

conspicuity concerns anywhere within that location range. The petition further stated that the Economic Commission for Europe (ECE) lighting regulations<sup>2</sup> do not restrict location of the upper beam light source and that elimination of this restriction would facilitate international harmonization.

In support of its second request, JAPIA stated that the European Economic Community requirements in 93/92/EEC<sup>3</sup> allow for installation of four independent headlamps on motorcycles. Again, JAPIA stated that allowing this in the United States would facilitate international harmonization because it would allow for common design of headlamp systems in Europe and U.S.

We granted JAPIA's petition by letter dated May 21, 2001. The agency did not issue a notice of proposed rulemaking or any other rulemaking document subsequent to the granting of the petition.

## II. Reason for Withdrawal

After careful consideration, NHTSA has decided to withdraw this rulemaking.

The requirement that upper beam light sources be no higher than lower beam light sources is a longstanding one and applies across vehicle types. The purpose of the requirement is to help (for any particular vehicle design) ensure good visibility while driving with the lower beams. Generally, drivers can see further when the lower beam light sources are mounted higher. If a manufacturer selects a design in which upper and lower beam light sources are at different heights, the requirement ensures that the lower beam lights are mounted at the higher height, thereby providing slightly better visibility.

While we continue to believe that it might be appropriate at some point to consider changing the existing requirement, we have decided, on further consideration, that such a change should not be undertaken without additional analysis and research related to visibility and glare. Given the complexity of the issues involved, however, and considering agency priorities and allocation of limited resources available to best carry out the agency's safety mission, NHTSA has decided not to pursue further rulemaking on this issue at this time.

As to JAPIA's request to allow multiple lower and upper beam light sources within a single headlamp, that

issue was resolved in an interpretation letter sent by the agency to Mr. Mills of Triumph Motorcycles on May 24, 2002.<sup>4</sup>

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

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued: September 13, 2004.

**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.

Dated: August 30, 2004.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 32

**RIN 1018-AT40**

#### 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.

**DATES:** Effective August 31, 2004.

**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, Wildlife refuges.

■ Accordingly, 50 CFR part 32 is corrected by making the following correcting amendments:

#### PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

<sup>2</sup> See ECE Reg. 53 (October 1, 2002): <http://www.unece.org/trans/main/wp29/wp29regs/53rv1e.pdf>.

<sup>3</sup> See [http://europa.eu.int/comm/enterprise/automotive/directives/motos/dir93\\_92\\_cee.html](http://europa.eu.int/comm/enterprise/automotive/directives/motos/dir93_92_cee.html).

<sup>4</sup> <http://www.nhtsa.dot.gov/cars/rules/interps/files/24157.ztv.html>.

**Authority:** 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

**§ 32.20 [Amended]**

■ 2. Amend § 32.20 Alabama by redesignating paragraphs D.5. and D.6. as paragraphs D.4. and D.5. respectively of Eufaula National Wildlife Refuge.

**§ 32.23 [Amended]**

■ 3. Amend § 32.23 Arkansas by redesignating paragraphs C.20., C.21., and C.22. as paragraphs C.19., C.20., and C.21. respectively of Cache River National Wildlife Refuge.

**§ 32.32 [Amended]**

■ 4. Amend § 32.32 Illinois by redesignating the second paragraph A.3. and paragraphs A.4., A.5., and A.6. as paragraphs A.4., A.5., A.6., and A.7. respectively of Cypress Creek National Wildlife Refuge.

**§ 32.36 [Amended]**

■ 5. Amend § 32.36 Kentucky by redesignating paragraph A.8. as paragraph A.6. of Reelfoot National Wildlife Refuge.

**§ 32.37 [Amended]**

■ 6. Amend § 32.37 Louisiana by redesignating paragraphs D.8. and D.9. as paragraphs D.7. and D.8. respectively of Lake Ophelia National Wildlife Refuge.

**§ 32.43 [Amended]**

■ 7. Amend § 32.43 Mississippi by:  
 ■ a. Redesignating paragraphs A.15., A.16., A.17., A.18., and A.19. as paragraphs A.14., A.15., A.16., A.17., and A.18. respectively of Hillside National Wildlife Refuge;  
 ■ b. Redesignating paragraph C.24. as paragraph C.23. of Panther Swamp National Wildlife Refuge; and  
 ■ c. Redesignating paragraphs A.11., A.12., A.13., and A.14. as paragraphs A.10., A.11., A.12. and A.13. of Yazoo National Wildlife Refuge.

**§ 32.60 [Amended]**

■ 8. Amend § 32.60 South Carolina by redesignating paragraphs C.14., C.15., C.16., and C.17. as paragraphs C.13., C.14., C.15., and C.16. respectively of ACE Basin National Wildlife Refuge

**§ 32.61 [Amended]**

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

**§ 32.63 [Amended]**

■ 10. Amend § 32.63 Texas by redesignating paragraphs A.8., A.9., A.10., A.11., A.12., A.13., and A.14. as

paragraphs A.9., A.10., A.11., A.12., A.13., A.14., and A.15. respectively of McFaddin National Wildlife Refuge.

Dated: September 14, 2004.

**Susan Wilkinson,**

*Alternate Fish and Wildlife Service Federal Register Liaison.*

[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.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 14, 2004, until 1200 hrs, A.l.t., October 14, 2004.

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

**SUPPLEMENTARY 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(e)(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.*

Dated: September 14, 2004.

**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**