR § 216.24(e)(5)(x)(B)(1). On December 30, 1994, after consultation with the Department of State, NMFS made an affirmative finding that the Republic of Ecuador had submitted acceptable documentary evidence that its regulatory program complies with the yellowfin tuna import regulations and that Ecuador may continue to export yellowfin tuna harvested in the ETP by Ecuadorian-flag purse seine vessels to the United States, in a probationary status, through December 31, 1995.

Dated: February 17, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

[FR Doc. 95-4519 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-22-F

**50 CFR Part 642**

[Docket No. 940710-4292; I.D. 021795C]

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic**

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

**ACTION:** Trip limit reduction.

**SUMMARY:** NMFS reduces the commercial trip limit of Atlantic group Spanish mackerel in the southern zone to 500 lb (227 kg) per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Atlantic Spanish mackerel resource.

**EFFECTIVE DATE:** The 500-lb (227-kg) commercial trip limit is effective February 21, 1995, and remains in effect through March 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642 under the authority of the Magnuson Fishery Conservation and Management Act.

An adjusted allocation and commercial trip limits were

recommended by the Councils and implemented by NMFS for Atlantic migratory group Spanish mackerel from the southern zone. As set forth at 50 CFR 642.27(b), the adjusted allocation is 4.35 million lb (1.97 million kg). In accordance with 50 CFR 642.27(a)(2)(iv), after 100 percent of the adjusted allocation of Atlantic group Spanish mackerel from the southern zone is taken, Spanish mackerel in or from the EEZ in the southern zone may not be possessed aboard or landed from a vessel in a day in amounts exceeding 500 lb (227 kg).

NMFS has determined that 100 percent of the adjusted allocation for Atlantic group Spanish mackerel from the southern zone will be taken by February 20, 1995. Accordingly, the 500-lb (227-kg) per day commercial trip limit applies to Spanish mackerel in or from the EEZ in the southern zone effective 12:01 a.m., local time, February 21, 1995.

The southern zone of Atlantic group Spanish mackerel extends from the Georgia/Florida boundary (30°42'45.6" N. lat.) southward to the Dade/Monroe County, FL, boundary (25°20.4' N. lat.).

**Classification**

This action is taken under 50 CFR 642.27(a)(2)(iv) and (b) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 17, 1995.

**Fred Bilik,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-4499 Filed 2-17-95; 4:42 pm]

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