

EFFECTIVE DATE: September 17, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2003-D098.

SUPPLEMENTARY INFORMATION:

A. Background

The provision at DFARS 252.209-7001, Disclosure of Ownership or Control by the Government of a Terrorist Country, implements 10 U.S.C. 2327, which prohibits DoD from entering into a contract with a firm that is owned or controlled by the government of a country that has repeatedly provided support for acts of international terrorism. This final rule amends the provision at DFARS 252.209-7001 to remove Iraq from the list of countries subject to the prohibition. This change is a result of the President's May 7, 2003, determination to suspend all sanctions against Iraq that apply to countries that have supported terrorism (Presidential Determination 2003-23, 68 FR 26459, May 16, 2003).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2003-D098.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 252 is amended as follows:

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 2. Section 252.209-7001 is amended by revising the clause date and the last sentence of paragraph (a)(2) to read as follows:

252.209-7001 Disclosure of Ownership or Control by the Government of a Terrorist Country.

* * * * *

Disclosure of Ownership or Control by the Government of a Terrorist Country (SEP 2004)

(a) * * *

(2) * * * As of the date of this provision, terrorist countries subject to this provision include: Cuba, Iran, Libya, North Korea, Sudan, and Syria.

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[FR Doc. 04-21016 Filed 9-16-04; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 1998-4367]

RIN 2127-AH92

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Withdrawal of rulemaking.

SUMMARY: In 1998, the Japan Auto Parts Industries Association (JAPIA) petitioned for NHTSA to amend the Federal motor vehicle lighting standard to eliminate an existing requirement that the upper beam light source be no higher than the lower beam light source for motorcycle headlighting systems, and also to permit multiple lower beam light sources and multiple upper beam light sources within a single motorcycle headlamp (total of four light sources). After requesting additional information in support of the petition, NHTSA granted the JAPIA petition on May 21, 2001. For reasons discussed in this document, the agency is withdrawing this rulemaking.

FOR FURTHER INFORMATION CONTACT: The following persons at the NHTSA, 400 7th Street, SW., Washington, DC 20590.

For non-legal issues, you may call Mr. Kenneth O. Hardie, Office of Crash Avoidance Standards (Telephone: 202-366-6987) (Fax: 202-493-2739).

For legal issues, you may call Mr. George Feygin, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

SUPPLEMENTARY INFORMATION:

I. Background

Paragraph S7.9 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*, specifies the requirements for motorcycle headlighting systems. Paragraph S7.9.6 specifies location requirements for motorcycle headlamps. S7.9.6.2(a) applies to motorcycles equipped with headlighting systems consisting of one headlamp; S7.9.6.2(b) applies to motorcycles equipped with headlighting systems consisting of two headlamps, each of which provides both an upper and lower beam; S7.9.6.2(c) applies to motorcycles equipped with headlighting systems consisting of two headlamps, one of which provides an upper beam and one of which provides a lower beam. For headlighting systems covered by subparagraphs (a) and (c), the upper beam light source is not permitted to be higher than the lower beam light source. Paragraph (b) is silent as to the upper beam light source location.

In a petition dated October 13, 1998, JAPIA asked NHTSA to eliminate the restriction on upper beam light source location in S7.9.6.2(a) and S7.9.6.2(c) to allow the upper beam light source to be mounted above the lower beam light source.¹ Additionally, JAPIA asked NHTSA to permit a motorcycle headlighting system consisting of a single headlamp (S7.9.6.2(a)) to contain two upper beam and two lower beam light sources for a total of four distinct light sources in a single headlamp. For headlighting systems consisting of two headlamps, the petition asked the agency to instead allow for four distinct headlamps, two of which would provide the upper beam, and the other two the lower beam.

In support of its first request, JAPIA stated that the restriction on the location of upper beam light source relative to the location of lower beam light source is not necessary because headlamps must be located at least 22 inches above the road surface and not more than 54 inches above the road surface. JAPIA stated that the upper beam light source would not present any visibility or

¹ To examine the JAPIA petition, please go to <http://dms.dot.gov/> (Docket No. NHTSA-1998-4367-18).

conspicuity concerns anywhere within that location range. The petition further stated that the Economic Commission for Europe (ECE) lighting regulations² 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/EEC³ 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, 2002.⁴

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]

BILLING CODE 4310-55-P

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:

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

³ See http://europa.eu.int/comm/enterprise/automotive/directives/motos/dir93_92_cee.html.

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