

choose to seek program authorization within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for any portion of Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

There are no EPA-issued RCRA permits in Indian Country at this time.

### C. Decision

I conclude that Montana's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Montana is granted final authorization to operate its hazardous waste program as revised by this application.

Montana has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Montana also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to issue orders under Section 3008, 3013, and 7003 of RCRA.

### 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

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the

Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

### Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Montana program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. Montana's participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Montana program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912 (a), 6926, 6974(b).

Dated: October 9, 1996.

Jack W. McGraw,

*Acting Regional Administrator.*

[FR Doc. 96-27479 Filed 10-24-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[I.D. 101696A]

#### Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders

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

**ACTION:** Inseason orders.

**SUMMARY:** NMFS publishes inseason orders regulating fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and

subsequently approved and issued by the Secretary of Commerce (Secretary) during the 1996 sockeye fisheries within the Fraser River Panel Area (Panel Area). These orders established fishing times, areas, and types of gear for U.S. treaty Indian and all-citizen fisheries during the period that the Commission exercised jurisdiction over these fisheries. Due to the frequency with which inseason orders are issued, publication of individual orders is impracticable. The 1996 orders are therefore being published in this document as a composite of the year's inseason orders.

**EFFECTIVE DATES:** Each of the following inseason orders was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1).

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631-3644.

Under authority of the Act, Federal regulations at 50 CFR part 300 subpart F (61 FR 35548, July 5, 1996) provide a framework for implementation of certain regulations of the Commission and inseason orders of the Commission's Panel for sockeye and pink salmon fisheries in the Panel Area that apply during the period each year when the Commission exercises jurisdiction over these fisheries.

The regulations close the Panel Area to sockeye and pink salmon fishing unless opened by Panel regulations or by inseason orders of the Secretary that give the effect to Panel orders, unless such orders are determined not to be consistent with domestic legal obligations. During the fishing season, the Secretary may issue orders that establish fishing times and areas consistent with the annual Commission regime and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations. The Secretary issues inseason orders through his delegate, the Regional Administrator, Northwest Region, NMFS. Official notice of these inseason actions of the Secretary is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1). Inseason orders of the Secretary must be published in the *Federal Register* as soon as practicable after they are issued. Due to the frequency with which

inseason orders are issued, publication of individual orders is impractical. The 1996 orders are therefore being published in this document as a composite of the year's inseason actions.

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by the Secretary during the 1996 fishing season. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220-22.

Order No. 1996-1: Issued 12:50 p.m., July 30, 1996

*Treaty Indian Fishery*

Areas 4B, 5, and 6C: Open for drift gillnets from 12 p.m., August 1 to 12 p.m., August 4.

Order No. 1996-2: Issued 3:30 p.m., August 2, 1996

*Treaty Indian Fishery*

Areas 4B, 5, and 6C: Closed for drift gillnets effective 12 p.m., August 3.

Order No. 1996-3: Issued at 11:25 a.m., August 5, 1996

*Treaty Indian Fishery*

Areas 4B, 5, and 6C: Drift gillnets open 12 p.m., August 6 to 12 p.m., August 7.

Areas 6, 7, and 7A: Open for net fishing from 5 a.m. to 9 p.m., August 7.

Order No. 1996-4: Issued 3:55 p.m., August 11, 1996

*Treaty Indian Fishery*

Areas 4B, 5, and 6C: Drift gillnets open 5 p.m., August 11 to 5 p.m., August 13.

Areas 6, 7, and 7A: Open for net fishing from 5 p.m., August 12 to 9 p.m., August 13 southerly and easterly of a line from the low water range marker in Boundary Bay on the International Boundary, through the east tip of Point Roberts, to the East Point Light on Saturna Island.

Order No. 1996-5: Issued 2 p.m., August 12, 1996

*Treaty Indian Fishery*

Areas 4b, 5, and 6C: Drift gillnets open from 5 p.m., August 13 to 12 p.m., August 15.

Order No. 1996-6: Issued at 4:15 p.m., August 14, 1996

*Treaty Indian Fishery*

Areas 4B, 5, and 6C: Drift gillnets open from 12 p.m., August 15 to 12 p.m., August 17.

*All-Citizen Fishery*

Areas 7 and 7A southerly and easterly of a line from the low water range marker in Boundary Bay on the International Boundary, through the east tip of point Roberts, to the East Point Light on Saturna Island: Purse seines open 6 a.m. to 10 a.m., August 16. Gillnets open 5 p.m. to 9 p.m., August 16.

Order No. 1996-7: Issued 1:45 p.m., August 16, 1996

*Treaty Indian Fishery*

Areas 4B, 5, and 6C: Drift gillnets open from 12 p.m., August 17 to 12 p.m., August 23.

Order No. 1996-8: Issued at 12:15 p.m., August 19, 1996

*All-Citizen Fishery*

Areas 7 and 7A southerly of a line from Iwersen's Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass: Gillnets open 7 p.m., August 19 to 7 a.m., August 20.

Purse seines open 7 a.m. to 7 p.m., August 20.

Order No. 1996-9: Issued at 12:45 p.m., August 23, 1996

*Treaty Indian and All-Citizen Fisheries*

Areas 4B, 5, and 6C: Relinquish regulatory control effective Sunday, August 25.

Order No. 1996-10: Issued at 1:05 p.m., August 27, 1996

*All-Citizen Fishery*

Area 7A: Gillnets open 7 p.m., August 27 to 7 a.m., August 28. Purse seines open 7 a.m. to 7 p.m., August 28, with non-retention of chinook salmon.

Order No. 1996-11: Issued at 11:45 a.m., September 12, 1996

*Treaty Indian and All-Citizen Fisheries*

Area 7A: Relinquish regulatory control effective Sunday, September 15.

**Classification**

This action is authorized by 50 CFR 300.97, and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 3636(b).

Dated: October 18, 1996

Gary C. Matlock,  
*Director, Office of Sustainable Fisheries,  
National Marine*

*Fisheries Service.*

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