

established by the Small Business Administration.

7. The *Report and Order*, 64 FR 4984, February 2, 1999, established a process through which private sector organizations could be designated to approve radio frequency devices and telephone terminal equipment. These TCBs were required under the *Report and Order* to keep "trade secret" information confidential. A Final Regulatory Flexibility Analysis was incorporated in the *Report and Order*.<sup>5</sup> Following publication of the *Report and Order*, Motorola filed its petition seeking clarification of the confidentiality of applications filed with TCBs. In this *Memorandum Opinion and Order* we are amending the rules to indicate that confidentiality should apply to "any material that qualifies for confidential treatment under the Commission's Rules."

8. This amendment to the rules will affect the 15 to 20 TCBs in operation; and it is the Commission's belief that most of the TCBs are small businesses. Most applications filed with TCBs do not require that any information be held confidential. Where material does require confidential treatment it is predominantly because the materials are "trade secrets." Systems for determining and storing "trade secrets" are already in place. The small amount of additional material required to be stored because it is "material considered to be confidential by the Commission" is insignificant. Therefore, we expect that the increased burden on TCBs caused by this amendment is nominal and does not rise to the level of a "significant economic burden." Therefore, we certify that the amendments included in this *Memorandum Opinion and Order* will not have a significant economic impact on a substantial number of small entities.

9. The Commission will send a copy of the *Memorandum Opinion and Order*, including a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>6</sup> In addition, the *Memorandum Opinion and Order* and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration.<sup>7</sup>

10. The petition for clarification filed by Motorola is granted. It is further ordered that Parts 2 and 68 of the Commission's Rules are amended June 18, 2001. Pursuant to the authority contained in sections 4(i), 303(f), 303(g)

and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), 303(g) and 303(r).

11. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of the *Memorandum Opinion and Order*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects in 47 CFR Parts 2 and 68

Communications equipment, Reporting and recordkeeping requirements.

Federal Communications Commission.  
Magalie Roman Salas,  
Secretary.

#### Rules Changes

For the reasons discussed in the preamble, parts 2 and 68 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303 and 336, unless otherwise noted.

2. Section 2.962 is amended by revising paragraph (g)(4) to read as follows:

#### § 2.962 Requirements for Telecommunication Certification Bodies.

\* \* \* \* \*

(g) \* \* \*

(4) Where concerns arise, the TCB shall provide a copy of the application file to the Commission within 30 calendar days of a request for the file made by the Commission to the TCB and the manufacturer. Where appropriate, the file should be accompanied by a request for confidentiality for any material that may qualify for confidential treatment under the Commission's Rules. If the application file is not provided within 30 calendar days, a statement shall be provided to the Commission as to why it cannot be provided.

\* \* \* \* \*

#### PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

3. The authority citation for part 68 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

4. Section 68.162 is amended by revising paragraph (g)(4) to read as follows:

#### § 68.162 Requirements for Telecommunication Certification Bodies.

\* \* \* \* \*

(g) \* \* \*

(4) Where concerns arise, the TCB shall provide a copy of the application file to the Commission within 30 calendar days of a request for the file made by the Commission to the TCB and the manufacturer. Where appropriate, the file should be accompanied by a request for confidentiality for any material that may qualify for confidential treatment under the Commission's Rules. If the application file is not provided within 30 calendar days, a statement shall be provided to the Commission as to why it cannot be provided.

\* \* \* \* \*

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#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 23

#### RIN 1018-AH63

#### 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:** Final rule.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or "the Convention") regulates international trade in certain animals and plants. Species for which such trade is controlled are listed in Appendices I, II, and III to the Convention. This final rule announces decisions made by the eleventh meeting of the Conference of the Parties to CITES (COP11) in April 2000 on amendments to Appendices I and II, and incorporates those decisions in 50 CFR 23.23. This rule also discusses the issue of entering of reservations by the United States on any of the amendments. The effect of a reservation would be to exempt the United States from implementing CITES for a particular species. The United States has entered no reservations. The CITES amendments to Appendices I and II described in this rule entered into effect on July 19, 2000, unless specifically indicated otherwise.

<sup>5</sup> 13 FCC Rcd 24737 (1999).

<sup>6</sup> See 5 U.S.C. 801(a)(1)(A).

<sup>7</sup> See 5 U.S.C. 605(b).

**DATES:** This final rule is effective May 18, 2001. The amendments to Appendices I and II adopted at the recent meeting of the Conference of the Parties held in Gigiri, Kenya, on April 10–20, 2000, entered into force 90 days after their adoption under the terms of CITES and, therefore, were enforceable as of July 19, 2000.

**ADDRESSES:** Please send correspondence concerning this rule to Chief, Division of Scientific Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ–750, Washington, DC 20240; (fax number: 703–358–2276;).

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan Lieberman, Chief, Division of Scientific Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ–750, Washington, DC 20240 (phone: 703–358–1708; fax: 703–358–2276; e-mail: r9osa@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

CITES regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in one of 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 threatened with extinction now, may become so unless trade in them is strictly controlled. Appendix II also lists species that must be subject to regulation in order that trade in other listed species may be brought under effective control (e.g., because of similarity-of-appearance problems). Appendix III includes species that any Party to CITES (i.e., a country that has ratified the treaty) identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which the Party needs the cooperation of other Parties to regulate trade. Any Party may propose amendments to Appendices I and II for consideration at biennial meetings of the Conference of the 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 eleventh meeting of the Conference of the Parties to CITES (COP11) was held April 10–20, 2000, in Gigiri, Kenya, at the headquarters of the

United Nations Environment Programme (UNEP). The meeting was hosted by UNEP. At the meeting, the Parties considered 21 different plant proposals and 41 different animal proposals to amend the Appendices (see Table 1 below). We described those proposals in the **Federal Register** on February 17, 2000, for proposals submitted by the United States (65 FR 8190), and on March 8, 2000, for proposals submitted by other countries (65 FR 12400). In the **Federal Register** of March 8, 2000, we also discussed the proposed U.S. negotiating positions on those proposals submitted by other countries.

The CITES COP meeting was divided into two simultaneous committees. Committee II discussed management, implementation, and enforcement issues. Committee I considered and acted upon all proposals to amend the Appendices (except, of course, those that were withdrawn by the proponents during the meeting). Each duly accredited attending Party had one vote, and countries and approved observer organizations were afforded the opportunity to comment on the proposals. Adoption of amendments by Committee I required either consensus or, in case of a vote, a two-thirds majority of those Parties present and voting (abstentions were not included). The Plenary Session accepted actions by Committee I on species proposals, unless a motion to reopen debate was put to vote and approved by one-third of the non-abstaining Parties voting.

Debate was reopened and votes recast on the following proposals that had not received the required two-thirds majority in Committee I: the proposal submitted by Norway to transfer the Northeast Atlantic and North Atlantic Central stocks of minke whales (*Balaenoptera acutorostrata*) from Appendix I to Appendix II; the proposal submitted by Cuba to transfer the “Cuban” population of the hawksbill sea turtle (*Eretmochelys imbricata*) from Appendix I to Appendix II; and the proposal submitted by the United Kingdom to include the basking shark (*Cetorhinus maximus*) in Appendix II. All these proposals were amended in Plenary, and were rejected by the Parties in Plenary.

Secret ballots were cast in Committee I or Plenary on seven different proposals. The proposals that were decided by secret ballot were for the following species: all whale proposals, hawksbill sea turtle, great white shark, and basking shark. All proposals brought to a vote in Plenary were also conducted by secret ballot. The United States considers this proliferation of

secret ballots to be unfortunate for a number of reasons. We believe that the position of CITES Parties on species proposals should be public and the voting process transparent. Governments must be accountable to their citizens. In addition, secret ballots take significant time away from the deliberations in both Committee and Plenary. Consequently, the U.S. delegation to the COP always made public (on the floor or in other public fora) its vote on species proposals conducted by secret ballot at COP11. In Committee I, the United States voted for the proposals on basking shark and great white shark, and against all proposals for downlisting of whales and sea turtles.

Species proposals submitted or cosponsored by the United States met with mixed results. The proposals on white wicky (*Kalmia cuneata*), Asian box turtles (*Cuora* spp.; cosponsored by Germany), Sonoran green toad (*Bufo retiformis*), and *Mantella* frogs (*Mantella* spp.; cosponsored by The Netherlands) were adopted. The proposals on gyrfalcon (*Falco rusticolus*), spotted turtle (*Clemmys guttata*), whale shark (*Rhincodon typus*), great white shark (*Carcharodon carcharias*; cosponsored by Australia), and Eastern Hemisphere tarantulas (*Poecilotheria* spp.; cosponsored by Sri Lanka) were rejected. It is notable that the proposals for whale shark, great white shark, and tarantulas received a simple majority of votes, although they did not receive the two-thirds majority required for adoption. The proposal on Asian pangolins (*Manis crassicaudata*, *M. pentadactyla*, and *M. javanica*; cosponsored by India, Nepal, and Sri Lanka) was amended (species maintained in Appendix II, with a zero quota for wild specimens) and subsequently adopted. The proposal on musk deer (*Moschus* spp.), cosponsored by India and Nepal, was withdrawn, but a resolution and decision were adopted instead.

The proposal on Black Sea bottlenose dolphin (*Tursiops truncatus ponticus*; cosponsored by Georgia), pancake tortoise (*Malacochersus tornieri*; cosponsored by Kenya), and timber rattlesnake (*Crotalus horridus*) were withdrawn, for varying reasons. A number of range countries supported the bottlenose dolphin proposal, but Georgia was unable to attend the meeting; the proposal did generate an official COP decision directing action by the CITES Animals Committee. The timber rattlesnake proposal was withdrawn by the United States after significant opposition from European countries led to defeat of the spotted

turtle proposal. That bloc opposition was based on opposition to submission of a proposal for an endemic species (spotted turtle). Parties argued that it should be up to the United States to adopt domestic laws regulating their trade as they are native species. We disagree, since CITES is by definition a multilateral instrument to deal with the conservation of species subject to international trade. We continue to assert, and the representatives of U.S. States concurred at the COP, that the spotted turtle and timber rattlesnake qualify for CITES Appendix II, and any

country has a right to recommend the inclusion of endemic species in the CITES Appendices. By precedent, a large number of endemic plant and animal species are already included in the CITES Appendices. The proposals to include three shark species (whale shark, great white shark, and basking shark) in Appendix II encountered bloc opposition from Parties opposed to any CITES involvement in marine species issues and were defeated. The gyrfalcon proposal (*Falco rusticolus*), involving another U.S. species, was opposed primarily by members of the European

Union and other European countries, which claimed that such a split-listing would encourage illegal collection and trade in wild specimens originating in Europe.

The United States is currently considering, at least for the spotted turtle and timber rattlesnake, an Appendix III listing as an alternative conservation strategy for these native species subject to international trade. In considering this approach, we will fully consult State wildlife agencies. If we decide to pursue this course of action, we will solicit public comments.

TABLE 1.—RESULTS OF ACTIONS BY THE ELEVENTH MEETING OF THE CONFERENCE TO THE PARTIES (COP11) TO CITES

Proposal	Species/taxon	Proposed amendment	Proponent	Decision
<b>PLANTS</b>				
<b>Proposals submitted on behalf of the Plants Committee</b>				
11.1	<i>Ceropegia</i> spp	Delete from Appendix II	Switzerland	Adopted.
11.2	<i>Frerea indica</i>	Delete from Appendix II	Switzerland	Adopted.
11.3	<i>Byblis</i> spp	Delete from Appendix II	Australia	Adopted.
11.4	<i>Disocactus macdougalli</i> (McDougal's cactus).	Transfer from Appendix I to Appendix II.	Switzerland	Adopted.
11.5	<i>Sclerocactus mariposensis</i> (Mariposa cactus).	Transfer from Appendix I to Appendix II.	Switzerland	Rejected.
11.6	<i>Cephalotus follicularis</i>	Delete from Appendix II	Australia	Adopted.
11.7	<i>Dudleya stolonifera</i> <i>Dudleya traskiae</i> (Laguna Beach and Santa Barbara Island <i>Dudleya</i> ).	Transfer from Appendix I to Appendix II.	Switzerland	Adopted as amended. <sup>1</sup>
11.8	<i>Cyathea</i> spp	(a) Change listings of <i>Cyatheaceae</i> spp. to <i>Cyathea</i> spp (including <i>Alsophila</i> , <i>Nephelea</i> , <i>Sphaeropteris</i> , <i>Trichipteris</i> ).	Switzerland	Adopted.
	<i>Cibotium barometz</i> <i>Dicksonia</i> spp.	(b) Change listing of <i>Dicksoniaceae</i> spp. to <i>Dicksonia</i> spp. (the Americas only) and <i>Cibotium barometz</i> .		
11.9	<i>Shortia galacifolia</i> (Ocone bells).	Delete from Appendix II	Switzerland	Withdrawn.
11.10	<i>Lewisia cotyledon</i> (Siskiyou lewisia) <i>Lewisia maguirei</i> (Maguire's lewisia) <i>Lewisia serrata</i> (Saw-toothed lewisia).	Delete from Appendix II	Switzerland	Adopted as amended. <sup>2</sup>
11.11	<i>Darlingtonia californica</i> (California pitcher plant, cobra-lily).	Delete from Appendix II	Switzerland	Adopted.
<b>OTHERS</b>				
11.53		Harmonize exemptions for medicinal products: combine annotation #2— <i>P. hexandrum</i> and <i>R. serpentina</i> with annotation #8— <i>Taxus wallichiana</i> .	Switzerland	Adopted.
11.54	<i>Panax ginseng</i> (Ginseng)	Inclusion in Appendix II of roots	Russia	Adopted as amended. <sup>3</sup>
11.55	<i>Araucaria araucana</i> (Monkey-puzzle tree).	Transfer from Appendix II to Appendix I (Argentina population).	Argentina	Adopted.
11.56	<i>Cactaceae</i> spp	Exempt up to 3 specimens of rainsticks ( <i>Cactaceae</i> , <i>Echinopsis</i> , <i>Eulychnia</i> ) per person.	Chile	Withdrawn.*
11.57	<i>Kalmia cuneata</i> (White wicky)	Delete from Appendix II	United States	Adopted
11.58	<i>Camptotheca acuminata</i> (Happy tree).	Inclusion in Appendix II	China	Withdrawn.
11.59	<i>Cistanche deserticola</i> (Desert cistanche).	Inclusion in Appendix II	China	Adopted as amended. <sup>4</sup>

TABLE 1.—RESULTS OF ACTIONS BY THE ELEVENTH MEETING OF THE CONFERENCE TO THE PARTIES (COP11) TO CITES—Continued

Proposal	Species/taxon	Proposed amendment	Proponent	Decision
11.60 ....	<i>Harpagophytum procumbens</i> <i>Harpagophytum zeyheri</i> (Devil's claw).	Inclusion in Appendix II .....	Germany .....	Withdrawn.
11.61 ....	<i>Adonis vernalis</i> (Spring adonis)	Inclusion in Appendix II (excluding potted live plants).	Germany .....	Adopted as amended. <sup>5</sup>
11.62 ....	<i>Guaiacum sanctum</i> (Lignum vitae).	Transfer from Appendix II to Appendix I.	United States .....	Withdrawn.*
<b>ANIMALS</b>				
<b>Proposals with export quotas</b>				
11.12 ....	<i>Crocodylus niloticus</i> Nile crocodile.	Maintain Tanzanian population in Appendix II; annual export quota of 1,600.	Tanzania .....	Adopted.
<b>OTHER PROPOSALS</b>				
<b>MAMMALS</b>				
<b>Order Pholidota</b>				
11.13 ....	<i>Manis crassicaudata</i> <i>Manis pentadactyla</i> <i>Manis javanica</i> (Asian pangolins).	Transfer from Appendix II to Appendix I.	India; Nepal; Sri Lanka; United States.	Adopted as amended. <sup>6</sup>
<b>Order Cetacea</b>				
11.14 ....	<i>Tursiops truncatus ponticus</i> (Black Sea bottlenose dolphin).	Transfer from Appendix II to Appendix I.	Georgia; United States .....	Withdrawn.*
11.15 ....	<i>Eschrichtius robustus</i> (Gray whale).	Transfer the Eastern North Pacific stock from Appendix I to Appendix II.	Japan .....	Rejected.
11.16 ....	<i>Balaenoptera acutorostrata</i> (Minke whale).	Transfer the Southern Hemisphere stock from Appendix I to Appendix II.	Japan .....	Rejected as originally submitted and as amended. <sup>7</sup>
11.17 ....	<i>Balaenoptera acutorostrata</i> (Minke whale).	Transfer the Okhotsk Sea-W. Pacific stock from Appendix I to Appendix II.	Japan .....	Rejected.
11.18 ....	<i>Balaenoptera acutorostrata</i> (Minke whale).	Transfer the NE Atlantic stock & the N. Atlantic Central stock from Appendix I to Appendix II.	Norway .....	Rejected as originally submitted and as amended. <sup>8</sup>
<b>Order Carnivora</b>				
11.19 ....	<i>Parahyaena (Hyaena) brunnea</i> (Brown hyaena).	Delete from Appendix II .....	Namibia; Switzerland .....	Adopted.
<b>Order Proboscidea</b>				
11.20 ....	<i>Loxodonta africana</i> (African elephant).	Transfer South African population from Appendix I to Appendix II with annotations for trade (30 tons of ivory, hides and leather goods, trophies, live animals).	South Africa .....	Adopted as amended. <sup>9</sup>
11.21 ....	<i>Loxodonta africana</i> (African elephant).	Maintain the Botswana population in Appendix II, with annotations for trade (12 tons of ivory, hides and leather goods, trophies, live animals).	Botswana .....	Withdrawn.
11.22 ....	<i>Loxodonta africana</i> (African elephant).	Maintain the Namibia population in Appendix II, with annotations for trade (2 tons of ivory, hides and leather goods, trophies, live animals).	Namibia .....	Withdrawn.
11.23 ....	<i>Loxodonta africana</i> (African elephant).	Maintain the Zimbabwe population in Appendix II, with annotations for trade (10 tons of ivory, hides and leather goods, ivory carvings, live animals, trophies).	Zimbabwe .....	Withdrawn.

TABLE 1.—RESULTS OF ACTIONS BY THE ELEVENTH MEETING OF THE CONFERENCE TO THE PARTIES (COP11) TO CITES—Continued

Proposal	Species/taxon	Proposed amendment	Proponent	Decision
11.24 ....	<i>Loxodonta africana</i> (African elephant).	Transfer to Appendix I all populations currently listed in Appendix II.	India; Kenya .....	Withdrawn.
11.25 ....	<i>Loxodonta africana</i> (African elephant).	Amend the annotation for Appendix II populations (regarding the destination of live animals).	Switzerland .....	Adopted.
<b>Order Sirenia</b>				
11.26 ....	<i>Dugong dugon</i> (Dugong) .....	Transfer the Australian population from Appendix II to Appendix I.	Australia .....	Adopted.
<b>Order Artiodactyla</b>				
11.27 ....	<i>Vicugna vicugna</i> (Vicuña) .....	Transfer all populations in Bolivia that are in Appendix I to Appendix II.	Bolivia .....	Withdrawn.
11.28 ....	<i>Vicugna vicugna</i> (Vicuña) .....	Delete the zero quota for trade in cloth from populations in Appendix II.	Bolivia .....	Adopted.
11.29 ....	<i>Moschus</i> spp. (Musk deer) .....	Transfer to Appendix I all populations listed in Appendix II.	India; Nepal; United States .....	Withdrawn.*
11.30 ....	<i>Ovis vignei</i> (Urial) .....	Include in Appendix I all subspecies not yet listed in the Appendices.	Germany .....	Adopted as amended. <sup>10</sup>
<b>BIRDS</b>				
<b>Order Rheiformes</b>				
11.31 ....	<i>Rhea pennata</i> (= <i>Pterocnemia pennata pennata</i> ) (Darwin's rhea).	Transfer Argentine populations from Appendix I to Appendix II.	Argentina .....	Adopted.
<b>Order Falconiformes</b>				
11.32 ....	<i>Falco rusticolus</i> (Gyr Falcon) .....	Transfer the North American population from Appendix I to Appendix II, with a zero quota for export of wild birds.	United States .....	Rejected.
<b>Order Psittaciformes</b>				
11.33 ....	<i>Eunymphicus cornutus cornutus</i> (Horned parakeet).	Transfer from Appendix II to Appendix I.	France .....	Adopted.
11.34 ....	<i>Eunymphicus cornutus uveaensis</i> (Horned parakeet).	Transfer from Appendix II to Appendix I.	France .....	Adopted.
<b>Order Passeriformes</b>				
11.35 ....	<i>Garrulax canorus</i> (Hwamei) .....	Inclusion in Appendix II .....	China .....	Adopted.
<b>REPTILES</b>				
<b>Order Testudinata</b>				
11.36 ....	<i>Cuora</i> spp. (Asian box turtles) ...	Inclusion in Appendix II .....	Germany; United States .....	Adopted.
11.37 ....	<i>Clemmys guttata</i> (Spotted turtles).	Inclusion in Appendix II .....	United States .....	Rejected.
11.38 ....	<i>Geochelone sulcata</i> (African spurred turtle).	Transfer from Appendix II to Appendix I.	France .....	Adopted as amended. <sup>11</sup>
11.39 ....	<i>Malacochersus tornieri</i> (Pancake tortoise).	Transfer from Appendix II to Appendix I.	Kenya; United States .....	Withdrawn. <sup>12</sup>
11.40 ....	<i>Eretmochelys imbricata</i> (Hawksbill sea turtle).	Transfer "Cuban Population" from Appendix I to Appendix II, with annotation for: (1) export of stocks (6,900 kg) to Japan; (2) export each year thereafter, to Japan or to other Parties (up to 500 turtles).	Cuba; Dominica .....	Withdrawn.

TABLE 1.—RESULTS OF ACTIONS BY THE ELEVENTH MEETING OF THE CONFERENCE TO THE PARTIES (COP11) TO CITES—Continued

Proposal	Species/taxon	Proposed amendment	Proponent	Decision
11.41 ....	<i>Eretmochelys imbricata</i> (Hawksbill sea turtle).	Transfer "Cuban population" from Appendix I to Appendix II, with annotation for export in one shipment of registered stocks (6,900 kg) to Japan only.	Cuba .....	Rejected as originally submitted and as amended. <sup>13</sup>
<b>Order Sauria</b>				
11.43 ....	<i>Varanus melinus</i> (Quince monitor).	Transfer from Appendix II to Appendix I.	Germany .....	Withdrawn.
<b>Order Serpentes</b>				
11.44 ....	<i>Crotalus horridus</i> (Timber rattlesnake).	Inclusion in Appendix II .....	United States .....	Withdrawn.
<b>AMPHIBIANS</b>				
<b>Order Anura</b>				
11.45 ....	<i>Bufo retiformis</i> (Sonoran green toad).	Delete from Appendix II .....	United States .....	Adopted.
11.46 ....	<i>Mantella</i> spp. (Mantella frogs) ....	Inclusion in Appendix II ( <i>Mantella aurantiaca</i> already in Appendix II).	Netherlands; United States .....	Adopted.
<b>FISH</b>				
<b>Order Orectolobiformes</b>				
11.47 ....	<i>Rhincodon typus</i> (Whale shark)	Inclusion in Appendix II .....	United States .....	Rejected.
<b>Order Lamniformes</b>				
11.48 ....	<i>Carcharodon carcharias</i> (Great white shark).	Inclusion in Appendix I .....	Australia; United States .....	Rejected as originally submitted and amended. <sup>14</sup>
11.49 ....	<i>Cetorhinus maximus</i> (Basking shark).	Inclusion in Appendix II .....	United Kingdom .....	Rejected as amended. <sup>15</sup>
<b>Order Coelacanthiformes</b>				
11.50 ....	<i>Latimeria</i> spp. (Coelacanth) .....	Inclusion in Appendix I ( <i>Latimeria chalumnae</i> is already in Appendix I).	Germany; France .....	Adopted.
11.51 ....	<i>Latimeria menadoensis</i> .....	Inclusion in Appendix I .....	Indonesia; Germany .....	Withdrawn.
<b>INVERTEBRATES</b>				
<b>Order Araneae</b>				
11.52 ....	<i>Poecilotheria</i> spp. (Eastern Hemisphere tarantulas).	Inclusion in Appendix II .....	United States; Sri Lanka .....	Rejected.

<sup>1</sup> *Dudleya stolonifera* transferred to Appendix II. *Dudleya traskiae* to remain in Appendix I.

<sup>2</sup> *Lewisia cotyledon* deleted. *Lewisia maguirei* and *Lewisia serrata* retained in Appendix II.

<sup>3</sup> Russian population only.

<sup>4</sup> Amended annotation (now same as annotation #3).

<sup>5</sup> Annotation for dried specimens (either whole or in part) only.

<sup>6</sup> Species remain in Appendix II with a zero quota for trade from the wild.

<sup>7</sup> Proposal was amended twice. First amended by Japan to allow only trade between Parties with a DNA identification. Then, Suriname proposed amendment for zero quota until COP12.

<sup>8</sup> Limited trade to animals taken within Norwegian waters, and only for trade to countries with DNA-based identification systems.

<sup>9</sup> Amendment: Zero quota on ivory.

<sup>10</sup> All unlisted populations listed in Appendix II.

<sup>11</sup> Species remains in Appendix II with a zero quota for exports from the wild.

<sup>12</sup> Withdrawn after discussions between Kenya and Tanzania. Tanzania committed to not allow any exports from the wild.

<sup>13</sup> Cuba proposed annotation that trade would not take place until the control systems in Japan were reviewed by the Standing Committee.

<sup>14</sup> Amended to Appendix II.

<sup>15</sup> Amended to include a 12-month delay in effective date for implementation.

\* A Resolution or Decision of the Conference of the Parties was adopted dealing with this species.

**Nomenclature Changes**

At each meeting of the Conference of the Parties, the Parties also adopt certain nomenclature changes to the Appendices, based on adoption of new

references or other scientific information. The adoption of the Nomenclature Report does not change the Appendix in which a species appears, but does change what name

must be used for the species. As a result of the adoption by the Conference of the Parties of nomenclature changes, the names of the following taxa have been included in the CITES Appendices:

TABLE 2.—TAXONOMIC CHANGES TO THE CITES APPENDICES AS DECIDED AT COP11

Common name	Currently listed as	Previously listed as	Class, order, and family
Southern or Antarctic minke whale	<i>Balaenoptera bonaerensis</i> .....	<i>Balaenoptera acutorostrata</i> .....	Class Mammalia, Order Cetacea, Family Balaenopteridae
Cuatro Cienegas spiny soft-shell turtle.	<i>Apalone ater</i> .....	<i>Trionyx ater</i> .....	Class Reptilia, Order Testudinata, Family Trionychidae
Indian soft-shell turtle .....	<i>Aspideretes gangeticus</i> .....	<i>Trionyx gangeticus</i> .....	Class Reptilia, Order Testudinata, Family Trionychidae.
Peacock soft-shell turtle .....	<i>Aspideretes hurum</i> .....	<i>Trionyx hurum</i> .....	Class Reptilia, Order Testudinata, Family Trionychidae.
Black soft-shell turtle .....	<i>Aspideretes nigricans</i> .....	<i>Trionyx nigricans</i> .....	Class Reptilia, Order Testudinata, Family Trionychidae.
Pythons .....	Family Pythonidae .....	Family Boidae .....	Class Reptilia, Order Serpentes.
Round Island boas .....	Family Bolyeriidae .....	Family Boidae .....	Class Reptilia, Order Serpentes.
Mexican dwarf boas .....	Family Loxocemidae .....	Family Boidae .....	Class Reptilia, Order Serpentes.
Small ground boas .....	Family Tropidophiidae .....	Family Boidae .....	Class Reptilia, Order Serpentes.
Chameleons .....	<i>Calumma</i> spp. and <i>Furcifer</i> spp ...	<i>Chamaeleo</i> spp. ....	Class Reptilia, Order Sauria, Family Chamaeleonidae.

**COP11 Results**

Results of the actions by the Conference of the Parties on the Appendices are given in tables 3–5 below. Details on the actual votes for proposals and related information are available from the Division of Scientific Authority (see ADDRESSES, above), our web site (<http://international.fws.gov/cop11/cop11.html>), and the CITES Secretariat's web site ([www.wcmc.org.uk/CITES/eng/index.shtml](http://www.wcmc.org.uk/CITES/eng/index.shtml)).

TABLE 3.—TAXA REMOVED FROM THE CITES APPENDICES

Species	Common name	Appendix
CLASS MAMMALIA .....	MAMMALS.	
Order Carnivora .....	Canids, Cats, Bears, Mustelids, etc.	
<i>Parahyaena brunnea</i> .....	Brown hyaena .....	II
CLASS AMPHIBIA .....	AMPHIBIANS.	
Order Anura .....	Frogs, Toads.	
<i>Bufo retiformis</i> .....	Sonoran green toad .....	II
PLANT KINGDOM .....	PLANTS.	
Family Asclepiadaceae .....	Milkweed family.	
<i>Ceropegia</i> spp .....	Ceropegia family .....	II
<i>Frerea indica</i> .....	.....	II
Family Byblidaceae .....	Byblis family.	
<i>Byblis</i> spp .....	Byblis, Rainbow plants .....	II
Family Cephalotaceae .....	Australian pitcher-plant family.	
<i>Cephalotus follicularis</i> .....	West Australian pitcher-plant .....	II
Family Ericaceae .....	Heath family.	
<i>Kalmia cuneata</i> .....	White wicky .....	II
Family Portulacaceae .....	Portulaca family.	
<i>Lewisia cotyledon</i> .....	Siskiyou lewisia .....	II
Family Sarraceniaceae .....	New World pitcher plant family.	
<i>Darlingtonia californica</i> .....	Western pitcher plant, Cobra-lily .....	II

TABLE 4.—NEW TAXA OR POPULATIONS ADDED TO THE CITES APPENDICES

Species	Common name	Appendix
CLASS MAMMALIA .....	MAMMALS.	
Order Artiodactyla .....	Even-toed ungulates.	
<i>Ovis vignei</i> [all previously unlisted subspecies] .....	Urial .....	II
CLASS AVES .....	BIRDS.	
Order Passeriformes .....	Perching birds, Songbirds.	
<i>Garrulax canorus</i> .....	Hwamei .....	II
CLASS REPTILIA .....	REPTILES.	
Order Testudinata .....	Turtles, Tortoises.	

TABLE 4.—NEW TAXA OR POPULATIONS ADDED TO THE CITES APPENDICES—Continued

Species	Common name	Appendix
<i>Cuora</i> spp. ....	Asian box turtles .....	II
CLASS AMPHIBIA .....	AMPHIBIANS. ....	
Order Anura .....	Frogs, Toads. ....	
<i>Mantella</i> spp. [all previously unlisted species] .....	Mantella frogs .....	II
CLASS OSTEICHTHYES .....	BONY FISHES. ....	
Order Coelacanthiformes .....	Coelacanth. ....	
<i>Latimeria</i> spp. [all previously unlisted species] .....	Coelacanth .....	I
PLANT KINGDOM .....	PLANTS. ....	
Family Araliaceae .....	Ginseng family. ....	
<i>Panax ginseng</i> [population of Russia] .....	Ginseng .....	II
Family Orobanchaceae. ....		
<i>Cistanche deserticola</i> .....	Desert cistanche .....	II
Family Ranunculaceae. ....		
<i>Adonis vernalis</i> .....	Spring adonis .....	II

TABLE 5.—REVISIONS IN THE CITES APPENDICES RESULTING FROM NOMENCLATURE CHANGES AND SPLIT-LISTING OF SPECIFIC POPULATIONS

Species	Common name	Appendix
CLASS MAMMALIA .....	MAMMALS. ....	
Order Cetacea .....	Whales, Porpoises, Dolphins. ....	
<i>Balaenoptera bonaerensis</i> <sup>1</sup> .....	Southern minke whale .....	I
Order Proboscidea .....	Elephants. ....	
<i>Loxodonta africana</i> [population of South Africa <sup>2</sup> ] .....	African elephant .....	II
Order Sirenia .....	Dugongs, Manatees. ....	
<i>Dugong dugon</i> [population of Australia <sup>3</sup> ] .....	Dugong .....	I
CLASS AVES .....	BIRDS. ....	
Order Rheiformes .....	Rheas. ....	
<i>Rhea pennata pennata</i> [population of Argentina <sup>2</sup> ] .....	Darwin's rhea .....	II
Order Psittaciformes .....	Parrots, Parakeets, Macaws, Lorries, Cockatoos, etc. ....	
<i>Eunymphicus cornutus cornutus</i> <sup>3</sup> .....	Horned parakeet .....	I
<i>Eunymphicus cornutus uveaensis</i> <sup>3</sup> .....	Horned parakeet .....	I
CLASS REPTILIA .....	REPTILES. ....	
Order Testudinata .....	Turtles, Tortoises. ....	
<i>Apalone ater</i> <sup>4</sup> .....	Cuatro Cienegas softshell turtle .....	I
<i>Aspideretes gangeticus</i> <sup>4</sup> .....	Indian soft-shell turtle .....	I
<i>Aspideretes hurum</i> <sup>4</sup> .....	Peacock soft-shell turtle .....	I
<i>Aspideretes nigricans</i> <sup>4</sup> .....	Black soft-shell turtle .....	I
Order Sauria .....	Lizards. ....	
<i>Calumma</i> spp. <sup>5</sup> .....	Chamaeleons .....	II
<i>Furcifer</i> spp. <sup>5</sup> .....	Chamaeleons .....	II
Order Serpentes .....	Snakes. ....	
<i>Atropoides nummifer</i> <sup>6</sup> .....	Jumping pit-viper .....	III (Honduras)
Bolyeriidae spp. <sup>7</sup> .....	Round island boas .....	II
<i>Daboia russellii</i> <sup>8</sup> .....	Russell's viper .....	III (India)
<i>Bothriechis schlegelii</i> <sup>6</sup> .....	Eyelash palm pit-viper .....	III (Honduras)
<i>Porthidium nasutus</i> <sup>6</sup> .....	Rainforest hognosed pit-viper .....	III (Honduras)
<i>Porthidium ophryomegas</i> <sup>6</sup> .....	Slender hognosed pit-viper .....	III (Honduras)
Loxocemidae spp. <sup>7</sup> .....	Mexican dwarf boas .....	II
Pythonidae spp. <sup>7</sup> .....	Pythons .....	II
Tropidophiidaedae spp. <sup>7</sup> .....	Small ground boas .....	II
PLANT KINGDOM .....	PLANTS. ....	
Family Araucariaceae .....	Monkey-puzzle tree family. ....	
<i>Araucaria araucana</i> [population of Argentina] <sup>3</sup> .....	Monkey-puzzle tree .....	I
Family Cactaceae .....	Cactus family. ....	
<i>Disocactus</i> (= <i>Lobeira</i> , = <i>Nopalxochia</i> ) <i>macdougallii</i> <sup>2</sup> .....	MacDougall's cactus .....	II
Family Crassulaceae .....	Stonecrop family. ....	
<i>Dudleya stolonifera</i> <sup>2</sup> .....	Laguna Beach dudleya .....	II
Family Cyatheaceae .....	Tree-fern family. ....	
<i>Cyathea</i> spp. <sup>9</sup> .....	.....	II
Family Dicksoniaceae .....	Tree-fern family. ....	
<i>Cibotium barometz</i> <sup>10</sup> .....	.....	II
<i>Dicksonia</i> spp. [the Americas only] <sup>10</sup> .....	.....	II

<sup>1</sup> Previously considered a southern population of *Balaenoptera acutorostrata*.

<sup>2</sup> Downlisted from Appendix I to Appendix II.

<sup>3</sup> Uplisted from Appendix II to Appendix I.

<sup>4</sup> Previously in genus *Trionyx*.

<sup>5</sup> Previously member of genus *Chamaeleo*.

<sup>6</sup> Previously in genus *Bothrops*.

<sup>7</sup> Previously listed as family Boidae.

<sup>8</sup> Previously *Vipera russellii*.

<sup>9</sup> Previously entire family Cyatheaceae listed.

<sup>10</sup> Previously entire family Dicksoniaceae listed.

### Consequences of Amendments of Appendices I and II

All proposals in table 1 that were approved by the Conference of the Parties entered into effect 90 days after the meeting (i.e., on July 19, 2000) under the terms of the CITES treaty. Article XV of CITES enables any Party to exempt itself from implementing CITES for any particular species, if the Party 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 Appendix II. If the United States were to decide to enter any reservation, this action must have been transmitted to the Depository Government (Switzerland) by July 19, 2000.

Reservations, if entered, do little to relieve importers in the United States from the need for foreign export permits, because the U.S. 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 export 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, including the listings resulting from COP11. 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. All new listings in the Appendices adopted at COP11 (all previously unlisted populations of urial, hwamei, Asian box turtles, Mantella frogs, all coelacanths, ginseng, desert cistanche, and spring adonis) and all transfers from Appendix II to Appendix I (dugong, horned parakeets, and monkey-puzzle tree) were supported by the United States. Because we announced our position on all of these proposals well in advance of the meeting, we did not solicit public comments on whether we should enter any reservations following COP11.

### Requirements of Other Laws

Changes in the CITES listing status of species as a consequence of actions taken at COP11 do not supersede import or export requirements pursuant to other wildlife conservation laws. For example, import or export of species listed as "threatened" or "endangered" under the U.S. Endangered Species Act (ESA) still must meet the provisions of that law and its implementing regulations in 50 CFR part 17, even if those species have been transferred to a less protective CITES Appendix or removed from the Appendices entirely.

Among the species downlisted to Appendix II at COP11, or with an amended annotation, but still subject to stricter ESA provisions are the African elephant, Darwin's rhea, and the vicuña. The brown hyena, removed from Appendix II, also remains listed under the ESA. The African elephant is also subject to provisions of the U.S. African Elephant Conservation Act (AECA). Because of the high public interest in this species and the complexity of the terms of the CITES downlistings, the effects of the downlistings on trade in African elephant products is treated separately in more detail below. Species of birds included in the CITES Appendices for the first time (hwamei) are now subject to the terms and provisions of the U.S. Wild Bird Conservation Act (WBCA) and its regulations in 50 CFR part 15. This inclusion will result in a prohibition on the importation of this species unless they qualify for exemptions established by regulation. Copies of these implementing regulations are available from the Service's Division of Management Authority and from our web site at <http://international.fws.gov/>.

### Importation Into the United States of Sport-Hunted Trophies of African Elephants From the Republic of South Africa

The African elephant is listed as "threatened" under the ESA with a special rule at 50 CFR 17.40(e). Under the special rule, a personally taken sport-hunted trophy may be imported into the United States when it has (1) originated in a country for which the Service has received notice for that country's African elephant ivory quota for the year of export; (2) the permit requirements of the regulations for CITES permits (50 CFR 13 and 23) have been met; (3) the Service has determined that the take of the trophy for import would enhance the survival of the species; and (4) the ivory has been marked as outlined in the special rule. All these conditions continued to apply after the Appendix II listing for the elephant populations of South Africa became effective on July 19, 2000.

In making the required enhancement findings, the Service reviews the status of the population and the total management program for the elephant in each country to ensure the program is promoting the conservation of the species. The Service will make such findings on a periodic basis upon receipt of new information on the species' population or management. The enhancement findings for importation of sport-hunted elephant trophies from South Africa are on file in the Division of Management Authority and remain in effect until the Service finds, based on new information, that the conditions of the special rule are no longer met and has published a notice of any change in the **Federal Register**.

The practical effect of the downlisting of the South African population for sport hunters is that an import permit will no longer be required for noncommercial imports of African elephant sport-hunted trophies from South Africa, as well as Namibia, Botswana, and Zimbabwe only (elephant populations in the latter three countries were downlisted to Appendix II in 1997 during COP10). Only a CITES export permit from the country of origin or a reexport certificate from an intermediate country will be required. Populations of African elephants in all other countries, however, remain in Appendix I. Therefore, importation into the United States of sport-hunted elephant trophies from these other

countries will continue to require prior issuance of both an import and export permit. As in the past, under the requirements of the AECA, no sport trophies of African elephants, or the raw ivory derived from sport-hunted trophies, whether from Appendix I or Appendix II populations, may be exported from the United States.

#### Importation of Live African Elephants, Ivory, and Other African Elephant Products

When the downlisting of the elephant populations of South Africa became effective on July 19, 2000, it became possible to import live elephants from that country into the United States "to appropriate and acceptable destinations" without an import permit and without need for an enhancement finding. Only an export permit from the country of origin, or a reexport certificate from an intermediate country, is now necessary. Commercial trade in hides and leather products will also be allowed. Hides or leather products from elephant populations other than those of South Africa and Zimbabwe are still considered to be specimens included in Appendix I and cannot be imported by any CITES Party for commercial purposes. Regardless of any provisions of the African elephant downlistings at COP10 and COP11 for export of elephant ivory or ivory products, import of worked ivory into the United States continues to be prohibited under the terms of AECA or under the provisions of the ESA 4(d) special rule, unless they meet any of the following exceptions: (1) Bona fide antiques more than 100 years old; (2) personal and household effects registered with U.S. Customs on export and now being reimported; or (3) pre-convention items for noncommercial use acquired prior to the first listing of the elephants under CITES in 1977. With the exception of appropriately marked sport-hunted trophies, import of raw ivory is strictly prohibited.

#### Required Determinations

This rule was not subject to Office of Management and Budget review under Executive Order 12866. Because these amendments are simply notifications of actions taken by the CITES Parties, they are not "rules" as defined in 5 U.S.C. 551. Similarly, the Regulatory Flexibility Act (5 U.S.C. 601) does not apply to the CITES 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

took effect on July 19, 2000, under the terms of the CITES treaty.

This rule does not contain new or revised information collection for which Office of Management and Budget (OMB) approval is required under the Paperwork Reduction Act. Information collection associated with CITES permits is covered by an existing OMB approval, and is assigned clearance No. 1018-0093, Form 3-200-27, with an expiration date of February 28, 2001. Detailed information for the CITES documentation appears at 50 CFR 23.15(g). The Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The Department of the Interior has determined that amendments to the 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 is categorically excluded from further National Environmental Policy Act requirements, under Part 516 of the Departmental Manual, Chapter 2, Appendix 1.10.

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 Dr. Javier Alvarez, Division of Scientific Authority.

#### List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Fish, Imports, Marine mammals, Plants, Reporting and recordkeeping requirements, Treaties.

#### Regulation Promulgation

For the reasons set forth in the preamble, the Service amends title 50, chapter I, subchapter B, part 23 of the Code of Federal Regulations as follows:

#### PART 23—ENDANGERED SPECIES CONVENTION

1. The authority citation for part 23 continues to read as follows:

**Authority:** Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

2. In § 23.23, amend the table in paragraph (f) as follows:

a. Remove the following entries:  
In CLASS MAMMALIA (common name, MAMMALS):

*Parahyaena brunnea* (common name, brown hyaena; in Order Carnivora, common name, Carnivores: Cats, Bears, etc.);

*D. dugon* (Australian population) (common name, Dugong; in Order Sirenia, common name, Dugongs, Manatees);

*O. vignei vignei* (common name, Shapo; in Order Artiodactyla, common name, Even-toed ungulates).

In CLASS REPTILIA (common name, REPTILES):

*B. nasutus* (common name, Rainforest hognosed pit-viper; in Order Serpentes, common name, Snakes).

In CLASS AMPHIBIA (common name, AMPHIBIANS):

*B. retiformis*, (common name, Sonoran green toad; In Order Anura, common name Frogs, Toads).

In PLANT KINGDOM:

*Araucaria araucana* (all populations except that of Chile) (common name, Monkey-puzzle tree; in Family Araucariaceae, common name Monkey-puzzle tree family);

*A. araucana* (population of Chile) (common name, Monkey-puzzle tree; in Family Araucariaceae, common name Monkey-puzzle tree family);

Family Asclepiadaceae (common name, Milkweed family), including *Ceropegia* spp. (common name, Ceropegias) and *Frerea indica*;

Family Byblidaceae (common name, Byblis family), including *Byblis* spp. (common name, Byblis, Rainbow plants);

*Disocactus* (= *Lobeira*, = *Nopalxochia*) *macdougallii* (common name, MacDougall's cactus; in Family Cactaceae, common name, Cactus family);

Family Cephalotaceae (common name, Australian pitcher-plant family), including *Cephalotus follicularis* (common name, West Australian pitcher plant);

Family Ericaceae (common name, Heath family), including *Kalmia cuneata* (common name, White wicky); *Lewisia cotyledon* (common name, Siskiyou lewisia; in Family Portulacaceae, common name, Portulaca family);

*Darlingtonia californica* (common name, Western pitcher plant, Cobra-lily; in Family Sarraceniaceae, common name, New World pitcher plant family).

b. Revise the following entries:  
In CLASS MAMMALIA (common name, MAMMALS):

*Manis* spp. (common name, pangolins; in Order Pholidota, common name, Pangolins, Scaly Anteaters); *Balaenoptera acutorostrata* (common name, Minke whale; in Order Cetacea, common name, Whales, Porpoises, Dolphins);

*Loxodonta africana* (common name, African elephant; in Order Proboscidea, common name, Elephants) (both entries);

*Dugong dugon* (except for Australian population) (common name, Dugong; in Order Sirenia, common name, Dugongs, Manatees);

*Bos gaurus* (common name, Seladang, Guar; in Order Artiodactyla, common name, Even-toed ungulates);

*V. vicugna* (Bolivia) (common name, Vicuña; in Order Artiodactyla, common name, Even-toed ungulates).

In CLASS AVES (common name, BIRDS):

*Rhea pennata pennata* (common name, Darwin's rhea; in Order Rheiformes, common name Rheas);

*Eunymphicus cornutus* (common name, horned parakeet; in Order Psittaciformes, common name Parrots, Parakeets, Macaws, Lories, Cockatoos, etc.).

In CLASS REPTILIA (common name, REPTILES):

*Trionyx ater* (common name, Cuatro Cienegas softshell turtle; in Order Testudinata, common name, Turtles, Tortoises);

*Trionyx gangeticus* (common name, Indian softshell turtle; in Order Testudinata, common name, Turtles, Tortoises);

*Trionyx hurum* (common name, Peacock softshell turtle; in Order Testudinata, common name, Turtles, Tortoises);

*Trionyx nigricans* (common name, Black softshell turtle; in Order Testudinata, common name, Turtles, Tortoises);

Boidae spp. (common name, Boa Constrictors and Pythons; in Order Serpentes, common name, Snakes);

*Bothrops nummifer* (common name, Jumping pit-viper; in Order Serpentes, common name, Snakes);

*Bothrops ophryomegas* (common name, Slender hognosed pit-viper; in Order Serpentes, common name, Snakes);

*Bothrops schlegelii* (common name, Eyelash palm pit-viper; in Order Serpentes, common name, Snakes);

*Vipera russellii* (common name, Russell's viper; in Order Serpentes, common name, Snakes).

In PLANT KINGDOM (common name, PLANTS):

*Rauvolfia serpentina* (common name, Snake-root devil-pepper; in Family Apocynaceae, common name, Dogbane family);

*Podophyllum hexandrum* (common name, Himalayan may-apple; in Family Berberidaceae, common name Barberry family);

*Dudleya stolonifera* (common name, Laguna Beach dudleya; in Family Crassulaceae, common name, Stonecrop family);

Family Cyatheaceae (common name, Tree-fern family);

Family Dicksoniaceae (common name, Tree-fern family);

*Taxus wallichiana* (common name, Himalayan yew; in Family Taxaceae, common name, Yew family).

c. Add new entries as set forth below.

**Note:** In the animal classes (Mammals, Birds, Reptiles, Amphibians, and Bony Fishes), the orders are listed in taxonomic sequence, and the species are listed alphabetically within each order; in the plant kingdom, the families are listed alphabetically, and the species are listed alphabetically within each family.

The revisions and additions read as follows:

**§ 23.23 Species listed in Appendices I, II, and III.**

\* \* \* \* \*  
(f) \* \* \*

Species	Common name	Appendix	First listing date (month/day/year)
<b>CLASS MAMMALIA:</b>			
<b>MAMMALS:</b>			
Order Pholidota:	Pangolins, Scaly Anteaters:		
<i>Manis</i> spp. (all species except those with an annual export quota).	Pangolins .....	II .....	7/1/75
<i>Manis crassicaudata</i> [zero quota for wild specimens].	Indian pangolin .....	II .....	7/1/75
<i>Manis javanica</i> [zero quota for wild specimens]	Malayan pangolin .....	II .....	7/1/75
<i>Manis pentadactyla</i> [zero quota for wild specimens].	Chinese pangolin .....	II .....	7/1/75
Order Cetacea:	Whales, Porpoises, Dolphins:		
<i>Balaenoptera acutorostrata</i> (all populations except that of West Greenland).	Northern minke whale .....	I .....	6/28/79
<i>Balaenoptera bonaerensis</i> .....	Southern minke whale .....	I .....	6/28/79
Order Proboscidea:	Elephants:		
<i>Loxodonta africana</i> [except populations of Botswana, Namibia, South Africa, and Zimbabwe].	African elephant .....	I .....	2/4/77

Species	Common name	Appendix	First listing date (month/day/year)
<i>L. africana</i> [only the populations of Botswana, Namibia, South Africa and Zimbabwe, to allow: (1) Export of hunting trophies for non-commercial purposes; (2) export of live animals to appropriate and acceptable destinations (Namibia: for noncommercial purposes only; South Africa: for reintroduction purposes); (3) export of hides and leather goods (South Africa and Zimbabwe); (4) export of ivory carvings for noncommercial purposes (Zimbabwe only); (5) export of ivory tusks from Kruger National Park (South Africa; zero quota)].	African elephant	II	2/4/77
Order Sirenia:	Dugongs, Manatees:		
<i>Dugong dugon</i>	Dugong	I	7/1/75
*	*	*	*
Order Artiodactyla:	Even-toed ungulates:		
*	*	*	*
<i>B. gaurus</i> (excluding domestic forms)	Seladang, Gaur	I	7/1/75
*	*	*	*
<i>Ovis vignei</i> (except subspecies listed below)	Urial	II	7/19/00
<i>O. vignei vignei</i>	Ladakh urial	I	7/1/75
*	*	*	*
<i>Vicugna vicugna</i> (except populations listed below, under the conditions specified).	Vicuña	I	7/1/75
*	*	*	*
<i>V. vicugna</i> [Bolivia: populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lipez-Chichas (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, "VICUÑA-BOLIVIA"; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
*	*	*	*
CLASS AVES:	BIRDS:		
*	*	*	*
Order Rheiformes:	Rheas:		
*	*	*	*
<i>R. pennata pennata</i> (Argentina only)	Darwin's rhea	II	7/1/75
<i>R. pennata pennata</i> (except population of Argentina).	Darwin's rhea	I	7/1/75
*	*	*	*
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories, Cockatoos, etc.:		
*	*	*	*
<i>Eunymphicus cornutus</i> (except subspecies listed below).	Horned parakeet	II	7/1/75
<i>Eunymphicus cornutus cornutus</i>	Horned parakeet	I	7/1/75
<i>Eunymphicus cornutus uveaensis</i>	Horned parakeet	I	7/1/75
*	*	*	*
Order Passeriformes:	Perching birds, Songbirds:		
*	*	*	*
<i>Garrulax canorus</i>	Hwamei	II	7/19/00

Species	Common name	Appendix	First listing date (month/day/year)
CLASS REPTILIA:	REPTILES:		
Order Testudinata:	Turtles, Tortoises:		
<i>Apalone ater</i> .....	Cuatro Cienegas softshell turtle .....	I .....	7/1/75
<i>Aspideretes gangeticus</i> .....	Indian soft-shell turtle .....	I .....	7/1/75
<i>Aspideretes hurum</i> .....	Peacock soft-shell turtle .....	I .....	7/1/75
<i>Aspideretes nigricans</i> .....	Black soft-shell turtle .....	I .....	7/1/75
<i>Cuora</i> spp. ....	Asian box turtles .....	II .....	7/19/00
<i>Geochelone sulcata</i> [zero quota for wild specimens].	African spurred tortoise .....	II .....	7/1/75
<i>Trionyx ater</i> (see <i>Apalone ater</i> )			
<i>T. gangeticus</i> (see <i>Aspideretes gangeticus</i> )			
<i>T. hurum</i> (see <i>Aspideretes hurum</i> )			
<i>T. nigricans</i> (see <i>Aspideretes nigricans</i> )			
Order Sauria:	Lizards:		
<i>Calumma</i> spp. ....	Chamaeleons .....	II .....	2/4/77
<i>Furcifer</i> spp. ....	Chamaeleons .....	II .....	2/4/77
Order Serpentes:	Snakes:		
<i>Atropoides nummifer</i> .....	Jumping pit-viper .....	III (Honduras) ...	4/13/87
Boidae spp. (all species except those in App. I or with earlier date in App. II).	Boas .....	II .....	2/4/77
Bolyeriidae spp. (all species except those in App. I or with earlier date in App. II).	Round island boas .....	II .....	2/4/77
<i>Bothriechis schlegelii</i> .....	Eyelash palm pit-viper .....	III (Honduras) ...	4/13/87
<i>Bothrops nasutum</i> (see <i>Porthidium nasutum</i> )			
<i>B. nummifer</i> (see <i>Atropoides nummifer</i> )			
<i>B. ophryomegas</i> (see <i>Porthidium ophryomegas</i> )			
<i>B. schlegelii</i> (see <i>Bothriechis schlegelii</i> )			
<i>Daboia russellii</i> .....	Russell's viper .....	III (India) .....	2/12/84
Loxocemidae spp. (all species except those in App. I or with earlier date in App. II).	Mexican dwarf boas .....	II .....	2/4/77
<i>Porthidium nasutum</i> .....	Rainforest hognosed pit-viper .....	III (Honduras) ...	4/13/87
<i>Porthidium ophryomegas</i> .....	Slender hognosed pit-viper .....	III (Honduras) ...	4/13/87
Pythonidae spp. (all species except those in App. I or with earlier date in App. II).	Pythons .....	II .....	2/4/77
Tropidophiidae spp. (all species except those in App. I or with earlier date in App. II).	Small ground boas .....	II .....	2/4/77
<i>Vipera russellii</i> (see <i>Daboia russellii</i> ).			

Species	Common name	Appendix	First listing date (month/day/year)
* * *	* * *	* * *	* * *
CLASS AMPHIBIA:	AMPHIBIANS:		
* * *	* * *	* * *	* * *
Order Anura:	Frogs, Toads:		
* * *	* * *	* * *	* * *
<i>Mantella</i> spp. (except species below) .....	Mantella frogs .....	II .....	7/19/00
* * *	* * *	* * *	* * *
CLASS OSTEICHTHYES:	BONY FISHES:		
* * *	* * *	* * *	* * *
Order Coelacanthiformes:	Coelacanth:		
<i>Latimeria</i> spp. (except species below) .....	Coelacanth .....	I .....	7/19/00
<i>Latimeria chalumnae</i> .....	Gombessa coelacanth .....	I .....	7/1/75
* * *	* * *	* * *	* * *
PLANT KINGDOM (note general exclusions and exceptions in introductory text):	PLANTS:		
* * *	* * *	* * *	* * *
Family Apocynaceae:	Dogbane family:		
* * *	* * *	* * *	* * *
<i>Rauvolfia serpentina</i> (except chemical derivatives and finished pharmaceutical products).	Snake-root devil-pepper .....	II .....	1/18/90
Family Araliaceae:	Ginseng family:		
<i>Panax ginseng</i> [population of Russia] (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).	Ginseng .....	II .....	7/19/00
* * *	* * *	* * *	* * *
Family Araucariaceae:	Monkey-puzzle tree family:		
<i>Araucaria araucana</i> .....	Monkey-puzzle tree .....	I .....	7/1/75
* * *	* * *	* * *	* * *
Family Berberidaceae:	Barberry family:		
<i>Podophyllum hexandrum</i> (= <i>P. emodi</i> , = <i>Sinopodophyllum hexandrum</i> ) (except chemical derivatives and finished pharmaceutical products).	Himalayan may-apple .....	II .....	1/18/90
* * *	* * *	* * *	* * *
Family Crassulaceae:	Stonecrop family:		
<i>Dudleya stolonifera</i> .....	Laguna Beach dudleya .....	II .....	7/29/83
* * *	* * *	* * *	* * *
Family Cyatheaceae:	Tree-fern family:		
<i>Alsophila</i> spp. (see <i>Cyathea</i> spp.)			
<i>Cyathea</i> spp. (includes <i>Alsophila</i> spp., <i>Nephelea</i> spp., <i>Sphaeropteris</i> spp., <i>Trichipteris</i> spp.).		II .....	2/4/77
<i>Cyathea</i> (= <i>Hemitelia</i> ) <i>capensis</i> .....		II .....	7/1/75
<i>C. dredgei</i> .....		II .....	7/1/75
<i>C. mexicana</i> .....		II .....	7/1/75
<i>C.</i> (= <i>Alsophila</i> ) <i>salvini</i> .....		II .....	7/1/75
<i>Nephelea</i> spp. (see <i>Cyathea</i> spp.)			
<i>Sphaeropteris</i> spp. (see <i>Cyathea</i> spp.)			
<i>Trichipteris</i> spp. (see <i>Cyathea</i> spp.)			
* * *	* * *	* * *	* * *
Family Dicksoniaceae:	Tree-fern family:		
<i>Cibotium barometz</i> .....		II .....	2/4/77
<i>Dicksonia</i> spp. (the Americas only) .....		II .....	2/4/77
* * *	* * *	* * *	* * *
Family Orobanchaceae:	Broomrape family:		
<i>Cistanche deserticola</i> .....	Desert cistanche .....	II .....	7/19/00

Species	Common name	Appendix	First listing date (month/day/year)
* * * * *	* * * * *	* * * * *	* * * * *
Family Ranunculaceae: <i>Adonis vernalis</i> .....	Buttercup family: Spring adonis .....	II .....	7/19/00
* * * * *	* * * * *	* * * * *	* * * * *
Family Taxaceae: <i>Taxus wallichiana</i> (= <i>T. baccata</i> subs. <i>wallichiana</i> ) (except chemical derivatives and finished pharmaceutical products).	Yew family: Himalayan yew .....	II .....	2/16/95
* * * * *	* * * * *	* * * * *	* * * * *

Dated: January 18, 2001.

**Kenneth L. Smith,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 01-10144 Filed 5-17-01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 001121328-1066-03; I.D. 050801C]

#### Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine and Delaware

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

**ACTION:** Commercial quota harvest.

**SUMMARY:** NMFS announces that the summer flounder commercial quotas available to the States of Maine and Delaware have been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maine and Delaware for the remainder of calendar year 2001, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification to advise the States of Maine and Delaware that their quotas have been harvested and to advise Federal vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Maine and Delaware.

**DATES:** Effective 0001 hours, May 18, 2001, through December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, (978) 281-9273, e-mail: paul.h.jones@noaa.gov

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100.

The initial total commercial quota for summer flounder for the 2001 calendar year was set equal to 10,747,535 lb (4,875,000 kg) (66 FR 16151, March 23, 2001). The percent allocated to vessels landing summer flounder in Maine is 0.04756 percent, or 5,112 lb (2,319 kg). The allocation for Maine was adjusted due to an overage in 2000, as provided in § 648.100(i)(2), for a final allocation of 2,146 lb (973 kg).

The percent allocated to vessels landing summer flounder in Delaware is 0.01779 percent, or 1,912 lb (867 kg). In 2000, NMFS prohibited Federal permit holders from landing summer flounder in the State of Delaware because there was no quota available after the deduction from the 2000 quota of quota overages in 1999 (65 FR 33486, May 24, 2000). As a result of those deductions and further quota reductions published in the **Federal Register** on August 18, 2000 (65 FR 50463), and December 29, 2000 (65 FR 82945), the 2000 quota allocation to the State of Delaware was -31,303 lb (-14,199 kg). An additional 12,317 lb (5,587 kg) of summer flounder were landed in Delaware in 2000. The 2001 quota for Delaware is not sufficient to offset this negative 2000 allocation and the additional landings in 2000.

Section 648.101(b) requires the Administrator, Northeast Region, NMFS to monitor state commercial quotas and to determine when a state's commercial

quota is harvested. NMFS will then publish a notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the States of Maine and Delaware have attained their quotas for 2001.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, May 18, 2001, further landings of summer flounder in Maine and Delaware by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 2001 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, May 18, 2001, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Maine and Delaware for the remainder of the calendar year, or until additional quota becomes available through a transfer.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: May 15, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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