

subparagraphs that relate to a paragraph authorizing metal containers.

Finally, petitioner asserts that RSPA's failure to adopt an authorization for plastic aerosol containers is directly contrary to RSPA's statement in the NPRM and final rule that the purpose of the rulemaking was to maintain alignment with corresponding provisions of international standards. Petitioner repeatedly argues that RSPA's statement regarding its desire to keep the HMR in alignment with international standards obligated the agency not to deviate from those standards. Petitioner fails to note, however, that language throughout the preamble to the NPRM and to the final rule indicated that the intent of the rulemaking was not to incorporate every term of the international standards, but to "more fully align the HMR with the seventh and eighth revised editions of the UN Recommendations. These proposed changes to the HMR will provide consistency with the international air and sea requirements * * *." (Emphasis added.) See 59 FR 36488 and 59 FR 67390. RSPA further stated in the NPRM that the proposed regulatory changes are "proposed to ensure a basic consistency with many changes contained in the [international standards]." (Emphasis added.) 59 FR 36489.

The above statements demonstrate that RSPA did not intend to adopt, verbatim, every provision of international standards. Furthermore, evidence of RSPA's intent can be found in the NPRM statement that "although the eighth revised edition of the UN Recommendations adopted a quality assurance program for the manufacture of performance packagings, RSPA is not proposing a formal quality assurance program in this document." 59 FR 36489. There are numerous examples of U.S. variations from international standards, such as retention of the combustible liquid hazard classification and exceptions, adoption of a vibration standard for package testing, the establishment of inhalation toxicity criteria, and the authorization to continue using plastic packagings beyond five years from date of manufacture. Consequently, RSPA's stated desire to maintain general alignment with international standards does not negate the agency's ability to exercise its own discretion in certain areas.

In short, RSPA accidentally adopted testing procedures for a plastic aerosol packaging that is not authorized for use under the HMR. When RSPA realized its mistake, it acted reasonably and quickly to ensure that the regulated industry

understood that the packaging still was not authorized. It did so by removing the superfluous language from the HMR and explaining in a concise general statement the reason for its action. RSPA's action was rational and well articulated and, therefore, was not arbitrary and capricious. To grant the petitioner's request would result in a regulation that would include certain testing procedures for plastic aerosol containers that are not authorized for use. The result would be illogical and contrary to our efforts to clarify the HMR and eliminate obsolete or redundant rules. To grant the petitioner's request to authorize use of plastic aerosol containers would require public comment.

Based on the above, RSPA denies petitioner's June 16, 1995 petition for reconsideration.

Issued in Washington, DC on November 6, 1995, under authority delegated in 49 CFR part 1.

Ana Sol Gutiérrez,

Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 95-27953 Filed 11-9-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

[I.D. 103195D]

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 the inseason orders regulating fisheries in U.S. waters that 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 1995 sockeye and pink salmon fisheries within the Fraser River Panel Area (U.S.) (Panel Area). These orders established fishing times, areas, and types of gear for U.S. treaty Indian and all-citizen fisheries during the period the Commission exercised jurisdiction over these fisheries. Due to the frequency with which inseason orders are issued, publication of individual orders is impracticable. The 1995 orders are therefore being

published in this document as a composite of the year's inseason orders.

DATES: Each of the following inseason orders was effective upon announcement on telephone hotline numbers as specified at 50 CFR 371.21(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 371 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 of 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 Northwest Regional Director of NMFS. Official notice of these inseason actions of the Secretary is provided by two telephone hotline numbers described at 50 CFR 371.21(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 1995 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 1995 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. 1995-1: Issued 5:40 p.m., August 1, 1995

Treaty Indian Fishery

Areas 4B, 5 and 6C: Open for drift gillnets from 12 p.m., August 2 to 12 p.m., August 5.

Areas 6, 7 and 7A: Open to net fishing from 6 p.m., August 2 to 9 p.m., August 3.

All-Citizen Fishery

Areas 7, 7A: Reefnets open from 5 a.m. to 9 p.m., August 2 and 3.

Order No. 1995-2: Issued 4:30 p.m., August 2, 1995

All-Citizen Fishery

Areas 7, 7A: Gillnets open 9 p.m., August 3 to 8 a.m., August 4.

Purse seines open 5 a.m. to 9 p.m., August 4.

Order No. 1995-3: Issued 2 p.m., August 4, 1995

Treaty Indian Fishery

Areas 4B, 5 and 6C: Drift gillnets open 12 p.m., August 6 to 12 p.m., August 9.

All-Citizen Fishery

Areas 4 and 3 north of 48°00'15" N. lat.: Commercial trolling open 12:01 a.m., August 5 to 11:59 p.m., August 8.

Order No. 1995-4: Issued 2:30 p.m., August 9, 1995

All-Citizen Fishery

Areas 4 and 3 north of 48°00'15" N. lat.: Commercial trolling open 12:01 a.m., August 12 to 11:59 p.m., August 15.

Order No. 1995-5: Issued 6:30 p.m., August 15, 1995

Treaty Indian Fishery

Areas 6, 7, and 7A: Net fishing open 6 p.m., August 16 to 9 p.m., August 17.

All-Citizen Fishery

Areas 7, 7A: Gillnets open 6 a.m. to 6 p.m., August 16. Purse seines open 5 a.m. to 9 p.m., August 18.

Areas 4 and 3 north of 48°00'15" N. lat.: Commercial trolling open 12:01 a.m., August 19 to 11:59 p.m., August 22.

Order No. 1995-6: Issued at 3 p.m. August 18, 1995

Treaty Indian Fishery

Areas 4B, 5, and 6C: Drift gillnets open 12 p.m., August 21 to 12 p.m., August 23.

Areas 6, 7, and 7A: Net fishing open 5 a.m., August 21 to 9 a.m., August 22 southerly of a line from Iwersen's Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass.

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 9 a.m., August 22 to 5 a.m., August 23.

Purse seines open 5 a.m. to 9 p.m., August 23.

Reefnets open 5 a.m. to 9 p.m., August 24.

Order No. 1995-7: Issued 11:30 a.m., August 21, 1995

Referred only to fishing in Canadian area Panel Waters.

Order No. 1995-8: Issued 4:45 p.m., August 22, 1995

Treaty Indian Fishery

Areas 4B, 5, and 6C: Drift gillnets open 12 p.m., August 23 to 12 p.m., August 26.

Areas 6, 7, and 7A: Open for net fishing 5 a.m., August 24 to 12 p.m., August 25 southerly of a line from Iwersen's Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass.

All-Citizen Fishery

Areas 7 and 7A: Reefnets open 5 a.m. to 9 p.m., August 24, August 25, and August 26 southerly of a line from Iwersen's Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass with non-retention of sockeye salmon.

Order No. 1995-9: Issued 3:10 p.m., August 25, 1995

Treaty Indian Fishery

Areas 6 and 7: Open to net fishing 5 a.m., August 28 to 9 a.m., August 29.

All-Citizen Fishery

Area 7: Reefnets open 5 a.m. to 9 p.m., August 27, August 28, August 29, and August 30 with the retention of pink salmon only.

Area 4 and 3 north of 48°00'15" N. lat.: Commercial trolling open 12:01 a.m., August 26 to 11:59 p.m., August 29.

Order No. 1995-10: Issued 4:20 p.m., August 25, 1995

All-Citizen Fishery

Area 7: Gillnet open 9 p.m., August 31 to 9 a.m., September 1.

Purse seines open 5 a.m. to 9 p.m., August 31.

Reefnets open 5 a.m. to 9 p.m. August 30, August 31, September 1, and September 2 with the retention of pink salmon only.

Order No. 1995-11: Issued 4 p.m., September 1, 1995

Treaty Indian Fishery

Areas 6, 7, and 7A: Net fishing open 6 p.m., September 2 to 9 p.m., September 4 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.

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: Gillnets open 8 p.m., September 5 to 8 a.m., September 6, and 8 p.m., September 6 to 7 a.m., September 7.

Purse seines open 5 a.m. to 9 p.m., September 5 and September 6.

Reefnets open 5 a.m. to 9 p.m., September 3, September 4, September 5, September 6, and September 7 to the retention of pink salmon only.

Area 4 and 3 north of 48°00'15" N. lat.: Commercial trolling open 12:01 a.m., September 2 to 11:59 p.m., September 4.

Order 1995-12: Issued 12:10 p.m., September 8, 1995

Referred only to fishing in Canadian area Panel Waters.

Order 1995-13: Issued at 11:10 a.m., September 15, 1995

Referred only to fishing in Canadian area Panel Waters.

Classification

This action is authorized by 50 CFR 371.21, and is exempt from review under E.O. 12866.

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

Dated: November 7, 1995.

Richard H. Schaefer,
Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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