of the official record of COP9, and in Doc. SC.35.5 (Rev.) from the March 1995 meeting of the CITES Standing Committee.

Details regarding the three September 1992 proposals and the comments received in response to 57 FR 53090 (November 6, 1992) are available from the Service's Office of Scientific Authority. The results of the two accepted proposals are incorporated below into a revised 50 CFR § 23.23, which also includes the further modifications related to flasked seedlings and tissue cultures adopted at COP9 (see 60 FR 73, January 3, 1995).

Requests for Reservations and U.S. Decisions

In response to the November 8, 1994, and January 3, 1995, Federal Register notices, the Service received one request for the United States to enter a reservation on any of the amendments to Appendices I and II adopted by the Parties. The United States was asked to enter a reservation on the de-listing of Aloe vera, by Mr. Gary W. Lyons (of Gary Lyons Garden & Horticultural Consultant & Design, Los Angeles), a member of the IUCN/SSC Cactus and Succulent Specialist Group and a past chairman of the Conservation Committee of the Cactus and Succulent Society of America. Prior to COP9, artificially propagated whole plants of Aloe vera were in Appendix II, but their separate leaves and other parts and derivatives were not included. All other aloes, including wild *Aloe vera*, were included either in CITES Appendix II or

Ås one basis for his request, Mr. Lyons cited the confusion among experts about what plants are meant by the scientific name "Aloe vera." The adopted Swiss proposal to de-list Aloe vera considers Aloe vera var. chinensis (with Aloe indica indicated as a synonym), which is coral-flowered, as a species distinct from the yellowflowered Aloe vera var. vera (synonym Aloe barbadensis). The practical effect of this taxonomic interpretation in the proposal is that the yellow-flowered plants have been de-listed, whereas the coral-flowered plants remain in Appendix II. However, Mr. Lyons stated that specimens of both of these entities are commonly cultivated and in trade under the common name aloe vera and the scientific name Aloe vera (or Aloe barbadensis).

Mr. Lyons also asserts, based on his familiarity with *Aloe* plants, review of the scientific literature, and a September 1994 discussion with one of the foremost field botanists for succulent plants in Africa and the Middle East

(Mr. John Lavranos), that *Aloe vera* (var. *vera*) could still be extant where native in the wild, perhaps in Ethiopia, Yemen, southern Saudi Arabia, Oman, or Iran.

Regardless of the merits of the above points, a reservation cannot be entered on the COP9 decision to de-list Aloe vera (i.e., other than the var. chinensis). CITES Article XV, paragraph 3, which provides for reservations to amendments to Appendices I and II, states that a Party that has entered a reservation "shall be treated as a State not party to the present Convention with respect to trade in the species concerned." Therefore a Party cannot, either in legal or in practical terms, unilaterally maintain a CITES listing that the Parties have voted to remove from the appendices. Therefore, the United States did not enter a reservation on the de-listing of Aloe vera.

At COP9, problems including those raised by Mr. Lyons were referred to the CITES Plants Committee for further consideration. The Plants Committee examined these issues further at its meeting of June 19–23, 1995, in Spain, agreeing that *Aloe vera* var. *chinensis* remains listed and that *A. vera* var. *vera* might not be extinct.

Procedural Requirements

This Federal Register notice implements changes in the list of species in the CITES appendices that have already been approved by the Conference of the Parties at their ninth meeting, and that the United States is bound to accept unless it entered reservations. The Service does not believe that implementation of any of these adopted amendments (or the adopted changes in nomenclature) would be contrary to the interests or laws of the United States. The period of time during which the United States could have entered a reservation against any of the amendments ended on February 15, 1995. The Service did not recommend the entry of any reservations, and none were taken by the United States. Therefore, these amendments to the CITES Appendices have been in effect for the United States since February 16, 1995.

This notice brings the information in 50 CFR § 23.23 into agreement with the current species listings in the CITES appendices. Earlier Federal Register notices informed the public about these amendments and provided opportunity for comment on them, including announced public meetings on September 14 and 16, 1994. Therefore, the Department of the Interior has determined that good cause exists for making this rule effective upon its date

of publication [5 U.S.C. 553(d)]. Accordingly, § 23.23 of 50 CFR is considered amended upon publication of this rule.

Because of the number of changes necessitated by the nomenclature report, a complete revision of the list of animals and plants included in Appendices I, II, and III to CITES (50 CFR § 23.23), rather than a separate list of changes to the existing list, is warranted and appears at the end of this rule. This fully revised and updated § 23.23 incorporates (a) the recommendations of the nomenclature report and (b) new or revised listings resulting from the amendments to Appendices I and II adopted at COP9, including, in paragraph (d), clarifying language regarding plant parts and derivatives. It also modifies language in paragraph (a) in order to clarify the organization of the table in paragraph (f), and corrects non-substantive, typographical errors in the current listing.

Additions and most other changes resulting from amendments adopted at COP9 appear in their appropriate positions in the list and are preceded by a "+" to permit rapid location. However, taxa that were deleted from CITES appendices, or taxa absorbed into a listed higher taxon (frequently a consequence of moving from Appendix I to Appendix II, for example) do not appear in the list. These types of changes can be traced by comparison of the new list with the list of COP9 listing decisions published in the January 3, 1995 Federal Register. In order to minimize difficulties for users, the scientific names formerly used for animal or plant taxa affected by the new taxonomic treatments still appear in the "Species" column of the new list but are cross-referenced to the new names.

The Department has determined that amendments to CITES Appendices, which result from actions of the CITES Parties, do not require the preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321–4347). This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Regulatory Flexibility Act (5 U.S.C. 601) does not apply to this listing process. The adjustments to the list in 50 CFR § 23.23 presented below 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 February 16, 1995, under the terms of CITES. This rule does not contain information collection requirements that require approval by the Office of