

land and resource managers, all resource users, and the recreational fishing and boating industries to meet the challenge.

Using a 3-legged stool analogy, the Conservation Plan only represents one leg, the federal leg, that supports the national vision for recreational fisheries. State and Tribal resource managers may represent the second leg. Anglers, conservation groups, and the recreational fishing and boating industry also have a role that could be represented as a third leg of this stool. All three legs are necessary to hold the stool upright (and achieve the vision). If you agree and wish to contribute your ideas on what the second and third legs ought to include, please attend. You may also wish to comment on the Conservation Plan. This is a dynamic plan, to be revised as necessary. Your input will be appreciated. For a copy of the Conservation Plan contact the U.S. Fish and Wildlife Service Publications Unit at (703) 358-1711.

Dated: September 16, 1996.

Edward H. Cynar II,

Acting Director.

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Fish and Wildlife Service

Application for Approval of Tungsten-Iron Shot as Nontoxic for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of application.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that Federal Cartridge Company (Federal) Anoka, Minnesota, has applied for approval of tungsten-iron shot for waterfowl hunting in the United States.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, or Cyndi Perry, Wildlife Biologist, Office of Migratory Bird Management (MBMO), (703) 358-1714.

SUPPLEMENTARY INFORMATION: Since the mid-1970s, the Service has sought to identify shot that, when spent, does not pose a significant toxic hazard to migratory birds and other wildlife. Currently, only bismuth-tin shot, on a conditional basis, and steel shot are approved by the Service as nontoxic. The Service believes approval for other suitable candidate shot materials as nontoxic is feasible. The Service is eager to consider these other materials for approval as nontoxic shot.

Federal submits their application for approval of tungsten-iron shot as nontoxic pursuant to Fish and Wildlife Service 50 CFR part 20.134, Migratory Bird Hunting: Nontoxic Shot Approval Procedures. The Service believes the candidate material shows promise and will consider the application.

Federals' candidate shot is made from sintering tungsten and iron, which together forms a two phase alloy. Shot made from this material has a density of approximately 10.3 gm/cc or 94 percent of the density of lead. The shot will contain nominally 55 percent by weight of tungsten and 45 percent by weight of iron. The pellet will have sufficient iron to attract a magnet.

Federals' application includes a description of the new shot, a toxicological report on the tungsten-iron shot, and a 30-day test to assess the toxicity of this shot in game-farm mallards. The toxicological report incorporates toxicity information - a synopsis of acute and chronic toxicity data for birds, acute effects, potential for environmental concern, toxicity to aquatic and terrestrial invertebrates, amphibians and reptiles; and information on environmental fate and transport - shot and/or shot coating alteration, environmental half-life, and environmental concentration. The toxicity study revealed no adverse effects when mallards were dosed with 8 BB size tungsten-iron shot and monitored over a 30-day period.

References

Barr Engineering Company. 1996. Toxicology Report on New Shot. Contract Report 2302118/40970-1/CET. 21 pp.

Bursian, S.J., M.E. Kelly, R.J. Aulerich, D.C. Powell, and S. Fitzgerald. 1996. Thirty-Day Dosing Test to Assess the Toxicity of Tungsten-Iron Shot in Game-Farm Mallards. 1996. Report to Federal Cartridge Co. 77 pp.

Authorship

The primary author of this notice of application is Cynthia M. Perry, Office of Migratory Bird Management.

Dated: September 20, 1996.

Carolyn A. Bohan,

Acting Assistant Director for Refuges and Wildlife.

[FR Doc. 96-24816 Filed 9-26-96; 8:45 am]

Billing Code 4310-55-F

Bureau of Indian Affairs

Final Decision To Retract 1979 Decision of the Deputy Commissioner of Indian Affairs Regarding the Delaware Tribe of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final decision.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8.

Based on a comprehensive legal review conducted by the Division of Indian Affairs, Office of the Solicitor, dated June 19, 1996, and based on a review of the comments received from the public, the Assistant Secretary hereby retracts the letter of May 24, 1979, in which the Bureau of Indian Affairs through the Acting Deputy Commissioner determined that the Department of the Interior would engage in government-to-government relations with the Delaware Tribe of Indians only through the Cherokee Nation and that the Department would deal directly with the Delaware Tribe of Indians only for purposes of their claims against the United States. Notice is hereby given that the Delaware Tribe of Indians is a tribal entity recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of its status as an Indian tribe.

A Notice of Intent to Retract the 1979 Decision was published in the Federal Register on June 27, 1996 (61 FR 33534, June 27, 1996). The public was given until July 29, 1996 to comment on the proposed decision. A copy of the June 19, 1996, legal review prepared by the Division of Indian Affairs was sent to the Cherokee Nation of Oklahoma and to the Delaware Tribe of Indians on June 21, 1996, inviting comments on the proposed decision to retract the May 24, 1979, letter. Copies of the legal review were sent also to the Chickasaw Nation of Oklahoma, Choctaw Nation of Oklahoma, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation of Oklahoma.

Four letters containing public comments were received. Two of these letters included comments concerning the name of the tribe. The Federal Register notice of June 27, 1996 referred both to the "Delaware Tribe of Eastern Oklahoma" and to the "Delaware Tribe." By letter dated July 24, 1996, the Chief of the Delaware Tribe of Indians stated that although they had "been