

Washington, DC, as well as in the informational docket locations in New Mexico. A letter of approval will allow DOE to ship transuranic waste from Hanford to the WIPP. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.

Dated: August 28, 2003.

Jeffrey R. Holmstead,

Assistant Administrator for Air and Radiation.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 21

RIN 1018-A164

Migratory Bird Permits; Eiderdown From Iceland

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (we or us) proposes changes in the regulations governing the import into the United States of parts of protected migratory birds. We propose to specify the requirements for importing down of nesting common eiders that breed in Iceland and list the procedures required to harvest, import, possess, and manufacture finished eiderdown products. We are requesting comments on information collection associated with the proposed rule.

DATES: Comments on this proposed rule will be accepted through December 4, 2003 to the address below.

Comments on the information collection aspects of this proposed rule will be considered if received by November 4, 2003. The Office of Management and Budget (OMB) has up to 60 days to approve or disapprove information collection but may respond after 30 days. Therefore, to ensure maximum consideration, your

comments should be received by OMB by October 6, 2003.

ADDRESSES: You may mail or deliver written comments on this proposal to: RIN 1018-A164, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, MS MBSP 4107, Arlington, Virginia 22203-1610. Alternatively, you may submit your comments via the Internet: eiderdown@fws.gov.

You may submit comments on the information collection aspects of the proposed rule to the Desk Officer for the Department of Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile or e-mail using the following fax number and e-mail address: 202/395-6566 (fax);

OIRA_DOCKET@omb.eop.gov (e-mail). Please provide a copy of your comments to the Fish and Wildlife Service's Information Collection Clearance Officer, 4401 North Fairfax Drive, MS 222 ARLSQ, Arlington, Virginia 22203; 703/358-2269 (fax); or

Anissa_Craghead@fws.gov (e-mail).

In your written comments to the Division of Migratory Bird Management, please reference "RIN 1018-A164" at the top of your letter. Include your name and return address. Anonymous comments will not be accepted. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Include your name and return address in your e-mail message. If you do not receive a confirmation that we have received your message, contact us directly at 703/358-1714.

The complete file for this proposed rule, including electronic and written comments received, will be available for public inspection by appointment, during normal business hours at the Division of Migratory Bird Management address listed above. You may call 703/358-1714 to make an appointment to view the files.

FOR FURTHER INFORMATION CONTACT: Brian Millsap, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703/358-1714.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service is the Federal agency with the primary responsibility for managing migratory birds. We propose changes in the regulations governing the import into the United States of parts of protected migratory birds. We propose to specify the requirements for importing down of nesting common eiders that breed in Iceland and list the procedures required

to harvest, import, possess, and manufacture finished eiderdown products. Our authority is based on the Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703 *et seq.*), which implements conventions with Great Britain (for Canada), the United Mexican States (=Mexico), Japan, and the Soviet Union (=Russia). Sea ducks including the common eider are afforded Federal protection by the Convention for the Protection of Migratory Birds and Game Animals, February 7, 1936, United States—Mexico; the Convention Between the United States of America and the Union of Soviet Socialist Republics [=Russia] Concerning the Conservation of Migratory Birds and Their Environment, November 26, 1976; and the Protocol Amending the 1916 Convention for the Protection of Migratory Birds, August 2, 1996.

The MBTA requires that any regulations authorizing activities otherwise prohibited by 16 U.S.C. 703 are "[s]ubject to the provisions and in order to carry out the purposes of the conventions." 16 U.S.C. 704. This rule is consistent with each of the applicable treaties. Most importantly, this rule is consistent with the conservation intent of the treaties, as it builds in sufficient safeguards to ensure that the activities it allows will not have a negative impact on the conservation of common eiders or other birds protected by the conventions. It is also consistent with the expressed intent of the parties that migratory birds be conserved, in part, to allow their economic utilization. *See* Canada treaty, Article II ("migratory bird populations shall be managed * * * [t]o ensure a variety of sustainable uses."); Mexico treaty, Article I (migratory birds shall be protected so as to "permit, in so far as the * * * parties may see fit, the utilization of such birds rationally for purposes of sport, food, commerce, and industry"); Japan treaty ("Considering that birds constitute a natural resource of great value for * * * economic purposes, and that this value can be increased with proper management"); Russia treaty ("Considering that migratory birds are a natural resource of great * * * economic * * * value and that this value can be increased under proper management"). This rule is likewise consistent with the particular operative language of each of the conventions.

First, the treaty with Canada (as amended by the 1995 Protocol) prohibits, with some exceptions not relevant here, the sale of "migratory birds, their nests, or eggs." Article II, para. 2. However, this prohibition does