DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Migratory Bird Hunting; Application for Approval of Tungsten-Matrix as a Nontoxic Shot Material for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of application.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is providing public notification that the Kent Cartridge Manufacturing Company, Ltd. (Kent Cartridge), of Kearneysville, West Virginia, has applied for approval of Tungsten-matrix shot as nontoxic for waterfowl hunting in the United States. The Service has initiated review of Tungsten-matrix under the criteria set out in Tier 1 of the nontoxic shot approval procedures given at 50 CFR 20.134.

DATES: A comprehensive review of the Tier 1 information is to be concluded by August 3, 1998.

ADDRESSES: The Kent Cartridge application may be reviewed in Room 634 at the Fish and Wildlife Service, Office of Migratory Bird Management, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, (703) 358–1714, or Keith A. Morehouse, Wildlife Biologist, North American Waterfowl and Wetlands Office, (703) 358–1784.

SUPPLEMENTARY INFORMATION: The Service continues to seek to identify shot for waterfowling that, when spent, does not pose a significant toxic hazard to migratory birds and other wildlife when ingested. Currently, only bismuth-tin and steel shot are approved by the Service for use in waterfowling. Tungsten-iron shot received temporary conditional approval for the 1997–98 waterfowl hunting season (published August 18, 1997; 62 FR 43444). The Service is currently reviewing applications for approval for shot types other than those previously referenced in this notice, and it is anticipated that the certification of additional suitable candidate shot materials as nontoxic is feasible in the near future.

On March 13, 1998, Kent Cartridge submitted its application with the counsel that it contained all of the specified information for a complete Tier 1 submittal and requested unconditional approval pursuant to the Tier 1 time frame. Kent Cartridge also advised that it had arranged for Tier 2 level acute toxicity studies to support its Tier 1 submittal and would soon be providing those results to the Service. Approval is sought by Kent Cartridge for Tungsten-matrix (see composition below) as nontoxic pursuant to 50 CFR 20.134 (recently amended, see 62 FR 63608; December 1, 1997).

The Service has determined that the application is complete, and has initiated a comprehensive review of the Tier 1 information. After this review, the Service will either: (1) publish a Notice of Review to inform the public that the Tier 1 test results are inconclusive; or (2) publish a proposed rule for approval of the candidate shot. The Notice of Review will indicate whether other tests will be required before nontoxic approval of the Tungsten-matrix shot is again considered. If the Tier 1 data review results in a preliminary determination that the candidate material does not pose a significant hazard to migratory birds, other wildlife, and their habitats, the Service will go forward with a rulemaking which proposes to approve the candidate shot.

Kent Cartridge's candidate shot is fabricated from what is described in their application as ''* * * a mixture of powdered metals in a plastic matrix whose density is comparable to that of lead. All component metals are present as elements, not compounds. Tungsten-matrix pellets have specific gravity of 9.8 g/cm^3 and is composed of 88 percent tungsten, 4 percent nickel, 2 percent iron, 1 percent copper, and 5 percent polymers by mass.''

Part A of the application contains a statement of proposed use, a chemical and physical description of the shot material, a statement of the expected variability of shot during production, an estimate of yearly production, and a 5-pound sample of the fabricated shot. Part B of the application contains a discussion of the acute toxicities of the Tungsten-matrix components to mammals and to birds, the fate of ingested shot on captive-reared mallard ducks, ingestion of the shot by other vertebrates, and a summary of the known Tungsten-matrix toxicity information for vertebrates. Part C of the application considers the effects of firing on the shot, the half-life of components of breakdown products, the estimated environmental concentration in soil and water, other environmental impacts of components of the shot, and a summarized request for approval. References are provided to support the information and conclusions contained in the application; the list of references cited is available from the Service upon request.

Authorship: The primary author of this Notice of Application is Keith A. Morehouse, Wildlife Biologist, North American Waterfowl and Wetlands Office.

Dated: May 19, 1998.

Daniel M. Ashe,

Director, U.S. Fish and Wildlife Service.

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