

Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (phone 703-358-1708).

PLEMENTARY INFORMATION: Section 4(b)(3) of the Endangered Species Act of 1973, as amended, requires that within 90 days of receipt of a petition to list, delist, or reclassify a species, or to revise a critical habitat designation, a finding be made on whether the petition has presented substantial information indicating that the requested action may be warranted, and that such finding be published promptly in the **Federal Register**. If the finding is positive, section 4(b)(3) also requires commencement of a review of the status of the involved species. The U.S. Fish and Wildlife Service (Service) now announces a 90-day finding on a recently received petition.

The petition was submitted by Ms. Dee E. Warena of Roseville, California. It was dated January 1, 1994, and was received by the Service on January 10, 1994. It requests that the following seven kinds of foreign swallowtail butterflies be added to the List of Endangered and Threatened Wildlife (50 CFR 17.11): *Teinopalpus imperialis*, *Eurytides marcellinus*, *Eurytides lysithous harrisianus*, *Parides ascanius*, *Parides hahneli*, *Troides (-Ornithoptera) meridionalis*, and *lio esperanza*. It was accompanied by appropriate detailed data sheets from the World Conservation Union (IUCN) Red Data Book *Threatened Swallowtail Butterflies of the World* (by N. Mark Collins and Michael G. Morris, 1985). The seven butterflies are classified therein as endangered, vulnerable, or rare, mainly because of environmental disruption and overcollection.

Of the petitioned species, *Teinopalpus imperialis* is reportedly threatened by overcollecting and rapid destruction of the Himalayan mountain forests upon which it depends. *Eurytides marcellinus* has a very restricted breeding habitat in Jamaica, where its larval foodplants are being destroyed by cultivation. *Eurytides lysithous harrisianus* has been eliminated by habitat destruction from all but one known site in southeastern Brazil, which itself is now under development. *Parides ascanius* is jeopardized by the drainage and development of its subcoastal swamp habitat near Rio de Janeiro. *Parides hahneli* is known only from three localities in Amazonian Brazil, with very specialized habitat, and is threatened by overcollection for

commercial purposes. *Troides meridionalis* is threatened by the lumbering of its specialized rainforest habitat in New Guinea. *Papilio esperanza* is known only from one site in the cloud forest of Oaxaca, Mexico, and is vulnerable to overcollection.

The Service has examined the petition and supporting data, finds that substantial information has been presented indicating that the requested listing of the seven taxa of butterflies may be warranted, and now initiates a status review of these butterflies. In addition, the Service will take this opportunity to review the 20 other kinds of foreign swallowtail butterflies that are classified as endangered or vulnerable by the IUCN, and that are not now on the U.S. List of Endangered and Threatened Wildlife. Therefore, a total of 27 swallowtail butterflies, as designated in the accompanying table, is now under review.

TABLE.—SWALLOWTAIL BUTTERFLIES UNDER REVIEW

Name	Range
<i>Teinopalpus imperialis</i>	Himalayas.
<i>Eurytides marcellinus</i>	Jamaica.
<i>Eurytides lysithous harrisianus</i>	Brazil.
<i>Eurytides lphitas</i>	Brazil.
<i>Graphium levassori</i> ..	Comoro Islands.
<i>Graphium sandawanum</i>	Philippines.
<i>Battus zelides</i>	Hispaniola.
<i>Parides ascanius</i>	Brazil.
<i>Parides hahneli</i>	Brazil.
<i>Parides burchellanus</i>	Brazil.
<i>Parides (Atrophaneura) jophon</i>	Sri Lanka.
<i>Parides (Atrophaneura) schadenberqi</i>	Philippines.
<i>Troides dohertyi</i>	Talud (Indonesia).
	New Guinea.
<i>Troides (Ornithoptera) meridionalis</i>	Moluccas (Indonesia).
<i>Troides (Ornithoptera) croesus</i>	
<i>Papilio esperanza</i>	Mexico.
<i>Papilio himeros</i>	Brazil.
<i>Papilio maraho</i>	Taiwan.
<i>Papilio osmana</i>	Philippines.
<i>Papilio carolinensis</i> ...	Philippines.
<i>Papilio moeneri</i>	New Ireland (Papua New Guinea).
	Philippines.
<i>Papilio benguetanus</i> ..	Philippines.
<i>Papilio phorbanta</i>	Reunion Island.
<i>Papilio desmondi teita</i>	Kenya.
<i>Papilio morondavana</i>	Madagascar.
<i>Papilio leucotaenia</i> ...	Central Africa.
<i>Papilio leucotaenia</i> ...	Central Africa.
<i>Papilio neumoegei</i> ..	Sumba (Indonesia).

The Service encourages the submission of appropriate data, opinions, and publications regarding these butterflies, as well as other kinds of foreign swallowtails that may warrant consideration for addition to the List of Endangered and Threatened Wildlife. In accordance with section 4(b)(3) of the Act, within 12 months of receipt of the petition, the Service will make another finding as to whether the requested listing of seven kinds of butterflies is warranted, not warranted, or warranted but precluded by other listing measures, and may also announce decisions with respect to other kinds of butterflies.

Authority: 16 U.S.C. 1531-1544.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: May 2, 1994.

Mollie H. Beattie,
Director, Fish and Wildlife Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 940423-4124, I.D. 031594E]

Northeast Multispecies Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final notification to take no action under Flexible Area Action System (FAAS) #8.

SUMMARY: NMFS issues this notification of the Regional Director's concurrence with the recommendation of the New England Fishery Management Council (Council) to take no action pursuant to FAAS #8, as provided for under implementing regulations for Amendment 5 to the Northeast Multispecies Fishery Management Plan (FMP). FAAS #8 initiated a process to consider specified management actions to close an area to fishing due to suspected high levels of discards affecting mortality on juvenile, sub-legal, and spawning haddock in and around an area located offshore of Cape Cod, MA.

ADDRESSES: Copies of the fact-finding report of the Director, Northeast Region, NMFS (Regional Director), and the

Council's impact analysis may be requested from the New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Weymouth, MA 01960.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe (NMFS, Fishery Policy Analyst), 508-281-9272.

SUPPLEMENTARY INFORMATION: Section 651.26 of title 50 CFR specifies that FAAS's may be proposed and implemented to provide protection to concentrations of juvenile, sub-legal, or spawning fish. As part of the FAAS process, the Regional Director, at the request of the Council's Multispecies Committee, initiates a fact-finding investigation of alleged discard problems, and the Council provides an impact analysis of alternative measures that might be implemented under a given FAAS action.

A notification initiating actions under proposed FAAS #8 was published on March 24, 1994 (59 FR 13923), informing the public of a potential problem with discards of spawning and sub-legal sized haddock in and around Closed Area I off Cape Cod, MA. The notification stated that the Council was considering recommending action to close the area to the use of gear capable of taking multispecies. As an

alternative, the Council was also considering the implementation of other measures under the FMP and its implementing regulations, including, but not limited to, mesh size restrictions, catch limits, and other less restrictive measures. The notification specified that the required reports would be available on April 1, 1994, and that written comments on the action would be accepted through April 7, 1994, at which time a public hearing on the matter would be held.

A public hearing was conducted by the Council on April 7, 1994, where oral and written public comments were received. Two written comments were received by the close of business on the day of the public hearing. Both commenters supported implementation of FAAS #8, one citing a sea-sampled trip that occurred prior to or during the proposed FAAS #7; the other, expressing regret that FAAS #7 was not implemented.

None of the commenters who testified at the public hearing expressed support for FAAS #8 based on the additional data collected. Three of the four commenters expressed regret at the disapproval of FAAS #7, as did several members of the Council, who went on record as planning to consider

protection of spawning haddock in and around Closed Area I under the provisions of Amendment 5 as a priority for the 1995 season. After careful consideration of the data, the Council concluded that the data indicated an apparent abatement of the discard problem, and recommended that the Regional Director take no action under proposed FAAS #8. After reviewing information presented in the required documents and the public testimony, the Regional Director concurred with the Council's recommendation not to implement any management measures under the proposed FAAS #8.

Classification

This action is authorized by 50 CFR part 651 and is consistent with the Magnuson Act and other applicable law.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 3, 1994.

Nancy Foster,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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