issue was resolved in an interpretation letter sent by the agency to Mr. Mills of Triumph Motorcycles on May 24, 2002.\textsuperscript{4}

For the reasons discussed above, NHTSA is withdrawing the rulemaking on the JAPIA petition.


Stephen R. Kratzke,
Associate Administrator for Rulemaking.

[FR Doc. 04–21012 Filed 9–16–04; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 20
RIN 1018–AT32

Migratory Bird Hunting: Approval of Tungsten-Bronze Shot as Nontoxic for Hunting Waterfowl and Coots

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; clarification.

SUMMARY: The purpose of this document is to clarify a point made in a recently published final rule. We have become aware that some language in the preamble to that rule could be confusing or misleading. This document does not change the rule in any way; it merely provides further information about a particular issue in the rule’s preamble.

FOR FURTHER INFORMATION CONTACT: Dr. George T. Allen, Wildlife Biologist, U.S. Fish and Wildlife Service; telephone (703) 358–1825.

SUPPLEMENTARY INFORMATION: In response to our March 15, 2004, notice (69 FR 12105) proposing to approve the International Nontoxic Composite Corporation’s (INC) tungsten-bronze shot as nontoxic for hunting waterfowl and coots, a commenter asked that we identify the sectional density of the shot. In the preamble to the August 9, 2004, final rule (69 FR 48163), we responded to that comment and noted that the sectional density of a sample provided to us was 11.68 grams per cubic centimeter (g/cc). We did not intend that this would be a limitation or condition of approval, as sectional density is not a factor that we consider with respect to approvals. The approval was based on the percent composition, as stated in 50 CFR 20.21. We understand that INC intends to produce the shot at a sectional density of approximately 12.1 g/cc, as noted in INC’s application for approval of tungsten-bronze shot as nontoxic.

Craig Manson,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 04–20923 Filed 9–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 32
RIN 1018–AT04

2004–2005 Refuge-Specific Hunting and Sport Fishing Regulations; Corrections

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: The Fish and Wildlife Service published a document in the Federal Register on September 8, 2004 (69 FR 54350), revising 50 CFR part 32. This document related to the addition of refuges and wetland management districts to the list of areas open for hunting and/or sport fishing programs and increased the activities available at other refuges. We also developed pertinent refuge-specific regulations for those activities and amended certain regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2004–2005 season. This document corrects the final regulations by revising 50 CFR part 32.


FOR FURTHER INFORMATION CONTACT: Leslie Marler, (703) 358–2397.

SUPPLEMENTARY INFORMATION: Most corrections are sequential numbering errors and are enumerated in the regulatory text section below. One correction removes the listing of Devils Lake Wetland Management District from the State of South Dakota (50 CFR 32.71).

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wilderness refuges.

\textbullet\textsuperscript{1} Accordingly, 50 CFR part 32 is corrected by making the following correcting amendments:

PART 32—HUNTING AND FISHING

\textbullet\textsuperscript{1} The authority citation for part 32 continues to read as follows:
§ 32.22 [Amended]

§ 32.23 [Amended]

§ 32.32 [Amended]

§ 32.37 [Amended]

§ 32.43 [Amended]
  ■ 7. Amend § 32.43 Mississippi by:
    ■ b. Redesigning paragraph C.24. as paragraph C.23. of Panther Swamp National Wildlife Refuge; and

§ 32.60 [Amended]

§ 32.61 [Amended]
  ■ 9. Amend § 32.61 South Dakota by removing the listing of Devils Lake Wetland Management District.

§ 32.63 [Amended]


Susan Wilkinson,
Alternate Fish and Wildlife Service Federal Register Liaison.

[F] [FR Doc. 04–20995 Filed 9–16–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 679

[Docket No.031124287–4060–02; I.D. 091304C]

Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting fishing with Non-Community Development Quota (CDQ) trawl gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2004 non-CDQ limit of non-chinook salmon for vessels using trawl gear in the Catcher Vessel Operation Area (CVOA) has been reached.


FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTAL INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2004 limit of non-chinook salmon caught by vessels using trawl gear in the CVOA is 42,000 animals (§ 679.21(e)(7)(vii)). Regulations at § 679.21(o)(1)(i) allocate 7.5 percent of this amount, 3,150 animals, to the groundfish CDQ program as prohibited species quota reserve leaving 38,850 animals for the non-CDQ fishery. The CVOA is defined as that part of the BSAI that is south of 56°00′ N. lat. and between 163°00′ W. long. and 167°30′ W. long. (Figure 2 to 50 CFR part 679).

In accordance with § 679.21(e)(7)(vii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2004 non-CDQ limit of non-chinook salmon caught by vessels using trawl gear in the CVOA has been reached. Consequently, the Regional Administrator is prohibiting fishing with non-CDQ trawl gear in the Chum Salmon Savings Area defined at Figure 9 to 50 CFR part 679.

As of August 11, 2004, 0 mt of the non-chinook salmon CDQ reserve has been caught by vessels using trawl gear in the CVOA. Therefore, CDQ participants are not yet prohibited from fishing with trawl gear in the Chum Salmon Savings Area.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting fishing with non-CDQ trawl gear in the Chum Salmon Savings Area.

The AA also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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


Alan D. Risenhoover, Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04–21001 Filed 9–14–04; 2:52 pm]

BILLING CODE 3510–22–S