

FLORIDA—OZONE—Continued

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Escambia County				
Flagler County				
Franklin County				
Gadsden County				
Gilchrist County				
Glades County				
Gulf County				
Hamilton County				
Hardee County				
Hendry County				
Hernando County				
Highlands County				
Holmes County				
Indian River County				
Jackson County				
Jefferson County				
Lafayette County				
Lake County				
Lee County				
Leon County				
Levy County				
Liberty County				
Madison County				
Manatee County				
Marion County				
Martin County				
Monroe County				
Nassau County				
Okaloosa County				
Okeechobee County				
Orange County				
Osceola County				
Palm Beach County	April 25, 1995.			
Pasco County				
Polk County				
Putnam County				
Santa Rosa County				
Sarasota County				
Seminole County				
St. Johns County				
St. Lucie County				
Sumter County				
Suwannee County				
Taylor County				
Union County				
Volusia County				
Wakulla County				
Walton County				
Washington County				

¹ This date is November 15, 1990, unless otherwise noted.

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 [FR Doc. 95-4537 Filed 2-23-95; 8:45 am]
 BILLING CODE 6560-50-P

40 CFR Part 281

[FRL-5161-3]

Final Approval of State Underground Storage Tank Program; Arkansas

AGENCY: Environmental Protection Agency.

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

SUMMARY: The State of Arkansas 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 Arkansas application and determined, subject to public review and comment, that the Arkansas underground storage tank program satisfies all of the requirements

necessary to qualify for final approval. Thus, EPA is granting approval to the State to operate its program unless adverse public comment shows the need for further review. The Arkansas application for final approval is available for public review and comment.

EFFECTIVE DATE: Final authorization for the Arkansas underground storage tank program shall be effective at 1:00 p.m. on April 25, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this final rule. All comments on the Arkansas final

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]

BILLING CODE 6560-50-P

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-