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 Family Thymelaeaceae:	Remove from II	Switzerland	Withdrawn.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Nardostachys grandiflora	Add to II	India	Withdrawn.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

## Consequences of Amendments to Appendices I and II

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

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

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

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

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

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

## List of Subjects in 50 CFR Part 23

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

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

## **Proposed Regulation Promulgation**

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