

response, with an average of 1.028 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Office, Fish and Wildlife Service Office of Management and Budget, Mail Stop 224, Arlington Square, U.S. Department of the Interior, 1849 C Street, N.W., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1018-0022), Washington, DC 20503.

3. A new § 18.30 is added to subpart D of part 18 to read as follows:

**§ 18.30 Polar bear sport-hunted trophy import permits.**

(a) *Application procedure.*

Applications for permits to import polar bear trophies shall be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 420C, Arlington, Virginia 22203. Each application must be submitted on an official application (Form 3-200) provided by the Service and must include as an attachment, all of the following additional information:

- (1) A statement of the purpose of the taking and proposed use upon import;
- (2) Name and address of the person from whom the polar bear trophy is to be exported;
- (3) Name and address of the person in the United States to whom the polar bear trophy is to be imported;
- (4) If the person who took the polar bear in Canada died prior to submittal of the import permit application, documentation that the importer is the heir of that person's estate;
- (5) Proof that the polar bear was legally harvested in Canada by the applicant (or by a decedent from whom the applicant inherited the trophy), including the tag number and date, location, and manner of taking; and
- (6) A description of the polar bear parts to be imported, including the number of specimens or parts and the age, size, and sex of the polar bear.

(b) *Definitions.* (1) The definitions in 50 CFR 10.12, 18.3, and 23.3 apply to this paragraph.

(2) *Sport-hunted trophy* means the hide, hair, skull, teeth, and claws of the specimen, which can be used by a taxidermist to create a mount of the animal for display or tanned for use as a rug, taken by the applicant during a sport hunt for personal, noncommercial

use. It does not include any internal organ of the animal, including the gall bladder.

(c) *Review by Marine Mammal Commission.* Upon receipt of an application the Director shall forward it to the Marine Mammal Commission as described in § 18.31(b).

(d) *Procedures for issuance of permits and modification, suspension or revocation thereof.* Permits applied for under this section shall be issued, suspended, modified or revoked pursuant to regulations contained in § 18.33.

(e) *Issuance criteria.* In determining whether to issue an import permit for a sport-hunted trophy, the Director shall consider, in addition to the general criteria in Part 13 of this subchapter, the following factors:

- (1) The specimen has not been imported into the United States;
- (2) The specimen to be imported meets the definition of a sport-hunted trophy in paragraph (b) of this section;
- (3) The polar bear was legally harvested in Canada by the applicant (or by a decedent from whom the applicant inherited the trophy);
- (4) Canada has a monitored and enforced sport-hunting program consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears;
- (5) Canada has a sport-hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level; and

(6) The export and subsequent import:

- (i) Are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and
- (ii) Are not likely to contribute to illegal trade in bear parts.

(f) *Additional permit conditions.* Permits to import a sport-hunted trophy are subject to the conditions outlined in § 18.31(d).

(g) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit, but in no case will the permit be valid for more than one year from the date of issuance.

(h) *Fees.* (1) The applicant must pay the required standard permit processing fee at the time of application as given in 50 CFR 13.11(4).

(2) The Service will promptly notify an applicant of its decision on the import permit application. If the decision is to approve the application, the applicant must remit the issuance fee of \$1,000 before receiving an import permit. The issuance fee will be used in

developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d) of the Marine Mammal Protection Act.

(i) *Scientific review.* (1) The Director shall undertake a scientific review of the impact of permits issued under this section on the polar bear population stocks in Canada by April 30, 1996.

(i) The review shall provide an opportunity for public comment, and shall include a response to such public comment in the final report.

(ii) The Director shall not issue permits under this section after September 30, 1996, if it is determined that the issuance of permits under this section is having a significant adverse impact on the polar bear population stocks in Canada.

(2) After the initial review, the Director may review whether the issuance of permits under this section is having a significant adverse impact on the polar bear population stocks in Canada annually in light of the best scientific information available. The review must be completed no later than January 31 in any year a review is undertaken.

\* \* \* \* \*

Dated: December 15, 1994.

**George T. Frampton, Jr.,**

*Assistant Secretary for Fish, and Wildlife and Parks.*

[FR Doc. 94-32281 Filed 12-30-94; 8:45 am]

BILLING CODE 4310-55-P

**50 CFR Part 23**

RIN 1018-AD07

**Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed Rule.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animals and plants. Species for which such trade is controlled are listed in Appendices I, II, and III to CITES.

This document announces decisions by the Conference of the Parties to CITES on amendments to Appendices I and II, and repeats a previous opportunity (59 FR 55617) to comment on whether the United States should enter reservations on any of the amendments. The effect of a reservation would be to exempt this country from

implementing CITES for a particular species. However, even if a reservation were taken, many importing countries would require comparable documents, and many importers to the United States would be required, under the Lacey Act Amendments of 1981, to obtain permits issued by foreign countries. The CITES amendments to Appendices I and II described in this document will enter into effect on February 16, 1995.

**DATES:** The amendments to Appendices I and II adopted at the recent meeting of the Conference of the Parties become effective 90 days after their adoption under terms of CITES and therefore are enforceable as of February 16, 1995. The Service will consider all comments received by January 17, 1995 in determining whether the United States should enter any reservations.

**ADDRESSES:** Please send correspondence concerning this document to the Office of Scientific Authority; Mail Stop; Arlington Square, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240 (FAX number 703-358-2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; room 750, 4401 North Fairfax Drive; Arlington, Virginia, 22203. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia, address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-1708.

**SUPPLEMENTARY INFORMATION:**

**Background**

CITES regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which the trade is controlled are included in three Appendices. Appendix I includes species threatened

with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other species). Appendix III includes species that any Party identifies as being subject to regulation within its jurisdiction for purposes of prevention or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

Any Party may propose amendments to Appendices I and II for consideration at meetings of the Conference of Parties. The text of any proposal must be communicated to the CITES Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate their responses to all Parties no later than 30 days before the meeting.

**Recent Decisions**

The ninth meeting of the Conference of Parties to CITES (COP9) was held on November 7-18, 1994, in Fort Lauderdale, Florida. At the meeting, the Parties considered 79 different animal proposals and 42 different plant proposals to amend the Appendices. These were described in the **Federal Register** on November 4, 1994, for proposals submitted by the United States (59 FR 55235), and on November 8, 1994, for proposals by other Parties (59 FR 55617). All proposed amendments were discussed and decided on by Committee I during the Conference, with each accredited attending Party having one vote.

Amendments were adopted by a two-thirds majority of the Parties present and voting or by consensus. Action by Committee I was accepted by the Plenary Session unless one-third of the Parties voting expressed the desire to reopen discussion on any species proposal. Debate was reopened only on the proposal by India to list *Pterocarpus santalinus*, a tree known commonly as redsanders, on Appendix II. The proposal had been one vote short of the required two-thirds majority for acceptance by Committee I. The Parties reversed that decision in Plenary Session.

The Parties also accepted a report by the Nomenclature Committee, a draft of which was described briefly in 59 FR 55617. The adoption of the recommendations of this report will result in some changes in the scientific names and/or listing sequences of animals and possibly plants listed in Appendices I, II, and III. These changes result primarily from a completed review of taxa listed in Appendix I prior to adoption of the Berne Criteria in 1977, or from the adoption of new taxonomic references for certain animal or plant taxa. Although many of these changes are taxonomically significant, their impact on implementation and enforcement of CITES will be minimal. A copy of the report of the Nomenclature Committee is available from the Office of Scientific Authority (see Addresses). The Fish and Wildlife Service (Service) will effect these taxonomic changes in the Final Rule incorporating the amendments to Appendices I and II as decided at COP 9, and modified as necessary as a result of public comment on the present notice, into § 23.23 of title 50 of the Code of Federal Regulations.

Results of actions by the Conference of Parties on the proposed amendments are given in the table below:

Species	Proposed amendment	Proponent	Final decision of the parties
<b>MAMMALS</b>			
Order Chiroptera:			
<i>Acerodon jubatus</i> (Golden-capped fruit bat).	Transfer from II to I .....	Philippines .....	Approved.
<i>Acerodon lucifer</i> (Panay giant fruit bat).	Transfer from II to I .....	Philippines .....	Approved with the annotation "possibly extinct."
Order Edentata:			
<i>Euphractus</i> spp. (Armadillos) .....	Add to II .....	Chile .....	Rejected.
Order Pholidota:			
<i>Manis</i> spp. (Pangolins) .....	Add to II .....	Switzerland .....	Approved.
<i>Manis temminckii</i> (Cape pangolin) .	Transfer from I to II .....	Switzerland .....	Approved.
Order Rodentia:			
<i>Chinchilla</i> spp. (Chinchillas) .....	Remove from I (domesticated specimens in South America).	Chile .....	Approved.

Species	Proposed amendment	Proponent	Final decision of the parties
Order Cetacea: <i>Balaenoptera acutorostrata</i> (Minke whale).	Transfer from I to II (Northeast Atlantic and the North Atlantic central stocks).	Norway .....	Rejected.
Order Carnivora: <i>Felis bengalensis bengalensis</i> (Leopard cat).	Transfer from I to II (except Chinese population, which is already on II).	Switzerland .....	Approved except for populations of India, Bangladesh, and Thailand, which remain on Appendix I.
<i>Hyaena brunnea</i> (Brown hyena) ....	Transfer from I to II .....	Switzerland .....	Approved.
<i>Conepatus</i> spp. (Hog-nosed skunks).	Add to II .....	Chile .....	Withdrawn.
<i>Ailurus fulgens</i> (Red panda) .....	Transfer from II to I .....	Netherlands .....	Approved.
Order Proboscidea: <i>Loxodonta africana</i> (African elephant).	Transfer from I to II (South Africa's population).	South Africa .....	Withdrawn.
<i>Loxodonta africana</i> (African elephant).	Transfer from I to II (Sudan's population).	Sudan .....	Withdrawn.
Order Perissodactyla: <i>Ceratotherium simon simon</i> (White rhinoceros).	Transfer from I to II (South Africa's population).	South Africa .....	Approved as amended to incorporate new wording "for the sale of live animals to appropriate and acceptable destinations, and hunting trophies only." The down-listing will be reviewed at COP10.
Order Artiodactyla: <i>Megamuntiacus vuquanghensis</i> (Giant muntjac).	Add to I .....	Vietnam .....	Approved.
<i>Pseudoryx nghetinhensis</i> (Vu Quang Ox).	Add to I .....	Denmark .....	Approved.
<i>Saiga tatarica</i> (Saiga antelope) ....	Add to II .....	United States .....	Approved as amended to include the entire species, <i>Saiga tatarica</i> in Appendix II
<i>Saiga tatarica mongolica</i> (Saiga Antelope).	Add to I .....	United States .....	Rejected.
<i>Ovis vignei</i> (Urial sheep) .....	Interpret listing on Appendix I of <i>Ovis vignei</i> to include only <i>O. v. vignei</i> , and add other subspecies of <i>Ovis vignei</i> to Appendix II.	United States .....	Withdrawn (referred to the Animals and Nomenclature Committees for further study).
<i>Vicugna vicugna</i> (Vicuña) .....	Transfer from I to II (remaining Peruvian Appendix I populations).	Peru .....	Approved. Approval includes authority to trade in wool from sheared, live vicuñas and authority to sell 3249 kilograms of stockpiled wool.
<i>Vicugna vicugna</i> (Vicuña) .....	Amend annotation for Appendix II populations to allow the trade in wool sheared from live vicuñas.	Chile .....	Approved.
<i>Hippopotamus amphibius</i> (Hippopotamus).	Add to II .....	Belgium, Benin, and France.	Approved.
<b>BIRDS</b>			
Order Apterygiformes: <i>Apteryx</i> spp. (Kiwis) .....	Add to I .....	New Zealand .....	Rejected.
Order Tinamiformes: <i>Rhynchotus rufescens maculicollis</i> (Red-winged tinamou).	Remove from II .....	Uruguay .....	Approved.
<i>Rhynchotus rufescens pallescens</i> (Southern red-winged tinamou).	Remove from II .....	Uruguay .....	Approved.
<i>Rhynchotus rufescens rufescens</i> (Western red-winged tinamou).	Remove from II .....	Uruguay .....	Approved.
Order Anseriformes: <i>Anas aucklandica</i> (currently listed as <i>Anas aucklandica aucklandica</i> ).	Transfer from II to I .....	New Zealand .....	Approved within the Appendix I listing of the species. <i>Anas aucklandica</i> .
<i>Anas chlorotis</i> (currently listed as <i>Anas aucklandica chlorotis</i> ).	Transfer from II to I .....	New Zealand .....	Approved within the Appendix I listing of the species. <i>Anas aucklandica</i> .
<i>Anas nesiotis</i> (currently listed as <i>Anas aucklandica nesiotis</i> ).	Retain in I .....	New Zealand .....	Approved within the Appendix I listing of the species. <i>Anas aucklandica</i> .
Order Galliformes: Xenoperdix (Udzungwa forest partridge).	Add to I .....	Denmark .....	Withdrawn.
Order Gruiformes: <i>Balearica pavonina</i> (Black-crowned crane).	Transfer from II to I .....	Netherlands .....	Withdrawn.
Order Psittaciformes: <i>Cacatua goffini</i> (Goffin's cockatoo)	Transfer from I to II .....	Indonesia .....	Withdrawn.
<i>Eos histrio</i> (Red and blue lory) ....	Transfer from II to I .....	Indonesia .....	Approved.

Species	Proposed amendment	Proponent	Final decision of the parties
<i>Cyanoramphus malherbi</i> (Orange-fronted parakeet).	Transfer from II to I .....	New Zealand .....	Withdrawn. Review of status referred to the Animals Committee.
<i>Cyanoramphus novaeseelandiae</i> (New Zealand or Red-crowned parakeet).	Transfer from I to II .....	New Zealand .....	Withdrawn.
<i>Psittacus erithacus princeps</i> (African gray parrot).	Transfer from I to II .....	United Kingdom ....	Approved.
<i>Psittacus erithacus</i> (Sao Tome/ Principe populations of African gray parrot).	Retain in I in lieu of <i>Psittacus erithacus princeps</i> .	United Kingdom ....	Withdrawn.
Order Cuculiformes: Musophagidae spp. (Turacos) .....	Add to II .....	Netherlands .....	Approved as amended from Musophagidae spp. to all <i>Tauraco</i> spp.
Order Apodiformes: <i>Collocalia</i> spp. (Edible-nest swiftlets).	Add to II .....	Italy .....	Withdrawn. (A resolution to sponsor a workshop on sustainable use of edible-nest swiftlets was approved).
Order Passeriformes: <i>Agelaius flavus</i> (Saffron-cowled blackbird).	Add to I .....	Uruguay .....	Approved.
<b>REPTILES</b>			
Order Crocodylia: <i>Melanosuchus niger</i> (Black caiman).	Transfer from I to II (Ecuador's population pursuant to Conf. 3.15 on ranching).	Ecuador .....	Approved with zero export quota for 2 years and review by the IUCN Crocodile Specialist Group after 2 years.
<i>Crocodylus niloticus</i> (Nile crocodile).	Change basis of maintenance of Madagascar population on II from Conf. 7.14 to Conf. 3.15.	Madagascar .....	Approved. Under Conf. 7.14, with export quotas of ranched animals set at 4,500 in 1995, and 5,000 in 1996 and 1997. An additional export quota of 200 nuisance animals per year was also approved.
<i>Crocodylus niloticus</i> (Nile crocodile).	Change basis of maintenance of South Africa's population on II from Conf. 7.14 to Conf. 3.15.	South Africa .....	Approved.
<i>Crocodylus niloticus</i> (Nile crocodile).	Transfer from II to I (Madagascar and Somalia populations).	Switzerland .....	Approved for Somalia population. Proposal for Madagascar population withdrawn.
<i>Crocodylus niloticus</i> (Nile crocodile).	Maintain in II with significant increase in export quota pursuant to Conf. 7.14.	Tanzania .....	Approved as amended to allow harvest quotas of 1,000 per year for 1995 and 1996, plus an additional 100 per year for sport trophies from 1995-1997. Quota for 1997 to be determined by the Secretariat in consultation with the IUCN Crocodile Specialist Group.
<i>Crocodylus porosus</i> (Saltwater crocodile).	Change basis of maintenance of Indonesian population on II from Conf. 7.14 to Conf. 3.15.	Indonesia .....	Approved. Approval based on Indonesia's self-imposed zero export quota until their ranching programs are inspected and approved by the IUCN Crocodile Specialist Group and the Secretariat.
<i>Crocodylus porosus</i> (Saltwater crocodile).	Transfer from II to I (Indonesian population).	Switzerland .....	Withdrawn.
<i>Crocodylus porosus</i> (Saltwater crocodile).	Change basis of maintenance of Australian population on II from Conf. 3.15 to Conf. 1.2.	Australia .....	Approved.
Order Testudinata: <i>Lissemys punctata</i> Indian flap-shell turtle).	Add to II .....	Switzerland .....	Approved.
<i>Lissemys punctata</i> Indian flap-shell turtle).	Remove from I .....	Switzerland .....	Approved.
<i>Terrapene</i> spp. (Box turtles) .....	Add to II (retain <i>T. coahuila</i> in I) .....	Netherlands, United States.	Approved.
<i>Testudo kleinmanni</i> (Egyptian tortoise).	Transfer from II to I .....	Egypt .....	Approved.
Order Rhynchocephalia: <i>Sphenodon</i> spp. (Tuataras) or <i>Sphenodon quntheri</i> (Brother's Island tuatara).	Add to I .....	New Zealand .....	Approved, as <i>Sphenodon</i> spp.
Order Sauria: <i>Phymaturus flagellifer</i> (Racerunner lizard).	Add to II .....	Chile .....	Rejected.

Species	Proposed amendment	Proponent	Final decision of the parties
<i>Pristidactylus alvaro</i> .....	Add to II .....	Chile .....	Withdrawn.
<i>Pristidactylus torquatus</i> .....	Add to II .....	Chile .....	Withdrawn.
<i>Pristidactylus valeriae</i> .....	Add to II .....	Chile .....	Withdrawn.
<i>Pristidactylus volcanensis</i> .....	Add to II .....	Chile .....	Withdrawn.
<i>Callopistes pallum</i> .....	Add to II .....	Chile .....	Withdrawn.
<i>Varnus bengalensis</i> (Indian monitor).	Transfer from I to II (Bangladesh population).	Bangladesh .....	Withdrawn.
<i>Varanus flavescens</i> (Yellow monitor).	Transfer from I to II (Bangladesh population).	Bangladesh .....	Withdrawn.
<b>AMPHIBIANS</b>			
Order Anura:			
<i>Bufo periglenes</i> (Monte Verde or Golden toad).	Add to I .....	Netherlands .....	Approved.
<i>Mantella aurantiaca</i> (Malagasy golden frog).	Add to I (Netherlands, Add to II (Germany)).	Netherlands and Germany.	Approved (inclusion in Appendix II).
<b>FISH</b>			
Order Osteoglossiformes:			
<i>Scleropages formosus</i> (Asian bonytongue).	Transfer from II to I (Indonesian population).	Indonesia .....	Approved.
<i>Scleropages formosus</i> (Asian bonytongue).	Transfer from II to I (Indonesian population).	Switzerland .....	Withdrawn.
<b>MOLLUSCS</b>			
<i>Charonia tritonis</i> (Giant triton) .....	Add to II .....	Australia .....	Withdrawn.
<i>Placostylus</i> spp. (New Zealand flax snails).	Add to II (New Zealand population) .....	New Zealand .....	Withdrawn.
<i>Powelliphanta</i> spp. (New Zealand land snails).	Add to II (New Zealand population) .....	New Zealand .....	Withdrawn.
<b>INSECTS</b>			
<i>Colophon</i> spp. (Cape stag beetles)	Add to I .....	Netherlands .....	Withdrawn.
<b>ARACHNIDS</b>			
<i>Brachypelma</i> spp. (Red-knee tarantulas).	Add to II .....	United States .....	Approved.
<i>Pandinus imperator</i> (Emperor scorpion).	Add to II .....	Ghana .....	Approved.
<i>Pandinus gambiensis</i> (scorpion) ....	Add to II .....	Ghana .....	Approved.
<i>Pandinus dictator</i> (scorpion) .....	Add to II .....	Ghana .....	Approved.
<b>PLANTS</b>			
Family Apocynaceae:			
<i>Pachypodium ambongense</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>P. brevicaule</i> .....	Transfer from I to II .....	Madagascar & Switzerland.	Approved. No adult wild plants to be exported before COP10 (in 1997).
<i>P. namaquanum</i> .....	Transfer from I to II .....	Switzerland .....	Approved.
Family Araceae:			
<i>Alocasia sanderiana</i> .....	Remove from II .....	Switzerland .....	Approved.
Family Balanophoraceae:			
<i>Dactylanthus taylorii</i> .....	Add to I .....	New Zealand .....	Rejected.
Family Berberidaceae:			
<i>Berberis aristata de Candolle</i> .....	Add to II .....	India .....	Rejected.
Family Cactaceae:			
<i>Astrophytum asterias</i> .....	Transfer from I to II .....	Mexico & Switzerland.	Withdrawn.
<i>Leuchtenbergia principis</i> .....	Transfer from I to II .....	Mexico & Switzerland.	Approved.
<i>Mammillaria plumosa</i> .....	Transfer from I to II .....	Mexico & Switzerland.	Approved.
Family Ebenaceae:			
<i>Diospyros mun</i> .....	Add to II .....	Germany .....	Withdrawn.
Family Euphorbiaceae:			
<i>Euphorbia cremersii</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Euphorbia primulifolia</i> .....	Transfer from I to II .....	Madagascar & Switzerland.	Approved.
Family Gentianaceae:			
<i>Gentiana kurroo</i> .....	Add to II .....	India .....	Withdrawn.
Family Leguminosae (Fabaceae):			
<i>Dalbergia melanoxylon</i> .....	Add to II .....	Germany: Kenya ...	Both proposals withdrawn.
<i>Pterocarpus santalinus</i> .....	Add to II .....	India .....	Approved, with amendment to exclude finished musical instruments, formulations and chemical derivatives.

Species	Proposed amendment	Proponent	Final decision of the parties
Family Liliaceae:			
<i>Aloe albiflora</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe alfredii</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe bakeri</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe bellatula</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe calcairophila</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe compressa</i> (inc. var. <i>rugosquamosa</i> and var. <i>schistophila</i> ).	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe delphinensis</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe descoingsii</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe fragilis</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe haworthioides</i> (inc. var. <i>aurantiaca</i> ).	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe helenae</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe laeta</i> (inc. var. <i>maniensis</i> ) .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe parallelofolia</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe parvula</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe rauhii</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe suzannae</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Aloe vera</i> (syn. <i>A. barbadensis</i> ) .....	Remove from II .....	Switzerland .....	Approved, with problems referred to Plants Committee.
<i>Aloe versicolor</i> .....	Transfer from II to I .....	Madagascar & Switzerland.	Approved.
<i>Colchicum luteum</i> .....	Add to II .....	India .....	Withdrawn.
Family Meliaceae:			
<i>Entandrophragma</i> spp .....	Add to II .....	Germany .....	Withdrawn.
<i>Khaya</i> spp. ....	Add to II .....	Germany .....	Withdrawn.
<i>Swietenia macrophylla</i> in the neotropics, incl. natural hybrids with <i>S. humilis</i> , and <i>sic</i> with <i>S. mahagoni</i> .	Add to II .....	Netherlands .....	Rejected, as amended at COP9 to read "including natural hybrids with <i>S. humilis</i> , and excluding all parts and derivatives except logs, sawn wood, veneer sheets and plywood sheets."
Family Orchidaceae:			
<i>Cattleya skinneri</i> .....	Transfer from I to II .....	Switzerland & Mexico.	Approved.
<i>Cypripedium cordigerum</i> .....	Transfer from II to I .....	India .....	Rejected.
<i>Cypripedium elegans</i> .....	Transfer from II to I .....	India .....	Rejected.
<i>Cypripedium himalaicum</i> .....	Transfer from II to I .....	India .....	Rejected.
<i>Cypripedium tibeticum</i> .....	Transfer from II to I .....	India .....	Rejected.
<i>Dendrobium cruentum</i> .....	Transfer from II to I .....	Thailand .....	Approved.
<i>Didickea cunninghamii</i> .....	Transfer from I to II .....	Switzerland .....	Approved.
<i>Lycaste skinneri</i> var. <i>alba</i> .....	Transfer from I to II .....	Switzerland & Mexico.	Approved.
Family Polygonaceae:			
<i>Rheum australe</i> .....	Add to II .....	India .....	Withdrawn.
Family Ranunculaceae:			
<i>Aconitum deinorrhizum</i> .....	Add to II .....	India .....	Withdrawn.
<i>Aconitum ferox</i> .....	Add to II .....	India .....	Withdrawn.
<i>Aconitum heterophyllum</i> .....	Add to II .....	India .....	Withdrawn.
<i>Coptis teeta</i> .....	Add to II .....	India .....	Withdrawn.
Family Rosaceae:			
<i>Prunus africana</i> .....	Add to II .....	Kenya .....	Approved.
Family Scrophulariaceae:			
<i>Picrorhiza kurroa</i> .....	Add to II .....	India .....	Withdrawn.

Species	Proposed amendment	Proponent	Final decision of the parties
Family Taxaceae: <i>Taxus wallichiana</i> (= <i>T. baccata</i> ssp. <i>wallichiana</i> ).	Add to II .....	India .....	Approved with amendment to exclude finished pharmaceutical products (i.e., end-point medicines such as taxol).
Family Theaceae: <i>Camellia chrysantha</i> .....	Remove from II .....	Switzerland .....	Withdrawn.
Family Thymelaeaceae: <i>Aquilaria malaccensis</i> (syn. <i>A.</i> <i>agallocha</i> ).	Add to II .....	India .....	Approved.
Family Valerianaceae: <i>Nardostachys grandiflora</i> .....	Add to II .....	India .....	Withdrawn.
Parts and Derivatives Proposal .....	With respect to Appendix II plant replace the standard exclusions. "tissue cultures and flaked seedlings cultures" with "seedling or tissue cultures, obtained <i>in vitro</i> , in solid or liquid media, transported in containers".	Germany .....	Approved.

### Consequences of Amendments to Appendices I and II

All proposals in the preceding table that were approved by the Conference of the Parties will enter into effect 90 days after the meeting (February 16, 1995) under terms of CITES. Article XV of CITES enables any Party to exempt itself from implementing CITES for any particular species, if it enters a reservation with respect to that species. A Party desiring to enter a reservation must do so during the 90-day period immediately following the close of the meeting at which the Parties voted to include the species in Appendix I or II. If the United States should decide to enter any reservation, this action must be transmitted to the Depositary Government (Switzerland) by February 16, 1995.

The Service now repeats its opportunity (see November 8, 1994, **Federal Register** Notice) for public comment/recommendations concerning reservations to be taken by the United States on any amendments to the Appendices adopted by the Parties at COP9. Recommendations or comments regarding reservations must be received by January 17, 1995, so that the Secretariat can be informed by February 16, 1995. The Service proposes not to recommend any reservations. It will consider doing so only if evidence is presented to show that implementation of an amendment would be contrary to the interests or law of the United States. If the United States should enter any reservations, they will be announced, along with a request for public comment, in a **Federal Register** notice as soon as possible after the decisions are made. Any reservations announced would be tentative, pending full consideration of public comments.

Reservations, if entered, may do little to relieve importers in the United States from the need for foreign export permits, because the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*) make it a Federal offense to import into the United States any animals taken, possessed, transported, or sold in violation of foreign conservation laws. If a foreign country has enacted CITES as part of its positive law, and that country has not taken a reservation with regard to the animal or plant, or its parts or derivatives, the United States (even if it had taken a reservation on a species) would continue to require CITES documents as a condition of import. Any reservation by the United States would provide exporters in this country with little relief from the need for U.S. export documents. Importing countries that are party to CITES would generally require CITES-equivalent documentation from the United States, even if it enters a reservation, because the Parties have agreed to allow trade with non-Parties (including reserving Parties) only if they issue documents containing all the information required in CITES permits or certificates. In addition, if a reservation is taken on a species listed in Appendix I, the species should still be treated by the reserving Party as in Appendix II according to Resolution Conf. 4.25, thereby still requiring CITES documents for export. The United States has never entered a reservation to a CITES listing. It is the policy of the United States that commercial trade in Appendix I species for which a country has entered a reservation undermines the effectiveness of CITES.

**Note:** The Department has determined that amendments to CITES Appendices, which result from actions of the Parties to the Convention, do not require the preparation of

Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321-4347). This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Regulatory Flexibility Act (5 U.S.C. 601) does not apply to this listing process. The proposed adjustments to the list in 50 CFR § 23.23 are solely informational to provide the public with accurate data on the species covered by CITES. The listing changes adopted by the Parties will take effect on February 16, 1995, under the terms of CITES. This proposed rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Service finds that good cause exists to terminate the public comment period on January 17, 1995, in order to provide the necessary time to review and, if appropriate, act on any comments requesting the entering of reservations. Any such reservations must be submitted to the CITES Secretariat by February 16, 1995.

### List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

This document is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* and 87 Stat. 884, as amended). It was prepared by Drs. Charles W. Dane, Marshall A. Howe, and Bruce MacBryde, Office of Scientific Authority.

### Proposed Regulation Promulgation

The Service proposes to amend the list of species contained in § 23.23 of title 50 of the Code of Federal Regulations by incorporating all changes in CITES Appendices I and II that were approved by the Conference of the Parties, as set forth in the supporting statement of the present notice and

modified as necessary to conform to recommendations contained in the approved Report of the Nomenclature Committee.

Dated: December 16, 1994.

**George T. Frampton, Jr.,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 94-32271 Filed 12-30-94; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 19 CFR Parts 353, 355, and 356

[Docket No. 941264-4364]

RIN: 0625-AA45

#### **Antidumping Duties; Countervailing Duties; Article 1904 of the North American Free Trade Agreement**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Advance notice of proposed rulemaking and request for public comments.

**SUMMARY:** The Department of Commerce ("the Department") intends to initiate a rulemaking proceeding to conform the Department's existing antidumping duty, countervailing duty, and NAFTA Article 1904 regulations to the Uruguay Round Agreements Act, which implemented the results of the Uruguay Round multilateral trade negotiations. In addition to conforming changes, the Department will be considering other changes to the procedural and substantive provisions of the antidumping and countervailing duty regulations. The overall objectives of this rulemaking proceeding will be to: (1) translate the principles of the implementing legislation into specific and predictable rules, thereby facilitating the administration of these laws and providing greater predictability for private parties affected by these laws; (2) simplify and streamline the Department's administration of antidumping and countervailing duty proceedings; (3) codify existing administrative practice, to the extent such codification is appropriate and is consistent with the first and second objectives; and (4) resolve any inconsistencies in the Department's administrative practice.

**DATES:** The Department will consider written comments if received not later than February 3, 1995. The Department will also consider written responses to

written comments if received not later than February 24, 1995.

**ADDRESSES:** Address written comments to Susan G. Esserman, Assistant Secretary for Import Administration, Central Records Unit, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., Washington, DC 20230. Comments should be addressed: Attention: Advance Notice of Proposed Rulemaking/Uruguay Round Agreements Act. Each person submitting a comment should include his or her name and address, and give reasons for any recommendation.

**FOR FURTHER INFORMATION CONTACT:** William D. Hunter, (202) 482-4412, or David Mason Jr., (202) 482-4969.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 7, 1994, President Clinton signed the Uruguay Round Agreements Act, Pub.L. 103-465 ("the URAA"), into law. The URAA implements the results of the Uruguay Round multilateral trade negotiations. Among the agreements negotiated as part of the Uruguay Round are the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("the Antidumping Agreement") and the Agreement on Subsidies and Countervailing Measures ("the Subsidies Agreement"). The URAA, among other things, conforms the U.S. antidumping and countervailing duty laws to the requirements of the Antidumping Agreement and the Subsidies Agreement.

The Department is initiating a rulemaking proceeding to conform the Department's existing regulations on antidumping duties, countervailing duties, and Article 1904 of the North American Free Trade Agreement to the provisions of the URAA. Although the Department expects that in many instances amendments to existing regulations will be of a conforming nature only, in the Statement of Administrative Action accompanying H.R. 5110 (H.R. Doc. No. 316, Vol. 1, 103d Cong., 2d Sess. (1994)), the Administration committed the Department to flesh out through regulation certain provisions of the bill.

In addition to regulations implementing the URAA, the Department intends to use this opportunity to proceed further with certain rulemaking proceedings on which work was suspended pending the completion of the Uruguay Round. These proceedings are listed below. In the Semiannual Unified Agenda of

Federal Regulations, published on April 25, 1994 (59 FR 20136), the Department indicated that these rulemaking proceedings had been withdrawn, but that it intended to address the subject matter covered by these rulemaking proceedings as part of a new, consolidated rulemaking proceeding which, among other things, would conform the antidumping and countervailing duty regulations to anticipated legislation implementing the Uruguay Round. The withdrawn rulemaking proceedings were:

- *Antidumping Duties* [RIN: 0625-AA29]: On February 1, 1989 (54 FR 5092), the Department published an Advance Notice of Proposed Rulemaking concerning regulations that would have codified existing administrative practice with respect to the identification and measurement of dumping.

- *Countervailing Duties* [RIN: 0625-AA31]: On May 31, 1989 (54 FR 23366), the Department published a Notice of Proposed Rulemaking that would have codified existing administrative practice with respect to the identification and measurement of subsidies.

- *Antidumping and Countervailing Duties; Significant Ministerial Errors* [RIN: 0625-AA35]: On January 10, 1992 (57 FR 1131), the Department published a Notice of Proposed Rulemaking setting forth the circumstances in which the Department would correct significant ministerial errors made in preliminary antidumping and countervailing duty determinations.

- *Antidumping Duties; Methodologies for Assessment Instructions* [RIN: 0625-AA36]: On December 5, 1991 (56 FR 6396), the Department published an Advance Notice of Proposed Rulemaking regarding regulations which would have changed and/or codified existing administrative practice to simplify and streamline the collection of estimated antidumping duties and the assessment of antidumping duties.

- *Antidumping Duties; Calculation of Weighted Average Dumping Margin* [RIN: 0625-AA39]: The Department had considered initiating a rulemaking proceeding which would have addressed a problem in the Department's calculation of weighted-average dumping margins caused by the Department's treatment of adjustments for indirect taxes. See 59 FR 20156-57.

- *Antidumping Duties; Period of Investigation* [RIN: 0625-AA41]: The Department had considered initiating a rulemaking proceeding to amend the Department's antidumping regulations with respect to the period covered by an antidumping investigation. See 59 FR 20157.