

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

BOEING: Docket 94–NM–208–AD.

Applicability: Model 747 series airplanes, equipped with General Electric Model CF6–45 or –50 series engines, or Pratt & Whitney Model JT9D–70 series engines; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority

provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the strut and subsequent loss of the engine, accomplish the following:

(a) Accomplish the modification of the nacelle strut and wing structure in accordance with Boeing Alert Service Bulletin 747–54A2158, dated November 30, 1994, within 56 months after the effective date of this AD. All of the terminating actions described in the service bulletins listed in

paragraph I.C., Table 2, “Prior or Concurrent Service Bulletins,” on page 7 of Boeing Alert Service Bulletin 747–54A2158, dated November 30, 1994, must be accomplished in accordance with those service bulletins prior to, or concurrently with, the accomplishment of the modification of the nacelle strut and wing structure required by this paragraph.

(b) Perform the inspections and checks specified in paragraph III, NOTES 8, 9, 10, and 11 of the Accomplishment Instructions on page 129 of Boeing Alert Service Bulletin 747–54A2158, dated November 30, 1994, concurrently with the modification of the nacelle strut and wing structure required by paragraph (a) of this AD. Prior to further flight, correct any discrepancies found in accordance with the alert service bulletin.

(c) Accomplishment of the modification of the nacelle strut and wing structure in accordance with Boeing Alert Service Bulletin 747–54A2158, dated November 30, 1994, constitutes terminating action for the inspections required by the following AD’s:

AD No.	Amendment No.	Federal Register citation–	Date of Publication
94–22–08	39–9057	59 FR 58761	Nov. 15, 1994.
93–17–07	39–8678	58 FR 45827	Aug. 31, 1993.
93–03–14	39–8518	58 FR 14513	Mar. 18, 1993.
92–24–51	39–8439	57 FR 60118	Dec. 18, 1992.
90–20–20	39–6725	55 FR 37859	Sept. 14, 1990.
89–07–15	39–6167	54 FR 11693	Mar. 22, 1989.
87–04–13 R1	39–5836	53 FR 2005 ..	Jan. 26, 1988.
86–23–01	39–5450	51 FR 37712	Oct. 24, 1986.
86–08–03	39–5289	51 FR 12836	Apr. 16, 1986.
86–07–06	39–5270	51 FR 10821	Mar. 31, 1986.
86–05–11 R1–	39–5334	51 FR 21900–.	Jun. 17, 1986.
80–08–02	39–3738	45 FR 24450	Apr. 10, 1980.
79–17–07	39–3533	44 FR 50033	Aug. 27, 1979.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 27, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–32264 Filed 12–30–94; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period on Proposed Endangered Status for the San Diego Fairy Shrimp

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the comment period on the proposed rule to list the San Diego fairy shrimp (*Branchinecta sandiegoensis*) as endangered is reopened through March 6, 1995. The Service has reopened the comment period to allow all interested parties to submit additional written comments on the proposal.

DATES: The public comment period, which was extended to October 31, 1994, is reopened and closes on March

6, 1995. Comments from all interested parties must be received by March 6, 1995.

ADDRESSES: Written comments and materials may be submitted directly to the Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection during business hours by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: Field Supervisor, at the address listed above (telephone 619/431–9440).

SUPPLEMENTARY INFORMATION:

Background

On August 4, 1994, the Service published a proposed rule in the Federal Register to list the San Diego fairy shrimp (*Branchinecta sandiegoensis*) as endangered (59 FR 39874). A public hearing was scheduled on October 19, 1994, to accept public input on the proposed endangered status. The comment period was extended to October 31, 1994, to

accommodate the public hearing. In response to the new information received on the distribution of the taxon and public requests, the Service reopens the public comment period.

The San Diego fairy shrimp a member of the Branchinectidae, a freshwater crustacean family in the Order Anostraca (fairy shrimp). It is a small and delicate animal with large stalked compound eyes, no carapace, and 11 pairs of swimming legs. The San Diego fairy shrimp is restricted to vernal pools in San Diego County from San Marcos and Ramona south to Otay Mesa and at Valle de Palmas in northwestern Baja California, Mexico. This species is threatened by one or more of the following factors: grazing, habitat destruction and fragmentation from agricultural and urban development, alteration of wetlands, recreational activities, human disturbances, and the inadequacy of existing regulatory mechanisms.

The Service reopens the comment period to allow all interested parties to submit additional written comments on the proposal. All comments received on the San Diego fairy shrimp will be summarized in the final decision document and will be included in the administrative record of the final decision.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

List of Subjects in 50 CFR Part 17

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

Dated: December 20, 1994.

Thomas Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 94-32260 Filed 12-30-94; 8:45 am]

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50 CFR Part 18

RIN 1018-AD04

Importation of Polar Bear Trophies From Canada; Proposed Rule to Implement Section 104(c)(5)(A) of the 1994 Amendments to the Marine Mammal Protection Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: On April 30, 1994, the Marine Mammal Protection Act (Act) was amended to allow for the issuance of

permits to import sport-hunted trophies of polar bears (*Ursus maritimus*) (excluding internal organs) legally taken by the applicant while hunting in Canada. These permits may also authorize the importation of trophies of polar bears taken, but not imported, prior to the enactment of the Amendments. Prior to issuing a permit, the Fish and Wildlife Service (Service) must make legal and scientific findings required under section 104(c)(5)(A) of the Act in consultation with the Marine Mammal Commission and after notice and opportunity for public comment. This proposed rule would establish application requirements, permit procedures, issuance criteria and permit conditions. This notice also proposes a special issuance fee for each permit as required by law. Such fees will be used in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia.

This proposed rule does not discuss the legal and scientific findings required by the 1994 Amendments that need to be made prior to issuing an import permit. The Service is currently working with the Canadian wildlife authorities to obtain the needed information to make these findings. A separate **Federal Register** notice will be published in early 1995 to review the findings.

DATES: The Service will consider comments and information received by March 6, 1995 in formulating its decision on this proposed rule.

ADDRESSES: Comments and information should be sent to: Director, Fish and Wildlife Service, c/o Office of Management Authority, 4401 N. Fairfax Drive, Room 420C, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Margaret Tieger, Office of Management Authority, at the above address, telephone (703) 358-2104, extension 5507.

SUPPLEMENTARY INFORMATION: This rule proposes regulations implementing provisions of the 1994 Amendments to the Act that allow for the issuance of permits to import sport-hunted trophies of polar bears legally taken by the applicant while hunting in Canada. At this time, Canada is the only country that allows polar bears to be harvested by non-residents through a regulated sport-hunting program. These amendments were signed into law on April 30, 1994. Prior to that time, those seeking authority to import polar bear trophies from Canada were required to first obtain a waiver of the Act's moratorium on importing marine mammals.

The 1994 Amendments include a streamlined procedure for authorizing the importation of these sport-hunted trophies by permit. This proposed rule would establish the application requirements, permit procedures, issuance criteria, permit conditions and issuance fee for this type of permit. The notice discusses each paragraph of the proposed rule in the section below titled, "Section Analysis by Paragraph".

Prior to issuing a permit for the importation of a polar bear trophy, the Service must make findings consistent with section 104(c)(5)(A) of the Act, in consultation with the Marine Mammal Commission, after publishing notice in the **Federal Register** for public comment. These findings are to ensure that the trophy was legally taken; that Canada has a monitored and enforced hunting program that is consistent with the 1973 International Agreement on the Conservation of Polar Bears and is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level; and that the export and subsequent import meet the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other international agreements and conventions and are not likely to contribute to illegal trade in bear parts.

This proposed rule does not discuss the legal and scientific findings required by the 1994 Amendments that need to be made prior to issuing an import permit as the Service does not presently have all the information it needs to make such findings. A group of biologists from the Service and the National Biological Survey are consulting with the Canadian wildlife authorities in December 1994 to gather information and discuss Canada's program. The Service will also be addressing several questions that have been raised. A contract report prepared for the Marine Mammal Commission in 1993 has raised questions about Canada's sport-hunting program and its consistency with the 1973 International Agreement on the Conservation of Polar Bears. In addition, the 1994 Amendments require the Service to determine whether for a particular population stock, Canada manages its hunting program through scientifically-based quotas that ensure the maintenance of a sustainable population. Canada manages polar bears at the subpopulation level, that appears to be consistent with this amendment and the discussion in the legislative history on Canada's management program in the Northwest Territories (140 Cong. Rec. H2725, April 26, 1994).