

action, no further activity is contemplated in relation to this action. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by May 19, 1997.

ADDRESSES: Written comments on this action should be addressed to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, Rule Development Section, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION: This document concerns the following BAAQMD rules: Regulation 9, Rule 7, NO_x and CO from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters; Regulation 9, Rule 8, NO_x and CO Emissions from Stationary Internal Combustion Engines; Regulation 9, Rule 9, NO_x from Stationary Gas Turbines; Regulation 9, Rule 11, NO_x and CO from Utility Electric Power Generating Boilers; and Regulation 9, Rule 12, NO_x from Glass Melting Furnaces. These rules were submitted to EPA by the California Air Resources Board on July 23, 1996. For further information, please see the information provided in the direct final action which is located in the Rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401-7671q.

Date signed: February 7, 1997.

Felicia Marcus,

Regional Administrator.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Foreign Proposals To Amend Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of amendments to CITES Appendices proposed by foreign countries and public meeting.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) regulates international trade in certain animals and plants. Species for which trade is controlled are listed in Appendices I, II, and III to CITES. Any country that is a party to CITES may propose amendments to Appendix I or II for consideration by the other Parties.

This notice announces the tentative negotiating positions of the United States on proposals submitted by Parties other than the United States and invites information and comments on these proposals in order to develop negotiating positions for the U.S. delegation. The proposals will be considered at the tenth regular Meeting of the Conference of the Parties (COP10) to be held in Harare, Zimbabwe, June 9-20, 1997.

DATES: The U.S. Fish and Wildlife Service (Service) will consider all comments received through May 9, 1997, in developing negotiating positions. In addition the public will have opportunity for input at a public meeting to be held on April 25, 1997 (see elsewhere in this notice). The Service plans to publish a notice of its negotiating positions prior to COP10.

ADDRESSES: Please send correspondence concerning this notice to Chief, Office of Scientific Authority; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Fax number 703-358-2276. Comments and other information received will be available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall A. Howe (animal proposals) or

Dr. Bruce MacBryde (plant proposals), Office of Scientific Authority, at the above address; telephone 703-358-1708.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to regulate international trade in certain animal and plant species which are or may become threatened with extinction and are listed in Appendices to the Convention. Currently, 135 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions for the Parties, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for improving the effectiveness of the Convention. The tenth regular meeting of the Conference of the Parties (COP10) will be held in Harare, Zimbabwe, June 9-20, 1997.

This notice is part of a series of notices which, together with public meetings, encourage the public to participate in the development of the U.S. positions for COP10. In a March 1, 1996 **Federal Register** notice (61 FR 8019), the Service requested public recommendations or draft proposals to amend Appendix I or II that the United States might consider proposing at COP10. That notice described the provisions of CITES for listing species in the Appendices and set forth information requirements for proposals, based on new listing criteria adopted by the Parties at COP9. **Federal Register** notices on August 28, 1996 (61 FR 44324) and December 20, 1996 (61 FR 67293) requested additional comments from the public on species proposals still being considered after review of materials received in response to the March 1, 1996, notice. On the basis of a thorough review of comments received, the Service identified those proposals that met the listing criteria and presented the most compelling bases for amending the Appendices. These proposals to amend the Appendices were submitted to the CITES Secretariat on January 10, 1997, to be considered and voted upon by the Parties at COP10. The decisions on the various proposals and the rationale for each will be published in another **Federal Register** notice.

This notice announces proposals submitted by Parties other than the United States for consideration at the forthcoming meeting of the Parties and sets forth tentative negotiating positions of the United States on foreign proposals. CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which 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 includes 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 nation identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties in controlling trade.

Any Party nation may propose amendments to Appendices I and II for consideration at the 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 and the Secretariat's own findings and recommendations to all Parties no later than 30 days before the meeting. Amendments to the Appendices are adopted by a two-thirds majority of the Parties present and voting.

Information Sought

The Service solicits comments on tentative negotiating positions for the United States on proposed species amendments submitted by Parties other than the United States. Information is also sought on the biological status of the affected species, on the amount and type of trade in specimens of the species, and on the impact of trade on their populations, especially as it relates to any potential effects on survival of the species in all or parts of its range.

Comments that provide this information based on the new criteria for adding or removing species from the Appendices (Resolution Conf. 9.24) would be especially helpful. The Service will solicit comments on tentative U.S. positions for items on the COP10 agenda other than proposed amendments to the Appendices, in another **Federal Register** notice.

The present, tentative negotiating positions for the United States are based mainly on review of information presented in the proposals submitted by proponents and in terms of the criteria in Resolution Conf. 9.24, adopted at COP9. Several proposals have not yet been fully translated into English from the Spanish or French. Because information provided in some of the proposals or otherwise available to the Service is too incomplete to allow a thorough review of their merits, several of the tentative negotiating positions presented may be revised as additional biological and trade data are obtained. Final guidance for the delegation is to be based on the best available biological and trade information, including comments received in response to this notice and discussions at COP10 with other governments, scientists, and technical experts.

Proposals

In accordance with the provisions of Article XV, paragraph 1(a) of the Convention the following CITES Parties, in addition to the United States, have submitted proposals for changes to Appendices I and II of the Convention: Argentina, Australia, Bangladesh, Bolivia, Botswana, Bulgaria, Canada, China, Cuba, Denmark, Finland, Germany, India, Japan, Jordan, Madagascar, Mexico, Namibia, Netherlands, New Zealand, Norway, Peru, South Africa, Switzerland, Tanzania, Thailand, Uganda, Venezuela, and Zimbabwe.

A total of 63 proposals on plant and animal species were submitted by countries other than the United States, including 9 proposals that were submitted based on the "Periodic Review" concept first adopted at the 1981 Conference of the Parties in New Delhi, India. The Periodic Review process seeks to correct or clarify the inclusion of species listed at the Plenipotentiary Conference and COP1, before listing criteria were adopted. Some of the proposals submitted by

Switzerland under this process recommend the deletion from the Appendices of those species that have not been reported in trade, unless the species should be included in Appendix II because of similarity in appearance to related taxa that do appear in trade.

It is the U.S. position (and has been at earlier COPs) that the lack of reported trade for some species should not be the sole basis for their deletion from the Appendices. The lack of reported trade for some species proposed for deletion from the Appendices may be due to (1) their rarity, (2) effective limits on trade by range States for the benefit of the species in that the range States may determine that trade would be detrimental to the survival of the species, or (3) the lack of proper documentation on the reporting of trade. Consequently, the Service does not believe that lack of appearance in trade is, by itself, a sufficient reason to warrant the removal of a taxon from the Appendices. In establishing a tentative negotiating position on these "Periodic Review" delisting proposals, the Service considered the degree of vulnerability of the species and the likelihood of it entering trade, and the net conservation effect of delisting.

Proposals submitted by Parties other than the United States are listed in the following table. Tentative negotiating positions and the basis for making them are indicated. These tentative positions were developed largely on the basis of the information contained in the proposals unless the Service has information on the species in its files, particularly from earlier COPs or meetings of permanent CITES committees. If insufficient population and/or trade information was provided, the United States' current position is to either oppose the proposal or consider it still under review, depending upon the particular circumstances, pending receipt of additional information. The complete text of each proposal received is available for public inspection at the Service's Office of Scientific Authority (see **ADDRESSES** above). The text of any referenced resolution from previous meetings of the Conference of the Parties is available from the Service's Office of Scientific Authority or Office of Management Authority.

Proposed amendments and tentative United States negotiating positions are as follows:

Species	Proposed amendment	Proponent	Tentative U.S. position
Mammals			
Order Diprotodontia:			
Burramys parvus (Mountain pygmy possum).	Deletion from Appendix II	Australia	Support. ¹
Dendrolagus bennettianus (Bennett's tree kangaroo).	Deletion from Appendix II	Australia	Support. ¹
Dendrolagus lumholtzi (Lumholtz's tree kangaroo).	Deletion from Appendix II	Australia	Support. ¹
Order Xenarthra:			
Chaetophractus nationi (Hairy armadillo).	Inclusion in Appendix I	Bolivia	Support. ¹
Order Cetacea:			
Eschrichtius robustus (Gray whale)	Transfer of the Eastern Pacific stock from Appendix I to II.	Japan	Oppose. ²
Balaenoptera acutorostrata (Minke whale).	Transfer of the Okhotsk Sea West Pacific and the Southern Hemisphere stocks from Appendix I to II.	Japan	Oppose. ²
Balaenoptera acutorostrata (Minke whale).	Transfer of the Northeast Atlantic and the North Atlantic Central stocks from Appendix I to II.	Norway	Oppose. ²
Balaenoptera edeni (Bryde's whale)	Transfer of the North Pacific Western stock from Appendix I to II.	Japan	Oppose. ²
Order Carnivora:			
Ursus arctos (Brown bear)	Transfer of all Asian and European populations from Appendix II to I.	Bulgaria and Jordan	Under review. ³
Ursus arctos (Brown bear)	Transfer of all Asian and European populations from Appendix II to I.	Finland	Under review. ³
Panthera onca (Jaguar)	Establishment of annual export quotas for hunting trophies of zero in 1997, 1998, and 1999 and of 50 thereafter.	Venezuela	Oppose. ⁴
Order Proboscidea:			
Loxodonta africana (African elephant)	Transfer of the Botswanan population from Appendix I to II, with certain annotations. ⁵	Botswana, Namibia, and Zimbabwe.	Under review. ^{6 7 8}
Loxodonta africana (African elephant)	Transfer of the Namibian population from Appendix I to II, with certain annotations. ⁹	Botswana, Namibia, and Zimbabwe.	Under review. ^{6 8 10}
Loxodonta africana (African elephant)	Transfer of the Zimbabwean population from Appendix I to II, with certain annotations. ¹¹	Botswana, Namibia, and Zimbabwe.	Under review. ^{6 8 12}
Order Perissodactyla:			
Ceratotherium simum simum (Southern white rhinoceros).	Amendment to annotation 503 in the CITES Appendices to allow trade in parts and derivatives but with a zero export quota.	South Africa	Oppose. ¹³
Order Artiodactyla:			
Pecari tajacu (Collared peccary)	Deletion from Appendix II (Mexican population).	Mexico	Oppose. ¹⁴
Vicugna vicugna (Vicuña)	Annotated transfer of certain populations to Appendix II ¹⁵ .	Argentina	Under review. ¹⁶
Vicugna vicugna (Vicuña)	Annotated transfer of certain populations to Appendix II ¹⁷ .	Bolivia	Support. ^{1 18}
Vicugna vicugna (Vicuña)	Amendment to annotation 504 in the CITES Appendices to replace the words "VICUÑANDES-CHILE" and "VICUÑANDES-PERU" with the words "VICUÑA-COUNTRY OF ORIGIN".	Peru	Support. ¹⁹
Vicugna vicugna (Vicuña)	Amendment to annotation 504 (in the CITES Appendices list) to allow also the countries that are members of the Vicuña Convention to utilize the term VICUÑA-PAIS DE ORIGEN-ARTESANIA, along with the authorized trademark, on luxury handicrafts and knitted articles made of wool sheared from live vicuñas from Appendix II populations.	Peru	Support. ¹⁹
Elaphurus davidianus (Père David's deer).	Inclusion in Appendix II	Argentina and China	Support. ¹
Bison bison athabasca (Wood bison)	Transfer from Appendix I to II in accordance with precautionary measure B.2.b of Resolution Conf. 9.24, Annex 4.	Canada	Under review. ²⁰

Species	Proposed amendment	Proponent	Tentative U.S. position
<i>Bos javanicus</i> (Banteng)	Inclusion in Appendix I	Thailand	Support. ^{1 21}
<i>Bubalus arnee</i> (Water buffalo)	Include in Appendix I	Thailand	Support. ¹
<i>Ovis ammon nigrimontana</i> (Kara Tau argali)	Transfer from Appendix II to I	Germany	Support. ¹

Birds

Order Galliformes			
<i>Pauxi pauxi</i> (Northern helmeted curassow)	Inclusion in Appendix II	Netherlands	Oppose. ²²
<i>Pauxi unicornis</i> (Horned curassow)	Inclusion in Appendix II	Netherlands	Oppose. ²²
Order Gruiformes			
<i>Turnix melanogaster</i> (Black-breasted button-quail)	Deletion from Appendix II	Australia	Oppose. ²³
<i>Pedionomus torquatus</i> (Plains wanderer)	Deletion from Appendix II	Australia	Support. ¹
<i>Gallirallus australis hectori</i> (Eastern weka rail)	Deletion from Appendix II	New Zealand	Support. ¹
Order Psittaciformes			
<i>Amazona agilis</i> (Black-billed parrot)	Transfer from Appendix II to I	Germany	Support. ¹
<i>Amazona viridigenalis</i> (Red-crowned parrot)	Transfer from Appendix II to I	Germany	Support. ¹
<i>Cacatua sulphurea</i> (Lesser sulphur-crested cockatoo)	Transfer from Appendix II to I	Germany	Support. ¹
<i>Eunymphicus cornutus uvaeensis</i> (Ouvea horned parakeet)	Transfer from Appendix II to I	Germany	Oppose. ²⁴
<i>Vini kuhlii</i> (Kuhl's lorikeet)	Transfer from Appendix II to I	Germany	Support. ¹
<i>Vini peruviana</i> (Tahitian lorikeet)	Transfer from Appendix II to I	Germany	Support. ¹
<i>Vini ultramarina</i> (Ultramarine lorikeet)	Transfer from Appendix II to I	Germany	Support. ¹
Order Coraciiformes:			
<i>Aceros waldeni</i> (Wreathed-billed hornbill)	Transfer from Appendix II to I	Germany	Support. ¹
Order Passeriformes:			
<i>Leiothrix argentauris</i> (Silver-eared mesia)	Inclusion in Appendix II	Netherlands	Support. ¹
<i>Leiothrix lutea</i> (Red-billed leiothrix)	Inclusion in Appendix II	Netherlands	Support. ¹
<i>Liocichla omeiensis</i> (Omei Shan liocichla)	Inclusion in Appendix II	Netherlands	Support. ¹
<i>Tangara fastuosa</i> (Seven-colored tanager)	Inclusion in Appendix II	Germany and the Netherlands	Support. ¹
<i>Amandava formosa</i> (Green avadavat)	Inclusion in Appendix II	Netherlands	Support. ¹
<i>Padda oryzivora</i> (Java sparrow)	Inclusion in Appendix II	Netherlands	Support. ¹
<i>Gracula religiosa</i> (Hill mynah)	Include in Appendix II	Netherlands and the Philippines	Support. ¹

Reptiles

Order Testudinata:			
<i>Callagur borneoensis</i> (Painted terrapin)	Inclusion in Appendix II	Germany	Support. ¹
<i>Eretmochelys imbricata</i> (Hawksbill sea turtle)	Transfer of the Cuban population from Appendix I to II with certain annotations ²⁵	Cuba	Oppose. ¹⁴
Order Crocodylia:			
<i>Caiman latirostris</i> (Broad-snouted caiman)	Transfer of the Argentine population from Appendix I to II, pursuant to resolution on ranching	Argentina	Under review. ²⁶
<i>Crocodylus niloticus</i> (Nile crocodile)	Maintenance of the Malagasy population in Appendix II, pursuant to resolution on ranching	Madagascar	Under review. ²⁶
<i>Crocodylus niloticus</i> (Nile crocodile)	Establishment of an annual export quota of 1000 skins and 100 hunting trophies from wild animals for the years 1998–2000	Tanzania	Under review. ²⁶
<i>Crocodylus niloticus</i> (Nile crocodile)	Maintenance of the Ugandan population in Appendix II, pursuant to resolution on ranching	Uganda	Under review. ²⁶
Order Sauria:			
<i>Varanus bengalensis</i> (Indian monitor)	Transfer of the population of Bangladesh from Appendix I to II subject to annual export quotas of 150,000 skins in 1997 and 225,000 in 1998 and 1999	Bangladesh	Oppose. ¹⁴

Species	Proposed amendment	Proponent	Tentative U.S. position
Varanus flavescens (Yellow monitor) ...	Transfer of the population of Bangladesh from Appendix I to II subject to annual export quotas of 100,000 skins in 1997, 1998, and 1999.	Bangladesh	Oppose. ¹⁴
Amphibians			
Order Anura:			
Mantella bernhardi (Golden mantella) ..	Inclusion in Appendix II	Netherlands	Support. ¹
Mantella cowani (Golden mantella)	Inclusion in Appendix II	Netherlands	Support. ¹
Mantella haraldmeieri (Golden mantella).	Inclusion in Appendix II	Netherlands	Support. ¹
Mantella viridis (Golden mantella)	Inclusion in Appendix II	Netherlands	Support. ¹
Mollusks			
Class Gastropoda:			
Paryphanta spp. (New Zealand amber snails).	Deletion from Appendix II	Switzerland	Support. ¹
Other Animal Proposals			
Any Appendix II species annotated to limit the trade to certain types of specimens.	Amendment to the relevant annotations of Appendix II species annotated to limit the trade to certain types of specimens, to include the following wording: "All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly".	Switzerland	Support. ²⁷
Plants—General			
Araliaceae: Panax quinquefolius (American ginseng).	Amend the Appendix II listing of this species (cf. current annotation #3), to include only the following parts: "Roots and specimens recognizable as being parts of roots".	Switzerland	Support. ^{28 29}
Cactaceae spp. (Cacti): Mexican cacti	Amend the Appendix II listing for this family (cf. current annotation #4), to include seeds of cacti from Mexico, except those seeds obtained from artificial propagation in Production Units.	Mexico	Support. ^{1 6 30}
Leguminosae (Fabaceae): Pericopsis elata (Afromosia), and Meliaceae: Swietenia mahagoni (Caribbean mahogany).	Amend the Appendix II listing of these two species (cf. current annotation #5), to include only the following parts: "Logs, sawn wood, and veneer sheets".	Switzerland	Support. ³¹
Proteaceae:			
Orothamnus zeyheri (Marsh-rose)	Transfer from Appendix I to Appendix II, in accordance with precautionary measure B.2.b) of Resol. Conf. 9.24, Annex 4.	South Africa	Support. ¹
Protea odorata (Ground-rose or Swartland sugarbush).	Transfer from Appendix I to Appendix II, in accordance with precautionary measure B.2.b) of Resol. Conf. 9.24, Annex 4.	South Africa	Oppose. ^{14 23 32}
Scrophulariaceae: Picrorhiza kurroa (Kutki).	Include in Appendix II, along with only the following parts ³³ : "Roots [i.e., rhizomes/ rootstocks] and readily recognizable parts thereof".	India	Support. ^{1 29}
Theaceae: Camellia chrysantha, which is Camellia petelotii in part (Golden-flowered camellia).	Delete from Appendix II.	China	Support. ¹
Valerianaceae: Nardostachys grandiflora (=Nardostachys jatamansi misapplied) (Himalayan nard or spikenard).	Include in Appendix II, along with only the following parts ³³ : "Roots [i.e., rhizomes/ rootstocks] and readily recognizable parts thereof".	India	Support. ^{1 29}
Plants—Artificial Propagation			
Families other than Orchidaceae (Orchids)	Amend the listings of most plant families now in Appendix II (current annotations #1, #2, #4, and #8), to also exclude the following part: "Cut flowers of artificially propagated plants".	Switzerland	Oppose ^{14 34}

Species	Proposed amendment	Proponent	Tentative U.S. position
Cactaceae spp. (Cacti): (1) Hybrid Easter cactus; (2) Christmas cactus, or Crab cactus; (3) Red cap cactus, Oriental moon cactus; and (4) Bunny ears cactus..	Amend the Appendix II listing for this family (cf. current annotation #4), to exclude artificially propagated specimens of the following hybrids and/or cultivars: (1) <i>Hatiora graeseri</i> (= <i>H. gaertneri</i> <i>H. rosea</i>); (2) <i>Schlumbergera</i> (= <i>Zygocactus</i>) hybrids and cultivars [sic] ³⁵ (<i>S. truncata</i> cultivars, and its hybrids with <i>S. opuntioides</i> [= <i>S. exotica</i>], <i>S. orssichiana</i> , and <i>S. russelliana</i> [= <i>S. buckleyi</i>]); (3) <i>Gymnocalycium mihanovichii</i> cultivars (those lacking chlorophyll, grafted ³⁶); and (4) <i>Opuntia microdasys</i> .	Denmark	Under review. ³⁷
Euphorbiaceae: Succulent <i>Euphorbia</i> spp. (Succulent euphorbs): Three-ribbed milk tree.	Amend the Appendix II listing of succulent <i>Euphorbia</i> spp., with an annotation to exclude artificially propagated specimens of <i>Euphorbia trigona</i> cultivars. ³⁸	Denmark	Under review. ³⁷
Primulaceae: <i>Cyclamen</i> spp. (Cyclamens): Florist's cyclamen.	Amend the Appendix II listing of <i>Cyclamen</i> spp., with an annotation to exclude artificially propagated specimens of the hybrids and cultivars of <i>Cyclamen persicum</i> , except when traded as dormant tubers.	Denmark	Under review. ³⁷

¹ The listing, uplisting, downlisting, or delisting of this taxon (or parts in the case of some plants) appears to be consistent with the relevant biological, trade, and precautionary criteria of Resolution Conf. 9.24.

² The United States continues to support the 1978 request from the International Whaling Commission (IWC) to take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales and therefore opposes the transfer of this species from Appendix I to Appendix II.

³ The proposal from Bulgaria and Jordan defers to the details presented in the proposal from Finland. Although it is clear that the European populations of this species not presently included in Appendix I meet the criteria for Appendix I, the United States is not presently convinced by the proposal or other information that the remaining populations proposed for transfer to Appendix I qualify. Russian populations are subject to a managed sport harvest that appears to be in itself sustainable, but these populations in particular are prone to illegal take for medicinal products. The proposal remains under review, while the United States seeks additional information on the magnitude of the threat of illegal trade in Russian and eastern Asian populations to determine if the proposal is warranted in its entirety.

⁴ The proposal acknowledges that the jaguar population proposed for phased-in trophy-hunting may be the most threatened population in the country. The United States opposes this proposal without (a) a more convincing case that trophy hunting will not add to existing pressure on the jaguar population and (b) a management plan involving comprehensive population monitoring in the affected area.

⁵ Annotated to allow: (a) The direct export of registered stocks of wholeraw tusks of Botswana origin to one trading partner (Japan) subject to annual quotas of 12.68 t. in 1998 and 1999; (b) international trade in hunting trophies; and (c) international trade in live animals to appropriate and acceptable destinations.

⁶ The proposal presents biological information that supports the proposed action.

⁷ The Panel of Experts report on this proposal noted deficiencies in the record-keeping system for the ivory stockpile and showed there is no clear plan for use of ivory revenues to benefit elephant conservation. It also noted the existence of some movement of ivory through the country. The United States has concerns about these reported deficiencies and about the adequacy of trade controls in the importing country.

⁸ The United States is consulting other African elephant range states to determine whether adoption of this proposal by the Parties would cause conservation concerns in other portions of the species' range.

⁹ Annotated to allow: (a) The direct export of registered stocks of whole raw tusks of Namibian origin owned by the government of Namibia to one trading partner (Japan) that will not re-export, subject to annual quotas that will not exceed 6900 kg. between September 1997 and August 1998 and between September 1998 and August 1999; (b) international trade in live animals to appropriate and acceptable destinations for non-commercial purposes; and (c) international trade in hunting trophies for non-commercial purposes.

¹⁰ Although noting there is probably some movement of ivory through the country, the Panel of Experts reported satisfactory to excellent internal management controls in Namibia and an excellent legal structure for establishing a conservation fund with ivory stock sale revenues. The Panel concluded that the proposal would likely benefit elephant conservation in Namibia. The United States has concerns about the adequacy of trade controls in the importing country.

¹¹ Annotated to allow: (a) The direct export of registered stocks of whole raw tusks to one trading partner (Japan) subject to annual quotas of 10 t. in 1998 and 1999; (b) international trade in hunting trophies; (c) international trade in live animals to appropriate and acceptable destinations; (d) international trade in non-commercial shipments of leather articles and ivory carvings; and (e) export of hides.

¹² The Panel of Experts noted deficiencies in trade enforcement controls in Zimbabwe, including failure to prevent illegal exports of large commercial shipments of worked ivory, and showed there is no clear plan for use of ivory revenues to benefit elephant conservation. It also noted the existence of significant movement of ivory through the country. The United States has concerns about these reported deficiencies and about the adequacy of trade controls in the importing country.

¹³ While acknowledging the excellent record of the government of South Africa in restoring populations of this species, the United States is concerned about potential detrimental effects of re-opening a legal international trade in rhinoceros horn. The United States has invested considerable effort into encouraging use of alternatives to rhinoceros horn derivatives in traditional Asian medicines.

¹⁴ The proposal does not present sufficient biological information to justify the listing, uplisting, downlisting, or delisting as proposed, based on the criteria in Resolution Conf. 9.24.

¹⁵ Transfer of the population of the Province of Jujuy and of the semicaptive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja, and San Juan, Argentina, from Appendix I to II, with an annotation to allow only the international trade in wool sheared from live vicuñas, and in cloth and manufactured items made thereof, under the mark, "VICUNAA-ARGENTINA."

¹⁶ Although the population may no longer meet the biological criteria for Appendix I, more detailed information on population inventory methods for wild herds and on management and transparency of the conservation fund are desirable in light of the precautionary measures of Annex 4 of Resolution Conf. 9.24. The proposal remains under review while the United States seeks clarification.

¹⁷ Transfer of the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla, and Lipez-Chicas, Bolivia, from Appendix I to II, with an annotation to allow only the international trade in cloth and manufactured items made thereof, under the mark, "VICUN-BOLIVIA."

¹⁸ The proposal presents excellent population data and a well conceived approach to development of management plans and follow-through monitoring of the effectiveness of vicuña management in different socio-economic regimes.

¹⁹ The United States sees no difficulties with such a change in the labeling of approved products.

²⁰ Although the United States believes that trade in wood bison presently in captivity would have no negative impact on the wild population, the species, based on information in the proposal, still appears to meet the criteria for retention in Appendix I. The proposal remains under review, while the United States consults with Canada to obtain clarification on the species' status.

²¹ The United States supports the exclusion from this proposal of introduced populations remote from the natural range, e.g., the introduced population of Australia.

²² The species does not appear to be subject to international trade.

²³ Although trade is not recorded, the population is so small that retention in the Appendices would seem advisable as a precautionary measure in the event illegal trade should ever occur.

²⁴ Because the subspecies are extremely similar and occur in the same jurisdiction, the proposed split-listing would be practically unenforceable and would be inconsistent with Annex 3 of Resolution Conf. 9.24.

²⁵ Annotated to allow: (a) trade in current registered stocks of shell with one trading partner (Japan) that will not re-export; and b) export in one shipment per year, to the same partner, of shell marked in compliance with Resolution Conf. 5.16, which allows definitive identification of origin, from a traditional harvest (maximum 500 individuals per year) or from an experimental ranching program (anticipated: 50 individuals in the first year; 100 in the second year; and 300 in the third year).

²⁶ The transfer of certain populations of crocodilians from Appendix I to II is possible pursuant to Resolution Conf. 3.15, 5.16, and 8.22 (ranching) and 9.24 (export quota). The United States is seeking information on whether (1) annual reports will be filed regularly with the CITES Secretariat by the proponent; (2) there is an adequate basis for monitoring the status of wild populations; (3) management plans provide for the return of animals to the wild in numbers as appropriate; and (4) there is an implementable limit on the harvest of wild juveniles and adults.

²⁷ The United States believes the recommended language would clarify annotated downlistings, such as that of the South African population of the white rhinoceros, and eliminates the possibility of misinterpretation or abuse of the downlisting provisions. The United States looks forward to a detailed discussion of annotated downlistings from legal and technical perspectives at COP10.

²⁸ The current listing includes "Roots and readily recognizable parts thereof". The proposed revision is considered to be a minor change, which would clarify and keep the intent of the 1985 proposal (at COP5) to include whole roots and the larger parts thereof, and to exclude minor pieces and processed products. Some importing Parties have found that the current annotation can be interpreted too broadly.

²⁹ The United States will recommend standardization of the inclusion of the parts for *Panax quinquefolius* (American ginseng), *Picrorhiza kurroa* (Kutki), and *Nardostachys grandiflora* (Himalayan nard), with the annotation "Roots, rhizomes or rootstocks, and specimens recognizable as being parts thereof". This would keep the intent of the proposal of Switzerland for *Panax quinquefolius*, and the intent of the proposals of India for the other two species, while accommodating those two species' different morphology of having rhizomes or rootstocks.

³⁰ This proposal is considered necessary to assist enforcement of Mexican law that regulates the export of seeds collected in the wild from cacti in Mexico. The Government of Mexico, at the November 1996 meeting of the CITES Plants Committee, presented information on recent violations of Mexican law and over-collection of cactus seeds of various taxa for export to various Party countries. The United States is discussing with Mexico how they intend to administer the differentiation of seeds collected in the wild from seeds produced by artificial propagation in their Production Units (i.e., nurseries). We understand that this proposal only covers the populations of cacti in Mexico; it does not cover populations of Mexican cacti native beyond Mexico, or specimens of Mexican cacti artificially propagated elsewhere than in Mexico.

³¹ These two current listings include "Saw-logs, sawn wood, and veneers". The proposed revision is considered to be a minor change, which would correspond to the categories and definitions of HS codes 44.03 (logs), 44.06 and 44.07 (sawn wood), and 44.08 (veneer sheets) in the Harmonized System of the World Customs Organization. The change was recommended by the CITES Timber Working Group.

³² There are so few individuals and populations of this species known in the wild, and so few artificially propagated individuals available in cultivation, that continued inclusion of the species in Appendix I is considered to be a needed precaution.

³³ The proposal for this species discusses its rhizomes or rootstocks rather than botanical roots.

³⁴ The proposal apparently seeks to establish a new standard exclusion for Appendix II taxa, but does not provide information to show that there presently is an unnecessary regulatory burden on a cut-flower trade in the listed Appendix II taxa (or actual complications in any trading of their hybrids with Appendix I taxa). Furthermore, the proposal did not address the taxa of Nepal in Appendix III, which also have their listings standardized with the current annotation #1. The conservation of species in the wild is considered to be better served with the present standard listing for Appendix II (and Appendix III), to which exceptions could be made if warranted in future proposals for particular taxa (as was done for the Orchidaceae or orchids).

³⁵ This proposal is considered to not include all taxa (or hybrids and cultivars) of *Schlumbergera*, but just those listed in detail in the proposal and in this FEDERAL REGISTER notice.

³⁶ The proposal stated that the artificially propagated grafting stocks are mostly specimens of *Hylocereus* species and *Harrisia* "Jusbertii", but these taxa (and any other cactus taxa that might be used as grafting stock) were not directly presented for similar exclusion.

³⁷ Although the stipulated taxa are artificially propagated extensively, the risk either to other taxa in the wild or to pertinent natural taxa needs further consideration. The burden for enforcement may be complicated rather than relieved by excluding these artificially propagated specimens. Nevertheless, minimizing or reducing regulation of artificially propagated specimens, when there is no risk to taxa in the wild, is a worthy goal.

³⁸ This proposal is considered not to include *Euphorbia hermentiana*, which we understand is not a synonym of *Euphorbia trigona*.

Future Actions

Prior to COP10, the Service will announce in the **Federal Register** its negotiating positions for COP10 on proposed amendments to the Appendices by foreign countries. In that notice the Service will solicit comments or recommendations on whether the United States should consider taking a reservation on any of the proposed amendments to the Appendices that are adopted by the Parties. Unless the United States enters a reservation by September 18, 1997, any amendments adopted by the Parties will become effective on that date. The Service will publish a notice of proposed rulemaking

that would implement such amendments. In addition to considering proposed amendments to the Appendices at COP10, the Parties may also consider certain recommendations by the Nomenclature Committee that seek to clarify the current listing status of certain species.

A public meeting will be held on Friday, April 25, 1997 from 10:00—1:00 at the Department of the Interior: Room 7000, 18th and C Street, NW, Washington, DC. Please note that this room is accessible to the handicapped. This meeting will provide the public an opportunity to comment on U.S. positions leading up to COP10. In addition to foreign species proposals,

the Service will be prepared to discuss U.S. positions on the Agenda for COP10, resolutions submitted by other countries, and any other item of interest to the public in relation to CITES COP10.

This notice was prepared by Drs. Marshall Howe and Bruce MacBryde, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Date: April 11, 1997.

Jay L. Gerst,

Director.

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