

there have been no substantive changes in the State's plan or program that would affect compliance with Section 410 or a copy of any changes to the State's plan or program.

Issued on: October 21, 1996.

Ricardo Martinez,

*Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 96-27314 Filed 10-22-96; 12:30pm]

BILLING CODE 4910-59-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 2

[Docket No. 960828232-6294-02]

RIN 0651-AA90

#### Establishment of Recordal Fees Associated With the Fastener Quality Act

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Patent and Trademark Office (PTO) is amending the rules of practice to establish fees associated with recordation of insignia of manufacturers and private label distributors to ensure the traceability of a fastener to its manufacturer or private label distributor. This amendment is in accordance with the provisions of the Fastener Quality Act. 15 U.S.C. 5401 et seq.

**EFFECTIVE DATE:** November 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Lizbeth Kulick by telephone at (703) 308-8900, or by fax at (703) 308-7220, or by mail marked to her attention and addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513.

**SUPPLEMENTARY INFORMATION:** On August 17, 1992, the Department of Commerce issued a notice of proposed rulemaking to implement the Fastener Quality Act (Act). 57 FR 37032. In that notice, the PTO was identified as the Office within the Commerce Department with the responsibility for recording the fastener insignia of manufacturers and private label distributors as required by Section 8 of the Act. 57 FR 37033-35, August 17, 1992. The notice proposed that the costs of recording insignia be recovered by user fees. 57 FR 37035-36, August 17, 1992.

The PTO must publish a notice in the Federal Register of any change of its fees at least 30 days before the effective

date thereof. 15 U.S.C. 1113(a). On September 17, 1996, a notice of proposed rulemaking was published in the Federal Register, at 61 FR 48872-73, to announce three proposed fees of twenty dollars each, to recover costs associated with the insignia recordal program. The PTO has received no comments regarding the proposed fees.

Additionally, the September 17th notice proposed to remove two rules from Part 2, 37 CFR 2.53 and 2.189, because they were deemed not administratively necessary. Section 2.53 specifies the manner in which drawings must be transmitted. Section 2.189 simply states the Office's policy on publishing amendments to the rules. This policy is not changing, but will no longer be stated as a rule. No comments were received on the proposed removal of the two rules.

#### Other Considerations

This rule is not significant for the purposes of Executive Order 12866. The Office of Management and Budget approved the information collections required by this rule on October 1, 1996 (OMB number 0651-0028). This clearance expires October 31, 1999. The affected public is manufacturers and private label distributors of certain types of industrial fasteners. The estimated average number of responses is six hundred. The estimated time per response is ten minutes, so the estimated total annual burden is one hundred hours. The collected information is needed to ensure that a fastener can be traced to its manufacturer or private label distributor.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

This proposed fee does not require notice and comment under 5 U.S.C. 553 or any other statute, so no analysis or certification is required under 5 U.S.C. 603(a).

#### List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

For the reasons set out in the preamble, 37 CFR Part 2 is amended as set forth below.

## PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for part 2 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, unless otherwise noted.

2. Section 2.7 is added to read as follows:

#### § 2.7 Fastener Recordal Fees.

- (a) Application fee for recordal of insignia.....\$20.00
- (b) Renewal of insignia recordal.....\$20.00
- (c) Surcharge for late renewal of insignia recordal.....\$20.00

#### § 2.53 [Removed]

3. Section 2.53 is removed.

#### § 2.189 [Removed]

4. Section 2.189 and the undesignated center heading "Amendment of Rules" are removed.

Dated: October 23, 1996.

Bruce A. Lehman,

*Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.*

[FR Doc. 96-27628 Filed 10-24-96; 8:45 am]

BILLING CODE 3510-16-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-5638-9]

#### Montana: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Montana has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Montana's application and has made a decision, subject to public review and comment, that Montana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Montana's hazardous waste program revisions. Montana's application for program revision is available for public review and comment.

**DATES:** Final authorization for Montana shall be effective December 24, 1996, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Montana's program revision

application must be received by the close of business November 25, 1996.

**ADDRESSES:** Copies of Montana's program revision application are available during regular business hours at the following addresses for inspection and copying: Permitting and Compliance Division, Montana Department of Environmental Quality, 2209 Phoenix Ave., Helena, Montana 59601, Phone: 406/444-1430 and U.S. EPA Region VIII, Montana Office, 301 S. Park, Federal Building, Helena, MT 59626, Phone: 406/441-1130. Written comments should be sent to: Eric Finke, U.S. Environmental Protection Agency, 301 S. Park, Drawer 10096, Helena, MT 59626.

**FOR FURTHER INFORMATION CONTACT:** Eric Finke, Waste and Toxics Team Leader, U.S. EPA, 301 S. Park, Drawer 10096, Helena, MT 59626, Phone: (406) 441-1130 x239.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or the "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984

(Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260-268, 124, 270, and 279. These regulatory changes are grouped into clusters.

##### B. Montana

Montana received partial Phase I Interim authorization in February, 1981. Complete Phase I authorization was received in February, 1982. Final authorization of the "base program" was received in July, 1984. Montana received final authorization of its first update, known as Non-HSWA clusters I through IV in March 1994. A draft program revision application was submitted in August 1992 and the final application on February 27, 1995. Today Montana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3). Specific provisions

which are included in the Montana program authorization revision sought today are listed in the Table below.

EPA has reviewed Montana's application and has made an immediate final decision that Montana's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Montana. The public may submit written comments on EPA's immediate final decision until November 25, 1996. Copies of Montana's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Montana's program revision shall become effective in 60 days unless a comment opposing the authorization revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either: (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision. Upon the effective date of this approval, Montana will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

HSWA or <i>FR</i> Reference	State Equivalent <sup>1</sup>
Identification and listing of Hazardous Waste; Treatability Studies Sample Exemption, 53 <i>FR</i> 27290, 07/19/88 .....	75-10-403, 75-10-405, MCA.
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 <i>FR</i> 34079, 09/02/88.	75-10-405, MCA.
Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification, 53 <i>FR</i> 35412, 09/13/88.	75-10-405, MCA
Permit Modifications for Hazardous Waste Management Facilities, 53 <i>FR</i> 37912, 09/28/88; and 53 <i>FR</i> 41649, 10/24/88.	75-10-405, 75-10-406, MCA
Statistical Methods for Evaluation ground Water Monitoring data from Hazardous Waste Facilities, 53 <i>FR</i> 39720, 10/11/88.	75-10-405, MCA.
Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes, 53 <i>FR</i> 43878, 10/31/88.	75-10-405, MCA.
Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes, 53 <i>FR</i> 43881, 10/31/88.	75-10-405, MCA.
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (Technical Correction), 54 <i>FR</i> 615, 01/09/89.	75-10-405, MCA.
Amendment to Requirements for Hazardous Waste Incinerator Permits, 54 <i>FR</i> 4286, 01/30/89 .....	75-10-405, MCA.
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Permits; Procedures for Post-Closure Permitting, 54 <i>FR</i> 9596, 03/07/89.	75-10-404 and 75-10-405, MCA.

<sup>1</sup> References are to the Administrative Rules of Montana, revised September 30, 1995 and the Montana Code as Annotated (MCA).

##### Indian Reservations

The program revision does not extend to "Indian Country" as defined in 18 U.S.C. Section 1151, including lands within the exterior boundaries of the following Indian reservations located within the State of Montana.

1. Blackfeet Indian Reservation
2. Crow Tribe of Montana Indian Reservation
3. Flathead Indian Reservation
4. Fort Belknap Indian Reservation
5. Fort Peck Indian Reservation
6. Northern Cheyenne Indian Reservation

##### 7. Rocky Boy's Indian Reservation

In excluding Indian Country from the scope of this program revision, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Montana

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]

BILLING CODE 6560-50-P

## 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